

*Section 9 (7)—Assignments other than authorized assignments.*

Suggested by Toronto Board of Trade and Judge Urquhart that such a provision is needed and should be retained.

Not adopted. If a debtor makes a bulk sale of his goods without complying with the provisions of any Bulk Sales Act in force in the province, then the sale is void. Any other fraudulent disposition of his property would be covered by section 20 of the Bill.

*Section 10—Official receiver to deposit assignment in court.*

Suggested by Toronto Board of Trade that a similar provision be inserted requiring the official receiver to deposit in court the assignment and relevant material.

Not adopted. This is a matter of procedure rather than substance and should, as at present, be incorporated in the Rules (See Rule 88 of the Act).

*Section 18 (3)—Release under composition, extension or scheme of arrangement.*

Suggested by Toronto Board of Trade that a similar provision be inserted to complete section 35 (2) of the Bill. Adopted.

*Section 19 (4)—Debts between composition and subsequent adjudication of bankruptcy.*

Suggested by Toronto Board of Trade that this subsection be retained.

Not adopted. This provision is hardly necessary. See Section 83 (5) of the Bill.

*Section 20 (7)—Secret arrangements.*

Suggested by Toronto Board of Trade that it would be advisable to retain a specific provision of this nature.

Adopted. This is covered by section 159 (3) of the Bill.

*Section 30—Registration of receiving orders and assignments.*

Suggested by Toronto Board of Trade that a creditor be empowered to apply to court for an order compelling registration.

Not adopted. Section 43 (1) of the Bill provides that "Every receiving order... and every assignment... may be registered by or on behalf of the trustee..." and subsection (3) adds that "Where... for any reason a copy of the receiving order or assignment has not been registered as provided in subsection one, a caveat or caution may be lodged with the proper master or registrar by the trustee..." In other words, it is left to the discretion of the trustee. Section 30 of the Act is severe and even contains a penalty clause. Moreover, would not section 15 of the Bill offer the same protection. It enables the bankrupt or creditor aggrieved by an act or decision of the trustee to apply to the court to have it reviewed.

*Section 33—Correction of mistakes by court.*

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

Not adopted. Is such a provision necessary? Section 144 (5) of the Bill states: "Every court may review, rescind or vary any order made by it under its bankruptcy jurisdiction." Subsection (9) further provides that, "No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity..." Section 33 of the Act seems to conflict with this subsection which was identified as section 186 (1) in the Act. As stated in "Bankruptcy in Canada" (2nd ed. Duncan & Reilly): "This section (i.e. sec. 33) has been introduced from the Manitoba or the Ontario Assignments Act, and without due regard to sections 163 (4) and 186."