

constitutional, we should only have to start all over again; while if we leave, as we propose to do, the privileges of landlords within the jurisdiction of every province, there is no possibility of any doubt being raised in connection with our amendment.

Sir HENRY DRAYTON: I would willingly give in to my hon. friend if it were possible in my opinion logically to do so on the one hand, and on the other hand to maintain our bankruptcy law. Logically, I cannot see the difference between saying to a preferred creditor, who has risked his capital, that his preference shall be absolutely void under our bankruptcy law, while we say to the landlord, who has risked nothing except the occupancy of his property, "We will not interfere with you."

Sir LOMER GOUIN: That is the merit of the provision.

Sir HENRY DRAYTON: The merit of the provision? I should think the merit is all with the man who has risked his capital. But on the question of property and civil rights, is there any distinction between a preferred creditor and a preferred landlord? You interfere with local law in each case.

Mr. MARTELL: Is it not a fact that in all failures, even under provincial laws—and this is certainly the case in Nova Scotia—the landlord has priority over all other creditors?

Sir HENRY DRAYTON: I know that there is such a preference. In Ontario it has been one of twelve months down to the time of the failure, and three months afterwards. But we changed that in Ontario by our legislation; it is only three months now, if I remember rightly, to the time of the failure. But there is no trouble in Ontario.

Mr. MARTELL: There is no trouble in Nova Scotia.

Sir HENRY DRAYTON: It was a just change to make, and I believe Nova Scotia had the same provision as Ontario.

Sir LOMER GOUIN: Suppose we postpone further discussion of this point until we get to that amendment.

Sir HENRY DRAYTON: Very well.

Mr. BOYS: If the minister is afraid of the question of landlords' rights, if he fears that we are treading upon provincial jurisdiction in interfering with the landlords in their claim for rent, what has he to say regarding the Statute of Limitations? Under the law of Ontario, which I imagine is the

same as in many other provinces, the creditor has a right of action for six years. But if you give the bankrupt his discharge, and if you want seriously to face this question of provincial rights, what about the application of the Statute of Limitations in this case? When you give the debtor his discharge you say to the creditor that while the law of his province gives him for six years the right to sue, yet under federal legislation in this particular respect he shall not sue at all? I am not seeking to raise these provincial questions, but now that we are discussing them I am surprised to hear the minister state that there is a grave doubt concerning our right with respect to the landlords.

Mr. MARTELL: I understand the minister to propose that as regards the landlord's preference the provincial law as it previously stood shall be invoked again. Is not that fair to those people who have been brought up under that law, and to the lawyers who are fully acquainted with it?

Mr. BOYS: The hon. gentleman is quite right; that is exactly what the minister says, and that is acceding to the suggestion that we are interfering with provincial rights. But I am asking the minister's attention to another feature which is more far-reaching than that. The Statute of Limitations in Ontario gives the creditor the right to sue within a period of six years.

Mr. MARTELL: It is the same with us.

Mr. BOYS: Well, are you not taking that right away by this legislation when you give authority for the discharge of the bankrupt? I am absolutely in favour of the discharge, but if we are to worry about provincial questions, I should think it would be better to take time to consider all these matters, because there is no earthly doubt that you are interfering with the right of the creditor under the Statute of Limitations when you provide for the discharge of the debtor. It may be well for us to go cautiously until the Privy Council has passed upon the question. If you venture into the realm of provincial rights there are a number of other questions, besides that of landlords, which might be urged along the same line.

There is another feature with regard to the authorized trustee on which I might speak for a moment. I have listened carefully to what the minister has said on this point, and while I have an absolutely open mind on the subject I must confess that he has not convinced me. I am in favour of the authorized trustee, because, as I think, you will get in