

*Section 62(3)—Definition of "settlement".*

Suggested by Toronto Board of Trade that this definition should be incorporated.

Not adopted. It hardly seems necessary. "Settlement" has its accepted and established meaning and this is confirmed by the jurisprudence. See pp. 405-407 of "Bankruptcy in Canada".

*Sections 70(3), (4), 71, 72, 73—Contributories to insolvent corporations.*

Suggested by Toronto Board of Trade that these provisions be retained.

Not adopted. See comments on section 46 of the Bill.

*Section 80—Bankruptcy of partner.*

Suggested by Toronto Board of Trade and Judge Urquhart that this section be retained.

Not adopted. It is claimed that section 101 of the Bill applies where both partners of a partnership are in bankruptcy but does not provide, as section 80 does, for the case where only one partner is bankrupt. This is covered by section 101(4) of the Bill.

*Section 141(6)—Reading examination of bankrupt in court.*

Suggested by Toronto Board of Trade and Judge Urquhart that these provisions be retained.

Not adopted. The subsection appears unnecessary as the power is inherent in the authority of the court and does not require to be specifically mentioned. With regard to the other remarks of Judge Urquhart on the matter, there is section 121(3) of the Bill.

*Section 149—Evidentiary value of order of discharge.*

Suggested by Toronto Board of Trade that this be retained.

Not adopted. Both assignments and receiving orders are filed in court. Is that not sufficient? Moreover, the defence which section 149 provides would be available to the debtor in any event.

*Section 153—Application of Winding-up Act.**Section 161(2)—Application of Rules to Winding-up Act.*

Suggested by Toronto Board of Trade that these are necessary and should be retained.

Not adopted. I consider that the Winding-up Act is a procedure exclusive of the Bankruptcy Act. The primary purpose of the former is to distribute the assets among the shareholders while the latter is concerned with the realization of the assets and the distribution of the proceeds to the creditors. There would, therefore, appear to be no necessity for a reference to the Winding-up Act in the Bankruptcy Act.

*Section 163(1), (3), (4), (5), (6)—Procedure.*

Suggested by Toronto Board of Trade that the courts should continue to have these powers.

Not adopted. Subsections (1), (5) and (6) are matters for General Rules. See Rule 7 (1) for example. Subsection (3) is inherent in the authority of the court. With regard to subsection (4) see section 144(5) and (9).

*Section 168—Proceedings by or against partnership.*

Suggested by Toronto Board of Trade that this be retained.

Not adopted. What is the advantage?

*Section 169—Joint contracts.*

Suggested by Toronto Board of Trade that it is desirable that this be retained.