

[Translation]

SUSPENSION OF RULE 95

Senator Leblanc: With leave of the Senate and notwithstanding rule 45(1), I move that application of rule 95 be suspended in respect of Bill S-13, an Act to revive Montilac Limited and Socam Limited.

The Hon. the Speaker: Is there unanimous consent?

Some Hon. Senators: Agreed.

Senator Flynn: Honourable senators, I might mention for the record that this is urgent, in view of the fact that if this bill is not passed before December 15, there will be no way to revive these two companies after that date.

Motion agreed to.

TREMUS INDUSTRIES LIMITED—SECOND READING

Honourable Fernand-E. Leblanc moved the second reading of Bill S-14, to revive Tremus Industries Limited.

He said: Honourable senators, the purpose of this bill is similar to that of Bill S-13 which I just explained. It is to revive a company whose charter was cancelled by administrative action.

Tremus Industries Limited, with headquarters in Athelston, Province of Quebec, was incorporated in 1970 by letters patent issued under the Canada Corporations Act. This is an important industry engaged in the smelting and refining of precious metals in the Eastern Townships area.

In June, 1980, the petitioner decided to sell some of his shares in the company to another individual. In the course of completing the documentation arising out of that sale, it was discovered by the petitioner's lawyer that the company had been dissolved in 1979 for failure to file with the Department of Consumer and Corporate Affairs, for two consecutive years, the annual information returns required under the Canada Corporations Act.

The notices that were sent out requiring the filing of returns had been sent to a deceased director of the company, and as a consequence of this the notices never came to the attention of the other directors of the company.

A notice was also published in the *Canada Gazette* in March 1977. This notice, however, did not come to the attention of the officers of the company and they continued to carry on the business of the company, despite its dissolution and loss of corporate status.

To regularize its legal situation, the petitioner, Edward P. McGovern, now requests that the company be revived and be deemed not to have been dissolved.

Honourable senators, this company also faces a second dissolution if it is not revived and continued under the Canada Business Corporations Act before December 15, 1980. I provided an explanation earlier in this regard concerning Bill S-13.

When this bill has been read a second time, I shall move that it be referred to the Senate Committee on Legal and Constitutional Affairs for further study and that rule 95 be suspended with relation to this bill.

Motion agreed to and bill read the second time.

REFERRED TO COMMITTEE

Senator Leblanc moved that the bill be referred to the Senate Committee on Legal and Constitutional Affairs.

Motion agreed to.

SUSPENSION OF RULE 95

Senator Leblanc: Honourable senators, with leave of the Senate and notwithstanding rule 45(1)(a), I move that rule 95 be suspended with respect to Bill S-14, an Act to revive Tremus Industries Limited.

The Hon. the Speaker: Is leave granted?

Some Hon. Senators: Agreed.

Senator Frith: Honourable senators, do the reasons given earlier by the Leader of the Opposition also apply in the present case?

Senator Leblanc: This is exactly the same situation. If these companies are not revived before December 15 of this year, they will be dissolved a second time.

Senator Frith: Because of the provisions of the Canada Corporations Act?

Senator Leblanc: It is the new legislation.

Motion agreed to.

● (1520)

[English]

NOVA SCOTIA

OFFSHORE MINERAL RIGHTS—HISTORICAL FACTS—BRITISH COLUMBIA REFERENCE CASE—DEBATE ADJOURNED

Senator G. I. Smith rose pursuant to notice of Wednesday, July 9, 1980:

That he will call the attention of the Senate to some of the historical facts relevant to the claim of Nova Scotia to minerals off its shores which distinguish that claim from the British Columbia claim as dealt with by the Supreme Court of Canada in *Reference re Ownership of Offshore Mineral Rights* (the British Columbia Reference case), (1967) Supreme Court Reports, 792, and (1968) 65 Dominion Law Reports (2d), 353, and submit that the said decision does not decide the ownership of minerals off the shores of Nova Scotia.

He said: Honourable senators, I shall attempt this afternoon to relieve you of the threat which has been hanging over you now for some time of having to listen to me as I try to make this dissertation which is the second half of two installments,