Hon. Mr. HAYDEN: I notice subsection (3) of section 159 provides for appeals to the Supreme Court of Canada. I take it that means appeals—

Mr. Justice URQUHART: From the Court of Appeal, I should think.

Hon. Mr. HAYDEN: In these criminal matters?

Mr. Justice URQUHART: I do not know what that means, to tell the truth.

Hon. Mr. HAYDEN: And then there is a question whether the appeal is to be subject to the ordinary provisions of the Criminal Code with reference to criminal appeals.

Mr. Justice URQUHART: I do not know. It is not made clear.

If you look at the notes to section 159, you will see it is stated that the object of the supplementary jurisdiction conferred under this section is to have all matters or disputes disposed of by the court exercising bankruptcy jurisdiction. Then the notes go on to say:—

> The most unsatisfactory phase of bankruptcy administration relates to the punishment for offences enumerated in the act. Experience indicates that in so many cases magistrates and judges of inferior courts do not fully appreciate the significance of the offences as related to commercial morality with the result that creditors at large are almost thoroughly discouraged by reason of the failure to obtain proper and sufficient penalties for offences committed.

Hon. Mr. HAYDEN: Have you found in your experience that bankruptcy offences vary very much in the type of fraud involved as compared with ordinary criminal fraud?

Mr. Justice URQUHART: I do not think so on the whole.

You will notice that twenty-one offences are set out in section 200. For instance, these offences include the bankrupt not discovering to the trustee all his property, or not delivering up to the trustee all real and personal property in his custody or under his control or not delivering up to the trustee all books, documents, papers and writings in his custody, etc. These are all smaller offences than those of fraud in the Criminal Code.

In the opinion I am about to express I have the concurrence of Chief Justice McRuer of our court, who took a great interest in this matter and collaborated with me in preparing the memorandum on this particular point. This proposed legislation we think is not only objectionable in form, as I have indicated in my memorandum, but it would be most difficult to work out. As I have said, section 200 creates twenty-one indictable offences. I have not compared them with the offences set forth in the Act, but I think they are very similar.

It is to be noted that they are indictable offences, and that the Criminal Code provides procedure for trial of such offences. The Supreme Court of Ontario now has jurisdiction to try indictable offences.

Hon. Mr. LEGER: There is nothing new in section 200.

Hon. Justice URQUHART: No. I am not objecting in the least to section 200. What I am objecting to is that what may be considered comparatively minor offences, and well within the jurisdiction of magistrates and county judges, should be placed under the jurisdiction of the Supreme Court. In a minute or two I will come to another reason that in my view lends added strength to this objection.

The Court of General Sessions has power to try all indictable offences, except those mentioned in section 583 of the Criminal Code; these must be tried before a judge and jury of the High Court, and include such grave offences as treason, murder, manslaughter, rape, and a few others. In all cases except a special class of case, which, if I remember rightly, is provided for by section 598 of the Code, the accused has the right to elect whether he will be tried by a magistrate