

*Bankruptcy Act*

the main good men. They are appointed by the department and give a substantial security. What right has the creditor to find fault if the estate of the debtor is dealt with by a man appointed in this way? Surely the creditors are just as safe in the hands of such trustees as they would be with one of their own choice, when he is only himself a successful candidate against others. There is absolutely no doubt that in all these meetings of creditors an effort is made by one clique to have one man appointed who will act for a number of wholesale houses in the large cities, while another clique will endeavour to have an assignee of their own choice nominated; and generally one group come to the meeting sufficiently strong to control affairs and they secure the appointment by outwitting the others. Surely creditors—and this is what we must consider—are as safe in the hands of an authorized trustee, appointed with proper security, as they would be under a trustee appointed in the way I have described. If the minister has anything further to urge upon the subject I shall be glad to hear it, because if I could see any reason for a different view I would gladly take it. I do believe that the present system has worked well in Ontario, and because it has worked well I think we should stick to it. It has not proved satisfactory in Quebec, and the minister thinks that something different is advisable for that province, it is not my desire to say or do anything that would interfere with the satisfactory operation of the act there. But I realize that if we are to have uniformity at all it would hardly be right to have one law for one province and a different law for another province. For that reason I think it is better to stick to the idea of authorized trustees. I agree with the suggestion of the member for West York (Sir Henry Drayton) that if there are grievances in Quebec, if too many trustees have been appointed, if they are not of the right type, or if they have been guilty of improper conduct, such as persuading solvent farmers to make assignments in order that they themselves might be personally advantaged, then it is high time that some provision be embodied in the act to make any such conduct a criminal offence in order that these men might be punished. There are proper ways of dealing with men of this type. But the mere fact that a few trustees, such as have been described, have been appointed in this way is no valid reason for turning this act completely upside down. If you are going to do that let us get back to provincial legislation.

[Mr. Boys.]

Mr. MARTELL: Would it not be well to assign the work to local registrars? Many of these men holding official positions are not dependent on the fees derived under the Bankruptcy Act, whereas the trustee in bankruptcy is very apt to be particularly concerned regarding his fees.

Mr. BOYS: Unless the position of registrar is looked upon as a sinecure, and therefore those occupying them do not earn the fees they are now receiving, I do not approve of the suggestion. It may be that there are local registrars who have not work enough to do, but as a rule I think they are fairly busily engaged, and you would be simply giving them a lot more work. I do not hesitate to say that in Ontario we have as capable a registrar as anywhere in Canada. He is a very efficient man. But he already had plenty of work to do, and there is no question that when these duties were heaped upon him he had too much to attend to. From what I have been told by members of the profession in Toronto—my own experience is limited—he did not have time enough to perform these additional duties.

Mr. MARTELL: You take as your instance, a large centre of population.

Mr. BOYS: I am taking the act as it stands.

Mr. MARTELL: Take the case of a small centre.

Mr. BOYS: We must deal with the act as it is. There was only one registrar for Ontario; if there was one for every county I would not be arguing as I am. I admit at once that the suggestion contained in the amendment before the committee is a great improvement, because of course the work is being divided up, and it may be that in that respect it will turn out all right. If we have to submit to these other changes, as far as I am concerned I am in favour of this feature, but I take the stand that we should not depart from the system which is working well everywhere except in Quebec. Again I say, if these abuses exist let us insert a section which will deal with the guilty and punish them. Regarding the controversy between two hon. gentlemen opposite, I am of opinion that where an offence is made indictable, as it is in many cases in this act, that is sufficient in itself, as the Criminal Code deals with indictable offences. This act says that the doing of a certain thing shall be an indictable offence, and thereupon I should imagine information could be laid and the provisions of the code invoked. However, if