

portunity of continuing to practise their profession. He says that the system by which the trustee is chosen by the debtor is preferable. It seems to me that the creditors should have more to say than the debtor in the choice of the trustee who is to liquidate the estate. If my hon. friend looks over the situation in the various English-speaking countries, I do not think he will find anywhere else in the world a country which has such a system as we have to-day of authorized trustees, where the debtor is the judge as to the choice of the trustee. We now propose to adopt the English system, we propose to adopt the American system, and to say that the creditors who are most interested are those who should have the first and last say in the election or choice of the trustee.

Mr. CLARK: Is it not a fact that the creditors have it in their power to remove the authorized trustee at any time after appointment? Does that not give the creditors the control to which they are entitled, and which is all that is necessary?

Sir LOMER GOUIN: They can do that for cause; but if it is good to give them such a right, why not give it to them at the start? That would not dispose of the objection raised by the hon. member for South Simcoe.

Mr. HANSON: The difficulty with the present modus operandi is this. You appoint in a locality an official called the custodian. He is only a *locum tenens* after all. While a meeting of the creditors is being arranged for, I think it will be found that the estate will be gradually disappearing; that these officials will not act as the authorized trustees act to-day. The minute a petition is filed with the authorized trustee, he takes control of the estate and he takes all steps necessary to protect the assets, pending the first meeting of the creditors. When the meeting of the creditors is held, it not infrequently happens that the creditors exercise their right under the act and change the authorized trustee. But the estate has been preserved in the meantime by a man who is responsible.

Sir LOMER GOUIN: It has been so well preserved that, in many cases, if not in most cases, there has been nothing left for the creditors. We want to put a stop to that.

Mr. BOYS: Does the minister, in making that statement, refer to Canada as a whole or only to certain parts of Canada?

Sir LOMER GOUIN: To many of the interests.

Mr. BOYS: I wish to say that, in my experience, that is absolutely not the case at all. The work of the trustees with whom I have had something to do, has been very satisfactory and the charges have not been excessive.

Sir LOMER GOUIN: I congratulate my hon. friend who is most fortunate, and I am sure, as I have said before, that his trustees will continue to exercise their profession in the future, because the creditors will confide to them all the different estates which may have to be entrusted to trustees.

The hon. member for St. John City (Mr. Baxter) raised an objection to the amendment that we propose regarding the custodian. He said that he objects to the choice of one of the largest creditors, because in most cases that creditor would be appointed trustee. It is very seldom that creditors are appointed trustees. I remember that in Quebec, under the law we had, we had regular professionals as trustees. We had not a very large number of them. They got to be known by the merchants, by the manufacturers, and in the large centres they were, in most cases, the same. Creditors were never appointed trustees, and I have reason to believe that under this law, what has happened in the past will happen in the future.

I understood some hon. members to say that the Credit Men's Associations disapproved of these amendments. From what I have heard and read of them, I find that they all approve the amendments. We have received resolutions of approval from the Manufacturers' Association of Canada, and from many boards of trades and different associations in Canada. This bill, which has been on the order paper for two or three weeks, has been considered by the whole population of Canada, and I gather from opinions that I have received that the amendments are generally approved.

As to the question of the rights of landlords, all we wish to do in suggesting amendments to the present law, is, first of all, to make it constitutional. It is all very well to say that in such and such a province the preference is too large in favour of the landlords; it is all very well to say that the laws of the provinces are different; but in amending our statutes, we must take into consideration our constitution. If we were to make a special section or clause which would make the law uniform for the whole Dominion, and if we were to find afterwards that such a section or clause was not in accordance with the British North America Act, we would have to amend our