

Not adopted. Is it necessary? Does its omission create any particular problems?

Section 181—Affidavits.

Suggested by Toronto Board of Trade that a statement of the legal basis for affidavits be retained.

Not adopted. This hardly seems necessary. Affidavits are not restricted to the Bankruptcy Act.

Section 184—Computation of time.

Section 185—Service of Notices and documents.

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

Not adopted. However, the intention is to include them in the Rules.

Section 190—Power of court.

Suggested by Toronto Board of Trade that power of court be defined where alternate authority conferred on others.

Not adopted. The court would hardly presume to intervene.

Section 195(3)—Actions against Superintendent and others.

Suggested by Toronto Board of Trade that it is desirable to retain this provision which requires leave of the court.

Adopted. See section 169 of the Bill. However, it has been slightly modified as it was too broad in scope as worded in the Act.

MISCELLANEOUS—(TORONTO BOARD OF TRADE)

Advertising. A similar suggestion re "block publication" had been considered in connection with Bill A5 which provides that the Superintendent would publish the statutory notices in the *Canada Gazette*. It was thought that, if weekly lists could be published, this would result in uniformity, promptness and reduced costs. However, it was decided that the time element did not permit.

Trafficking. Three solutions are available: (1) If this office were to be furnished with positive proof, assurance is given that no time would be lost in taking effective action and notably by reporting to the Minister pursuant to section 3(8) of the Bill and recommending cancellation of the trustee's licence. (2) Attention is also drawn to section 160(f) of the Bill which makes it an offence for a trustee to solicit assignments and section 160(g) which similarly constitutes solicitation of proxies by a trustee an offence, both entailing severe penalties. (3) It has been suggested by the Board of Trade and by David Grobstein that a greater percentage of votes be required for the substitution of trustees. This plan has been adopted and, instead of an *ordinary* resolution of the creditors which is based upon a simple majority of the votes, the Bill provides (section 6(1)) that a *special* resolution is necessary. "Special resolution" is defined as "a resolution decided by a majority in number and three-fourths in value of the creditors with proven claims present, personally or by proxy, at a meeting of creditors and voting on the resolution."

Companies' Creditors Arrangement Act: See comments on section 38 (2).

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