

*Bankruptcy Act*

of the clerk of the committee and available to members. While not objecting to the present proceeding, I think that in future when important bills of this kind come down we should have all the necessary information before us in order to know exactly what is being done.

Mr. MARTELL: How can my hon. friend have placed in his hands all the data that the minister has? The minister has come here with the notes he has read showing why he desires these amendments. I do not see why the minister should be called upon to supply every member with copies of his notes.

Sir LOMER GOUIN: I will give my hon. friend (Sir Henry Drayton) a copy of the amendment if he wishes it.

Sir HENRY DRAYTON: From my reading of the amendment which has been handed to me by the minister, it appears to provide for an immediate examination which, of course, is a very good thing. Is this the English form of procedure?

Sir LOMER GOUIN: That is the English law.

Sir HENRY DRAYTON: Can the minister tell us from memory what the real change is as compared with the present law?

Sir LOMER GOUIN: Under the present law the debtor can only be examined after a vote of the creditors or inspectors. By this amendment we are providing for a compulsory examination immediately after the assignment, so that the creditors when they meet, will be informed of the position of the estate.

Mr. CLARK: I have not had an opportunity of studying this amendment carefully but I think the objection I raised to an earlier section also applies to this, namely, that the debtor may have to travel one hundred miles or more for the purpose of this examination within three days of the assign-

10 p.m. ment. I think that is correct, is it not? Now, it is safe to assume he will come down say to Toronto from Barrie, and attend before the official receiver for examination. The official receiver knows nothing about the particular business in question, and is not a qualified person, I should say, to examine the debtor in regard to it. The result will be that the examination will be conducted by a man who knows nothing about the business.

Sir LOMER GOUIN: I may say in answer to my hon. friend that the questions will be [Mr. Carroll.]

put by the official receiver in the same form as provided for in the English law.

Mr. CLARK: Is that provided for by the bill?

Sir LOMER GOUIN: In effect, yes.

Sir HENRY DRAYTON: I wonder if the minister thinks that is a sufficiently searching examination. I confess I did not realize for one minute that the only kind of examination that the creditors would get the benefit of would be an examination conducted by a registrar of one of our courts. That would be a kind of cross-examination that would generally take us virtually nowhere. It would never get under the hide of a fraudulent bankrupt.

Sir LOMER GOUIN: This does not deprive the creditors of examining the debtor afterwards. They may petition the court, and they will be granted that opportunity of examining the debtor at any time they wish.

Mr. CLARK: The circumstances in this country are quite different from those in England, because in England the distances are nothing. Furthermore, the centres there are large and, therefore, it is safe to assume that there will be an official receiver in every centre and that a debtor will not have to travel far as in this country. Therefore, if the questions are of a stereotyped nature, why not have them printed, send them to the local registrar and let the debtor fill out the answers to the questions and swear to them before the local registrar? I can see many instances where the poor debtor will not have the money to travel, and I assume that the court or the country is not going to put up the money for him to make such a trip.

Mr. MARTELL: My hon. friend undoubtedly desires to have the most searching examination. All parties have the right to be represented by counsel, to examine and cross-examine. Then if the registrar rules against them, they have a right to appeal against his decision to the court. What more does my hon. friend want? What right have people who may have a good claim to pay the expenses of a registrar travelling throughout the country?

Mr. CLARK: I am not suggesting that the registrar should travel in order to do this. I am making this suggestion in order to save money for the creditors. I am suggesting that the local registrar is a perfectly fit and proper man to take the examination, because it is, after all, only a stereotyped examination.