

*Bankruptcy Act*

legislate on bankruptcy we should exercise the right, but only encroach on provincial rights whenever we have to enact something which is an essential incident to our own law. What are the essentials of a bankruptcy act? First, to take over the property of a debtor; secondly, to realize the assets of that debtor; and, thirdly, to distribute the proceeds. These are the essentials.

Mr. JACOBS: What about the discharge of the bankrupt?

Mr. CANNON: I do not think it is essential. But even if it were, supposing we have, then, four essentials, cannot this parliament enact a complete bankruptcy law to meet these four essentials without laying a hand on the civil laws of the province of Quebec?

Mr. CARROLL: Does my hon. friend think that uniformity should attach to all federal laws?

Mr. CANNON: Certainly, provided the rights of the provinces are safeguarded. Let us legislate in bankruptcy matters in order to meet four, or three, requisites of a bankruptcy act. But I say we can do so without in any shape or form encroaching on the civil rights of any province. I am pleased that the Minister of Justice who is in charge of this legislation belongs to the school of those who believe that the provinces are not merely adjuncts of this federal parliament, but that they are just as powerful and sovereign within their own jurisdiction as the federal parliament is.

Mr. HANSON: You did not say so the other night.

Sir LOMER GOUIN: Yes, I did.

Mr. CANNON: We have had in Canada a long fight between successive Ministers of Justice and the attorneys general of the different provinces, and I hope, notwithstanding what my hon. friend opposite may say, that the Minister of Justice will continue the tradition of Sir Oliver Mowat and others and will never, after having been Premier of Quebec, endorse as Minister of Justice the policy that would make the federal power superior to the provincial.

I have read the amendments and am sorry to see that the Minister of Justice has brought forward nothing to cover the punishment of offences under the Bankruptcy Act. Under sections 92 and 93 all such offences are indictable offences; but the Criminal Code has not been amended to meet the provisions of the Bankruptcy Act, and therefore it is impossible for a man accused of an offence under the act to have either a summary or speedy

[Mr. Cannon.]

trial. Very often these offences are of such a nature that they could be tried summarily or speedily, especially in rural centres where criminal terms are held only once a year, sometimes only one every two years. Before this bill passes I hope the Minister of Justice will see to it that amendments are prepared by his officials to meet this condition.

Mr. JACOBS: I would point out to my hon. friend that cases under section 417 of the Criminal Code—offences against bankruptcy—are now handled speedily in the district of Montreal under the Speedy Trials Act.

Mr. CANNON: When was the amendment introduced?

Mr. JACOBS: It has been the law for the last thirty years.

Mr. CANNON: My hon. friend may think it is the law, but I doubt whether a provision enacted thirty years ago would have effect in the legislation of 1919, which repealed the old law.

Mr. JACOBS: The section of the code to which I refer—I think it is 417—says that the court may handle offences under the Bankruptcy Act. Under that act we have sent to prison quite a large number of traders in Montreal. I trust they will not take this hint from my hon. friend to apply for habeas corpus.

Mr. CANNON: I know I have had occasion as Crown prosecutor to discuss the matter before our judges of the Sessions of the Peace, and they have come to the conclusion that they had no jurisdiction. The Criminal Code was passed when there was no Bankruptcy Act.

Mr. CARROLL: My hon. friend will remember that the Criminal Code gives jurisdiction in all criminal cases except certain matters, and if it does not except bankruptcy, the courts have the power to try cases under the Bankruptcy Act.

Mr. CANNON: I attach great value to the opinion of my two learned friends, and I hope they are right. But I direct the matter to the minister's attention in view of the fact that it was decided altogether differently by our judges in Quebec, and that very recently.

I support most heartily the amendments which are offered, and I hope this is only the first step in the right direction. If we cannot obtain a complete repeal of the law, I trust that it will be amended in such a way as