

you had the successful candidate of certain interests in the larger cities. There might be forty or fifty local creditors but their claims were small. One or two large creditors in the cities controlled the situation, changed the trustee,

or assignee as he was called 4 p.m. before, and appointed their choice.

He might be a perfectly honest man, but it goes without saying that his tendencies would be to do what he could for those who secured the office for him. What I said was, that if we are going to depart from the system we have at the present time of having an authorized trustee—who is a man appointed by the department and who has to give substantial security—we might as well go further and return to the provincial idea. For the whole county of Simcoe, so far as I know—and it is a very large county, large in territory and very large in population, the people numbering over 90,000—I think there are only two trustees. They are both men of excellent standing in the county, they have given security, and they are doing their work well. If you are going to destroy that system entirely it seems to me—the Minister of Justice shakes his head but I certainly thought—

Sir LOMER GOUIN: I say that in fact they will not be abolished, because if they have such experience they will be elected by the creditors.

Mr. BOYS: With the greatest possible respect to the views of the minister—and I would like to say that I do have very high respect for his opinion so far as I have heard it expressed in this House—I do not think the matter will work out that way at all; it has not during my thirty years' experience at the bar in my own province. I repeat, I believe you will find you will get back to the system of "candidates," just as I have mentioned, and that the creditors controlling the meeting—which means the largest creditors—will change the assignee as appointed by the debtor and elect one of their own choice. Now, you do not, in my opinion, get a man who could for a moment fill the position of an independent judicial officer under those conditions. I want the committee to understand that I do not oppose the present system at all, but I say if you are going back to the system suggested in the bill now before us you are practically returning to the provincial system. If you are going back to the provincial system you may just as well go the whole distance and let the laws of the various provinces govern. I think the hon. member for George Etienne Cartier misunderstood me in that

[Mr. Boys.]

connection. I would much sooner see the law as it exists at present maintained—

Mr. JACOBS: I think it was the hon. member for Joliette (Mr. Denis) who misunderstood my hon. friend.

Mr. BOYS: I gathered from your remarks that you thought I had made some reference to the trustees, and advocated the repeal of the act, but perhaps I was mistaken.

Mr. JACOBS: It was the hon. member for Joliette.

Mr. BOYS: Perhaps I am mistaken. My position is this: If we can retain the authorized trustees, let us do so. If we have too many, they are not appointed for life and good conduct, and the services of some of them may be dispensed with. That might be unpleasant; but it can be done, and we should get capable men.

As regards the landlord and his preference, this is not an appropriate time to discuss that subject, and when we come to it I may have something to say, as there seems to be a difference of opinion as regards landlords and preferential claims. In Ontario, I understand a landlord has a preference for one year's rent as regards the past. I was not speaking of the future at all.

Sir LOMER GOUIN: My hon. friend from South Simcoe (Mr. Boys) seems to be surprised at the fact that the law of 1919 is amended, and that we have these amendments this year. I must tell him that this is not new. The United States had been working for a century and a half before they arrived at their present bankruptcy law. We have been doing the same thing for nearly one hundred years. It is not because we now propose to make a change in the system of appointing trustees, that we should say that this is so radical an amendment that we would be justified in repealing the whole act. I may be in error, but it seems to me that the majority of the people of Canada are in favour of a bankruptcy act. I know the province of Quebec is opposed to it.

Mr. BOYS: So am I in favour of a bankruptcy act.

Sir LOMER GOUIN: But the majority seem to be in favour of it. My hon. friend says that we should not change the system of appointing trustees; that we have authorized trustees, and if we proceed in the way in which we now propose, many of the best men who have acquired experience under the present law will be deprived of the op-