

minister ought to consider this amendment carefully before finally putting it through, because there is no reason so far as I can see why the landlord should be placed in this exceptional position. The creditors are all more or less in the same boat. A merchant who has sold goods to a trader expects to get paid, otherwise he would not have given him credit, and when the trader makes an assignment this class of creditor ought reasonably to get something out of the wreck, instead of the landlord being given the preference and perhaps gobbling up the entire estate. To my mind it is a relic of feudalism that the property-owner should have everything and the ordinary creditor nothing. In that respect I am opposed to the bill.

I am in favour of the other amendments. I am glad that the rights which a married woman had before the passing of this act are to be restored. Under the act of 1920 a married woman who has advanced money to her husband has no claim whatever against his estate until all the creditors are paid in full, which means that her claim is wiped out. We can easily conceive of a husband in trade who upon becoming financially embarrassed would naturally look to his wife to lend him whatever means she possessed. She would be the very first to whom he would apply for assistance. Simply because she is a married woman she gets absolutely nothing, whereas if she happened to be unmarried or living in concubinage with the debtor she would be entitled to her full rights as an ordinary creditor. I think it was a mistake on the part of this parliament to enact such legislation, and I am glad to see that under the proposed amendments this injustice is removed.

Mr. HANSON: What is the effect of the laws of the province of Quebec with relation to marriage settlements?

Mr. JACOBS: The act wiped out marriage settlements so far as husband and wife are concerned, and these amendments do not propose to restore them. It is only where a wife has advanced money to her husband that she is entitled to rank as an ordinary creditor. This seems to me to be only just and right, and I heartily support the amendment. Another amendment to which I give my entire approval is in regard to fees paid to attorneys and trustees of estates. It was provided that attorneys and trustees should be entitled to not more than five per cent of all the proceeds of the estate; they might get less but not more. A trustee and an attorney might carry a case to the judicial

committee of the Privy Council, they might be engaged for five or ten years on work in connection with the estate, but would not be entitled to more than the specified percentage. Under these amendments the inspectors may in writing, with the consent of the judge, fix such fees as they may deem advisable. That seems to be logical. I may say that this particular section of the act was introduced after the bill left this House. The Senate seemed to be so obdurate on the point that it was not thought worth while to insist on the withdrawal of their amendment, and by so doing imperil the passing of the act. I think it is high time that this section was repealed, and I am glad the Minister of Justice (Sir Lomer Gouin) has yielded to the requests of those who have studied the act. The measure by its other provisions makes easy of comprehension the more or less complicated verbiage of the act as it was prepared in 1920, and naturally we are all in favour of this simplification. So far as the province of Quebec is concerned I think I can say that in a general way the bill meets with the approval of the entire province, but I am sure the section with regard to the priority of landlords' claims will not meet with the approval of the trading interests throughout Quebec.

Hon. J. B. M. BAXTER (St. John City and Counties of St. John and Albert): Mr. Speaker, the only feature of the act in reference to which I would like to make a few remarks is the change in regard to official receivers. Experience no doubt has convinced the Minister of Justice that the system is not quite satisfactory in some of the provinces. While in the province of New Brunswick recently for about a week, I made inquiry of a number of members of the legal profession and of some business men who come very closely in contact with the working of the act. I do not pretend that I interviewed everybody, but those I canvassed were unanimous in supporting the present system.

Mr. VIEN: Which province did the hon. member refer to?

Mr. BAXTER: New Brunswick. My inquiry was confined really to the people in the city of St. John; I do not pretend to have got information outside. But I am quite convinced that the business men and lawyers there are better satisfied with the law as in force at present than with the system under the Assignments and Preferences Act—provincial legislation—which used to be administered. Under