

corporation, as finally the assets may not even be \$10,000. As to the fees for instructions to the trustee, I am perfectly in accord with the limit put down, because I find the fees are generally exaggerated.

As to the disbursements, the fees to be paid on procedure, I do not like the provision as it stands, for this reason: there is no distinction made according to the amount involved in the bankruptcy. On a petition in bankruptcy the fee is the same whether the assets are nil or amount to \$1,000,000. The costs going to the Crown, the registrar and to the lawyer are not classified at all. I think that should be remedied.

I may say that I have not had time to consider the bill very closely, especially not to compare it with the Act, but so far what I have stated have struck me as the points that should be brought to your attention. If there are any other points you would like me to clear up I shall be glad to do so.

Hon. Mr. KINLEY: Would you care to discuss section 143, on page 91 of the bill?

Mr. JUSTICE BOYER: What about it, sir?

Hon. Mr. KINLEY: I am not a lawyer, but I have been reading the discussions in the House of Commons about the liberty of the subject under Magna Carta, and I should like to quote the report at page 1376 of the Commons Hansard.

Mr. JUSTICE BOYER: There is no change there, you know.

Hon. Mr. KINLEY: I know. I just want to show what the Minister of Justice said on this thing, when answering critics who had criticized the espionage law. Let me read the report:

Mr. ST. LAURENT: Then entering another field let us look at the Bankruptcy Act. Sections 127 to 138 provide that if a man becomes bankrupt and his creditors are disappointed at his allowing something to happen that was not intended to happen he can be examined under oath and asked to explain how and why some of his creditors are to be exposed to the loss of some dollars. Section 138 of the Bankruptcy Act provides:

Any person liable to be examined under the provisions of the ten last preceding sections shall be bound to answer all questions relating to the business or property of the debtor, and as to the causes of his insolvency and the disposition of his assets, and shall not be excused from answering any question on the ground that the answer may tend to criminate the person so examined.

Mr. SMITH (*Calgary West*): What statute is that?

Mr. ST. LAURENT: The Bankruptcy Act, section 138.

Mr. DIEFENBAKER: Is not the person who is being examined there entitled to the protection of the Canada Evidence Act?

Mr. ST. LAURENT: Apparently not.

Mr. DIEFENBAKER: Against the use of the evidence?

Mr. ST. LAURENT: I am not stating it as my opinion that he would not be treated in the same way, but Parliament went to the length of saying that he would not be excused from answering questions about the reasons for his insolvency because he might thereby incriminate himself.

Mr. FLEMING: Will the Minister not tell the committee that these examinations are carried on before a court officer and that the bankrupt always has the benefit of counsel.

Mr. ST. LAURENT: If it is a benefit, I assume counsel may be present. But the position is that the debtor is called upon to explain why it is this situation of his which was not supposed to happen and which his creditors did not expect to happen, and which may cause his creditors to lose some one or more dollars did come about. It is not only the Canadian