

fraudulent bankrupts for what in many cases would be comparatively minor offences, while magistrates and county court judges have jurisdiction to try what I regard as being much more serious offences.

Mr. Justice URQUHART: Quite so. As I have said, magistrates and county court judges can sentence a man to jail for life and to be whipped.

Hon. Mr. HAYDEN: A magistrate, with the consent of the accused, can try him for almost any indictable offence and sentence him to very long terms of imprisonment.

Mr. Justice URQUHART: Yes.

Hon. Mr. ASELTINE: And do it much more speedily.

Mr. Justice URQUHART: Yes.

Hon. Mr. ASELTINE: This proposed system would seem to me to be very cumbersome and likely to cause a lot of delay.

Mr. Justice URQUHART: Yes. In the city of Toronto, where the courts are very busy, the proposed change would cause a considerable amount of delay, while out in the smaller towns, for instance, Kitchener, seeing that Senator Euler is present—

Hon. Mr. EULER: There are no offences committed there of course.

Mr. Justice URQUHART: Supposing there was a sitting of the Supreme Court on the 15th of January, for the trial of cases, and there was not another sitting until June, in the event of an offence being discovered on the 25th of January, the accused could not be placed on trial until June.

Hon. Mr. ASELTINE: That would apply particularly in the western provinces, where we have only a few judicial districts and two sittings of the Supreme Court every year.

Mr. Justice URQUHART: Quite so.

Hon. Mr. HAYDEN: That raises another point. I have not studied this section thoroughly, but its effect may be to take away from the accused his right of election under the Code to a speedy trial.

Mr. Justice URQUHART: Yes.

Hon. Mr. LEGER: It seems to me that the judge who has had civil matters before him would be more or less—and I am using these terms mildly—biased or prejudiced in trying these offences.

Mr. Justice URQUHART: There is that danger. Of course, there can always be an appeal against a sentence. The fact that there have not been appeals against sentences indicates that the Crown Attorney is satisfied, or that it is felt there was no purpose to be served in trying to increase the sentence by an appeal to the Court of Appeal.

The CHAIRMAN: I understand that the Supreme Court would be given power to dispose of those offences, but would not be given exclusive power to do so.

Mr. Justice URQUHART: I am not sure about that point. I have read over the bill, and I think the intention was to give us exclusive power, but it is not so expressed. Of course, we have the power under certain circumstances.

Hon. Mr. EULER: We might ask the Legal Officer what was the intention.

Hon. Mr. HAYDEN: What was intended does not matter; it is what was said. Section 159 has this to say, that these courts

are invested in law and in equity with original, auxiliary, ancillary and *plenary* jurisdiction in bankruptcy and in all matters of proceedings authorized by or under this act during their respective terms—

Hon. Mr. LEGER: Those powers of course are new?