

It is also undesirable that the local Registrars of the Supreme Court, all of whom are inexperienced in bankruptcy matters, should be vested with the Registrar's judicial power as local Registrars. Further, action on petitions in outside Districts would be delayed until the arrival of Judges on circuits.

The present system has important advantages which should be retained. One Judge hearing all bankruptcy matters promotes uniformity in decisions. One office of record enables a complete search to be made in one place where all records are concentrated. Where there is only one Bankruptcy Court sitting, the confusion of simultaneous petitions at different points is avoided.

It may also be observed that centralization of the Bankruptcy Court in Toronto does not prevent much bankruptcy work being done outside the City where that is more convenient for the parties. Voluntary assignments can be made to 16 Official Receivers throughout the Province and leave may be given to try issues outside of the city. Also the local Official Receivers and Trustees have sufficiently wide powers to carry on administration that frequent reference to the Bankruptcy Court in Toronto is not necessary.

SUPPLEMENTAL PROVISIONS

Documentary Evidence as Proof—Section 189 (2)

Section 189 (2) states that original or certified true copies of documents relating to bankruptcy proceedings shall be conclusive evidence of their contents. It is questioned whether they should be more than prima facie evidence of their contents.

Summary Administration

Section 196 which sets up a procedure for summary administration of bankrupt states without assets is approved generally. However, no provision is made for the cost of such administration. As official receivers have not a staff to administer these estates, it is recommended that they be authorized to appoint trustees to administer them, and that trustees be paid at the public expense.

In conformity with earlier recommendations, references to obtaining approval or permission from the Superintendent should be deleted and these matters left to the Court.

BANKRUPTCY OFFENCES

Fraudulent Bankrupts—Section 200 (1) (s)

Section 200 (1) (s) makes riotous living, gambling and cash speculation and offence if it materially contributed to or increased the extent of the insolvency. It is noted that the section is not based on them being the cause of the bankruptcy. Hence in the case of bankruptcies caused otherwise and later a person might be guilty of a bankruptcy offence because he had speculated on the stock exchange or gone to the horse races or done some other possibly foolish but all too human thing. The subsection should be revised accordingly.

Criminal Proceedings—Sections 206 (4) and following

Sections 206 (4) and following which place certain responsibilities on the Crown Attorney in initiating criminal proceedings respecting bankruptcy proceedings is approved.

Failure to Observe Provisions of the Act—Section 208 (d)

The reference to the Superintendent should be deleted from Section 208 (d). While a trustee may properly be considered guilty of an indictable offence if he fails to carry out a Court Order he should not be so guilty on failure to carry out an order of the Superintendent.