bankruptcy act?—A. No. There is this difference. This is why the amendments are designed, or the regulations. Bankruptcy involves the control of a debtor's business and of his estate. It involves the interposition of a trustee, custodian or interim receiver, who checks, who looks after and takes control out of the hands of the company or of the debtor. We say that is one of the things that makes it bankruptcy, as you suggested, sir. We say, however, that we will not do that. We will give no control, nothing involving liability or obligation, but we will put up there a man who must be shown—to whom everything must be disclosed, who will preside at the creditors' meeting and who will see to it that the creditors get a fair break, without in any way taking over the debtor's estate.

Q. Yes, but you would, I think, in practice. That trustee which you visualize in such delicate terms would develop really into a receiver. He might not have the powers; but I am speaking of, in practice, the effect of it.—A. I do not know, sir.

Q. That is my conclusion.

Mr. BERTRAND: I might say that in practice the Companies' Creditors Arrangement Act is the major bankruptcy law.

The CHAIRMAN: May I say that the proceedings of the committee are being recorded, and it is very difficult to record it unless the members speak so that the reporters can hear them.

Mr. LANDERYOU: Is it the intention to have this printed for the members?

The CHAIRMAN: Yes. Gentlemen, is it your pleasure to hear a representative of the Dominion Mortgage and Investment Association?

Mr. VIEN: I move that we hear him, Mr. Chairman, I agree with Mr. Stevens that we are a fit afield; but the whole thing has developed in connection with discussion of this bill, and I think that it will be instructive for the officers of the Crown to have this record before them when they study the matter, and these gentlemen are here.

Mr. W. KASPAR FRASER, K.C., called.

The WITNESS: We feel that when this Act was passed in 1933—

By Hon. Mr. Stevens:

Q. Who are "we," please?—A. We are the Dominion Mortgage and Investment Association, and I would like to explain just who we are. We are an association with a representation—we have members consisting of the important insurance companies, loan companies and trust companies throughout Canada. We are here as investors. We have very substantial investments in bonds, companies of this sort; and we have had a great deal of experience in the last two years in connection with defaults and anticipated defaults, because we are called in to consult and advise upon plans, to criticize plans and to oppose plans that may not recommend themselves to members of our body as investors. In that way we have had a great deal of familiarity with the legislation that is available in this situation of default. When this Act was passed in 1933 it filled a gap there. But there was no provision at that time to enable reorganization of companies to be effected in certain situations, that is to say, where you did not want or did not have to have a receivership or a liquidation or a realization sale; and there were other situations too, which I will refer to. There is nothing new about this Act. It is in exactly the same terms as the English legislation that has been in force since 1870 and was made applicable to companies without requiring them to go into liquidation in 1907, so that you have almost 70 years of experience under that Act, which has been satisfactory in England and we feel ought to give