

*Bankruptcy Act*

Mr. CAMPBELL: Is not the Alberta government already handling the estate through the Debt Adjustment Bureau?

Mr. COOTE: They are handling cases in the Debt Adjustment Bureau, but I do not know who pays the expenses.

Mr. SHAW: My hon. friend from Macleod (Mr. Coote) was associated with me when we prepared for the committee the necessary legislation, which was subsequently approved by the Banking and Commerce committee, and our purpose was to prevent the loading of costs upon the unfortunate individual who required to come under the provisions of the Bankruptcy Act. At that time I understood that the Attorney General of Alberta was not unwilling to assume whatever obligation there might be in taking care of those cases where the farmers were in a difficult and precarious position. I think the minister's legislation is entirely in order, and I would hate to see him withdraw it now that he has brought it in.

Section agreed to.

Sections 5 and 6 agreed to.

On section 7—Dealings with undischarged bankrupt.

Sir HENRY DRAYTON: What does this really mean?

Mr. LAPOINTE: This provision really should have been made in 1923. It simply adds the words "or authorized assignor" after the word "bankrupt". The man who has assigned to the official receiver is not in the same position as the man against whom a receiving order has been made.

Section agreed to.

Sections 8 to 10 inclusive agreed to.

On section 11—Power to Minister of Justice to authorize certain judges to exercise powers of the court, etc.

Mr. LAPOINTE: This section has been strongly recommended by many members of the House including my hon. friend from South Simcoe (Mr. Boys). The opinion is that in certain districts the county court judge should be authorized to act, and we are taking the power to appoint county court judges when advisable.

Sir HENRY DRAYTON: It is a good thing in the first instance to have as far as possible a central clearing house for insolvency matters until such time as the practice is settled, because it would hardly be advisable to have one bankrupt treated in one way

[Mr. Coote.]

and some other bankrupt treated differently. But once the practice has become well established, it seems to me that we could save money by decentralizing the procedure. And I should think that under the act as it now stands the jurisprudence ought to be pretty well understood. I can see the value of the amendment. But how will it work out? Surely the minister will not have to be asked, each time there is an assignment in bankruptcy in any particular county, for leave to take the matter to the county court judge? Should it not be provided by general regulations to leave it to the parties concerned to take their petitions to the county court judge or to the central judge, in Toronto for example? It would hardly be conducive to the quick despatch of business if nothing could be done without a special application on every occasion.

Mr. LAPOINTE: As my hon. friend knows, the officer in the department who is specially charged with the duty of administering the act receives every week returns from all districts, and I think we have in the department sufficient information to justify us in appointing county court judges in particular cases.

Sir HENRY DRAYTON: The question is one of appointing some judge in a district where this is thought necessary. It does not mean an application in every instance?

Mr. LAPOINTE: No.

Mr. MORIN: Under this section will the judges of the Superior court in any district in the province of Quebec be eligible?

Mr. LAPOINTE: Yes.

Section agreed to.

On section 12—Who may practise as barristers, etc., in bankruptcy courts.

Mr. RYCKMAN: By this section we are repealing section 87 of the act. What is the reason?

Mr. LAPOINTE: Under section 87 of the act barristers of one province could plead in another province in bankruptcy proceedings. This section was enacted in anticipation of the establishment of new federal courts of bankruptcy, but, instead of that, parliament has conferred jurisdiction upon the provincial courts. This being the case, parliament has no authority to enable barristers in one province to practise in another; that would be ultra vires of our powers.

Section agreed to.