

when the facts are in virtually every case completely within the knowledge of the party and the department has not got a chance in arriving at a determination of fact.

Now, there is the problem. If hon. members are not content we will be glad to hold this over from today's meeting until tomorrow's, and will welcome any concrete suggestions that hon. members may have. Mr. McEntyre can probably make a comment on any of these alternatives to the difficulties we are up against here which I think hon. members can see.

Mr. NUGENT: Well, I would suggest, Mr. Chairman, that if there is a specific provision there whereby the estate could prove that despite the blood relationship the shares were not treated or controlled in such a manner and were in fact unrelated minority shares even if the onus was on the shareholders to prove it you will make an inescapable conclusion in law.

Mr. FLEMING (*Eglinton*): Would this meet the situation, Mr. Chairman? I take it what he is suggesting is that the presumption that blood relationship does put the parties in the position of not being at arm's length might be regarded as a rebuttable presumption only rather than a presumption at law, and we might have the provisions standing on this basis, that if there is blood relationship, it may remain open to the parties notwithstanding that fact to establish—it will be up to them to satisfy the minister or upon appeal the board or court—that the parties were in fact dealing at arm's length.

Would that meet the point?

Mr. NUGENT: That is right.

Mr. FLEMING (*Eglinton*): If it is thought that would meet the point I certainly do not want to stand hard and firm on anything here. I think hon. members realize there is a real difficulty here and we want the help of the committee in writing the most fair and workable clause that we can.

Mr. CRESTOHL: Mr. Chairman, there was a remark yesterday that I should not put the department into the bond business. This I have no intention of doing but it might be an equitable way of dealing with shares that whilst the minority shareholder owns them they are of no value at all in the way of dividend distribution or in the way of any voting rights. They have no rights at all and yet those shares in the light of the majority shares may have a genuine value, but the deceased who held the majority shares actually leaves the estate nothing at all.

My suggestion is where such a situation develops if the department would consent to become the custodian of those shares until such time as they are sold or taken up by the majority shareholders, then the department is able to put a real value, an actual value on those shares in so far as they can be related to the estate.

I realize the difficulty but I think the department could be custodians and it might do the prejudiced minority shareholders some good if the minority shares went to the department as a custodian of those shares. It will certainly protect the minority shareholders and liquidate them in a year or two, three, or four and you have the real value of those shares.

Mr. FLEMING (*Eglinton*): I hope the committee will not propose to put the Department of National Revenue or the minister or the deputy minister of national revenue in that position. They should not be put in the position of being custodians of an estate. This is something brand new. I hope that suggestion will not be pressed.

Mr. JONES: It would be an infringement on civil rights in any event.

Mr. FLEMING (*Eglinton*): It is not as though the department is like the public trustee of the provinces and he is not the officer to take on that duty.