

long that matters could be delayed until the permanent receiver is ultimately appointed, or whether you may not have to deal with the fact that the custodian being on the ground would like to stay there. I suppose it will also be admitted:

In large estates a creditor would be totally incapable of taking charge or administering its affairs for even the short period between his appointment and the calling of the meeting.

Would that be permitted?

Experience is essential to such temporary administration and often it is necessary and expedient that advances should be made to the estate in order to conserve assets and manage the business so that the estate can be subsequently dealt with to the best advantage.

I suppose my hon. friend will provide in his bill that this custodian may be recouped for advances he makes in order to keep the estate going. That is a risk that good trustees are taking to-day.

Sir LOMER GOUIN: There is no doubt that if he disburses any money, he should be recouped.

Sir HENRY DRAYTON: And if he advances money for the purpose of keeping the business going?

Sir LOMER GOUIN: Yes.

Sir HENRY DRAYTON: I am pointing out again to my hon. friend that that incidental work is sometimes very important, and that it ought to be in the hands of people who have been accustomed to doing that sort of thing. The rest of this memorandum—and it is a long one—merely emphasizes the points that I am indicating. It shows the manner in which log-rolling and wire-pulling goes on when you have an election carried out in the way that my hon. friend suggests. At least that is what has happened in the past, and there is no question that it will happen again in the future. I am not, however, going to trouble my hon. friend with further details, because that is all covered in the larger points that I have mentioned. Again I ask my hon. friend: Why not make the Quebec situation right and have things functioning in Quebec as they ought to function and as they are functioning in Ontario?

Mr. MARTELL: What is the difference?

Sir HENRY DRAYTON: I am afraid it would take me too long to tell my hon. friend. We have had a long statement on that, and we all have to agree that there is a difference. I am taking what hon. members from the province of Quebec say.

Mr. MARTELL: Everybody in Canada knows that the system of laws in Quebec is different from that in any of the other provinces. If my hon. friend and I were to argue in regard to the Nova Scotia laws and the Ontario laws, we would understand each other; but if we undertake to argue about the laws of Quebec, we are both in the dark.

Sir HENRY DRAYTON: I am not going to argue with my hon. friend as to the Nova Scotia or the Ontario laws.

Mr. MARTELL: They are very much the same.

Sir HENRY DRAYTON: We were not talking about the laws in either province. My hon. friend was out of the room at the time, but our discussion had to do with the character and number of trustees in Quebec. Would it not be better, as I said before, to try to get this Quebec difficulty overcome as I have suggested? I am not going to discuss the other clauses at all. I have discussed the question of appointment only, and only because my hon. friend discussed it. I am not going into any details as to his rent clauses and the like, except to say this. I want to find out, in the first instance, whether my hon. friend thinks this House has jurisdiction to pass a bankruptcy law.

Sir LOMER GOUIN: Yes.

Sir HENRY DRAYTON: Can my hon. friend tell me how in the name of common sense, a bankruptcy law can be passed which does not affect property and civil rights?

Sir LOMER GOUIN: It depends.

Sir HENRY DRAYTON: A bankruptcy law means the creation of a method of determining civil rights. It takes civil rights here and civil rights there.

Sir LOMER GOUIN: I wish I had the assurance of my hon. friend to decide that point of law. It is not so clear as that.

Sir HENRY DRAYTON: I am not talking about a point of law; I am talking about the necessary implication of a Bankruptcy Act. Under a Bankruptcy Act you are immediately taking away the rights of creditors. Are they not civil rights?

Sir LOMER GOUIN: Yes.

Sir HENRY DRAYTON: The right of distress is taken away. Is that not a civil right?

Sir LOMER GOUIN: Yes.

Sir HENRY DRAYTON: Unquestionably. Therefore, we must all agree that you cannot