

Mr. GUTHRIE: Subsection (8) relates to the winding up and administration of the estate, not to the presentation of the petition. That is within the jurisdiction of the superior court of the hon. member's province and I can understand a judge sitting in Montreal or in Hull having the same jurisdiction. But that is only a formal application. We will assume it is granted. Then the machinery is put in motion to wind up the estate, the meeting of creditors and the like takes place, and under subsection (8), as now proposed, all that can be done in the immediate locality of the debtor, if the judge of the court so directs.

Mr. CARDIN: If my hon. friend is correct, if all that we ask is practically covered by subsection (8) of section 17—

Mr. GUTHRIE: All except the formal presentation of the petition.

Mr. CARDIN: If that is the case, why not make it clear and definite by the amendment which I proposed.

Mr. GUTHRIE: This gives the judge the power to say so; that is the only thing.

Mr. CARDIN: But he will never say.

Mr. GUTHRIE: I do not think that of the judges.

Mr. GAGNON: I should like to say that I think the hon. member for Richelieu is right; although I live in the city of Quebec I think it in the public interest that justice should be decentralized. I only regret that members of the rural bar, to which my hon. friend from Richelieu belongs, did not express their views before the committee; I feel confident that if this had been done the amendment now suggested by my hon. friend would have been accepted. Now we are taken by surprise, and possibly the views of my hon. friend will not be accepted. Nevertheless, I respectfully contend that the hon. gentleman is right, that it is absolutely against the interest of creditors in general for a debtor to be permitted to go sometimes two hundred or three hundred miles to make an assignment of his assets. On the other hand it is contended that in the large cities, such as Montreal and Quebec, there are more competent accountants who are experienced in the ways of winding up insolvent estates, but there is nothing to prevent such officers from going to the rural districts and establishing themselves in that business. On the whole, Mr. Chairman, I gladly support the amendment suggested by the hon. member for Richelieu.

Mr. JACOBS: What are the twelve bankruptcy divisions to which reference has been made?

Mr. HACKETT: May I preface my answer to that question by stating that the judgment of the supreme court, to which reference was made this morning, rests upon the finding that the power conferred by section 160 upon the governor in council to subdivide the province, which is called a bankruptcy district, into bankruptcy divisions was never exercised. The judgment in the case of Boilly versus McNulty, rendered by Mr. Justice Rinfret, is in the following words:

"Parliament authorized the Governor in Council to subdivide each province in two or more bankruptcy divisions, to give them a name and number, however this has not yet been done, except for the administration of the act by the official trustees."

I believe all trouble could be avoided, as well as the possibility of other judgments similar to that in the Boilly case, if the governor in council were to pass an order in council dividing the province of Quebec into twelve bankruptcy divisions.

Mr. JACOBS: That would get over the difficulty mentioned by the hon. member for Richelieu.

Mr. HACKETT: Yes. The order in council to which reference has been made was passed on August 25, 1923, and is in the following terms:

The minister, therefore, recommends that the bankruptcy districts of Nova Scotia, New Brunswick, Quebec, Ontario, Saskatchewan, Alberta and British Columbia be divided, pursuant to the authority conferred by subsection 5 of section 64—

That was before the act was revised.

—of the Bankruptcy Act, for the purposes only of the administration therein of the said act by the official receivers. . . .

If another order in council were passed dividing the district into divisions for all purposes of the act I think everyone would be satisfied.

Mr. FACTOR: Is Ontario divided in that way?

Mr. HACKETT: In the same way.

Mr. JACOBS: How do you mean, in the same way; it has not been done in Quebec.

Mr. HACKETT: They are administering it in Ontario as though it had been subdivided only for the purposes of administration.

Mr. DUPUIS: Is it centralized in Ontario, as it is in Quebec?