

sult of the appointment of these unnecessary trustees under the 1919 law was most disastrous in our rural centres. The second reason is that the officials under the law, that is to say, the court officials who were supposed to conduct the proceedings under the Bankruptcy Act, were under the control of nobody. They were not provincial officials; they were not federal officials; they were not under the authority of any judge. Although exercising functions of the widest importance, they were subject to the supervision of no one.

Mr. HANSON: Were the registrars not under the supervision of the judges?

Mr. CANNON: If my hon. and learned friend will examine the law he will see that while the judge has certain functions the official registrar also has distinct functions altogether beyond the judge's control. Let me give an example. In one of our judicial districts a minor official whose duties were solely to affix stamps to judicial proceedings became the registrar. Now this minor official has for years exercised functions of the highest character and is drawing tremendous fees without being controlled by anybody, and whoever attempts to control him is told very politely that "it is none of his business."

Mr. JACOBS: May I be permitted to point out that under the law passed last year he becomes an official of the provincial department?

Mr. CANNON: We had another example in the city of Montreal. The registrar under the Bankruptcy Act, when he received instructions from the attorney general of the province to follow a certain line of conduct, told the attorney general that "he had nothing to do with it." This is a notorious fact.

Mr. JACOBS: But he ended up by following the instructions of the attorney general.

Mr. CANNON: He may have changed his attitude. But that is the condition of things in the province of Quebec: first, too many trustees; second, officials under nobody's control; and third, the Civil Code put aside and mortgagees treated as ordinary unsecured creditors. Therefore there is throughout the province a general feeling of dissatisfaction with the act.

Mr. CARROLL: Does my hon. friend mean to say that under the Bankruptcy Act a mortgage would not be a preferred claim in the province of Quebec?

Mr. CANNON: Not unless it fell within the provisions of, I think, Section 32.

Mr. CARROLL: The three months?

Mr. CANNON: Yes. I do not wish to repeat the arguments which were brought forward this afternoon, but there is also the question of the married woman's rights being put aside. One of the hon. gentlemen opposite mentioned the desirability of having a uniform law throughout Canada, especially as concerns federal matters. We all agree on this point. But this uniformity, if it is to meet with the approval of the people, must be of such a nature that it does not take away privileges which have been guaranteed to any province by the British North America Act or by existing treaties. We have in the province of Quebec privileges concerning our civil laws which are considered, and rightly so, as the most sacred heritage received from our forefathers. We are justly proud of our French laws. These laws have their source, as everybody knows, in the greatest work of the highest legal minds—Pothier and others. We have in the province of Quebec laws handed down to us from *la coutume de Paris*, and we have our civil laws which are a reproduction of the Code Napoleon. We wish to follow in federal matters the same laws as the other provinces, but we ask the federal government, when it deals with matters of this sort, to be always careful not to lay a hand on the sacred heritage which we treasure and which we want to retain as complete and as intact as it was left to us.

I observe with pleasure that the amendments brought forward by the Minister of Justice meet to a large extent the three inconveniences which I have indicated. Trustees are now to be chosen by the creditors. Those who are good will continue in business; those who are simply trying to live by deceiving people and leading them into bankruptcy will have no more business, and so this evil will disappear. As to officials under the Bankruptcy Act, if there was no control before, I see with pleasure that, should these amendments be adopted, these officials in our provinces will be under the immediate control of our prothonotaries.

As to our civil rights, I see by the amendments that they are restored in great measure. There is, I think, misapprehension in this House as to the right of the federal government to encroach on the civil rights of the provinces. Bankruptcy is within the scope of federal legislation according to the British North America Act. If we have a right to