

informing that person that he is an undischarged bankrupt, or if he engages in any trade or business other than his own without disclosing to all persons with whom he enters into any business transactions the name under which he was adjudicated bankrupt, he shall be guilty of an indictable offence and liable to a fine not exceeding \$500 and to a term not exceeding one year's imprisonment. This section is too drastic. After the debtor has been declared bankrupt, he surely should not be prohibited from buying \$50 worth of goods, groceries or provisions, necessary possibly to maintain his family, without being subject to a penalty of \$500 and one year's imprisonment, nor should he be prohibited from carrying on business either in his own name or any other person's name, and this Committee recommends that steps should be taken to have this clause modified. The effect of the Act is to supersede the Dominion Winding-up Act, but the Act does not in terms repeal it.

Under s. 63 of the Act, Bankruptcy Courts are constituted throughout the Provinces of the Dominion. Each Province is to constitute one Bankruptcy District, but it may be divided into two or more Bankruptcy Divisions, and a judge shall be assigned to each Division to exercise the powers and jurisdiction conferred by the Act. The Chief Justice may report to the Minister of Justice that it is impossible or highly inconvenient to assign a judge to preside over the Bankruptcy Court. In such case, the Minister of Justice may appoint a county or other judge, a judge of such court. Under the circumstances, if a judge in bankruptcy has to be appointed, strenuous efforts should be made to see that he is properly remunerated.

Under s. 87 of the Act, barristers, solicitors and advocates may practise in the Bankruptcy Court and are declared to be officers of such court. The tariff of costs and fees is not satisfactory. A solicitor is to be paid such reasonable costs and fees as are fixed in a tariff provided by general rules. The costs are restricted to 5 per cent. where the gross proceeds of the estate exceed \$5 000 over and above any costs that may be awarded against or payable by persons other than the trustee or the estate of the debtor. Where the gross proceeds of the estate are under