

Section 171—Repeal.

Suggested by Judge Urquhart that specific reference be made to the General Rules.

Not recommended. As any general rules enacted have been made pursuant to the Act and its amendments it would appear that section 171 of the Bill would be sufficient.

PENDING PROCEEDINGS

Suggested by Richard Beaudry, Joint Registrar in Bankruptcy, Montreal, that sections 173 and 174 of the May 4, 1948, printing be retained. They read as follows:

"173. Subject to the provisions of this Act, all persons holding appointments under The Bankruptcy Act are continued in their respective positions, and all Rules, Regulations and Orders made pursuant to the said Act are continued under this Act."

174. In respect of bankrupt estates under administration at the time this Act comes into force, interested persons shall retain all rights which they heretofore had, but the procedure prescribed in this Act shall apply.

Not adopted. Unnecessary. See sections 19 (1) (c), 19 (2) (a) and (c) of the Interpretation Act, R.S.C. 1927, C.I. The first and last of these have been quoted elsewhere. Section 19 (2) (a) reads:

If other provisions are substituted for those so repealed or revoked, then, unless the contrary intention appears, (a) all officers and persons acting under the Act, enactment or regulation so repealed or revoked shall continue to act, as if appointed under the provisions so substituted, until others are appointed in their stead.

Suggested by Toronto Board of Trade that provisions similar to section 168 (2) and (3) of the English Act be inserted.

Not adopted. See comments above.

SECTIONS OF ACT NOT FOUND IN BILL N.

Section 2 (b)—"Alimentary debt".

Suggested by Judge Urquhart that this definition be retained.

Not recommended. The expression "alimentary debts" previously only occurred once in the Act (section 18 (1)). Now it is not used at all. Section 18 (1) of the Act, now section 35 (2) of the Bill has been revised and co-ordinated with section 135 of the Bill which in turn does not recognize alimentary debts or provide for them. Section 135 corresponds to section 147 of the Act which, while it incorporated "any debt or liability for necessaries of life", did not employ the words "alimentary debts". In any event, this section has been completely changed.

Section 2 (h)—"Available act of bankruptcy".

Suggested by Judge Urquhart that this definition be retained.

Not recommended. It adds nothing as section 20 of the Bill specifies what are acts of bankruptcy and section 21 (1) (b) of the Bill states that for a petition in bankruptcy it must be established that "the debtor has committed an act of bankruptcy within six months next preceding the filing of the petition". See also comments on Page 27 of Duncan and Reilley.

Section 2 (v)—"judge".

Suggested by Judge Urquhart that this definition be retained.

Not recommended. It hardly seems necessary. The Bill speaks of "judges of the court" and we have "court" defined in (g).