

APPENDIX "R"

*(Translation from the French)*REMARKS OF THE BAR OF THE PROVINCE OF QUEBEC IN
CONNECTION WITH BILL "N", "AN ACT RESPECTING
BANKRUPTCY".

We notice with satisfaction:

1. That the drafters of the new Bill have taken account of the objections and suggestions put before the Senate by the magistrature, the bar of several provinces and many public institutions on the Bill drafted by the late William J. Reilley, and that has been eliminated therefrom almost everything which proved unacceptable in the former draft.

2. That many provisions of the Bankruptcy Act, 1919, which was the best, have been re-established with improvement.

3. That the jurisdiction of the Courts remains unimpaired. In fact, the constant interference of the Superintendent in any bankruptcy, as proposed in the 1946 Bill, has rightly been eliminated.

4. That easy penalties and swiftly enforceable against recalcitrant debtors have been provided for.

5. That the bona fide creditors will now have a way of being informed of the result of their claims filed with the trustee, and of having the Court quickly dispose of same and at much reduced costs.

6. That the memorandum on priorities means a commendable endeavour to prevent long and costly proceedings, not only between federal and provincial authorities, but also between two or many departments of one government.

7. That the law is clearer, more logically arranged, and embodies many new provisions which are required under the present conditions of living.

8. That consideration has been given, in the remodelling of several sections of the Bill, to the jurisprudence established since 1920.

We notice, however, that the numbers of sections have been changed, whether because the insertion of fresh sections, whether on account of the embodying of actual rules in the Bill. Such arrangement is bound to bring confusion and is also liable to diminish the advantage of the established jurisprudence.

We suggest, therefore, that, whatever are the amendments or additions brought into the new law, these amendments or additions should be embodied therein under the section number corresponding to the amended sections.

Following a survey of the Bill, section after section, we submit the following observations:

2 (*d*) of the French version—It would be advisable, we believe, to include 2 (*f*) of the English version—"corporation publique" ("Public corporation") in the corporative entities which are excluded from the bankruptcy.

9 (4) We concur in the suggestion of the Toronto Board of Trade, in connection with this section.