

there is any doubt on the point a very definite provision should be inserted in the act.

Mr. CARROLL: The hon. member for Dorchester (Mr. Cannon) raised the point that the judge handling a bankruptcy case might commit the accused to the Supreme Court for trial, and thereupon no other criminal proceedings could be taken against him. There may be something in this contention. On the other hand, section 523 or 533—I forget which—of the Criminal Code provides that a county court judge shall have absolute jurisdiction except in cases of murder, treason and so forth. I take the ground that as bankruptcy is not included in the exceptions the bankruptcy court would have jurisdiction under the code. But there is something to be said in favour of my hon. friend's contention.

Mr. BOYS: I do not know of any provision which gives the bankruptcy court any jurisdiction regarding indictment. Certain things are made indictable offences.

Mr. CANNON: If my hon. friend will allow me, according to section 93 of the Bankruptcy Act a judge of the Superior Court who acts as judge in bankruptcy has a right to commit, and the section indicates the procedure to be followed. It says that after the judge has committed the accused an indictment has to be preferred. Then subsection 4 says that should proceedings be taken under the Bankruptcy Act no other proceedings can be instituted under any other act. I argue that if the commitment is by a judge in bankruptcy, as the law stands to-day the trial can only be held before the Court of King's Bench.

Mr. CARROLL: That is, by jury?

Mr. CANNON: By jury. If, on the other hand, the complaint is made under section 417 of the Criminal Code, which is altogether different, then there can be a summary or speedy trial.

Mr. MARTELL: Do I understand my hon. friend to say that the judge in bankruptcy has power to order the commitment of a person without any preliminary investigation?

Mr. CANNON: No. According to the Bankruptcy Act the judge acts as the magistrate hearing the preliminary investigation. After the trustee, or whoever lays the complaint, has put before the judge sufficient evidence, there is a commitment. When the commitment has been made by the judge, at the following term of the Court of King's

Bench an indictment is put before the grand jury. Then the question arises: if a prisoner when arraigned is called upon to plead, has he a right to ask for a speedy trial?

Mr. JACOBS: Yes, he has.

Mr. CANNON: I do not think he has.

Mr. MICHAUD: I think we had better submit the question to the Minister of Justice, and find out.

Mr. CANNON: To sum up my argument, I say if the proceedings are taken under the Bankruptcy Act there cannot be a summary or speedy trial; if proceedings are taken under the Criminal Code there can be either trial by jury or summarily.

Mr. MARTELL: In other words, as I understand my hon. friend, an accused committed under the Bankruptcy Act has no power to elect for a speedy trial, he must go before the grand jury, be indicted and be tried by the petit jury?

Mr. CANNON: As the law reads now.

Mr. CLARK: I can shorten my remarks considerably by saying that I endorse the suggestions made by the hon. member for West York (Sir Henry Drayton). The object that the Minister of Justice appears to be anxious to attain is that the creditors shall control or have the power of appointment of the trustee or custodian of the estate. If that is so I have no objection, but I think the same object can be attained in a simple and much more effective manner than by the proposed amendment. In the first place, I think it objectionable that the registrar should become the official receiver. In the second place, I think it is objectionable also that one of the creditors should be a custodian of the property even though it is only for a short period of time. I can think of instances where creditors with business reputations that are Dominion-wide have been only too anxious to secure advantage over their co-creditors. I think it objectionable that one creditor should be the custodian of the property, even for a short time, particularly where the estate may be owned by foreigners. There you will have creditors who, probably, are also foreigners; you will have a bad element; the custodian is almost sure to be not too scrupulous with regard to the rights of his co-creditors, and I am afraid that before the general meeting of creditors takes place the assets of the estate in many cases will have been dissipated. Or advantage may be gained by means of lobbying which will result in a trustee being appointed who