the administration of his affairs. He can ask for protection, as the law now stands, against prosecution in any criminal court. By this amendment we propose that any information that he may give under oath may be used by the creditors against him in any action they may take. If he is so protected that no such use may be made of any of his answers, I do not very well see that there would be any use in the examination.

Sir HENRY DRAYTON: Mr. Chairman, the section of which you have been kind enough to let me see the typewritten copy does not seem to me to cover one of the points raised by the hon. minister. It says, "Any person liable to be examined under the provisions of this section." Is there another amendment for our consideration as to what people are liable to be examined?

Sir LOMER GOUIN: If you read the beginning of section 29 in the bill the amendment will be clear.

Sir HENRY DRAYTON: Then the context does not show us exactly how that examination is to be held. Is it to be taken before a special examiner under the ordinary rules? For example, in Ontario whom will the examination be held before?

Sir LOMER GOUIN: (reading.)

> Where a receiving order or an authorized assignment has been made the trustee upon ordinary resolution passed by the creditors present or represented at a meeting regularly called or upon written request or resolution of a majority of the inspectors of the estate may without order examine under oath before the registrar of the court or other prescribed person the debtor or any person who is or has been an agent, clerk, servant, officer, director or employee of the debtor respecting the debtor, his dealings or property,

It will be the same examination before the registrar or any other officer designated.

Sir HENRY DRAYTON: Then who will determine what the word "reasonably" means, having regard to the new section? Have these words been given any judicial interpretation—"any person reasonably thought to have knowledge of the affairs of the debtor." That may be used to very great advantage or very harshly, or it might be made merely a source of expense.

Sir LOMER GOUIN: He will appear before the registrar or some other officer, and if he has any objection to raise he will raise it and the registrar will decide.

Sir HENRY DRAYTON: I would have thought that the ordinary way of proceeding there would be to get from the registrar authority to bring the man before him, and that he would not grant this authority unless it was shown prima facie that the man sought to be examined had some knowledge of the affairs of the debtor. It looks as if subpoenas could be issued for anybody.

Sir LOMER GOUIN: I do not think that creditors would be interested in calling any persons merely for the pleasure of annoying them.

Sir HENRY DRAYTON: The mere issuing of a subpoena would not cause the attendance of any man unless it was reasonably shown in the first instance that he had some knowledge of the debtor's affairs.

Sir LOMER GOUIN: What does my hon. friend suggest?

Sir HENRY DRAYTON: I was asking my hon. friend. Frankly, I confess I have not had very much chance of considering this.

Sir LOMER GOUIN: This is not an amendment; it is in the bill.

Sir HENRY DRAYTON: But I am afraid this is the first time I have read it. It certainly seems to me that if the section goes through it will not do what my hon. friend expects. Before anyone could be in default under a subpoena it would have to be shown that he was a person who could reasonably be thought to have knowledge of the affairs of the debtor, and that would have to be established prima facie some way or other.

Sir LOMER GOUIN: Does my hon. friend wish to let it stand or not?

Some hon. MEMBERS: Carried.

Sir HENRY DRAYTON: I hope my hon. friend will come to the conclusion that we are really helping him if we say, "passed on division."

Sir LOMER GOUIN: I hope my hon. friend will do a little more in that direction.

Section agreed to on division.

On section 30—Powers of court regarding conditional discharge:

Sir LOMER GOUIN: This is to amend subsection 5 of section 58. The subsection reads as follows:

> The court shall refuse a discharge in all cases where the bankrupt or authorized assignor has committed any offence under this act or any offence connected with his bankruptcy or assignment or the proceedings thereunder, unless for special reasons the court otherwise determines, and shall on proof of any of the facts mentioned in the next succeeding section, either—