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First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B.

An Act to amend the Exchequer Court Act.

Read a first time, Tuesday, 20th September, 1949

HONOURABLE SENATOR ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

44159

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B.

An Act to amend the Exchequer Court Act.

R.S., c. 34; 1928, c. 23; 1930, c. 17; 1932-33, c. 13; 1938, c. 28; 1943-44, c. 25; 1944-45, c. 3; 1946, c. 22; 1947, c. 33; 1947-48, c. 66.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section eighteen of the *Exchequer Court Act*, chapter thirty-four of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

Exclusive original jurisdiction of the Court.

"**18.** The Exchequer Court shall have exclusive original jurisdiction in all cases in which the land, goods or money of the subject are in the possession of the Crown, or in which the claim arises out of a contract entered into by or on behalf of the Crown."

2. Subsections one and two of section eighty-two of the said Act are repealed and the following substituted therefor:

Appeals to Supreme Court of Canada.

"**82.** (1) An appeal to the Supreme Court of Canada lies

(a) from a final judgment or a judgment upon a demurrer or point of law raised by the pleadings, and

(b) with leave of a judge of the Supreme Court of Canada, from an interlocutory judgment,

pronounced by the Exchequer Court in an action, suit, cause, matter or other judicial proceeding, in which the actual amount in controversy exceeds five hundred dollars.

Notice of appeal and deposit of security.

(2) An appeal under this section shall be brought by serving a notice of appeal on all parties directly affected and by depositing with the Registrar of the Supreme Court of Canada the sum of fifty dollars by way of security for costs; the notice of appeal with evidence of service thereof shall be filed with the Registrar of the Supreme Court of Canada and a copy of the notice shall be filed with the Registrar of the Exchequer Court.

Explanatory Notes.

1. The present section 18 reads as follows:

"**18.** The Exchequer Court shall have *exclusive original jurisdiction in all cases in which demand is made or relief sought in respect of any matter which might, in England, be subject of a suit or action against the Crown, and for greater certainty, but not so as to restrict the generality of the foregoing terms, it shall have* exclusive original jurisdiction in all cases in which the land, goods or money of the subject are in the possession of the Crown, or in which the claim arises out of a contract entered into by or on behalf of the Crown."

In view of the concluding words of the section and sections 19 and following, the words in italics above are unnecessary.

2. Subsections one and two of section eighty-two now read as follows:

"**82.** (1) Any party to any action, suit, cause, matter or other judicial proceeding, in which the actual amount in controversy exceeds five hundred dollars, who is dissatisfied with any final judgment, or with any judgment upon any demurrer or point of law raised by the pleadings, given therein by the Exchequer Court, in virtue of any jurisdiction now or hereafter, in any manner, vested in the Court and who is desirous of appealing against such judgment, may, within thirty days from the day on which such judgment has been given, or within such further time as a judge of such Court allows, deposit with the Registrar of the Supreme Court the sum of fifty dollars by way of security for costs.

(2) The Registrar shall thereupon set the appeal down for hearing by the Supreme Court at the nearest convenient time according to the rules in that behalf of the Supreme Court, and the party appealing shall within ten days after the said appeal has been so set down as aforesaid, or within such other time as the Court or a judge thereof shall allow, give to the parties affected by the appeal, or their respective attorneys or solicitors, by whom such parties were represented before the Exchequer Court, a notice in writing that the case has been so set down to be heard in appeal as aforesaid, and the said appeal shall thereupon be heard and determined by the Supreme Court."

The purpose of the proposed amendment is to extend the time for appealing to sixty days, to authorize appeals from interlocutory judgments and to simplify the procedure in appeals.

Time for service.

(2a) The notice of appeal shall be served and filed and the security shall be deposited within sixty days (in the calculation of which July and August shall be excluded) from the signing or entry or pronouncing of the judgment appealed from or within such further time as a judge of the Exchequer Court, or in the case of an appeal from an interlocutory judgment a judge of the Supreme Court of Canada, may either before or after the expiry of the said sixty days fix or allow."

3. Section eighty-five of the said Act is repealed and the following substituted therefor:

Crown not obliged to make deposit.

"**85.** If the appeal is by or on behalf of the Crown no deposit shall be necessary."

Practice and procedure.

4. Paragraph *(a)* of subsection one of section eighty-seven of the said Act, as enacted by section five of chapter twenty-three of the statutes of 1928, is repealed and the following substituted therefor:

"*(a)* for regulating the practice and procedure of and in the Exchequer Court, including, without restricting the generality of the foregoing,

(i) rules providing for the examination for discovery, in a proceeding to which the Crown is a party, of a departmental or other officer of the Crown, and

(ii) rules providing for the medical examination of a person in respect of whose injury a claim is made;"

3. The present section eighty-five reads as follows:—

"**85.** If the appeal is by or on behalf of the Crown no deposit shall be necessary, *but the person acting for the Crown shall file with the Registrar of the Supreme Court a notice stating that the Crown is dissatisfied with such decision, and intends to appeal against the same, and thereupon the like proceedings shall be had as if such notice were a deposit by way of security for costs.*"

The proposed amendment to section eighty-two renders the words in italics above unnecessary.

4. The present paragraph *(a)* of subsection one of section eighty-seven reads as follows:

"**87.** (1) The Judges of the Court may, from time to time, make general rules and orders.

(a) for regulating the practice and procedure of and in the Exchequer Court;"

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C.

An Act to amend the Department of Justice Act.

Read a first time, Tuesday, 20th September, 1949.

Honourable Senator Robertson.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

44155

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C.

An Act to amend the Department of Justice Act.

R.S., c. 106.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section three of the *Department of Justice Act*, chapter one hundred and six of the Revised Statutes of Canada, 1927, is amended by adding thereto, immediately after subsection one thereof, the following subsection:

Deputy Attorney General.

"(1*a*) The Deputy Minister of Justice shall *ex officio* be the Deputy Attorney General."

Explanatory Note.

The Minister of Justice of Canada is *ex officio* the Attorney General of Canada. The purpose of this amendment is to make it clear that the Deputy Minister of Justice is also the Deputy Attorney General.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D.

An Act to amend the Criminal Code.

Read a first time, Wednesday, 21st September, 1949.

Honourable Senator ROBERTSON

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

44970

R.S., c. 36; 1930, c. 11; 1931, c. 28; 1932, cc. 7, 8, 9, 28; 1932-33, cc. 25, 53; 1934, cc. 11. 47; 1935, cc. 36, 56; 1936, c. 29; 1938, c. 44; 1939, c. 30; 1943-44, c. 23; 1944-45, c. 35; 1946, cc. 5, 20; 1947, cc. 31, 55; 1947-48, cc. 39, 40.

THE SENATE OF CANADA

BILL D.

An Act to amend the Criminal Code.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. (1) Paragraph (1) of subsection one of section two of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

"any Act" "any other Act".

"(1) 'any Act,' or 'any other Act,' includes any Act passed or to be passed by the Parliament of Canada, or any Act passed by the legislature of the late province of Canada, or passed or to be passed by the legislature of any province of Canada, or passed by the legislature of any province of Canada before it was included therein;"

(2) Paragraph seven of subsection one of section two of the said Act, as amended by section one of chapter twenty-eight of the statutes of 1931 and by section one of chapter twenty-three of the statutes of 1943-44, is further amended by adding thereto immediately after subparagraph *(i)* the following:

"Court of Appeal".

"*(ii)* in the province of Newfoundland, the Supreme Court of Newfoundland constituted by any two or by the three judges thereof,"

(3) Subparagraph (c) of paragraph thirty-eight of subsection one of section two of the said Act is repealed and the following substituted therefor:

"Superior Court of criminal jurisdiction".

"*(c)* in the provinces of Nova Scotia, New Brunswick, Alberta and Newfoundland, the Supreme Courts of the said provinces respectively,"

2. Subsection one of section seven hundred and forty-nine of the said Act, as amended by section six of chapter fifty-three of the statutes of 1932-33, by sections thirteen and fourteen of chapter twenty-nine of the statutes of 1936

Explanatory Notes.

1. The purpose of these amendments is to adapt the Criminal Code to Newfoundland.

Paragraph (1) now reads:

> "(1) 'any Act,' or 'any other Act,' includes any Act passed or to be passed by the Parliament of Canada, or any Act passed by the legislature of the late province of Canada, or passed or to be passed by the legislature of any province of Canada, or passed by the legislature of any province *now a part* of Canada before it was included therein;"

The Interpretation Act provides that the word "now" refers to the date of Royal Assent.

The amendment to paragraph (7) is for the purpose of defining the expression "Court of Appeal" for the province of Newfoundland.

The amendment to paragraph (38) (c) is for the purpose of defining the expression "Superior Court of criminal jurisdiction" as used in the Criminal Code in its application to Newfoundland.

2. The purpose of this amendment is to specify to what court in Newfoundland an appeal may be taken in a summary conviction matter to which the Criminal Code applies.

and by section four of chapter thirty-five of the statutes of 1944-45, is further amended by adding thereto, immediately after paragraph *(h)* thereof, the following:

Newfoundland.

"*(i)* in the province of Newfoundland, to the Supreme Court."

3. Paragraph (a) of subsection one of section seven hundred and seventy-one of the said Act is amended by adding thereto, immediately after subparagraph (iv) thereof, the following:

"magistrate".

"(iva) in the province of Newfoundland, any judge of a district court, any stipendiary magistrate, any two justices sitting together, and any functionary or tribunal having the powers of two justices,"

4. Subsection one of section seven hundred and seventy-four of the said Act, as enacted by section thirty-nine of chapter forty-four of the statutes of 1938 and amended by section nineteen of chapter thirty of the statutes of 1939 and by sections sixteen and seventeen of chapter twenty-three of the statutes of 1943-44, is further amended by deleting the word "or" at the end of paragraph *(g)* thereof, by adding the word "or" at the end of paragraph *(h)* thereof and by adding thereto, immediately after the said paragraph *(h)*, the following:

Summary trial in certain cases.

"*(i)* in the province of Newfoundland before a stipendiary magistrate;"

5. Paragraph *(c)* of subsection one of section seven hundred and seventy-seven of the said Act, as enacted by section eighteen of chapter twenty-three of the statutes of 1943-44, is repealed and the following substituted therefor:

Absolute jurisdiction in certain cases.

"*(c)* In the provinces of Ontario, British Columbia, Prince Edward Island, Manitoba, Saskatchewan, Alberta, Newfoundland and in the Northwest Territories and the Yukon Territory and the cities of St. John, Fredericton and Moncton in the province of New Brunswick, and any county in the province of New Brunswick for which a magistrate has been appointed, where any person is charged with an offence mentioned in any of the paragraphs of section seven hundred and seventy-three except paragraph *(h)*."

6. Paragraph *(a)* of section eight hundred and twenty-three of the said Act, as amended by section twenty-four of chapter eleven of the statutes of 1930, is further amended by adding thereto, immediately after subparagraph (vi) thereof, the following subparagraph:

"judge".

"(vii) in the province of Newfoundland, any judge of the Supreme Court;"

3. The purpose of this amendment is to define for Newfoundland the expression "magistrate" as used in Part XVI of the Criminal Code.

4. The purpose of this amendment is to specify the kind of magistrate who, in Newfoundland, may exercise under Part XVI of the Criminal Code the jurisdiction to try indictable offences with the consent of the accused that is conferred by section seven hundred and seventy-four.

5. The purpose of this amendment is to extend to Newfoundland the provisions of paragraph (c) of subsection (1) of section seven hundred and seventy-seven whereby magistrates are given absolute jurisdiction without the consent of the accused to try certain indictable offences.

6. The purpose of this amendment is to specify before what judges in Newfoundland an accused may elect speedy trial under Part XVIII of the Criminal Code.

7. Section one thousand and fifty-six of the said Act, as amended by section thirty-three of chapter fifty-five of the statutes of 1947, is further amended by adding thereto, immediately after paragraph *(d)* thereof, the following:

"penitentiary".

"*(e)* the word 'penitentiary' as first used in this section does not include the penitentiary mentioned in section thirty-seven of *The Statute Law Amendment (Newfoundland) Act*, chapter six of the statutes of 1949."

8. Section forty-four of An Act to amend the *Criminal Code*, chapter thirty-nine of the statutes of 1947-48, is repealed and the following substituted therefor:

Coming into force.

"**44.** This Act shall come into force on the first day of November, one thousand nine hundred and forty-eight, except section thirty-five thereof which shall come into force on a day to be fixed by proclamation of the Governor in Council."

7. Section one thousand and fifty-six provides that an offender who is sentenced to a term of less than two years may not be sentenced to a "penitentiary". It is proposed, however, that the institution maintained by the Newfoundland Government at St. John's for the confinement of prisoners will continue for some time to be used, as in the past, for the confinement of prisoners whether sentenced to less or more than two years in prison. Since this institution is sometimes referred to as a "penitentiary" it is necessary to make it clear that section one thousand and fifty-six does not forbid the confinement in this institution of offenders sentenced to less than two years.

8. The purpose of this amendment is to defer the coming into force of Part XVI of the Criminal Code, as enacted by chapter thirty-nine of the Acts of 1948. Section 44 of the said chapter thirty-nine provided that the new Part XVI would come into force on the first of October, one thousand nine hundred and forty-nine. A number of provinces, however, have requested that the coming into force of the new Part XVI be further deferred and for this purpose the section is being amended to provide that section 35 of said chapter thirty-nine which enacts the new Part XVI shall not come into force until proclaimed by the Governor in Council.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E.

An Act to incorporate Alberta Natural Gas Company.

Read a first time, Wednesday 28th September, 1949.

Honourable Senator Turgeon.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

44394

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E.

An Act to incorporate Alberta Natural Gas Company.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. John Joseph Connolly, one of His Majesty's counsel, Alastair Macdonald, one of His Majesty's counsel, both of the city of Ottawa, in the province of Ontario, and Arthur Gerald Logan, of the city of Wilmington, in the state of Delaware, United States of America, attorney at law, together with such persons as may become shareholders in the Company, are incorporated under the name Alberta Natural Gas Company, hereinafter called "the Company".

Corporate name

Provisional directors.

2. The persons named in section one of this Act shall be the first directors of the Company.

Capital.

3. The capital stock of the Company shall consist of one million two hundred and fifty thousand shares of the par value of ten dollars per share.

Head office and other offices.

4. (1) The head office of the Company shall be at the city of Edmonton, in the province of Alberta, which head office shall be the domicile of the Company in Canada; and the Company may establish such other offices and agencies elsewhere within or without Canada as it deems expedient.

(2) The Company may, by by-law, change the place within Canada where the head office of the Company is to be situate.

(3) No by-law for the said purpose shall be valid or acted upon until it is sanctioned by at least two-thirds of the votes cast at a special meeting of the shareholders duly called for considering the by-law and a copy of the by-law certified under the seal of the Company has been filed with the Secretary of State and published in *The Canada Gazette*.

General Pipe Line Act to apply.

5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of any general legislation relating to pipe lines for the transportation of gas or oil and any liquid or gaseous products or by-products thereof which is enacted by Parliament.

6. The Company, subject to the provisions of any general legislation relating to pipe lines for the transportation of gas or oil or any gaseous or liquid products or by-products thereof which is enacted by Parliament, may

Power to construct and operate pipe lines.

(a) within or outside Canada construct, purchase, lease, or otherwise acquire and hold, develop, operate, maintain, control, lease, mortgage, create liens upon, sell, convey or otherwise dispose of and turn to account any and all interprovincial and/or international pipe lines and all appurtenances relative thereto for gathering, processing, transmitting, transporting, storing, and delivering, natural and artificial gas and other gaseous or liquid hydrocarbons, and purchase, or otherwise acquire, process, transmit, transport, and sell or otherwise dispose of and distribute natural and artificial gas and other gaseous or liquid hydrocarbons, and own, lease, sell, operate, and maintain aircraft and aerodromes for the purpose of its undertaking, together with the facilities required for the operation of such aircraft and aerodromes; and own, lease, operate and maintain interstation telephone, teletype and telegraph communication systems and subject to *The Radio Act, 1938*, and any other statute relating to radio, own, lease, operate and maintain interstation communication facilities;

Power to hold real and personal property.

(b) purchase, own, lease or otherwise acquire and develop and turn to account and sell, deal in and dispose of real and personal property of whatsoever nature used or capable of being used in connection with its undertaking; and

Ancillary powers.

(c) exercise as ancillary and incidental to the purposes or objects set forth in this Act, the powers following, unless such powers or any of them are expressly excluded by this Act, namely, the powers set forth in paragraphs *(a)* to *(bb)* inclusive of subsection one of section fourteen of *The Companies Act, 1934*.

1934, c. 33.

1934, c. 33.

7. The provisions of sections 39, 40, 59, 62, 63, 64, 65 and 91 of Part I of *The Companies Act, 1934*, apply to the Company, provided that wherever in the said section fifty-nine the words "letters patent" or "supplementary letters patent" appear, the words "Special Act" shall be substituted therefor.

1934, c. 33.

8. Sections 158, 163, 180 and 190 of Part III of *The Companies Act, 1934*, shall not be incorporated with this Act.

When redemption or purchase not a reduction of paid-up capital.

9. The redemption or purchase for cancellation of any fully paid preferred shares created by by-law pursuant to the provisions of this Act, in accordance with any right of redemption or purchase for cancellation reserved in favour of the Company in the provision attaching to such preferred shares, or the redemption or purchase for cancellation of any fully paid shares of any class, not being common or ordinary shares, and in respect of which the by-laws provide for such right of redemption or purchase, in accordance with the provisions of such by-laws, shall not be deemed to be a reduction of the paid-up capital of the Company, if such redemption or purchase for cancellation is made out of the proceeds of an issue of shares made for the purpose of such redemption or purchase for cancellation, or if,

(a) no cumulative dividends, on the preferred shares or shares of the class in respect of which such right of redemption or purchase exists and which are so redeemed or purchased for cancellation, are in arrears; and

(b) if such redemption or purchase for cancellation of such fully paid shares is made without impairment of the Company's capital by payments out of the ascertained net profits of the Company which have been set aside by the directors for the purposes of such redemption or of such purchase for cancellation, and if such net profits are then available for such application as liquid assets of the Company, as shown by the last balance sheet of the Company, certified by the Company's auditors, and being made up to a date not more than ninety days prior to such redemption or purchase for cancellation, and after giving effect to such redemption or purchase for cancellation;

And subject as aforesaid, any such shares may be redeemed or purchased for cancellation by the Company on such terms and in such manner as is set forth in the provisions attaching to such shares, and the surplus resulting from such redemption or purchase for cancellation shall be designated as a capital surplus, which shall not be reduced or distributed by the Company except as provided by a subsequent Act of the Parliament of Canada.

Commission on subscription.

10. The Company may pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company, or procuring or agreeing, to procure subscriptions, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company: Provided, however, that as regards shares, such commission shall not exceed ten per centum of the amount realized therefrom.

Proviso.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F.

An Act respecting Bankruptcy.

Read a first time, Tuesday, 4th October, 1949.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45890

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F.

An Act respecting Bankruptcy.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as the *Bankruptcy Act, 1949*.

*INTERPRETATION.

Definitions.

2. In this Act,

"affidavit".

(a) "affidavit" includes statutory declaration and affirmation; *(a)*

"assignment".

(b) "assignment" means an assignment filed with the official receiver; *(c)*

"bankrupt".

(c) "bankrupt" means a person who has made an assignment or against whom a receiving order has been made or the legal status of such a person; *(i)*

"bankruptcy".

(d) "bankruptcy" means the state of being bankrupt or the fact of becoming bankrupt; *(j)*

"claim provable in bankruptcy".

(e) "claim provable in bankruptcy" or "provable claim" or "claim provable" includes any claim or liability provable in proceedings under this Act by a preferred, secured or unsecured creditor; *(q)*

"corporation".

(f) "corporation" includes any company incorporated or authorized to carry on business by or under an Act of the Parliament of Canada or of any of the provinces of Canada, and any incorporated company, wheresoever incorporated, that has an office in or carries on business within Canada, but does not include building societies having a capital stock, nor incorporated banks, savings banks, insurance companies, trust companies, loan companies or railway companies; *(d)*

"court".

(g) "court" means the court having jurisdiction in bankruptcy or a judge thereof and includes a registrar when exercising the powers of the court conferred upon him under this Act; *(e)*

* The definitions are arranged alphabetically. At the end of each is found the letter of the corresponding definition in the French version of this Act, the alphabetical order being necessarily different in the two languages.

2. *(a)* No change.

(b) The distinction between "an assignment" and an "authorized assignment" is unnecessary. The word "authorized" may well be eliminated throughout the Act. The words "filed with" are substituted for the words "accepted and filed by".

The former paragraph *(b)* has been deleted. It read as follows:

"*(b)* 'alimentary debt' means a debt incurred for necessaries or maintenance;"

(c) This is a new definition. It is introduced to avoid the repetition of the phrase "who has made an authorized assignment or against whom a receiving order has been made" wherever it occurs in the Act.

The former paragraph *(c)* has been deleted. It read as follows:

"*(c)* 'appeal court' means the court having jurisdiction in bankruptcy, under this Act, on appeal;"

(d) This is a new definition. It is introduced for the same reason as paragraph *(c)* immediately above.

The former paragraph *(d)* has been deleted as confusing and unnecessary. It read as follows:

"*(d)* 'assignment' includes conveyance;"

(e) Formerly 2*(o)*. The word "debt" has been replaced by "claim" and the words underlined in the last two lines have been substituted for "by this Act made provable in bankruptcy or in proceedings under an authorized assignment". The purpose of the latter change is to simplify and clarify the definition.

The former paragraph *(e)* has been deleted. It read as follows:

"*(e)* 'assignor' means the maker of an assignment, whether under this Act such maker may lawfully make such assignment or such assignment may lawfully be made, or not;"

(f) Formerly 2 *(k)*. No change.

The former paragraph *(f)* has been deleted in view of the definition of an assignment contained in paragraph *(b)* above. It read as follows:

"*(f)* 'authorized assignment' means an assignment accepted and filed by the Official Receiver;"

(g) Formerly 2(*l*). The former definition was as follows:

"(*l*) 'court' or 'the court' means the court which is invested with original jurisdiction in bankruptcy under this Act;"

The purpose of the change is to widen the definition to include judges and registrars.

The former paragraph *(g)* has been deleted. The term "assignor" or "authorized assignor" is no longer employed, all persons in bankruptcy being designated as "bankrupts". The paragraph read as follows:

"*(g)* 'authorized assignor' means an insolvent assignor whose debts provable under this Act exceed five hundred dollars;"

'creditor". *(h)* "creditor" means a person having a claim, preferred, secured or unsecured, provable as a claim under this Act; *(f)*

"debtor". *(i)* "debtor" includes an insolvent person and any person who, at the time an act of bankruptcy was committed by him, resided or carried on business in Canada and, where the context requires, includes a bankrupt; *(h)*

"insolvent person". *(j)* "insolvent person" means a person who is not bankrupt and who resides or carries on business in Canada, whose liabilities to creditors provable as claims under this Act amount to one thousand dollars, and

(i) who is for any reason unable to meet his obligations as they generally become due, or

(ii) who has ceased paying his current obligations in the ordinary course of business as they generally become due, or

(iii) the aggregate of whose property is not, at a fair valuation, sufficient, or, if disposed of at a fairly conducted sale under legal process, would not be sufficient to enable payment of all his obligations, due and accruing due; *(n)*

"locality of a debtor". *(k)* "locality of a debtor" means the principal place

(i) where the debtor has carried on business during the year immediately preceding his bankruptcy;

(ii) where the debtor has resided during the year immediately preceding his bankruptcy;

(iii) in cases not coming within subparagraph (i) or (ii), where the greater portion of the property of such debtor is situate; *(k)*

(h) The former definition, 2 *(m)*, was as follows:

"*(m)* 'creditor' with relation to any meeting held under authority of this Act, shall, in the case of a corporation, include bondholder, debenture holder, shareholder and member of the corporation;"

The former paragraph *(h)* has been deleted. It read as follows:

"*(h)* 'available act of bankruptcy' means an act of bankruptcy committed within six months before the date of
(i) the presentation of a bankruptcy petition, or
(ii) the making of an authorized assignment, or
(iii) the payment, delivery, conveyance, assignment, transfer, contract, dealing or transaction mentioned in section sixty-five;"

(i) This is a new definition and replaces the former paragraph *(p)* which read as follows:

"*(p)* 'debtor' includes any person, whether a British subject or not, who, at the time when any act of bankruptcy was done or suffered by him, or any authorized assignment was made by him
(i) was personally present in Canada, or
(ii) ordinarily resided or had a place of residence in Canada, or
(iii) was carrying on business in Canada personally or by means of an agent or manager, or
(iv) was a corporation or a member of a firm or partnership which carried on business in Canada;"

The former paragraph *(i)* is unnecessary and has been deleted. It read as follows:

"*(i)* 'bank' or 'chartered bank' means an incorporated bank carrying on the business of banking under the *Bank Act*;"

(j) Formerly 2*(u)* which read in part as follows: " 'insolvent person' and 'insolvent' includes a person, whether or not he has done or suffered an act of bankruptcy".

The former paragraph *(j)* is unnecessary and has been deleted. It read as follows:

"*(j)* 'banker' includes any person owning, conducting or in charge of any bank or place where money or securities for money are received upon deposit or held subject to withdrawal by depositors;"

(k) This was formerly paragraph *(y)*. No substantial change.

"Minister". *(l)* "Minister" means the Minister of Justice; *(l)*

"person". *(m)* "person" includes a partnership, an unincorporated association, a corporation, a co-operative society or organization, the successors of such partnership, association, corporation, society or organization, and the heirs, executors, administrators or other legal representative of a person, according to the law of that part of Canada to which the context extends; *(m)*

"prescribed". *(n)* "prescribed" means prescribed by General Rules; *(o)*

"property". *(o)* "property" includes money, goods, things in action, land, and every description of property, whether real or personal, movable or immovable, legal or equitable, and whether situate in Canada or elsewhere and includes obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, in, arising out of, or incident to property; *(b)*

"proposal". *(p)* "proposal" includes a proposal for a composition, for an extension of time, or for a scheme of arrangement; *(p)*

"resolution". *(q)* "resolution" or "ordinary resolution" means a resolution carried in manner provided by section eighty-one; *(r)*

"secured creditor". *(r)* "secured creditor" means a person holding a mortgage, hypothec, pledge, charge, lien or privilege on or against the property of the debtor or any part thereof as security for a debt due or accruing due to him from the debtor, or a person whose claim is based upon, or secured by, a negotiable instrument held as collateral security and upon which the debtor is only indirectly or secondarily liable; *(g)*

"sheriff". *(s)* "sheriff" includes bailiff and any officer charged with the execution of a writ or other process under this Act or any other Act or proceeding with respect to any property of a debtor; *(t)*

(l) This was formerly paragraph *(mm)*, which read as follows:

"*(mm)* 'Minister' means the Minister of Finance;"

(m) This was formerly paragraph *(cc)* but has been extended to include cooperatives or similar organizations carrying on business.

(n) This was formerly paragraph *(ee)*. No change.

The former paragraph *(n)* is unnecessary and has been deleted as the position of custodian is now eliminated. It read as follows:

"*(n)* 'custodian' means the person duly authorized to exercise the functions of custodian for the time being;"

(o) Formerly paragraph *(ff)*. No change.

(p) This is a new definition which has been inserted with a view to eliminating much needless repetition of words.

(q) This was formerly paragraph *(bb)* and has been combined with the former paragraph *(hh)*.

The former paragraph *(q)* is unnecessary and has been deleted. It read as follows:

"*(q)* 'discharge' means the release of a bankrupt or authorized assignor from all his debts provable in bankruptcy or under an authorized assignment save such as are excepted by this Act;"

(r) Formerly paragraph (*ii*). No change.

The former paragraph *(r)* has been deleted as the expression has been abandoned. It read as follows:

"*(r)* 'gazetted' means published in the *Canada Gazette;*"

(s) This was formerly paragraph *(jj)*. The words "under this Act or any other Act or proceeding with respect to any property of a debtor" have been added to make the definition include bailiffs and other officers acting in all forms of judicial and extrajudicial process.

The former paragraph *(s)* has been transferred to section 166(3).

"special resolution".

(t) "special resolution" means 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; *(s)*

"Superintendent".

(u) "Superintendent" means the Superintendent of Bankruptcy; *(u)*

"trustee". "licensed trustee".

(v) "trustee" or "licensed trustee" means a person who is licensed or appointed under this Act. *(v)*

(t) This is a new definition and is similar to the definition in the English Act.

The former paragraph *(t)* is confusing in view of the definition of "property" and has therefore been deleted. It read as follows:

"*(t)* 'goods' includes all chattels personal and movable property;"

(u) This was formerly paragraph *(nn)*. No change.

(v) This was formerly paragraph *(kk)*. The following words at the end of the definition have been deleted as being unnecessary: "as a trustee in bankruptcy or under an authorized assignment or in connection with a proposal by a debtor for a composition, extension or scheme of arrangement".

The former paragraph *(v)* is unnecessary and has been deleted. It read as follows:

"*(v)* 'judge' means a judge of the court, which is by this Act invested with original jurisdiction in bankruptcy;"

The former paragraph *(w)* has been transferred to section 41(3).

The former paragraphs *(x)*, *(z)*, *(aa)*, *(dd)* and *(gg)* are unnecessary and have been deleted. They read as follows:

"*(x)* 'local newspaper' means a newspaper published in and having a circulation throughout the bankruptcy district or division which includes the locality of the debtor;"

"*(z)* 'oath' includes affirmation and statutory declaration;"

"*(aa)* 'Official Receiver' means the person having authority in the locality of the debtor to exercise the functions of the official receiver for the time being;"

"*(dd)* 'petition' means petition in bankruptcy;"

"*(gg)* 'registrar' includes any other officer who performs duties like to those of a registrar;"

The former paragraph *(ll)* has also been deleted. It is incorporated in section 25. The paragraph read as follows:

"*(ll)* 'wage-earner' means one who works for wages, salary, commission or hire at a rate of compensation not exceeding fifteen hundred dollars per year, and who does not on his own account carry on business;"

PART I.

Administrative Officials.

Superintendent.

Appointment.

3. (1) The Governor in Council shall appoint a Superintendent of Bankruptcy to hold office during pleasure and who shall be paid such salary as the Governor in Council may fix.

Extent of supervision.

(2) The Superintendent shall supervise the administration of all estates to which this Act applies.

3. This was formerly section 36A which read as follows:

"**36A.** (1) The Governor in Council may appoint an officer to be called the Superintendent of Bankruptcy who shall hold office during pleasure and who shall be paid such salary as may be authorized.

(2) The Superintendent shall supervise, as herein provided, the administration of all bankrupt or insolvent estates to which this Act applies, except estates administered under section thirty-five hereof.

(3) The Superintendent shall

(a) keep a record of every application for licence received by him in cases where licences have been granted, and of the appointment of custodians and trustees pursuant to subsection eight of section thirty-six, and shall

(b) enter in a book under the name of the person licensed the name of every insolvent debtor in respect of whose estate such licensee is appointed as trustee, the value from time to time of the assets in the hands of the licensee, and particulars of the security deposited by such licensee;

(c) in each case before the renewal of any licence, make a report to the Minister that the application should or should not in his opinion be granted, giving his reasons therefor;

(d) keep a record of the licences as they are issued;

(e) from time to time make or cause to be made such inspection of the administration of estates as he deems expedient;

(f) require each licensee under this Act from time to time either to increase or decrease the security deposited with the Superintendent to such extent as the Superintendent may from time to time determine;

(g) receive and keep a record of all complaints from any creditor or other person interested in any bankrupt or insolvent estate coming under the jurisdiction of the Superintendent, and make such specific investigations with regard to such complaints as the Superintendent may determine, and report to the Minister thereon;

(h) make a report to the Minister after any investigation by the Superintendent or any one on his behalf, if it should appear that any licensee under this Act has not fully complied with the law with regard to the proper administration of any bankrupt or insolvent estate together with such recommendations to the Minister as the Superintendent may deem advisable or expedient;

(i) make such report to the court in connection with any application by a debtor or a trustee for his discharge as the Superintendent sees fit.

(4) The Minister, after consideration of any report received by him from the Superintendent and after a reasonable time has been given to the licensee to be heard by him, and upon such further inquiry and investigation as he deems proper to make, may suspend or cancel the licence of any licensee, and in such case shall direct that such licensee be removed as trustee of all bankrupt or insolvent estates being administered by such licensee, and may appoint some other licensee to act as trustee in the place or stead of the trustee whose licence has been suspended or cancelled. The trustee so appointed by the Minister shall continue to act as trustee until removed or replaced by the Court or the creditors under this Act.

(5) Such employees as are required to assist the Superintendent to perform his functions under this Act shall be appointed according to the provisions of the *Civil Service Act*."

Duties of Superintendent.

(3) The Superintendent shall, without limiting the authority conferred in subsection two,

(a) receive applications for licences and renewals thereof to act as trustees under this Act, and, as authorized by the Minister, issue licences and renewals thereof to such persons whose applications have been approved;

(b) keep a record of all licences granted and of the renewals thereof as they are issued;

(c) where not otherwise provided for, require the deposit of one or more continuing guaranty bonds for the due accounting of all property received by trustees and for the due and faithful performance by them of their duties in the administration of estates to which they are appointed, in such amount as the Superintendent may determine, which amount may be increased or decreased as he may deem expedient; the security shall be in a form satisfactory to the Superintendent and may be enforced by the Superintendent for the benefit of the creditors;

(d) keep such records as he may deem advisable of proceedings under this Act;

(e) from time to time make or cause to be made such inspection or investigation of estates as he may deem expedient and for the purpose of the inspection or investigation the Superintendent or any person appointed by him for the purpose shall have access to and the right to examine all books, records, documents and papers pertaining or relating to any estate;

(f) receive and keep a record of all complaints from any creditor or other person interested in any estate and make such specific investigations with regard to such complaints as the Superintendent may determine;

(g) examine trustees' accounts of receipts and disbursements and final statements.

Superintendent may intervene.

(4) The Superintendent may intervene in any matter or proceeding in court as he may deem expedient as though he were a party thereto.

Outside investigations.

(5) The Superintendent may engage such accountants or other persons as he may deem advisable to conduct any inspection or investigation or to take any other necessary action outside of the office of the Superintendent, and the cost and expenses thereof shall, when certified by the Superintendent, be payable out of the appropriation for the office of the Superintendent.

(3) *(a)* and *(b)* These are summarized redrafts of the former subsections (3) *(a)*, *(b)*, *(c)* and *(d)* covering the essential requirements therein.

(c) This was formerly subsection (3) *(f)* which has been revised and extended so as to set out more explicitly the duty of the Superintendent in regard to the security to be furnished by trustees and further authorizing the Superintendent to enforce the security as occasion arises.

(d) This is a new paragraph. The present provisions provide only for the keeping of records with respect to the issue of licences. Records relating to the result of the administration of estates are of more importance. It cannot be set out in sufficient detail exactly what such records should be.

(e) The former paragraph has been extended to remove any doubt as to the authority of the Superintendent when making inspections or investigations. It also contains substantively the provisions of former section 157 (2) which are accordingly deleted and which read as follows:

> "**157.** (2) The Superintendent or any person appointed by him for such purpose shall have access to all books, records, documents and papers connected with the estate of any bankrupt or authorized assignor, kept by any registrar, clerk or officer in bankruptcy."

(f) This was formerly subsection (3) *(g)*. No material change.

(g) This is a new paragraph creating express authority for the examination of trustees' statements.

(4) This is a new subsection. This additional power is deemed necessary to see that proper facts and information are placed before the court.

(5) This was formerly Rule 174 slightly amended. It read as follows:

> "*Rule* **174.** The Superintendent may engage such chartered accountants or other persons as he may deem advisable to conduct any inspection or investigation or to take any other necessary action outside of the office of the Superintendent, and the cost and expenses thereof shall, when certified by the Superintendent, be payable out of the appropriation for the office of the Superintendent of Bankruptcy".

Superintendent may examine bank account.

(6) The Superintendent or anyone duly authorized by him in writing on his behalf is entitled to have access to and to examine and make copies of the banking accounts of a trustee in which estate funds may have been deposited, and, when required, all deposit slips, cancelled cheques or other documents relating thereto in the custody of the bank or the trustee shall be produced for examination.

Superintendent may examine private records and documents.

(7) The Superintendent or any one duly authorized by him in writing on his behalf may with the leave of the court examine the private books, records, documents and bank accounts of a trustee or any other person designated in the order granting such leave for the purpose of tracing or discovering the property or funds of an estate when there are reasonable grounds to believe or suspect that the property or funds of an estate have not been properly disclosed or dealt with and for such purpose may under a warrant from the court enter upon and search any premises.

Report to Minister.

(8) When any investigation has been made by the Superintendent or any one on his behalf, and it appears that any licensee under this Act has not performed his duties properly or has been guilty of any improper conduct or has not fully complied with the law with regard to the proper administration of any estate, the Superintendent may make a report to the Minister together with such recommendations to the Minister as the Superintendent may deem advisable.

Superintendent may require estate funds to be remitted for safe-keeping.

(9) Where an estate is left without a trustee by death, removal or incapacity or by non-renewal of the trustee's licence, the Superintendent for the protection of the estate may require the funds to the credit of the estate on deposit in a bank or elsewhere to be remitted to the Superintendent for deposit with the Receiver General to the credit of the estate pending the appointment of a trustee. The requisition of the Superintendent shall state the fact as to death, removal, incapacity or non-renewal of licence and shall be conclusive evidence thereof in favour of the bank or other depository acting thereon and upon remission to the Receiver General of such funds the liability of the bank or other depository in respect of the debt represented by the funds so remitted shall cease and determine.

Appointment of employees.

(10) Such employees as are required to assist the Superintendent to perform his functions under this Act shall be appointed according to the provisions of the *Civil Service Act*.

(6) This is a new subsection. On various occasions a proper investigation has been blocked by the refusal of the trustee to permit the bank account to be examined. For this reason it is deemed necessary that the Superintendent should have this right.

(7) This is a new subsection. Situations have often arisen where the Superintendent was unable to trace estate funds which had not been properly dealt with. The provision requiring the leave of the court ought to give any person the necessary protection as a *prima facie* case would necessarily have to be made out showing that there were good grounds to believe or suspect the wrongful disposition of funds of an estate.

(8) This is a redraft of former section 36A (3) *(h)*.

(9) This is a new subsection and is deemed necessary to protect and preserve funds of an estate in such contingencies.

(10) This was formerly section 36A (5).

Official Receivers.

Bankruptcy districts and divisions.

4. (1) Each of the provinces of Canada constitutes one bankruptcy district for the purposes of this Act but the Governor in Council may divide any bankruptcy district into two or more bankruptcy divisions and name or number them.

Official receivers.

(2) The Governor in Council shall appoint one or more official receivers in each bankruptcy division who shall be deemed to be officers of the court and who shall have and perform the duties and responsibilities specified by this Act and General Rules and the official receivers are entitled to receive as their remuneration the fees of the office.

Report to Superintendent.

(3) The official receiver shall make a report to the Superintendent, in the prescribed form, of every bankruptcy originating in his division, and he shall also notify the Superintendent of any subsequent increase or decrease in the security filed by the trustee.

Registrar to act for official receiver.

(4) In the absence or illness of the official receiver or pending the appointment of a successor when the office is vacant, the registrar shall perform the duties of the official receiver.

Trustees.

Licensing of Trustees.

Application for licence.

5. (1) A person desiring to obtain a licence to act as a trustee shall file with the Superintendent an application for a licence in such form as may be prescribed, and, when requested by the Superintendent, shall provide such security for the due and faithful performance of his duties in such form and amount as the Superintendent requires.

Investigation and report.

(2) The Superintendent shall make an investigation into the character and qualifications of any applicant for licence as the Superintendent deems advisable or expedient and shall report to the Minister the result of the investigation, together with his recommendation for or against the granting of the application and his reasons therefor.

Licence.

(3) The Minister, as soon as he has received a report from the Superintendent as to the character and qualifications of an applicant for a licence, may, if he considers it will be of public advantage so to do, authorize the issue of a licence, which shall specify the bankruptcy district or districts or any part thereof in which the licensee is entitled to act.

4. (1) This was formerly section 160 (1) and began as follows: "Each province of Canada shall constitute", etc.

(2) The wording has been revised for simplification and a clause with respect to fees added. This was formerly section 160 (2). It read as follows:

> **"160.** (2) There shall be one Official Receiver in each bankruptcy district or division who shall be deemed to be an officer of the court and who as such Official Receiver shall have and perform only such duties and responsibilities as are prescribed by this Act and Rules, and shall be appointed by the Governor in Council."

(3) This new subsection merely confirms the procedure at present in effect.

(4) This is a revision of former Rule 90A. Its purpose is obvious.

5. (1) Formerly section 36 (2). No substantial change.

(2) Formerly subsection (3). The word "qualifications" is substituted for "business experience, and efficiency".

(3) Formerly subsection (4). It read as follows:

> **"36.** (4) The Minister, as soon as he has received a report from the Superintendent as to the qualifications of any applicant for licence, and that proper security has been duly deposited and that the applicant has conformed to the requirements of this Act may, if he considers it will be of public advantage so to do, issue the licence, and may in and by the licence restrict the powers and duties of the licensee to any bankruptcy district or any part thereof."

It is proposed that the licences and renewals thereof shall henceforth be issued by the Superintendent, *with the authorization of the Minister.*

Form of licence.

(4) The licence shall be in the prescribed form and shall expire on the thirty-first of December in each year but may be renewed from year to year subject, however, to such qualification or limitation as to the Minister may seem expedient; the fee payable for the licence and any renewal thereof shall be determined by the Minister.

Appointment and Substitution of Trustees.

Appointment of trustee by creditors.

6. (1) The creditors at any meeting by special resolution may appoint or substitute another licensed trustee for the trustee named in an assignment, receiving order or proposal, or otherwise appointed or substituted.

Suspension or cancellation of licence.

(2) The Minister, after consideration of any report received by him from the Superintendent, pursuant to subsection eight of section three, and after a reasonable opportunity has been afforded the licensee to be heard in respect thereof, and upon such further inquiry and investigation as he deems proper, may suspend or cancel the licence of any licensee and in such case shall direct that the licensee be removed as trustee of all estates being administered by such licensee and may appoint some other licensee or licensees to act as trustee of all or any of such estates in the place or stead of the trustee whose licence has been suspended or cancelled.

(4) Formerly subsection (5). No material change.

The former subsections (1) and (6) have been deleted as unnecessary.

The provisions of the former subsection (7) have been transferred to the sections dealing with the powers and duties of the trustee (section 8(6)).

The former subsection (8) is now section 6(5).

Former subsection (9) is confusing and has also been eliminated, the section itself being revised accordingly.

These subsections read as follows:

"**36.** (1) The Minister may issue a licence to any qualified person who has complied with the requirements of this Act and such person so licensed shall be a licensed trustee under this Act."

"(6) The validity of any licence purporting to be issued by the Minister under this Act shall not be called in question on behalf or at the instance of any person other than the Minister."

"(7) Every licensed trustee shall for the purpose of obtaining possession of and realizing upon the assets of the bankrupt or authorized assignor have power to act as such anywhere."

"(9) The word "prescribed" when used in this section means prescribed by the Minister."

6. Formerly section 37 which read as follows:

"**37.** (1) The creditors shall at their first meeting appoint by ordinary resolution a trustee for the administration of the estate.

(2) The creditors may, by ordinary resolution, at any meeting and the court may for cause appoint a new trustee and remove a trustee who is in office.

(3) When a new trustee is appointed or substituted, all the property and estate of the debtor shall forthwith vest in the new trustee without any conveyance or transfer, and he shall gazette a notice of the appointment or substitution and register an affidavit of his appointment in the office of the registrar of the court from which the receiving order was issued, or in the case of an authorized assignment, in every office in which the original assignment or copy or counterpart thereof was lodged, registered or filed.

(4) Registration of such affidavit in any land registration district, land titles office, registry office or other land registration office, or lodging or filing such affidavit as aforesaid, shall have the same effect as the registration, lodging or filing of a conveyance or of a transfer to the new trustee.

(5) The new trustee shall pay to the removed trustee, out of the funds of the estate, his proper remuneration and disbursements, which shall be ascertained as provided by section eighty-five of this Act.

(6) No trustee shall be bound to assume the duties of trustee in matters relating to assignments or receiving orders or to compositions, extensions, or arrangements by debtors.

(7) The court, upon being satisfied that there are assets which have not been realized or distributed under this Act may, on the application of any person interested, at any time after the discharge of the trustee as hereinafter provided for, appoint a trustee to complete the administration of the estate. Such trustee shall be governed by the provisions of this Act as if appointed trustee in the first instance.

(8) Every trustee duly appointed shall, in addition to the security required by section 36A of this Act, forthwith give security in cash or by bond of an approved guarantee company, satisfactory to the Official Receiver for the due accounting for, the payment and the transfer of all moneys and property received by him as trustee. Such security shall be deposited with the Official Receiver and shall be given in favour of the creditors generally and may be enforced by one of them on behalf of all by direction of the court. The amount of the said security may be reduced by the Official Receiver at any time or from time to time during the administration of the estate on resolution of the Inspectors."

(1) This is a redraft of subsections (1) and (2). The abolition of the position of custodian makes it possible to eliminate a situation which has always been more or less an anomaly and very confusing, that is, with respect to the title to property during the interval between the bankruptcy and the first meeting of creditors. Under the present scheme the trustee originally appointed is the trustee with the privilege to the creditors to appoint any other person they see fit.

(2) This was formerly section 36 A (4).

By official receiver.

(3) In the event of the death or incapacity of a trustee or of the licence of a trustee not being renewed or where a trustee has not been appointed by the Minister under subsection two, the official receiver shall appoint a trustee to complete the administration of the estate and shall perform the duties of trustee until a trustee is duly appointed.

By court.

(4) The court on application of any interested person may for cause remove a trustee and appoint another licensed trustee in his place.

Locality in which there is no licensed trustee, etc.

(5) When the debtor resides or carries on business in a locality in which there is no licensed trustee, and no licensed trustee can be found who is willing to act as trustee, the court or the official receiver may appoint a responsible person residing in the locality of the debtor to administer the estate of the debtor, and that person for this purpose has all the powers of a licensed trustee under this Act and the provisions of this Act apply to that person as if he had been duly licensed under section five.

No trustee bound to act.

(6) No trustee is bound to assume the duties of trustee in matters relating to assignments, receiving orders or proposals, but, having accepted an appointment as such, he shall, until discharged or another trustee is appointed in his stead, perform the duties required of a trustee under this Act.

Effect of defect or irregularity in appointment.

(7) No defect or irregularity in the appointment of a trustee shall vitiate any act done by him in good faith.

Official Name.

Official name of trustee in bankruptcy proceedings.

7. The official name of a trustee acting in bankruptcy proceedings is "The Trustee of the Estate of ....a bankrupt,"

(insert the name of the bankrupt)

In proposal proceedings prior to bankruptcy.

and the official name of a trustee acting with respect to a proposal by an insolvent person is "The Trustee acting *in re* the proposal of....."

(insert the name of the debtor)

(3) This is a new subsection designed to assure continuity of administration.

(4) This provision was formerly contained in subsection (2) of section 37 only as an incidental part thereof, and for greater precision the powers of the court have been separated and placed in this subsection.

(5) This was formerly subsection (8) of section 36. It has been redrafted to specify more clearly the circumstances in which an unlicensed person may act as a trustee in bankruptcy, and to secure greater control over the administration of estates by such persons. It read as follows:

"**36.** (8) Notwithstanding the provisions of this Act, when the debtor resides or carries on business at a distance far removed from the nearest licensed trustee, the Court or the Official Receiver may, having regard as far as the Court or Official Receiver deems just to the wishes of the creditors, appoint a responsible person residing in the locality of the debtor as custodian, and such person shall be eligible to be appointed by the creditors as trustee and shall, for the purposes of the administration of the estate of such debtor, have all the powers of a licensed trustee under this Act and thereupon the provisions of this Act shall apply to such person as if he had been duly licensed hereunder."

(6) This was formerly subsection (6) of section 37 which has been amended so as to make it obligatory for a trustee to continue his duties until relieved thereof.

(7) This was formerly section 186 (2) and has been included in this section as a more logical place for its insertion.

Subsection (7) of the former section 37 as above quoted has been slightly modified and is now section 19 (11).

The former subsection (8) has been transferred to "Duties and Powers of Trustees" and becomes section 8 (1).

7. Formerly section 38 in which has been incorporated section 38 (2) of the Act (R.S.C. 1927, c. 11) which has now been restored. Section 38 read as follows:

"**38.** The official name of a trustee acting in bankruptcy or authorized assignment proceedings shall be "The Trustee of the Property of..... a Bankrupt (or Authorized Assignor)" (inserting the name of the bankrupt or assignor), and by that name the trustee may in any part of Canada or elsewhere hold property of every description, make contracts, sue or be sued, enter into any engagement binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office."

Duties and Powers of Trustees.

Security to be furnished by trustee.

8. (1) Every trustee duly appointed shall, in addition to the security required by section five, forthwith give security in cash or by bond of a guaranty company satisfactory to the official receiver for the due accounting for, the payment and the transfer of all property received by him as trustee and for the due and faithful performance of his duties; the security shall be deposited with the official receiver and shall be given in favour of the creditors generally and may be enforced by any succeeding trustee or by any one of the creditors on behalf of all by direction of the court; the amount of the security may be increased or reduced by the official receiver.

Duties of trustee.

(2) The trustee shall, as soon as may be, take possession of the deeds, books, records and documents and all property of the bankrupt and make an inventory, and for the purpose of making an inventory the trustee is entitled to enter upon any premises on which the books, records, documents or property of the bankrupt may be, notwithstanding that they may be in the possession of a sheriff, a secured creditor, or other claimant thereto.

Trustee to be receiver.

(3) The trustee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed by the court, and the court may on his application enforce such acquisition or retention accordingly.

Right of trustee to books of account, etc.

(4) No person is, as against the trustee, entitled to withhold possession of the books of account belonging to the bankrupt or any papers or documents relating to the accounts or to any trade dealings of the bankrupt or to set up any lien thereon.

Property to be delivered to trustee.

(5) Where a person has in his possession or power any property of the bankrupt that he is not by law entitled to retain as against the bankrupt or the trustee, he shall deliver the property to the trustee.

Power to act anywhere.

(6) For the purpose of obtaining possession of and realizing upon the property of the bankrupt a trustee has power to act as such anywhere.

8. (1) This was formerly subsection (8) of section 37 and read as follows:

"**37.** (8) Every trustee duly appointed shall, in addition to the security required by section 36A of this Act, forthwith give security in cash or by bond of an approved guarantee company, satisfactory to the Official Receiver for the due accounting for, the payment and the transfer of all moneys and property received by him as trustee. Such security shall be deposited with the Official Receiver and shall be given in favour of the creditors generally and may be enforced by one of them on behalf of all by direction of the court. The amount of the said security may be reduced by the Official Receiver at any time or from time to time during the administration of the estate on resolution of the Inspectors."

This subsection has been changed to broaden the purpose of the security and to enable the succeeding trustee or any creditor to enforce it. Under the present Act the security only provides for "due accounting" and is enforceable only by the creditors generally.

(2) To the former section 39 (1) has been added part of section 34 (1) now deleted owing to the abolition of the position of custodian. The powers therein conferred are now transferred to the trustee. Section 39 (1) read as follows:

"**39.** (1) The trustee shall, as soon as may be, take possession of the deeds, books and documents of the debtor and all other parts of his property capable of manual delivery."

(3) No material change. Formerly section 39 (2).

(4) This was formerly Rule 167 and is placed here as a matter of substantive law rather than a matter of procedure. The added words have been taken from section 99 (3) of the Australian Act.

(5) This is a new subsection which has been adopted from section 99 (5) and (6) of the Australian Act.

(6) This was formerly section 36 (7). No material change.

Conservatory measures.

(7) The trustee may when necessary in the interests of the estate

(i) take conservatory measures and summarily dispose of property that is perishable or likely to depreciate rapidly in value; and

(ii) carry on the business of the bankrupt until the date fixed for the first meeting of creditors.

May obtain legal advice or take action before first meeting.

(8) The trustee may prior to the first meeting of creditors obtain such legal advice and take such court proceedings as he may consider necessary for the recovery or protection of the property of the bankrupt.

How trustee may proceed in case of emergency.

(9) In the case of an emergency where the necessary authority cannot be obtained from the inspectors in time to take appropriate action, the trustee may obtain such legal advice and institute such legal proceedings and take such action as he may deem necessary in the interests of the estate.

Trustee to verify bankrupt's statement.

(10) The trustee shall verify the bankrupt's statement of affairs.

Divesting of property by trustee.

(11) The trustee may, with the permission of the inspectors, divest himself of all or any part of his right, title or interest in any real or immovable property of the bankrupt by a notice of quit claim or disclaimer, and the master or registrar of the land titles or registry office, as the case may be, where title to such real or immovable property is registered shall accept and register such notice when tendered for registration.

(12) Registration of a notice under subsection eleven operates as a discharge or release of any documents previously registered by or on behalf of the trustee with respect to the property referred to in the notice.

When trustee may initiate criminal proceedings.

(13) The trustee may initiate such criminal proceedings as may be authorized by the creditors, the inspectors or the court against any person believed to have committed an offence under this Act.

(7) This subsection replaces the former section 34 (2) which read as follows:

> "**34.** (2) The custodian may under the direction of the Official Receiver take conservatory measures and summarily dispose of goods which are perishable or likely to depreciate rapidly in value, or may carry on the business of the debtor for such period as the court deems advisable."

(8) This is a new subsection creating an express authority heretofore only inferred.

(9) This is new. Often quick action is imperative to protect and conserve the assets. The trustee is presumed to be a person of sound judgment and, acting on the advice of a responsible solicitor, he may be trusted to act reasonably and in good faith knowing that his actions will later be scrutinized by the creditors, the inspectors or the court.

(10) This has been removed from former section 130(1) from "Duties of Debtor" to "Duties and Powers of Trustees" where it more properly belongs. Section 130(1) read as follows:

> "**130.** (1) It shall be the duty of the custodian to verify the debtor's statement of affairs and to make an inventory of his assets."

(11) and (12) These are new subsections to provide a procedure whereby a trustee can divest himself of any interest he may have in the property of a bankrupt. Heretofore a receiving order, assignment or caution may have been registered against certain property as a precaution, with little information as to the precise interest of the bankrupt therein. The registration in many cases caused much embarrassment when it was found that the trustee had no real interest to protect. These subsections enable the cloud on the title to be cleared away in a simple manner.

(13) A trustee as the statutory agent of the creditors is naturally expected to perform executory acts on their behalf and it is considered advisable that there should be some express authority in regard to the initiation of criminal proceedings just as well as with respect to the many civil phases of the administration.

Duties of trustee regarding returns.

(14) The trustee is not liable to make any return which the bankrupt was required to make more than two years prior to the commencement of the calendar year, or the fiscal year of the bankrupt where that is different from the calendar year, in which he became a bankrupt.

Trustee to permit inspection of records.

(15) The trustee shall at all reasonable times permit any authorized person to inspect the books and papers of the bankrupt in order to prepare or verify returns which the bankrupt is by statute required to file.

(14) and (15) Many statutes require the trustee to make out and file returns which it was the duty of the bankrupt to do. This has often imposed an onerous duty on the trustee. In some instances, the preparation of such returns has occupied several weeks and has involved the estate in substantial costs. Moreover, in some cases, the returns are so far in arrears that the trustee is unable to secure the required information and the winding up of the estate is delayed accordingly.

The following is a list of some of the returns required to be filed by a trustee in Ontario:—

(a) Dominion Income Tax T2 Returns.
(b) " Excess Profits Tax Returns.
(c) " Income Tax Deductions at Source—T4 and T4 Supplementary Returns.
(d) " Sales Taxes—Monthly statements of sales on which taxes are payable.
(e) " Stock Transfer Taxes.
(f) " List of Victory Bonds and credits due debtor's employees on account of pay roll deductions made by the debtor.
(g) " Unemployment Insurance Commission—particulars of wages paid and stamps affixed to employees' insurance books.
(h) Provincial—Corporation Tax Returns.
(i) " Stock Transfer Tax Returns S.T.I.
(j) " Workmen's Compensation Board Returns.

It is considered that the liability of the trustee in respect of returns should be limited to those for the period mentioned in subsection 14.

The former section 8 is deleted as it is no longer necessary to retain these provisions. Section 8 read as follows:

"8. Notwithstanding anything in this Part appearing, no act or omission of a debtor in respect of any debt which

(a) was contracted or existed before the first day of July one thousand nine hundred and twenty; or

(b) is or is evidenced by any judgment or negotiable or renewable instrument the cause or consideration whereof existed before the first day of July, one thousand nine hundred and twenty, whether or not such judgment or instrument is a renewal or one of several renewals, proceeding from the same cause or consideration;

shall be deemed an available act of bankruptcy, nor shall any such debt be deemed sufficient to found the presentation of a bankruptcy petition, but it shall be provable in any proceedings otherwise founded under this Part, and otherwise."

Trustee shall insure property.

9. (1) The trustee shall forthwith insure and keep insured in his official name all the insurable property of the bankrupt, until sold or disposed of.

Losses payable to trustee.

(2) All insurance covering property of the bankrupt in force at the date of the bankruptcy shall, immediately, and without any notice to the insurer or other action on the part of the trustee, and notwithstanding any statute or rule of law or contract or provision to a contrary effect, become and be, in the event of loss suffered, payable to the trustee as fully and effectually as if the name of the trustee were written in the policy or contract of insurance as that of the insured or as if no change of title or ownership had come about and the trustee were the insured.

Moneys to be deposited in bank.

(3) The trustee shall deposit in a chartered bank, in a separate trust account in the name of the estate to which they belong, all moneys of the estate, and he shall not withdraw or remove therefrom, without the permission in writing of the inspectors or the order of the court, any such moneys, except for payment of dividends and charges incidental to the administration of the estate.

(4) All payments made by a trustee shall be made by cheque drawn on the estate account.

Not into private account.

(5) The trustee shall not deposit any sums received by him as a trustee in his private banking account.

Books to be kept by trustee.

(6) The trustee shall keep proper books and records of the administration of each estate to which he is appointed, in which shall be entered a record of all moneys received or disbursed by him, a list of all creditors filing claims, the amount and disposition thereof and a copy of all notices sent out and the original signed copy of all minutes, proceedings had, and resolutions passed at any meeting of creditors or inspectors, court orders and all such other matters or proceedings as may be necessary to give a complete account of his administration of the estate.

Trustee's records to be property of estate.

(7) The estate books, records and documents relating to the administration of an estate shall be deemed to be the property of the estate, and, in the event of any change of trustee or the administration being taken over by the official receiver, all such books, records and documents shall forthwith be delivered to the substituted trustee or to the official receiver, as the case may be.

Records may be inspected.

(8) The trustee shall permit the books and records of the estate to be inspected and copies thereof made by the Superintendent, the bankrupt or any creditor or their agents at any reasonable time.

9. (1) Formerly section 40 (1) which read as follows:

"**40.** (1) The trustee shall forthwith insure and keep insured in his Official name until sold or disposed of, all the insurable property of the debtor, to the fair realizable value thereof or to such other insurable amount as may be approved by the inspectors or by the court, in insurance companies authorized to carry on business in the province wherein the insured property is situate."

(2) No material change. Formerly section 40 (2).

(3) and (4) These provisions were formerly contained in section 50 (1). The words underlined are inserted to provide that there shall be a separate trust account for each bankrupt estate, and that all payments made by a trustee shall be made by cheque drawn upon the estate account.

(5) This was formerly section 50(2). It read as follows:

"**50.** (2) No trustee under a receiving order authorized assignment or composition or scheme of arrangement shall pay any sums received by him as a trustee into his private banking account."

(6) This section replaces former section 55. It prescribes the records to be kept for each estate, a provision hitherto lacking as, notwithstanding the words "in manner prescribed" and "as may be prescribed" in the former section, nothing has ever been prescribed regarding these matters.

Section 55 formerly read as follows:

"**55.** The trustee of a bankrupt or assignor shall keep, in manner prescribed proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed, and any creditor of the bankrupt or authorized assignor may, subject to the control of the court, personally or by his agent inspect any such books."

(7) This is a new subsection the principal purpose of which is to provide a means of obtaining essential information in cases where the trustee dies before completing the administration of estates under his control. In the past this situation has created long delays and some confusion and expense.

(8) This is a new subsection. Its purpose is obvious.

Reports by trustee.

(9) The trustee shall from time to time report,

(a) when required by the inspectors, to every creditor,

(b) when required by any specific creditor, to such creditor, and

(c) when required by the Superintendent, to such Superintendent or the creditors,

showing the condition of the bankrupt's estate, the moneys on hand, if any, and particulars of any property remaining unsold.

Charge for disbursements only.

(10) The trustee is entitled to charge against the estate of the bankrupt, for the preparation and delivery of any such report, only his actual disbursements.

Documents to be forwarded to Superintendent and Statistician.

(11) The trustee shall promptly after their receipt or preparation mail to the Superintendent and to the Dominion Statistician true copies of the documents referred to in section one hundred and fourteen and/or a true copy of

(a) the notice referred to in section sixty-eight;

(b) the statement referred to in paragraph *(d)* of section one hundred and seventeen;

(c) the trustee's final statement of receipts and disbursements and the dividend sheet;

(d) every order made by the court upon the application for discharge of a bankrupt or annulling any bankruptcy;

and file a copy of the documents referred to in paragraphs *(b)* and *(c)* in the court.

Notices, etc., to be forwarded to Superintendent.

(12) The trustee shall forward promptly to the Superintendent copies of all notices, reports and statements sent by him to the creditors and, when required, copies of such other documents as the Superintendent may specify.

Duty of trustee on expiration of licence or removal.

(13) Every trustee whose licence has been cancelled or suspended or has not been renewed or who has been removed as trustee shall within ten days prepare and forward to the Superintendent a detailed financial statement of the receipts and disbursements together with a list of and report on the unadministered property of every estate under his administration for which he has not been discharged and shall forward to such other trustee as may be appointed in his stead or, pending the appointment of a trustee, to the official receiver, all the remaining property of every estate under his administration together with all the books, records and documents relating thereto.

Trustee to file report before discharge.

(14) Every trustee before proceeding to his discharge shall, unless he has already done so, prepare and file in the court the report referred to in section one hundred and twenty-eight and forward a copy thereof to the Superintendent.

(9) This was formerly section 56 (1). No change other than the amendment contained in paragraph *(c)*.

(10) Formerly section 56 (2). No change.

(11) This was formerly section 57 (1). It read as follows:

"**57.** (1) The trustee of a bankrupt or assignor shall promptly after their receipt or preparation mail to the Superintendent and to the Dominion Statistician, Department of Trade and Commerce, Ottawa, a true copy of

(a) the notice referred to in Section twenty-eight of this Act;

(b) the statement referred to in section one hundred and twenty-nine of this Act;

(c) the abstract of receipts and disbursements and the dividend sheet referred to in section seventy-eight of this Act;

(d) every order made by the court upon the application for discharge of any bankrupt or authorized assignor;"

Paragraph *(e)* has been deleted as it duplicated paragraph *(c)*. It read as follows:

"*(e)* the statement prepared by the trustee upon which a final dividend is declared; and"

Paragraph *(f)* is deleted. It is now included in paragraph *(d)*. It read as follows:

"*(f)* any order made under subsection five of section nineteen of this Act annulling any adjudication of bankruptcy."

The provisions of the former subsection (2) are now included in subsection (8). Subsection (2) read as follows:

"(2) Any person shall be entitled to examine and make copies of all or any of the documents mentioned in subsection one hereof, which are in the possession of the trustee."

(12) This is a new subsection, the provisions of which were formerly contained in Rule 175.

(13) This is a new subsection. Its purpose is to insure that a trustee shall immediately after his removal or the cancellation, suspension or non-renewal of his licence make an accounting of his administration.

(14) This subsection is new. Its purpose is to make certain that a report will be available for any application for discharge of a bankrupt not dealt with before the trustee's discharge and that it will be prepared when all the facts and circumstances of the case are fresh in his memory.

Powers exercisable by trustee with permission of inspectors.

10. (1) The trustee may, with the permission of the inspectors, do all or any of the following things:—

(a) sell or otherwise dispose of for such price or other consideration as the inspectors may approve all or any part of the property of the bankrupt, including the goodwill of the business, if any, and the book debts due or growing due to the bankrupt, by tender, public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;

(b) lease any real or immovable property;

(c) carry on the business of the bankrupt, so far as may be necessary for the beneficial administration of the estate, for which purpose the trustee may, upon payment in full for value received after the bankruptcy, require any executory contract to which the bankrupt was a party to be carried out without regard to any indebtedness due and owing at the time of the bankruptcy;

(d) bring, institute, or defend any action or other legal proceeding relating to the property of the bankrupt;

(e) employ a solicitor or other agent to take any proceedings or do any business that may be sanctioned by the inspectors;

(f) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time, subject to such stipulations as to security and otherwise as the inspectors think fit;

(g) Incur obligations, borrow money and give security on any property of the estate by mortgage, hypothec, charge, assignment, pledge or otherwise, such obligations and money borrowed to be discharged or repaid with interest out of the property of the bankrupt in priority to the claims of the creditors;

(h) compromise and settle any debts owing to the bankrupt;

10. (1) Formerly section 43 (1).

(a) The word "tender" has been inserted, and, for greater certainty, the words "or otherwise dispose of for such price or other consideration as the inspectors may approve".

(b) Formerly paragraph *(aa)*.

(c) Formerly paragraph *(b)*. The added provision is deemed necessary as often-times the carrying on of a business depends on contracts in force being continued and it removes the unsavoury practice whereby creditors may take an advantage of the situation to obtain a preference over other creditors by demanding payment in full of past-due debts.

(d) Formerly paragraph *(c)*. No change.

(e) Formerly paragraph *(d)*. No change.

(f) Formerly paragraph *(e)*. No change.

(g) To the former paragraph *(f)* has been added part of section 51 (1). Paragraph *(f)* read as follows:

"*(f)* Mortgage or pledge any part of the property of the debtor for the purpose of raising money for the payment of his debts;"

(h) This paragraph was formerly *(g)* and read as follows:

"*(g)* Refer any dispute to arbitration, compromise any debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the debtor and any person who may have incurred any liability to the debtor, on the receipt of such sums, payable at such time, and generally on such terms, as may be agreed on;"

The former paragraph *(h)* is now unnecessary in view of the amendments to paragraph *(i)*. It read as follows:

"*(h)* Make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable against the estate;"

(i) compromise any claim made by or against the estate;

(j) divide in its existing form amongst the creditors, according to its estimated value, any property that from its peculiar nature or other special circumstances cannot be readily or advantageously sold;

(k) elect to retain for the whole or part of its unexpired term, or to assign, surrender, or disclaim any lease of, or other temporary interest in, any property of the bankrupt;

(l) appoint the bankrupt to aid in administering the estate in such manner and on such terms as the inspectors may direct.

Permission limited to particular thing or class.

(2) The permission given for the purposes of this section shall not be a general permission to do all or any of the above mentioned things, but shall only be a permission to do the particular thing or things or class of thing or things that the permission specifies.

Borrowing powers with permission of court.

11. (1) With the permission of the court, an interim receiver or a trustee, prior to the appointment of inspectors, may make necessary or advisable advances, incur obligations, borrow money and give security on the property of the debtor in such amounts and on such terms and upon such property as may be authorized by the court and such advances, obligations and money borrowed shall be repaid out of the property of the debtor in priority to the claims of the creditors.

(i) This has been revised and simplified for greater clarity. Paragraph *(i)* formerly read as follows:

"*(i)* Make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the debtor, made or capable of being made on the trustee by any person or by the trustee on any person;"

(j) No change.

(k) The words deleted are unnecessary.

(l) This was formerly section 46 and read as follows:

"**46.** (1) The trustee, with the permission in writing of the inspectors, may appoint the debtor himself to superintend the management of the property of the debtor or any part thereof, or to carry on the trade of the debtor for the benefit of his creditors, and in any other respect to aid in administering the property in such manner and on such terms as the trustee may direct.

(2) The trustee may, with like permission, make from time to time such allowance as he may think just to the debtor out of his property for the support of the debtor and his family, or in consideration of his services, if he is engaged in winding-up his estate, but any such allowance may be reduced by the court."

The former section 10 has been deleted as being a matter of routine administrative procedure. The second part is contained in section 14. Section 10 formerly read as follows:

"**10.** Every Official Receiver with whom an assignment is filed, shall, when the same is completed as hereinbefore provided, deposit the same in the court having jurisdiction in the locality of the debtor, and if subsequently the trustee is displaced by a new trustee, such new trustee shall within four days of his appointment give notice thereof to the said court."

11. (1) This was formerly section 51 (1) to which has been added the first part of the former subsection (2). The word "custodian" has been deleted where it occurs in this section as being superfluous since this functionary has been eliminated. It has been deemed advisable to provide that the authorization of the court be obtained in the case of an interim receiver. That part of subsection (1) which grants the necessary authority to the trustee with the permission of the inspectors is now included in paragraph *(g)* of section 10 (1).

Security under *Bank Act*.

(2) For the purpose of giving security under section eighty-eight of the *Bank Act* the trustee or interim receiver if authorized to carry on the business of the bankrupt is deemed to be a person engaged in the class of business previously carried on by the bankrupt.

Limit of obligations and carrying on of business.

(3) The creditors or inspectors may by resolution limit the amount of the obligations that may be incurred, the advances that may be made or moneys that may be borrowed by the trustee and may limit the period of time during which the business of the bankrupt may be carried on by the trustee.

Debts deemed to be debts of estate.

(4) All debts incurred and credit received in carrying on the business of a bankrupt are deemed to be debts incurred and credit received by the estate.

Trustee not obliged to carry on business.

(5) The trustee is not under obligation to carry on the business of the bankrupt where in his opinion the realizable value of the property is insufficient to protect him fully against possible loss occasioned by so doing and the creditors or inspectors, upon demand made by the trustee, neglect or refuse to secure him against such possible loss.

Reimbursement of trustee's advances.

(6) The court may make an order providing for the sale of any or all of the assets of the estate either by tender, private sale or public auction and setting forth the terms and conditions of the sale and directing that the proceeds therefrom shall be used for the purpose of reimbursing the trustee in respect of any costs that may be owing to him or of any moneys he may have advanced for the benefit of the estate.

Court may vest property in trustee.

(7) If no bid is received for the assets sufficient to reimburse the trustee, the court may make an order vesting in the trustee personally all assets of the estate and upon the making of the order the rights and interests of the creditors and of the bankrupt to the assets shall be determined and ended.

(2) This was formerly section 51 (2). The words deleted have been transferred to subsection (1).

(3) This was formerly section 51(3). No change.

(4) The purpose of the new subsection is to limit the *personal* responsibility of the trustee carrying on the business of the bankrupt to liabilities the payment of which may be assumed by him personally.

(5) This was formerly section 51(3A).

(6) This was formerly section 51(4) which has been greatly simplified.

(7) The object of the change in this subsection is to simplify the unnecessarily cumbersome procedure in these matters and the provisions of former section 51 (5) and (6) have been condensed and combined in subsection (7). Subsections (5) and (6) formerly read as follows:

> "(5) If the property of a debtor is so offered for sale and, within thirty days after the time set for the opening of tenders, no tender or offer of an amount sufficient to repay the advances made and liabilities incurred by the trustee and also his proper costs and expenses, is received by the court, then the court may, after such notice to the debtor and the creditors as to it may seem proper, permit the trustee, in his personal capacity, to bid such a sum as is sufficient to repay him his advances, costs, expenses, and the amount of any liabilities incurred by him and reasonable remuneration and, conditional upon no higher bid being received before actual vesting of the property in him in his personal capacity, to purchase the whole or any part of such property at such prices and upon such terms as shall be approved by the court.
>
> (6) If the trustee so purchases the whole or any part of such property it shall pass to and vest in him in his personal capacity when the court so orders whereupon all rights and interests of the debtor and the creditors in or to it shall be determined and ended."

Trustee may apply to court for directions.

12. (1) A trustee may apply to the court for directions in relation to any matter affecting the administration of the estate of a bankrupt and the court shall give in writing such directions, if any, as to it appear proper in the circumstances.

To report to court after three years.

(2) Where an estate has not been fully administered within three years after the bankruptcy, the trustee shall so report to the court within three months thereafter and the court shall make such order as it may see fit to expedite the administration.

Redirection of bankrupt's mail.

13. The court, on the application of the trustee, may from time to time order that for such time, not exceeding three months, as the court thinks fit, post letters, post packets and telegrams addressed to the bankrupt at any of the places mentioned in the order shall be redirected, sent or delivered to the trustee by the Postmaster General or the officers acting under him, or by the various government and other telegraph and cable systems operating in Canada, or by the operators thereof.

Duty of former trustee on substitution.

14. (1) Upon the appointment of a substituted trustee, the former trustee shall forthwith pass his accounts before the court and deliver to the substituted trustee all the property of the estate, together with all books, records and documents of the bankrupt and of the administration.

Duty of substituted trustee.

(2) The substituted trustee shall

(a) publish notice of his appointment in the *Canada Gazette* in the prescribed form;

(b) if appointed by the creditors, file with the court a copy of the minutes of the meeting, signed by the chairman;

(c) notify the Superintendent of his appointment;

(d) if required by the inspectors, register a notice of his appointment in any registry or land titles office where the assignment or receiving order has been registered; and

(e) as soon as funds are available, pay to the former trustee his remuneration and disbursements as approved by the court.

12. (1) Formerly section 42. The words deleted are unnecessary.

(2) This is new.

13. Formerly section 140. No material change.

The former section 13(1) now becomes section 31. The former section 13(2) now becomes section 33. Section 13(3) has been deleted as it had been repeated in the former section 18 which now becomes section 35(2). It formerly read as follows:

> "**13.** (3) If approved by the court such extension, composition or scheme of arrangement shall be binding on all the creditors."

14. (1) This is a new subsection specifying the duties placed upon a trustee who has been removed.

(2) This is an entirely new redraft containing within it all the essentials of the former section 37 (3), (4) and (5).

Appeal to court against trustee.

15. Where the bankrupt or any of the creditors or any other person is aggrieved by any act or decision of the trustee, he may apply to the court and the court may confirm, reverse or modify the act or decision complained of and make such order in the premises as it thinks just.

Proceeding by creditor when trustee refuses to act.

16. (1) Where a creditor requests the trustee to take any proceeding that in his opinion would be for the benefit of the estate and the trustee refuses or neglects to take the proceeding, the creditor may obtain from the court an order authorizing him to take the proceeding in his own name and at his own expense and risk, upon notice being given the other creditors of the contemplated proceeding, and upon such other terms and conditions as the court may direct and upon such order being made the trustee shall assign and transfer to the creditor all his right, title and interest in the chose in action or subject matter of the proceeding, including any document in support thereof.

Benefits belong to creditor.

(2) Any benefit derived from a proceeding taken pursuant to subsection one, to the extent of his claim and the costs, belongs exclusively to the creditor instituting the proceeding, and the surplus, if any, belongs to the estate.

Trustee may institute proceeding.

(3) Where, before an order is made under subsection one, the trustee, with the permission of the inspectors, signifies to the court his readiness to institute the proceeding for the benefit of the creditors, the order shall fix the time within which he shall do so, and in that case the benefit derived from the proceeding, if instituted within the time so fixed, belongs to the estate.

Remuneration of Trustee.

To be voted by creditors.

17. (1) The remuneration of the trustee shall be such as is voted to the trustee by ordinary resolution at any meeting of creditors.

Not to exceed 7½ per cent.

(2) Where the remuneration of the trustee has not been fixed under subsection one, the trustee may insert in his final statement and retain as his remuneration, subject to increase or reduction as hereinafter provided, a sum not exceeding seven and one-half per cent of the amount remaining out of the realization of the property after the claims of the secured creditors have been paid or satisfied.

15. This was formerly section 84. No change.

16. This was formerly section 69. It has been changed to allow a creditor to take proceedings in his own name rather than in the name of the trustee. In many cases the idemnity for costs demanded by trustees has prevented such proceedings being taken by creditors when it was desirable that they be taken.

The former section 16 (1) to (5) has been transferred to section 34.

17. Formerly section 85. This section has been redrafted and simplified to some extent and its provisions extended to cover situations, *i.e.*, carrying on the bankrupt's business and where successive trustees are appointed, not specifically covered by the former section. Section 85 was formerly as follows:

"**85.** (1) The remuneration of the trustee in bankruptcy or in any other proceedings under this act, for his services, excepting those rendered *(a)* upon the adjustment of the rights of contributories as among themselves, and *(b)* in connection with the application of a bankrupt or authorized assignor for a discharge, shall be such as is voted to the trustee by a majority of creditors present at any general meeting.

(2) In the excepted cases the trustee's remuneration shall be fixed by the court.

(3) Where the remuneration of the trustee has not been fixed under the two last preceding subsections before the final dividend, the trustee may insert in the final dividend sheet and retain as his remuneration a sum not exceeding five per cent of the cash receipts, subject to reduction by the court upon application of any creditor or of the debtor.

(4) The remuneration of the trustee for all services shall not under any circumstances exceed five per cent of the cash receipts, except with the approval in writing of the inspectors and of the court.

(5) The disbursements of a trustee shall in all cases be taxed by the prescribed officer.

(6) In fixing the remuneration of the trustee, only that part of the sale price of real or immovable property which is available for distribution amongst creditors other than secured creditors claiming as such against the property shall be taken into account. Provided that this subsection shall not affect the application of subsection four of this section.

(7) If in any case after the trustee has paid all expenses of administration and has realized all available assets, the commissions allowable under subsection three of this section do not amount to one hundred dollars, the inspectors may grant the trustee a fee which with the commissions, if any, already paid or to be paid to him, shall not exceed one hundred dollars."

The former section 17 has been deleted as being a matter of routine procedure. It read as follows:

"**17.** If the court approves the proposal, the approval may be testified by the seal of the court, being attached to the instrument containing the terms of the proposed composition, extension or scheme, or by the terms being embodied in an order of the court."

For carrying on debtor's business or in case of a proposal.

(3) Where the business of the debtor has been carried on by the trustee or under his supervision he may be allowed such special remuneration for such services as the creditors or the inspectors may by resolution authorize, and, in the case of a proposal, such special remuneration as may be agreed to by the debtor, or in the absence of agreement with the debtor such amount as may be approved by the court.

Successive trustees.

(4) In the case of two or more trustees acting in succession the remuneration shall be apportioned between the trustees in accordance with the services rendered by each and in the absence of agreement between the trustees the court shall determine the amount payable to each.

Court may increase or reduce.

(5) On application by the trustee, a creditor or the debtor and upon notice to such parties as the court may direct, the court may make an order increasing or reducing the remuneration.

Discharge of Trustee.

Disposal of unrealizable property.

18. (1) With the permission of the inspectors, any property found incapable of realization shall be returned to the bankrupt prior to the trustee's application for discharge.

Final disposition of property of the estate.

(2) Where a trustee is unable to dispose of any property as provided in this section, the court may make such order as it may consider necessary.

Application to court.

19. (1) When a trustee has completed the duties required of him with respect to the administration of the property of a bankrupt, he shall apply to the court for a discharge.

Discharge of trustee.

(2) The court may discharge a trustee with respect to any estate upon full administration thereof or, for sufficient cause, before full administration.

Discharge when another trustee has been appointed and accounts satisfactory.

(3) A trustee when replaced by another trustee is entitled to be discharged if he has accounted to the satisfaction of the inspectors and the court for all property that came to his hands, and a period of three months has elapsed after the date of such substitution without any undisposed of claim or objection having been made by the bankrupt or any creditor.

18. (1) This is a new subsection. It is presumed that the trustee will realize upon all the property capable of realization and under such circumstances there can hardly be any objection to the bankrupt having returned to him property of no value.

(2) This subsection has been added to complete the procedure in such cases.

19. (1) This is a new subsection creating an obligation on the trustee to obtain a discharge, which heretofore was not the case.

(2) No material change. Formerly section 86 (1). The former subsection (2) is deemed unnecessary and has been deleted. It read:

> "**86.** (2) The court shall require proof of the extent of administration and (where there has not been full administration) of the condition of the estate and of the alleged sufficient cause."

(3) No substantial change. This was formerly subsection (3) of section 86.

When estate deemed fully administered.

(4) When the trustee's accounts have been approved by the inspectors and taxed by the court and all objections, applications and appeals have been settled or disposed of and all dividends have been paid, the estate is deemed to have been fully administered.

Objections to be filed with court and trustee.

(5) Any interested person desiring to object to the discharge of a trustee shall, at least seven days prior to the date of the hearing, file notice of his objection with the registrar setting out his reasons therefor and serve a copy of the notice on the trustee.

Court may grant discharge.

(6) The court shall consider such objection and may grant or withhold a discharge accordingly or give such directions as it may deem proper in the circumstances.

Fraud or breach of trust.

(7) Nothing in or done under authority of this section shall relieve or discharge or be deemed to relieve or discharge a trustee from the results of any fraud.

Effect of discharge of trustee.

(8) The discharge of a trustee discharges him from all liability

(a) in respect of any act done or default made by him in the administration of the property of the bankrupt, and

(b) in relation to his conduct as trustee,

but any discharge may be revoked by the court on proof that it was obtained by fraud or by suppression or concealment of any material fact.

Security released.

(9) The discharge of a trustee under this section operates as a release of the security provided pursuant to subsection one of section eight.

Trustee on discharge remains *de facto* trustee.

(10) Notwithstanding his discharge, the trustee shall remain *de facto* the trustee of the estate for the performance of such duties as may be incidental to the full administration of the estate.

Appointment of trustee by court to complete administration.

(11) The court, upon being satisfied that there are assets which have not been realized or distributed, may, on the application of any interested person, appoint a trustee to complete the administration of the estate, and the trustee shall be governed by the provisions of the Act, in so far as they are applicable.

(4) This was formerly subsection (4) of section 86. The changes are self-explanatory and have been made to conform to the procedure established by the Act.

(5) This is a new subsection. It sets up a procedure to enable an objecting creditor to place his objection before the court.

(6) This is a new subsection. Its purport is obvious.

(7) This was formerly subsection (6) of section 86. No material change.

The former subsection (7) of section 86 has been deleted in view of the revised procedure provided by section 18. It read as follows:

> "**86.** (7) Upon the discharge of the trustee, assets, if any, not realized or distributed shall vest in the Receiver General for the benefit of the creditors."

(8) This is a new subsection. It has been adopted from section 93 (3) of the English Act. It sets up the legal effect of a discharge but provides for revocation on proof that it was obtained by fraud or suppression of material fact.

The former subsection (8) is unnecessary and has been deleted. It read:

> "**86.** (8) There shall be no fee on this application unless it is contested."

(9) This was formerly subsection (5) of section 86. No change.

(10) This is a new subsection. Its purpose is to remove the present disadvantages of the necessity of appointing a new trustee every time any contingency arises after the trustee of an estate has been discharged.

(11) Formerly section 37 (7). No substantial change.

PART II.

Receiving Orders and Assignments.

Acts of Bankruptcy.

Acts of bankruptcy.

20. A debtor commits an act of bankruptcy in each of the following cases:—

Assignment.

(a) if in Canada or elsewhere he makes an assignment of his property to a trustee for the benefit of his creditors generally, whether it is an assignment authorized by this Act or not;

Fraudulent conveyance.

(b) if in Canada or elsewhere he makes a fraudulent conveyance, gift, delivery, or transfer of his property or of any part thereof;

Fraudulent preference.

(c) if in Canada or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon, that would under this Act be void as a fraudulent preference;

Absconding.

(d) if with intent to defeat or delay his creditors he does any of the following things, namely, departs out of Canada, or, being out of Canada, remains out of Canada, or departs from his dwelling house or otherwise absents himself;

Execution unsatisfied, property sold by sheriff or no property to be found.

(e) if he permits any execution or other process issued against him under which any of his property is seized, levied upon or taken in execution to remain unsatisfied until within four days from the time fixed by the sheriff for the sale thereof or for fourteen days after such seizure, levy or taking in execution, or if the property has been sold by the sheriff, or if the execution or other process has been held by him for fourteen days after written demand for payment without seizure,

20. This was formerly section 3.
(a) No change.

(b) No change.

(c) No substantial change.

(d) No substantial change.

(e) No material change.

levy or taking in execution or satisfaction by payment, or if it is returned endorsed to the effect that the sheriff can find no property whereon to levy or to seize or take, but where interpleader proceedings have been instituted in regard to the property seized the time elapsing between the date at which such proceedings were instituted and the date at which such proceedings are finally disposed of, settled or abandoned shall not be taken into account in calculating any such period of fourteen days;

Exhibits statement showing insolvency.

(f) if he exhibits to any meeting of his creditors any statement of his assets and liabilities that shows that he is insolvent, or presents or causes to be presented to any such meeting a written admission of his inability to pay his debts;

Fraudulent disposition of property.

(g) if he assigns, removes, secretes or disposes of or attempts or is about to assign, remove, secrete or dispose of any of his property with intent to defraud, defeat or delay his creditors or any of them;

Notice of suspension of payment.

(h) if he gives notice to any of his creditors that he has suspended or that he is about to suspend payment of his debts;

Default in proposal.

(i) if he defaults in any proposal made under this Act;

Ceasing to meet liabilities.

(j) if he ceases to meet his liabilities generally as they become due.

Unauthorized assignments are void.

(2) Every assignment of his property other than an assignment pursuant to this Act, made by an insolvent debtor for the general benefit of his creditors, shall be null and void.

(f) No change.

(g) No material change.

(h) No change. Formerly paragraph *(i)*. The former paragraph *(h)* has been deleted. It read as follows:

> "*(h)* If he makes any bulk sale of his goods without complying with the provisions of any Bulk Sales Act applicable to such goods in force in the province within which he carries on business or within which such goods are at the time of such bulk sale;"

(i) This is a new paragraph. Its purpose is to make the default in the payment of a proposal an act of bankruptcy available to the creditors. At present the creditors of a debtor who has defaulted under a proposal cannot avail themselves of the prior "act of bankruptcy" unless it has taken place within six months before the filing of the petition.

(j) No change.

(2) Formerly section 9(7).

Petition for Receiving Order.

Bankruptcy petition.

21. (1) Subject to this section one or more creditors may file in court a petition for a receiving order against a debtor if, and if it is alleged in the petition that,

Conditions on which creditor may petition.

(a) the debt or debts owing to the petitioning creditor or creditors amount to one thousand dollars; and

(b) the debtor has committed an act of bankruptcy within six months next preceding the filing of the petition.

If petitioning creditor is a secured creditor.

(2) Where the petitioning creditor is a secured creditor, he shall in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of a receiving order being made against the debtor, or give an estimate of the value of his security, and in the latter case he may be admitted as a petitioning creditor, to the extent of the balance of the debt due to him after deducting the value so estimated, in the same manner as if he were an unsecured creditor.

Affidavit.

(3) The petition shall be verified by affidavit of the petitioner or by someone duly authorized on his behalf having personal knowledge of the facts alleged in the petition.

Consolidation of petitions.

(4) Where two or more petitions are filed against the same debtor or against joint debtors, the court may consolidate the proceedings or any of them on such terms as the court thinks fit.

Where petition may be filed.

(5) The petition shall be filed in the court having jurisdiction in the locality of the debtor.

Proof of facts, etc.

(6) At the hearing the court shall require proof of the facts alleged in the petition and of the service of the petition, and, if satisfied with the proof, may make a receiving order.

Dismiss petition.

(7) Where the court is not satisfied with the proof of the facts alleged in the petition or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts, or that for other sufficient cause no order ought to be made, it shall dismiss the petition.

21. Formerly section 4. The words "file" and "file in" have been substituted for the words "present" and "present to" wherever they occur in this section. The changes have been made in the interest of greater precision.

(1) This is a redraft of former subsections (1) and (3). These subsections read as follows:

> "4. (1) Subject to the conditions hereinafter specified, if a debtor commits an act of bankruptcy a creditor may present to the court a bankruptcy petition."
> "(3) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless
> *(a)* the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors amounts to five hundred dollars; and
> *(b)* the act of bankruptcy on which the petition is grounded has occurred within six months before the presentation of the petition."

(2) Formerly subsection (4).

(3) Formerly subsection (2). The added words have been included to permit the agent or duly authorized representative of the petitioner to make the affidavit. The important factor is that the facts alleged in the petition are verified by someone having personal knowledge thereof. The phrase "and served on the debtor in the prescribed manner" has been deleted as being more properly a matter for procedure already inserted in former Rule 77.

(4) This was formerly subsection (7) of section 163.

(5) No material change.

(6) The words deleted at the end of the subsection have been transferred to subsection (9). This subsection formerly read as follows:

> "4. (6) At the hearing the court shall require proof of the debt of the petitioning creditor, of the service of the petition, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and, if satisfied with the proof, may adjudge the debtor a bankrupt and in pursuance of the petition, make an order, in this Act called a receiving order, for the protection of the estate, and appoint as custodian a licensed trustee, having regard, as far as the court deems just, to the wishes of the creditors."

(7) This formerly read as follows:

> "4. (7) If the court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts, or, in case an authorized assignment has been made, that the estate can be best administered under the assignment, or that for other sufficient cause no order ought to be made, it shall dismiss the petition."

Power to dismiss petition against some respondents only.

(8) Where there are more respondents than one to a petition the court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

Appointment of trustee.

(9) Upon a receiving order being made, the court shall appoint a licensed trustee as trustee of the property of the bankrupt, having regard, as far as the court deems just, to the wishes of the creditors.

Stay of proceedings where facts alleged in petition denied.

(10) Where the debtor appears on the petition and denies the truth of the facts alleged in the petition, the court may, instead of dismissing the petition, stay all proceedings on the petition on such terms as it may see fit to impose on the petitioner as to costs or on the debtor to prevent alienation of his property and for such time as may be required for trial of the issue relating to the disputed facts.

Stay of proceedings for other reasons.

(11) The court may for other sufficient reason make an order staying the proceedings under a petition, either altogether or for a limited time, on such terms and subject to such conditions as the court may think just.

Security for costs.

(12) A petitioner who is resident out of Canada may be ordered to give security for costs to the debtor, and proceedings under the petition may be stayed until such security is furnished.

Receiving order on another petition.

(13) Where proceedings on a petition have been stayed or have not been prosecuted with due diligence and effect, the court may, if by reason of the delay or for any other cause it is deemed just so to do, substitute or add as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act and make a receiving order on the petition of such other creditor, and shall thereupon dismiss on such terms as it may deem just the petition in the stayed or non-prosecuted proceedings.

Petition withdrawn only by leave.

(14) A petition shall not be withdrawn without the leave of the court.

(8) This was formerly section 166. No change.

(9) This was formerly included in subsection (6) of section 4 but it provided for the appointment of the custodian and not of the trustee. The purpose of the change is to eliminate the unnecessary office of custodian and unnecessary contests between trustees for appointment to estates.

(10) The words deleted are deemed an arbitrary denial of the ordinary civil rights of the debtor who in the case of a large disputed debt may have an undue hardship imposed on him to provide security before liability for the debt is legally established. This was formerly subsection (8) and read as follows:

> "4. (8) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the court, on such security (if any) being given as the court may require for payment to the petitioner of any debt which may be established against him in due course of law and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be required for trial of the question relating to the debt."

(11) This was formerly subsection (10) of section 163.

The former subsection (11) of section 4 has been transferred to section 41 (4). It read as follows:

> "4. (11) The bankruptcy of a debtor shall be deemed to have relation back to and to commence at the time of the presentation of the petition on which a receiving order is made against him."

(12) This is a revision of former Rule 75 which read as follows:

> "Rule 75. A petitioning creditor who is resident abroad, or whose estate is vested in a trustee under any law relating to bankruptcy, or against whom a petition is pending under any such law, or who has made default in payment of any judgment, order for payment of money or of any costs ordered by any Court to be paid by him to the debtor, may be ordered to give security for costs to the debtor and proceedings under the petition may be stayed until such security is furnished."

(13) A redraft of former sections 4 (9) and 163 (8) which read as follows:

> "4. (9) Where proceedings have been stayed or have not been prosecuted with effect the court may, if by reason of the delay or for any other cause it is deemed just so to do, make a receiving order on the petition of another creditor, and shall thereupon dismiss on such terms as it may deem just the petition in the stayed or non-prosecuted proceedings."
>
> "163. (8) Where the petitioner does not proceed with due diligence on his bankruptcy petition, the court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of the petitioning creditor, or may dismiss the petition."

(14) The words "after presentment" are unnecessary. This was formerly subsection (10) of section 4.

Power to present petition against one partner.

(15) Any creditor whose claim is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others.

Court may consolidate proceedings.

(16) Where a receiving order has been made against one member of a partnership, any other petition against a member of the same partnership shall be filed in or transferred to the same court, and the court may give such directions for consolidating the proceedings under the petitions as it thinks just.

Continuance of proceedings on death of debtor.

(17) Where a debtor against whom a petition has been filed dies, the proceedings shall, unless the court otherwise orders, be continued as if he were alive.

Petition against estate of deceased debtor.

22. (1) Subject to section twenty-one, a bankruptcy petition may be filed against the estate of a deceased debtor.

(2) After service of a petition upon the legal personal representative of a deceased debtor, he shall not make payment of any moneys or transfer any property of the deceased debtor, save as required for payment of the proper funeral and testamentary expenses, until the petition is disposed of, otherwise, in addition to any penalties to which he may be subject, he shall be personally liable therefor, but nothing in this section invalidates any payment or transfer of property made or any act or thing done by the legal personal representative in good faith before the service of the petition.

Costs of petition.

23. (1) When a receiving order is made, the costs of the petitioner shall be taxed and be payable out of the estate, unless the court otherwise orders.

(2) When the proceeds of the estate are not sufficient for the payment of any costs incurred by the trustee, the court may order such costs to be paid by the petitioner.

(15) This was formerly section 165 (1). No material change.

(16) This was formerly section 165 (2) which began as follows: "Where a receiving order has been made on a bankruptcy petition *by or* against one member of a partnership, any other bankruptcy petition *by or* against a member of the same partnership", etc. The words *"by or"* had been retained in error from the English Act.

(17) This was formerly section 163 (9). The words *"by or"* have been deleted here for the same reason.

The former section 21 has been deleted. It read as follows:

> "**21.** (1) In the case of a meeting to consider a proposal of a scheme of arrangement of the affairs of a corporation debtor of a nature that any change is made in the rights of the shareholders under the letters patent or other instrument of incorporation of the company or the right of participation in such scheme of any shareholder is made conditional upon the purchase by such shareholder of any new securities or upon any other payment or contribution by such shareholder, every shareholder of such corporation shall be notified in the manner prescribed by section twelve of this Act.
>
> (2) If at the meeting so convened shareholders representing three-fourths in value of the holders of each class of shares present in person or by proxy at such meeting, resolve to accept the proposal either as made or as altered or modified at the request of the meeting, it shall be deemed to be accepted by the shareholders.
>
> (3) If approved by the court such scheme of arrangement shall be binding upon all the shareholders
>
> *(a)* in the case of a corporation incorporated by or under an Act of the Parliament of Canada, upon the filing in the office of the Secretary of State of a certified copy of the scheme and of the court's approval thereof, and
>
> *(b)* in the case of a corporation incorporated other than by or under an Act of the Parliament of Canada, upon any necessary steps being taken to give effect thereto under the laws by or under which such company is incorporated."

22. This is a new section and is adopted in substance from section 130 of the English Act. Although the definition of a "person" is stated to include the heirs, executors, administrators or other legal personal representatives of a person, yet the courts in certain of the provinces have differed as to the right of a creditor to file a petition against the estate of a deceased debtor.

23. (1) This was formerly Rule 55 (1).

(2) This was formerly Rule 55 (2).

Interim Receiver.

Appointment of interim receiver.

24. (1) The court may, if it is shown to be necessary for the protection of the estate, at any time after the filing of a petition and before a receiving order is made, appoint a licensed trustee as interim receiver of the property of the debtor or of any part thereof and direct him to take immediate possession thereof upon such undertaking being given by the petitioner as the court may impose as to interference with the debtor's legal rights and as to damages in the event of the petition being dismissed.

Powers of interim receiver.

(2) The interim receiver may, under the direction of the court, take conservatory measures and summarily dispose of property that is perishable or likely to depreciate rapidly in value and exercise such control over the business of the debtor as the court deems advisable, but the interim receiver shall not unduly interfere with the debtor in the carrying on of his business except as may be necessary for such conservatory purposes or to comply with the order of the court.

Application of sections twenty-one et seq.

25. Sections twenty-one to twenty-four do not apply to persons engaged solely in farming or the tillage of the soil or to any person who works for wages, salary, commission or hire at a rate of compensation not exceeding twenty-five hundred dollars per year and who does not on his own account carry on business.

Assignments.

Assignment for general benefit of creditors.

26. (1) An insolvent person or, if deceased, his legal personal representative with the leave of the court, may make an assignment of all his property for the general benefit of his creditors.

Sworn statement.

(2) The assignment shall be accompanied by a sworn statement in the prescribed form showing the property of the debtor divisible among his creditors, the names and addresses of all his creditors and the amounts of their respective claims and the nature of each, whether secured, preferred or unsecured.

Filing of assigment.

(3) The assignment shall be offered to the official receiver in the locality of the debtor, and it is inoperative until filed with such official receiver, who shall refuse to file the same unless it is in the prescribed form or to the like effect and accompanied by the sworn statement required by subsection two.

Effect thereof.

24. (1) This was formerly section 5 (1). The words "if no custodian has been appointed and" were apparently included in the Act in error, as the custodian could not be appointed before the receiving order was made. The concluding words "or of any part thereof" are an unnecessary repetition of these words. The added words have been included as a measure of protection to the debtor.

(2) This was formerly section 5 (2). The latter part is new. Its purpose is to remove any misunderstanding respecting the powers and duties of the interim receiver. The appointment of an interim receiver is perhaps the most arbitrary proceeding known in civil law and some legislative direction on the manner in which the powers should be exercised is deemed necessary.

25. This was formerly section 7 and read as follows:

"**7.** The provisions of this Part shall not apply to wage-earners or to persons engaged solely in farming or the tillage of the soil."

The definition of a "wage-earner" (formerly section 2 *(ll)*) has been slightly changed and incorporated in the section.

26. This was formerly section 9.

(1) The subsection has been amended to bring it in line with section 22. The words "whose liabilities to creditors provable as debts under this Act exceed five hundred dollars" have also been deleted as being unnecessary in view of the definition of an "insolvent person". The subsection formerly read as follows:

"**9.** (1) Any insolvent debtor (other than a resident in the province of Quebec engaged solely in farming or the tilling of the soil) whose liabilities to creditors, provable as debts under this Act, exceed five hundred dollars, may, at any time prior to the making of a receiving order against him, make an assignment of all his property for the general benefit of his creditors."

(2) No change except that the words "secured, preferred, or unsecured" have been substituted for "privileged, secured or otherwise" for greater precision.

(3) No material change.

Appointment of trustee.

(4) Where the official receiver files the assignment he shall appoint as trustee a licensed trustee whom he shall, as far as possible, select by reference to the wishes of the most interested creditors if ascertainable at the time; the official receiver shall complete the assignment by inserting therein as grantee the name of the trustee.

Cancellation of assignment.

(5) Where the official receiver is unable to find a licensed trustee who is willing to act, he shall, after giving the bankrupt seven days' notice of his intention, cancel the assignment.

Procedure in small estates.

(6) Where the bankrupt is not a corporation and in the opinion of the official receiver the realizable assets of the bankrupt, after deducting the claims of secured creditors, will not exceed five hundred dollars, the provisions of the Act relating to summary administration of estates shall apply.

(4) This is a new subsection. It amends and combines parts of the former subsections (4), (5) and (6), which were as follows:

"(4) If the Official Receiver accepts the assignment, he shall file the same, whereupon the property of the debtor shall be deemed to be under the authority of the court and the debtor shall cease to have any capacity to dispose of or otherwise deal with such property.

(5) Immediately after the acceptance of the authorized assignment the Official Receiver shall appoint as custodian a licensed trustee whom he shall, as far as possible, select by reference to the wishes of the most interested creditors, if ascertainable at the time.

(6) Upon the appointment of the trustee by the creditors, the Official Receiver shall complete the authorized assignment by inserting therein as grantee the name of such trustee, and such assignment shall thereupon, subject to the provisions of this Act, and subject to the right of secured creditors vest, as of the date of the acceptance and filing of the said assignment, in the trustee, all the property of the debtor, and in any case of change of trustee, the property shall pass from trustee to trustee without any conveyance, assignment or transfer whatever."

The object of the changes is to simplify the procedure by the elimination of the unnecessary office of custodian and to have the trustee appointed by the official receiver as soon as the assignment is filed. The provisions in subsection (4) relating to the capacity of the debtor and those in subsection (6) as to the vesting of the property are now found in section 41 (5).

(5) This was formerly subsection (8) modified to bring it into conformity with the changed procedure introduced in this section.

The former subsection (7) has been deleted. It read as follows:

"(7) Every assignment of his property other than an authorized assignment made by an insolvent debtor for the general benefit of his creditors shall be null and void."

(6) This is a new subsection which brings into effect the provisions of sections 114 to 116 in their application to estates with limited assets.

PART III.

Proposals.

By an insolvent person.
By a bankrupt.
Documents to be filed.

27. (1) A proposal may be made by

(a) an insolvent person, and

(b) a bankrupt.

(2) Proceedings for a proposal shall be commenced in the case of an insolvent person by lodging with a licensed trustee and in the case of a bankrupt by lodging with the trustee of the estate

(a) a copy of the proposal in writing setting out the terms of the proposal and the particulars of any securities or sureties proposed, signed by the debtor and the proposed sureties if any; and

(b) if the person making the proposal is bankrupt, the statement of affairs referred to in section one hundred and seventeen, or

(c) if the person making the proposal is not bankrupt, a statement showing the financial position of the debtor at the date of the proposal, verified by affidavit as being correct to the belief and knowledge of the debtor.

Approval of inspectors.

(3) A proposal made by a bankrupt shall be approved by the inspectors before any further action is taken thereon.

Proposal, etc., not to be withdrawn.

(4) No proposal or any security or guarantee tendered therewith may be withdrawn pending the decision of the creditors and the court.

Duties of trustee.

(5) The trustee shall make or cause to be made such an appraisal and investigation of the affairs and property of the debtor as to enable him to estimate with reasonable accuracy the financial situation of the debtor and the cause of the debtor's financial difficulties or insolvency and report the result thereof to the meeting of the creditors.

Trustee to report.

27. The sections dealing with proposals have been entirely revised with the following objects in view:

(i) To restore to the Act the right accorded to the debtor by section 13 of the *Bankruptcy Act, 1919*, to make a proposal to his creditors prior to making an authorized assignment or the making of a receiving order against him. This right was abrogated by the amendments of 1923 to the *Bankruptcy Act* because of the alleged abuses that had become associated with these proceedings due to lack of adequate supervision and control. It was subsequently restored in part by the *Companies' Creditors Arrangement Act, 1933*, which, however, restricted its operation to incorporated companies. One of the objects of the present changes is to restore to debtors the right to make a proposal prior to bankruptcy.

(ii) To secure for the creditors a greater percentage of the assets of debtors than can be secured under the present procedure whereby a debtor must be in bankruptcy before he can make a formal proposal to his creditors. It is believed that by restoring to the debtor the right of making a formal offer prior to bankruptcy many debtors will avail themselves thereof before their affairs become hopelessly involved and they are forced into bankruptcy.

This was formerly section 11 which read as follows:

"**11.** (1) Where an insolvent debtor intends to make a proposal for
(a) a composition in satisfaction of his debts; or
(b) an extension of time for payment thereof, or
(c) a scheme of arrangement of his affairs;
he may, after the making of a receiving order against him or the making of an authorized assignment by him, require in writing the trustee duly appointed to convene at the office of such trustee a meeting of such debtor's creditors for the consideration of such proposal.

(2) The debtor shall at the time when he requires the convening of such meeting, or before, lodge with the trustee
(a) a true statement of the debtor's affairs, including a list of his creditors, which list shall show the post office address of and the amount payable to each creditor, the whole statement being verified by the debtor by statutory declaration; and
(b) a proposal in writing signed by the debtor, embodying the terms of the proposed composition, extension or scheme and setting out the particulars of any sureties or securities proposed."

(1) and (2). These subsections have been completely revised in line with the new procedure. In addition, subsection (1) has been simplified by inserting the definition of a proposal in section 2 *(p)*.

(3) This provision is taken from the former section 12 (1).

(4) This was formerly section 13 (4). No material change.

(5) This is a new subsection and is self-explanatory.

Trustee shall call meeting of creditors.

28. (1) The trustee shall forthwith call a meeting of the creditors by sending by registered mail to every known creditor affected by the proposal and to the Superintendent at least ten days prior thereto

Documents to be mailed to creditors with notice of meeting.

(a) a notice of the date, time and place of the meeting;
(b) a condensed statement of the assets and liabilities;
(c) a list of the creditors affected by the proposal with claims amounting to twenty-five dollars or more and the amounts of their claims as known or shown by the debtor's books;
(d) a copy of the proposal;
(e) a form of proof of claim and proxy in blank, as prescribed, if not already sent; and
(f) a voting letter as prescribed.

In case of a prior meeting.

(2) Where a meeting of his creditors at which a statement or list of the debtor's assets, liabilities and creditors was presented was held before the trustee is so required by this section to convene a meeting to consider the proposal and at the time when the debtor requires the convening of such meeting the condition of the debtor's estate remains substantially the same as at the time of the former meeting, the trustee may omit observance of the provisions of paragraphs *(b)* and *(c)* of subsection one.

Adjournment of meeting for further investigation and examination.

29. Where the creditors by ordinary resolution at the meeting at which a proposal is being considered so require, the meeting shall be adjourned to such time and place as may be fixed by the chairman,

(a) to enable a further appraisal and investigation of the affairs and property of the debtor to be made, or
(b) for the examination under oath of the debtor or of such other person as may be believed to have knowledge of the affairs or property of the debtor, and the testimony of the debtor or such other person, if transcribed, shall be placed before the adjourned meeting or may be read in court upon the application for the approval of the proposal.

Creditor may assent or dissent by letter.

30. Any creditor who has proved his claim may assent to or dissent from the proposal by a letter to that effect addressed by registered mail to the trustee prior to the meeting and any assent or dissent if received by the trustee at or prior to the meeting has effect as if the creditor had been present and had voted at the meeting.

28. (1) This is a revision of former section 12 (1) to provide for meetings either before or after bankruptcy. Section 12 read as follows:

"**12.** (1) As soon as possible after a trustee has been required to convene a meeting of creditors to consider a proposal of a composition, extension or scheme of arrangement, he shall submit the proposal to the inspectors and if authorized by a majority of them shall forthwith fix a date for such meeting and send by registered mail to every known creditor

(a) at least ten days' notice of the time and place of meeting, the day of mailing to count as the first day's notice;

(b) a condensed statement of the assets and liabilities of the debtor;

(c) a list of his creditors; and

(d) a copy of his proposal.

(2) If any meeting of his creditors whereat a statement or list of the debtor's assets, liabilities and creditors was presented has been held before the trustee is so required to convene such meeting to consider such proposal and at the time when the debtor required the convening of such meeting the condition of the debtor's estate remains substantially the same as at the time of such former meeting, the trustee may omit observance of the provisions identified as *(b)* and *(c)* in the preceding subsection."

(2) No change.

29. This is a revision of subsections (1) and (2) of former section 15 to enable a further investigation to be made if deemed necessary. Section 15 formerly read as follows:

"**15.** (1) If creditors who hold ten per cent or more in amount of proved debts request the examination of the debtor, the trustee shall cause him to be examined under oath before the registrar or other officer appointed for that purpose by General Rules and his testimony to be taken down in writing.

(2) The testimony, so taken, may be read upon the hearing of the application for the approval of the composition or scheme of arrangement.

(3) The court if not satisfied with such testimony as so taken, may direct that the debtor attend before the court for the purpose of further examination."

Subsection (3) is unnecessary and has been deleted.

30. Formerly section 14. No substantial change.

The former section 30 has been deleted. It read:

"**30.** (1) If the receiving order or authorized assignment is not registered, or filed, or if notice of said receiving order or assignment is not published within the time and in the manner prescribed by this Part, an application may be made by any creditor or by the debtor to compel the registration or filing of the receiving order or assignment, or publication of such notice, and the judge shall make his order in that behalf and with or without costs, or upon the payment of costs by such person as he may, in his discretion, direct to pay the same.

(2) The judge may, in his discretion, impose a penalty on the trustee for any omission, neglect or refusal so to register, file, or publish as aforesaid, in an amount not exceeding the sum of five hundred dollars, and such penalty when imposed shall forthwith be paid by the trustee personally into and for the benefit of the estate of the debtor.

(3) Saving and preserving the rights of innocent purchasers, for value, neither the omission to publish or register as aforesaid, nor any irregularity in the publication or registration, shall invalidate the assignment or affect or prejudice the receiving order."

When proposal deemed to be accepted.

31. The creditors or any class of creditors may by special resolution resolve to accept the proposal as made or as altered or modified at the meeting or any adjournment thereof insofar as the proposal affects such creditors or class of creditors.

Creditors may provide for supervision of debtor's affairs.

32. At a meeting to consider a proposal the creditors, with the consent of the debtor, may include such provisions or terms in the proposal with respect to the supervision of the affairs of the debtor as they may deem advisable.

Application for approval.

33. Upon acceptance of the proposal by the creditors, the trustee shall apply to the court forthwith for its approval and shall send notice of the hearing of the application by registered mail, not less than fourteen days before the date of the hearing, to the debtor, to every creditor who has proved his claim and to the Superintendent; and the trustee, not less than three days before the date of the hearing, shall file in the prescribed form a report to the court on the proposal and shall forward a copy to the Superintendent not less than ten days before the date of the hearing.

31. This was formerly section 13 (1) and read as follows:

"**13.** (1) If at the meeting so convened to consider such proposal or at any subsequent meeting of creditors a majority of all the creditors and holding three-fourths in amount of all proved debts present in person or by proxy at such meeting resolve to accept the proposal either as made or as altered or modified at the request of the meeting, it shall be deemed to be duly accepted by the creditors."

The former section 31 has been deleted. It was as follows:

"**31.** The provisions of subsection one of section twenty-five and subsection three of section twenty-nine of this Act shall not apply to any judgment or certificate of judgment registered against real or immovable property in any of the provinces of Nova Scotia, New Brunswick or Quebec prior to the first day of July, one thousand nine hundred and twenty, which became, under the laws of the province wherein it was registered, a lien or hypothec upon such real or immovable property."

32. This is a new section and is self-explanatory.

33. This was formerly section 13 (2) and Rule 112 which read as follows:

"**13.** (2) The trustee shall forthwith, if the proposal is accepted by the creditors, apply to the court to approve it, and if the trustee does not make such application within ten days, the debtor or any creditor may do so."

"*Rule* **112.** Whenever an application is made to the court to approve of a composition, extension or scheme, the trustee shall, not less than seven days before the hearing of the application, send notice by registered mail of the application to the debtor and to every creditor who has proved his debt; and the trustee shall file his report not less than two days before the time fixed for hearing the application."

The former section 33 has been deleted. It read:

"**33.** (1) No advantage shall be taken of or gained by any creditor through any mistake, defect or imperfection in any authorized assignment or in any receiving order or proceedings connected therewith, if the same can be amended or corrected; and any mistake, defect or imperfection may be amended by the court.

(2) Such amendment may be made on application of the trustee or of any creditor on such notice being given to other parties concerned as the court shall think reasonable; and the amendment when made shall have relation back to the date of the assignment or petition in bankruptcy, but not so as to prejudice the rights of innocent purchasers for value."

Court to hear report of trustee, etc.

34. (1) The court shall, before approving the proposal, hear a report of the trustee in the prescribed form as to the terms thereof and as to the conduct of the debtor, and, in addition, shall hear the trustee, the debtor, any opposing, objecting or dissenting creditor and such further evidence as the court may require.

Court may refuse to approve the proposal.

(2) Where the court is of the opinion that the terms of the proposal are not reasonable or are not calculated to benefit the general body of creditors, the court shall refuse to approve the proposal, and the court may refuse to approve the proposal whenever it is established that the debtor has committed any one of the offences mentioned in sections one hundred and fifty-six to one hundred and fifty-eight.

Reasonable security.

(3) Where any of the facts mentioned in sections one hundred and thirty and one hundred and thirty-four are proved against the debtor, the court shall refuse to approve the proposal unless it provides reasonable security for the payment of not less than fifty cents in the dollar on all the unsecured claims provable against the debtor's estate or such percentage thereof as the court may direct.

Priority of claims.

(4) No proposal shall be approved by the court that does not provide for the payment in priority to other claims of all claims directed to be so paid in the distribution of the property of a debtor, and for the payment of all proper fees and expenses of the trustee on and incidental to the proceedings arising out of the proposal or in the bankruptcy, nor shall any proposal be approved in which any other person is substituted for the trustee to collect and distribute to the creditors any moneys payable under the proposal.

Power of court.

(5) In any other case the court may either approve or refuse to approve the proposal.

Annulment of bankruptcy and revesting of property.

(6) The approval by the court of a proposal made after bankruptcy operates to annul the bankruptcy and to revest in the debtor, or in such other person as the court may approve, all the right, title and interest of the trustee in the property of the debtor, unless the terms of the proposal otherwise provide.

Costs when proposal refused.

(7) No costs incurred by a debtor on or incidental to an application to approve a proposal other than the costs incurred by the trustee shall be allowed out of the estate if the court refuses to approve the proposal.

34. (1) This subsection combines the provisions formerly contained in section 16 (1) with the relevant provisions of former Rule 114.

(2) This subsection was formerly section 16 (2). The change is to include the penal offences in sections 156 to 158. The prohibition herein is deemed too arbitrary and the court should be allowed to exercise its discretion in the matter.

(3) This was formerly section 16 (3). No change except to delete the proviso and to add the words "and one hundred and thirty-four".

(4) This was formerly section 16 (5). Provision has been made for payment of the trustee's fees and expenses as a condition precedent to the approval of the proposal by the court. Provision has also been made to prevent unlicensed persons not subject to supervision by the Superintendent from obtaining control of the proceedings.

(5) This was formerly section 16 (4). By the re-arrangement of former subsections (4) and (5) the words deleted have become unnecessary. It read as follows:

> "**16.** (4) In any other case the court, subject to the provisions of subsection five of this section, may either approve or refuse to approve the proposal."

(6) This new subsection contains the provisions of subsection (5) of former section 19 as amended, which read as follows:

> "**19.** (5) If the court approves of the composition, extension or scheme, it may make an order annulling the bankruptcy or authorized assignment and vesting the property of the debtor in him or in such other person as the court may appoint on such terms and subject to such conditions, if any, as the court may declare."

(7) These provisions were formerly contained in Rule 115.

The former section 34 has been deleted. With the appointment of the trustee on the making of the receiving order or filing of the assignment the office of custodian becomes unnecessary. The essential provisions of this section are now included in section 8—"Duties and Powers of Trustees". Section 34 read as follows:

> "**34.** (1) The custodian whether appointed by the court pursuant to a receiving order, or by the Official Receiver pursuant to an authorized assignment, shall take immediate possession of the books and all the property of the debtor liable to seizure, and for the purpose of making an inventory thereof shall be entitled to enter upon any premises where the books or property of the debtor are, notwithstanding that such books or property are in the possession of a sheriff or secured creditor or other claimant thereto.
>
> (2) The custodian may under the direction of the Official Receiver take conservatory measures and summarily dispose of goods which are perishable or likely to depreciate rapidly in value, or may carry on the business of the debtor for such period as the court deems advisable.
>
> (3) The custodian shall remain in possession until a trustee is appointed by the creditors.
>
> (4) Any person appointed as custodian pursuant to the provisions of this Act, shall during the term of his office as such custodian be deemed to be an officer of the court, and shall when so appointed forthwith give such security for the proper performance of his duties as shall be prescribed by General Rules."

Effective date of proposal.

35. (1) Where an insolvent person makes a proposal, the trustee shall file a copy thereof with the official receiver and the time of the filing of the proposal shall constitute the time for the determination of the claims of the creditors and for all other purposes of this Act.

Approval binding on creditors but does not release debtor from certain liabilities without assent.

(2) A proposal accepted by the creditors and approved by the court is binding on all the creditors with claims provable under this Act and affected by the terms of the proposal but does not release the debtor from the debts and liabilities referred to in section one hundred and thirty-five, unless the creditor assents thereto.

Certain persons not released.

(3) The acceptance of a proposal by a creditor does not release any person who would not be released under this Act by the discharge of the debtor.

Proceedings in case of default.

36. (1) Where default is made in payment of any instalment due in pursuance of the proposal or where it appears to the court that the proposal cannot proceed without injustice or undue delay, or that the approval of the court was obtained by fraud, the court may, on application by the trustee or by any creditor, set aside the proposal and make such order as it deems proper in the circumstances.

Not to invalidate things done.

(2) An order under subsection one shall be made without prejudice to the validity of any sale, disposition of property or payment duly made, or thing duly done, under or in pursuance of the proposal.

Proposal may be annulled.

(3) A proposal, although accepted or approved, may be annulled by the court at the request of the trustee or of any creditor whenever the debtor is afterwards convicted of any offence under this Act.

35. (1) This is a new subsection. The effective date of all other proceedings is fixed in the Act. This is deemed necessary with respect to these particular proceedings.

(2) This was formerly section 18 (1) and (2) simplified and harmonized with section 137. Subsections (1) and (2) of section 18 were as follows:

"**18.** (1) A composition, extension or scheme accepted and approved shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable under this Act, but shall not release the debtor from any liability under a judgment against him in an action for seduction, or under an affiliation order or for alimony, or under a judgment against him as co-respondent in a matrimonial case or for necessaries of life or alimentary debts, except to such an extent and under such conditions as the court expressly orders in respect of such liability.

(2) Notwithstanding anything herein contained, a composition, extension or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents (as, for the purposes solely of proceedings relating to a composition, extension or scheme he may, notwithstanding anything in this Act, so assent) to such composition, extension or scheme."

(3) Formerly section 18 (3).

The former section 35 has been deleted. It read as follows:

"**35.** (1) Notwithstanding anything contained in this Act, if the Lieutenant-Governor in Council of any province authorizes any officer of the provincial government to act as custodian and trustee under this Act, the Official Receiver shall in the case of any assignment by a person engaged solely in farming or the tillage of the soil appoint such officer as custodian.

(2) Any officer so appointed to the office of custod an by the Official Receiver shall thereupon in addition to such office be and be deemed to be the trustee as if appointed under subsection one of section thirty-seven of this Act, and shall continue to be the trustee until properly removed under subsection two of the said section thirty-seven.

(3) In case any such provincial officer is appointed custodian and trustee, he shall not be entitled under this Act to be paid any remuneration as custodian or trustee nor any of the costs enumerated as costs of custodian in Part III of the General Rules."

36. (1) Formerly section 19 (2). The words "adjudge the debtor bankrupt, make a receiving order against him and annul the composition, extension or scheme" have been replaced by the words underlined at the end of the subsection.

(2) Formerly section 19 (3). The word "adjudication" has been replaced by the word "order".

(3) Formerly section 196 (2) extended to cover any offence under the Act. The subsection formerly read as follows:

"**196.** (2) Any composition, extension or scheme of arrangement, although accepted or approved, may be annulled at the request of the trustee or of any creditor whenever the debtor is afterwards convicted of any offence mentioned in section one hundred and ninety-one of this Act."

The former subsections (1) and (4) of section 19 are unnecessary and have been deleted. They read:

"**19.** (1) The provisions of a composition, extension or scheme under this Act may be enforced by the court on application by any person interested, and any disobedience of an order of the court made on the application shall be deemed a contempt of court."

(4) Where a debtor is adjudged bankrupt under this section any debt provable in other respects, which has been contracted before the adjudication, shall be provable in the bankruptcy proceedings."

Where proposal is conditional on purchase of new securities.

37. A proposal made conditional upon the purchase of shares or securities or upon any other payment or contribution by the creditors shall provide that the claim of any creditor who elects not to participate in the proposal shall be valued by the court and shall be paid in cash upon approval of the proposal.

Provisions of Act to apply to all proposals.

38. (1) All the provisions of this Act, in so far as they are applicable, apply *mutatis mutandis* to proposals.

Companies' Creditors Arrangement Act not affected.

(2) Nothing in this Act shall be deemed to affect the operation of *The Companies' Creditors Arrangement Act, 1933*, and the court may order that a proposal made by a corporation pursuant to section twenty-seven be taken up and continued under *The Companies' Creditors Arrangement Act, 1933*.

37. This was formerly section 20 which has been greatly simplified. This section has been further amended to provide for its application to creditors only. It read as follows:

"**20.** (1) Any scheme of arrangement under which the right of participation therein of any creditor, or of any shareholder of a debtor which is a corporation, is made conditional upon the purchase by such creditor or shareholder of any new securities or upon any other payment or contribution by such creditor or shareholder shall provide that the claim of any creditor or shares of any such shareholder who elects not to participate in the scheme shall be valued by the court at the amount, if any, realizable thereon upon a sale by the trustee of all the property and assets of the debtor to wind up his estate.

(2) The value so determined shall within ninety days after the determination thereof or such further time as may be allowed by the court be paid to such creditor or shareholder either in money or in such securities as shall be specified pursuant to such scheme of arrangement and approved by the court and such payment shall be in full satisfaction of his claim or payment upon his shares as the case may be.

(3) For the purpose of assisting the court so to value the claims of any creditors and shares of any shareholders of a corporation debtor who elect not to participate in the scheme, the court may appoint a qualified person to examine into the value thereof as aforesaid and report the same to the court.

(4) In case of request therefor by creditors or shareholders who do not elect to participate in the scheme holding one-fifth in amount of all proved debts, or one-fifth in interest of all the shares of any such corporation debtor, hereinafter referred to as "the minority creditors" or "the minority shareholders" as the case may be, the court shall appoint three persons; one to be nominated by the minority creditors to assist the court in valuing the claims of the minority creditors, one by the minority shareholders to assist the court in valuing the shares of the minority shareholders, and the third by the creditors and shareholders who elect to participate in the scheme.

(5) A majority of the minority creditors or shareholders shall have the right to agree with the creditors and shareholders who elect to participate in the scheme upon one or two persons only being appointed.

(6) Such person or persons shall be entitled to reasonable compensation to be fixed by the court which together with the necessary expenses in connection with the examination into the value of such claims and shares shall be paid from the estate of the debtor.

(7) No secret arrangement shall be made with any creditors or shareholders to induce them to participate in any such scheme."

38. (1) The purpose of this amendment is to make all provisions of the Act apply to proposals. This replaces the former section 22 which read as follows:

"**22.** All parts of this Act shall, so far as the nature of the case and the terms of the composition, extension or scheme admit, apply thereto as if the terms "trustee," "bankruptcy," "bankrupt," "assignment," "authorized assignment," "assignor," "authorized assignor," "order" and "order of adjudication" included respectively a composition, extension or scheme of arrangement, a compounding, extending or arranging debtor and an order approving the composition, extension or scheme."

(2) This subsection is new. Its purpose is evident.

PART IV.

Property of the Bankrupt.

Property of bankrupt.

39. The property of a bankrupt divisible amongst his creditors shall not comprise

(a) property held by the bankrupt in trust for any other person;

(b) any property that as against the bankrupt is exempt from execution or seizure under the laws of the province within which the property is situate and within which the bankrupt resides,

but it shall comprise

(c) all property wherever situate of the bankrupt at the date of his bankruptcy or that may be acquired by or devolve on him before his discharge; and

(d) such powers in or over or in respect of the property as might have been exercised by the bankrupt for his own benefit.

Stay of Proceedings.

Stay of proceedings.

40. (1) Upon the filing of a proposal made by an insolvent person or upon the bankruptcy of any debtor, no creditor with a claim provable in bankruptcy shall have any remedy against the debtor or his property or shall commence or continue any action, execution or other proceedings for the recovery of a claim provable in bankruptcy until the trustee has been discharged or until the proposal has been refused, unless with the leave of the court and on such terms as the court may impose.

Secured creditors.

(2) Subject to the provisions of section forty-eight and sections eighty-six to ninety-three, a secured creditor may realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed, unless the court otherwise orders, but in so ordering the court shall not postpone the right of the secured creditor to realize or otherwise deal with his security, except as follows:

Proviso as to rights of secured creditor.

(a) in the case of a security for a debt due at the date of the bankruptcy or of the approval of the proposal or which becomes due not later than six months thereafter such right shall not be postponed for more than six months from such date;

39. No material change. Formerly section 23.

(c) The words "wherever situate" have been added for purposes of clarification and the word "bankruptcy" substituted for "presentation of any bankruptcy petition or at the date of the execution of an authorized assignment".

(d) This has been simplified.

40. (1) Formerly section 24 (1). The words "On the making of a receiving order or authorized assignment" have been replaced by the words underlined at the beginning of the subsection and the words "until the trustee has been discharged or until the proposal has been refused" have been added at the end to remove different practices following conflicting decisions of the courts as in certain provinces the courts have held that a creditor is not at liberty without leave to proceed against a bankrupt after the trustee has been discharged.

(2) Formerly subsections (2) and (3) which have been combined and amended by including therein a reference to section 48 which is also concerned with secured creditors and which imposes certain restrictions upon them.

In paragraphs *(a)* and *(b)* the word "bankruptcy" has been substituted for the words "receiving order or authorized assignment" and the words "or of the approval of the proposal" have been added to provide for the case of a proposal made before bankruptcy.

(b) in the case of a security for a debt that does not become due until more than six months after the date of the bankruptcy or of the approval of the proposal such right shall not be postponed for more than six months from such date, unless all instalments of interest which are more than six months in arrears are paid and all other defaults of more than six months' standing are cured, and then only so long as no instalment of interest remains in arrears or defaults remain uncured for more than six months, but, in any event, not beyond the date at which the debt secured by such security becomes payable under the instrument or law creating the security, except under paragraph *(a)*.

General Provisions.

Receiving orders and assignments to take precedence of attachments, executions, etc.

41. (1) Every receiving order and every assignment made in pursuance of this Act takes precedence of all judicial or other attachments, garnishments, certificates having the effect of judgments, judgments, certificates of judgment, judgments operating as hypothecs, executions or other process against the property of a bankrupt, except such as have been completely executed by payment to the creditor or his agent, and except also the rights of a secured creditor.

Exceptions.

Costs.

(2) Notwithstanding subsection one, one solicitor's bill of costs, including sheriff's fees and land registration fees, shall be payable to the creditor who has first attached by way of garnishment or lodged with the sheriff an attachment, execution or other process against the property of the bankrupt.

Application of Act to married women.

(3) Every married woman is subject to the provisions of this Act as if she were a *feme sole*, and for all the purposes of this Act

(a) any judgment or order obtained against her, whether or not expressed to be payable out of her separate property, has effect as though she were personally bound to pay the judgment debt or sum ordered to be paid, and

(b) the expressions "judgment", "execution" or "attachment" have operation as if by law the liability of married women thereon and thereunder were personal as well as proprietary.

41. (1) Formerly section 25 (1). The change is to make it clear that the bankruptcy proceedings shall take precedence of all attachments and executions, judicial and otherwise. The words "certificates having the effect of judgments, judgments, certificates of judgment, judgments operating as hypothecs," have been transferred to this section from the former section 29A(2).

Paragraphs *(a)* and *(b)* of the former subsection (1) have been combined. Section 25 (1) *(a)* and *(b)* formerly read as follows:

> "**25.** (1) Every receiving order and every authorized assignment made in pursuance of this Act shall take precedence over
>
> *(a)* all attachments of debts by way of garnishments, unless the debt involved has been actually paid over to the garnishing creditor or his agent; and
>
> *(b)* all other attachments, executions or other process against property except such thereof as have been completely executed by payment to the execution or other creditor; and except also the rights of a secured creditor."

(2) Formerly section 25 (2) slightly amended to broaden its scope by including land registration fees.

(3) This was formerly section 2 *(w)* and section 175 which have been combined and transferred to this section as a more logical place for insertion. The words "who carries on a trade or business, whether separately from her husband or not" have been struck out. The change is intended to equalize the effect of the application of the Act to married women. In one case, in *In re* Stone, 7 C.B.R. 103; 1925, 4 D.L.R. 518; 57, O.L.R. 640, it has been held that while a receiving order could not be made against a

Commencement of bankruptcy.

(4) The bankruptcy shall be deemed to have relation back to and to commence at the time of the filing of the petition on which a receiving order is made or of the filing of an assignment with the official receiver.

Vesting of property in trustee.

(5) On a receiving order being made or an assignment being filed with an official receiver, a bankrupt shall cease to have any capacity to dispose of or otherwise deal with his property which shall, subject to the provisions of this Act and subject to the rights of secured creditors, forthwith pass to and vest in the trustee named in the receiving order or assignment, and in any case of change of trustee the property shall pass from trustee to trustee without any conveyance, assignment or transfer.

Application of other substantive law.

(6) The provisions of this Act shall not be deemed to abrogate or supersede the substantive provisions of any other law or statute relating to property and civil rights which are not in conflict with the provisions of this Act, and the trustee shall be entitled to avail himself of all rights and remedies provided by such law or statute as supplementary to and in addition to the rights and remedies provided by this Act.

No document, etc., made or executed under authority of this Act shall be within operation of provincial law.

(7) No receiving order or assignment or other document made or executed under authority of this Act shall, except as in this Act otherwise provided, be within the operation of any legislative enactment now or at any time in force in any province of Canada relating to deeds, mortgages, judgments, bills of sale, chattel mortgages, property or registration of documents affecting title to or liens or charges upon property, real or personal, immovable or movable.

married woman not a trader, yet in another case, in *In re* Bartram, 11 C.B.R. 149; (1930) 2 D.L.R. 40; 65, O.L.R. 1, it was held that a married woman could make an assignment. It is considered rather an anomaly that a petition could be filed against a husband in certain cases for the debts of his wife, but not against the wife for the same debts not contracted in trade or business. If she has the right to make an assignment it is not unfair that she should be subject to the same civil disability as other persons of having a petition filed against her for any debt incurred by her. Sections 2 *(w)* and 175 formerly read as follows:

"**2.** *(w)* "judgment" or "execution" or "attachment" shall have operation as if by law the liability of married women thereon and thereunder were personal as well as proprietary;"

"**175.** Every married woman who carries on a trade or business, whether separately from her husband or not, shall be subject to the provisions of this Act as if she were a *feme sole*, and for all the purposes of this Act any judgment or order obtained against her, whether or not expressed to be payable out of her separate property shall have effect as though she were personally bound to pay the judgment debt or sum ordered to be paid."

(4) This subsection has been taken from former section 4 (11) and amended to eliminate any ambiguity as to when the title of the trustee becomes effective.

(5) This is a revision of former section 6 (1) in which are incorporated the substantive provisions of former section 9 (4) and (6) which read as follows:

"**9.** (4) If the Official Receiver accepts the assignment, he shall file the same, whereupon the property of the debtor shall be deemed to be under the authority of the court and the debtor shall cease to have any capacity to dispose of or otherwise deal with such property."

"(6) Upon the appointment of the trustee by the creditors, the Official Receiver shall complete the authorized assignment by inserting therein as grantee the name of such trustee, and such assignment shall thereupon, subject to the provisions of this Act, and subject to the right of secured creditors vest, as of the date of the acceptance and filing of the said assignment, in the trustee, all the property of the debtor, and in any case of change of trustee, the property shall pass from trustee to trustee without any conveyance, assignment or transfer whatever."

(6) This is a new subsection. Much uncertainty exists as to the application of substantive law of the provinces relating to fraudulent preferences when found in statutes dealing with assignments and preferences now declared to be superseded by the *Bankruptcy Act*. It is felt that the courts have not sufficiently differentiated between the effect of the act of making the assignment as such and the substantive law therein dealing with civil rights.

(7) No material change. Formerly section 27.

The former section 41 has been deleted as being unnecessary. It read as follows:

"**41.** Subject to the provisions of this Act, trustee may do all or any of the following things:

(a) Give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof;

(b) Prove, rank, claim and draw a dividend in respect of any debt due to the debtor;

(c) Exercise any powers the capacity to exercise which is vested in the trustee under this Act, and execute any powers of attorney, deeds and other instruments for the purpose of carrying into effect the provisions of this Act."

Purchaser in good faith at sale protected.

42. (1) An execution levied by seizure and sale of the property of a bankrupt is not invalid by reason only of its being an act of bankruptcy, and a person who purchases the property in good faith under a sale by the sheriff acquires a good title thereto against the trustee.

Sheriff to deliver property of bankrupt to trustee.

(2) Where an assignment or a receiving order has been made, the sheriff or other officer of any court or any other person having seized property of the bankrupt under execution or attachment or any other process shall, upon receiving a copy of the assignment or of the receiving order certified by the trustee as a true copy thereof, forthwith deliver to the trustee all the property of the bankrupt in his hands.

In case of sheriff's sale.

(3) Where the sheriff has sold the property of the bankrupt or any part thereof, he shall deliver to the trustee the money so realized by him less his fees and the costs referred to in subsection two of section forty-one.

Effect of bankruptcy on seizure of property for rent or taxes.

(4) Any property of a bankrupt under seizure for rent or taxes shall on production of a copy of the receiving order or the assignment certified by the trustee as a true copy thereof be delivered forthwith to the trustee but the costs of distress shall be a first charge thereon, and, if such property or any part thereof has been sold, the money realized therefrom less the costs of distress and sale shall be paid to the trustee.

Registration of receiving order or assignment.

43. (1) Every receiving order, or a true copy thereof certified by the registrar or other officer of the court that made it, and every assignment, or a true copy thereof certified by the official receiver, may be registered by or on behalf of the trustee in respect of the whole or any part of any real or immovable property that the bankrupt owns or in which he has any interest or estate in the proper office in every district, county and territory wherein, according to the law of the province in which such real or immovable property is situate, deeds or transfers of title and other documents relating to lands or immovables or any interest therein may be registered.

42. (1) No material change. Formerly section 26(1).

(2) Formerly section 26(2). No material change except to substitute for a copy of an order certified by the court a copy certified by the trustee. There is no need to put a trustee to the additional trouble and expense as no trustee would dare to produce a false copy of an order.

(3) No material change. Formerly section 26(3).

(4) This is a new subsection. It is deemed necessary as supplementary to section 40 (1) and section 95 to clarify the situation in such cases. A similar provision is found in section 88 of the Australian Act barring seizures for rent after bankruptcy.

43. (1) This is a redraft of section 29 (1) and (2) which formerly read as follows:

"**29.** (1) Every receiving order and every authorized assignment (or a true copy certified as to such order by the registrar or other officer of the court which has made it, and as to such assignment certified by the Official Receiver therein named) may be registered or filed by or on behalf of the custodian or trustee in the proper office in every district, county or territory in which the whole or any part of any real or immovable property which the bankrupt or assignor owns or in which he has any interest or estate is situate.

(2) The proper office in this section referred to shall be the land registration office, registry office or other office wherein, according to the law of the province deeds or other documents of title to real or immovable property may or ought to be deposited, registered or filed.

Effect of registration under a Land Titles Act.

(2) Where a bankrupt is the registered owner of any land or charge, the trustee, on registration of the documents referred to in subsection one, is entitled to be registered as owner of the land or charge free of all encumbrances or charges mentioned in subsection one of section forty-one.

Caveat may be filed.

(3) Where a bankrupt owns any land or charge registered under a Land Titles Act, or has or is believed to have any interest or estate therein, and for any reason a copy of the receiving order or assignment has not been registered as provided in subsection one, a caveat or caution may be lodged with the proper master or registrar by the trustee, and any registration thereafter made in respect of such land or charge shall be subject to such caveat or caution unless it has been removed or cancelled under the provisions of the Land Titles Act under which such land or charge or interest is registered.

Duty of officials to register documents.

(4) Every registrar to whom a trustee tenders or causes to be tendered for registration any receiving order or assignment or other document shall register the same according to the ordinary procedure for registering within such office documents relating to real or immovable property.

Law of province to apply in favour of purchaser for value.

44. Notwithstanding anything in this Act, a deed, conveyance, transfer, agreement for sale, mortgage, charge or hypothec made to or in favour of a *bona fide* purchaser or mortgagee for adequate valuable consideration and covering any real or immovable property affected by a receiving order or an assignment under this Act, is valid and effectual according to the tenor thereof and according to the laws of the province in which the said property is situate as fully and effectually and to all intents and purposes as if no receiving order or assignment had been made under this Act, unless the receiving order or assignment, or notice thereof, or caution, has been registered against the property in the proper office prior to the registration of the deed, conveyance, transfer, agreement for sale, mortgage, charge or hypothec in accordance with the laws of the province in which the property is situate.

(2) This is a simplified redraft of sections 29 (3) and 29A (2). These subsections formerly read as follows:

"**29.** (3) From and after such registration or filing or tender thereof in the proper office to the registrar or other proper officer, such order or assignment shall have precedence of all certificates of judgment, judgments operating as hypothecs, executions and attachments against land (except such thereof as have been completely executed by payment) within such office or within the district, county or territory which is served by such office, but subject to a lien for the costs of registration and sheriff's fees, of such judgment, execution or attaching creditors as have registered or filed in such proper office their judgments, executions or attachments."

"**29A** (2). Whenever the debtor is the owner of any land or charge registered under a Land Titles Act, the trustee shall, on production of evidence that the land or charge is part of the property of the debtor, be entitled to be registered as owner free of all certificates of judgment, judgments operating as hypothecs, executions and attachments against land (except such thereof as have been completely executed by payment) within the office of such master or registrar or within the district, county or territory which is served by his office, but subject to a claim for the costs of registration and sheriff's fees, of such judgment, execution or attaching creditors as have registered or filed in such office their judgments, executions or attachments."

(3) This is a redraft of section 29A (1) and Rule 13A, which formerly read as follows:

"**29A.** (1) Whenever any land or charge, of which the debtor is owner, is registered under a Land Titles Act, a caution, in the form to be prescribed by General Rules, may be lodged with the proper master or registrar by the custodian or trustee, as the case may be, as soon as practicable after his appointment. No registration shall thereafter be made in respect of such land or charge on behalf of the said registered owner unless such caution be removed. Upon the caution being removed the land or charge shall be dealt with in the same manner as if no caution had been lodged."

"Rule **13A**. Where a caution has been registered pursuant to Section 29A (1) the said Caution may be removed or cancelled by the proper Master (or Registrar) upon receiving a notice of withdrawal in the prescribed form duly executed by the trustee, or upon such notice and in such manner as any Caution or Caveat lodged against any land (or charge) may be removed or cancelled under the provisions of the Land Titles Act under which such land (or charge) is registered."

(4) This subsection was formerly section 29 (4).

The former subsections (5), (6) and (7) are unnecessary and have been deleted. They read:

"**29.** (5) At the time of the tender of such document for such purpose there must be annexed thereto as part thereof an affidavit substantially in form number one of the schedule to this Act.

(6) In cases where the title to real, or immovable, property, or any lien or charge upon or against such property, is affected by any receiving order, or authorized assignment, there shall be added to such affidavit the words set out in form number two of the schedule to this Act, with the incidentally necessary description and information."

(7) Such affidavit may be sworn before such registrar or other officer, or before a notary public or a commissioner authorized to administer oaths for use in any of the courts of the province."

Also superfluous is the former subsection 29A (3) which read as follows:

"**29A.** (3) 'Proper master or registrar' shall mean the master, local master or registrar under a Land Titles Act in whose office the land or charge of the debtor is registered."

44. No material change. Formerly section 32.

Property not to be removed from province in which bankruptcy occurred.

45. No property of a bankrupt shall be removed out of the province where such property was at the date when the receiving order or assignment was made, without the permission of the inspectors or an order of the court in which proceedings under this Act are being carried on or within the jurisdiction of which such property is situate.

Contributory shareholders.

46. (1) Every shareholder or member of a bankrupt corporation is liable to contribute the amount unpaid on his shares of the capital or on his liability to the corporation or to its members or creditors, as the case may be, under the act, charter or instrument of incorporation of the company or otherwise.

Liability of contributory an asset.

(2) The amount that the contributory is liable to contribute shall be deemed an asset of the corporation and a debt payable to the trustee forthwith upon the bankruptcy of the corporation.

Bank must notify trustee.

47. Where a banker has ascertained that a person having an account with him is an undischarged bankrupt, it is his duty forthwith to inform the trustee of the existence of the account, and thereafter he shall not make any payments out of the account, except under an order of the court or in accordance with instructions from the trustee, unless upon the expiration of one month from the date of giving the information no instructions have been received from the trustee.

Inspection of property held in pledge.

48. Where property of a bankrupt is held as a pledge, pawn, or other security, the trustee may give notice in writing of his intention to inspect the property, and the person so notified is not thereafter entitled to realize his security until he has given the trustee a reasonable opportunity of inspecting the property and of exercising his right of redemption.

Protection of trustee from personal liability in certain cases.

49. Where the trustee has seized or disposed of property in the possession or on the premises of a bankrupt without notice of any claim in respect of the property and it is thereafter made to appear that the property was not at the date of the bankruptcy the property of the bankrupt or was subject to an unregistered lien or charge, the trustee is not to be personally liable for any loss or damage arising from the seizure or disposal sustained by any person claiming the property or an interest therein nor for the costs of proceedings taken to establish a claim thereto, unless the court is of opinion that the trustee has been guilty of negligence with respect to the property.

45. This was formerly section 49. No substantial change.

46. (1) This was formerly section 70 (1). No substantial change.

(2) This was formerly section 70 (2). No material change. The former subsections (3) and (4) are unnecessary and have been deleted. They read as follows:

> "**70.** (3) If a shareholder has transferred his shares under circumstances which do not, by law, free him from liability in respect thereof, or if he is by law liable to the corporation or to its members or creditors, as the case may be, to an amount beyond the amount unpaid on his shares, he shall be deemed a member of the corporation for the purposes of this Act and shall be liable to contribute as aforesaid to the extent of his liability to the corporation or its members or creditors independently of this Act.
>
> (4) The amount which he is so liable to contribute shall be deemed an asset and a debt as aforesaid."

47. Formerly section 68. Inserted here as a more logical sequence. No substantial change.

48. This was formerly section 53. No material change.

49. This was formerly section 52. The changes are self-explanatory.

Persons claiming property in possession of bankrupt must file proof of claim to recover.

50. (1) Where a person claims any property, or interest therein, in the possession of the bankrupt at the time of the bankruptcy he shall file with the trustee a proof of claim verified by affidavit giving the grounds on which the claim is based and sufficient particulars to enable the property to be identified.

How claim disposed of.

(2) The trustee with whom a proof of claim is filed under subsection one shall within fifteen days thereafter or within fifteen days after the first meeting of creditors, whichever is the later, either admit the claim and deliver possession of the property to the claimant or give notice in writing to the claimant that the claim is disputed with his reasons therefor, and, unless the claimant appeals therefrom to the court within fifteen days after the mailing of the notice of dispute, he shall be deemed to have abandoned or relinquished all his right to or interest in the property to the trustee who thereupon may sell or dispose of the property free of any lien, right, title or interest of the claimant thereon or therein.

Onus on claimant to establish claim.

(3) The onus of establishing a claim to or in property under this section is on the claimant.

Trustee may require proof of claim.

(4) The trustee may give notice in writing to any person to prove his claim to or in property under this section, and, unless that person files with the trustee a proof of claim in the prescribed form within fifteen days after the mailing of the notice, the trustee may thereupon with the leave of the court sell or dispose of the property free of any lien, right, title or interest of that person thereon or therein.

No other proceeding to be instituted.

(5) No proceedings shall be instituted to establish a claim to, or to recover any right or interest in, any property in the possession of a bankrupt at the time of the bankruptcy, except as provided in this section.

Rights of others not extended.

(6) Nothing in this section shall be construed as extending the rights of any person other than the trustee.

50. (1) This section is a revision of the former section 54 (1). So many applications to the court were made to recover such property thereunder, the costs of which were directed to be paid out of estate funds, that subsequently Rule 139A was added to avoid the necessity of such applications. Rule 139A made it necessary for proof of claim to be filed giving the trustee an opportunity to admit or reject the claim thereby eliminating practically all such applications and saving the estate much costs. It has been deemed desirable accordingly to incorporate the requirement of a proof of claim being filed in lieu of a notice of intention to remove. The subsection formerly read as follows:

> "**54.** (1) Where any goods in the charge or possession of a debtor at the time when a receiving order or an authorized assignment is made are alleged to be in his charge or possession subject to the ownership or a special or general property right, or right of possession in another person, and whether or not such goods are held by the debtor under or subject to the terms of any lien, consignment, agreement, hire receipt, or order, or any agreement providing or implying that the ownership of, property in, or right to possession of such goods, or other or like goods in exchange or substitution, shall vest in or pass to the debtor only upon payment of defined or undefined moneys, or upon performance or abstention from performance of any acts or conditions, the person alleged or claiming to own such goods or such special or general property or right of possession therein or thereof shall not, by himself or his agents or servants, nor shall his agents or servants, remove or attempt to remove such goods or any thereof out of the charge or possession of the debtor, or of the trustee or any actual custodian thereof, until the elapse of fifteen days after delivering notice in writing to the trustee of intention so to remove."

(2) This is a redraft of the former Rule 139A with certain provisions added in regard to the effect of no appeal being made. Rule 139A read as follows:

> "*Rule* **139A.** Where a claimant desires to recover goods referred to in section 54, he shall file with the custodian or trustee, as the case may be, a notice of his claim verified by affidavit, giving the grounds on which the claim is based and sufficient particulars to enable the goods to be identified, and the trustee when appointed shall after investigating the claim either return the said goods or give notice that the right of the claimant thereof is disputed, whereupon the claimant may within ten days thereafter appeal therefrom in the manner provided for in Rule 139. The trustee shall in no case be liable for the costs of such appeal, or any loss occasioned by such dispute made in good faith."

(3) This is a new subsection the purpose of which is to make it clear that the owner of any such property must look after his own interests in such cases.

(4) This is a new subsection the purpose of which is to establish a procedure whereby the trustee may on his own initiative have the disposition of any such property dealt with.

(5) This is a new subsection. Its purpose is to bring within the purview of the Bankruptcy Court the disposition of all such property coming into the hands of the trustee.

(6) This was formerly section 54(2). No substantial change.

Trustee to have right to sell patented articles.

51. (1) Where any property of the bankrupt vesting in a trustee consists of patented articles that were sold to the bankrupt subject to any restrictions or limitations, the trustee is not bound by such restrictions or limitations but may sell and dispose of the patented articles free and clear of such restrictions or limitations.

Right of manufacturer.

(2) Where the manufacturer or vendor of such patented articles objects to the disposition of them by the trustee as provided by this section and gives to the trustee notice in writing of such objection before the sale or disposition thereof such manufacturer or vendor has the right to purchase such patented articles at the invoice prices thereof, subject to any reasonable deduction for depreciation or deterioration.

Copyright.

52. Where the property of a bankrupt comprises the copyright in any work or any interest in such copyright, and he is liable to pay to the author of the work royalties or a share of the profits in respect thereof, the trustee is not entitled to sell, or authorize the sale of, any copies of the work, or to perform or authorize the performance of the work, except on the terms of paying to the author such sums by way of royalty or share of the profits as would have been payable by the bankrupt, nor is he, without the consent of the author or of the court, entitled to assign the right or transfer the interest or to grant any interest in the right by licence, except upon terms which will secure to the author payments by way of royalty or share of the profits at a rate not less than that which the bankrupt was liable to pay.

Effect of sales of property by trustee.

53. All sales of property made by the trustee shall vest in the purchaser all the legal and equitable estate of the bankrupt therein.

Partnership Property.

Application to limited partnerships.

54. (1) This Act applies to limited partnerships in like manner as if limited partnerships were ordinary partnerships, and, on all the general partners of a limited partnership becoming bankrupt, the property of the limited partnership shall vest in the trustee.

Actions by trustee and bankrupt's partner.

Release to be void.

(2) Where a member of a partnership becomes bankrupt, the court may authorize the trustee to commence and prosecute any action in the names of the trustee and of the bankrupt's partner, and any release by the partner of the debt or demand to which the action relates is void.

51. (1) This was formerly section 47 (1). No material change.

(2) This was formerly section 47 (2). The words "before the sale or disposition thereof" have been substituted for the words "within five days after the date of his appointment".

52. This was formerly section 48. No change.

53. This was formerly section 44. No change.

54. (1) This section was formerly section 176. The words "Subject to such modifications as may be made by General Rules" have been deleted from the first line.

(2) No material change. Formerly section 167 (1) and (2).

Notice to partner.

(3) Notice of the application for authority to commence the action shall be given to the bankrupt's partner, and he may show cause against it, and on his application the court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the action, and, if he does not claim any benefit therefrom, he shall be indemnified against costs in respect thereof as the court directs.

Sales in Quebec.

Sales in the province of Quebec. Sales of hypothecated immovable property.

55. (1) In the province of Quebec no immovable property whereon exists a hypothec or a privilege shall be sold by the trustee without the permission in writing of the inspectors and the authorization of the judge and after notice has been given to each hypothecary or privileged creditor whose name is entered in the register of addresses that the registrars of the registration divisions are obliged to keep according to the laws of the province.

Method of sale of hypothecated property.

(2) The sale of immovable property under subsection one, unless a written consent to the contrary is obtained from each hypothecary or privileged creditor whose claim has been duly registered, or unless the sale is made subject to hypothec or privilege of any such creditor not so consenting, shall be made at public auction and after advertisement as required for the sale of immovable property by the sheriff in the district or place where such immovable property is situate, but where the property is situate in more than one district or place the court may direct a sale of all such property as an entirety at one place, to be specified in the order, and after such notice as the court may direct.

Effect of sale at public auction.

(3) Any sale at public auction under this section has the same effect as a sheriff's sale in the province of Quebec, and is subject to the contribution to the Public Buildings and Jury Fund provided for in the case of sheriff's sale.

False bidding.

(4) In case of false bidding, the same recourse as in case of sheriff's sale may be exercised against the false bidder in the manner provided by the laws of the province.

Security unaffected.

(5) This section shall not be interpreted as affecting the right of a secured creditor to realize or otherwise deal with his security as provided by this Act.

Duties imposed by Civil Code.

56. Upon making a sale under section fifty-five, the trustee shall fulfil all the duties imposed on the sheriff by articles two thousand one hundred and sixty-one *(d)* to two thousand one hundred and sixty-one *(k)*, inclusive, of the Civil Code of the province of Quebec, and the registrars of the different registration divisions of that province shall also fulfil all the duties imposed upon them by the said

(3) No change. Formerly section 167 (3).

55. (1) This was formerly section 45 (1). No change.

(2) This was formerly section 45 (2). No material change.

(3) This was formerly section 45 (3). No change.

(4) This was formerly section 45 (4). No material change.

(5) This was formerly section 45 (5). No change.

56. This was formerly section 45 (6). No change.

articles and shall be deemed to be officers of the court having jurisdiction in bankruptcy for the carrying out of the provisions of this section.

Resale.

57. (1) Where the purchaser has not paid the whole of the purchase price or given security when he may lawfully do so under the provisions of the Code of Civil Procedure for the province of Quebec, the trustee may obtain from the court an order for the resale of the property.

(2) The purchaser may prevent the resale for false bidding by paying to the trustee, before the resale, the amount of his bid with the interest accrued by reason of his default and all costs incurred thereby.

(3) Where a resale is made and the price obtained is less than the bid of the false bidder, he is liable to the trustee for the difference between the bid and the price obtained, and the court may on application of the trustee make an order against the false bidder for payment of the difference; and where the price obtained is greater than the bid the difference shall be paid to the trustee.

Effect of omission.

58. Failure to comply with any of the provisions of the articles referred to in section fifty-six does not invalidate any proceedings of the sale but the officer in default is responsible for all damages that may result therefrom.

Disposal of property so sold by sheriff.

59. When an immovable property affected by a hypothec or privilege is sold by the sheriff, the moneys realized from the sale shall remain in his hands to be paid by him to the privileged and hypothecary creditors in accordance with the report of distribution made by the prothonotary of the Superior Court and the surplus shall be remitted to the trustee upon an order of the judge for its distribution among the ordinary creditors in accordance with the provisions of this Act.

Settlements and Preferences.

Avoidance of certain settlements.

60. (1) Any settlement of property, if the settlor becomes bankrupt within one year after the date of the settlement, is void against the trustee.

If bankrupt within five years.

(2) Any settlement of property, if the settlor becomes bankrupt within five years after the date of the settlement, is void against the trustee, unless the parties claiming under the settlement can prove that the settlor was, at the time of making the settlement, able to pay all his debts without the aid of the property comprised in the settlement and that the interest of the settlor in the property passed on the execution thereof.

57. These provisions were formerly contained in Rule 129.

58. This was formerly section 45 (7). No change.

59. This was formerly section 45 (8). No change.

60. (1) The changes are self-explanatory.

(2) The changes are self-explanatory.

The former subsection (3) has been deleted. It read as follows:

> "**60.** (3) This section shall not extend to any settlement made
> *(a)* before and in consideration of marriage, or
> *(b)* in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or
> *(c)* on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife."

Certain marriage contracts void as against trustee.

61. Any covenant or contract made by any person (hereinafter called "the settlor") in consideration of his or her marriage, either for the future payment of money for the benefit of the settlor's wife or husband or children, or for the future settlement on or for the settlor's wife or husband or children, of property wherein the settlor had not at the date of the marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property in right of the settlor's wife or husband, if the settlor becomes bankrupt and the covenant or contract has not been executed at the date of the bankruptcy, is void against the trustee except so far as it enables the persons entitled under the covenant or contract to claim for dividend in the settlor's bankruptcy proceedings under or in respect of the covenant or contract, but any such claim to dividend shall be postponed until all claims of the other creditors have been satisfied.

Payments and transfers void, subject to proof of certain facts.

62. (1) Any payment of money, not being payment of premiums on a policy of life insurance in favour of the husband, wife, child or children of the settlor, or any transfer of property made by the settlor in pursuance of a covenant or contract mentioned in section sixty-one, is void against the trustee unless the person to whom the payment or transfer was made prove

(a) that the payment or transfer was made more than six months before the date of the bankruptcy; or

(b) that at the date of the payment or transfer the settlor was able to pay all his debts without the aid of the money so paid or the property so transferred; or

(c) that the payment or transfer was made in pursuance of a covenant or contract to pay or transfer money or property expected to come to the settlor from or on the death of a particular person named in the covenant or contract and was made within three months after the money or property came into the possession or under the control of the settlor.

If declared void.

(2) Where any payment or transfer mentioned in subsection one is declared void, the persons to whom it was made shall be entitled to claim for dividend under or in respect of the covenant or contract in like manner as if it had not been executed at the date of the bankruptcy.

Avoidance of general assignment of book debts.

63. (1) Where a person engaged in any trade or business makes an assignment of his existing or future book debts or any class or part thereof and subsequently becomes bankrupt, the assignment of book debts is void against the trustee as regards any book debts that have not been paid at the date of the bankruptcy.

61. The changes are self-explanatory.

62. (1) The changes are self-explanatory.

(2) No material change.

The former subsection (3) is unnecessary and has been deleted. It read as follows:

"**62.** (3) For the purpose of this section and sections sixty and sixty-one "settlement" shall include any conveyance or transfer of property."

63. The section formerly read as follows:

"**63.** (1) Where a person engaged in any trade or business makes an assignment of his existing or future book debts or any class or part thereof, and is subsequently adjudicated bankrupt or makes an authorized assignment, the assignment of book debts shall be void against the trustee in the bankruptcy or under the authorized assignment, as regards any book debts which have not been paid at the date of the presentation of the petition in bankruptcy or of the making of the authorized assignment.

(2) This section shall not apply if, in the province where the assignor has his principal place of business, there is a statute providing for the registration of such assignment, and if the assignment is registered in compliance therewith.

(3) Nothing in this section shall have effect so as to render void any assignment of book debts, due at the date of the assignment from specified debtors, or of debts growing due under specified contracts, or any assignment of book debts included in a transfer of a business made *bona fide* and for value, or in any authorized assignment.

(4) For the purpose of this section "assignment" includes assignment by way of security and other charges on book debts."

(1) The changes are self-explanatory.

Foregoing provisions not to apply in some cases.

(2) This section does not apply to an assignment of book debts which is registered pursuant to any statute of any province providing for the registration thereof if the assignment is valid in accordance with the laws of the province.

Further cases where this section not to void assignments.

(3) Nothing in this section renders void any assignment of book debts due at the date of the assignment from specified debtors, or of debts growing due under specified contracts, or any assignment of book debts included in a transfer of a business made *bona fide* and for adequate valuable consideration.

"Assignment" defined.

(4) For the purposes of this section, "assignment" includes assignment by way of security and other charges on book debts.

Avoidance of preference in certain cases.

64. (1) Every transaction, whether or not entered into voluntarily or under pressure, by an insolvent person who becomes bankrupt within six months thereafter and resulting in any person or any creditor or any person in trust for such creditor or any surety or guarantor for the debt due to such creditor obtaining a preference, advantage or benefit over the creditors or any of them, is void as against the trustee.

Void or voidable transactions.

(2) Every transaction entered into by a person who subsequently becomes bankrupt which would be void or voidable as against a creditor is void or voidable, as the case may be, as against the trustee.

Transactions deemed unlawful.

(3) Any transaction entered into between a bankrupt and any person the result of which is to obtain a benefit or advantage to which the bankrupt or such person would not be entitled is void as against the trustee, and any property or consideration given is recoverable by the trustee.

Transactions re undisclosed property.

(4) Any transaction entered into after the bankruptcy of any person between the bankrupt and any other person relating to any of the property of the bankrupt not disclosed to the trustee at the date of the bankruptcy is void as against the trustee.

(2) This subsection has been redrafted. The change in subsection (2) has been recommended by the Conference of Commissioners on Uniformity of Laws for Canada at its session at Ottawa in August, 1933. It has also been recommended by the Canadian Bankers' Association. It formerly read as follows:

"(2) This section shall not apply if, in the province where the assignor has his principal place of business, there is a statute providing for the registration of such assignment, and if the assignment is registered in compliance therewith."

(3) The changes are self-explanatory.

(4) No change.

64. This is an entirely new redraft of section 64 which formerly read as follows:

"**64.** (1) Every conveyance or transfer of property or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any insolvent person in favour of any creditor or of any person in trust for any creditor with a view of giving such creditor a preference over the other creditors shall, if the person making, incurring, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, incurring, taking, paying or suffering the same, or if he makes an authorized assignment, within three months after the date of the making, incurring, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy or under the authorized assignment.

(2) If any such conveyance, transfer, payment, obligation or judicial proceeding has the effect of giving any creditor a preference over other creditors, or over any one or more of them, it shall be presumed *prima facie* to have been made, incurred, taken, paid or suffered with such view as aforesaid whether or not it was made voluntarily or under pressure and evidence of pressure shall not be receivable or avail to support such transaction.

(3) For the purpose of this section, the expression "creditor" shall include a surety or guarantor for the debt due to such creditor."

(1) Former sections 64 and 65 have been the *cause celebre* of more litigation and uncertainty than any other sections in the Act. Even the courts have not been able to agree on the proper interpretation thereof. For instance the words "with a view of" in the fourth line of section 64 have been the cause of many diverse opinions and inferences regarding the intent of the parties to the transaction. It has given rise to the doctrine of concurrent intent in some provinces which is a product of former decisions of the courts on the interpretation of similar phrases in the *Assignments and Preferences Act* in force therein. In other provinces it has been held to mean only unilateral intent on the part of either a bankrupt or a creditor. The result has been that there has been much confusion of thought and no unanimity not only as to the interpretation of the section but also as to the inter-relating effect with section 65.

(2) The new subsection has a wider application than the former section 64 which limited the types of transactions which could be attacked thereunder.

(3) This is a new subsection inserted to get at a certain type of transaction more usually entered into after the bankruptcy for quite an unlawful purpose.

(4) This subsection is new and is deemed necessary to complete the circle of transactions which are prohibited.

Protected transactions.

65. (1) Except as provided in sections sixty to sixty-four, nothing in this Act shall be construed to invalidate, in the event of bankruptcy, any settlement or transaction made or entered into before bankruptcy in good faith and for adequate valuable consideration between the bankrupt and any other person without notice or knowledge of or reason to suspect the insolvency of the bankrupt or of his having committed an act of bankruptcy.

Law of set-off to apply.

(2) The law of set-off applies to all claims made against the estate and also to all actions instituted by the trustee for the recovery of debts due to the bankrupt in the same manner and to the same extent as if the bankrupt were plaintiff or defendant, as the case may be, except in so far as any claim for set-off is affected by the provisions of this Act respecting frauds or fraudulent preferences.

Recovering proceeds if reconveyed.

66. (1) Where a person has acquired property of the bankrupt under a transaction that is void or under a voidable transaction that is set aside and has sold, disposed of, realized or collected the property or any part thereof, the money or other proceeds, whether further disposed of or not, shall be deemed the property of the trustee.

Trustee may recover.

(2) The trustee may recover the property or the value thereof or the money or proceeds therefrom from the person who acquired it from the bankrupt or from any other person to whom he may have resold, transferred or paid over the proceeds of the property as fully and effectually as the trustee could have recovered the property if it had not been so sold, disposed of, realized or collected.

65. (1) This is a simplified redraft of the former section 65 which read as follows:

"**65.** (1) Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy or of an authorized assignment on an execution, attachment or other process against property, and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate, in the case of a receiving order or an authorized assignment,

(a) any payment by the bankrupt or assignor to any of his creditors;

(b) any payment or delivery to the bankrupt or assignor;

(c) any conveyance or transfer by the bankrupt or assignor for adequate valuable consideration;

(d) any contract, dealing, or transaction by or with the bankrupt or assignor for adequate valuable consideration;

Provided that both the following conditions are complied with, namely:—

(i) That the payment, delivery, conveyance, assignment, transfer, contract, dealing, or transaction, as the case may be, is in good faith and takes place before the date of the receiving order or authorized assignment; and

(ii) That the person, other than the debtor, to, by, or with whom the payment, delivery, conveyance, assignment, transfer, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, transfer, contract, dealing or transaction, notice of any available act of bankruptcy committed by the bankrupt or assignor.

(2) The expression "adequate valuable consideration" in paragraph *(c)* of this section means a consideration of fair and reasonable money value with relation to that of the property conveyed, assigned or transferred, and in paragraph *(d)* hereof means a consideration of fair and reasonable money value with relation to the known or reasonably to be anticipated benefits of the contract, dealing or transaction."

(2) Formerly section 58. No change.

66. The phraseology of this section has been slightly changed. Section 66 (1), (2) and (3) read as follows:

"**66.** (1) If a person in whose favour any settlement of property, conveyance or transfer which is void under this Act has been made, shall have sold, disposed of, realized on or collected the property so conveyed or transferred, or any part thereof, the money or other proceeds, whether further disposed of or not, shall be deemed the property of the trustee as such.

(2) The trustee may recover such property or the value thereof from the person in whose favour such settlement of property, conveyance or transfer was made or from any other person, to whom the person in whose favour such settlement of property, conveyance or transfer was made may have resold, redisposed of or paid over the proceeds of such property as fully and effectually as the trustee could have recovered the same if it had not been so sold, disposed of, realized on or collected.

(3) Notwithstanding the provisions of subsection one of this section, where any person to whom such property has been sold or disposed of shall have paid or given therefor in good faith fair and reasonable consideration he shall not be subject to the operation of this section but the trustee's recourse shall be solely against the person in whose favour such settlement was made for recovery of the consideration so paid or given or the value thereof."

Operation of section.

(3) Notwithstanding subsection one, where any person to whom the property has been sold or disposed of has paid or given therefor in good faith adequate valuable consideration he is not subject to the operation of this section but the trustee's recourse shall be solely against the person entering into the transaction with the bankrupt for recovery of the consideration so paid or given or the value thereof.

Trustee subrogated.

(4) Where the consideration payable for or upon any sale or resale of such property or any part thereof remains unsatisfied the trustee is subrogated to the rights of the vendor to compel payment or satisfaction.

Dealings with undischarged bankrupt.

67. (1) All transactions by a bankrupt with any person dealing with him *bona fide* and for value in respect of property acquired by the bankrupt after the bankruptcy, if completed before any intervention by the trustee, are valid against the trustee, and any estate or interest in such property that by virtue of this Act is vested in the trustee shall determine and pass in such manner and to such extent as may be required for giving effect to any such transaction.

Receipt of money by banker.

(2) For the purposes of this section, the receipt of any money, security or negotiable instrument from or by the order or direction of a bankrupt by his banker, and any payment and any delivery of any security or negotiable instrument made to or by the order or direction of a bankrupt by his banker shall be deemed to be a transaction by the bankrupt with such a banker dealing with him for value.

(3) The words "entering into such transaction with the bankrupt" have been substituted for the words "in whose favour such settlement was made".

(4) No change.

67. The changes are self-explanatory.

PART V.

Administration of Estates.

Meetings of Creditors.

First meeting of creditors.

68. (1) It shall be the duty of the trustee to inform himself of the names and addresses of the creditors and, within five days from the date of his appointment, to send by registered mail to the bankrupt, to every known creditor and to the Superintendent a notice in the prescribed form of the first meeting of creditors, to be held on a date not later than fifteen days from the mailing thereof at the office of the official receiver in the locality of the bankrupt, but the official receiver may, when he deems it expedient, authorize the meeting to be held at the office of any other official receiver or at such place as the official receiver may fix.

Documents to accompany notice.

(2) The trustee shall include with such notice a list of the creditors with claims amounting to twenty-five dollars or more and the amounts of their claims together with a proof of claim and proxy in the prescribed form but no name shall be inserted in the proxy before it is so sent.

Notice to be gazetted by trustee.

(3) Notice of the bankruptcy and of the first meeting shall, as soon as may be done, be published in the prescribed form by the trustee in the *Canada Gazette*.

Publication in local paper by trustee.

(4) A notice in the prescribed form shall, as soon as possible after the bankruptcy and not later than six days prior to the first meeting, be published in a local newspaper by the trustee.

Purpose of meeting.

(5) The purpose of such meeting shall be to consider the affairs of the bankrupt, to affirm the appointment of the trustee or substitute another in place thereof, to appoint inspectors and to give such directions to the trustee as the creditors may see fit with reference to the administration of the estate.

68. Formerly section 88.

(1) The provisions of subsections (1) and (2) have now been combined in subsection (1), the word "trustee" being substituted for "custodian".

Subsection (1) is the same with new phrases added and subsection (2) which read "Such first meeting shall be called for a date not later than fifteen days after the mailing of such notice" is merely incorporated therein. The concluding part is added to meet a certain type of situation where it may be more desirable that the meeting of creditors be held elsewhere to serve the convenience of all concerned.

(2) Formerly subsection (3).

(3) and (4) These provisions were formerly contained in subsection (1) of section 28. The word "trustee" has been substituted for "custodian". Section 28 (1) read as follows:

> "28. (1) A notice in the prescribed form of the receiving order or assignment and of the first meeting of creditors required to be called pursuant to this Act shall, as soon as possible after the making or executing of such receiving order or assignment, be gazetted by the custodian, and not less than six days prior to said meeting be published in a local newspaper."

(5) This was formerly section 88 (4). The word "administration" has been substituted for "disposal", and the additional clause added to widen the application of the section. It read as follows:

> "88. (4) The purpose of such meeting shall be to consider the affairs of the debtor and to appoint a trustee and inspectors and give directions to the trustee with reference to the disposal of the estate."

Meetings during administration.

69. (1) The trustee may at any time call a meeting of creditors and he shall do so when directed by the court and whenever requested in writing by a majority of the inspectors or by twenty-five per cent in number of the creditors holding twenty-five per cent in value of the proved claims.

Meetings convened by inspectors.

(2) A meeting of the creditors may be convened by a majority of the inspectors at any time when a trustee is not available to call a meeting or has neglected or failed to do so when so directed by the inspectors.

Notice of subsequent meetings.

70. (1) Meetings other than the first shall be called by mailing notice of the time and place thereof not less than four days before the time of such meeting to each creditor at the address given in his proof of claim.

Notice to creditors with proved claims.

(2) After the first meeting notice of any meeting or of any proceeding need not be given to any creditors other than those who have proved their claims.

Procedure at Meetings.

Chairman of first meeting.

71. (1) The official receiver or his nominee shall be the chairman at the first meeting of creditors and shall decide any questions or disputes arising at the meeting and from any such decision any creditor may appeal to the court.

Trustee to be chairman of subsequent meetings.

(2) At all other meetings the trustee shall be the chairman unless by resolution at the meeting some other person is appointed.

Chairman shall have casting vote.

(3) The chairman of any meeting of creditors shall, in the case of a tie, have a second or casting vote.

Minutes of meeting.

(4) The chairman shall cause minutes of the proceedings at the meeting to be drawn up and entered in a book kept for that purpose, and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

69. (1) Formerly section 89. It is necessary to provide for meetings to be called when ordered by the court and when required by the inspectors.

(2) This is a new subsection.

70. (1) Formerly section 90 (1). The reason for the additional clause is obvious.

(2) Formerly section 90 (2). The subsection has been revised in view of the provisions of subsection (2) of section 71.

71. (1) Formerly section 91 (1). The changes are self-explanatory. It read as follows:

> "**91.** (1) The Official Receiver or his nominee shall be the chairman at the first meeting of creditors, and shall decide any questions arising in connection with the appointment of the trustee by creditors, and from any such decision any creditor may appeal to the court."

(2) Formerly section 91 (2) which read as follows:

> "(2) At all other meetings the chairman shall be such person as the meeting by resolution appoints."

(3) This subsection is new.

(4) This was formerly section 93. No change.

Non-reception of notice by creditor.

(5) Where a meeting of creditors is called, the proceedings had and resolutions passed at such meeting, unless the court otherwise orders, are valid, notwithstanding that some creditors shall not have received notice.

Quorum.

72. (1) A meeting shall not be competent to act for any purpose except the election of a chairman and the adjournment of the meeting, unless there are present or represented at least three creditors, or all the creditors when their number does not exceed three.

Adjournment if no quorum.

(2) Where, within half an hour after the time appointed for the meeting, a quorum of creditors is not present or represented, the meeting shall be adjourned by the chairman to such time and place as the chairman may appoint, not being less than seven nor more than twenty-one days from the day of the adjourned meeting.

Adjournment with consent of meeting.

(3) The chairman of any meeting may with the consent of the meeting adjourn the meeting from time to time.

How creditors shall vote.

73. Every class of creditors may express its views and wishes separately from every other class and the effect to be given to such views and wishes shall, in case of any dispute and subject to the provisions of the Act, be in the discretion of the court.

(5) This is taken from former Rule 133 (1) which read as follows:

"*Rule* **133.** (1) Where a meeting of creditors is called by notice, the proceedings had and resolutions passed at such meeting shall, unless the Court otherwise orders, be valid, notwithstanding that some creditors shall not have received the notice sent to them and notwithstanding the inadvertent omission to send such notice to one or more creditors."

The former section 71 has been deleted. It read:

"**71.** (1) The trustee may from time to time make demand on any contributory requiring him to pay to the trustee within thirty days from and after the date of the service of such demand, the amount for which such person is so liable to contribute or such portion thereof as the trustee deems necessary or expedient.

(2) Any such demand shall be deemed to have been properly served if delivered personally to the contributory or if a copy of the same is mailed in a registered prepaid letter addressed to the contributory at his last known address or at the address shown in or by the stock register or other books of the corporation.

(3) If the contributory disputes liability, either in whole or in part, he shall within fifteen days from the service of such demand give notice in writing to the trustee stating therein what portion of the demand is disputed and setting out his grounds of defence and he shall not thereafter, unless by leave of the court be permitted to plead in any action or proceeding brought against him by the trustee any grounds of defence of which he has not notified the trustee within said fifteen days.

(4) If at the expiration of thirty days from the date of the service of such demand the contributory has not paid to the trustee the required amount, the trustee may take proceedings against the contributory for the recovery thereof in the manner provided by General Rules.

(5) If the contributory considers the demand excessive or unjust he may apply to the court to reduce or disallow it.

(6) If the court considers the demand to be grossly excessive or unjust it may order the trustee to pay personally the costs of any such application."

72. (1) Formerly section 92 (1). No change.

(2) Formerly section 92 (2). The words "to such time and place" have been substituted for the words "to the same day in the following week at the same time and place, or to such other day."

(3) Formerly section 91 (3). No material change.

The former section 72 has been deleted. It read as follows:

"**72.** (1) The court shall, on the application of any contributory, adjust the rights of the contributories among themselves, and, for the purpose of facilitating such adjustment may direct the trustee to intervene, carry the proceedings, employ legal or other assistance and make such investigations, do such acts and furnish such information as to the court may seem necessary or advisable.

(2) The court shall allow to the trustee and to any solicitor, advocate or counsel or other assistant employed by him under the provisions, of the immediately preceding subsection, as against the contributories or any of them such remuneration, expenses and costs as the court shall deem just, and such remuneration, expenses and costs shall be paid out of such moneys as shall be collected from contributories under the order or direction of the court for the purposes of the adjustment or out of moneys payable to the contributories by the estate of the debtor, as the court shall order, but such remuneration, expenses and costs shall not be payable in any event out of the general estate of the debtor.

(3) The court, before proceeding to adjust the rights of contributories among themselves, as by subsection one of this section provided, may order that the contributory applying shall provide security, in form and amount satisfactory to the court, for the payment of such remuneration, expenses and costs as will be incident to such adjustment, and, in default of such security being provided as and when ordered, the court may refuse to proceed with such adjustment."

73. This was formerly Rule 136 which has been slightly amended.

The former section 73 has been deleted. It was as follows:

"**73.** (1) The provisions of sections seventy, seventy-one and seventy-two shall apply only to corporations which have become bankrupt or authorized assignors under this Act.

(2) The word 'contributory' as used in the three last preceding sections means such shareholder or member of a corporation as is referred to in subsection one of section seventy."

Power of chairman to admit or reject proof.

74. (1) The chairman of the meeting has power to admit or reject a proof of claim for the purpose of voting but his decision is subject to appeal to the court.

Accept proof by telegraph.

(2) Notwithstanding anything in this Act, the chairman may, for the purpose of voting, accept telegraphic or cable communication as proof of the claim of a creditor who is resident out of Canada.

In case of doubt.

(3) Where the chairman is in doubt whether the proof of claim should be admitted or rejected he shall mark the proof as objected to and allow the creditor to vote subject to the vote being declared invalid in the event of the objection being sustained.

Right of creditor to vote.

75. (1) A person is not entitled to vote as a creditor at any meeting of creditors unless he has duly proved a claim provable in bankruptcy and the proof of claim has been duly lodged with the trustee before the time appointed for the meeting.

Voting by proxy.

(2) A creditor may vote either in person or by proxy.

Form of proxy.

(3) A proxy is not invalid merely because it is in the form of a letter, telegram or cable.

Debtor may not be proxy.

(4) A debtor may not be appointed a proxy to vote at any meeting of his creditors.

Corporation.

(5) A corporation may vote by an authorized agent at meetings of creditors.

Claims acquired after bankruptcy.

76. (1) No person is entitled to vote on a claim acquired after the bankruptcy unless the entire claim is acquired.

(2) Subsection one does not apply to persons acquiring notes, bills or other securities upon which they are liable.

74. (1) This was formerly section 100 (1). No material change.

(2) This was formerly section 100 (2) which read as follows:

"**100.** (2) Notwithstanding anything in this Act, the chairman may, for the same purpose, accept telegraphic or cable communication as proof of the debt of a creditor who carries on business out of Canada and likewise as to the authority of any one claiming to represent and vote on behalf of such creditor."

(3) No material change. This was formerly section 100 (3).

75. (1) This was formerly section 94. No material change.

(2) This was formerly section 101 (1) which read as follows:

"**101.** (1) A creditor may vote either in person or by proxy deposited with the custodian or trustee at or before the meeting at which it is to be used."

(3) This was formerly section 101(2). No change.

(4) This is a new subsection. Its purpose is obvious.

(5) This was formerly section 99 (1). No material change. Subsection (2) of section 99 has been deleted. It read as follows:

"**99.** (2) The bondholders, debenture holders, shareholders and members of the corporation and each class thereof may at such meeting express their views or wishes in manner prescribed by General Rules."

76. No material change. Formerly section 97.

Creditor secured by bill or note.

77. A creditor shall not vote in respect of any claim on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and who is not a bankrupt, as a security in his hands and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend, to deduct it from his claim.

Voting by secured creditor.

78. For the purpose of voting, a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and he is entitled to vote only in respect of the balance, if any, due to him, after deducting the value of his security.

Trustee may vote.

79. (1) Where the trustee is a creditor or a proxy for a creditor, he may vote as a creditor at any meeting of creditors.

Trustee may not vote on remuneration.

(2) The vote of the trustee or of his partner, clerk, solicitor, or solicitor's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the trustee.

Persons not entitled to vote.

(3) The following persons are not entitled to vote on the appointment of a trustee or inspectors, namely:

(a) the father, mother, son, daughter, sister, brother, uncle or aunt by blood or marriage, wife or husband of the bankrupt;

(b) where the bankrupt is a corporation, any officer, director or employee thereof.

77. There is no material change. This was formerly section 96 and read as follows:

"**96.** A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, or by whom an authorized assignment has not been made, as a security in his hands, and to estimate the value thereof, and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof."

78. This was formerly section 95 (1). No change.

Former section 95(2) is a mere repetition of subsection (1). It read as follows:

"**95.** (2) A secured creditor shall not be entitled to vote at any meeting of creditors until he has proved his claim and valued his security as hereinafter provided."

79. (1) This was formerly section 98(1). The provision giving the trustee a casting vote in the case of a tie has been deleted. Subsection (3) of section 71 gives a casting vote to the *chairman* of the meeting.

Section 98 read as follows:

"**98.** (1) The trustee, if a creditor or a proxy for a creditor, may vote, as a creditor at any meeting of creditors, and, in addition, in case of a tie, shall have a casting vote, personally, as if he were a creditor holding a proved claim of twenty-five dollars.

(2) The vote of the trustee, or of his partner, clerk solicitor, or solicitor's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the trustee.

(3) The following persons shall not be entitled to vote on the appointment of a trustee namely:

(i) the father, mother, son, daughter, sister, brother, uncle or aunt by blood or marriage, wife or husband of the bankrupt or authorized assignor;

(ii) if the bankrupt or authorized assignor is an incorporated company, any officer, director or employee thereof."

(2) Formerly section 98(2). The comma is inserted after "clerk" in the first line as in the English Act in the first schedule 28 it apparently has been inadvertently omitted.

(3) Formerly section 98(3). The words "or inspectors" have been added as the choice of the inspectors is as important to the administration of an estate as that of the trustee.

The former section 79 is deemed unnecessary and has been deleted. It read:

"**79.** Notwithstanding the declaration of a final dividend if any assets reserved for contingent claims, or assets subsequently received, become available for the payment of a further dividend and the necessary expenses of declaring the same, the trustee shall declare and pay such further dividend."

Evidence of proceedings at meetings of creditors.

80. (1) A minute of proceedings at a meeting of creditors under this Act signed at the same or the next ensuing meeting by a person describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

Evidence of regularity.

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been signed by the chairman shall be deemed to have been duly convened and held and all resolutions passed or proceedings thereat to have been duly passed or had.

Scale of votes.

81. Subject to this Act, all questions at meetings of creditors shall be decided by resolution carried by the majority of votes, and for such purpose the votes of creditors shall be calculated as follows:—

For every claim of or over twenty-five dollars and not exceeding two hundred dollars—one vote;

For every claim of over two hundred dollars and not exceeding five hundred dollars—two votes;

For every claim of over five hundred dollars and not exceeding one thousand dollars—three votes;

For every claim of one thousand dollars three votes and one additional vote for each additional one thousand dollars or fraction thereof.

Inspectors.

Appointment of inspectors.

82. (1) At the first or a subsequent meeting, the creditors shall appoint one or more, but not exceeding five, inspectors of the estate of the bankrupt.

Certain persons not eligible.

(2) No person is eligible to be appointed or to act as an inspector who is a party to any contested action or proceedings by or against the estate.

Powers of inspectors.

(3) The powers of the inspectors may be exercised by a majority of them.

Filling vacancy on board.

(4) The creditors or the inspectors at any meeting may fill any vacancy on the board of inspectors.

80. This was formerly section 177 (1) and (2). No material change.

The provisions of the former section 80 are duplicated in section 101 and have therefore been deleted. Section 80 read:

> "**80.** Where one partner of a firm is adjudged bankrupt, or makes an authorized assignment, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt or authorized assignor until all the separate creditors have received the full amount of their respective debts."

81. No material change. Formerly section 102.

82. (1) Formerly section 103(1). No material change.

(2) This was formerly section 103(7). No substantial change.

(3) This was formerly section 103(2). No change.

(4) This is a new subsection. While it is the natural right of the creditors to appoint inspectors as may be necessary yet often it is not practical and in many cases futile to call a meeting for such purpose alone. It is customary on practically all boards of directors for them to have the power to fill any vacancy on the board and so that inspectors can have a full board it is deemed desirable to grant them the power to fill a vacancy. Any such appointments are always subject to removal as provided in the next subsection.

Revocation and replacement.

(5) The creditors may at any meeting and the court may on the application of the trustee or any creditor revoke the appointment of any inspector and appoint another in his stead.

Meetings of inspectors.

(6) The trustee may call a meeting of inspectors when he deems it advisable and he shall do so when requested in writing by a majority of the inspectors.

Trustee votes in case of tie.

(7) In the event of an equal division of opinion at a meeting of inspectors, the opinion of any absent inspector shall be sought in order to resolve the difference, and in the case of a difference that cannot be so resolved it shall be resolved by the trustee, unless it concerns his personal conduct or interest in which case it shall be resolved by the creditors or the court.

If no inspectors appointed.

(8) Where there are no inspectors or where the inspectors fail to exercise the powers conferred on them, the trustee shall call a meeting of the creditors for the purpose of appointing inspectors or substituting other inspectors, taking such action or giving such directions as may be necessary.

Creditors may override directions of inspectors.

(9) Subject to this Act, the trustee shall in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors have regard to any directions that may be given by resolution of the creditors at any general meeting or by the inspectors, and any directions so given by the creditors shall in case of conflict be deemed to override any directions given by the inspectors.

Decisions of inspectors subject to review by court.

(10) The decisions and actions of the inspectors are subject to review by the court at the instance of the trustee or any interested person and the court may revoke or vary any act or decision of the inspectors and it may give such directions, permission or authority as it deems proper in substitution thereof or may refer any matter back to the inspectors for reconsideration.

Inspector may not acquire property.

(11) No inspector is, directly or indirectly, capable of purchasing or acquiring for himself or for another any of the property of the estate for which he is an inspector, unless with the prior approval of the court.

(5) This was formerly section 103(3). It is deemed desirable that the court also have the authority to remove an inspector acting improperly and to avoid the delay and expense of calling a meeting to appoint new inspectors so that the administration may be expedited. The subsection formerly read as follows:

> "(3) The creditors may, at any meeting, revoke the appointment of any inspector and n such event or in case of the death, resgination, or absence from the province of an inspector, may appoint another in his stead."

(6) This is a new subsection.

(7) This was formerly section 103(5). There is no material change except to meet the contingency therein expressed.

(8) This is a new subsection, which has been inserted to provide for the eventualities mentioned therein so that the administration of an estate may not be prejudiced as a result of the absence of inspectors or of their failure to act.

(9) This is a new subsection. The right of the creditors to override the inspectors seemingly has just been assumed by implication, as there does not appear to be any express authority therefor other than a decision of the court to that effect. The English Act, section 79(1), makes express provision therefor.

(10) This is a new subsection. It removes any doubt as to the authority of the court to overrule the decisions of the inspectors.

(11) This was formerly section 103(6). No change.

Acts of inspectors not invalidated by formal defects.

(12) No defect or irregularity in the appointment of an inspector vitiates any act done by him in good faith.

Duty of inspectors.

(13) The inspectors shall from time to time verify the bank balance, audit the trustee's accounts and inquire into the adequacy of the security filed by the trustee and, subject to subsection fourteen, shall approve the trustee's final statement of receipts and disbursements, dividend sheet and disposition of unrealized property.

Approval of trustee's final statement by inspectors.

(14) Before approving the final statement of receipts and disbursements, the inspectors shall satisfy themselves that all the property has been accounted for and that the administration of the estate has been completed as far as can reasonably be done and shall determine whether or not the disbursements and expenses incurred are proper and have been duly authorized, and the fees and remuneration just and reasonable in the circumstances.

Inspectors' fees.

(15) Each inspector may be repaid his actual and necessary travelling expenses incurred in and about the performance of his duties and may also be paid the following fees to be computed on the net receipts as determined by the amount realized by the trustee less payments to secured creditors:—

Estates with net receipts	below	$ 10,000.....	a fee of	$3.00	per	meeting.
"	"	from 10,000 to 50,000	"	5.00	"	
"	"	" 50,000 to 100,000	"	7.50	"	
"	"	" 100,000 and over...	"	10.00	"	

Special services.

(16) An inspector duly authorized by the creditors or by the other inspectors to perform special services for the estate may be allowed a special fee for such services, subject to approval of the court which may vary such fee as it deems proper having regard to the nature of the services rendered in relation to the fiduciary obligations of the inspector to the estate.

(12) This was formerly section 186(2). It is a more logical place for this provision.

(13) This is a new subsection. While conferring certain powers on the inspectors, the present Act is silent as to the duties of inspectors. The duties referred to herein have in the past been more or less left to the court or to the Superintendent to perform as occasion arose. It is felt that the inspectors, being more familiar with the affairs of the estate, are better qualified to exercise control in such matters. Under the English Act a trustee must submit his cash book and vouchers to the inspectors whenever required, but not less than once every three months and in the case of a trading account not less than once a month, and the inspectors are required at such times to audit and certify the accounts. Similar provisions are contained in the Scottish Act.

(14) This is a new subsection. The present Act does not provide for the inspectors' approval of the trustee's final statement of receipts and disbursements though in actual practice such approval is usually required. The new subsection remedies this omission and specifies more particularly the duty of inspectors in this regard.

(15) This was formerly section 103(4). The words inserted are to state the basis on which the fees are to be computed. See in *In re* John Perkins (15 C.B.R. 192).

(16) Occasions may arise when an inspector may render services to the estate which are beyond those which he might reasonably be expected to perform on behalf of the estate in his fiduciary capacity.

Claims Provable.

Claims provable.

83. (1) All debts and liabilities, present or future, to which the bankrupt is subject at the date of the bankruptcy or to which he may become subject before his discharge by reason of any obligation incurred before the date of the bankruptcy shall be deemed to be claims provable in proceedings under this Act.

Contingent and unliquidated claims.

(2) The court shall, on the application of the trustee, determine whether any contingent claim or any unliquidated claim is a provable claim, and, if a provable claim, it shall value such claim, and such claim shall after, but not before, such valuation be deemed a proved claim to the amount of its valuation.

Debts payable at a future time.

(3) A creditor may prove for a debt not payable at the date of the bankruptcy and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per cent per annum computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted.

Proposals prior to bankruptcy.

(4) Where a proposal is made before bankruptcy the claims provable shall be determined as of the date of the filing of the proposal.

Claims provable in bankruptcy following proposal.

(5) The claims of creditors under a proposal shall, in the event of the debtor subsequently becoming bankrupt, be provable in the bankruptcy for the full amount of the claims less any dividends paid thereon pursuant to the proposal.

Interest.

(6) Where interest on any debt or sum certain is provable under this Act but the rate of interest has not been agreed upon, the creditor may prove for interest at a rate not exceeding five per cent per annum to the date of the bankruptcy from the time the debt or sum was payable, if evidenced by a written instrument, or, if not so evidenced, from the time notice has been given the debtor of the interest claimed.

83. Formerly section 104 which read as follows:

"**104.** (1) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise, or breach of trust, shall not be provable in bankruptcy or in proceedings under an authorized assignment.

(2) Save as aforesaid, all debts and liabilities, present or future, to which the debtor is subject at the date of the receiving order or the making of the authorized assignment or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order or of the making of the authorized assignment shall be deemed to be debts provable in bankruptcy or in proceedings under an authorized assignment.

(3) The court shall value, at the time and in the summary manner prescribed by General Rules, all contingent claims and all such claims for unliquidated damages as are provable by this section, and after, but not before, such valuation, every such claim shall for all purposes of this Act, be deemed a proved debt to the amount of its valuation."

This section provides that unliquidated claims arising from a contract, promise, or breach of trust are the only unliquidated claims provable under the Act. Unliquidated claims for tort are excluded and this would appear to be most unfair especially where the bankrupt is a corporation and would ordinarily pass out of existence. Moreover, it would seem unfair that a claim would not be provable for the sole reason that a judgment had not been obtained at the date of the bankruptcy. The main purpose of *The Bankruptcy Act* is to relieve a debtor of his liabilities and to re-establish him. It is, therefore, considered that a bankrupt should be discharged from all liabilities except those provided in section 135.

(1) Formerly section 104(2).

(2) This is a revision of former section 104(3) and Rule 141.

(3) This was formerly section 120. The rate of interest has been changed from six per cent to five per cent in accord with the *Interest Act*, R.S.C. 1927, c. 102, section 2.

(4) This is a new subsection and has been added to cover the proposed new procedure respecting proposals prior to bankruptcy.

(5) This is a new subsection. It has been inserted to clarify the position of the creditors where a debtor becomes bankrupt after having previously submitted a proposal which has been duly ratified.

(6) This was formerly section 119 which has been redrafted and simplified. It read as follows:

"**119.** On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order or authorized assignment and provable under this Act, the creditor may prove for interest at a rate not exceeding six per centum per annum to the date of the receiving order or authorized assignment from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment."

Proof in respect of distinct contracts.

84. Where a bankrupt was, at the date of the bankruptcy, liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof, in respect of the contracts, against the properties respectively liable on the contracts.

Proof of Claims.

Creditors shall prove claims.

85. (1) Every creditor shall prove his claim, and a creditor who does not prove his claim is not entitled to share in any distribution that may be made.

Proof by delivery.

(2) A claim shall be proved by delivering to the trustee a proof of claim in the prescribed form.

Who may make proof of claim.

(3) The proof of claim may be made by the creditor himself or by some person authorized by him on behalf of the creditor, and, if made by a person so authorized, it shall state his authority and means of knowledge.

Shall refer to account.

(4) The proof of claim shall contain or refer to a statement of account showing the particulars of the claim and any counter-claim which the bankrupt may have to the knowledge of the creditor and shall specify the vouchers or other evidence, if any, by which it can be substantiated.

Shall state whether secured or preferred.

(5) The proof of claim shall state whether the creditor is or is not a secured or preferred creditor.

Penalty for filing false claim.

(6) Where a creditor or other person in any proceedings under this Act files with the trustee a proof of claim containing any wilfully false statement or wilful misrepresentation, the court may, in addition to any other penalty provided in this Act, disallow the claim in whole or in part as it in its discretion may see fit.

Who may examine proofs.

(7) Every creditor who has lodged a proof of claim is entitled to see and examine the proofs of other creditors.

Workmen's wage claims.

(8) Proofs of claims for wages of workmen and others employed by the bankrupt may be made in one proof by the bankrupt or someone on his behalf by attaching thereto a schedule setting forth the names and addresses of the workmen and others and the amounts severally due to them, but such proof does not disentitle any workman or other wage-earner to file a separate proof on his own behalf.

84. No material change. Formerly section 114.

85. (1) Formerly section 105 (1). This subsection is slightly changed to comply with the new procedure. The added clause is intended to indicate with certainty the result of failure to file a claim.

(2) Formerly section 105 (2). The words "proof of claim" have been substituted for "affidavit" in this subsection as well as in the following subsections.

(3) No material change. Formerly section 105 (3).

(4) Formerly section 105 (4). The present form of proof of debt does not require a creditor to disclose any mutual credit to which a bankrupt may be entitled. The added clause is inserted to provide therefor. The concluding part has been deleted as unnecessary. It read: "and the trustee may at any time call for the production of invoices, acceptances, bills of lading, receipts, cheques, notes, bank pass-books, or books of accounts, or such further or other evidence as the trustee or inspectors may require in order to deal with the claim."

(5) Formerly section 105 (5). The subsection has been amended to include preferred as well as secured claims.

(6) This is a new subsection. It is deemed desirable that a greater penalty be imposed on a creditor for filing claims with false statements therein than the ordinary result of having the false item struck out. The possibility of having a claim disallowed in its entirety for the insertion of such false items will, it is believed, go far to ensure that proofs of claim are prepared more carefully, accurately and honestly. While the section may seem severe, yet it does not in any way affect an honest creditor.

(7) No substantial change. Formerly section 105 (6).

(8) These provisions were formerly contained in Rule 137, which has been considerably condensed. It read as follows:

> "*Rule* **137.** In any case in which it shall appear from the debtor's statement of affairs that there are numerous claims for wages by workmen and others employed by the debtor, it shall be sufficient if one proof for all such claims is made either by the debtor, or his foreman, or the bookkeeper of the debtor, or some other person on behalf of all such creditors. Such proof shall have annexed thereto, as forming part thereof, a schedule setting forth the names of the workmen and others, and the amounts severally due to them. Any proof made in compliance with this Rule shall have the same effect as if separate proofs had been made by each of the said workmen and others."

Proof by Secured Creditors.

Proof by secured creditor.

86. (1) Where a secured creditor realizes his security, he may prove for the balance due to him after deducting the net amount realized.

May prove whole claim on surrender.

(2) Where a secured creditor surrenders his security to the trustee for the general benefit of the creditors, he may prove for his whole claim.

Secured creditor to value securities.

87. (1) Where a secured creditor does not either realize or surrender his security he shall within thirty days after demand in writing made upon him by the trustee, or within such further time as may be allowed by the court, file with the trustee an affidavit stating therein full particulars of his security or securities, the date when each security was given and the value at which he assesses each.

Dividend on balance.

(2) A creditor is entitled to receive a dividend in respect only of the balance due to him after deducting the assessed value of his security.

Trustee may redeem security.

(3) The trustee may redeem a security on payment to the secured creditor of the debt or the value of the security as assessed by the secured creditor.

May order security to be sold.

88. (1) Where the trustee is dissatisfied with the value at which a security is assessed, or where a secured creditor who has neither realized nor surrendered his security fails to assess said security within the period mentioned in section eighty-seven, the trustee may require that the property comprised in the security be offered for sale at such time and on such terms and conditions as may be agreed on between the creditor and the trustee or as, in default of such agreement, the court may direct.

Sale by public auction.

(2) Where the sale is by public auction the creditor or the trustee on behalf of the estate may bid or purchase.

Securities in Quebec.

(3) Where the security consists of a hypothec or privilege upon immovable property in the province of Quebec, the sale, when directed by the court, shall be made in accordance with sections fifty-five to fifty-nine, and the sale has the effect mentioned in those sections.

Costs of sale.

(4) The costs and expenses of a sale made under this section are in the discretion of the court.

86. Formerly section 106. No material change.

87. (1) Formerly section 107 (1).

(2) No change. Formerly section 107 (2).

(3) The provisions of former section 107 (3) have been extended to give the trustee the power to redeem any security. It formerly read as follows:

> "**107.** (3) Where a security is so valued the trustee may at any time redeem it on payment to the creditor of the assessed value."

The former section 87 is unnecessary and has been deleted. It read as follows:

> "**87.** The trustee shall finally dispose of all books and papers of the estate of the bankrupt or authorized assignor in manner prescribed by general rules."

88. Formerly section 108. No change.

Creditor may require trustee to elect to exercise power.

89. Notwithstanding subsection three of section eighty-seven and section eighty-eight, the creditor may, by notice in writing, require the trustee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the trustee does not, within one month after receiving the notice or such further time or times as the court may allow, signify in writing to the creditor his election to exercise the power, he is not entitled to exercise it; and the equity of redemption or any other interest in the property comprised in the security that is vested in the trustee shall vest in the creditor, and the amount of his claim shall be reduced by the amount at which the security has been valued.

Amended valuation by creditor.

90. Where a creditor after having valued his security subsequently realizes it, or it is realized under the provisions of section eighty-eight, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor and shall be treated in all respects as an amended valuation made by the creditor.

Secured creditor may amend.

91. (1) Where the trustee has not elected to acquire the security as provided in this Act, a creditor may at any time amend the valuation and proof on showing to the satisfaction of the trustee or the court that the valuation and proof were made *bona fide* on a mistaken estimate or that the security has diminished or increased in value since its previous valuation.

Amendment at cost of creditor.

(2) An amendment pursuant to subsection one shall be made at the cost of the creditor and upon such terms as the court orders, unless the trustee allows the amendment without application to the court.

Rights and liabilities of creditor where valuation amended.

(3) Where a valuation has been amended pursuant to this section, the creditor

(a) shall forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or

(b) is entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend that he may have failed to receive by reason of the amount of the original valuation before that money is made applicable to the payment of any future dividend, but he is not entitled to disturb the distribution of any dividend declared before the amendment is filed with the trustee.

89. Formerly section 109. No material change.

90. No change. Formerly section 110.

91. No material change. Formerly section 111.

Exclusion for non-compliance.

92. Where a secured creditor does not comply with sections eighty-six to ninety-one, he shall be excluded from any dividend.

No creditor to receive more than 100 cents on dollar.

93. Subject to the provisions of section eighty-nine, a creditor shall in no case receive more than one hundred cents in the dollar and interest as provided by this Act.

Admission and Disallowance of Proof of Claims.

Trustee shall examine proof of claim.

94. (1) The trustee shall examine every proof and the grounds of the claim, and may require further evidence in support of it.

(2) Where he considers the claimant is not entitled to rank on the estate, or is not entitled to rank for the full amount of his claim, or if directed by a resolution passed at any meeting of creditors or inspectors, he may disallow the claim in whole or in part, and in such case shall give to the claimant a notice of disallowance, and such notice shall contain the reasons for disallowance.

(3) The notice may be given either by serving the claimant with a copy thereof personally or by mailing the copy in a registered letter, addressed to the claimant at his last-known address, or at the address shown in or by the claimant's proof.

(4) The disallowance is final and conclusive unless, within thirty days after the service or mailing of the notice or such further time as the court may on application made within the same thirty days allow, the claimant appeals to the court in accordance with General Rules from the trustee's decision.

(5) The court may also expunge or reduce a proof upon the application of a creditor or of the debtor, if the trustee declines to interfere in the matter.

92. No change. Formerly section 112.

93. Formerly section 113.

94. Formerly section 127 with no change except as indicated in subsection (2).

Scheme of Distribution.

Priority of claims.

95. (1) Subject to the rights of secured creditors, the proceeds realized from the property of a bankrupt shall be applied in priority of payment as follows:—

(a) in the case of a deceased bankrupt, the reasonable funeral and testamentary expenses incurred by the legal personal representative of the deceased bankrupt;

(b) the costs of administration, in the following order,
(i) the expenses and fees of the trustee;
(ii) legal costs;

(c) the levy payable under section one hundred and six;

(d) wages, salaries, commissions or compensation of any clerk, servant, travelling salesman, labourer or workman for services rendered during three months next preceding the bankruptcy to the extent of five hundred dollars in each case; and for the purposes of this paragraph commissions payable when goods are shipped, delivered or paid for, if shipped, delivered or paid for within the three-month period, shall be deemed to have been earned therein;

95. Formerly section 121. In the present revision consideration has been given to the manner in which priorities take rank under the English, Australian and United States Bankruptcy Acts. It is to be noted that the scheme of distribution provides for all creditors other than secured creditors. Section 121(1) formerly read as follows:

> "**121.** (1) Subject to the provisions of section one hundred and twenty-six as to rent, in the distribution of the property of the bankrupt or authorized assignor, there shall be paid, in the following order of priority:—
>
> First, the costs and expenses of the custodian and the fees and expenses of the trustee;
>
> Secondly, the costs of the garnishing, attaching, execution or judgment creditor (including sheriff's fees and disbursements) coming within the provisions of subsection one of section twenty-five and subsection three of section twenty-nine and subsection two of section 29A.
>
> Thirdly, all indebtedness of the bankrupt or authorized assignor under any Workmen's Compensation Act and all wages, salaries, commissions or compensation of any clerk, servant, travelling salesman, labourer or workman, in respect of services rendered to the bankrupt or assignor during three months before the date of the receiving order or assignment: Provided that any commissions earned more than three months before the date of a receiving order or assignment, but not payable (by the terms of the creditor's agreement) until the shipment, delivery or payment of the goods sold, shall be deemed to have been earned within three months of the date of the receiving order or assignment, when the said goods have been shipped, delivered or paid for within three months of the receiving order or assignment; and provided, moreover, that any advances made on account of such commissions shall be deemed to have been legally paid on account thereof;
>
> Fourthly, claims resulting from injuries to employees of the insolvent debtor to which the provisions of any Workmen's Compensation Act do not apply, but only upon moneys paid or payable to the insolvent estate by persons or companies guaranteeing the insolvent debtor against damages resulting from such injuries."

(a) Funeral and testamentary expenses. This was formerly section 125B, which read as follows:

> "**125B.** In the administration of the property of a deceased insolvent debtor, the trustee shall have regard to any claim by the legal personal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in or about the estate and such claim shall be preferred and shall notwithstanding anything to the contrary in this Act, be payable out of the debtor's estate in priority to all other debts."

(b) Costs of administration. These are costs incurred in the interests of all classes of creditors. They constitute a first charge on the assets under section 84 of the Australian and section 64 of the United States Bankruptcy Acts.

(c) This provision is inserted here merely to make the entire scheme of distribution complete. See section 106.

(d) The claims of wage-earners for arrears of wages rank in this order under section 84 *(e)* of the Australian Act and section 64 of the United States Act which limits such priority to $600. The effect of the change is to give them priority for three months' arrears over municipal taxes, the landlord and government claims. With this added advantage it is considered not unreasonable that such claims be limited to $500.

(e) municipal taxes assessed or levied against the bankrupt within two years next preceding his bankruptcy and which do not constitute a preferential lien or charge against the real property of the bankrupt but not exceeding the value of the interest of the bankrupt in the property in respect of which the taxes were imposed as declared by the trustee;

(f) the landlord for arrears of rent for a period of three months next preceding the bankruptcy and accelerated rent for a period not exceeding three months following the bankruptcy if entitled thereto under the lease, but the total amount so payable shall not exceed the realization from the property on the premises under lease, and any payment made on account of accelerated rent shall be credited against the amount payable by the trustee for occupation rent;

(g) the fees and costs referred to in subsection two of section forty-one but only to the extent of the realization from the property exigible thereunder;

(h) all indebtedness of the bankrupt under any Workmen's Compensation Act, under any Unemployment Insurance Act, under subsection six of section one hundred and twelve of the *Income Tax Act* or under any of the provisions of the *Income War Tax Act* creating an obligation to pay to His Majesty amounts that have been deducted or withheld, *pari passu;*

(i) claims resulting from injuries to employees of the bankrupt to which the provisions of any Workmen's Compensation Act do not apply, but only to the extent of moneys received from persons or companies guaranteeing the bankrupt against damages resulting from such injuries;

To be discharged as funds available.

(j) claims of the Crown not previously mentioned in this section, in right of Canada or of any province, *pari passu* notwithstanding any statutory preference to the contrary.

(2) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, payment in accordance with subsection one shall be made as soon as funds are available for the purpose.

(e) Under section 33 of the English Act and section 84*(h)* of the Australian Act the priority is limited to one year. This paragraph replaces former section 125, which was as follows:

"**125.** Nothing in the four last preceding sections shall interfere with the collection of any taxes, rates or assessments payable by or levied or imposed upon the debtor or upon any property of the debtor under any law of the Dominion, or of the province wherein such property is situate, or in which the debtor resides, nor prejudice or affect any lien or charge in respect of such property created by any such laws."

(f) This is the rank given to the claim of the landlord under section 33(4) of the English Act. It corresponds with the priority given in some but not all of our own provinces. The important change is that the landlord is restricted to payment out of the realization of the property on the premises. This paragraph is a revision of section 126 which formerly read as follows:

"**126.** When a receiving order or an assignment is made against or by any lessee under this Act, the same consequences shall ensue as to the rights and priorities of his landlord as would have ensued under the laws of the province in which the demised premises are situate if the lessee at the time of such receiving order or assignment had been a person entitled to make and has made an abandonment or a voluntary assignment of his property for the benefit of his creditors pursuant to the laws of the province; and nothing in this Act shall be deemed to suspend, limit or affect the legislative authority of any province to enact any law providing for or regulating the rights and priorities of landlords consequent upon any such abandonment or voluntary assignment; nor shall anything in this Act be deemed to interfere or conflict with the operation of any such provincial law heretofore or hereafter enacted in so far as it provides for or regulates the rights and priorities of landlords in such an event."

(g) The last clause is added to get over the decision in *In re* Ferguson (16 C.B.R. 261) where it was held that such preference was payable whether or not any property was exigible thereunder.

(h) Under the Australian system, claims of Workmen's Compensation Boards rank before municipal taxes and the landlord. Claims under the *Unemployment Insurance Act* are a new development in Canada. Tax deductions at the source have been placed in this priority group because they are in the nature of trust funds and if they have not been so dealt with by the bankrupt they are at least entitled to this priority.

(i) This was formerly section 121 (fourthly). No material change.

(j) All government claims not previously mentioned, federal and provincial. take equal rank immediately before trade and other unsecured creditors.

(2) The changes are self-explanatory. Formerly section 121(2) which read as follows:

"**121** (2). Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the foregoing debts shall be discharged forthwith so far as the property of the debtor is sufficient to meet them."

Balance of claim.

(3) A creditor whose rights are restricted by this section is entitled to rank as an unsecured creditor for any balance of claim due him.

Postponement of claims of wife and husband.

96. The wife or husband, as the case may be, of a bankrupt is not entitled to claim a dividend as a creditor in respect of any property lent or entrusted by the wife to the husband or by the husband to the wife for the purposes of the trade or business of the bankrupt, or in respect of wages, salary, commission or compensation for work done or services rendered in connection with the trade or business until all claims of the other creditors of the bankrupt have been satisfied.

Postponement of wage claims of relatives.

97. A father, son, daughter, mother, brother, sister, uncle or aunt by blood or marriage of a bankrupt is not entitled to have his claim preferred as provided by section ninety-five, in respect of wages, salary, commission or compensation for work done or services rendered to the bankrupt.

(3) This is a new subsection. It speaks for itself.

96. Formerly sections 115 and 116 which have been combined to eliminate unnecessary phraseology. They formerly read as follows:

"**115.** Where a married woman has been adjudged bankrupt or has made an authorized assignment, her husband shall not be entitled to claim any dividend as a creditor in respect of any money or other estate lent or entrusted by him to his wife for the purposes of her trade or business, or claim any wages, salary or compensation for work done or services rendered after that date in connection with her trade or business, until all claims of the other creditors of his wife for valuable consideration in money or money's worth have been satisfied."

"**116.** Where a married man has been adjudged bankrupt or has made an authorized assignment his wife shall not be entitled to claim any dividend as a creditor in respect of any money or other estate lent or entrusted by her to her husband for the purpose of his trade or business, or claim any wages, salary or compensation for work done or services rendered in connection with his trade or business, until all claims of the other creditors of her husband for valuable consideration in money or money's worth have been satisfied."

97. Formerly section 117 which read as follows:

"**117.** Where any person or firm has been adjudged bankrupt or has made an authorized assignment, a father, son, daughter, mother, brother, sister, uncle or aunt by blood or marriage of any such person or of any member of the said firm shall not be entitled to have his claim preferred as provided by section 121 of this Act, in respect of any wages, salary or compensation for work done or services rendered to the said person or firm."

Postponement of claims of silent partners.

98. Where a lender advances money to a borrower engaged or about to engage in trade or business under a contract with the borrower that the lender shall receive a rate of interest varying with the profits or shall receive a share of the profits arising from carrying on the trade or business, and the borrower subsequently becomes bankrupt, the lender of the money is not entitled to recover anything in respect of the loan until the claims of all other creditors of the borrower have been satisfied.

Postponement of wage claims of officers and directors of corporations.

99. Where a corporation becomes bankrupt, no officer or director thereof is entitled to have his claim preferred as provided by section ninety-five in respect of wages, salary, commission or compensation for work done or services rendered to the corporation in any capacity.

Claims generally payable *pari passu.*

100. Subject to this Act, all claims proved in the bankruptcy shall be paid *pari passu.*

98. This is a new section. It is based upon The Partnership Act of the statutes of New Brunswick.

99. No substantial change. Formerly section 118.

100. No material change. Formerly section 123.

Partners and separate properties.

101. (1) In the case of partners the joint property shall be applicable in the first instance in payment of their joint debts, and the separate property of each partner shall be applicable in the first instance in payment of his separate debts.

Surplus of separate properties.

(2) Where there is a surplus of the separate properties it shall be dealt with as part of the joint property.

Surplus of joint properties.

(3) Where there is a surplus of the joint property, it shall be dealt with as part of the respective separate properties in proportion to the right and interest of each partner in the joint property.

Different properties.

(4) Where a bankrupt owes or owed debts both individually and as a member of one or more partnerships, the claims shall rank first upon the property of the individual or partnership by which the debts they represent were contracted and shall only rank upon the other estate or estates after all the creditors of such other estate or estates have been paid in full.

Costs out o joint and separate properties.

(5) Where the joint property of any bankrupt partnership is insufficient to defray any costs properly incurred, the trustee may pay such costs as cannot be paid out of the joint property out of the separate property of the bankrupts or one or more of them in such proportion as he may determine, with the consent of the inspectors of the estates out of which the payment is intended to be made, or, if such inspectors withhold or refuse their consent, with the approval of the court.

Interest from date of bankruptcy.

102. Where there is a surplus after payment of the claims as provided in sections ninety-five to one hundred and one, it shall be applied in payment of interest from the date of the bankruptcy at the rate of five per cent per annum on all claims proved in the bankruptcy and according to their priority.

Right of bankrupt to surplus.

103. The bankrupt or the legal personal representative of a deceased bankrupt is entitled to any surplus remaining after payment in full of his creditors with interest as by this Act provided and of the costs, charges and expenses of the bankruptcy proceedings.

101. (1) No material change. Formerly section 122(1).

(2) No material change. Formerly section 122(2).

(3) No material change. Formerly section 122(3).

(4) This was formerly section 59. It was much out of place in its former location. No material change.

(5) This was formerly Rule 60. No material change.

102. The changes are self-explanatory. Formerly section 124.

103. Formerly section 83. The changes are self-explanatory.

Proceeds of liability insurance policy on motor vehicles applied to claims against bankrupt.

104. Nothing contained in this Act affects the right afforded by provincial statute of any person who has a claim against the bankrupt for damages on account of injury to or death of any person, or injury to property, occasioned by a motor vehicle, or on account of injury to property being carried in or upon a motor vehicle, to have the proceeds of any liability insurance policy applied in or towards the satisfaction of such claim.

Application of provincial law to landlords' rights.

105. Except as to priority of ranking as provided by section ninety-five, and subject to the provisions of subsection four of section forty-two, the rights of landlords shall be determined according to the laws of the province in which the leased premises are situate.

Levy payable out of dividends for supervision by Superintendent.

106. For the purpose of defraying the expenses of the supervision by the Superintendent, there shall be payable to the Superintendent for deposit with the Receiver General a levy on all payments excepting the costs referred to in subsection two of section forty-one made by the trustee by way of dividend or otherwise on account of the claims of creditors, whether unsecured, preferred or secured creditors, and including His Majesty in right of Canada or a province claiming in respect of taxes or otherwise; the levy shall be at a rate to be fixed by the Governor in Council from time to time and shall be charged proportionately against all payments and deducted therefrom by the trustee before payment is made.

Dividends.

Trustee to pay dividends as required.

107. (1) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the trustee shall, from time to time as required by the inspectors, declare and distribute dividends amongst the unsecured creditors entitled thereto.

Disputed claims.

(2) Where the validity of any claim has not been determined the trustee shall retain sufficient funds to provide for payment thereof in the event that the claim is admitted.

No action for dividend.

(3) No action for a dividend lies against the trustee, but, if the trustee refuses or fails to pay any dividend after having been directed to do so by the inspectors, the court may, on the application of any creditor, order him to pay it, and also to pay personally interest thereon for the time that it is withheld and the costs of the application.

104. This was formerly section 125A. No material change.

105. This replaces the former section 126 which has been inserted as revised in section 95 (1) *(f)*. In other respects, except as to priority of ranking, and subject to section 42(4), the law of the province where the premises are situate shall apply.

106. This was formerly section 126A. No material change is made except to delete unnecessary verbiage.

Section 126A read as follows:

"126A. Notwithstanding anything contained in sections one hundred and twenty-one to one hundred and twenty-six, both inclusive, there shall be payable to the Receiver General for the purpose of defraying the expenses of the supervision by the Superintendent, a levy on all payments made by the trustee, excepting the costs and expenses of the custodian or interim receiver, and the fees and expenses of the trustee, and the costs of the garnishing, attaching, execution or judgment creditor mentioned in section one hundred and twenty-one, and excepting payments made on account of liabilities incurred after the receiving order or assignment. The payments subject to the said levy shall include all payments made by way of dividend or otherwise," etc.

107. Formerly section 74. The provisions of this section have been revised to bring it abreast of current practice and requirements. The section formerly read as follows:

"74. (1) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the trustee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

(2) Such dividend as can be paid shall be so paid within six months from the date of the receiving order or assignment, and earlier, if required by the inspectors.

(3) A further dividend shall be paid whenever the trustee has sufficient moneys on hand to pay to the creditors ten per cent, and more frequently if required by the inspectors, until the estate is wound up and disposed of.

(4) No action for a dividend shall lie against the trustee, but if the trustee refuses to pay any dividend, the court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld and the costs of the application."

The former subsection (3) has been deleted as unnecessary.

Notice that if claim not proved within 30 days final dividend will be made.

108. (1) The trustee may, after the first meeting of the creditors, give notice by registered mail to every person with a claim of which the trustee has notice or knowledge but whose claim has not been proved that if such person does not prove his claim within a period of thirty days after the mailing of the notice the trustee will proceed to declare a dividend or final dividend without regard to such person's claim.

Court may extend time.

(2) Where a person notified under subsection one does not prove his claim within the time limit or within such further time as the court, upon proof of merits and satisfactory explanation of the delay in making proof, may allow, the claim of such person shall, notwithstanding anything in this Act, be excluded from all share in any dividend; but a taxing authority may notify the trustee within the thirty days referred to in subsection one that it proposes to file a claim as soon as the amount has been ascertained, and the time for filing the claim shall thereupon be extended to ninety days or such further time as the court may allow.

Dominion Income Tax claims.

(3) Notwithstanding subsection two, a claim may be filed for an amount payable under the *Income War Tax Act* or the *Income Tax Act* within the time limited by subsection two or within ninety days from the time the return of income or other evidence of the facts upon which the claim is based is filed or comes to the attention of the Minister of National Revenue.

The same.

(4) Unless the trustee retains sufficient funds to provide for payment of any claims that may be filed under the *Income War Tax Act* or the *Income Tax Act*, no dividend shall be declared until the expiration of ninety days after the trustee has filed all returns which he is required to file.

Right of creditor who has not proved claim before declaration of dividend.

109. A creditor who has not proved his claim before the declaration of any dividend is entitled upon proof of his claim to be paid out of any money for the time being in the hands of the trustee any dividend or dividends he may have failed to receive, before that money is applied to the payment of any future dividend, but he is not entitled to disturb the distribution of any dividend declared before his claim was proved by reason that he has not participated therein, except on such terms and conditions as may be ordered by the court.

108. Formerly section 75. Subsections (3) and (4) have been added to afford the Department of National Revenue a reasonable time, after receipt of the necessary information, to file a claim.

109. Formerly section 76. The exception which has been added provides for the case which occasionally arises where a creditor has had no factual notice of the bankruptcy and allows him to participate in the dividend on payment of the additional costs thus incurred by the trustee. This gives statutory acknowledgment to the practice followed in such cases.

Final dividend and division of estate.

110. When the trustee has realized all the property of the bankrupt or all thereof that can, in the joint opinion of himself and of the inspectors, be realized without needlessly protracting the administration, and settled or determined or caused to be settled or determined the claims of all creditors to rank against the estate of the bankrupt, he shall prepare a final statement of receipts and disbursements and dividend sheet and, subject to the provisions of this Act, divide the property of the bankrupt among the creditors who have proved their claims.

Statement of receipts and disbursements.

111. (1) The trustee's final statement of receipts and disbursements shall contain a complete account of all moneys received by the trustee out of the property of the bankrupt or otherwise, the amount of interest received by the trustee, all moneys disbursed and expenses incurred and the remuneration claimed by the trustee, together with full particulars, description and value of all property of the bankrupt that has not been sold or realized, setting out the reason why such property has not been sold or realized and the disposition made thereof.

Prescribed form.

(2) The statement shall be prepared in the prescribed form or as near thereto as the circumstances of the case will permit and together with the dividend sheet shall be submitted to the inspectors for their approval.

Copy to be sent to Superintendent.

(3) The trustee shall then forward a copy of the statement and of the dividend sheet to the Superintendent after they have been approved by the inspectors.

Superintendent may comment.

(4) The Superintendent may comment as he sees fit and his comments shall be placed by the trustee before the taxing officer for his consideration on the taxation of the trustee's accounts.

Notice of final dividend, etc.

(5) After the Superintendent has commented or advised the trustee that he has no comments to make and the trustee's accounts have been taxed, the trustee shall forward by registered mail to every creditor whose claim has been proved, to the registrar, to the Superintendent and to the bankrupt

(a) a copy of the final statement of receipts and disbursements,

(b) a copy of the dividend sheet, and

(c) a notice in the prescribed form of his intention to pay a final dividend after the expiration of fifteen days from the mailing of the notice, statement and dividend sheet and to apply to the court for his discharge on a subsequent date not less than thirty days after the payment of the dividend.

Objections.

(6) No interested person is entitled to object to the final statement and the dividend sheet unless, prior to the expiration of the fifteen days referred to in paragraph *(c)* of subsection five, he files notice of his objection with the registrar setting out his reasons therefor and serves a copy of the notice on the trustee.

110. Formerly section 77. No material change. Section 77 read as follows:

"77. When sections twenty-eight and eighty-eight have been complied with as to gazetting, publishing and mailing notices to creditors, the trustee, having realized all the property of the bankrupt or authorized assignor or all thereof that can, in the joint opinion of himself and of the inspectors, be realized without needlessly protracting the trusteeship, and settled or determined or caused to be settled or determined the claims of all creditors to rank against the estate of the debtor, shall make a final dividend and be at liberty subject to the various provisions of this Act, to divide the property of the debtor among the creditors who have proved their debts without regard to the claims of any other claimants."

111. This is a new section. Although many of its provisions had previously been followed in actual practice they have now been inserted to establish a uniform procedure for completing the administration of estates.

(1) This is taken from the former Rule 124 which read as follows:

"Rule **124.** The application of a trustee for grant of discharge (whether full or partial) shall be made in the prescribed form to the Registrar and shall be verified by the affidavit of such trustee. Such application shall contain or have attached thereto a complete and itemized statement showing all moneys realized by such trustee from and out of the property of the bankrupt or assignor and of all moneys disbursed and expenses incurred and the remuneration claimed by such trustee; and full particulars, description and value of all property belonging to the estate which has not been sold or realized upon, setting out the reasons why such property has not been sold or realized upon; and full particulars and information with regard to any unsettled disputes, actions or proceedings between such trustee and either the debtor or any creditor or creditors or any other person connected with the estate."

(2) A specimen form has been in use for some time. For uniformity and ease of reference it is recommended that such form as shall hereafter be prescribed be used in so far as possible.

(3) and (4). The inspectors are the representatives of the creditors and it is for this reason that the duty has been imposed upon them of verifying the trustee's statement of receipts and disbursements. The intention is that the Superintendent shall then have the opportunity of reviewing the trustee's administration and commenting on his final statement before the statement is taxed by the taxing officer and before it is mailed to the creditors.

(5) Formerly section 78 which read as follows:

"78. (1) So soon as a final dividend sheet is prepared, the trustee shall send by registered mail to every creditor, to the Registrar and to the Superintendent

(a) a notice of the fact,

(b) an abstract of his receipts and expenditures as trustee which abstract shall indicate what amount of interest has been received by the trustee for moneys in his hands, and

(c) a copy of the dividend sheet with notice thereon

(i) of the claims objected to and

(ii) whether any reservation has been made therefor and

(d) notice that he will apply to the court on a day named therein for his discharge.

(2) After the expiry of fifteen days from the date of the mailing of the last of said notices, abstracts and dividend sheets, dividends on all debts not objected to up to the time of the payment shall be paid."

(6) It is deemed advisable that all objections be disposed of before the final dividend is paid.

Dividends on joint and separate properties.

112. Where joint and separate properties are being administered, the dividends may be declared together, and the expenses thereof shall be apportioned by the trustee.

Unclaimed dividends and undistributed funds.

113. (1) Before proceeding to his discharge, the trustee shall forward to the Superintendent for deposit with the Receiver General of Canada all unclaimed dividends and undistributed funds remaining in his hands and shall provide a list of the names and the post office addresses so far as known of the creditors entitled to the unclaimed dividends, showing the amount payable to each creditor.

Receiver General to pay claims.

(2) The Receiver General shall thereafter, upon application, pay to any creditor his proper dividend as shown on this list, and such payment shall have effect as if made by the trustee.

Summary Administration.

Summary administration.

114. The following provisions apply to the summary administration of estates under this Act, namely,

(a) all proceedings under this section shall be entitled "Summary Administration";

(b) the security to be deposited by a trustee under section eight shall not be required;

(c) the trustee shall apply to the court to fix a date for the hearing of the application for the discharge of the bankrupt and shall include notice thereof in the notice of the first meeting;

(d) notice of the bankruptcy shall be published in the *Canada Gazette* in the prescribed form but shall not be published in a local newspaper unless deemed expedient by the trustee or ordered by the court;

(e) all notices, statements and other documents shall be sent by ordinary mail and, other than notices of the first meeting, shall be sent to such creditors only who have proved claims amounting to twenty-five dollars or more;

(f) the bankrupt may submit a proposal at the first meeting of the creditors;

112. No material change. Formerly section 81.

113. This was formerly section 82.
(1) The changes are self-explanatory.

(2) No material change.

114. Sections 114 to 116 are new. The purpose is to provide a method by which a person with few assets, other than a corporation, may obtain the benefits of this Act. Summary administration of estates is provided for in England and Australia, and somewhat similar provisions are contained in the United States Bankruptcy Act.

The only section of this Act directing summary administration of estates is subsection (6) of section 26.

(g) there shall be no inspectors but the trustee in the absence of directions from the creditors may do all things that may ordinarily be done by the trustee with the permission of inspectors;

(h) the examination of the bankrupt referred to in section one hundred and seventeen shall be held at the first meeting and any of the creditors or their representatives or solicitors may take part therein;

(i) the bankrupt shall prepare and execute a statement of affairs in the prescribed form;

(j) when the trustee has recovered all that reasonably can be realized out of the property of the bankrupt, he shall, after approval of his final statement by the court, send a notice in the prescribed form to each creditor who has proved his claim, with the dividend to which he is entitled, if any, and proceed to his discharge; and

(k) the creditors at the first meeting may authorize the trustee to apply for his discharge without further notice if the bankrupt has not made a proposal and if his examination discloses that there are no assets.

Fees and disbursements of trustee.

115. The trustee shall receive such fees and disbursements as may be prescribed and, if the fees and disbursements are not paid, he may, after giving the bankrupt seven days' notice of his intention, apply to the court to cancel the assignment.

All other provisions of Act to apply.

116. Except as provided in section one hundred and fourteen, all the provisions of the Act, in so far as they are applicable, apply *mutatis mutandis* to summary administration.

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PART VI.

BANKRUPTS.

Duties of Bankrupts.

117. The bankrupt shall

Discovery and delivery of property.

(a) make discovery of and deliver all his property that is under his possession or control to the trustee or to any person authorized by the trustee to take possession of it or any part thereof;

Delivery of books, records, etc.

(b) deliver to the trustee all books, records, documents, title deeds, writings, papers or insurance policies relating to his property or affairs;

Attend official receiver for examination.

(c) at such time and place as may be fixed by the official receiver attend before the official receiver or before any other official receiver delegated by the official receiver for examination under oath as to his conduct, the causes of his bankruptcy and the disposition of his property;

Statement of affairs.

(d) within seven days following his bankruptcy, unless the time is extended by the official receiver, prepare and submit to the trustee in quadruplicate a statement of his affairs in the prescribed form verified by affidavit and showing the particulars of his assets and liabilities, the names and addresses of his creditors, the securities held by them respectively, the dates when the securities were respectively given and such further or other information as may be required, but where the affairs of the bankrupt are so involved or complicated that he cannot himself reasonably prepare a proper statement of his affairs, the official receiver may, as an expense of the administration, authorize the employment of some qualified person to assist in the preparation of the statement;

Aid in making inventory.

(e) make or give all the assistance within his power to the trustee in making an inventory of his assets;

Disposition of property within previous year.

(f) make disclosure to the trustee of all property disposed of within one year preceding his bankruptcy, or for such further antecedent period as the court may direct, and how and to whom and for what consideration any part thereof was disposed of except such part as had been disposed of in the ordinary manner of trade or used for reasonable personal expenses;

117. This section is a revision of former sections 128 to 131, inclusive, to indicate the duties of the bankrupt more explicitly. These sections are quoted below.

(a) This is a new paragraph.

(b) This is a new paragraph.

(c) This paragraph is a revision of former section 128 (1).

(d) This was formerly section 129 (1) and (2). The added part has been taken from section 16 (2) of the Australian Act which reads as follows:

> "When the bankrupt cannot himself prepare a proper statement of affairs, the official receiver may, subject to any prescribed conditions, and at the expense of the estate, employ some qualified person to assist in the preparation of the statement."

A similar provision is contained in section 74 of the English Act.

(e) This was formerly part of section 131 (2) which is quoted below.

(f) This is a new paragraph. The Act at present does not impose upon the bankrupt the duty of disclosing past alienations of property which in many cases have a direct relation to the bankruptcy. Unless the trustee or a creditor, from outside information, has some inkling thereof, such transactions may well be concealed altogether.

Gifts and settlements.

(g) make disclosure to the trustee of all property disposed of by gift or settlement without adequate valuable consideration within five years preceding his bankruptcy or since any of his present debts were incurred;

Attend first meeting of creditors.

(h) attend the first meeting of his creditors unless prevented by sickness or other sufficient cause and submit thereat to examination;

Attend other meetings.

(i) when required, attend other meetings of his creditors or of the inspectors, or attend upon the trustee;

Submit to other examinations.

(j) submit to such other examinations under oath with respect to his property or affairs as required;

Aid in administration.

(k) aid to the utmost of his power in the realization of his property and the distribution of the proceeds among his creditors;

Execute documents.

(l) execute such powers of attorney, conveyances, deeds and instruments as may be required;

Examine proofs of claims.

(m) examine the correctness of all proofs of claims filed, if required by the trustee;

Advise trustee of false claims.

(n) in case any person has to his knowledge filed a false claim, disclose the fact immediately to the trustee;

Duties generally.

(o) generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors as may be reasonably required by the trustee, or may be prescribed by General Rules, or may be directed by the court by any special order made with reference to any particular case or made on the occasion of any special application by the trustee, or any creditor or person interested; and

Keep trustee advised of address.

(p) until his application for discharge has been disposed of and the administration of the estate completed, keep the trustee advised at all times of his place of residence or address.

(g) This paragraph is new and in line with the preceding paragraph. It has the same purpose.

(h) This was formerly part of section 131 (1).

(i) This was formerly part of section 131 (2).

(j) This paragraph is new.

(k) This was formerly section 131 (3). No change.

(l) This was formerly a part of section 131(2).

(m) This paragraph is taken from section 7 (3) of the Bankruptcy Act of the United States as being deemed desirable. The phraseology is the same as in the United States Act.

(n) This provision is taken from section 7 (7) of the Bankruptcy Act of the United States as being deemed desirable. The wording is adopted exactly as in the United States Act.

(o) This was formerly part of section 131 (2).

(p) This is a new paragraph. It is deemed necessary to have some statutory sanction imposed on a bankrupt to make himself available to the trustee when required.

Sections 128, 129, 130 and 131 read as follows:

"**128.** (1) Where a receiving order or an authorized assignment is made, the bankrupt or assignor shall present himself before the Official Receiver who shall examine him as to the causes of his insolvency and the disposition of his assets, and shall put to him the questions provided by the General Rules or questions to the like effect.

(2) The Official Receiver shall make notes of such examination and shall communicate them to the creditors at their first meeting.

(3) If the bankrupt or assignor fails to present himself for such examination within three days from the making of the receiving order or the filing of the assignment, the court may by warrant cause him to be apprehended and brought up for examination, and may order him to be committed to the common gaol of the judicial district in which he resides for a term not exceeding twelve months."

"**129.** (1) The bankrupt or assignor shall make out and submit to the Official Receiver a statement of and in relation to his affairs in the prescribed form, verified by affidavit and showing the particulars of the debtor's assets, and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed by the court.

(2) Such statement shall be submitted within seven days from the date of the receiving order or assignment, but the court may for special reasons extend the time."

"**130.** (1) It shall be the duty of the custodian to verify the debtor's statement of affairs and to make an inventory of his assets.

(2) Any person stating himself in writing to be a creditor of the bankrupt or assignor, may personally or by agent inspect the statement at all reasonable times and take any copy thereof or extract therefrom, but any person untruthfully so stating himself to be a creditor shall be guilty of a contempt of court, and shall be punishable accordingly on the application of the trustee."

"**131.** (1) Every debtor against whom a receiving order is made and every assignor who makes an authorized assignment shall, unless prevented by sickness or other sufficient cause, attend the first meeting of his creditors, and shall submit to such examination and give such information as the meeting may require.

(2) The debtor shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend such other meetings of his creditors, wait at such times on the trustee, execute such powers of attorney, conveyances, deeds, and instruments, and, generally, do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the trustee, or may be prescribed by General Rules, or may be directed by the court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the trustee, or any creditor or person interested.

(3) The debtor shall aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds among his creditors."

Where bankrupt is a corporation.

118. Where the bankrupt is a corporation, the officer executing the assignment, or such other officer or officers as the official receiver may direct, shall attend before the official receiver for examination and shall perform all the duties imposed upon a bankrupt by section one hundred and seventeen, and, in case of failure to do so, such officer or officers are punishable as if he or they were the bankrupt.

Performance of duties by imprisoned bankrupt.

119. Where a bankrupt is undergoing imprisonment, the court may, in order to enable the bankrupt to attend in court in bankruptcy proceedings at which his personal presence is required or to attend the first meeting of creditors or to perform the duties required of him under this Act, direct that the bankrupt be produced in the protective custody of a sheriff or other duly authorized officer at such time and place as may be designated, or it may make such other order as it deems proper and requisite in the circumstances.

Examination of Bankrupts and Others.

Examination of bankrupt by official receiver.

120. (1) The official receiver shall on the attendance of the bankrupt examine the bankrupt under oath as to his conduct, the causes of his bankruptcy and the disposition of his property and shall put to him the prescribed questions or questions to the like effect and such other questions as he may see fit; the official receiver shall make notes of the examination and a report of any facts or circumstances that in his opinion require special consideration or further explanation or investigation and shall forward a copy of his notes and the report to the Superintendent, to the trustee and to the court for deposit therein, and shall communicate the contents thereof to the creditors at their first meeting.

Examination before another official receiver.

(2) When the official receiver deems it expedient he may authorize an examination to be held before any other official receiver who shall remit his notes of the examination and a report thereon to the official receiver in charge of the proceedings.

118. Formerly section 133 which read as follows:

"**133.** Whenever the bankrupt or authorized assignor is a corporation, the officer executing the assignment or such other officer or officers as the Official Receiver shall direct, shall present himself before the Official Receiver for examination under section one hundred and twenty-eight, and, in case of failure to perform such duty, such officer shall be punishable as if he were the debtor."

119. This section is new. It has been taken substantively from Order XXX of the general order promulgated under the United States Act. No clear procedure for this purpose has heretofore existed and other than to produce a prisoner in court as a witness or for an examination under ordinary civil process the Act is silent on provisions in regard to the performance of a bankrupt's duties. In many instances, the lack of some provision has proven a very great handicap.

120. This section is a redraft of the relevant part of section 128(1) and (2), as previously quoted, but has been amended by requiring the official receiver to make a report of his observations on the examination.

Official receiver to report failure to attend.

(3) Where a bankrupt fails to present himself for examination by the official receiver, the official receiver shall so report to the first meeting.

Examination of bankrupt and others by trustee.

121. (1) The trustee, upon ordinary resolution passed by the creditors or upon the written request or resolution of a majority of the inspectors, may, without an order, examine under oath before the registrar of the court or other authorized person, the bankrupt, any person reasonably thought to have knowledge of the affairs of the bankrupt or any person who is or has been an agent, clerk, servant, officer, director or employee of the bankrupt, respecting the bankrupt, his dealings or property.

Examination of bankrupt, trustee and others by a creditor.

(2) Upon the application of any creditor or other interested person to the court, and upon sufficient cause being shown, an order may be made for the examination under oath, before the registrar or other authorized person, of the trustee, the bankrupt, an inspector or a creditor, or any other person named in the order, for the purpose of investigating the administration of the estate of any bankrupt, and the court may further order any person liable to be so examined to produce any books, documents, correspondence or papers in his possession or power relating in all or in part to the bankrupt, the trustee or any creditor, the costs of such examination and investigation to be in the discretion of the court.

Examination to be filed.

(3) The evidence of any person examined under this section shall, if transcribed, be filed in the court and may be read in any proceedings before the court under this Act to which the person examined is a party.

121. (1) Formerly section 134 (1). The words at the beginning "Where a receiving order or an authorized assignment has been made" have been deleted.

(2) This was formerly section 134 (2). No material change other than the insertion of a provision whereby an interested person may also apply to the court.

(3) This is a new subsection and is partly taken from the first line of the former section 141 (5) which read as follows: "If the bankrupt or assignor has been examined the trustee shall file such examination," etc. The object of the new subsection is to widen the use that may be made of all examinations.

Trustee may require books and property of bankrupt to be produced.

122. (1) Where a person has, or is believed or suspected to have, in his possession or power any of the property of the bankrupt, or any book, document or paper of any kind relating in whole or in part to the bankrupt, his dealings or property, or showing that he is indebted to the bankrupt, he may be required by the trustee to produce the book, document or paper for the information of the trustee, or to deliver to him any property of the bankrupt in his possession.

Examination on failure to produce.

(2) Where a person fails to produce a book, document or other paper or to deliver property as required by this section within four days of his being required so to do, the trustee may, without an order, examine the person before the registrar of the court or other authorized person touching any such property, book, document or other paper that he is supposed to have in his possession.

Compelling attendance.

(3) Any person referred to in subsection one may be compelled to attend and testify, and to produce upon his examination any book, document or paper that under this section he is liable to produce, in the same manner and subject to the same rules of examination, and the same consequences of neglecting to attend or refusing to disclose the matters in respect of which he may be examined, as would apply to a bankrupt.

Admission of debt.

123. (1) Where a person on examination admits that he is indebted to the bankrupt, the court may, on the application of the trustee, order him to pay to the trustee, at such time and in such manner as to the court seems expedient, the amount admitted or any part thereof either in full discharge of the whole amount in question or not, as the court thinks fit, with or without costs of the examination.

Admission of having bankrupt's property.

(2) Where any person on such examination admits that he has in his possession any property belonging to the bankrupt, the court may, on the application of the trustee, order him to deliver to the trustee such property or any part thereof, at such time, and in such manner, and on such terms, as to the court may seem just.

Penalty for failure to attend for examination.

124. Where the bankrupt fails to present himself for examination before the official receiver as required by paragraph *(c)* of section one hundred and seventeen or where he or any other person is served with an appointment or summons to attend for examination and is paid or tendered the proper conduct money and witness fees as fixed by General Rules but refuses or neglects to attend as required by such appointment or summons, the court may, on the application of the trustee, by warrant cause the bankrupt or other person so in default to be apprehended and brought up for examination.

122. (1) This was formerly section 136 (1). The words "upon ordinary resolution passed by the creditors present or represented at a regularly called meeting, exclusive of such person if he is a creditor, or upon the written request or resolution of the majority of the inspectors of the estate" have been deleted.

(2) No substantial change. Formerly section 136 (2).

(3) Formerly section 136 (3). The words "as would apply to a bankrupt" have been substituted for the words "as is provided by section one hundred and thirty-five".

123. This was formerly section 137. No material change other than the deletion from subsection (1) of the words "provided for in section one hundred and thirty-four".

124. The former sections 128 (3) and 135 have been combined and redrafted for greater precision. Section 135 at present is illogical as, for instance, where a bankrupt being examined refuses to answer, the penal clause states that he may be apprehended and brought up for examination. The words "as fixed by General Rules" take the place of the former section 135 (2). Sections 128 (3) and 135 read as follows:

"**128.** (3) If the bankrupt or assignor fails to present himself for such examination within three days from the making of the receiving order or the filing of the assignment, the court may by warrant cause him to be apprehended and brought up for examination, and may order him to be committed to the common gaol of the judicial district in which he resides for a term not exceeding twelve months."

"**135.** (1) If the debtor, or any person liable to be examined as provided by the preceding section, is served with an appointment or summons to attend for examination and is paid or tendered the proper conduct money and witness fees, but refuses or neglects to attend as required by such appointment or summons, or, if attending, refuses to make satisfactory answers to any questions asked him or refuses to produce any book, document or other paper, having no lawful impediment made known to the examiner at the time of his sitting for such examination and allowed by him, the court may, by warrant, cause the debtor or other person so in default to be apprehended and brought up for examination, and may order him to be committed to the common gaol of the judicial district in which he resides for any term not exceeding twelve months.

(2) The amount of conduct money and witness fee shall be fixed by General Rules."

Questions must be answered.

125. Any person being examined is bound to answer all questions relating to the business or property of the bankrupt, to the causes of his bankruptcy and the disposition of his property.

Arrest of Bankrupts.

Arrest of bankrupts under certain circumstances.

126. (1) The court may by warrant cause a bankrupt to be arrested, and any books, papers and property in his possession to be seized, and him and them to be safely kept as directed until such time as the court may order, under the following circumstances:—

(a) if, after the filing of a bankruptcy petition against him, it appears to the court that there are gounds for believing that he has absconded or is about to abscond from Canada with a view of avoiding payment of the debt in respect of which the bankruptcy petition was filed, or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarrassing proceedings in bankruptcy against him;

(b) if, after making an assignment, it appears to the court that there are grounds for believing that he has absconded or is about to abscond from Canada with a view of avoiding payment of his debts or of avoiding examination in respect of his affairs;

(c) if, after the filing of a bankruptcy petition or of an assignment, it appears to the court that there is probable cause for believing that he is about to remove his property with a view of preventing or delaying possession being taken thereof by the trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings that might be of use to the trustee or to his creditors in the course of the bankruptcy proceedings;

(d) if he removes any property in his possession above the value of twenty-five dollars without leave of the court after service of a bankruptcy petition, or without leave of the trustee after an assignment has been made; or

(e) if, after the commencement of proceedings under this Act, he has failed to obey an order of the court.

Payments after arrest.

(2) No payment or proposal made or security given after arrest made under this section is exempt from the provisions of this Act relating to fraudulent preferences.

125. Formerly section 138 which read as follows:

"**138.** Any person liable to be examined under the provisions of the ten last preceding sections shall be bound to answer all questions relating to the business or property of the debtor, and as to the causes of his insolvency and the disposition of his assets, and shall not be excused from answering any question on the ground that the answer may tend to criminate the person so examined or to establish his liability in any civil action, and all or any of the questions and answers upon any examination under the four next preceding sections may be given in evidence against the person so examined on any charge of an offence against this Act and in any civil action or proceeding brought by, or on behalf of, the trustee or of any creditor or creditors entitled to take such action or proceedings."

126. (1) *(a)* and *(b)*. Formerly section 139 (1) *(a)* whose provisions have been extended to cover the case of an assignment.

(c) This was formerly section 139 (1) *(b)*. No material change.

(d) Formerly section 139 (1) *(c)*. The changes are self-explanatory.

(e) This is a new paragraph. It speaks for itself.

(2) No material change. Formerly section 139 (2).

Discharge of Bankrupts.

Bankruptcy to operate as application for discharge.

127. (1) The making of a receiving order against, or an assignment by, any person except a corporation operates as an application for discharge, unless the bankrupt, by notice in writing, files in the court and serves upon the trustee a waiver of application before being served by the trustee with a notice of his intention to apply to the court for an appointment for the hearing of the application as provided in this section.

Appointment to be obtained by trustee.

(2) The trustee, before proceeding to his discharge and in any case not earlier than three months and not later than twelve months following the bankruptcy of any person who has not served a notice of waiver upon him, shall on four days' notice to the bankrupt apply to the court for an appointment for a hearing of the application on a date not more than thirty days after the date of the appointment or at such other time as may be fixed by the court at the request of the bankrupt or the trustee.

Application by corporation.

(3) A corporation and any bankrupt who has given a notice of waiver as provided in subsection one may at any time at his own expense apply for a discharge by obtaining from the court an appointment for a hearing which shall be served on the trustee not less than twenty days before the date fixed for the hearing of the application, and the trustee on being served therewith shall proceed as provided in this section.

Fees and disbursements of trustee.

(4) The court may, before issuing an appointment, if requested by the trustee, require such funds to be deposited with, or such guarantee to be given to, the trustee, as it deems proper, for the payment of his fees and disbursements incurred in respect of the application.

Notice to creditors.

(5) The trustee, on obtaining or being served with an appointment, shall, not less than fourteen days before the day appointed for the hearing of the application, send out a notice thereof in the prescribed form to the Superintendent, the bankrupt and every creditor who has proved his claim, at his last known address.

Procedure when trustee not available.

(6) Where the trustee is not available to perform the duties required of a trustee on the application of a bankrupt for a discharge, the court may authorize any other person to perform such duties and may give such directions as it deems necessary to enable the application of the bankrupt to be brought before the court.

127. (1) This subsection is new. It establishes a new principle in regard to the discharge of a bankrupt. The operation of the Act has indicated that only a few bankrupts apply for a discharge, largely for two reasons, firstly, that many bankrupts are not aware of their legal status and believe that their debts are determined by the bankruptcy, and secondly, because of the financial inability of many others to meet the expense of an application. From the beginning of bankruptcy legislation there has been a gradual evolution in the attitude of the public towards bankrupts until at the present time creditors are held more or less equally responsible with bankrupts for their debts. If the *Bankruptcy Act* is to serve its intended purpose to give bankrupts an opportunity to rehabilitate themselves as useful citizens, more responsibility must be accepted to create that opportunity for the bankrupt by providing an automatic procedure for his discharge. This procedure has been incorporated in the Bankruptcy Act of the United States—Section 14 of the Amendment to the Bankruptcy Act of the United States as approved on the 22nd of June, 1938. The said section reads as follows:

> "Sec. 14. U.S. Act as amended 22 June, 1938. Discharges, When Granted.—a. The adjudication of any person, except a corporation, shall operate as an application for a discharge: Provided, That the bankrupt may, before the hearing on such application, waive by writing, filed with the court, his right to a discharge. A corporation may, within six months after its adjudication, file an application for a discharge in the court in which the proceedings are pending."

(2) This is the procedural subsection by which the trustee is impounded with the duty of initiating the bankrupt's application for discharge.

(3) This subsection permits a corporation and a bankrupt who previously waived his right for a discharge to apply at its or his own expense. Ordinarily corporations do not apply for discharges, but a provision is inserted for the rare case that may arise.

(4) This subsection has been inserted for the protection of the trustee in view of previous experience.

(5) This is merely the procedural subsection to provide for notice of the application.

(6) This subsection is to meet the contingency which so often arises and for which there is no provision whatsoever in the Act. The availability of a trustee should not affect the legal right of a bankrupt to have his application brought before the court and heard. The courts have attempted to deal with this problem merely on the basis of removing an injustice which might be inflicted on a bankrupt, but there has always been some doubt as to whether or not the court had such authority.

Trustee to prepare report.

128. (1) The trustee shall prepare a report in the prescribed form as to the affairs of the bankrupt, the causes of his bankruptcy, the manner in which the bankrupt has performed the duties imposed on him under this Act or obeyed the orders of the court, and as to his conduct both before and after the bankruptcy, and whether he has been convicted of any offence under this Act, together with any other fact, matter or circumstance that would justify the court in refusing an unconditional order of discharge, and the report shall be accompanied by a resolution of the inspectors declaring whether or not they approve or disapprove of the report, and in the latter case the reasons of such disapproval shall be given.

Filing and service of report.

(2) When an application is pending, the trustee shall file the report in the court not less than three days, and forward a copy thereof to the Superintendent not less than ten days, before the day appointed for hearing the application, and in all other cases the trustee, before proceeding to his discharge, shall file the report in the court and forward a copy to the Superintendent.

Superintendent may file report.

(3) The Superintendent may make such further or other report to the court as he deems expedient or as in his opinion ought to be before the court on the application.

Representation by counsel.

(4) The trustee or any creditor may attend and be heard in person or by counsel.

Evidence at hearing.

(5) For the purposes of the application the report of the trustee shall be *prima facie* evidence of the statements therein contained.

This new section 127 replaces former section 141 (1), (2) and (3) which read as follows:

"**141.** (1) Any debtor may, at any time after being adjudged bankrupt or making an authorized assignment, apply to the court for an order of discharge, to become effective not sooner than three months next after the date of his being adjudged bankrupt or of his making such assignment, and the court shall appoint a day for hearing the application.

(2) A bankrupt or authorized assignor intending to apply for his discharge shall produce to the registrar of the court a certificate from the trustee specifying the names and addresses of his creditors of whom the trustee has notice (whether they have proved or not) and it shall be the duty of the trustee to furnish such certificate upon request therefor by the bankrupt or authorized assignor.

(3) The registrar shall, not less than twenty-eight days before the day appointed for hearing the application, give to the trustee notice of the application and of the time and place of hearing of it, and the trustee shall not less than fourteen days before the day appointed for hearing the application give to the Superintendent and to each creditor who has proved his debt like notice."

128. (1) This is a revision of former section 141 (4) and (5) incorporating in one subsection what is to be included in the report. Section 141 (4) and (5) read as follows:

"(4) The trustee shall file with the registrar, at least three days before the day appointed for hearing the application, his report as to the conduct and affairs of the bankrupt or assignor (including a report as to the conduct of the bankrupt or assignor during the proceedings under his bankruptcy or assignment). In cases where the final dividend has not been paid, this report shall be accompanied by a resolution of inspectors declaring whether they approve or disapprove the said report, and in the latter case the reasons of this disapproval must be given.

(5) If the bankrupt or assignor has been examined, the trustee shall also file such examination, and shall report to the court any fact, matter or circumstance which would, under this Act, justify the court in refusing an unconditional order of discharge."

(2) This subsection is partly taken from subsection (4). In addition it is deemed necessary that the report should be in the hands of the Superintendent in sufficient time to enable him to make any supplementary report which he may desire.

(3) This subsection is new. Its purpose is to try to ensure that all of the relevant facts are before the court at the hearing.

(4) This was formerly section 141 (7). No change except that the words "the debtor" have been struck out.

(5) This is former section 141 (8) slightly revised. It read as follows:

"**141.** (8) For the purposes of this and the next five succeeding sections the report of the trustee shall be *prima facie* evidence of the statements therein contained."

The former subsections (6) and (9) have been deleted. Subsection (6) is unnecessary. The revised procedure on the application of a bankrupt for his discharge, and particularly section 128 (2), renders subsection (9) obsolete. Subsections (6) and (9) read as follows:

"**141.** (6) At the hearing of the application, the court may read the examination of the bankrupt or assignor, and may put such further questions to him and receive such evidence as it may think fit."

"(9) The duties imposed upon the trustee under this section shall be carried out by him notwithstanding that he may have been discharged as trustee by the court."

Right of bankrupt to oppose statements in report.

(6) When a bankrupt intends to dispute any statement contained in the trustee's report he shall at or before the time appointed for hearing the application for discharge give notice in writing to the trustee specifying the statements in the report which he proposes at the hearing to dispute.

Right of creditors to oppose.

(7) A creditor who intends to oppose the discharge of a bankrupt on grounds other than those mentioned in the trustee's report shall give notice of the intended opposition, stating the grounds thereof, to the trustee and to the bankrupt at or before the time appointed for the hearing of the application.

Court may grant or refuse discharge.

129. (1) On the hearing of the application, the court may either grant or refuse an absolute order of discharge or suspend the operation of the order for a specified time, or grant an order of discharge subject to any terms or conditions with respect to any earnings or income that may afterwards become due to the bankrupt or with respect to his after-acquired property.

Powers of court to refuse or suspend discharge or grant conditional discharge.

(2) The court shall on proof of any of the facts mentioned in section one hundred and thirty

(a) refuse the discharge;

(b) suspend the discharge for such period as the court thinks proper; or

(c) require the bankrupt, as a condition of his discharge, to perform such acts, pay such moneys, consent to such judgments, or comply with such other terms, as the court may direct.

(6) and (7) Formerly Rule 159. No substantial change. It is deemed more logical to have these provisions inserted in the Act as part of the scheme of rights and procedure therein set up.

129. (1) Formerly section 142 (1). The material that may be heard on the hearing has been referred to in the preceding section.

Section 142 (1) and (2) formerly read as follows:

"**142.** (1) On the hearing of the application, the court shall take into consideration the report of the trustee, and the resolution of the inspectors, and may either grant or refuse an absolute order of discharge or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt or authorized assignor, or with respect to his after-acquired property.

(2) The court shall refuse the discharge in all cases where the bankrupt or authorized assignor has committed any offence under this Act or any offence connected with his bankruptcy or assignment or the proceedings thereunder, and shall on proof of any of the facts mentioned in the next succeeding section, either

(a) refuse the discharge; or

(b) suspend the discharge for a period of not less than two years: provided that the period may be less than two years if the only fact proved of those hereinafter mentioned is that his assets are not of a value equal to fifty cents in the dollar on the amount of his unsecured liabilities; or

(c) suspend the discharge until a dividend of not less than fifty cents in the dollar has been paid to the creditors; or

(d) require the bankrupt or assignor, as a condition of his discharge, to consent to judgment being entered against him by the trustee for any balance or part of any balance of the debts provable under the bankruptcy or assignment which is not satisfied at the date of the discharge, such balance or part of any balance of the debts to be paid out of the future earnings or after-acquired property of the bankrupt or assignor in such manner and subject to such conditions as the court may direct; but execution shall not be issued on the judgment without leave of the court, which leave may be given on proof that the bankrupt or assignor has, since his discharge, acquired property or income available towards payment of his debts."

(2) Formerly section 142 (2). The words deleted are considered altogether too drastic, being an absolute prohibition of a discharge being obtained by a bankrupt under any such circumstances, and it is felt that the matter should be left to the discretion of the court by transferring the restrictions therein imposed to subsection (1) of section 130.

(b) It is deemed advisable that the period of suspension be left to the discretion of the court.

(c) Similarly, former paragraphs *(c)* and *(d)* have been redrafted and combined in one paragraph which has been greatly simplified.

Court may modify after year.

(3) Where at any time after the expiration of one year from the date of any order made under this section the bankrupt satisfies the court that there is no reasonable probability of his being in a position to comply with the terms of the order the court may modify the terms of the order or of any substituted order, in such manner and upon such conditions as it may think fit.

Power to suspend.

(4) The powers of suspending and of attaching conditions to the discharge of a bankrupt may be exercised concurrently.

Facts for which discharge may be refused, suspended or granted conditionally.

130. (1) The facts referred to in section one hundred and twenty-nine are

(a) the assets of the bankrupt are not of a value equal to fifty cents in the dollar on the amount of his unsecured liabilities, unless he satisfies the court that the fact that the assets are not of a value equal to fifty cents in the dollar on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held responsible;

(b) the bankrupt has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy;

(c) the bankrupt has continued to trade after knowing himself to be insolvent;

(d) the bankrupt has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities;

(e) the bankrupt has brought on, or contributed to, his bankruptcy by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling or by culpable neglect of his business affairs;

(f) the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action properly brought against him;

(g) the bankrupt has, within the three months preceding the date of his bankruptcy, incurred unjustifiable expense by bringing a frivolous or vexatious action;

(h) the bankrupt has, within the three months preceding the date of his bankruptcy, when unable to pay his debts as they became due, given an undue preference to any of his creditors;

(i) the bankrupt has, within the three months preceding the date of his bankruptcy, incurred liabilities with a view of making his assets equal to fifty cents in the dollar on the amount of his unsecured liabilities;

(3) No material change. Formerly section 142 (3).

(4) No material change. Formerly section 142 (4).

130. (1) *(a)* to *(k)*. No change materially. Formerly section 143 (1) *(a)* to *(k)*.

(j) the bankrupt has on any previous occasion been bankrupt or made a proposal to his creditors;

(k) the bankrupt has been guilty of any fraud or fraudulent breach of trust;

(l) the bankrupt has committed any offence under this Act or any other statute in connection with his property, his bankruptcy or the proceedings thereunder;

(m) the bankrupt has failed to perform the duties imposed on him under this Act or to comply with any order of the court.

Application of farmers.

(2) Paragraphs *(b)* and *(c)* of subsection one do not apply in the case of an application for discharge by a bankrupt who at the time of his bankruptcy was engaged solely in farming or the tillage of the soil.

Assets of bankrupt when deemed equal to fifty cents in dollar.

131. For the purposes of section one hundred and thirty the assets of a bankrupt shall be deemed of a value equal to fifty cents in the dollar on the amount of his unsecured liabilities when the court is satisfied that the property of the bankrupt has realized or is likely to realize or, with due care in realization, might have realized an amount equal to fifty cents in the dollar on his unsecured liabilities.

Court may grant certificate.

132. (1) A statutory disqualification on account of bankruptcy ceases when the bankrupt obtains from the court his discharge with a certificate to the effect that the bankruptcy was caused by misfortune without any misconduct on his part.

Appeal.

(2) The court may, if it thinks fit, grant a certificate mentioned in subsection one, and a refusal to grant such a certificate is subject to appeal.

Duty of bankrupt on conditional discharge.

133. (1) Where an order is granted on terms or conditions or on the bankrupt consenting to judgment, the bankrupt shall, until such terms, conditions or judgment are satisfied, give the trustee such information as he may require with respect to his earnings and after-acquired property and income and, not less than once a year, file in the court and with the trustee a statement verified under oath showing the particulars of any property or income he may have acquired subsequent to the order for his discharge, and the trustee or any creditor may require the bankrupt to attend for examination under oath with reference to the facts contained in the statement, or as to his earnings, income, after-acquired property or dealings.

(l) This is a new paragraph containing substantively the prohibition deleted from former section 142(2) giving the court discretion in dealing therewith. A similar discretion is exercised in section 26(2) of the English Act which is as follows:

"Provided that where the bankrupt has committed any misdemeanour under this Act, or any enactment repealed by this Act, or any misdemeanour connected with his bankruptcy, or any felony connected with his bankruptcy, or where in any case any of the facts hereinafter mentioned are proved, the court shall either:—

(i)
(ii)
(iii)
(iv)
} Exactly the same as Section 142 *(a)*, *(b)*, *(c)* and *(d)*.

(m) This is a new paragraph. Its purpose is obvious.

(2) No material change. Formerly section 143 (2).

131. Formerly section 144 (1). No material change. The former section 144 (2) has been deleted as it is merely a reassertion of former section 141 (8) and is not required. It read as follows:

"**144.** (2) A report by the trustee shall be *prima facie* evidence of the amount of such liabilities."

132. (1) No material change. Formerly section 145 (1).

(2) No change. Formerly section 145 (2).

133. (1) This is a new subsection and is a redraft of former Rules 161, 164 and 165. While partly procedural in nature it is more substantive in effect in setting up further duties imposed on the bankrupt in the event of an order of discharge being granted on terms or conditions or subject to consent to judgment as a condition precedent to a discharge. Rules 161, 164 and 165 formerly read as follows:

"*Rule* **161.** (1) While the Court grants an order of discharge conditionally upon the debtor consenting to judgment being entered against him by the trustee for the balance or any part of the balance of the debts provable under the bankruptcy or authorized assignment which is not satisfied at the date of his discharge, the order of discharge shall not be signed, completed or delivered out until the debtor has given the required consent. The judgment shall be entered in the Court having jurisdiction in bankruptcy in the district or division in which the order of discharge is granted.

(2) If the debtor does not give the required consent within ten days of the making of the conditional order the Court may, on the application of the trustee, revoke the order or make such other order as the Court may think fit."

"**164.** Where a debtor is discharged subject to the condition that judgment shall be entered against him, or subject to any other condition as to his future earnings or after-acquired property, it shall be his duty until such judgment or condition is satisfied, from time to time, to give the trustee such information as he may require with respect to his earnings and after-acquired property and income, and not less than once a year to file in the Court and with the trustee a statement showing the particulars of any property or income he may have acquired subsequent to his discharge."

"**165.** Any statement of after-acquired property or income filed by a debtor whose discharge has been granted subject to conditions, shall be verified by affidavit, and the trustee may require the debtor to attend before an examiner to be examined on oath with reference to the statements contained in such affidavit, or as to his earnings, income, after-acquired property, or dealings. Where a debtor neglects to file such affidavit or to attend for examination when required so to do, or properly to answer all such questions as the Court may decide to be proper, the Court may, on the application of the trustee, rescind the order of discharge."

Penalty for failure to comply.

(2) Where the bankrupt fails to give information or to file a statement as required by subsection one, or to attend for examination when required so to do, or to answer all questions fully and accurately with respect to his earnings, income, after-acquired property or dealings, the court may on the application of the trustee or of any creditor revoke the order of discharge.

Trustee to distribute funds payable under conditional discharge.

(3) Where a conditional order of discharge of a bankrupt is made providing for payment of a further dividend or sum of money by the bankrupt all payments on account thereof shall be made to the trustee for distribution to the creditors.

Fraudulent settlements.

134. In either of the following cases, that is to say:—

(a) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement; or

(b) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any property wherein he had not at the date of his marriage any estate or interest, not being property of or in right of his wife;

if the settlor becomes bankrupt, and it appears to the court that such settlement, covenant or contract was made in order to defeat or delay his creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the court may refuse or suspend an order of discharge or grant an order subject to conditions in like manner as in cases where the bankrupt has been guilty of fraud.

Debts not released by order of discharge.

135. (1) An order of discharge does not release the bankrupt from

(a) any fine or penalty imposed by a court or any debt arising out of a recognizance or bail bond;

(b) any debt or liability for alimony;

(c) any debt or liability for maintenance and support of his wife and children;

(d) any debt or liability arising out of fraud, embezzlement, misappropriation or defalcation while acting in a fiduciary capacity;

(e) any debt or liability for obtaining property by false pretences or fraudulent misrepresentation; or

(2) This is merely a penalty clause in case of failure of the bankrupt to perform the special obligations imposed on him in this section. It is taken from former Rule 165 but extended to bring it into line with the penalty clauses in section 124 for similar offences.

(3) This is a new subsection. In many instances, where an order is made conditional on the payment of further dividends, the bankrupt will proceed to pay the creditors direct and, by bargaining, will not make payments on an equal basis.

134. Formerly section 146. The words deleted are unnecessary.

135. (1) The corresponding provisions of the Bankruptcy Act of the United States have been adopted in part. This was formerly section 147 (1) and read as follows:

"**147.** (1) An order of discharge shall not release the bankrupt or authorized assignor

(a) from any debt on a recognizance nor from any debt with which the bankrupt or assignor may be chargeable at the suit of the Crown or of any person for any offence against a statute relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence and he shall not be discharged in respect of any such excepted debts unless an order in council proceeding from the Crown in the proper right is filed in court consenting to his being discharged therefrom; or

(b) from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, nor from any debt or liability in respect of which he has obtained forbearance by any fraud to which he was a party; or

(c) from any liability under a judgment against him in an action for seduction, or under an affiliation order, or for alimony or under a judgment against him as a co-respondent in a matrimonial case, except to such an extent and under such conditions as the court expressly orders in respect of such liability; or

(d) from any debt or liability for necessaries of life, and the court may make such order for payment thereof as it deems just or expedient."

(f) liability for the dividend that a creditor would have been entitled to receive on any provable claim not disclosed to the trustee, unless such creditor had notice or knowledge of the bankruptcy and failed to take reasonable action to prove his claim.

Claims released.

(2) An order of discharge releases the bankrupt from all other claims provable in bankruptcy.

Partner or co-trustee not released.

136. An order of discharge does not release a person who at the date of the bankruptcy was a partner or co-trustee with the bankrupt or was jointly bound or had made a joint contract with him, or a person who was surety or in the nature of a surety for him.

Court may annul discharge.

137. (1) Where a bankrupt after his discharge fails to perform the duties imposed on him by the Act, the court may, on application, annul his discharge.

Annulment of discharge obtained by fraud.

(2) Where it appears to the court that the discharge of the bankrupt was obtained by fraud, the court may, on application, annul his discharge.

Effect of annulment of discharge.

(3) An order revoking or annulling the discharge of a bankrupt does not prejudice the validity of a sale, disposition of property, payment made or thing duly done before revocation or annulment.

Power of court to annul bankruptcy.

138. (1) Where, in the opinion of the court, a receiving order ought not to have been made or an assignment ought not to have been filed, the court may by order annul the bankruptcy.

Effect of annulment of bankruptcy.

(2) Where an order is made under subsection one, all sales, dispositions of property, payments duly made and acts done theretofore by the trustee or other person acting under his authority, or by the court, are valid, but the property of the bankrupt shall vest in such person as the court may appoint, or, in default of any appointment, revert to the bankrupt for all the estate or interest of the trustee therein on such terms and subject to such conditions, if any, as the court may order.

(2) No material change. Formerly section 147 (2).

136. No material change. Formerly section 148.

137. (1) This replaces the former section 132. The duties referred to therein are now included in section 117. The former section 132 read as follows:

> "**132.** If a debtor wilfully fails to perform the duties imposed on him by the four last preceding sections, or to deliver up possession of any part of his property which is divisible amongst his creditors under this Act and which is for the time being in his possession or under his control, to the trustee, or to any person, authorized by the court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of court, and may be punished accordingly."

(2) This is a new subsection similar to section 144 of the Scottish Act. A like provision was formerly contained in *The Canadian Insolvent Act* of 1864 and *The Insolvent Act* of 1875.

(3) This is a new subsection. Its purpose is evident.

138. (1) This was previously section 151 (1). It has been changed to provide for annulment in the case of assignments as well as receiving orders. The fact was overlooked formerly that the same reasons might apply for the annulment of an assignment as applied to a receiving order. The amended phraseology provides for such a contingency. There has also been deleted the clause "or where it is proved to the satisfaction of the court that the debts of the bankrupt are paid in full."

(2) Formerly section 151 (2). No material change except the words "order is made" have been substituted for "adjudication is annulled" in the first line.

The former section 151 (4) has been deleted in view of the revised wording of subsection (1). It read:

> "**151.** (4) For the purposes of this section any debt disputed by a debtor shall be considered as paid in full if the debtor enters into a bond, in such sum and with such sureties as the court approves, to pay the amount to be recovered in any proceedings for the recovery of or concerning the debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into court."

Stay on issue of order.

139. (1) The order of discharge or annulment shall be dated on the day on which it is made, but it shall not be issued or be delivered out until the expiration of the time allowed for an appeal, and, if an appeal be entered, not until the appeal has been finally disposed of.

Effective date of order.

(2) Notice of an order of discharge or annulment shall be published in the *Canada Gazette* by the bankrupt, but the order, when it has been issued or delivered out, shall be effective as from the date it bears.

PART VII.

COURTS AND PROCEDURE.

Jurisdiction of Courts.

Courts vested with jurisdiction.

140. (1) The following named courts are invested with such jurisdiction at law and in equity as will enable them to exercise original, auxiliary and ancillary jurisdiction in bankruptcy and in other proceedings authorized by this Act during their respective terms, as they are now, or may be hereafter, held, and in vacation and in chambers:—

(a) in the province of Alberta, the Trial Division of the Supreme Court of the province;

(b) in the provinces of British Columbia, Nova Scotia and Newfoundland, the Supreme Court of the province;

(c) in the province of Prince Edward Island, the Supreme Court of Judicature of the province;

(d) in the provinces of Manitoba and Saskatchewan, the Court of King's Bench of the province;

(e) in the province of Ontario, the High Court of Justice for the province;

(f) in the province of New Brunswick, the King's Bench Division of the Supreme Court of the province;

(g) in the province of Quebec, the Superior Court of the province;

(h) in the Yukon Territory, the Territorial Court of the Yukon Territory; and

(i) in the Northwest Territories, a stipendiary magistrate.

Courts of appeal.

(2) The several courts of appeal throughout Canada, within their respective jurisdictions, are invested with power and jurisdiction at law and in equity, according to their ordinary procedures, except as varied by this Act or General Rules, to hear and determine appeals from the courts vested with original jurisdiction under this Act.

Supreme Court of Canada.

(3) The Supreme Court of Canada likewise has jurisdiction to hear and to decide according to its ordinary procedure any appeal so permitted and to award costs.

139. This is a new section. It completes the procedure on the application for an order of discharge or annulment. Subsection (2) combines the former sections 150 and 151 (3) which read as follows:

"**150.** Notice of the order of discharge of a bankrupt, or authorized assignor, shall be forthwith gazetted."

"**151.** (3) Notice of the order annulling an adjudication shall be forthwith gazetted and published in the local paper."

140. (1) Formerly section 152 (1) which read as follows:

"**152.** (1) The following named courts are invested with such jurisdiction at law and in equity as will enable them to exercise original, auxiliary and ancillary jurisdiction in bankruptcy and in other proceedings authorized by this Act during their respective terms, as they are now, or may be hereafter, held, and in vacation and in chambers,—

(a) In the provinces of Alberta, British Columbia, Nova Scotia, Ontario and Prince Edward Island, the Supreme Court of the province;

(b) In the provinces of Manitoba and Saskatchewan, the Court of King's Bench of the province;

(c) In the province of New Brunswick, the King's Bench Division of the Supreme Court of the province;

(d) In the province of Quebec, the Superior Court of the province; and

(e) In the Yukon Territory, the Territorial Court of the Yukon Territory."

(2) This was formerly section 152(3) and (4), which read as follows:

"**152.** (3) The courts in the next subsection named are subject to the provisions of this Act with respect to appeals, invested with power and jurisdiction to make or render on appeal asserted, heard and decided according to their ordinary procedure, except as varied by General Rules, the order or decision which ought to have been made or rendered by the court appealed from.

(4) All appeals asserted under authority of this Act shall be made.

(a) in the provinces of Nova Scotia and Prince Edward Island, to the Supreme Court *en banc* of the province;

(b) in the provinces of British Columbia, Manitoba and Saskatchewan, to the Court of Appeal of the province;

(c) in the provinces of Ontario and Alberta, to the Appellate Division of the Supreme Court of the province;

(d) in the province of New Brunswick, to the Appeal Division of the Supreme Court of the province;

(e) in the province of Quebec, to the Appeal side of the Court of King's Bench;

(f) in the Yukon Territory, to the Court of Appeal of the province of British Columbia."

This has been revised and simplified to avoid unnecessary verbiage.

(3) This subsection was formerly section 174(3). No change.

Appointment of registrars, clerks, etc.

141. Each of the following persons, namely,

(a) the Chief Justice of the court;

(b) in the province of Quebec, the Chief Justice or the Associate Chief Justice in the district to which he was appointed;

(c) in the Yukon Territory, the Commissioner of the Yukon Territory; and

(d) in the Northwest Territories, the Commissioner of the Northwest Territories;

shall from time to time appoint and assign such registrars, clerks and other officers in bankruptcy as he deems necessary or expedient for the transaction or disposal of matters in respect of which power or jurisdiction is given by this Act and may specify or limit the territorial jurisdiction of any such registrar, clerk or other officer.

Assignment of judges to bankruptcy work by Chief Justice.

142. (1) The Chief Justice of the court, and in the province of Quebec the Chief Justice or the Associate Chief Justice in the district to which he was appointed, may, if in his opinion it be advisable or necessary for the good administration of this Act, nominate or assign one or more of the judges of the court to exercise the judicial powers and jurisdiction conferred by this Act that may be exercised by a single judge, and the judgment, decision or order of a judge so nominated or assigned shall be deemed to be the judgment, decision or order of the court, and a reference in this Act to the court applies to any judge so exercising the powers and jurisdiction of the court.

(2) Nothing in this section diminishes or affects the powers or jurisdiction of the court or of any of the judges thereof not so specially nominated or assigned.

Exercise of power by judges of other courts on appointment by Minister.

143. The Minister may, if in his opinion it is advisable or necessary for the proper administration of this Act, authorize any district, county or other judge to exercise any or all of the powers and jurisdiction of the court or of a judge or registrar thereof, subject to any limitation or condition, and any judge so authorized shall be deemed a judge or registrar as the case may be of the court having jurisdiction in bankruptcy, and references to the court or to the judge of the court or to the registrar apply to such district, county or other judge according to the terms of his authority.

Authority of the Courts.

Seal of court.

144. (1) Every court shall have a seal describing the court, and judicial notice shall be taken of the seal and of the signature of the judge or registrar of any such court in all legal proceedings.

141. Formerly section 157 (1). The changes are self-explanatory.

142. Formerly section 156. This section has been slightly amended. It formerly read in part as follows:

> "**156.** The Chief Justice of the court, and in the province of Ontario the Chief Justice of Ontario, and in the province of Quebec, the Chief Justice or the Acting Chief Justice in the district of appeal in which he has been appointed," etc.

143. This was formerly section 158. No change.

144. (1) This was formerly section 182. No change.

Court not subject to be restrained.

(2) The courts are not subject to be restrained in the execution of their powers under this Act by the order of any other court.

Power of judge in chambers.

(3) Subject to this Act and to General Rules, the judge of a court may exercise in chambers the whole or any part of his jurisdiction.

Periodical sittings.

(4) Periodical sittings for the transaction of the business of courts shall be held at such times and places and at such intervals as the court directs.

Court may review, etc.

(5) Every court may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

Enforcement of orders.

(6) Every order of a court may be enforced as if it were a judgment of the court.

Transfer of proceedings to another division.

(7) The court, upon satisfactory proof that the affairs of the bankrupt can be more economically administered within another bankruptcy district or division, or for other sufficient cause, may by order transfer any proceedings under this Act that are pending before it to another bankruptcy district or division.

Trial of issue, etc.

(8) The court may direct any issue to be tried or inquiry to be made by any judge or officer of any of the courts of the province, and the decision of such judge or officer is subject to appeal to a judge in bankruptcy, unless the judge is a judge of a superior court when the appeal shall, subject to section one hundred and fifty, be to the court of appeal.

Formal defect not to invalidate proceedings.

(9) No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity, unless the court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity and that the injustice cannot be remedied by any order of that court.

Proceedings taken in wrong court.

(10) Nothing in this section invalidates any proceedings by reason of their having been commenced, taken or carried on in the wrong court, but the court may at any time transfer to the proper court the petition, application or proceedings, as the case may be.

Court may extend time.

(11) Where by this Act the time for doing any act or thing is limited, the court may extend the time either before or after the expiration thereof upon such terms if any as it thinks fit to impose.

And may dispense with certain requirements as to notices.

(12) Where in the opinion of the court the cost of preparing statements, lists of creditors or other material required by this Act to be mailed with notices to creditors or the cost of mailing such notices or material by registered post is unjustified in the circumstances, the court may give leave to omit such material or any part thereof or to mail the notices or material by ordinary post.

(2) This was formerly section 154. No change.

(3) This was formerly section 152 (2). No material change.

(4) This was formerly section 155. No material change.

(5) This was formerly section 164. No change.

(6) This was formerly Rule 53. No change.

(7) This was formerly section 6 (2). It read in part as follows:

> "6. (2) The court, upon the application of the trustee or of a creditor proceeding under authority of any ordinary resolution carried by the votes of a majority in number of the known creditors, and upon satisfactory proof that the affairs of the debtor can be more economically administered," etc.

(8) This was formerly section 171. No material change. The words "Subject to section one hundred and fifty, be to the court of appeal" have been substituted for the words "under section one hundred and seventy-four."

(9) This was formerly section 186 (1). No material change.

(10) This was formerly section 4 (12). No change.

(11) Formerly section 163(5).

(12) This subsection is new and is designed to avoid unjustified expenses relating to notices and enclosures.

Enforcement of orders of other courts.

145. (1) An order made by a court under this Act and an order made by a court having jurisdiction in bankruptcy in a British country that has reciprocal legislation providing for the enforcement by the courts of such country of orders in bankruptcy matters made under any law of Canada may be enforced in any court having jurisdiction in bankruptcy in Canada in the same manner in all respects as if the order had been made by that court in Canada.

Courts to be auxiliary to each other.

(2) All courts and the officers of all courts respectively shall severally act in aid of and be auxiliary to each other in all matters of bankruptcy, and an order of one court seeking aid, with a request to another court, shall be deemed sufficient to enable the latter court to exercise, in regard to the matters directed by the order, such jurisdiction as either the court that made the request or the court to which the request is made could exercise in regard to similar matters within its respective jurisdiction.

Enforcement of warrants.

(3) Any warrant of a court may be enforced in any part of Canada in the same manner and subject to the same privileges as a warrant issued by a justice of the peace under or in pursuance of the *Criminal Code* may be executed against a person charged with an indictable offence.

Search warrants.

146. (1) The court may by warrant direct the seizure or search on behalf of the trustee or interim receiver of or for any part of the property of the bankrupt, whether in possession of the bankrupt or of any other person, and for that purpose may order the breaking open of any building or place where the bankrupt or any part of his property is believed to be.

Commitment to prison.

(2) Where the court commits any person to prison, the commitment may be to such convenient prison as the court thinks expedient.

Evidence of proceedings in bankruptcy.

147. (1) Any document made or used in the course of any bankruptcy proceedings or other proceedings had under this Act shall, if it appears to be sealed with the seal of any court having jurisdiction in bankruptcy, or purports to be signed by any judge thereof, or is certified as a true copy by any registrar thereof, be receivable in evidence in all legal proceedings.

Documentary evidence as proof.

(2) The production of an original document relating to any bankruptcy proceeding or a copy certified by the person making it as a true copy thereof or by a successor in office of such person as a true copy of a document found among the records in his control or possession shall be *prima facie* evidence of the contents of such documents.

145. (1) Formerly section 170 (1) which read as follows:

"**170.** (1) Any order made by a court exercising jurisdiction in bankruptcy under this Act shall be enforced in the courts having jurisdiction in bankruptcy elsewhere in Canada in the same manner in all respects as if the order had been made by the court hereby required to enforce it."

(2) This was formerly section 170 (2). No material change.

(3) This was formerly section 170 (3). No material change.

146. (1) This was formerly section 172. The reference to the custodian has been deleted.

(2) This was formerly section 173. The concluding clause has been deleted. It read as follows: "and if the gaoler of any prison refuses to receive any prisoner so committed he shall be liable for every such refusal to a fine not exceeding five hundred dollars."

147. (1) Formerly section 180. The changes therein will be self-explanatory. It read in part:

"**180.** Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate, made by any court having jurisdiction in bankruptcy, any instrument or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings," etc.

(2) This is a new subsection. Its purpose is to simplify the method of proving documents in bankruptcy proceedings.

Death of bankrupt or witness.

148. In case of the death of the bankrupt or the wife or husband of a bankrupt or of a witness, whose evidence has been received by any court in any proceedings under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

Powers of Registrar.

Powers of registrar.

149. (1) The registrars of the courts have power and jurisdiction, without limiting the powers otherwise conferred by this Act or General Rules,

(a) to hear bankruptcy petitions and to make receiving orders where they are not opposed;

(b) to hold examinations of bankrupts or other persons;

(c) to grant orders of discharge where the applications are not opposed;

(d) to approve proposals where they are not opposed;

(e) to make interim orders in cases of urgency;

(f) to hear and determine any unopposed or *ex parte* application;

(g) to summon and examine the bankrupt or any person known or suspected to have in his possession property of the bankrupt, or to be indebted to him, or capable of giving information respecting the bankrupt, his dealings or property;

(h) to hear and determine matters relating to proofs of claims whether or not opposed;

(i) to tax or fix costs and to pass accounts;

(j) to hear and determine any matter with the consent of all parties;

(k) to hear and determine any matter relating to practice and procedure in the courts;

(l) to settle and sign all orders and judgments of the courts not settled or signed by a judge and to issue all orders, judgments, warrants or other processes of the courts;

(m) to perform all necessary administrative duties relating to the practice and procedure in the courts; and

(n) to hear and determine appeals from the decision of a trustee allowing or disallowing a claim.

148. This was formerly section 183. It read as follows:

"183. In case of the death of the debtor or his wife, or of a witness whose evidence has been received by any court in any proceedings under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the court or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to."

149. (1) Formerly section 159 (1). Certain additional powers have been added to the powers already conferred upon the registrars in bankruptcy matters. The limitation of the last line has been deleted as it is neither logical nor consistent to have an express intention of Parliament limited or restricted by a rule. Section 159 (1) read as follows:

"159. (1) The Registrars of the several courts exercising bankruptcy jurisdiction under this Act shall have power and jurisdiction subject to General Rules, limiting the powers conferred by this section."

(f) This was formerly paragraph *(g)*. No change. The former *(f)* is unnecessary and has been deleted. It read:

"*(f)* to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers."

(g) Formerly *(h)*. No material change.

(h) This is new.

(i) Ordinarily the power to tax costs and pass accounts is exercised by registrars in any event so that there would appear to be no special reason why this authority should not be conferred upon the registrar as well. Heretofore it has been necessary for the Chief Justice to appoint the registrar to be a taxing officer practically in every case.

(j) This paragraph is new and is inserted to expedite the determination of proceedings before the court. The privilege of appeal to a judge removes any possibility of injustice.

(k) This is a new paragraph and is included to set out more clearly the authority to be exercised by the registrar in hearing and determining matters relating to the practice and procedure in the courts. Heretofore only paragraph *(f)* might be inferred as dealing therewith but no rule had been promulgated explicitly setting up any authority in this respect.

(l) This is a new paragraph added to complete the mechanics by which orders and judgments of the court are made effective.

(m) This is a new paragraph and vests the registrar with authority to perform the necessary administrative duties in connection with the operation of the courts. No express provision had been in effect heretofore and such authority was assumed only by inference.

(n) Formerly section 159*(i)* which read as follows:

"*(i)* to hear and determine appeals from the decision of a trustee allowing or disallowing a creditor's claim where such claim does not exceed five hundred dollars."

May be exercised by judge.

(2) The powers and jurisdiction by this section or otherwise conferred upon a registrar may at any time be exercised by a judge.

Registrar may not commit.

(3) A registrar has no power to commit for contempt of court.

Appeal from registrar.

(4) A person dissatisfied with an order or decision of the registrar may appeal therefrom to a judge.

Order of registrar deemed order of court.

(5) An order made or act done by a registrar in the exercise of his powers and jurisdiction shall be deemed the order or act of the court.

Reference to judge.

(6) A registrar may refer any matter ordinarily within his jurisdiction to a judge for disposition.

Judge may hear.

(7) A judge may direct that any matter before a registrar be brought before the judge for hearing and determination.

Registrars to act for each other.

(8) Any registrar in bankruptcy may act for any other registrar.

Appeals.

Court of Appeal.

150. Unless otherwise expressly provided, an appeal lies to the Court of Appeal from any order or decision of a judge of the court in the following cases:

(a) if the point at issue involves future rights;

(b) if the order or decision is likely to affect other cases of a similar nature in the bankruptcy proceedings;

(c) if the property involved in the appeal exceeds in value five hundred dollars;

(d) from the grant of or refusal to grant a discharge if the aggregate unpaid claims of creditors exceed five hundred dollars;

(e) in any other case by leave of a judge of the Court of Appeal.

Supreme Court of Canada.

151. The decision of the Court of Appeal upon any appeal is final and conclusive unless special leave to appeal therefrom to the Supreme Court of Canada is obtained from a judge of that court.

Stay of proceedings on filing of appeal.

152. Where a judge has granted leave to appeal, all proceedings under the order or judgment appealed from shall be stayed until the appeal is disposed of, but the Court of Appeal or a judge thereof may cancel and determine the stay if it appears that the appeal is not being prosecuted diligently, or for such other reason as it may deem proper.

(2) This is intended to remove any doubt as to the authority of a judge to perform the judicial functions of a registrar. The provisions of the Act formerly giving the registrar certain specific jurisdiction might well have been interpreted to exclude a judge from exercising such jurisdiction.

(3) No change. Formerly section 159 (2).

(4) No material change. Formerly section 159 (3).

(5) No change. Formerly section 159 (4).

(6) This is a new subsection. Heretofore it has been assumed that the registrar had authority to refer the matter to a judge. Some doubt on the point has often been expressed. This subsection is intended to remove the doubt.

(7) This is a new subsection. The same comments apply. It has always been more or less inferred that such authority did exist, but the subsection specifically removes that doubt.

(8) This was formerly Rule 64. No change.

The former section 149 has been deleted. It read as follows:

> "**149.** An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein, and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge."

150. This was formerly section 174 (1) and read as follows:

> "**174.** (1) Any person dissatisfied with an order or decision of the court or a judge in any proceedings under this Act may appeal to the Appeal Court if the
> *(a)* question to be raised on the appeal involves future rights; or
> *(b)* order or decision is likely to affect other cases of a similar nature in the bankruptcy or authorized assignment proceedings; or
> *(c)* amount involved in the appeal exceeds five hundred dollars; or
> *(d)* appeal is from the grant or refusal to grant a discharge and the aggregate of the unpaid claims of creditors exceeds five hundred dollars."

There is no material change except the addition of *(e)*.

151. This was formerly section 174 (2). No change.

152. This is a new section. The discretion granted to the Court of Appeal or a judge thereof to cancel or determine a stay of proceedings while an appeal is pending is considered necessary and advisable to prevent abuses of the right of appeal.

No stay of proceedings unless ordered.

153. An appeal to the Supreme Court of Canada shall not operate as a stay of proceedings, unless the judge who grants leave to appeal so orders.

Decision final.

154. The decision of the Supreme Court of Canada is final and conclusive.

Legal Costs.

Costs in discretion of court.

155. (1) Subject to this Act and to General Rules, the costs of and incidental to any proceedings in court under this Act are in the discretion of the court.

How costs awarded.

(2) The court in awarding costs may direct that the costs shall be taxed and paid as between party and party or as between solicitor and client, or the court may fix a sum to be paid in lieu of taxation or of taxed costs, but in the absence of any express direction costs shall follow the event and shall be taxed as between party and party.

Personal liability of trustee for costs.

(3) Where an action or proceeding is brought by or against a trustee, or where a trustee is made a party to any action or proceeding on his application or on the application of any other party thereto, he is not personally liable for costs unless the court otherwise directs.

When costs payable.

(4) No costs shall be paid out of the estate of the bankrupt, excepting the costs of persons whose services have been authorized by the trustee in writing and such costs as have been awarded against the trustee or the estate of the bankrupt by the court.

Application of tariff.

(5) Legal costs shall be paid according to the tariff provided by General Rules or according to the item in the tariff most nearly analogous or comparable to the services rendered, or, where no provision may be found therein applicable to the particular services rendered or disbursements made, according to the tariff in effect in other civil matters.

153. This was formerly section 174 (4). It read as follows:

"**174.** (4) No such appeal to the Supreme Court of Canada shall operate as a stay of proceedings unless the judge who permits such appeal shall so order, and to the extent to which he shall order, and the appellant shall not be required to provide any security for costs, but unless he provides security for costs, in an amount to be fixed by the judge permitting the appeal, he shall not be awarded costs in the event of his success upon such appeal."

The former section 153 has been deleted. It read as follows:

"**153.** (1) Where the debtor is a corporation, as defined by this Act, the Winding-up Act shall not, except by leave of the court, extend or apply to it notwithstanding anything in that Act contained, but all proceedings instituted under that Act before this Act comes into force or afterwards, by leave of the court, may and shall be as lawfully and effectually continued under that Act as if the provisions of this section had not been made.

(2) An order of the court, granting leave to extend or apply to any such corporation the Winding-up Act shall not be invalid or subject to any objection by reason only that the corporation had previously made an assignment under the provisions of this Act, or that proceedings in bankruptcy under this Act were at the time pending against the corporation, and in any such case the provisions of the Winding-up Act shall apply and prevail, and the bankruptcy proceedings shall abate subject to such disposition of the costs thereof to be made in the winding-up proceedings as the justice of the case may require."

154. This was formerly section 174 (5).

155. (1) This was formerly section 163 (2). No change.

(2) This is a redraft of former Rules 54 (1) and 54 (2) which have been combined for simplification. This is included as being more in the nature of establishing substantive rights. Rule 54 (1) and (2) formerly read as follows:

"*Rule* **54.** (1) The Court in awarding costs may direct that the same shall be taxed and paid as between party and party or as between solicitor and client, or the Court may fix a sum to be paid in lieu of taxed costs.

(2) In the absence of any express direction costs of an opposed motion shall follow the event, and shall be taxed as between party and party."

(3) This was formerly Rule 54 (3) and it has been transferred for the same reason. It has been slightly redrafted for simplification and formerly read as follows:

"*Rule* **54.** (3) Where an action is brought by or against a custodian or trustee as representing the estate of the debtor, or where a custodian or trustee is made a party to a cause or matter, on his application or on the application of any other party thereto, he shall not be personally liable for costs unless the judge before whom the action, cause or matter is tried for some special reason otherwise directs."

(4) This was formerly Rule 61 and has been transferred for the same reason. It has been redrafted and combined with former section 162 (2) which has also been rephrased to give it a more logical sequence. Rule 61 formerly read as follows:

"*Rule* **61.** Subject to the provisions of the Act, no costs shall be paid out of the estate or assets of the debtor, excepting the costs of the solicitor or solicitors employed by the trustee and such costs as have been awarded against the trustee or the estate of the debtor by order of the Court in any action or proceeding under the Act or these Rules."

(5) This is an adaptation of former Rule 57 (1) transferred for the same reason as indicated above. It also is intended to provide for taxation of bills of costs for such services as are not covered by the bankruptcy tariff, such as conveyancing costs, which have been held as not being included in the limitations of the present tariff. Rule 57(1) formerly read as follows:

"*Rule* **57.** (1) The tariff of costs set forth in the Appendix and the regulations contained in such tariff, shall, subject to these Rules, apply to the taxation and allowance of costs and charges in all proceedings."

Priority of payment of legal costs.

(6) Legal costs shall be payable according to the following priorities:

(a) commissions on collections, which shall be a first charge on any sums collected;

(b) when duly authorized by the court or approved by the creditors or the inspectors, costs incurred by the trustee after the bankruptcy and prior to the first meeting of creditors;

(c) the costs on an assignment or costs incurred by a petitioning creditor up to the issue of a receiving order;

(d) costs awarded against the trustee or the estate of the bankrupt;

(e) costs for legal services otherwise rendered to the trustee or the estate.

Limitation of costs.

(7) Notwithstanding anything in this section, the total legal costs exclusive of disbursements for all legal services specified in paragraph *(e)* of subsection six shall not exceed ten per cent of the gross receipts less amounts paid to secured creditors, except with the approval of the inspectors and the court, and, where the amount thereby available or authorized for payment of such legal fees is insufficient, the fees shall be abated proportionately.

Limitation of costs in smaller estates.

(8) Where the gross receipts, less amounts paid to secured creditors, are certified by the trustee to be not more than one thousand dollars, or more than one thousand dollars but not more than two thousand dollars, the legal costs payable, other than disbursements, shall be reduced by one-half and one-third respectively.

(6) This is a completely new subsection for the purpose of clarifying the priority of payment of legal costs.

(a) This is merely in line with ordinary legal practice.

(b) On his appointment, certain duties are imposed on a trustee to take possession of and to conserve the assets. He should be protected as to any costs thus necessarily incurred.

(c) Costs of an assignment have previously been recognized only as a matter of equitable practice by the courts although there was no express provision therefor in the Act or Rules. This paragraph gives a legal sanction for payment.

(d) Costs awarded against the trustee or the estate must necessarily take precedence of other legal costs of the trustee.

(e) This paragraph provides for all other costs payable by a trustee.

(7) This is a revision of the former section 162(3) and (4) on which there have been conflicting decisions of the courts as to the interpretation thereof. It is also felt that the previous limitations were hardly equitable, and the limitations herein provided for would be more in line with other civil costs.

Section 162(3) and (4) formerly read as follows:

"**162.** (3) Notwithstanding anything contained herein, in estates whereof the gross proceeds do not exceed five thousand dollars, the costs or fees payable may, by unanimous vote of the inspectors, be increased to any amount not to exceed ten per centum of the gross proceeds of such estate.

(4) Except as herein otherwise provided, the aggregate amount of such costs and fees so payable out of the assets of estates whereof the gross proceeds exceed five thousand dollars shall not exceed five per centum of such gross proceeds except with the approval of the court."

(8) This was formerly Rule 57 (2). It has been revised and changed to reduce legal costs in similar estates more in line with other civil costs. Rule 57 (2) formerly read as follows:

"*Rule* **57.** (2) Where the value of the assets of the debtor estimated or realized as the case may be is according to the certificate of the trustee less than fifteen hundred dollars, the scale of fees, other than disbursements, payable in all proceedings under the Act shall be reduced by one-third."

Subsections (1), (5) and (6) of the former section 162 have been deleted. They read as follows:

"**162.** (1) All attorneys, solicitors and counsel acting for the trustee or for the estate of a debtor in respect of proceedings under this Act, shall be paid out of the assets of such estate their reasonable costs and fees as fixed in a tariff provided by General Rules."

"(5) The tariff hereinbefore mentioned shall also fix the fees to be paid to the officers of the court and shall direct by whom and in what manner such costs and fees are to be collected and accounted for and to what account they shall be paid."

"(6) The fees payable to the officers of the court shall belong to the Crown in the right of the province, but the Lieutenant-Governor in Council may allow the same in whole or in part to such officers."

PART VIII.

Bankruptcy Offences.

Bankruptcy offences.

156. Any bankrupt who

(a) fails, refuses or neglects to do any of the things required of him under section one hundred and seventeen;

(b) makes any fraudulent disposition of his property before or after bankruptcy;

(c) refuses or neglects to answer fully and truthfully all proper questions put to him at any examination held pursuant to this Act;

(d) makes a false entry or a material omission in a statement or accounting;

(e) after or within six months next preceding his bankruptcy conceals, destroys, mutilates, falsifies, makes an omission in or disposes of or is privy to the concealment, destruction, mutilation, falsification, omission from or disposition of a book or document affecting or relating to his property or affairs unless he proves that he had no intent to conceal the state of his affairs;

(f) after or within six months next preceding his bankruptcy obtains any credit or any property by false representations made by him or made by some other person to his knowledge;

(g) has within the two years preceding his bankruptcy materially contributed to or increased the extent of his insolvency by gambling or by rash or hazardous speculations not connected with his trade or business, in determining which the financial position of the bankrupt at the time when such events occurred shall be taken into consideration;

(h) after or within six months next preceding his bankruptcy fraudulently conceals or removes any property of a value of fifty dollars or more or any debt due to or from him; or

(i) after or within six months next preceding his bankruptcy pawns, pledges or disposes of any property which he has obtained on credit and has not paid for, unless in the case of a trader such pawning, pledging or disposing is in the ordinary way of trade and unless in any case he proves that he had no intent to defraud;

is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding one year or on conviction under indictment to imprisonment for a term not exceeding three years.

156. Formerly section 191, which has been greatly condensed and simplified. Section 191 read as follows:

"**191.** Any person who has been adjudged bankrupt or in respect of whose estate a receiving order has been made, or who has made an authorized assignment under this Act, shall in each of the cases following be guilty of an indictable offence and liable to a fine not exceeding one thousand dollars or to a term not exceeding two years' imprisonment or to both such fine and such imprisonment:—

(a) If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee, custodian or interim receiver, all his property, real and personal, and how and to whom and for what consideration and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any) or laid out in the ordinary expense of his family, unless he proves that he had no intent to defraud;

(b) If he does not deliver up to the trustee, custodian or interim receiver, or as he directs, all such part of his real and personal property as is in his custody or under his control, and which he is required by law to deliver up, unless he proves that he had no intent to defraud;

(c) If he does not deliver up to the trustee, custodian or interim receiver, or as he directs, all books, documents, papers and writings in his custody, or under his control, relating to his property or affairs, unless he proves that he had no intent to defraud;

(d) If after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after making an authorized assignment or within six months next before the date of making thereof, he conceals any part of his property to the value of fifty dollars or upwards or conceals any debt due to or from him, unless he proves that he had no intent to defraud;

(e) If after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after making an authorized assignment or within six months next before the date of making thereof, he fraudulently removes any part of his property to the value of fifty dollars or upwards;

(f) If he makes any material omission in any statement relating to his affairs, unless he proves that he had no intent to defraud;

(g) If, knowing or believing that a false debt has been proved by any person under the bankruptcy or authorized assignment, he fails for the period of a month to inform the trustee thereof;

(h) If, after the presentation of a bankruptcy petition against him or after he makes an authorized assignment, he prevents the production of any book, document, paper or writing, affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs or to defeat the law;

(i) If, after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after making an authorized assignment or within six months next before the date of making thereof, he conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation or falsification of any book or document affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs or to defeat the law;

(j) If, after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after making an authorized assignment or within six months next before the date of making thereof, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs or to defeat the law;

(k) If, after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after the making of an authorized assignment by him or within six months next before the date of making thereof, he fraudulently parts with, alters or makes any omission in, or is privy to the fraudulently parting with, altering or making any omission in, any document affecting or relating to his property or affairs;

(l) If, after the presentation of a bankruptcy petition against him or after the making of an authorized assignment by him or at any meeting of his creditors within six months next before such presentation or assignment, he attempts to account for any part of his property by fictitious losses or expenses;

(m) If, within six months next before the presentation of a bankruptcy petition against him or next before the date of the making of an authorized assignment by him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same;

(n) If, within six months next before the presentation of a bankruptcy petition against him or next before the date of the making of an authorized assignment by him he obtains, under the false pretence of carrying on business and, if a trader, of dealing in the ordinary way of his trade, any property on credit and has not paid for the same, unless he proves that he had no intent to defraud;

(o) If, within six months next before the presentation of a bankruptcy petition against him, or next before the date of the making of an authorized assignment by him or after the presentation of a bankruptcy petition against him or the making of an authorized assignment by him he pawns, pledges or disposes of any property which he has obtained on credit and has not paid for, unless in the case of a trader such pawning, pledging or disposing is in the ordinary way of his trade and unless in any case he proves that he had no intent to defraud;

(p) If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to an agreement with reference to his affairs or to his bankruptcy;

(q) If he knowingly makes or causes to be made, either directly or indirectly, or through any agency whatsoever, any false statement in writing, with intent that it shall be relied upon respecting the financial condition or means or ability to pay of himself or any other person, firm or corporation in whom or in which he is interested, or for whom or for which he is acting, for the purpose of procuring in any form whatsoever, either the delivery of personal property, the payment of cash, the making of a loan, or credit, the extension of a credit, the discount of any account receivable, or the making, acceptance, discount or endorsement of a bill of exchange, cheque, draft or promissory note, either for the benefit of himself or such person, firm or corporation;

(r) If he, knowing that a false statement in writing has been made respecting the financial condition or means or ability to pay of himself or any other person, firm or corporation in whom or in which he is interested or for whom or for which he is acting, procures upon the faith thereof, either for the benefit of himself or such person, firm or corporation, any of the benefits mentioned in the preceding paragraph."

(g) This is a new paragraph partly taken from section 157(1) of the English Act which had not been carried into the Canadian Act and which reads as follows:

"**157.** (1) Any person who has been adjudged bankrupt, or in respect of whose estate a receiving order has been made, shall be guilty of a misdemeanour, if, having been engaged in any trade or business, and having outstanding at the date of the receiving order any debts contracted in the course and for the purposes of such trade or business,—

(a) he has, within two years prior to the presentation of the bankruptcy petition, materially contributed to or increased the extent of his insolvency by gambling or by rash and hazardous speculations, and such gambling or speculations are unconnected with his trade or business; or

(b) he has, between the date of the presentation of the petition and the date of the receiving order, lost any part of his estate by such gambling or rash and hazardous speculations as aforesaid; or

(c) on being required by the Official Receiver at any time, or in the course of his public examination by the court, to account for the loss of any substantial part of his estate incurred within a period of a year next preceding the date of the presentation of the bankruptcy petition, or between that date and the date of the receiving order, he fails to give a satisfactory explanation of the manner in which such loss was incurred;

Provided that, in determining for the purposes of this section whether any speculations were rash and hazardous, the financial position of the accused person at the time when he entered into the speculations shall be taken into consideration."

Failure to disclose fact of being undischarged.

157. Where an undischarged bankrupt

(a) engages in any trade or business without disclosing to all persons with whom he enters into any business transaction that he is an undischarged bankrupt; or

(b) obtains credit for a purpose other than the supply of necessaries for himself and family to the extent of five hundred dollars or more from any person without informing that person that he is an undischarged bankrupt;

he is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding one year.

Bankrupt failing to keep proper books of account.

158. (1) Any person becoming bankrupt or making a proposal who has on any previous occasion been bankrupt or made a proposal to his creditors is guilty of an offence and is liable on summary conviction to a fine of one thousand dollars and to one year's imprisonment if

(a) being engaged in any trade or business, he has not kept proper books of account during the two years immediately preceding his bankruptcy;

(b) he has not preserved all such books of account if still so engaged at the date of his bankruptcy; or

(c) after or within the two year period mentioned in paragraph *(a)* he conceals, destroys, mutilates, falsifies or disposes of, or is privy to the concealment, destruction, mutilation, falsification or disposition of any book or document affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs.

Proper books of account defined.

(2) For the purposes of this section, a debtor shall be deemed not to have kept proper books of account if he has not kept such books or accounts as are necessary to exhibit or explain his transactions and financial position in his trade or business, including a book or books containing entries from day to day in sufficient detail of all cash received and cash paid, and, where the trade or business has involved dealings in goods, also accounts of all goods sold and purchased, and statements of annual and other stock-takings.

157. Formerly section 192. The courts have held that the section does not apply to necessaries of life for the bankrupt and his family and is intended to cover only trading transactions. Section 192 formerly read as follows:

"**192.** Where an undischarged bankrupt or an undischarged authorized assignor,

(a) either alone or jointly with any other person, obtains credit to the extent of five hundred dollars or upwards from any person without informing that person that he is an undischarged bankrupt or an undischarged authorized assignor; or

(b) engages in any trade or business under a name other than that under which he was adjudicated bankrupt or made such authorized assignment without disclosing to all persons with whom he enters into any business transaction the name under which he was adjudicated bankrupt or made such authorized assignment;

he shall be guilty of an indictable offence and liable to a fine not exceeding five hundred dollars, or to a term not exceeding one year's imprisonment, or to both such fine and such imprisonment."

158. Formerly section 193. The exception previously contained in (2) has not been retained. Subsection (4) has been deleted as such and a redraft thereof embodied in subsection (1) as revised. Section 193 read as follows:

"**193.** (1) If any person, who has on any previous occasion been adjudged bankrupt or made an authorized assignment or extension or arrangement with his creditors, is adjudged bankrupt, makes an authorized assignment or secures or asks for a composition, extension or arrangement with his creditors, he shall be guilty of an indictable offence and liable to a fine of one thousand dollars and to one year's imprisonment if having, during the whole or any part of the two years immediately preceding the date of the presentation of the bankruptcy petition or of the making of the authorized assignment or of the securing or asking for the composition, extension or arrangement, been engaged in any trade or business, he has not kept proper books of account throughout those two years or such part thereof, as aforesaid, and if so engaged at the date of presentation of the petition or the making of the assignment or the securing or asking for the composition, extension or arrangement, thereafter, whilst so engaged, up to the date of the receiving order, or the making of the assignment or the securing or asking for the composition, extension or arrangement, or has not preserved all books of account so kept.

(2) A person who has not kept or has not preserved such books of account shall not be convicted of an offence under this section if his unsecured liabilities at the date of the making of the receiving order, or the assignment or of the securing or asking for the composition, extension or arrangement did not exceed five hundred dollars or if he proves that in the circumstances in which he traded or carried on business the omission was honest and excusable.

(3) For the purposes of this section, a person shall be deemed not to have kept proper books of account if he has not kept such books or accounts as are necessary to exhibit or explain his transactions and financial position in his trade or business, including a book or books containing entries from day to day in sufficient detail of all cash received and cash paid, and, where the trade or business has involved dealings in goods, also accounts of all goods sold and purchased, and statements of annual and other stock-takings.

(4) Paragraphs *(i)*, *(j)* and *(k)* of section one hundred and ninety-one of this Act shall, in their application to the books mentioned therein, as aforesaid, have effect as if 'two years next before the presentation of the bankruptcy petition' and 'two years next before the date of the making of an authorized assignment' were substituted for the time mentioned in those paragraphs as the time prior to such presentation or making within which the acts or omissions specified in those paragraphs constitute an offence."

False claim, etc.

159. (1) Where a creditor, or a person claiming to be a creditor, in any proceedings under this Act, wilfully and with intent to defraud, makes any false claim or any proof, declaration or statement of account, that is untrue in any material particular, he is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

Inspectors accepting unlawful fee.

(2) Where an inspector accepts from the bankrupt or from any person, firm or corporation on his behalf or from the trustee, any fee, commission or emolument of any kind other than or in addition to the regular fees provided for by this Act, he is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

Unlawful transactions.

(3) Where the bankrupt enters into any transaction with any person for the purpose of obtaining a benefit or advantage to which either of them would not be entitled, he is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding one year.

160. A person who,

Pretending to be trustee.

(a) not being a licensed trustee, does any act as, or represents himself to be, a licensed trustee;

Trustee acting without bond.

(b) being a trustee, either before providing the bond required by subsection one of section eight or after providing the bond but at any time while the bond is not in force, acts as or exercises any of the powers of trustee;

Failing to follow orders of court.

(c) having been appointed a trustee, with intent to defraud, fails to observe or to comply with any of the provisions of this Act, or fails duly to do, observe or perform any act or duty that he may be ordered to do, observe or perform by the court pursuant to this Act;

Failing to observe provisions of Act.

(d) having been appointed a trustee, without reasonable excuse, fails to observe or to comply with any of the provisions of this Act, or fails duly to do, observe or perform any act or duty that he may be ordered to do, observe or perform by the court pursuant to this Act;

Failure to perform duties when authority expired.

(e) having been appointed a trustee to any estate and another trustee having been appointed in his stead, does not deliver to the substituted trustee on demand all unadministered property of the estate, together with the books, records and documents of the estate and of his administration;

159. (1) and (2) Formerly section 194 (1) and (2) which read as follows:

"**194.** (1) If any creditor, or any person claiming to be a creditor, in any bankruptcy proceedings, or in any proceedings pursuant to the provisions of Part II of this Act for obtaining a composition, extension or arrangement of a debtor's debts or of his affairs, or in any proceedings under an authorized assignment, wilfully and with intent to defraud makes any false claim, or any proof, declaration or statement of account, which is untrue in any material particular, shall be guilty of an indictable offence, and shall on conviction on indictment be liable to imprisonment with or without hard labour for a term not exceeding one year.

(2) If any inspector accepts from the bankrupt or authorized assignor or from any person, firm, or corporation on his behalf or from the trustee, any fee, commission or emolument of any kind other than, or in addition to the regular fees provided for by this Act, he shall be guilty of an indictable offence and shall on conviction be liable to a fine, not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both said fine and imprisonment."

(3) This subsection is new. It is intended to curb dishonest attempts to obtain an unlawful advantage such as an offer by a bankrupt to pay a creditor's claim in full or in part to obtain his approval to a proposal or a discharge, or to have him refrain from filing objections to a proposal or a discharge. While this practice is perhaps less common in recent years yet it was notorious years ago and may again be indulged in with a recurrence of more bankruptcies in the future.

160. *(a)* to *(d)* No change. Formerly section 199 *(a)* to *(d)*.

(e) This is a new paragraph imposing a penalty to enforce compliance with the requirements of section 14 (1). Heretofore the lack of an express penalty permitted trustees to ignore their duties almost with impunity and made it much more difficult for a substituted trustee to take over the administration of an estate.

Soliciting assignment.

Soliciting proxies.

(f) being a trustee, solicits or canvasses a person to make an assignment under this Act; or

(g) being a trustee, solicits proxies to vote at a meeting of creditors;

is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

Penalty for removal of bankrupt's property without notice.

161. A person, except the trustee, who, within thirty days after delivery to the trustee of the proof of claim mentioned in section fifty, or who, in case no such proof has been delivered, removes or attempts to remove the property or any part thereof mentioned in such section out of the charge or possession of the bankrupt, the trustee or other custodian of such property, unless with the written permission of the trustee, is guilty of an offence and is liable on summary conviction to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding two years, or to both fine and imprisonment.

Penal liability of officer, director or agent of corporation.

162. Where an offence against this Act has been committed by a corporation, every officer, director or agent of the corporation who directed, authorized, condoned or participated in the commission of the offence is liable to the like penalties as the corporation and as if he had committed the like offence personally.

Report on offences to be made by trustee.

163. (1) Whenever an official receiver or trustee has grounds for believing that an offence under this Act or under any other statute, whether of Canada or a province, has been committed with respect to any bankrupt estate in connection with which he has been acting under this Act, or that for some special reason an investigation should be had in connection with such estate, it shall be the duty of such official receiver or trustee to report such matter to the court, including in such report a statement of all the facts or circumstances of the case within his knowledge and the names of the witnesses who should in his opinion be examined and a statement as to the offence or offences believed to have been committed, and to forward a copy of such report forthwith to the Superintendent.

(f) Formerly section 199 *(e)*.

(g) This is a new paragraph. Its purpose is evident.

The concluding portion of former section 199 read as follows: "shall be guilty of an indictable offence and liable to a fine not exceeding one thousand dollars or to a term not exceeding two years' imprisonment or to both such fine and such imprisonment".

161. Formerly section 200 which read as follows:

"**200.** Any person, except the trustee hereinafter mentioned, who, before the elapse of fifteen days after delivery to the trustee of the notice in writing mentioned in section fifty-four of this Act, or in case no such notice has been delivered, shall remove or attempt to remove the goods or any thereof mentioned in such section out of the charge or possession of the debtor or of the trustee or other actual custodian of such goods, unless with the written permission of the trustee, shall be guilty of an indictable offence and liable to a fine not exceeding five thousand dollars, or to a term not exceeding two years' imprisonment, or to both such fine and such imprisonment".

162. Formerly section 201. The final clause has been deleted. It read "and he shall be so liable cumulatively with the company and with such officers, directors or agents of the company as may likewise be liable hereunder."

163. (1) This was formerly section 195(2). The reference to the custodian has been deleted.

The former section 163 read as follows:

"**163.** (1) All proceedings in bankruptcy or under authorized assignments subsequent to the presentation of a bankruptcy petition or the making of an authorized assignment shall be entitled 'In the matter of the Bankruptcy' of the debtor, or 'In the matter of the Authorized Assignment' of the debtor, as the case may be.

(2) Subject to the provisions of this Act and to General Rules, the costs of and incidental to any proceedings in court under this Act shall be in the discretion of the court.

(3) The court may at any time adjourn any proceedings before it upon such terms, if any, as it may think fit to impose.

(4) The court may at any time amend any written process or proceedings under this Act upon such terms, if any, as it may think fit to impose.

(5) Where by this Act, or by General Rules, the time for doing any act or thing is limited, the court may extend the time either before or after the expiration thereof, upon such terms, if any, as the court may think fit to impose.

(6) Subject to General Rules, the court may in any matter take the whole or any part of the evidence either *viva voce*, or by interrogatories, or upon affidavit, or, out of the Dominion of Canada, by commission.

(7) Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the court may consolidate the proceedings, or any of them on such terms as the court thinks fit.

(8) Where the petitioner does not proceed with due diligence on his bankruptcy petition, the court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of the petitioning creditor, or may dismiss the petition.

(9) If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the court otherwise orders, be continued as if he were alive.

(10) The court may at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the court may think just."

Subsection (1) has been deleted. Subsection (2) is now section 155 (1). Subsections (3), (4) and (6) have been deleted. Subsection (5) is section 144 (11). Subsections (7), (8), (9) and (10) are respectively subsections (4), (13), (17) and (11) of section 21.

Report by inspectors and others.

(2) The Superintendent or a creditor, inspector or other interested person who has reasonable grounds for believing that a person is guilty of an offence under this Act or under any other statute, whether of Canada or a province, in connection with a bankrupt, his property or his transactions, may file a report with the court of the facts on which such beliefs are based, or he may make such further representations supplementary to the report of the official receiver or trustee as he may deem proper.

Court may authorize criminal proceedings.

(3) Whenever the court is satisfied, upon the representation of the Superintendent or any one on his behalf, or of the official receiver or the trustee, or of any creditor, inspector, or other interested person, that there is ground to believe that any person is guilty of an offence under this Act or under any other statute, whether of Canada or a province, in connection with the bankrupt, his property or transactions, the court may authorize the trustee to initiate proceedings for the prosecution of such person for such offence.

Initiation of criminal proceedings by the trustee.

(4) Where a trustee is authorized or directed by the creditors, the inspectors or the court to initiate proceedings against any person believed to have committed an offence, the trustee shall send or cause to be sent a copy of the resolution or order, duly certified as a true copy thereof, together with a copy of all reports or statements of the facts on which such order or resolution was based, to the Crown Attorney or the agent of the Crown duly authorized to represent the Crown in the prosecution of criminal offences in the district where the alleged offence was committed.

Substance of offence charged in indictment.

164. In an information, complaint or indictment for an offence under this Act it is sufficient to set forth the substance of the offence charged in the words of this Act, specifying the offence or as near thereto as circumstances admit, without alleging or setting forth any debt, act of bankruptcy, trading, adjudication, or any proceedings in, or order, warrant or document of, any court acting under this Act.

(2) This is a new subsection to make provision for the report of a trustee being supplemented by any other facts known to the Superintendent or the creditors.

(3) This was formerly section 195(1) and has been changed to permit the court to authorize the trustee to initiate criminal proceedings instead of having the court make an order for the prosecution of an offender.

(4) This is a new subsection and sets up the procedure to initiate criminal proceedings.

164. This was formerly section 198(3). No change.

Former subsections (1) and (2) have been deleted. They were taken from section 163 of the English Act of 1914, which section was repealed in England by section 9 of the Act of 1926. So far as is known no prosecution has ever taken place under this section and it would appear that its usefulness is therefore questionable. Subsection (4) has also been deleted. Section 198(1), (2) and (4) read as follows:

"**198.** (1) Where there is, in the opinion of the court, ground to believe that the bankrupt or any other person has been guilty of an offence under this Act, the court may commit the bankrupt or such other person for trial."

"(2) For the purpose of committing the bankrupt or such other person for trial, the court shall have power to take depositions, bind over witnesses to appear, admit the accused to bail, or otherwise."

"(4) Where any person is prosecuted for an offence under this Act no other prosecution shall be instituted against him for the same offence under any other Act."

Time within which prosecutions to be commenced.

165. A prosecution by indictment under this Act shall be commenced within five years from the time of the commission of the offence and in the case of an offence punishable on summary conviction the complaint shall be made or the information laid within three years from the time when the matter of the complaint or information arose.

PART IX.

Miscellaneous Provisions.

General Rules.

166. (1) The Governor in Council may make, alter or revoke, and may delegate to the judges of the several courts exercising bankruptcy jurisdiction under this Act the power to make, alter or revoke, General Rules not inconsistent with the terms of this Act for carrying into effect the object thereof.

Rules to be tabled.

(2) All General Rules, as from time to time made, shall be laid before Parliament within three weeks after being made or, if Parliament is not then sitting, within three weeks after the beginning of the next session.

To include forms.

(3) General Rules include forms.

To be judicially noticed.

(4) General Rules shall be judicially noticed.

Canada Gazette to be kept on file by registrars and official receivers.

Index book.

167. (1) The registrars of the courts and official receivers shall keep on file for public reference a copy of each issue of the *Canada Gazette* that contains a notice referring to bankrupts, and shall also keep an index book wherein they shall enter alphabetically the name of each bankrupt in respect of whose estate a notice may at any time appear in the *Canada Gazette*.

Creditor may make search.

(2) Any person is entitled to make a search of the *Canada Gazette* and the index book, and, when required, the registrar or official receiver shall issue a certificate of any facts contained therein relating to bankruptcy matters, on payment of the prescribed fee.

Canada Gazette to be supplied.

(3) The King's Printer, upon request of any person who is by this Act required to keep on file for public reference a copy of the *Canada Gazette*, shall regularly supply to such person, free of charge, two copies of every issue of the *Canada Gazette*.

165. This is a new section limiting the time within which prosecutions under this Act may be commenced.

166. (1) No change. Formerly section 161 (1).

(2) Formerly section 161 (3) part of which has been made into a new subsection (4). The concluding words "and shall have effect as if enacted by this Act" have been deleted. The former subsection (2) has been deleted. It read as follows:

> "**161.** (2) Such rules shall not extend the jurisdiction of the court, save and except that, for the purpose of enabling the provision of rules having application to corporations, but for such purpose only, the Winding-up Act shall be deemed part of this Act."

(3) This subsection has been included to give validity to the prescribed forms. This was formerly section 2 *(s)*. No change.

(4) Formerly part of section 161 (3).

167. Formerly section 28. The former section 28 (1) has been deleted. It read as follows:

> "**28.** (1) A notice in the prescribed form of the receiving order or assignment and of the first meeting of creditors required to be called pursuant to this Act shall, as soon as possible after the making or executing of such receiving order or assignment, be gazetted by the custodian, and not less than six days prior to said meeting be published in a local newspaper."

The provision *re* publication in a local newspaper has been transferred to section 68 (4). Section 68 (3) deals with publication in the *Canada Gazette*.

(1) Subsection (1) was formerly subsection (2) and subsection (3) of section 28.

(2) These provisions appear to have been inadvertently omitted from the Act when it was passed.

(3) No change. Formerly subsection (5).

Evidence of facts in notice.

168. A copy of the *Canada Gazette* containing any notice inserted therein in pursuance of this Act shall be *prima facie* evidence in any court or elsewhere of the facts stated in the notice.

No action against Superintendent, etc., without leave of court.

169. Except by leave of the court no action shall lie against the Superintendent, an official receiver or a trustee with respect to any report made under, or any action taken pursuant to, the provisions of this Act.

Provisions bind Crown.

170. The provisions of this Act bind the Crown in right of Canada or a province.

Repeal.

171. The enactments mentioned in the Schedule to this Act are repealed.

Coming into force.

172. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

SCHEDULE.

Enactments Repealed.

Title	Session	Chapter
The Bankruptcy Act.....	R.S., 1927	11
An Act to amend The Bankruptcy Act...	1931	17
An Act to amend The Bankruptcy Act...	1931	18
An Act to amend The Bankruptcy Act...	1932	39

168. Formerly section 178. The changes are self-explanatory.

The former section 168 has been deleted. It read as follows:

"**168.** Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm, but in such case the court may, on application by any person interested, order the names of the persons who are partners in such firm or the name of such person to be disclosed in such manner, and verified on oath or otherwise, as the court may direct."

169. Formerly section 195 (3).

The former section 169 has been deleted. It read as follows:

"**169.** Where a bankrupt or authorized assignor is a contractor in respect of any contract jointly with any person or persons, such person or persons may sue or be sued in respect of the contract without the joinder of the bankrupt or authorized assignor."

170. Formerly section 188. This section has been simplified. It formerly read as follows:

"**188.** Save as provided in this Act, the provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge, shall bind the Crown."

171. This section is self-explanatory.

172. The purpose of providing for the Act to come into force on proclamation is to afford time for the adjustments required by the changed provisions.

The former section 179 has been deleted as it is substantially contained in section 168. Section 179 read as follows:

"**179.** The production of a copy of the *Canada Gazette* containing any notice of a receiving order adjudging a debtor bankrupt, shall be conclusive evidence in all legal proceedings of the order having been duly made, and of its date."

Former sections 181, 184, 185 and 187 are unnecessary and have been deleted. They read as follows:

"**181.** Subject to General Rules, any affidavit to be used in a court exercising jurisdiction in bankruptcy under this Act may be sworn before any person authorized to administer oaths in the court having jurisdiction or before any registrar of the court or before any officer of a court having jurisdiction in bankruptcy authorized in writing in that behalf by the court, or before a justice of the peace for the province, county or place where it is sworn, or, in the case of a person who is out of Canada, before a notary public, a magistrate or justice of the peace or other person qualified to administer oaths in the country where he resides, he being certified to be a magistrate or justice of the peace or qualified as aforesaid by a British consul or vice-consul or by a notary public."

"**184.** (1) Where by this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a Sunday or a statutory holiday throughout the province where the act or proceeding is to be done or taken on a day on which the court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards which is not one of the days in this section specified.

(2) Where by this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be one of the days in this section specified, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards which shall not be one of the days in this section specified."

"**185.** All notices and other documents for the service of which no special mode is directed may be sent by registered and prepaid post to the last known address of the person to be served therewith."

"**187.** For all or any of the purposes of this Act, an incorporated company may act by any of its officers or employees authorized in that behalf, a firm may act by any of its members, and a lunatic may act by his committee or curator or by the guardian or curator of his property."

The former sections 189, 190, 196 (1) and 197 have also been deleted. They were as follows:

"**189.** Nothing in the provisions of this Act shall interfere with, or restrict the rights and privileges conferred on banks and banking corporations by the *Bank Act*."

"**190.** Where by this Act any body of persons is given power or authority to permit, consent or approve, and the court is given like power or authority alternatively, or otherwise than on appeal, and such body of persons has been constituted or convened, the court shall not act except upon satisfactory proof of prior application to such body of persons and its refusal of such application or its omission to announce its conclusion thereon within what the Court shall deem, according to the circumstances, a reasonable time."

"**196.** (1) Where a debtor has been guilty of any criminal offence, he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition, extension or scheme of arrangement has been accepted or approved."

"**197.** Any registrar or other officer, who upon tender of any receiving order or assignment or a copy thereof, certified as aforesaid, with the proper fees, and with the request that such document be registered or filed as aforesaid, shall refuse or omit to forthwith register or file the same in manner hereinbefore indicated or who shall omit or refuse to comply with the provisions of subsection two of section twenty-eight in so far as they are applicable to him, shall be guilty of an indictable offence punishable upon indictment or summary conviction by a fine not exceeding one thousand dollars or by imprisonment for a term not exceeding one year or to both such fine and such imprisonment."

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G.

An Act for the relief of John Henniker Torrance.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45731

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G.

An Act for the relief of John Henniker Torrance.

Preamble.

WHEREAS John Henniker Torrance, domiciled in Canada and residing at the city of Westmount, in the province of Quebec, accountant, has by his petition alleged that on the second day of September, A.D. 1933, at the city of Montreal, in the said province, he and Constance Mary Keddell, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between John Henniker Torrance and Constance Mary Keddell, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Henniker Torrance may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Constance Mary Keddell had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H.

An Act for the relief of Edith Harriet Black Hambly.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
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CONTROLLER OF STATIONERY
1949

45305

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H.

An Act for the relief of Edith Harriet Black Hambly.

Preamble.

WHEREAS Edith Harriet Black Hambly, residing at the town of Hampstead, in the province of Quebec, wife of Frank Yates Hambly, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the seventh day of October, A.D. 1926, at the city of St. John's, in the said province, she then being Edith Harriet Black, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Edith Harriet Black and Frank Yates Hambly, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Edith Harriet Black may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frank Yates Hambly had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I.

An Act for the relief of Margaret Reid O'Connell.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
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CONTROLLER OF STATIONERY
1949

45024

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I.

An Act for the relief of Margaret Reid O'Connell.

Preamble.

WHEREAS Margaret Reid O'Connell, residing at the city of Montreal, in the province of Quebec, wife of Michael O'Connell, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighth day of April, A.D.1913, at the said city, she then being Margaret Reid, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Reid and Michael O'Connell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Reid may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Michael O'Connell had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J.

An Act for the relief of Alton Charles Bray.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
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CONTROLLER OF STATIONERY
1949

46117

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J.

An Act for the relief of Alton Charles Bray.

Preamble.

WHEREAS Alton Charles Bray, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, consulting geologist, has by his petition alleged that on the fourteenth day of January, A.D. 1947, at the city of Toronto, in the province of Ontario, he and Frances Ina Alexander, who was then of the said city of Montreal, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Alton Charles Bray and Frances Ina Alexander, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Alton Charles Bray may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Frances Ina Alexander had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K.

An Act for the relief of Kathleen Gertrude Macartney Dorken.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

44844

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K.

An Act for the relief of Kathleen Gertrude Macartney Dorken.

Preamble.

WHEREAS Kathleen Gertrude Macartney Dorken, residing at the city of Westmount, in the province of Quebec, manager, wife of Walter Robert Dorken, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-sixth day of September, A.D. 1936, at the said city, she then being Kathleen Gertrude Macartney, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Kathleen Gertrude Macartney and Walter Robert Dorken, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Kathleen Gertrude Macartney may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Walter Robert Dorken had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L.

An Act for the relief of Louise de Forest MacAlpine.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

44840

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L.

An Act for the relief of Louise de Forest MacAlpine.

Preamble.

WHEREAS Louise de Forest MacAlpine, residing at the city of Saint John, in the province of New Brunswick, wife of Charles Roderick MacAlpine, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the sixth day of September, A.D. 1941, at the said city of Saint John, she then being Louise de Forest, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Louise de Forest and Charles Roderick MacAlpine, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Louise de Forest may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Roderick MacAlpine had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M.

An Act for the relief of Jessie Fraser Blaiklock Stewart.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

44848

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M.

An Act for the relief of Jessie Fraser Blaiklock Stewart.

Preamble.

WHEREAS Jessie Fraser Blaiklock Stewart, residing at the city of Montreal, in the province of Quebec, wife of Archibald John Stewart, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the nineteenth day of March, A.D. 1917, at the said city, she then being Jessie Fraser Blaiklock, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jessie Fraser Blaiklock and Archibald John Stewart, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jessie Fraser Blaiklock may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Archibald John Stewart had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N.

An Act for the relief of Alice Lafond Burnham.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45176

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N.

An Act for the relief of Alice Lafond Burnham.

Preamble.

WHEREAS Alice Lafond Burnham, residing at the city of Montreal, in the province of Quebec, cashier, wife of Herbert Burnham, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the seventeenth day of October, A.D. 1931, at the said city, she then being Alice Lafond, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Alice Lafond and Herbert Burnham, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Alice Lafond may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Herbert Burnham had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O.

An Act for the relief of Muriel Annie Elizabeth Hicks Kurtzman.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

44996

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O.

An Act for the relief of Muriel Annie Elizabeth Hicks Kurtzman.

Preamble.

WHEREAS Muriel Annie Elizabeth Hicks Kurtzman, residing at the city of Montreal, in the province of Quebec, wife of Henry Louis Kurtzman, who is domiciled in Canada and residing at the city of Verdun, in the said province, has by her petition alleged that they were married on the eighteenth day of February, A.D. 1944, at the said city of Montreal, she then being Muriel Annie Elizabeth Hicks, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Muriel Annie Elizabeth Hicks and Henry Louis Kurtzman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Muriel Annie Elizabeth Hicks may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Henry Louis Kurtzman had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P.

An Act for the relief of Robert Walsham Herring.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

44992

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P.

An Act for the relief of Robert Walsham Herring.

Preamble.

WHEREAS Robert Walsham Herring, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, teacher, has by his petition alleged that on the twenty-second day of June, A.D. 1940, at the said city, he and Amelia Emma Nicholas, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Robert Walsham Herring and Amelia Emma Nicholas, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Robert Walsham Herring may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Amelia Emma Nicholas had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q.

An Act for the relief of Leta Helen Butler Waller.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

44872

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q.

An Act for the relief of Leta Helen Butler Waller.

Preamble.

WHEREAS Leta Helen Butler Waller, residing at the city of London, in the province of Ontario, wife of Edward Fredric Waller, who is domiciled in Canada and residing at the town of Ste. Rose, in the province of Quebec, has by her petition alleged that they were married on the second day of June, A.D. 1915, at the said city, she then being Leta Helen Butler, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Leta Helen Butler and Edward Fredric Waller, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Leta Helen Butler may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edward Fredric Waller had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R.

An Act for the relief of Violet Blodwyn Young Murdoch.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45020

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R.

An Act for the relief of Violet Blodwyn Young Murdoch.

Preamble.

WHEREAS Violet Blodwyn Young Murdoch, residing at the city of Outremont, in the province of Quebec, bookkeeper, wife of Norman Shirley Murdoch, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the eleventh day of February, A.D. 1933, at the said city of Montreal, she then being Violet Blodwyn Young, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Violet Blodwyn Young and Norman Shirley Murdoch, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Violet Blodwyn Young may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Norman Shirley Murdoch had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S.

An Act for the relief of Joseph Tannenbaum.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

44868

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S.

An Act for the relief of Joseph Tannenbaum.

Preamble.

WHEREAS Joseph Tannenbaum, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, merchant, has by his petition alleged that on the third day of June, A.D. 1947, at the city of New York, in the state of New York, one of the United States of America, he and Muriel Amelia Dufty, who was then of the said city of Montreal, a spinster, were married; that on the third day of June, A.D. 1948, at the said city of Montreal, they were married again; and whereas by his petition he has prayed that, because of her adultery since then, their marriages be dissolved; and whereas the said marriages and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriages dissolved.

1. The said marriages between Joseph Tannenbaum and Muriel Amelia Dufty, his wife, are, respectively, hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Tannenbaum may at any time hereafter marry any woman whom he might lawfully marry if the said marriages with the said Muriel Amelia Dufty had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T.

An Act for the relief of Isabel Christine MacLean Robinson.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45765

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T.

An Act for the relief of Isabel Christine MacLean Robinson.

Preamble.

WHEREAS Isabel Christine MacLean Robinson, residing at the city of Ottawa, in the province of Ontario, clerk, wife of Warren Lennox Robinson, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the fourteenth day of October, A.D. 1942, at the said city of Ottawa, she then being Isabel Christine MacLean, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Isabel Christine MacLean and Warren Lennox Robinson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Isabel Christine MacLean may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Warren Lennox Robinson had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U.

An Act for the relief of Marie Annette Vallieres Handfield.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45301

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U.

An Act for the relief of Marie Annette Vallieres Handfield.

Preamble.

WHEREAS Marie Annette Vallieres Handfield, residing at Ste. Genevieve, in the province of Quebec, wife of Joseph Irenee Donat Handfield, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-first day of November, A.D. 1910, at the said city, she then being Marie Annette Vallieres, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marie Annette Vallieres and Joseph Irenee Donat Handfield, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marie Annette Vallieres may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Irenee Donat Handfield had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V.

An Act for the relief of Nicholas Kouri.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45313

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V.

An Act for the relief of Nicholas Kouri.

Preamble.

WHEREAS Nicholas Kouri, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, grocer, has by his petition alleged that on the thirty-first day of October, A.D. 1931, at the said city, he and Dulcy Fontaine, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Nicholas Kouri and Dulcy Fontaine, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Nicholas Kouri may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Dulcy Fontaine had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W.

An Act for the relief of Viateur Fortier.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46314

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W.

An Act for the relief of Viateur Fortier.

Preamble.

WHEREAS Viateur Fortier, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, restaurateur, has by his petition alleged that on the sixteenth day of July, A.D. 1939, at the town of Timmins, in the province of Ontario, he and Eva Fartais, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Viateur Fortier and Eva Fartais, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Viateur Fortier may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Eva Fartais had not been solemnised.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X.

An Act for the relief of Lois Elizabeth Rolph.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45192

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X.

An Act for the relief of Lois Elizabeth Rolph.

Preamble.

WHEREAS Lois Elizabeth Rolph, residing at the city of Saint John, in the province of New Brunswick, wife of Frank Bernard Rolph, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the nineteenth day of May, A.D. 1937, at the said city of Saint John, she then being Lois Elizabeth Fairweather, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lois Elizabeth Fairweather and Frank Bernard Rolph, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lois Elizabeth Fairweather may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frank Bernard Rolph had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y.

An Act for the relief of Madeleine Dunn Landry.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45000

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y.

An Act for the relief of Madeleine Dunn Landry.

Preamble.

WHEREAS Madeleine Dunn Landry, residing at the city of Montreal, in the province of Quebec, waitress, wife of Rene Landry, who is domiciled in Canada and residing at the town of Granby, in the said province, has by her petition alleged that they were married on the fifth day of September, A.D. 1938, at the said town, she then being Madeleine Dunn, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Madeleine Dunn and Rene Landry, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Madeleine Dunn may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Rene Landry had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z.

An Act for the relief of Arthur Joseph D'Avignon.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45446

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z.

An Act for the relief of Arthur Joseph D'Avignon.

Preamble.

WHEREAS Arthur Joseph D'Avignon, domiciled in Canada and residing at the city of Longueuil, in the province of Quebec, swimming instructor, has by his petition alleged that on the first day of July, A.D. 1944, at the city of Verdun, in the said province, he and Winnifred May Young, who was then of the city of Montreal, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Arthur Joseph D'Avignon and Winnifred May Young, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Arthur Joseph D'Avignon may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Winnifred May Young had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A[1].

An Act for the relief of Jessie Gwendolyn Paul Giroux.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45028

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A[1].

An Act for the relief of Jessie Gwendolyn Paul Giroux.

Preamble.

WHEREAS Jessie Gwendolyn Paul Giroux, residing at the city of Montreal, in the province of Quebec, comptometer operator, wife of Charles Auguste Giroux, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirty-first day of May, A.D. 1941, at Birchcliff, in the province of Ontario, she then being Jessie Gwendolyn Paul, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jessie Gwendolyn Paul and Charles Auguste Giroux, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jessie Gwendolyn Paul may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Auguste Giroux had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[1].

An Act for the relief of Celia Maria Gabrielle de Costa Baxter.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

44876

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[1].

An Act for the relief of Celia Maria Gabrielle de Costa Baxter.

Preamble.

WHEREAS Celia Maria Gabrielle de Costa Baxter, residing at the city of Westmount, in the province of Quebec, wife of Reginald Baxter, who is domiciled in Canada and residing at the town of Ste. Anne de Bellevue, in the said province, has by her petition alleged that they were married on the thirtieth day of June, A.D. 1948, at the said city, she then being Celia Maria Gabrielle de Costa, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Celia Maria Gabrielle de Costa and Reginald Baxter, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Celia Maria Gabrielle de Costa may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Reginald Baxter had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C[1].

An Act for the relief of Dorothy Amelia Beattie Harrison.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45430

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C[1].

An Act for the relief of Dorothy Amelia Beattie Harrison.

Preamble.

WHEREAS Dorothy Amelia Beattie Harrison, residing at the city of Montreal, in the province of Quebec, waitress, wife of Frederick Thomas Harrison, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirty-first day of March, A.D. 1934, at the said city, she then being Dorothy Amelia Beattie, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy Amelia Beattie and Frederick Thomas Harrison, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy Amelia Beattie may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frederick Thomas Harrison had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[1].

An Act for the relief of Rosaline Laham Anber.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45188

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[1].

An Act for the relief of Rosaline Laham Anber.

Preamble.

WHEREAS Rosaline Laham Anber, residing at the city of Ottawa, in the province of Ontario, wife of Fawzi George Anber, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the ninth day of May, A.D. 1935, at the town of Eastview, in the said province of Ontario, she then being Rosaline Laham, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Rosaline Laham and Fawzi George Anber, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Rosaline Laham may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Fawzi George Anber had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E[1].

An Act for the relief of Anna Starzynski Sztafirny.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

44864

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E[1].

An Act for the relief of Anna Starzynski Sztafirny.

Preamble.

WHEREAS Anna Starzynski Sztafirny, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Stephen Sztafirny, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-eighth day of August, A.D. 1937, at the said city, she then being Anna Starzynski, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Anna Starzynski and Stephen Sztafirny, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Anna Starzynski may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Stephen Sztafirny had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F[1].

An Act for the relief of Marjorie Claire Dickison LeMieux.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46060

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F[1].

An Act for the relief of Marjorie Claire Dickison LeMieux.

Preamble.

WHEREAS Marjorie Claire Dickison LeMieux, residing at the city of Toronto, in the province of Ontario, secretary, wife of Kenneth Orvis LeMieux, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the twenty-seventh day of December, A.D. 1942, at the city of Westmount, in the said province of Quebec, she then being Marjorie Claire Dickison, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marjorie Claire Dickison and Kenneth Orvis LeMieux, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marjorie Claire Dickison may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Kenneth Orvis LeMieux had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G[1].

An Act for the relief of Dorothy Ruth Brown Bailey.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

44856

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G[1].

An Act for the relief of Dorothy Ruth Brown Bailey.

Preamble.

WHEREAS Dorothy Ruth Brown Bailey, residing at the town of Knowlton, in the province of Quebec, wife of Carlton Jackson Bailey, who is domiciled in Canada and residing at the town of West Bolton, in the said province, has by her petition alleged that they were married on the twenty-fifth day of July, A.D. 1942, at the said town of Knowlton, she then being Dorothy Ruth Brown, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy Ruth Brown and Carlton Jackson Bailey, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy Ruth Brown may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Carlton Jackson Bailey had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[1].

An Act for the relief of Lorne Bradbury Ashton.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46056

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[1].

An Act for the relief of Lorne Bradbury Ashton.

Preamble.

WHEREAS Lorne Bradbury Ashton, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, supervisor, has by his petition alleged that on the nineteenth day of October, A.D. 1917, at the said city, he and Ethel McManus, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lorne Bradbury Ashton and Ethel McManus, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lorne Bradbury Ashton may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Ethel McManus had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[1].

An Act for the relief of Harry James Seaban.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46310

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[1].

An Act for the relief of Harry James Seaban.

Preamble.

WHEREAS Harry James Seaban, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, clerk, has by his petition alleged that on the thirty-first day of December, A.D. 1934, at the said city, he and Ina Margaret Furey, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Harry James Seaban and Ina Margaret Furey, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Harry James Seaban may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Ina Margaret Furey had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[1].

An Act for the relief of Julia Seram Odenick.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45016

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[1].

An Act for the relief of Julia Seram Odenick.

Preamble.

WHEREAS Julia Seram Odenick, residing at the city of Montreal, in the province of Quebec, waitress, wife of Michael Odenick, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-seventh day of May, A.D. 1939, at the said city, she then being Julia Seram, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Julia Seram and Michael Odenick, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Julia Seram may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Michael Odenick had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K[1].

An Act for the relief of Myrtle Elizabeth Howat Brammall.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45458

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K[1].

An Act for the relief of Myrtle Elizabeth Howat Brammall.

Preamble.

WHEREAS Myrtle Elizabeth Howat Brammall, residing at the city of Verdun, in the province of Quebec, stenographer, wife of Wilfred Brammall, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-ninth day of June, A.D. 1931, at the said city of Verdun, she then being Myrtle Elizabeth Howat, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Myrtle Elizabeth Howat and Wilfred Brammall, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Myrtle Elizabeth Howat may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Wilfred Brammall had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[1].

An Act for the relief of Francis Gilmer Tempest Dawson.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45196

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[1].

An Act for the relief of Francis Gilmer Tempest Dawson.

Preamble.

WHEREAS Francis Gilmer Tempest Dawson, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by his petition alleged that on the twentieth day of August, A.D. 1918, at the city of London, England, he and Anne Felicite Rolland, who was then of the said city of London, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Francis Gilmer Tempest Dawson and Anne Felicite Rolland, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Francis Gilmer Tempest Dawson may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Anne Felicite Rolland had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M[1].

An Act for the relief of Imelda Poirier Tremblay.

Read a first time, Wednesday, 5th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45297

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M[1].

An Act for the relief of Imelda Poirier Tremblay.

Preamble.

WHEREAS Imelda Poirier Tremblay, residing at the city of Montreal, in the province of Quebec, operator, wife of Roland Tremblay, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-eighth day of April, A.D. 1942, at the said city, she then being Imelda Poirier, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Imelda Poirier and Roland Tremblay, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Imelda Poirier may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Roland Tremblay had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N[1].

An Act to incorporate Prairie Pipe Lines Limited.

Read a first time, Thursday, 6th October, 1949.

Honourable Senator CAMPBELL.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

42829

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N[1].

An Act to incorporate Prairie Pipe Lines Limited.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. John Galbraith Edison and John Black Aird, solicitors, both of the city of Toronto, in the province of Ontario, John Ross Tolmie, Ross Garstang Gray and John McCreary Coyne, solicitors, all of the city of Ottawa, in the said province of Ontario, together with such persons as may become shareholders in the company, are incorporated under the

Corporate name.

name of Prairie Pipe Lines Limited, hereinafter called "the Company".

Provisional directors.

2. The persons named in section one of this Act shall be the first directors of the Company.

Capital.

3. The capital stock of the Company shall consist of five million shares without nominal or par value.

Head office and other offices.

4. (1) The head office of the Company shall be at the city of Calgary, in the province of Alberta, which head office shall be the domicile of the Company in Canada; and the Company may establish such other offices and agencies elsewhere within or without Canada as it deems expedient.

(2) The Company may, by by-law, change the place where the head office of the Company is to be situate.

(3) No by-law for the said purpose shall be valid or acted upon until it is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders duly called for considering the by-law and a copy of the by-law certified under the seal of the Company has been filed with the Secretary of State and published in *The Canada Gazette.*

General Pipe Line Act to apply.

5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of any general legislation relating to pipe lines for the transmission and transportation of gas and oil or any liquid product or by-product thereof which is enacted by Parliament.

6. The Company, subject to the provisions of any general legislation relating to pipe lines for the transmission and transportation of gas and oil or any liquid product or by-product thereof which is enacted by Parliament, may

Power to construct and operate pipe lines.

(a) within the provinces of Alberta and British Columbia or outside Canada construct, purchase, lease, or otherwise acquire, and hold, develop, operate, maintain, control, lease, mortgage, create liens upon, sell, convey or otherwise dispose of and turn to account any and all interprovincial and/or international pipe lines, for the transmission and transportation of gas and oil including pumping stations, terminals, storage tanks or reservoirs and all works relative thereto for use in connection with the said pipe lines; and buy, or otherwise acquire, sell, distribute or otherwise dispose of gas; and as an adjunct or correlate to pipelines for gas to have similar powers and facilities for pipelines for the transmission and transportation of oil and the acquisition and disposal of oil; and own, lease, sell, operate and maintain aircraft and aerodromes for the purpose of its undertaking, together with the facilities required for the operation of such aircraft and aerodromes; and own, lease, operate and maintain interstation telephone, teletype and telegraph communication systems and, subject to *The Radio Act, 1938*, and any other statute relating to radio, own, lease, operate and maintain interstation radio communication facilities;

Power to hold lands.

(b) purchase, hold, lease, sell, improve, exchange or otherwise deal in real property or any interest and rights therein legal or equitable or otherwise howsoever and deal with any portion of the lands and property so acquired, and may subdivide the same into building lots and generally lay the same out into lots, streets, and building sites for residential purposes or otherwise and may construct streets thereon and necessary sewerage and drainage systems and build upon the same for residential purposes or otherwise and supply any buildings so erected, or other buildings erected upon such lands, with electric light, heat, gas, water or other requisites, and lease or sell the same, upon such terms and subject to such conditions as appear requisite, either to its employees or to others; and

Ancillary powers.

(c) exercise as ancillary and incidental to the purposes or objects set forth in this Act, the powers following, unless such powers or any of them are expressly excluded by this Act, namely, the powers set forth in paragraphs *(a)* to *(bb)* inclusive of subsection one of section fourteen of *The Companies Act, 1934*.

1934, c. 33.

7. The provisions of subsections (4), (5), (6) and (7) of section twelve, and sections 39, 40, 59, 62, 63, 64, 65 and 91 of Part I of *The Companies Act, 1934*, apply to the Company, provided that wherever in the said subsection (7) of section twelve, and in the said section fifty-nine the words "letters patent" or "supplementary letters patent" appear, the words "Special Act" shall be substituted therefor.

1934, c. 33.

1934, c. 33.

8. Sections 158, 163, 180, 186, 189 and 190 of Part III of *The Companies Act, 1934*, shall not be incorporated with this Act.

Company not to make a loan to shareholders or directors.

9. (1) The Company shall not make any loan to any of its shareholders or directors or give whether directly or indirectly, and whether by means of a loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of, or in connection with a purchase made or to be made by any person of any shares in the Company:

Proviso.

Provided that nothing in this section shall be taken to prohibit:

(a) the making by the Company of loans to persons other than directors, bona fide in the employment of the Company with a view to enabling or assisting those persons to purchase or erect dwelling houses for their own occupation; and the Company may take, from such employees, mortgages or other securities for the repayment of such loans;

(b) the provision by the Company, in accordance with any scheme for the time being in force, of money for the purchase by trustees of fully paid shares in the capital stock of the Company, to be held by, or for the benefit of employees of the Company, including any director holding a salaried employment or office in the Company; or

(c) the making by the Company of loans to persons, other than directors, bona fide in the employment of the Company, with a view to enabling those persons to purchase fully paid shares in the capital stock of the Company, to be held by themselves by way of beneficial ownership.

(2) The powers under paragraphs *(b)* and *(c)* of subsection one of this section shall be exercised by by-law only.

(3) If any loan is made by the Company in violation of the foregoing provisions, all directors and officers of the Company making the same or assenting thereto, shall, until repayment of said loan, be jointly and severally liable to the Company and to its creditors for the debts of the Company then existing or thereafter contracted: Provided that such liability shall be limited to the amount of said loan with interest.

Proviso.

When redemption or purchase not a reduction of paid-up capital.

10. The redemption or purchase for cancellation of any fully paid preferred shares created by by-law pursuant to the provisions of this Act, in accordance with any right of redemption or purchase for cancellation reserved in favour of the Company in the provision attaching to such preferred shares, or the redemption or purchase for cancellation of any fully paid shares of any class, not being common or ordinary shares, and in respect of which the by-laws provide for such right of redemption or purchase, in accordance with the provisions of such by-laws, shall not be deemed to be a reduction of the paid-up capital of the Company, if such redemption or purchase for cancellation is made out of the proceeds of an issue of shares made for the purpose of such redemption or purchase for cancellation, or if,

(a) no cumulative dividends, on the preferred shares or shares of the class in respect of which such right of redemption or purchase exists and which are so redeemed or purchased for cancellation, are in arrears; and

(b) if such redemption or purchase for cancellation of such fully paid shares is made without impairment of the Company's capital by payments out of the ascertained net profits of the Company which have been set aside by the directors for the purposes of such redemption or of such purchase for cancellation, and if such net profits are then available for such application as liquid assets of the Company, as shown by the last balance sheet of the Company, certified by the Company's auditors, and being made up to a date not more than ninety days prior to such redemption or purchase for cancellation, and after giving effect to such redemption or purchase for cancellation;

And subject as aforesaid, any such shares may be redeemed or purchased for cancellation by the Company on such terms and in such manner as is set forth in the provisions attaching to such shares, and the surplus resulting from such redemption or purchase for cancellation shall be designated as a capital surplus, which shall not be reduced or distributed by the Company except as provided by a subsequent Act of the Parliament of Canada.

Commission on subscription.

11. The Company may pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company: Provided, however, that as regards shares, such commission shall not exceed ten per centum of the amount realized therefrom.

Proviso.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O[1].

An Act for the relief of Joseph Charles Paul Emile Chales.

AS PASSED BY THE SENATE, 6th OCTOBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46477

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O[1].

An Act for the relief of Joseph Charles Paul Emile Chales.

Preamble.

WHEREAS Joseph Charles Paul Emile Chales, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, industrialist, has by his petition alleged that on the fifteenth day of February, A.D. 1941, at the city of Outremont, in the said province, he and Marie Madeleine Claire Yvette Lachance, who was then of the said city of Outremont, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Charles Paul Emile Chales and Marie Madeleine Claire Yvette Lachance, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Charles Paul Emile Chales may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Madeleine Claire Yvette Lachance had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P[1].

An Act for the relief of Robert Mason Watson.

AS PASSED BY THE SENATE, 6th OCTOBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46449

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P[1].

An Act for the relief of Robert Mason Watson.

Preamble.

WHEREAS Robert Mason Watson, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, mortgage inspector, has by his petition alleged that on the seventh day of September, A.D. 1946, at the city of Westmount, in the said province, he and Ida Antonia Maja van Steensel, who was then of the said city of Montreal, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Robert Mason Watson and Ida Antonia Maja van Steensel, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Robert Mason Watson may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Ida Antonia Maja van Steensel had not been solemnized.

50

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[1].

An Act for the relief of Catherine Alexandra Mackenzie Mitchell.

AS PASSED BY THE SENATE, 6th OCTOBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45186

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[1].

An Act for the relief of Catherine Alexandra Mackenzie Mitchell.

Preamble.

WHEREAS Catherine Alexandra Mackenzie Mitchell, residing at the city of Montreal, in the province of Quebec, wife of Shirley Graham Mitchell, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the third day of June, A.D. 1941, at the said city, she then being Catherine Alexandra Mackenzie, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Catherine Alexandra Mackenzie and Shirley Graham Mitchell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Catherine Alexandra Mackenzie may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Shirley Graham Mitchell had not been solemnized.

51

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[1].

An Act for the relief of Irene Filion Primeau.

AS PASSED BY THE SENATE, 6th OCTOBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46469

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[1].

An Act for the relief of Irene Filion Primeau.

Preamble.

WHEREAS Irene Filion Primeau, residing at the city of Montreal, in the province of Quebec, typist, wife of Jean-Guy Primeau, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the tenth day of September, A.D. 1934, at the said city, she then being Irene Filion, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Irene Filion and Jean-Guy Primeau, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Irene Filion may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Jean-Guy Primeau had not been solemnized.

52

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[1].

An Act for the relief of Mary Jean Strachan Taylor.

AS PASSED BY THE SENATE, 6th OCTOBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46453

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[1].

An Act for the relief of Mary Jean Strachan Taylor.

Preamble.

WHEREAS Mary Jean Strachan Taylor, residing at the city of Montreal, in the province of Quebec, wife of Frederick Gordon Taylor, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twentieth day of March, A.D. 1940, at the city of Westmount, in the said province, she then being Mary Jean Strachan, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Jean Strachan and Frederick Gordon Taylor, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Jean Strachan may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frederick Gordon Taylor had not been solemnized.

53

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T[1].

An Act for the relief of Edna Kate Folley Dickenson.

AS PASSED BY THE SENATE, 6th OCTOBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46473

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T[1].

An Act for the relief of Edna Kate Folley Dickenson.

Preamble.

WHEREAS Edna Kate Folley Dickenson, residing at Crownhill, in the county of Devon, England, wife of John Dickenson, who is domiciled in Canada and residing at the city of Verdun, in the province of Quebec, has by her petition alleged that they were married on the third day of September, A.D. 1940, at Merstham, in the county of Surrey, England, she then being Edna Kate Folley, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Edna Kate Folley and John Dickenson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Edna Kate Folley may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Dickenson had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U[1].

An Act for the relief of Gerald Geoffrey Racine.

AS PASSED BY THE SENATE, 6th OCTOBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46465

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U[1].

An Act for the relief of Gerald Geoffrey Racine.

Preamble.

WHEREAS Gerald Geoffrey Racine, domiciled in Canada and residing at the town of Cote St. Luc, in the province of Quebec, advertising executive, has by his petition alleged that on the twelfth day of June, A.D. 1943, at the city of Montreal, in the said province, he and Jacqueline Julienne Henriette Dussault, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Gerald Geoffrey Racine and Jacqueline Julienne Henriette Dussault, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Gerald Geoffrey Racine may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Jacqueline Julienne Henriette Dussault had not been solemnized.

55

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V[1].

An Act for the relief of Yvonne Marshall Balfry Corbin.

AS PASSED BY THE SENATE, 6th OCTOBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46461

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V[1].

An Act for the relief of Yvonne Marshall Balfry Corbin.

Preamble.

WHEREAS Yvonne Marshall Balfry Corbin, residing at the city of Saint Jean, in the province of Quebec, clerk, wife of Philip Hinman Corbin, who is domiciled in Canada and residing at North Hatley, in the said province, has by her petition alleged that they were married on the fifteenth day of October, A.D. 1938, at the said city of Saint Jean, she then being Yvonne Marshall Balfry, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Yvonne Marshall Balfry and Philip Hinman Corbin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Yvonne Marshall Balfry may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Philip Hinman Corbin had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W[1].

An Act for the relief of Colleen Ethel Thornhill Clark.

AS PASSED BY THE SENATE, 6th OCTOBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46457

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W[1].

An Act for the relief of Colleen Ethel Thornhill Clark.

Preamble.

WHEREAS Colleen Ethel Thornhill Clark, residing at the city of Montreal, in the province of Quebec, secretary, wife of Wilton William Kent Clark, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the second day of June, A.D. 1945, at the said city, she then being Colleen Ethel Thornhill, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Colleen Ethel Thornhill and Wilton William Kent Clark, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Colleen Ethel Thornhill may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Wilton William Kent Clark had not been solemnized.

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First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[1].

An Act for the relief of Leith Albert Anderson Baldwin.

AS PASSED BY THE SENATE, 6th OCTOBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46018

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[1].

An Act for the relief of Leith Albert Anderson Baldwin.

Preamble.

WHEREAS Leith Albert Anderson Baldwin, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by his petition alleged that on the twentieth day of May, A.D. 1929, at the city of Calgary, in the province of Alberta, he and Leonette Roie Elizabeth Hutt, who was then of the said city of Calgary, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Leith Albert Anderson Baldwin and Leonette Roie Elizabeth Hutt, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Leith Albert Anderson Baldwin may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Leonette Roie Elizabeth Hutt had not been solemnized.

58

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y[1].

An Act for the relief of Marie Jeanne Martin.

AS PASSED BY THE SENATE, 6th OCTOBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46485

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y[1].

An Act for the relief of Marie Jeanne Martin.

Preamble.

WHEREAS Marie Jeanne Martin, residing at the city of Montreal, in the province of Quebec, wife of Edmond Martin, who is domiciled in Canada and residing at the city of Outremont, in the said province, has by her petition alleged that they were married on the fifth day of July, A.D. 1934, at the city of New York, in the state of New York, one of the United States of America, she then being Marie Jeanne Sias, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marie Jeanne Sias and Edmond Martin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marie Jeanne Sias may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edmond Martin had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[1].

An Act for the relief of Irene Emily Katerelos Stones.

AS PASSED BY THE SENATE, 6th OCTOBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46481

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[1].

An Act for the relief of Irene Emily Katerelos Stones.

Preamble.

WHEREAS Irene Emily Katerelos Stones, residing at the city of Montreal, in the province of Quebec, technician, wife of Eddie Stones, who is domiciled in Canada and at present residing at Eastbourne, in the county of Sussex, England, has by her petition alleged that they were married on the fourth day of September, A.D. 1939, at the said city of Montreal, she then being Irene Emily Katerelos, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Irene Emily Katerelos and Eddie Stones, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Irene Emily Katerelos may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Eddie Stones had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A2.

An Act respecting the Incorporation of Pure-bred Live Stock Record Associations.

Read a first time, Monday, 17th October, 1949.

Honourable Senator ROBERTSON

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47486

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A[2].

An Act respecting the Incorporation of Pure-bred Live Stock Record Associations.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

Short title.

1. This Act may be cited as *The Live Stock Pedigree Act, 1949.*

INTERPRETATION.

Definitions.

2. In this Act,

"animal".

(a) "animal" includes a bird;

"association".

(b) "association" means an association incorporated under *An Act respecting the incorporation of Live Stock Record Associations,* chapter thirty-three of the statutes of Canada, 1900, under the *Live Stock Pedigree Act,* chapter one hundred and thirty-one of the Revised Statutes of Canada, 1906, under the *Live Stock Pedigree Act,* chapter thirty-one of the statutes of Canada, 1912, under the *Live Stock Pedigree Act,* chapter one hundred and twenty-one of the Revised Statutes of Canada, 1927, under *The Live Stock Pedigree Act, 1932,* chapter forty-nine of the statutes of Canada, 1932, or under this Act;

"certificate of registration".

(c) "certificate of registration" means a certificate issued by an association setting forth the name, registration number, date of birth, sex, identification, sire and dam of a registered animal registered in the records of the association, and the name of the owner of the animal, and such additional particulars as may from time to time be prescribed by the association;

"Minister".

(d) "Minister" means the Minister of Agriculture;

Explanatory Notes.

The purpose of this Bill in to substitute a new Act for *The Live Stock Pedigree Act, 1932*. It is intended in the new Act to simplify procedure for incorporation and affiliation of associations, to clarify the authority of affiliated associations in their relationship with the Canadian National Live Stock Records, and to improve the general form and arrangement of the statute which is to be repealed.

2. The definitions are new except "Minister" and "pure-bred". The definition of "association" now makes it clear that the provisions of the Act respecting affiliation apply to associations incorporated under previous Acts.

"pedigree". *(e)* "pedigree" means a genealogical table showing the ancestral line of descent of a registered animal;

"pure-bred". *(f)* "pure-bred" means registered in, or eligible for registration in, the records of an association.

ASSOCIATIONS.

Application for association. **3.** (1) Subject to this Act, any number of persons, not less than five, who desire to form an association for the purpose of keeping a record of pure-bred domestic live stock of a distinct breed, or several records each of a distinct breed of the same species of animal, may make an application for that purpose to the Minister.

Qualifications of applicants. (2) The applicants shall be Canadian citizens, of the full age of twenty-one years, and shall satisfy the Minister that they represent the breeders throughout Canada of the breed or species in respect of which the application is made.

Form of application. (3) The application shall be made in triplicate in the form set out in Form A in the Schedule.

Attestation. (4) Each copy of the application shall be signed by each of the applicants, and the signatures shall be verified by the affidavit of a subscribing witness.

Certificate of approval. (5) Upon approving the application, the Minister shall endorse all copies with a certificate of approval in Form B in the Schedule and cause one copy thereof to be registered in the Department of Agriculture and the other two to be returned to the applicants, or one of them.

Incorporation. (6) From the date of the Minister's certificate, the applicants and such other persons as become members of the association are a body corporate and politic under the name approved by the Minister.

By-laws to be submitted to Minister. (7) Within one year from the date of incorporation, an association shall submit to the Minister in triplicate the by-laws of the association.

Approval of by-laws. (8) Upon approving the by-laws of an association the Minister shall endorse all copies with a certificate of approval in Form B in the Schedule and cause one copy thereof to be registered in the Department of Agriculture and the other two to be returned to the secretary of the association.

Effect of failure to submit by-laws. (9) If an association fails to comply with subsection seven the Minister may declare the corporate powers of the association to be at an end and thereupon the association shall cease to be an association within the meaning of this Act.

Limitation. **4.** Not more than one association for each distinct breed, or for a number of breeds of the same species, shall be incorporated under this Act.

3. This is substantially the same as the present section 3. Sub-clauses (7), (8) and (9) are new. Under the Bill associations are not required to submit their by-laws at the time of incorporation but they must do so within one year.

4. This is section 4 (1) of the present Act. Subsection (2) appears as clause 16 of the Bill.

By-laws.

5. (1) The by-laws of an association shall set forth or provide for

Membership.

(a) the admission, resignation, suspension and expulsion of members, ordinary or life, and the annual fee to be paid by ordinary members, and the fee, if any, to be paid by life members;

Head office.

(b) the place within Canada where the head office of the association and the branch offices, if any, are to be situated;

Officers.

(c) the officers of the association, their election, the duties of each and the filling of vacancies;

Meetings.

(d) the convening of general, annual and special meetings of the association;

Fiscal year.

(e) the fiscal year of the association;

Audit.

(f) the audit of the accounts of the association;

Rules of eligibility.

(g) the establishment of rules of eligibility for registration of animals that the association is authorized to register;

Rules of entry.

(h) the establishment of rules of entry for registration;

Certificates of registration.

(i) the issuance of certificates of registration and the amendment or cancellation of certificates of registration;

Pedigrees.

(j) the issuance of pedigrees and the amendment or cancellation of pedigrees;

Transfers.

(k) the issuance of certificates of transfer of ownership of registered animals and the amendment or cancellation of such certificates;

Annual report.

(l) the annual report of the officers, and a detailed statement, duly audited, of receipts and expenditures for the preceding year and of the assets and liabilities;

Books.

(m) the keeping of a book by the secretary at the head office of the association, and by the proper officer at each branch office, wherein shall be written or printed a copy of the by-laws of the association, with all amendments thereof, which books shall at all reasonable times be open to the inspection of members of the association who may make copies thereof;

Seal.

(n) a corporate seal;

Private breeding records.

(o) the keeping by its members of private breeding records, and the manner in which these shall be kept;

Identification.

(p) a practical and effective system of identification;

Inspection of records and systems of identification.

(q) authority to conduct an inspection, on behalf of the association, of private breeding records, of the adequacy of the system of identification prescribed by the association and of the manner in which such system of identification is being practised;

Unsatisfactory practices.

(r) the manner in which unsatisfactory practices in respect of identification shall be dealt with;

5. This is the same as the present section 5. No material changes.

Standard of individual inspection.

(s) where the principle of individual inspection to determine eligibility by inspection is approved by the association, the standard that shall apply in connection with such inspection and the manner in which such inspection shall be carried on;

Standards of performance.

(t) where the principle of applying performance to determine eligibility for advanced registration is approved by the association, the standards of performance that shall apply and the manner in which inspection of the application of such standards shall be carried on;

Fees for registration.

(u) the fees to be charged for registration;

Fees for certificates.

(v) the fees to be charged for certificates of registration, pedigrees, certificates of transfer of ownership, and for any other service; and

General.

(w) the governing of the affairs of the association generally.

No by-law effective until approved.

6. (1) No by-law of an association and no amendment or repeal thereof has any force or effect until it is approved by the Minister and registered in the Department of Agriculture.

Application for approval.

(2) An application for approval of a by-law or an amendment or repeal of a by-law shall be accompanied by three copies of each proposed by-law, amendment or repeal.

Evidence Minister may require.

(3) The Minister, before approving a by-law or an amendment or repeal of a by-law, may require evidence by affidavit or statutory declaration that all formalities and requirements under the by-laws have been complied with.

Certificate of approval.

(4) Upon approving a by-law or an amendment or repeal of a by-law, the Minister shall endorse all copies with a certificate of approval in Form B in the Schedule and shall cause one copy thereof to be registered in the Department of Agriculture and the other two copies to be returned to the association.

Registration and transfer rights.

(5) Notwithstanding anything in the by-laws of an association incorporated under this or any other Act mentioned in paragraph *(b)* of section two, no person shall be deprived of the right to register or transfer pure-bred live stock unless he has violated or is reasonably suspected by an association to have violated

(a) a by-law of an association relating to eligibility for registration, establishment of production credentials or payment of fees,

(b) section sixteen or section seventeen of this Act, or

R.S., c. 6.

(c) any provision of the *Animal Contagious Diseases Act* or the regulations thereunder relating to the identification, marking or testing of animals.

Binding effect of by-laws.

7. The by-laws of an association bind each member thereof as fully as though he had subscribed his name and affixed his seal thereto.

6. This is the present section 6 with no change in substance except sub-clause (5). This provision is intended to restrict the right of associations to deprive persons of registration privileges.

7. This is the same as the present section 7.

Financial liability of members limited.

8. The financial liability of a member of an association to the creditors of an association is limited to the amount due from him in respect of membership and registration fees.

Powers.

9. An association may

Property.

(a) acquire, hold and dispose of real and personal property necessary for the carrying out of the objects of the association;

Bills and notes.

(b) draw, make, accept, endorse and execute promissory notes, bills of exchange and other negotiable instruments necessary for the carrying out of the objects of the association, but nothing in this paragraph authorizes an association to issue a note payable to bearer or intended to be circulated as money, or to engage in the business of banking; and

Funds.

(c) use the funds of the association for any purpose calculated to benefit the particular breed or species of live stock mentioned in the application, including grants to exhibitions.

Approval of certificates.

10. (1) The Minister may examine, and when satisfied that it is correct, may approve under seal a certificate of registration issued by an association that is affiliated with other associations pursuant to this Act.

Notice of errors.

(2) When it appears to the association that issued it that a certificate of registration approved by the Minister is incorrect, notice of that fact shall forthwith be given to the Minister by the association.

Inspection of private breeding records.

(3) The Minister may at any time conduct an inspection of private breeding records, of the adequacy of the system of identification practised by an association and of the manner in which the system of identification is being practised.

Chief Registration Officer.

(4) The Minister may authorize an officer in the Department of Agriculture, who shall be known as the Chief Registration Officer, to approve certificates of registration under this section on behalf of the Minister.

Notice of meetings and annual report.

11. An association shall send to the Minister

(a) in the same manner as to members, notices of meetings setting out proposed amendments to the by-laws, and

(b) immediately after each annual meeting, a copy of the annual report, including a statement of the receipts and disbursements of the association for the preceding fiscal year and of its assets and liabilities, together with a list of the officers of the association, and where the association is affiliated with other associations pursuant to this Act, a list of its representatives elected to the Canadian National Live Stock Record Board.

8. This is the same as the present section 9.

9. This is the same as the present section 8.

10. This is the same as the present section 10 except sub-clauses (3) and (4) which are new. Under the present Act an association may authorize the Minister to conduct these inspections but under the proposed amendment the Minister may do it independently.

11. This is substantially the same as the present section 11.

Inquiries.

12. (1) The Minister may appoint a person to hold an inquiry into the manner in which an association is or has been conducting its business, and every person so appointed, for the purposes of the inquiry, has all the powers of a commissioner under the *Inquiries Act*.

Powers of Minister.

(2) Upon the conclusion of an inquiry held under this section the Minister may require the association to take, or he may take, such action as he considers necessary to provide for the proper conduct of the business of the association.

Directions to associations in default.

(3) The Minister at any time, upon being satisfied that an association has failed for a period of twelve months to carry on business or for any period has failed to conduct its business in accordance with the provisions of its by-laws and this Act, may make such direction to the association as to him seems proper in the interest of the purposes for which the association was incorporated.

When association fails to comply.

(4) Where an association fails within the period prescribed by the Minister to carry out any direction given by the Minister under subsection three, the Minister may

Business taken over.

(a) authorize his representative on the Canadian National Live Stock Record Board to take over and carry on the property and business of the association, and for such purposes the representative has all the powers of the association, and may authorize the Canadian National Live Stock Record Committee to keep live stock records, issue and record certificates of registration, and perform related functions, or

Corporate powers cancelled.

(b) declare the corporate powers of the association at an end, and thereupon the association shall cease to be an association within the meaning of this Act.

Property and business may be returned and rights resumed.

(5) The representative of the Minister on the Canadian National Live Stock Record Board shall, at any time when he is thereunto directed by the Minister, hand over to the association the property and business of the association taken over by him under this section, together with a statement of receipts and expenditures covering the period during which he had control of the same, and in such case the association shall fully resume the powers given it by this Act.

Winding-up.

(6) In the event of the Minister declaring the corporate powers of an association to be at an end, the affairs of the association shall be wound-up in accordance with such regulations as may from time to time in that behalf be made by the Minister.

12. This is substantially the same as the present section 12.

CANADIAN NATIONAL LIVE STOCK RECORDS.

Affiliated associations.

13. (1) Associations may, by executing articles of affiliation and having them registered as provided in this section, affiliate with each other for keeping live stock records, issuing certificates of registration and of transfer, and performing such other services on behalf of the affiliated associations as are authorized by the articles of affiliation.

Name.

(2) The affiliation shall be known as the Canadian National Live Stock Records, and shall be the successor to the Canadian National Live Stock Records as constituted immediately prior to the commencement of this Act.

Articles of affiliation.

(3) The articles of affiliation shall be in a form prescribed by the Minister and shall

Governing body.

(a) provide for a governing body to be known as the Canadian National Live Stock Record Board and which shall be representative of the affiliated associations;

Administrative committee.

(b) provide for an administrative committee to be known as the Canadian National Live Stock Record Committee;

Director.

(c) provide for the appointment of an officer to be known as the Director, Canadian National Live Stock Records;

Basis of representation.

(d) provide the basis of representation upon and set out the method of appointment of representatives from the various affiliated breed associations to the Canadian National Live Stock Record Board;

Chairman.

(e) provide for election of a chairman and a vice-chairman;

Power and authority.

(f) prescribe the power and authority of the Canadian National Live Stock Records on behalf of, and as agents of, the affiliated associations;

Business.

(g) describe the manner in which the business of the Board shall be conducted; and

Elections.

(h) set forth the method of election of members of the Committee.

Execution of articles of affiliation.

(4) An association desiring to affiliate under this section shall execute in triplicate the articles of affiliation under its corporate seal duly attested by the signatures of its proper officers in that behalf, and shall forward the executed articles of affiliation to the Minister.

Approval.

(5) When the Minister is satisfied that the articles of affiliation are properly executed, he shall endorse all copies with a certificate of approval in Form B in the Schedule, and cause one copy to be registered in the Department of Agriculture and the other two copies to be returned to the association, and from the date of the certificate of approval the association is affiliated with all other associations that have executed and registered articles of affiliation under this section.

13. This corresponds to section 13 of the present Act. There was some doubt whether associations incorporated under previous enactments are entitled to affiliate under the present Act. The new definition of "association" in the Bill now makes it clear that they can. The new clause also simplifies the procedure for affiliation.

Amendment.

(6) Executed articles of affiliation may, with the approval of at least two-thirds of the associations that have executed articles of affiliation under this section, be amended in such form as the Minister may prescribe.

Associations previously affiliated.

(7) All associations affiliated under the name of Canadian National Live Stock Records immediately prior to the commencement of this Act shall be deemed, for a period of not more than one year after the commencement of this Act, to be affiliated under this section.

Chief Registration Officer to represent unincorporated associations.

14. (1) The Chief Registration Officer, or such other officer in the Department of Agriculture as the Minister may designate, shall represent the Minister on, and be a member of, the Canadian National Live Stock Record Board, and such representative shall represent the interest of breeds for which no record association has been incorporated and may authorize the Canadian National Live Stock Record Committee to keep live stock records, issue and record certificates of registration and perform related functions in respect of such breeds.

Transfer of funds when association incorporated.

(2) Upon the incorporation of an association representing any breed, records for which have been kept under subsection one, the Canadian National Live Stock Record Committee at the request of the representative of the Minister on the Canadian National Live Stock Record Board shall hand over to the association any property and funds pertaining to the breed in the custody of the Committee.

OFFICERS.

Officers.

15. There may be appointed, in the manner authorized by law, such officers, clerks and employees as are necessary for carrying out the provisions of this Act.

OFFENCES AND PENALTIES.

No other person to keep records.

16. (1) Except as authorized by this Act, where an association for a specified breed exists, no person shall in respect of that breed conduct a book of record or issue a certificate of registration or any document purporting to be a certificate of breeding.

Penalty.

(2) Every person who violates this section is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars and not less than one hundred dollars, or to imprisonment for a term not exceeding two months.

14. This is new and is designed to provide for registrations by unincorporated associations.

15. This is the same as the present section 16.

16. This was previously subsection (2) of section 4.

False statements.

17. (1) Every person who

(a) knowingly signs or presents, or causes or procures to be signed or presented, to the recording officer of an association or to the person in charge of the Canadian National Live Stock Records, any declaration or any application for registration or any transfer of ownership respecting any animal, containing any material false statement or representation;

Misuse of certificate.

(b) knowingly represents that a certificate of registration applies to an animal other than the one in respect of which it was issued;

Alteration of certificate.

(c) falsifies or alters a certificate of registration or of a transfer or of any document of or pertaining to a pure-bred animal registered in the records of an association;

Sale of unidentified animal as pure-bred.

(d) sells as pure-bred an animal that is not identified as prescribed by the by-laws of any association;

Sale of pure-bred animal without furnishing certificate.

(e) sells as pure-bred or contracts to sell as pure-bred any animal of a class or breed in respect of which an association has been incorporated, without furnishing, or agreeing as an integral part of the contract of sale to furnish, the certificate of registration, together with the duly recorded transfer of ownership thereof, to the actual buyer; or

Sale of animal as pure-bred when no association established for the breed.

(f) sells as pure-bred or contracts to sell as pure-bred any animal of a class or breed in respect of which an association has been incorporated, that is not registered or eligible for registration as pure-bred by the association;

Penalties.

is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars and not less than fifty dollars or to imprisonment for a term not exceeding two months.

Animals registered in foreign books deemed pure-bred.

(2) Any animal owned in Canada of a class or breed for which no record exists in Canada, and duly registered in a foreign book of record recognized as authentic by the Minister shall, for the purposes of this section, be deemed to be pure-bred.

Unlawful use of names.

18. Every person who uses without authority the name of the Canadian National Live Stock Records, Canadian National Live Stock Record Board, Canadian National Live Stock Record Committee, or of any association, or any name so nearly resembling any of those names that it is likely to deceive the public, is guilty of an offence and is

Penalty.

liable on summary conviction to a fine not exceeding five hundred dollars and not less than one hundred dollars, or to imprisonment for a term not exceeding two months.

17. This is a revision of sections 17 and 18 of the present Act.

18. This is substantially the same as the present section 19.

Penalty when not otherwise provided for.

19. Every person who violates any provision of this Act in respect of which no penalty is elsewhere provided in this Act is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

Time for complaint.

20. Section eleven hundred and forty-two of the *Criminal Code* does not apply to proceedings in respect of an offence under this Act.

REPEAL.

Repeal.

21. *The Live Stock Pedigree Act, 1932*, chapter forty-nine of the statutes of 1932, is repealed.

20. This is the present section 22.

SCHEDULE.

Form A.

Application for Incorporation.

1. We, the undersigned (set out the names in full, places of residence and occupations) hereby apply for incorporation as an association under "The Live Stock Pedigree Act, 1949".

2. The name of the association is to be, (name of association).

3. The objects for which the association is to be formed are:—

(a) To keep a record of the pedigrees of pure-bred (name of breed and species of animal).

(b) (Here insert clearly any special or additional objects).

4. The names, in full, places of residence and occupations of the first officers of the association are:—(Set out in full, no initials).

Dated at.....this.....

day of.....19.....

Witness:

(Signatures of witnesses) } (Signatures of applicants)

Affidavit of Execution.

I, (name in full, place of residence and occupation) make oath and say:—

1. That I know (name of applicants in full) named in the foregoing (or annexed) application.

2. That I was personally present and did see the said application, and duplicate thereof, executed by each of the said applicants.

3. That I am a subscribing witness to the said application and duplicate.

Sworn before me at.....

this.....day of.....19.... } .....
(Signature of witness)

.....
A notary public,
(or a commissioner, etc.)

(Note: If all the applicants do not sign before the one witness, insert in the affidavit the names only of those whom the witness saw sign, and so on for each witness.)

Form B.

CERTIFICATE.

Pursuant to The Live Stock Pedigree Act, 1949, I certify that the within (application, by-laws, articles of affiliation, as the case may be) is (are) hereby approved this.....

day of.....19.....

.....

Minister of Agriculture.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[2].

An Act for the relief of Margaret Helen Milne Ward.

AS PASSED BY THE SENATE, 19th OCTOBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45771

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[2].

An Act for the relief of Margaret Helen Milne Ward.

Preamble.

WHEREAS Margaret Helen Milne Ward, residing at the city of Montreal, in the province of Quebec, cook, wife of William Frederick Ward, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eleventh day of August, A.D. 1945, at the city of Glasgow, Scotland, she then being Margaret Helen Milne, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows;—

Marriage dissolved.

1. The said marriage between Margaret Helen Milne and William Frederick Ward, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Helen Milne may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Frederick Ward had not been solemnized.

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First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C2.

An Act for the relief of Lizzie Brogden Hibberd.

AS PASSED BY THE SENATE, 19th OCTOBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46066

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C[2].

An Act for the relief of Lizzie Brogden Hibberd.

Preamble.

WHEREAS Lizzie Brogden Hibberd, residing at the city of Verdun, in the province of Quebec, maid, wife of Harold Roger Hibberd, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the fourteenth day of June, A.D. 1924, at the said city of Montreal, she then being Lizzie Brogden, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lizzie Brogden and Harold Roger Hibberd, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lizzie Brogden may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Harold Roger Hibberd had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[2].

An Act for the relief of Eric Jeffery Burn

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45426

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[2].

An Act for the relief of Eric Jeffery Burn.

Preamble.

WHEREAS Eric Jeffery Burn, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, engineer, has by his petition alleged that on the fifteenth day of September, A.D. 1941, at the city of Singapore, colony of Singapore, he and Suzette Childeroy Compton, who was then of the said city of Singapore, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eric Jeffery Burn and Suzette Childeroy Compton, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eric Jeffery Burn may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Suzette Childeroy Compton had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E2.

An Act for the relief of Agnes McIntosh McKillop McBride.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45490

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E².

An Act for the relief of Agnes McIntosh McKillop McBride.

Preamble.

WHEREAS Agnes McIntosh McKillop McBride, residing at the city of Toronto, in the province of Ontario, secretary, wife of Thomas McWhirter McBride, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the twenty-seventh day of September, A.D. 1941, at the said city of Montreal, she then being Agnes McIntosh McKillop, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Agnes McIntosh McKillop and Thomas McWhirter McBride, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Agnes McIntosh McKillop may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Thomas McWhirter McBride had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F2.

An Act for the relief of Elizabeth Audrey Beauclerk Quinlan.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45735

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F[2].

An Act for the relief of Elizabeth Audrey Beauclerk Quinlan.

Preamble.

WHEREAS Elizabeth Audrey Beauclerk Quinlan, residing at the city of Montreal, in the province of Quebec, wife of John Joseph Quinlan, who is domiciled in Canada and residing at the city of Westmount, in the said province, has by her petition alleged that they were married on the eleventh day of January, A.D. 1940, at the said city of Montreal, she then being Elizabeth Audrey Beauclerk, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Elizabeth Audrey Beauclerk and John Joseph Quinlan, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Elizabeth Audrey Beauclerk may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Joseph Quinlan had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G[2].

An Act for the relief of Thelma Blanche Collins Geick.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46941

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G².

An Act for the relief of Thelma Blanche Collins Geick.

Preamble.

WHEREAS Thelma Blanche Collins Geick, residing at the city of Montreal, in the province of Quebec, bookkeeper, wife of Frederick William Geick, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the tenth day of June, A.D. 1933, at Gallingertown, in the province of Ontario, she then being Thelma Blanche Collins, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Thelma Blanche Collins and Frederick William Geick, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Thelma Blanche Collins may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frederick William Geick had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H2.

An Act for the relief of Thora Beckingham Lock.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45486

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H².

An Act for the relief of Thora Beckingham Lock.

Preamble.

WHEREAS Thora Beckingham Lock, residing at the city of Montreal, in the province of Quebec, cork inspector, wife of Douglas Arthur Lock, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the first day of January, A.D. 1943, at the said city, she then being Thora Beckingham, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Thora Beckingham and Douglas Arthur Lock, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Thora Beckingham may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Douglas Arthur Lock had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[2].

An Act for the relief of Hugh William Lloyd.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45422

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I².

An Act for the relief of Hugh William Lloyd.

Preamble.

WHEREAS Hugh William Lloyd, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, wireless inspector, has by his petition alleged that on the first day of August, A.D. 1936, at the said city, he and Margaret Archibald Illingworth, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Hugh William Lloyd and Margaret Archibald Illingworth, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Hugh William Lloyd may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Margaret Archibald Illingworth had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[2].

An Act for the relief of Linda Emilia Wilen Robitaille.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45462

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[2].

An Act for the relief of Linda Emilia Wilen Robitaille.

Preamble.

WHEREAS Linda Emilia Wilen Robitaille, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Gerald Robitaille, who is domiciled in Canada and residing at Laval-sur-le-Lac, in the said province, has by her petition alleged that they were married on the second day of May, A.D. 1944, at the city of Ottawa, in the province of Ontario, she then being Linda Emilia Wilen, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Linda Emilia Wilen and Gerald Robitaille, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Linda Emilia Wilen may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Gerald Robitaille had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K[2].

An Act for the relief of Brina Paskin Warshaw.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45434

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K².

An Act for the relief of Brina Paskin Warshaw.

Preamble.

WHEREAS Brina Paskin Warshaw, residing at the city of Montreal, in the province of Quebec, sales clerk, wife of Leonard Fischel Warshaw, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the seventh day of September, A.D. 1944, at the city of Westmount, in the said province, she then being Brina Paskin, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Brina Paskin and Leonard Fischel Warshaw, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Brina Paskin may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Leonard Fischel Warshaw had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[2].

An Act for the relief of Thomas Hanusiak.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45172

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[2].

An Act for the relief of Thomas Hanusiak.

Preamble.

WHEREAS Thomas Hanusiak, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, labourer, has by his petition alleged that on the fourteenth day of February, A.D. 1918, at the said city, he and Dora Kernychna, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient t at the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Thomas Hanusiak and Dora Kernychna, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Thomas Hanusiak may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Dora Kernychna had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M[2].

An Act for the relief of Loretta Waugh O'Dell.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45289

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M[2].

An Act for the relief of Loretta Waugh O'Dell.

Preamble.

WHEREAS Loretta Waugh O'Dell, residing at the city of Montreal, in the province of Quebec, stewardess, wife of Joseph James O'Dell, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-fourth day of May, A.D. 1941, at the said city, she then being Loretta Waugh, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Loretta Waugh and Joseph James O'Dell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Loretta Waugh may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph James O'Dell had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N2.

An Act for the relief of Marie Rita Plante Boyer.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45168

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N².

An Act for the relief of Marie Rita Plante Boyer.

Preamble.

WHEREAS Marie Rita Plante Boyer, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Kenneth Edward Boyer, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-first day of December, A.D. 1946, at the said city, she then being Marie Rita Plante, a spinster; a d whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marie Rita Plante and Kenneth Edward Boyer, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marie Rita Plante may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Kenneth Edward Boyer had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O[2].

An Act for the relief of Dorothy Waxman Sherman.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45293

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O².

An Act for the relief of Dorothy Waxman Sherman.

Preamble.

WHEREAS Dorothy Waxman Sherman, residing at the city of Montreal, in the province of Quebec, model, wife of Fred Sherman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the seventh day of April, A.D. 1946, at the said city, she then being Dorothy Waxman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy Waxman and Fred Sherman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy Waxman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Fred Sherman had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P2.

An Act for the relief of Laura Cohen Kaminsky.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45739

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P[2].

An Act for the relief of Laura Cohen Kaminsky.

Preamble.

WHEREAS Laura Cohen Kaminsky, residing at the city of Montreal, in the province of Quebec, operator, wife of Louis Kaminsky, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifteenth day of September, A.D. 1946, at the said city, she then being Laura Cohen, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Laura Cohen and Louis Kaminsky, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Laura Cohen may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Louis Kaminsky had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[2].

An Act for the relief of Annie Marion Lesnichuk Krushelniski, otherwise known as Annie Marion Lesnichuk Krush.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
45325 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[2].

An Act for the relief of Annie Marion Lesnichuk Krushelniski, otherwise known as Annie Marion Lesnichuk Krush.

Preamble.

WHEREAS Annie Marion Lesnichuk Krushelniski, otherwise known as Annie Marion Lesnichuk Krush, residing at the city of Montreal, in the province of Quebec, hairdresser, wife of Charles Peter Krushelniski, otherwise known as Charles Peter Krush, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the seventeenth day of February, A.D. 1927, at the said city, she then being Annie Marion Lesnichuk, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Annie Marion Lesnichuk and Charles Peter Krushelniski, otherwise known as Charles Peter Krush, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Annie Marion Lesnichuk may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Peter Krushelniski, otherwise known as Charles Peter Krush had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[2].

An Act for the relief of Marjorie May Smart Birmingham.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45321

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[2].

An Act for the relief of Marjorie May Smart Birmingham.

Preamble.

WHEREAS Marjorie May Smart Birmingham, residing at the city of Toronto, in the province of Ontario, wife of Alan Birmingham, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the twentieth day of December, A.D. 1940, at the said city of Toronto, she then being Marjorie May Smart, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marjorie May Smart and Alan Birmingham, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marjorie May Smart may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Alan Birmingham had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[2].

An Act for the relief of Anna Sandberg Goldbloom, otherwise known as Anna Sandberg Gold.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45317

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[2].

An Act for the relief of Anna Sandberg Goldbloom, otherwise known as Anna Sandberg Gold.

Preamble.

WHEREAS Anna Sandberg Goldbloom, otherwise known as Anna Sandberg Gold, residing at the city of Montreal, in the province of Quebec, wife of Joel Goldbloom, otherwise known as George Gold, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirtieth day of June, A.D. 1921, at the said city, she then being Anna Sandberg, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Anna Sandberg and Joel Goldbloom, otherwise known as George Gold, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Anna Sandberg may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joel Goldbloom, otherwise known as George Gold had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T[2].

An Act for the relief of Olive Frances Harper Morrison.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45482

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T[2].

An Act for the relief of Olive Frances Harper Morrison.

Preamble.

WHEREAS Olive Frances Harper Morrison, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Richard Douglas Morrison, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-eighth day of, October, A.D. 1939, at the said city, she then being Olive Frances Harper, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Marriage dissolved.

1. The said marriage between Olive Frances Harper and Richard Douglas Morrison, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Olive Frances Harper may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Richard Douglas Morrison had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U2.

An Act for the relief of Delphis Brousseau.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45478

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U[2].

An Act for the relief of Delphis Brousseau.

Preamble.

WHEREAS Delphis Brousseau, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, fireman, has by his petition alleged that on the seventh day of August, A.D. 1937, at the said city, he and Therese Joannette, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Delphis Brousseau and Therese Joannette, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Delphis Brousseau may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Therese Joannette had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V2.

An Act for the relief of Gladys McCarrick Bonnemer.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45442

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V².

An Act for the relief of Gladys McCarrick Bonnemer.

Preamble.

WHEREAS Gladys McCarrick Bonnemer, residing at the city of Montreal, in the province of Quebec, wife of Gaston Alexander Bonnemer, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-seventh day of April, A.D. 1926, at the city of Verdun, in the said province, she then being Gladys McCarrick, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Gladys McCarrick and Gaston Alexander Bonnemer, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Gladys McCarrick may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Gaston Alexander Bonnemer had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W2.

An Act for the relief of Bernice Beverly Corry Cohen.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45466

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W[2].

An Act for the relief of Bernice Beverly Corry Cohen.

Preamble.

WHEREAS Bernice Beverly Corry Cohen, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Norman Abraham Cohen, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twentieth day of April, A.D. 1948, at the said city, she then being Bernice Beverly Corry, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Bernice Beverly Corry and Norman Abraham Cohen, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Bernice Beverly Corry may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Norman Abraham Cohen had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[2].

An Act for the relief of Bessie Zinman.

Read a first time, Tuesday, 18th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
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CONTROLLER OF STATIONERY
1949

45757

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[2].

And Act for the relief of Bessie Zinman.

Preamble.

WHEREAS Bessie Zinman, residing at the city of Montreal, in the province of Quebec, wife of Ben Zinman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighth day of August, A.D. 1942, at the said city, she then being Bessie Zinman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Bessie Zinman and Ben Zinman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Bessie Zinman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ben Zinman had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y2.

An Act for the relief of Marion Lillian Gargan Thomson.

Read a first time, Wednesday, 19th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47519

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y².

An Act for the relief of Marion Lillian Gargan Thomson.

Preamble.

WHEREAS Marion Lillian Gargan Thomson, residing at the city of Montreal, in the province of Quebec, stenographer, wife of George Andrew Thomson, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the seventeenth day of October, A.D. 1942, at the said city, she then being Marion Lillian Gargan, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marion Lillian Gargan and George Andrew Thomson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marion Lillian Gargan may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Andrew Thomson had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[2].

An Act for the relief of Mary Piekos Rynski.

Read a first time, Wednesday, 19th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45723

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z².

An Act for the relief of Mary Piekos Rynski.

Preamble.

WHEREAS Mary Piekos Rynski, residing at the city of Montreal, in the province of Quebec, wife of Stanley Rynski, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-seventh day of December, A.D. 1941, at the said city, she then being Mary Piekos, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Piekos and Stanley Rynski, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Piekos may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Stanley Rynski had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A[3].

An Act for the relief of Victor Chryssolor.

Read a first time, Wednesday, 19th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45470

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A[3].

An Act for the relief of Victor Chryssolor.

Preamble.

WHEREAS Victor Chryssolor, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, artist, has by his petition alleged that on the twelfth day of July, A.D. 1938, at the said city, he and Nelda Antonetti, who was then of the city of Verdun, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Victor Chryssolor and Nelda Antonetti, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever

Right to marry again.

2. The said Victor Chryssolor may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Nelda Antonetti had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[3].

An Act for the relief of Blanche Ruth Serokey Smith.

Read a first time, Wednesday, 19th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45438

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[3].

An Act for the relief of Blanche Ruth Serokey Smith.

Preamble.

WHEREAS Blanche Ruth Serokey Smith, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Oscar Smith, who is domiciled in Canada and residing at the city of Quebec, in the said province, has by her petition alleged that they were married on the twenty-third day of November, A.D. 1947, at the said city of Montreal, she then being Blanche Ruth Serokey, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Blanche Ruth Serokey and Oscar Smith, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Blanche Ruth Serokey may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Oscar Smith had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C3.

An Act for the relief of Raymonde Belanger Skaife.

Read a first time, Wednesday, 19th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45474

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C[3].

An Act for the relief of Raymonde Belanger Skaife.

Preamble.

WHEREAS Raymonde Belanger Skaife, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Alan Clarie Skaife, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirteenth day of July, A.D. 1946, at the said city, she then being Raymonde Belanger, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Raymonde Belanger and Alan Clarie Skaife, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Raymonde Belanger may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Alan Clarie Skaife had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[3].

An Act for the relief of Elizabeth Maud Gwendolen Tobi Hearns.

Read a first time, Wednesday, 19th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46326

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[3].

An Act for the relief of Elizabeth Maud Gwendolen Tobi Hearns.

Preamble.

WHEREAS Elizabeth Maud Gwendolen Tobi Hearns, residing at the city of 's-Gravenhage, in the kingdom of the Netherlands, wife of Jack Runchey Hearns, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the seventh day of September, A.D. 1946, at the said city of 's-Gravenhage, she then being Elizabeth Maud Gwendolen Tobi, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Elizabeth Maud Gwendolen Tobi and Jack Runchey Hearns, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Elizabeth Maud Gwendolen Tobi may at any time hereafter marry any man whom whe might lawfully marry if the said marriage with the said Jack Runchey Hearns had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E3.

An Act for the relief of Ruby Muriel Keith Gray.

Read a first time, Wednesday, 19th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45200

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E[3].

An Act for the relief of Ruby Muriel Keith Gray.

Preamble.

WHEREAS Ruby Muriel Keith Gray, residing at the city of Outremont, in the province of Quebec, waitress, wife of Charles Gray, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-fifth day of February, A.D. 1938, at the said city of Montreal, she then being Ruby Muriel Keith, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ruby Muriel Keith and Charles Gray, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ruby Muriel Keith may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Gray had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F[3].

An Act for the relief of Laurel Jeanne MacGregor Thomson.

Read a first time, Wednesday, 19th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47226

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F[3].

An Act for the relief of Laurel Jeanne MacGregor Thomson.

Preamble.

WHEREAS Laurel Jeanne MacGregor Thomson, residing at the city of Toronto, in the province of Ontario, typist, wife of Peter Rugge Thomson, who is domiciled in Canada and residing at the village of St. Hilaire Station, in the province of Quebec, has by her petition alleged that they were married on the eighth day of September, A.D. 1945, at the city of Sydney, in the state of New South Wales, Australia, she then being Laurel Jeanne MacGregor, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Laurel Jeanne MacGregor and Peter Rugge Thomson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Laurel Jeanne MacGregor may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Peter Rugge Thomson had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G[3].

An Act for the relief of Edith Sara Hamilton Warlund.

Read a first time, Wednesday, 19th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47234

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G[3].

An Act for the relief of Edith Sara Hamilton Warlund.

Preamble.

WHEREAS Edith Sara Hamilton Warlund, residing at the city of Montreal, in the province of Quebec, waitress, wife of John Gustav Warlund, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-seventh day of March, A.D. 1932, at the city of Hamilton, Bermuda, she then being Edith Sara Hamilton, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Edith Sara Hamilton and John Gustav Warlund, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Edith Sara Hamilton may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Gustav Warlund had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[3].

An Act for the relief of Donald Duncalf Birchenough.

Read a first time, Wednesday, 19th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46036

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[3].

An Act for the relief of Donald Duncalf Birchenough.

Preamble.

WHEREAS Donald Duncalf Birchenough, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, insurance agent, has by his petition alleged that on the twenty-ninth day of November, A.D. 1941, at the city of Outremont, in the said province, he and Pauline Atamanuick, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Donald Duncalf Birchenough and Pauline Atamanuick, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Donald Duncalf Birchenough may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Pauline Atamanuick had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[3].

An Act for the relief of Joan Gertrude Fox Corbett.

Read a first time, Wednesday, 19th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46350

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[3].

An Act for the relief of Joan Gertrude Fox Corbett.

Preamble.

WHEREAS Joan Gertrude Fox Corbett, residing at the city of Montreal, in the province of Quebec, clerk, wife of Lloyd George Corbett, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-second day of January, A.D. 1944, at the town of Slough, in the county of Buckingham, England, she then being Joan Gertrude Fox, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joan Gertrude Fox and Lloyd George Corbett, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joan Gertrude Fox may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Lloyd George Corbett had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[3].

An Act for the relief of Richard William Henry Wark.

Read a first time, Wednesday, 19th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46962

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[3].

An Act for the relief of Richard William Henry Wark.

Preamble.

WHEREAS Richard William Henry Wark, domiciled in Canada and residing at the city of Westmount, in the province of Quebec, engineer, has by his petition alleged that on the fourteenth day of July, A.D. 1945, at the said city, he and Nancy Clement Dingle, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Richard William Henry Wark and Nancy Clement Dingle, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Richard William Henry Wark may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Nancy Clement Dingle had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K[3].

An Act for the relief of Eileen Dorothy Richards Turner.

Read a first time, Wednesday, 19th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47349

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K[3].

An Act for the relief of Eileen Dorothy Richards Turner.

Preamble.

WHEREAS Eileen Dorothy Richards Turner, residing at the city of Verdun, in the province of Quebec, secretary, wife of Ralph Turner, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the tenth day of August, A.D. 1946, at the city of Westmount, in the said province, she then being Eileen Dorothy Richards, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eileen Dorothy Richards and Ralph Turner, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eileen Dorothy Richards may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ralph Turner had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[3].

An Act for the relief of Janey Beryl MacPhail Shuttleworth.

Read a first time, Wednesday, 19th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47230

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[3].

An Act for the relief of Janey Beryl MacPhail Shuttleworth.

Preamble.

WHEREAS Janey Beryl MacPhail Shuttleworth, residing at the city of Ottawa, in the province of Ontario, secretary, wife of William Duffy Shuttleworth, who is domiciled in Canada and residing at the city of St. Laurent, in the province of Quebec, has by her petition alleged that they were married on the twenty-first day of October, A.D. 1944, at the said city of Ottawa, she then being Janey Beryl MacPhail, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Janey Beryl MacPhail and William Duffy Shuttleworth, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Janey Beryl MacPhail may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Duffy Shuttleworth had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M[3].

An Act for the relief of Edith Cohen.

Read a first time, Thursday, 20th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47357

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M[3].

An Act for the relief of Edith Cohen.

Preamble.

WHEREAS Edith Cohen, residing at the city of Montreal, in the province of Quebec, wife of Milton Cohen, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the sixteenth day of January, A.D. 1938, at the said city, she then being Edith Cohen, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Edith Cohen and Milton Cohen, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Edith Cohen may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Milton Cohen had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N[3].

An Act for the relief of Ida Lindy Angel Katzman.

Read a first time, Thursday, 20th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
47659 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N[3].

An Act for the relief of Ida Lindy Angel Katzman.

Preamble.

WHEREAS Ida Lindy Angel Katzman, residing at the city of Montreal, in the province of Quebec, storekeeper, wife of Sasza (Garry) Katzman, who is domiciled in Canada and residing at L'Abord a Plouffe, in the said province, has by her petition alleged that they were married on the nineteenth day of September, A.D. 1948, at the said city of Montreal, she then being Ida Lindy Angel, a widow; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ida Lindy Angel and Sasza (Garry) Katzman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ida Lindy Angel may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Sasza (Garry) Katzman had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O[3].

An Act for the relief of Marian Latora Glendening Joncas.

Read a first time, Thursday, 20th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46589

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O[3].

An Act for the relief of Marian Latora Glendening Joncas.

Preamble.

WHEREAS Marian Latora Glendening Joncas, residing at the city of Montreal, in the province of Quebec, dressmaker, wife of Jules Antoine Joncas, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the sixteenth day of April, A.D. 1932, at the said city, she then being Marian Latora Glendening, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marian Latora Glendening and Jules Antoine Joncas, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marian Latora Glendening may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Jules Antoine Joncas had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P3.

An Act for the relief of Eva Nerenberg Anger.

Read a first time, Thursday, 20th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46020

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P[3].

An Act for the relief of Eva Nerenberg Anger.

Preamble.

WHEREAS Eva Nerenberg Anger, residing at the city of Montreal, in the province of Quebec, dressmaker, wife of Henry Anger, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the seventh day of March, A.D. 1942, at the said city, she then being Eva Nerenberg, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eva Nerenberg and Henry Anger, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eva Nerenberg may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Henry Anger had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[3].

An Act for the relief of Josephine Teweson Paul Bero.

Read a first time, Thursday, 20th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47663

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[3].

An Act for the relief of Josephine Teweson Paul Bero.

Preamble.

WHEREAS Josephine Teweson Paul Bero, residing at the city of Montreal, in the province of Quebec, wife of Abraham Kaienton Bero, who is domiciled in Canada and is at present residing at Hogansburg, in the state of New York, one of the United States of America, has by her petition alleged that they were married on the fifth day of November, A.D. 1928, at St. Regis, in the province of Ontario, she then being Josephine Teweson Paul, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Josephine Teweson Paul and Abraham Kaienton Bero, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Josephine Teweson Paul may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Abraham Kaienton Bero had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[3].

An Act for the relief of Phyllis Elizabeth Ross Erskine.

Read a first time, Thursday, 20th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45773

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[3].

An Act for the relief of Phyllis Elizabeth Ross Erskine.

Preamble.

WHEREAS Phyllis Elizabeth Ross Erskine, residing at the town of Dorval, in the province of Quebec, saleslady, wife of John Slade Erskine, who is domiciled in Canada and residing at the town of Montreal West, in the said province, has by her petition alleged that they were married on the twenty-seventh day of June, A.D. 1942, at the city of Westmount, in the said province, she then being Phyllis Elizabeth Ross, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Phyllis Elizabeth Ross and John Slade Erskine, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Phyllis Elizabeth Ross may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Slade Erskine had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[3].

An Act for the relief of Jeannette Mathilda Seymour Oswald.

Read a first time, Thursday, 20th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46812

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[3].

An Act for the relief of Jeannette Mathilda Seymour Oswald.

Preamble.

WHEREAS Jeannette Mathilda Seymour Oswald, residing at the city of Montreal, in the province of Quebec, waitress, wife of Victor Oswald, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-ninth day of November, A.D. 1940, at the said city, she then being Jeannette Mathilda Seymour, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jeannette Mathilda Seymour and Victor Oswald, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jeannette Mathilda Seymour may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Victor Oswald had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T3.

An Act for the relief of George Bennett Gagnon.

Read a first time, Thursday, 20th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46068

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T[3].

An Act for the relief of George Bennett Gagnon.

Preamble.

WHEREAS George Bennett Gagnon, domiciled in Canada and residing at the city of Westmount, in the province of Quebec, school principal, has by his petition alleged that on the twenty-second day of May, A.D. 1948, at the city of Montreal, in the said province, he and Florence Cater Hamilton, who was then of the city of Lachine, in the said province, a widow, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1 The said marriage between George Bennett Gagnon and Florence Cater Hamilton, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said George Bennett Gagnon may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Florence Cater Hamilton had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U3.

An Act for the relief of Bertha Rudolph Holzberg.

Read a first time, Thursday, 20th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47373

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U[3].

An Act for the relief of Bertha Rudolph Holzberg.

Preamble.

WHEREAS Bertha Rudolph Holzberg, residing at the city of Outremont, in the province of Quebec, wife of Samuel Holzberg, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-seventh day of June, A.D. 1923, at the said city of Montreal, she then being Bertha Rudolph, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Bertha Rudolph and Samuel Holzberg, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Bertha Rudolph may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Samuel Holzberg had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V3.

An Act for the relief of Lillian Elizabeth Moore Bowen.

Read a first time, Thursday, 20th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45777

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V3.

An Act for the relief of Lillian Elizabeth Moore Bowen.

Preamble.

WHEREAS Lillian Elizabeth Moore Bowen, residing at the city of Verdun, in the province of Quebec, waitress, wife of John James Richard Bowen, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-sixth day of March, A.D. 1925, at the said city of Montreal, she then being Lillian Elizabeth Moore, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lillian Elizabeth Moore and John James Richard Bowen, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lillian Elizabeth Moore may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John James Richard Bowen had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W3.

An Act for the relief of Laurence Bouchard Pappini.

Read a first time, Thursday, 20th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46816

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W3.

An Act for the relief of Laurence Bouchard Pappini.

Preamble.

WHEREAS Laurence Bouchard Pappini, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Edouard Pappini, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the nineteenth day of August, A.D. 1944, at the said city, she then being Laurence Bouchard, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Laurence Bouchard and Edouard Pappini, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Laurence Bouchard may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edouard Pappini had not been solennized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[3].

An Act for the relief of Nana Rosenberg Taube.

Read a first time, Thursday, 20th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47377

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[3].

An Act for the relief of Nana Rosenberg Taube.

Preamble.

WHEREAS Nana Rosenberg Taube, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Albert Bernard Taube, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifteenth day of June, A.D. 1924, at the city of Toronto, in the province of Ontario, she then being Nana Rosenberg, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Nana Rosenberg and Albert Bernard Taube, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Nana Rosenberg may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Albert Bernard Taube had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y[3].

An Act respecting The British and Foreign Bible Society in Canada and Newfoundland.

Read a first time, Thursday, 20th October, 1949.

Honourable Senator PATERSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46664

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y3.

An Act respecting The British and Foreign Bible Society in Canada and Newfoundland.

Preamble.

1906, c. 74; 1930, c. 78.

WHEREAS The British and Foreign Bible Society in Canada and Newfoundland has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name changed.

1. The name of "The British and Foreign Bible Society in Canada and Newfoundland", hereinafter called "the Society", is hereby changed to "The British and Foreign Bible Society in Canada", but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Society or any bequest, gift or donation now made or which hereafter may be made to the Society whether by its original or its new name, or any suit or proceeding now pending or judgment existing either by or in favour of or against the Society and which, notwithstanding such change in name of the Society, may be enforced and continued as if this Act had not been passed.

Existing rights not affected.

Explanatory Note.

The purpose of this amendment is to change the name of "The British and Foreign Bible Society in Canada and Newfoundland" to "The British and Foreign Bible Society in Canada".

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[3].

An Act to amend The Export and Import Permits Act.

Read a first time, Monday, 24th October, 1949.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

48044

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[3].

An Act to amend The Export and Import Permits Act.

1947, c. 17; 1947-48, c. 16.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section fourteen of *The Export and Import Permits Act*, chapter seventeen of the statutes of 1947, as enacted by section five of chapter sixteen of the statutes of 1947-48, is repealed and the following substituted therefor:

Expiration.

"**14.** This Act shall expire on the thirty-first day of March, nineteen hundred and fifty-two."

Explanatory Notes.

Section 14 of the present Act, as amended in 1948, provides as follows:

"**14.** This Act shall expire on the thirty-first day of March, nineteen hundred and fifty."

The purpose of the Bill is to extend the life of the Act as there will be need to continue export permit control in regard to many goods, including strategic materials and equipment, and import permit control in regard to goods that are subject to price support or inter-governmental allocation or arrangement.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A4.

An Act respecting the Application of a National Trade Mark to Commodities and respecting the True Description of Commodities.

Read a first time, Monday, 24th October, 1949.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

48048

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A[4].

An Act respecting the Application of a National Trade Mark to Commodities and respecting the True Description of Commodities.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title.

Short title.

1. This Act may be cited as *The National Trade Mark and True Labelling Act.*

Interpretation.

Definitions.

2. In this Act

"Minister".

(a) "Minister" means the Minister of Trade and Commerce;

"National Research Council".

(b) "National Research Council" means the Honorary Advisory Council for Scientific and Industrial Research;

"national trade mark".

(c) "national trade mark" means the national trade mark established by this Act; and

"prescribed".

(d) "prescribed" means prescribed pursuant to this Act.

Explanatory Notes.

1. This Act is intended to replace sections 16 to 19 of *The Dominion Trade and Industry Commission Act, 1935*, which is repealed by section 9 of this Act. The purposes of the replacement are:

(a) to provide that regulations regarding application of the national trade mark to commodities are to be made by the Governor in Council instead of by the Minister of Trade and Commerce to whom such regulatory powers of the Dominion Trade and Industry Commission were transferred by Order in Council P.C. 883 of March 13, 1947;

(b) to enable commodities entitled to bear the national trade mark to be designated, being commodities for which standards or specifications will have been established under this Act or other statutory authority;

(c) to confine to commodities bearing the national trade mark the present wide powers of the Governor in Council, under clauses *(a)* and *(b)* of present section 17A (1), to establish mandatory standards and specifications;

(d) to confine to persons who control the qualities of a commodity the right to apply the national trade mark to it, and to provide effective means of withdrawing the privilege of using the mark if the commodity does not conform to the prescribed standards or specifications;

(e) to enable the public to be given a clear understanding that application of the national trade mark to a commodity constitutes a representation that the commodity conforms to specifically cited statutes or regulations.

2. Definitions.

National Trade Mark.

National trade mark.

3. Notwithstanding any other statute or law, the words "Canada Standard" or the initials "C.S." shall be a national trade mark, and the exclusive property in and the right to the use of that trade mark is hereby declared to be vested in His Majesty in right of Canada, subject to the provisions of this Act.

Regulations respecting national trade mark.

4. (1) The Governor in Council may make regulations

(a) prescribing the classes and kinds of commodities to which the national trade mark may be applied and the persons who may apply it;

(b) prescribing the terms and conditions on which the national trade mark may be applied to commodities or packages or containers thereof;

(c) prescribing the form and manner in which the national trade mark shall be applied to commodities, packages or containers;

(d) prescribing the standards or specifications, including those established under any other Act of Parliament, to which any commodity shall conform if the national trade mark is applied thereto;

(e) prescribing the implied warranties that application of the national trade mark to any commodity shall represent;

(f) prescribing the circumstances in which the right of any person to apply the national trade mark to any commodity, package or container may be terminated or suspended; and

(g) prohibiting acts inconsistent with anything so prescribed.

Use of national trade mark.

(2) No person shall use the national trade mark except as authorized by the regulations.

True Description of Commodities.

Regulations respecting description of commodities.

5. (1) The Governor in Council may make regulations

(a) prescribing the form and manner in which any commodity designated by him or any package or container thereof, if marked or labelled or described in advertising for the purpose of indicating the material content or quality of such commodity or the size or contents by weight or measure of the package or container, shall be marked or labelled or described in advertising for such purpose;

(b) prohibiting acts inconsistent with anything so prescribed.

Regulations to be laid before Parliament.

(2) Every regulation made under section four or this section shall be laid before Parliament within thirty days after it is made, or if Parliament is then not sitting, within thirty days after the commencement of the next ensuing session thereof.

3. This clause re-enacts subsection (1) of section 18 of the present Act, without change except to substitute the word "Canada" for the words "Dominion of Canada".

4. This clause, confined as mentioned in the notes to clause 1 preceding, replaces subsection (1) of section 17A (other than paragraph *(c)* thereof), subsection (2) of section 18 and subsection (1) of section 19 of the present Act. They provide as follows:

"**17A.** (1) In any case where the Commission, after study and investigation pursuant to the powers contained in this Act, reports and advises in favour of the establishment of commodity standards for any commodity or in favour of the establishment of grades for any commodity or in favour of prescribing the words by which the material content of any commodity shall be represented, the Governor in Council may:—

(a) prescribe standards of quality for any commodity in accordance with the terms of a report made pursuant to the provisions of this Act and prescribe the manner in which such commodity shall be sold, offered for sale, or displayed for sale, and if such commodity is sold in packages or containers, the size, kind, and marking, branding or labelling of such packages or containers;

(b) establish grades for any commodity in accordance with the terms of a report made pursuant to this Act and prescribe the manner in which such commodity shall be sold, offered for sale, or displayed for sale, and if such commodity is sold in packages or containers, the size, kind, and marking, branding or labelling of such packages or containers;

(c) prescribe the words by which the material content of any commodity shall be represented by marking on such commodity or on any package in which such commodity is marketed.

"**18.** (2) Such national trade mark, as applied to any commodity pursuant to the provisions of this Act or any other Act of the Parliament of Canada, shall constitute a representation that such commodity conforms to the requirements of a specification of a commodity standard for such commodity or class of commodity established under the provisions of any Act of the Parliament of Canada.

"**19.** (1) Any producer or manufacturer or dealer or merchant in Canada may apply the national trade mark "Canada Standard" or initials "C.S.", to any commodity produced or manufactured or sold by him or to the covering thereof, in such manner as the Commission may by regulation prescribe, under and subject to the following conditions:

(a) Such commodity shall conform to the requirements of a specification of a commodity standard for such commodity or class of commodity established under the provisions of any Act of the Parliament of Canada;

(b) Where grade designations, whether numerical or alphabetical or special, have been established under the provisions of any Act of the Parliament of Canada for various qualities of such commodity, the appropriate grade designation for each quality of such commodity shall be conspicuously applied to the commodity, or on the covering thereof, in association with the words "Canada Standard" or initials "C.S." in such form as the Commission may by regulation prescribe: Provided that the Commission may by regulation prescribe a list of specific commodities to which, in its opinion, it is impossible to apply this paragraph, and this paragraph shall not apply to any commodity appearing in such list."

5. This clause replaces paragraph *(c)* of subsection (1) of section 17A of the present Act (see *ante*), with added provision in order to more effectually and adequately prevent public deception or imposition.

NATIONAL RESEARCH COUNCIL.

Additional duties of National Research Council.

6. In addition to its powers and duties under any other statute or law, the National Research Council shall, at the request of the Minister,

(a) study, investigate, report and advise upon all matters relating to commodity standards or specifications;

(b) prepare draft standards or specifications for any commodity or for any grade or type thereof and recommend methods of designating the same; and

(c) analyse and report upon any commodity as to its quality, properties and content, and as to whether and to what extent it conforms to the requirements of any prescribed standard or prescribed specification.

Reports on commodities forwarded.

7. (1) The National Research Council shall, in respect of any commodity forwarded to it by the Minister, report

(a) the ingredients of the commodity, in so far as such information may be necessary to the proper use of the commodity;

(b) any adulterants and harmful, injurious or deleterious substances the commodity may be found to contain;

(c) its quality and probable performance and efficiency; and

(d) whether it conforms to any prescribed standard or prescribed specification,

and if adequate information to answer the enquiry is not available, the National Research Council shall analyse or test the commodity.

Reports not to be used commercially.

(2) The report of the National Research Council upon any analysis or test made under this section shall not be used for advertising or commercial purposes in any way; and any person who contravenes the provisions of this section is guilty of an offence and is liable on summary conviction, for each such offence, to a fine not exceeding one hundred dollars.

Reports privileged.

(3) No action or other proceedings may be instituted against the National Research Council or any officer or employee of the Council in respect of any advice, information or report given or made in good faith under this Act or any other Act of the Parliament of Canada.

6. This clause, as amended, re-enacts section 16 of the present Act which provides as follows:

"**16.** In addition to its powers and duties under any other statute or law, the National Research Council shall, on the request of the Commission, from time to time,

(a) study, investigate, report and advise upon all matters relating to commodity standards;

(b) prepare draft specifications of commodity standards for any commodity or grade, and recommend methods of designating such grade;

(c) analyse and report upon any commodity as to its quality, properties and content, and as to whether and to what extent it conforms to the requirements of any recognized or generally accepted standard."

7. Subclause (1) of this clause, as amended, re-enacts subsection (1) of section 17 of the present Act which provides as follows:

"**17.** (1) The National Research Council shall, in respect of any commodity forwarded to it by the Commission or the Director of Public Prosecutions, report

(a) the ingredients of such commodity, in so far as such information may be necessary to the proper use of the commodity;

(b) any adulterants and harmful, injurious or deleterious substance the commodity may be found to contain;

(c) its quality and probable performance and efficiency; and

(d) whether it conforms to any recognized or generally accepted standard and specification;

and if adequate information to answer the inquiry is not already available, the National Research Council shall analyse or test the commodity."

Subclauses (2) and (3) re-enact, without change, subsections (2) and (3) of section 17 of the present Act.

Offences and Penalties.

Offences and penalties.

8. Every person who

(a) applies the national trade mark to any commodity, package or container without authority so to do under the regulations;

(b) applies the national trade mark to any commodity, or to any package or container of a commodity, that does not conform to all of the prescribed requirements;

(c) sells, offers for sale, displays for sale or advertises a commodity to which he has applied the national trade mark and that does not conform to prescribed standards or prescribed specifications;

(d) sells, offers for sale, displays for sale or advertises a commodity to which the national trade mark is applied and that he knows or has reason to believe does not conform to prescribed standards or prescribed specifications;

(e) falsely advertises or otherwise falsely represents any commodity as having the national trade mark lawfully applied thereto;

(f) sells, offers for sale, displays for sale or advertises a commodity that is not marked or labelled in accordance with the regulations;

(g) applies to any commodity, package or container any mark that is similar to the national trade mark; or

(h) otherwise contravenes or fails to observe any regulation;

is guilty of an offence and is liable on summary conviction or conviction upon indictment to a fine, if a corporation, not exceeding five thousand dollars, or, if an individual, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Repeal.

Repeal. 1935, c. 59.

9. *The Dominion Trade and Industry Commission Act, 1935*, is repealed.

8. This clause replaces subsection (2) of section 19 and subsections (3), (4) and (5) of section 17A of the present Act, bringing the penalty provisions into accord with the changed character and purposes of the Act. The present provisions are as follows:

"**19.** (2) Every person who applies the national trade mark "Canada Standard" or initials "C.S.", to any commodity in violation of the conditions hereinbefore provided shall be guilty of an offence and liable upon indictment, or upon summary conviction, to a penalty, for each and every such offence, not exceeding five thousand dollars in the case of a corporation, and not exceeding one thousand dollars in the case of an individual and in addition in the case of an individual to imprisonment for any term not exceeding six months.

"**17**A. (3) In case an Order in Council has been made under the provisions of this section with respect to any commodity, no person shall sell or offer for sale or display for sale such commodity except in accordance with the provisions of such Order in Council.

(4) Any person who sells or offers for sale or displays for sale any commodity contrary to the provisions of this section, or of any Order in Council made under the provisions hereof, shall be guilty of an offence and liable upon indictment, or upon summary conviction to a penalty for each and every such offence not exceeding five thousand dollars in the case of a corporation and not exceeding one thousand dollars in the case of an individual, and in addition in the case of an individual to imprisonment for any term not exceeding six months.

(5) This section shall not apply to any commodity which under any other Act of the Parliament of Canada or under any Order in Council or regulation made thereunder is subject to regulation as to standard of quality or as to grading or marking."

9. Provisions of the present Act not dealt with in this Bill are inoperative or unnecessary.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[4].

An Act for the relief of Cecile de Mers Asheim.

Read a first time, Tuesday, 25th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45004

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[4].

An Act for the relief of Cecile de Mers Asheim.

Preamble.

WHEREAS Cecile de Mers Asheim, residing at the city of Montreal, in the province of Quebec, secretary, wife of Herleif Asheim, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the seventeenth day of February, A.D. 1945, at the city of Westmount, in the said province, she then being Cecile de Mers, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Cecile de Mers and Herleif Asheim, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Cecile de Mers may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Herleif Asheim had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C[4].

An Act for the relief of Elsie Margaret Harding Lewin.

Read a first time, Tuesday, 25th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47210

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C4.

An Act for the relief of Elsie Margaret Harding Lewin.

Preamble.

WHEREAS Elsie Margaret Harding Lewin, residing at Ville La Salle, in the province of Quebec, wife of Hans-Ulrich Lewin, who is domiciled in Canada and residing at the town of Dorval, in the said province, has by her petition alleged that they were married on the twenty-ninth day of January, A.D. 1944, at the city of Lachine, in the said province, she then being Elsie Margaret Harding, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Elsie Margaret Harding and Hans-Ulrich Lewin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Elsie Margaret Harding may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Hans-Ulrich Lewin had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[4].

An Act for the relief of Raymond Webster Elliott.

Read a first time, Tuesday, 25th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45719

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[4].

An Act for the relief of Raymond Webster Elliott.

Preamble.

WHEREAS Raymond Webster Elliott, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, mechanic, has by his petition alleged that on the second day of October, A.D. 1937, at New Richmond, in the said province, he and Georgina Bessie Alexandra Dickie, who was then of Pointe-a-la-Garde, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Raymond Webster Elliott and Georgina Bessie Alexandra Dickie, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again

2. The said Raymond Webster Elliott may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Georgina Bessie Alexandra Dickie had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E[4].

An Act for the relief of Hazel Wilma Drysdale Warnecke.

Read a first time, Tuesday, 25th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45012

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E[4].

An Act for the relief of Hazel Wilma Drysdale Warnecke.

Preamble.

WHEREAS Hazel Wilma Drysdale Warnecke, residing at the city of Westmount, in the province of Quebec, merchant, wife of Harold Oliver Warnecke, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-third day of May, A.D. 1917, at the said city of Montreal, she then being Hazel Wilma Drysdale, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Hazel Wilma Drysdale and Harold Oliver Warnecke, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Hazel Wilma Drysdale may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Harold Oliver Warnecke had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F[4].

An Act for the relief of Ruby Rabinovitch Friedgut, otherwise known as Ruby Rabinovitch Freygood.

Read a first time, Tuesday, 25th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47365

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F[4].

An Act for the relief of Ruby Rabinovitch Friedgut, otherwise known as Ruby Rabinovitch Freygood.

Preamble.

WHEREAS Ruby Rabinovitch Friedgut, otherwise known as Ruby Rabinovitch Freygood, residing at the city of Montreal, in the province of Quebec, wife of Peter Friedgut, otherwise known as Peter Freygood, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-ninth day of July, A.D. 1937, at the said city, she then being Ruby Rabinovitch, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ruby Rabinovitch and Peter Friedgut, otherwise known as Peter Freygood, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ruby Rabinovitch may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Peter Friedgut, otherwise known as Peter Freygood had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G[4].

An Act for the relief of Mildred Carmen Mitchell James.

Read a first time, Tuesday, 25th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46072

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G4.

An Act for the relief of Mildred Carmen Mitchell James.

Preamble.

WHEREAS Mildred Carmen Mitchell James, residing at the city of Montreal, in the province of Quebec, wife of Eric Stephen James, who is domiciled in Canada and residing at the city of Verdun, in the said province, has by her petition alleged that they were married on the twentieth day of June, A.D. 1941, at the said city of Montreal, she then being Mildred Carmen Mitchell, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mildred Carmen Mitchell and Eric Stephen James, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mildred Carmen Mitchell may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Eric Stephen James had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[4].

An Act for the relief of Bessie Birenbaum Abrams.

Read a first time, Tuesday, 25th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
47102 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[4].

An Act for the relief of Bessie Birenbaum Abrams.

Preamble.

WHEREAS Bessie Birenbaum Abrams, residing at the city of Montreal, in the province of Quebec, operator, wife of Joe Abrams, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the nineteenth day of September, A.D. 1948, at the said city, she then being Bessie Birenbaum, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Bessie Birenbaum and Joe Abrams, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Bessie Birenbaum may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joe Abrams had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[4].

An Act for the relief of Grace Elsie Mills Johnson.

Read a first time, Tuesday, 25th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46593

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[4].

An Act for the relief of Grace Elsie Mills Johnson.

Preamble.

WHEREAS Grace Elsie Mills Johnson, residing at the village of St. Timothee, in the province of Quebec, accountant, wife of John Edward Johnson, who is domiciled in Canada and residing at the village of Nitro, in the said province, has by her petition alleged that they were married on the twenty-third day of August, A.D. 1941, at Epsom, in the county of Surrey, England, she then being Grace Elsie Mills, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Grace Elsie Mills and John Edward Johnson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Grace Elsie Mills may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Edward Johnson had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J4.

An Act for the relief of Robert Ewen Stewart.

Read a first time, Tuesday, 25th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47523

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[4].

An Act for the relief of Robert Ewen Stewart.

Preamble.

WHEREAS Robert Ewen Stewart, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, bank clerk, has by his petition alleged that on the fourteenth day of February, A.D. 1946, at the city of Niagara Falls, in the state of New York, one of the United States of America, he and Magdalena Willem, who was then of the city of Buffalo, in the said state, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be disso ved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Robert Ewen Stewart and Magdalena Willem, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Robert Ewen Stewart may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Magdalena Willem had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K[4].

An Act for the relief of Mary Cecilia Helliwell Glassco.

Read a first time, Tuesday, 25th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47385

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K[4].

An Act for the relief of Mary Cecilia Helliwell Glassco.

Preamble.

WHEREAS Mary Cecilia Helliwell Glassco, residing at the city of Westmount, in the province of Quebec, wife of Edward David Glassco, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifteenth day of September, A.D. 1928, at the town of Pointe Claire, in the said province, she then being Mary Cecilia Helliwell, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Cecilia Helliwell and Edward David Glassco, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Cecilia Helliwell may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edward David Glassco had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[4].

An Act for the relief of Betty Malca Stillman Shugar.

Read a first time, Tuesday, 25th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47675

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L4.

An Act for the relief of Betty Malca Stillman Shugar.

Preamble.

WHEREAS Betty Malca Stillman Shugar, residing at the city of Montreal, in the province of Quebec, book-keeper, wife of Oscar Robert Shugar, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighth day of September, A.D. 1946, at the said city, she then being Betty Malca Stillman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Betty Malca Stillman and Oscar Robert Shugar, her husband is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Betty Malca Stillman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Oscar Robert Shugar had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M4.

An Act for the relief of Tessie Charow Hersh.

Read a first time, Tuesday, 25th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47369

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M4.

An Act for the relief of Tessie Charow Hersh.

Preamble

WHEREAS Tessie Charow Hersh, residing at the city of Montreal, in the province of Quebec, book-keeper, wife of Yehuda Hersh, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-ninth day of December, A.D. 1940, at the said city, she then being Tessie Charow, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Tessie Charow and Yehuda Hersh, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Tessie Charow may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Yehuda Hersh had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N4.

An Act for the relief of Cicely Manley Sampson.

Read a first time, Wednesday, 26th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
47683 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N[4].

An Act for the relief of Cicely Manley Sampson.

Preamble.

WHEREAS Cicely Manley Sampson, residing at the city of Montreal, in the province of Quebec, wife of Robert Gerard Sampson, who is domiciled in Canada and residing at the city of Outremont, in the said province, has by her petition alleged that they were married on the twelfth day of February, A.D. 1938, at the town of Newport, in the state of Vermont, one of the United States of America, she then being Cicely Manley, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Cicely Manley and Robert Gerard Sampson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Cicely Manley may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Robert Gerard Sampson had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O[4].

An Act for the relief of Paul Paquette.

Read a first time, Wednesday, 26th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47078

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O[4].

An Act for the relief of Paul Paquette.

Preamble.

WHEREAS Paul Paquette, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, inspector, has by his petition alleged that on the second day of December, A.D. 1933, at the said city, he and Winifred Watkinson, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Paul Paquette and Winifred Watkinson, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Paul Paquette may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Winifred Watkinson had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P4.

An Act for the relief of Joseph Simon Adelard Barrette.

Read a first time, Wednesday, 26th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47206

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P4.

An Act for the relief of Joseph Simon Adelard Barrette.

Preamble.

WHEREAS Joseph Simon Adelard Barrette, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, carpenter, has by his petition alleged that on the eighth day of September, A.D. 1931, at the city of Quebec, in the said province, he and Yvonne Juliana Marthe Gagne, who was then of the said city of Quebec, a widow, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Simon Adelard Barrette and Yvonne Juliana Marthe Gagne, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Simon Adelard Barrette may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Yvonne Juliana Marthe Gagne had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[4].

An Act for the relief of Edith Daisy Steer Catto.

Read a first time, Wednesday, 26th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45761

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[4].

An Act for the relief of Edith Daisy Steer Catto.

Preamble.

WHEREAS Edith Daisy Steer Catto, residing at the town of Ste. Anne de Bellevue, in the province of Quebec, secretary, wife of Gerald Noel John Catto, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the third day of May, A.D. 1928, at the city of Lachine, in the said province, she then being Edith Daisy Steer, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Edith Daisy Steer and Gerald Noel John Catto, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Edith Daisy Steer may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Gerald Noel John Catto had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R4.

An Act for the relief of Gwen Pollock Harris.

Read a first time, Wednesday, 26th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47679

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[4].

An Act for the relief of Gwen Pollock Harris.

Preamble.

WHEREAS Gwen Pollock Harris, residing at the city of Montreal, in the province of Quebec, wife of John Angus James Harris, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-sixth day of April, A.D. 1941, at the said city, she then being Gwen Pollock, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Gwen Pollock and John Angus James Harris, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again

2. The said Gwen Pollock may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Angus James Harris had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[4].

An Act for the relief of Sonia Eagle Davies.

Read a first time, Wednesday, 26th October, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45414

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[4].

An Act for the relief of Sonia Eagle Davies.

Preamble.

WHEREAS Sonia Eagle Davies, residing at the city of Vancouver, in the province of British Columbia, wife of Charles Frederick Davies, who is domiciled in Canada and residing at the city of Westmount, in the province of Quebec, has by her petition alleged that they were married on the nineteenth day of June, A.D. 1915, at the city of London, England, she then being Sonia Eagle, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Sonia Eagle and Charles Frederick Davies, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Sonia Eagle may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Frederick Davies had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T[4].

An Act for the relief of Evelyne Louis Steinwold.

Read a first time, Wednesday, 26th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45743

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T[4].

An Act for the relief of Evelyne Louis Steinwold.

Preamble.

WHEREAS Evelyne Louis Steinwold, residing at the city of Montreal, in the province of Quebec, wife of Alvin Jack Steinwold, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighth day of March, A.D. 1942, at the said city, she then being Evelyne Louis, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Evelyne Louis and Alvin Jack Steinwold, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again

2. The said Evelyne Louis may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Alvin Jack Steinwold had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U4.

An Act for the relief of John Gilbert Speak.

Read a first time, Wednesday, 26th October, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45180

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U[4].

An Act for the relief of John Gilbert Speak.

Preamble.

WHEREAS John Gilbert Speak, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, mechanic, has by his petition alleged that on the twenty-first day of December, A.D. 1940, at the said city, he and Marie Jeannine Carmella Doray, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between John Gilbert Speak and Marie Jeannine Carmella Doray, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Gilbert Speak may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Jeannine Carmella Doray had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V[4].

An Act to amend the Pension Fund Societies Act.

Read a first time, Monday, 31st October, 1949.

Honourable Senator Robertson.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

48040

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V4.

An Act to amend the Pension Fund Societies Act.

R.S., c. 155.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The *Pension Fund Societies Act*, chapter one hundred and fifty-five of the Revised Statutes of Canada, 1927, is amended by adding thereto, immediately after section sixteen thereof, the following section:

Subsidiary corporations.

"**17.** (1) A pension fund society established under this Act may at the request of the parent corporation evidenced by a resolution of its directors admit to membership in the society upon such terms and conditions as the society may determine any officers or employees of a subsidiary corporation of the parent corporation and may

(a) provide for the support and payment of pensions to such officers and employees incapacitated by age or infirmity, and

(b) upon the death of such officers or employees, pay annuities or gratuities to their widows and minor children or other surviving relatives in such manner as by the by-laws of the society may be specified.

Application.

(2) All the provisions of this Act applicable to officers and employees of the parent corporation who are members of the society apply *mutatis mutandis* to officers and employees admitted to membership pursuant to this section.

Power to contribute and vote.

(3) A subsidiary corporation any of the officers or employees of which have been admitted to membership in a pension fund society under this section may and is hereby authorized to contribute annually or otherwise to the funds of the society, by a vote of either its directors or its shareholders, and as such contributory shall have such right to vote at general meetings of the society, on such occasions, subject to such restrictions and on such conditions as are determined by the by-laws of the society.

Explanatory Note.

The Pension Fund Societies Act provides facilities whereby officers and employees "of any Corporation legally transacting business in Canada, under any Act of the Parliament of Canada" may join a Pension Fund Society established in accordance with the Act and enjoy the prescribed benefits therefrom. It has been found that many Canadian Corporations operate or control subsidiary Corporations, officers and employees of which are precluded from participating in the benefits of Pension Fund Societies established by the parent Corporations.

The purpose of the Bill is to afford facility for the establishment of Pension Fund Societies open to officers and employees of such subsidiary Corporations.

"subsidiary corporation".

(4) In this Act, "subsidiary corporation" means a corporation legally transacting business in Canada, under any Act of the Parliament of Canada, the majority of the shares of which that have under all circumstances full voting rights is owned or controlled directly or indirectly by or for the parent corporation."

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W4.

An Act for the relief of Chesna Laing Shapiro.

Read a first time, Wednesday, 2nd November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47543

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W4.

An Act for the relief of Chesna Laing Shapiro.

Preamble.

WHEREAS Chesna Laing Shapiro, residing at the city of Montreal, in the province of Quebec, wife of Lawrence Ralph Shapiro, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourteenth day of July, A.D. 1940, at the said city, she then being Chesna Laing, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved

1. The said marriage between Chesna Laing and Lawrence Ralph Shapiro, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Chesna Laing may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Lawrence Ralph Shapiro had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[4].

An Act for the relief of Edith Turcotte.

Read a first time, Wednesday, 2nd November, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46970

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[4].

An Act for the relief of Edith Turcotte.

Preamble.

WHEREAS Edith Turcotte, residing at the town of Noranda, in the province of Quebec, housekeeper, wife of Charles Edward Turcotte, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-fourth day of November, A.D. 1928, at the said city, she then being Edith Cave, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Edith Cave and Charles Edward Turcotte, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Edith Cave may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Edward Turcotte had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y4.

An Act for the relief of Irene Brodwin Miller.

Read a first time, Wednesday, 2nd November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
IMPRIMEUR DE SA TRÈS EXCELLENTE MAJESTÉ LE ROI
CONTRÔLEUR DE LA PAPETERIE
1949

46573

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y[4].

An Act for the relief of Irene Brodwin Miller.

Preamble.

WHEREAS Irene Brodwin Miller, residing at the city of Outremont, in the province of Quebec, clerk, wife of David Miller, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the second day of October, A.D. 1938, at the said city of Montreal, she then being Irene Brodwin, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Irene Brodwin and David Miller, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Irene Brodwin may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said David Miller had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[4].

An Act for the relief of Jean Ruth Montgomery Loiselle.

Read a first time, Wednesday, 2nd November, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

48394

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[4].

An Act for the relief of Jean Ruth Montgomery Loiselle.

Preamble.

WHEREAS Jean Ruth Montgomery Loiselle, residing at the town of Hampstead, in the province of Quebec, wife of John Chester Loiselle, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-ninth day of June, A.D. 1940, at the said city, she then being Jean Ruth Montgomery, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jean Ruth Montgomery and John Chester Loiselle, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again

2. The said Jean Ruth Montgomery may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Chester Loiselle had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A5.

An Act for the relief of Joseph Charles Michel Emery.

Read a first time, Wednesday, 2nd November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

48382

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A5.

An Act for the relief of Joseph Charles Michel Emery.

Preamble.

WHEREAS Joseph Charles Michel Emery, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, mechanic, has by his petition alleged that on the sixteenth day of March, A.D. 1929, at the city of Ottawa, in the province of Ontario, he and Annie May Farrell, otherwise known as Mary Ann Farrell, who was then of the said city of Ottawa, a spinster, were married; that on the thirteenth day of May, A.D. 1934, at the city of Hull, in the said province of Quebec, they were married again; and whereas by his petition he has prayed that, because of her adultery since then, their marriages be dissolved; and whereas the said marriages and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriages dissolved.

1. The said marriages between Joseph Charles Michel Emery and Annie May Farrell, otherwise known as Mary Ann Farrell, his wife, are, respectively, hereby dissolved, and shall henceforth be null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Charles Michel Emery may at any time hereafter marry any woman whom he might lawfully marry if the said marriages with the said Annie May Farrell, otherwise known as Mary Ann Farrell, had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B5.

An Act for the relief of Lyla Almina Wharry Johnston.

Read a first time, Wednesday, 2nd November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

48614

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[5].

An Act for the relief of Lyla Almina Wharry Johnston.

Preamble.

WHEREAS Lyla Almina Wharry Johnston, residing at the city of Montreal, in the province of Quebec, clerk, wife of William Malcolm Johnston, who is domiciled in Canada and residing at the city of Verdun, in the said province, has by her petition alleged that they were married on the twenty-ninth day of March, A.D. 1919, at the said city of Montreal, she then being Lyla Almina Wharry, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lyla Almina Wharry and William Malcolm Johnston, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lyla Almina Wharry may at any time hereafter marry any man whom she might lawfully marry if the said marrige with the said William Malcolm Johnston had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C5.

An Act for the relief of Marjorie Helen Glass Nixon.

Read a first time, Wednesday, 2nd November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46804

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C5.

An Act for the relief of Marjorie Helen Glass Nixon.

Preamble.

WHEREAS Marjorie Helen Glass Nixon, residing at the city of Montreal, in the province of Quebec, wife of George Pheasant Nixon, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourth day of July, A.D. 1942, at the said city, she then being Marjorie Helen Glass, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marjorie Helen Glass and George Pheasant Nixon, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marjorie Helen Glass may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Pheasant Nixon had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D5.

An Act for the relief of Olga Hetmanchuk Dorval.

Read a first time, Wednesday, 2nd November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45204

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[5].

An Act for the relief of Olga Hetmanchuk Dorval.

Preamble.

WHEREAS Olga Hetmanchuk Dorval, residing at the city of Montreal, in the province of Quebec, factory worker, wife of Joseph Adjutor Dorval, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifteenth day of June, A.D. 1946, at the said city, she then being Olga Hetmanchuk, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Olga Hetmachuk and Joseph Adjutor Dorval, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Olga Hetmanchuk may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Adjutor Dorval had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E5.

An Act for the relief of Grace Melina Cotton Crawford.

Read a first time, Wednesday, 2nd November, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46346

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E[5].

An Act for the relief of Grace Melina Cotton Crawford.

Preamble.

WHEREAS Grace Melina Cotton Crawford, residing at the city of Toronto, in the province of Ontario, operator, wife of Robert Crawford, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the twenty-sixth day of December, A.D. 1935, at the city of Verdun, in the said province of Quebec, she then being Grace Melina Cotton, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Grace Melina Cotton and Robert Crawford, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Grace Melina Cotton may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Robert Crawford had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F5.

An Act for the relief of Thomas Gillespie Shields.

Read a first time, Wednesday, 2nd November, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47687

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F5.

An Act for the relief of Thomas Gillespie Shields.

Preamble.

WHEREAS Thomas Gillespie Shields, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, engineer, has by his petition alleged that on the thirteenth day of July, A.D. 1934, at the city of Glasgow, Scotland, he and Sadie May Florence Wilson, who was then of the said city of Glasgow, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Thomas Gillespie Shields and Sadie May Florence Wilson, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Thomas Gillespie Shields may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Sadie May Florence Wilson had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G5.

An Act for the relief of Czerna Berger Borodow.

Read a first time, Wednesday, 2nd November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46032

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G5.

An Act for the relief of Czerna Berger Borodow.

Preamble.

WHEREAS Czerna Berger Borodow, residing at the city of Montreal, in the province of Quebec, factory worker, wife of Boris Borodow, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighth day of June, A.D. 1948, at the said city, she then being Czerna Berger, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Czerna Berger and Boris Borodow, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Czerna Berger may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Boris Borodow had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[5].

An Act for the relief of Freda Tippett Hart.

Read a first time, Wednesday, 2nd November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46768

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[5].

An Act for the relief of Freda Tippett Hart.

Preamble.

WHEREAS Freda Tippett Hart, residing at the city of Verdun, in the province of Quebec, clerk, wife of Joseph Hart, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-second day of January, A.D. 1927, at the said city of Montreal, she then being Freda Tippett, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Freda Tippett and Joseph Hart, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Freda Tippett may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Hart had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[5].

An Act for the relief of Rebecca Rosa Jacobs Bershadsky.

Read a first time, Wednesday, 2nd November, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47974

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[5].

An Act for the relief of Rebecca Rosa Jacobs Bershadsky.

Preamble.

WHEREAS Rebecca Rosa Jacobs Bershadsky, residing at the city of Montreal, in the province of Quebec, operator, wife of Joseph Bershadsky, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifteenth day of August, A.D. 1948, at the said city, she then being Rebecca Rosa Jacobs, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Rebecca Rosa Jacobs and Joseph Bershadsky, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Rebecca Rosa Jacobs may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Bershadsky had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[5].

An Act respecting National Defence.

Read a first time, Wednesday, 2nd November, 1949.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
45641—A 1949

NATIONAL DEFENCE ACT

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Explanatory Notes.

The purpose of this Bill is to embody in one statute all legislation respecting the Department of National Defence, the organization, administration and discipline of the armed forces, the organization and functions of the Defence Research Board and all other matters directly concerning defence.

The Department, including the Defence Research Board, is now established under the *Department of National Defence Act*.

The navy is now governed entirely by a Canadian statute, *The Naval Service Act, 1944*, and United Kingdom statutes no longer apply.

Organization and administration of the army are now governed by a Canadian statute, the *Militia Act*, which is still in much the same terms as when first enacted in 1868. Discipline, however, is carried out in the main under the *Army Act* of the United Kingdom, for many years made applicable in part to the Canadian Militia by reference.

Organization and administration of the air force are prescribed in a Canadian statute, *The Royal Canadian Air Force Act*, but, as in the case of the army, discipline is carried out in the main under the *Air Force Act* of the United Kingdom, made applicable in part by reference.

The *Army Act* and the *Air Force Act* of the United Kingdom are, in matters of discipline, trial and punishment, practically identical. The disciplinary provisions of *The Naval Service Act, 1944*, differ substantially from those of the army and air force legislation.

A new disciplinary code for the Canadian Forces is contained in the Bill and application by reference of United Kindgom statutes will no longer be necessary. This code applies generally to personnel of the navy, army and air force, so that if enacted it would prescribe the same offences and punishments for officers and men of all three Services for the first time.

The Bill is more than a consolidation and revision of existing legislation. It contains many new clauses deemed necessary to meet present and future requirements in respect of the defence of Canada. Certain archaic provisions of existing legislation have been discarded. Many other provisions have been adapted, modified or extended in principle to suit present day conditions.

The Bill falls into three main divisions:

(a) Parts I, II and III relating generally to organization for defence,

(b) Parts IV to IX which constitute a complete Code of Service Discipline and are so defined, and

(c) Parts X, XI and XII which contain clauses of general application relating to defence.

Part XIII contains a special provision relating to deserters in the Second World War and clauses respecting the amendment and repeal of certain existing legislation and the bringing into force of the Act.

The purpose and general content of each of the thirteen Parts of the Bill are indicated at the commencement of each Part. Opposite each clause is shown the existing legislation upon which the clause is based. Where, in respect of a clause, the word "see" appears in the Explanatory Notes, this is intended to indicate that such clause relates to the subject of the legislation mentioned in said Notes, but may depart both in form and in substance therefrom. On the other hand, where, in such Notes, reference has been made to existing legislation without the word "see," this is intended to mean that the clause in the Bill conforms substantially with existing legislation. Owing to the large number of sections of existing legislation which have some bearing upon each clause of the Bill, it is impracticable to reprint them here.

Clauses which have no counterpart in existing service legislation are indicated as being "new" clauses. In most cases, however, clauses designated as "new" represent either codification of well-established service legal principles or adaptation of principles embodied in the Criminal Code and other statutes.

Existing legislation is listed hereunder and to the right of each item there is shown the abbreviation by which it will be indicated throughout the Explanatory Notes.

Statute	Abbreviation
Department of National Defence Act, Revised Statutes of Canada, 1927, Chap 136, as amended.	DND Act
Militia Act, Revised Statutes of Canada, 1927, Chap 132, as amended.	Militia Act
The Naval Service Act, 1944, Statutes of Canada, 8 Geo VI, Chap 23, as amended.	Naval Service Act

Statute	Abbreviation
The Royal Canadian Air Force Act, Statutes of Canada, 4 Geo VI, Chap 15, as amended.	RCAF Act
Criminal Code, Revised Statutes of Canada, 1927, Chap 36, as amended.	Criminal Code
Army Act, Statutes of the United Kingdom, 44-45 Vict, Chap 58, as amended.	Army Act (UK)
Air Force Act, Statutes of the United Kingdom, 7 and 8 Geo V, Chap 51, as amended.	Air Force Act (UK)

45641—1

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[5].

An Act respecting National Defence.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as the *National Defence Act.*

INTERPRETATION.

Definitions.

2. In this Act and in regulations made hereunder, unless the context otherwise requires,

"aircraft".

(a) "aircraft" means flying machines and guided missiles that derive their lift in flight chiefly from aerodynamic forces and flying devices that are supported chiefly by their buoyancy in air, and includes any aeroplane, balloon, kite balloon, airship, glider or kite;

"aircraft material".

(b) "aircraft material" means engines, fittings, armament, ammunition, bombs, missiles, gear, instruments and apparatus, used or intended for use in connection with aircraft or the operation thereof, and components and accessories of aircraft and substances used to provide motive power or lubrication for or in connection with aircraft or the operation thereof;

"civil court".

(c) "civil court" means a court of ordinary criminal jurisdiction and includes a court of summary jurisdiction;

"civil custody".

(d) "civil custody" means the holding under arrest or in confinement of a person by the police or other competent civil authority, and includes confinement in a penitentiary or a civil prison;

"civil prison".

(e) "civil prison" means any prison, gaol or other place in Canada in which offenders sentenced by a civil court in Canada to imprisonment for less than two years can be confined, and, if sentenced out of Canada, any prison, gaol or other place in which a person,

Cross-References to Existing Legislation

1. New

2.

(a) See Army Act (UK), Sec 190(42)
Air Force Act (UK), Sec 190(42)

(b) Army Act (UK), Sec 190(43)
Air Force Act (UK), Sec 190(43)

(c) Army Act (UK), Sec 190(31)
Air Force Act (UK), Sec 190(31)

(d) See Army Act (UK), Sec 68(2) *(c)*

(e) See Army Act (UK), Sec 68(2) *(f)*

sentenced to that term of imprisonment by a civil court having jurisdiction in the place where the sentence was passed, can for the time being be confined;

'Code of Service Discipline'.

(f) "Code of Service Discipline" means the provisions of Parts IV, V, VI, VII, VIII and IX;

"court martial".

(g) "court martial" includes a General Court Martial, a Disciplinary Court Martial and a Standing Court Martial;

"defence establishment".

(h) "defence establishment" means any area or structure under the control of the Minister, and the equipment and other things situate in or on any such area or structure;

"Department".

(i) "Department" means the Department of National Defence;

"Deputy Minister".

(j) "Deputy Minister" means the Deputy Minister of National Defence;

"detention barrack".

(k) "detention barrack" means a place designated as such under subsection two of section one hundred and seventy-eight;

"emergency".

(l) "emergency" means war, invasion, riot or insurrection, real or apprehended;

"enemy".

(m) "enemy" includes armed mutineers, armed rebels, armed rioters and pirates;

"enrol".

(n) "enrol" means to cause any person to become a member of a component of a Service of the Canadian Forces;

"equipment".

(o) "equipment" means all movable public property or materiel, other than money, provided for the Canadian Forces or the Defence Research Board or for any other purpose under this Act, and includes any vessel, vehicle, aircraft, animal, missile, arms, ammunition, clothing, stores or provisions so provided;

"His Majesty's Canadian Ship".

(p) "His Majesty's Canadian Ship" means any vessel of the Royal Canadian Navy commissioned as a vessel of war;

"His Majesty's Forces".

(q) "His Majesty's Forces" means the naval, army and air forces of His Majesty wheresoever raised, and includes the Canadian Forces;

"man".

(r) "man" means any person, other than an officer, who is enrolled in, or who pursuant to law is attached or seconded otherwise than as an officer to, the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force;

"military".

(s) "military" shall be construed as relating to all or any of the Services of the Canadian Forces;

"Minister".

(t) "Minister" means the Minister of National Defence;

"mutiny".

(u) "mutiny" means collective insubordination or a combination of two or more persons in the resistance of lawful naval, army or air force authority in any of

(f) New

(g) New

(h) New
See Naval Service Act, Sec 2*(i)*

(i) DND Act, Sec 2*(a)*
Naval Service Act, Sec 2*(c)*

(j) DND Act, Sec 2*(b)*

(k) See Army Act (UK), Sec 68(2) *(e)*

(l) Militia Act, Sec 2*(c)*
RCAF Act, Sec 2*(c)*
See Naval Service Act, Sec 2*(e)*

(m) Army Act (UK), Sec 190(20)
Air Force Act (UK), Sec 190(20)

(n) New

(o) New

(p) New

(q) New
See Army Act (UK), Sec 190(7A)

(r) See Militia Act, Sec 2*(e)*
Naval Service Act, Sec 2*(g)*
RCAF Act, Sec 2*(b)*
Army Act (UK), Sec 190(6)
Air Force Act (UK), Sec 190(6)

(s) New

(t) See DND Act, Sec 2*(c)*

(u) New

His Majesty's Forces or in any forces co-operating therewith;

"non-public property".

(v) "non-public property" means,

(i) all money and property, other than issues of equipment, received for or administered by or through messes, institutes or canteens of the Canadian Forces;

(ii) all money and property contributed to or by officers, men, units or other elements of the Canadian Forces for the collective benefit and welfare of such officers, men, units or other elements;

(iii) by-products and refuse and the proceeds of the sale thereof to the extent prescribed under subsection five of section thirty-nine; and

(iv) all money and property derived from, purchased out of the proceeds of the sale of, or received in exchange for money and property described in sub-paragraphs (i), (ii) and (iii);

"officer".

(w) "officer" means,

(i) a person who holds His Majesty's commission in the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force;

(ii) a subordinate officer in the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force; or

(iii) any person who pursuant to law is attached or seconded as an officer to the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force;

"penitentiary".

(x) "penitentiary" means a penitentiary established under the *Penitentiary Act, 1939*, and includes, in respect of any punishment of imprisonment for two years or more imposed out of Canada pursuant to the Code of Service Discipline, any prison or place in which a person sentenced to imprisonment for two years or more by a civil court having jurisdiction in the place where the sentence is imposed, can for the time being be confined; and if in any such place out of Canada there is no prison or place for the confinement of persons sentenced to imprisonment for two years or more, then in that case "penitentiary" means a civil prison;

"personal equipment".

(y) "personal equipment" means all equipment issued to an officer or man for his personal wear or other personal use;

"possession".

(z) "possession" by any person, for the purpose of the Code of Service Discipline and Part XII, includes,

(i) having in his own personal possession;

(ii) knowingly having in the actual possession or custody of any other person; or

CROSS-REFERENCES TO EXISTING LEGISLATION

(v) New

(w) See Naval Service Act, Sec 2*(l)*
RCAF Act, Sec 2*(e)*
Army Act (UK), Sec 190(4)
Air Force Act (UK), Sec 190(4)

(x) New

(y) New

(z) Criminal Code, Sec 5(1)

(iii) knowingly having in any place, whether belonging to or occupied by himself or not, for the use or benefit of himself or any other person;

"public property". *(aa)* "public property" means any property of His Majesty in right of Canada;

"regulations". *(bb)* "regulations" means regulations made under this Act;

"release". *(cc)* "release" means the termination of the service of an officer or man in any manner whatsoever;

"service convict". *(dd)* "service convict" means a person who is under a sentence that includes a punishment of imprisonment for two years or more imposed upon him pursuant to the Code of Service Discipline;

"service custody". *(ee)* "service custody" means the holding under arrest or in confinement of a person by the Canadian Forces, and includes confinement in a service prison or detention barrack;

"service detainee". *(ff)* "service detainee" means a person who is under a sentence that includes a punishment of detention imposed upon him pursuant to the Code of Service Discipline;

"service offence". *(gg)* "service offence" means an offence under this Act, the *Criminal Code*, or any other Act of the Parliament of Canada, committed by a person while subject to the Code of Service Discipline;

"service prison". *(hh)* "service prison" means a place designated as such under subsection two of section one hundred and seventy-eight;

"service prisoner". *(ii)* "service prisoner" means a person who is under a sentence that includes a punishment of imprisonment for less than two years imposed upon him pursuant to the Code of Service Discipline;

"service tribunal". *(jj)* "service tribunal" means a court martial or a person presiding at a summary trial;

"summary trial". *(kk)* "summary trial" means a trial conducted by or under the authority of a commanding officer pursuant to section one hundred and thirty-five or section one hundred and thirty-six and a trial by a superior commander pursuant to section one hundred and thirty-seven;

"superior officer". *(ll)* "superior officer" means any officer or man who, in relation to any other officer or man, is by this Act, or by regulations or by custom of the service, authorized to give a lawful command to that other officer or man;

"unit". *(mm)* "unit" means an individual body of the Canadian Forces that is organized as such pursuant to section eighteen, with the personnel and equipment thereof.

CROSS-REFERENCES TO EXISTING LEGISLATION

(aa) New

(bb) See Militia Act, Sec. 2*(j)*
RCAF Act, Sec (2)*(i)*

(cc) New

(dd) New

(ee) See Army Act (UK), Sec 45(2)
Air Force Act (UK), Sec 45(2)

(ff) New

(gg) New

(hh) New

(ii) New

(jj) New

(kk) New

(ll) See Army Act (UK), Sec 190(7)
Air Force Act (UK), Sec 190(7)

(mm) See Militia Act, Sec 2*(k)*
RCAF Act, Sec 2*(j)*

PART I.

DEPARTMENT OF NATIONAL DEFENCE.

PROVISION FOR DEPARTMENT.

Formation of department.

3. There shall be a department of the Government of Canada which shall be called the Department of National Defence, over which the Minister of National Defence for the time being appointed by the Governor General by commission under the Great Seal shall preside.

MINISTER.

Duties.

4. The Minister shall have the control and management of the Canadian Forces, the Defence Research Board and of all matters relating to national defence including preparation for civil defence against enemy action, and shall be responsible for the construction and maintenance of all defence establishments and works for the defence of Canada.

Exercise of powers.

5. The Governor in Council, upon the recommendation of the Minister, may from time to time designate any other person in addition to the Minister to exercise any power or perform any duty or function that is vested in or that may be exercised or performed by the Minister under this Act.

Additional or Associate Ministers.

6. (1) The Governor General may, during an emergency, by commission under the Great Seal appoint

(a) not more than three additional Ministers of National Defence, each of whom shall exercise and perform such of the powers, duties and functions of the Minister as may be prescribed by the Governor in Council; or

(b) not more than three Associate Ministers of National Defence, each of whom shall exercise and perform such of the powers, duties and functions of the Minister as may be assigned to him by the Governor in Council or the Minister.

Term of office.

(2) Each additional or Associate Minister appointed under this section may be continued in office for not more than six months after the termination of the emergency during which he is appointed.

DEPUTY MINISTER.

Appointment.

7. (1) There shall be a Deputy Minister of National Defence who shall be appointed by the Governor in Council.

PART I

Part I provides for the organization of the Department of National Defence. The general functions of the Minister are prescribed and provision is made for the appointment of additional or Associate Ministers in an emergency. The appointment of a Deputy Minister, Associate Deputy Ministers, civilian staff and a Judge Advocate General is authorized. The Governor in Council and the Minister are empowered to make regulations in respect of the Canadian Forces and other subjects related to the defence of Canada. These powers are conferred in clause 13.

Cross-References to Existing Legislation

3. DND Act, Sec 3

4. See DND Act, Sec 4.
Militia Act, Sec 6
Naval Service Act, Sec 5

5. New

6. See DND Act, Sec 4A

7. DND Act, Sec 5(1), (2) and (3)

Associate Deputy Ministers.

(2) The Governor in Council may appoint not more than three persons to be Associate Deputy Ministers of National Defence.

Duties of Associate Deputy Ministers.

(3) Each Associate Deputy Minister of National Defence shall have the rank and status of a deputy head of a department and as such deputy head shall, under the direction of the Minister and of the Deputy Minister, perform such duties and exercise such authority as deputy of the Minister and otherwise, as may be assigned to him by the Minister.

CIVILIAN EMPLOYEES.

Appointment.

8. Such officers, clerks and employees as are necessary for carrying on the business of the Department may be appointed in the manner authorized by law.

JUDGE ADVOCATE GENERAL.

Appointment.

9. The Governor in Council may appoint a barrister or advocate of not less than ten years standing to be the Judge Advocate General of the Canadian Forces.

PROPERTY.

Disposition of property.

10. (1) Any lands, buildings or equipment held by His Majesty, that are under the control of the Department for any purpose under this Act, may be leased by the Minister for a period not exceeding one year or may be leased, sold or otherwise disposed of by direction of the Governor in Council.

Municipal interest.

(2) Where any portion of the cost of any land, building or equipment sold under subsection one has been defrayed by the municipality in which it is situated, a fair proportion of the proceeds of sale, to be determined by the Governor in Council, may be returned to the municipality or expended therein for other purposes of the Department of a permanent nature.

EQUIPMENT.

Delivery of equipment for sale.

11. (1) The Governor in Council may authorize the Minister to deliver to any department or agency of the Government of Canada any equipment that has not been declared surplus and that is not immediately required for the use of the Canadian Forces or the Defence Research Board or for any other purpose under this Act, for sale to such countries on such terms as the Governor in Council may determine.

8. DND Act, Sec 5(4)

9. New

10. See Militia Act, Sec 56

11. New

Application of proceeds.

(2) The proceeds of a sale of equipment delivered under subsection one shall be paid into a special account in the Consolidated Revenue Fund and, subject to the approval of the Governor in Council, shall be used for the procurement of equipment; and payments out of the special account shall be made by the Minister of Finance on the requisition of the Minister.

Annual statement.

(3) The Minister shall within three months after the termination of each fiscal year prepare a statement of the moneys received and disbursed under this section during that year, indicating the balance, if any, remaining at the end of that year in the special account mentioned in subsection two.

Tabling in Parliament.

(4) The Minister shall forthwith lay the statement mentioned in subsection three before Parliament or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof.

INVENTIONS.

Certain inventions vested in the Crown.

12. (1) All discoveries, inventions or improvements in processes, apparatus, machines or composition of matter made

(a) by an officer or man acting within the scope of his duties or employment;

(b) by an officer, servant, clerk or employee of the Department or of the Defence Research Board acting within the scope of his duties or employment; or

(c) as a result of or in the course of research conducted by any person under a grant in aid furnished with the approval of the Minister in connection with that research,

and all rights with respect thereto are vested in His Majesty.

Exception.

(2) Notwithstanding subsection one, the Minister, on behalf of His Majesty, may authorize agreements to be made with any person mentioned in paragraph *(c)* of that subsection whereby that person shall have and enjoy, exclusively or with limitations, any rights accruing to or that may accrue to or be vested in His Majesty in respect of the matters mentioned in that subsection.

Abandonment of Crown's rights.

(3) The Minister may, in any particular case, abandon any or all of the rights of His Majesty under subsections one and two upon such terms and conditions as the Minister may determine.

Bonuses.

(4) Subject to regulations made by the Governor in Council and notwithstanding the *Civil Service Act*, the Minister may authorize payment of such bonuses or gratuities as in his opinion may be warranted to any person mentioned in subsection one who has made a discovery, invention or improvement that by virtue of this section is vested in His Majesty.

Cross-References to Existing Legislation

12. New

REGULATIONS.

By Governor in Council.

13. (1) The Governor in Council may make regulations, not inconsistent with this Act, for the organization, training, discipline, efficiency, administration and good government of the Canadian Forces and generally for carrying the purposes and provisions of this Act into effect.

By Minister.

(2) Subject to subsection three, the Minister may make regulations, not inconsistent with this Act or regulations made by the Governor in Council, for the organization, training, discipline, efficiency, administration and good government of the Canadian Forces and generally for carrying the purposes and provisions of this Act into effect.

Limitation.

(3) Where in any other section of this Act there is express reference to regulations made or prescribed by the Governor in Council in respect of any matter, the Minister shall not have power to make regulations pertaining to that matter.

Publication where public affected.

14. (1) Every regulation applicable to persons not subject to the Code of Service Discipline shall be published in the *Canada Gazette* and shall take effect on the date of such publication, unless some later date is fixed by the regulation, in which case it shall take effect on the date so fixed.

Tabling in Parliament.

(2) Every regulation that, under subsection one, is required to be published in the *Canada Gazette* shall be laid before Parliament within ten days after publication thereof in the *Canada Gazette*, if Parliament is then in session or, if Parliament is not then in session, within ten days after the commencement of the next ensuing session thereof.

Publication in other cases.

(3) Regulations to which subsections one and two do not apply shall be published in such manner as the Minister may direct.

CROSS-REFERENCES TO EXISTING LEGISLATION

13. See DND Act, Sec 6
Militia Act, Sec 139
Naval Service Act, Sec 38
RCAF Act, Sec 16(1)

14. See Militia Act, Secs 140, 141
Naval Service Act, Secs 39, 40
RCAF Act, Sec 16(2)

Part II.

THE CANADIAN FORCES.

Constitution.

Services.

15. The Canadian Forces are the naval, army and air forces of His Majesty raised by Canada and consist of three Services, namely, the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force.

Regular forces.

16. (1) There shall be a component of each Service of the Canadian Forces consisting of officers and men who are enrolled for continuing, full-time military service; and those components are referred to in this Act as the regular forces.

Composition.

(2) The maximum numbers of officers and men in the regular forces shall be as from time to time authorized by the Governor in Council, and the regular forces shall include such units and other elements as are embodied therein.

Reserve forces.

(3) There shall be components of each Service of the Canadian Forces consisting of officers and men who are enrolled for other than continuing, full-time military service when not on active service; and those components are referred to in this Act as the reserve forces.

Composition.

(4) The maximum numbers of officers and men in the reserve forces shall be as from time to time authorized by the Governor in Council, and the reserve forces shall include such units and other elements as are embodied therein.

Active service forces.

(5) In an emergency, the Governor in Council may establish and, while the emergency exists, authorize the maintenance of a component of each Service of the Canadian Forces, referred to in this Act as the active service forces, consisting of

(a) officers and men of the regular forces and the reserve forces who are on active service and who are placed in the active service forces under conditions prescribed in regulations; and

(b) officers and men, not of the regular forces or the reserve forces, who are enrolled on active service in the active service forces for continuing, full-time military service.

Composition.

(6) The maximum numbers of officers and men in the active service forces shall be as from time to time authorized by the Governor in Council, and the active service forces shall include such units and other elements as are embodied therein.

Part II.

Part II constitutes the naval, army and air forces of Canada as the 'Canadian Forces', and provides for their organization and administration. The provisions of the Militia Act, The Naval Service Act, 1944, and The Royal Canadian Air Force Act have been adapted for that purpose. There are in addition several new clauses which are self-explanatory.

Cross-References to Existing Legislation

15. New

16. New
See Militia Act, Sec 22(1)

Continuation of existing constitution.

17. (1) Subject to this Act, the Naval Service, including the Naval Forces, and the Canadian Army and the Royal Canadian Air Force shall continue as constituted immediately prior to the coming into force of this Part.

Redesignation of Naval Service.

(2) On and after the coming into force of this Part, the Naval Service, including the Naval Forces, shall be designated as the Royal Canadian Navy.

UNITS AND OTHER ELEMENTS.

Organization.

18. (1) The Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force shall consist of such units and other elements as are from time to time organized by or under the authority of the Minister.

Component.

(2) A unit or other element organized under subsection one shall from time to time be embodied in such component of the Service of which it forms a part as the Minister may direct.

CHIEFS OF STAFF.

Chief of the Naval Staff.

19. (1) The Governor in Council may appoint an officer to be Chief of the Naval Staff who shall hold such rank as the Governor in Council may prescribe and who shall, subject to the regulations and under the direction of the Minister, be charged with the control and administration of the Royal Canadian Navy.

Chief of the General Staff.

(2) The Governor in Council may appoint an officer to be Chief of the General Staff who shall hold such rank as the Governor in Council may prescribe and who shall, subject to the regulations and under the direction of the Minister, be charged with the control and administration of the Canadian Army.

Chief of the Air Staff.

(3) The Governor in Council may appoint an officer to be Chief of the Air Staff who shall hold such rank as the Governor in Council may prescribe and who shall, subject to the regulations and under the direction of the Minister, be charged with the control and administration of the Royal Canadian Air Force.

Responsibility and channels of communication.

(4) The Chief of the Naval Staff, the Chief of the General Staff and the Chief of the Air Staff shall, unless the Governor in Council otherwise directs, be responsible for the issue of all the orders and instructions to the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force respectively that are required to give effect to the decisions and to carry out the directions of the Government of Canada or the Minister.

CROSS-REFERENCES TO EXISTING LEGISLATION

17. New

18. See Militia Act, Sec 20(2)

19. (1), (2) and (3)
See Naval Service Act, Sec 7
Militia Act, Sec 30

19. (4) New

Powers of Command.

Authority of officers and men.

20. The authority and powers of command of officers and men shall be as prescribed in regulations.

Enrolment.

Commissioned officers.

21. (1) Commissions of officers in the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force shall be granted by His Majesty during pleasure.

Subordinate officers and men.

(2) Persons shall be enrolled as subordinate officers and men for such term of service as may be prescribed in regulations made by the Governor in Council.

Authorized ranks.

22. The respective ranks that may be held by officers and men of the Canadian Forces shall be as from time to time prescribed in regulations made by the Governor in Council.

Numbers in ranks and trade groups.

23. The maximum number of persons in each rank and trade group of the Canadian Forces shall be determined as prescribed in regulations made by the Governor in Council.

Obligation to serve.

24. The enrolment of a person in a Service of the Canadian Forces binds that person to serve in that Service until he is, in accordance with regulations, lawfully released.

Oaths on enrolment.

25. Oaths and declarations required upon enrolment shall be taken and subscribed before commissioned officers or justices of the peace and shall be in such forms as may be prescribed in regulations.

Consent to transfer.

26. Subject to subsection three of section thirty-two, no officer or man shall without his consent be transferred from the regular forces to the reserve forces or from the reserve forces to the regular forces or from the Service of the Canadian Forces in which he has been enrolled to another Service of the Canadian Forces.

Effect of receipt of pay if not enrolled.

27. (1) Where, although not enrolled or re-engaged for service, a person has received pay as an officer or man, he is, until he claims his release and is released, deemed to be an officer or man, as the case may be, of the Service and component of the Canadian Forces through which he

CROSS-REFERENCES TO EXISTING LEGISLATION

20. See Naval Service Act, Sec 10
Militia Act, Sec 40

21. See Militia Act, Secs 33, 15(1)
Naval Service Act, Secs 9(1), 11
RCAF Act, Sec 7(1)

22. See Naval Service Act, Sec 10

23. Militia Act, Sec 20(1)

24. See Militia Act, Sec 21(2)

25. See Militia Act, Sec 21(1)
Naval Service Act, Sec 9(2) and (3)

26. New

27. Army Act (UK), Sec 100

received pay and to be subject to this Act as if he were such an officer or man duly enrolled or re-engaged for service.

Effect of receipt of pay if irregularly enrolled.

(2) Where, although there has been an error or irregularity in his enrolment or re-engagement, a person has received pay as an officer or man of that Service and component of the Canadian Forces in which he was erroneously or irregularly enrolled or re-engaged, that person is deemed to be an officer or man, as the case may be, regularly enrolled or re-engaged, and is not, except as provided in subsection three, entitled to be released on the ground of the error or irregularity.

Provision for release.

(3) Where a person who, by virtue of subsection two, is deemed to be an officer or a man, claims to be released within three months, reckoned from the date on which his pay commenced, and establishes the error or irregularity in his enrolment or re-engagement, he shall, except during an emergency, be released.

Method of release.

(4) Where a person claims his release on the ground that he has not been enrolled or re-engaged or has not been regularly enrolled or re-engaged, his commanding officer shall forthwith forward his claim to the authority having power to release him and, if he is entitled to be released, he shall be released with all convenient speed.

ATTACHMENT AND SECONDMENT.

Within the Canadian Forces.

28. (1) An officer or man may be attached or seconded to another component of the Service of the Canadian Forces in which he is enrolled or to any component of any Service of the Canadian Forces, other than that in which he is enrolled, in such manner and under such conditions as are prescribed in regulations; and shall have like powers of command and punishment over officers and men of the component and Service of the Canadian Forces to which he is attached or seconded as if he were an officer or man of that component and Service of equivalent rank, relative to the rank he holds.

28. See Army Act (UK), Sec 179A(1)
Air Force Act (UK), Sec 179A(1)
The Visiting Forces (British Commonwealth) Act, Statutes of Canada, 23-24 Geo V, Chap 21, Sec 6(3)
Naval Service Act, Sec 42

Out of the Canadian Forces.

(2) An officer or man may be attached or seconded to any of His Majesty's Forces, any department or agency of government, any public or private institution, private industry or any other body in such manner and under such conditions as are prescribed in any other Act or in regulations.

Provision regarding reserve forces.

(3) No officer or man of the reserve forces who is not serving on active service shall without his consent be attached or seconded pursuant to this section.

PROMOTION.

Authority.

29. Subject to section twenty-three and to regulations, officers and men may be promoted by the Minister and such authorities of the Canadian Forces as are prescribed in regulations made by the Governor in Council.

REDRESS OF GRIEVANCES.

Procedure.

30. Except in respect of a matter that would properly be the subject of an appeal or petition under Part IX, an officer or man who considers that he has suffered any personal oppression, injustice or other ill-treatment or that he has any other cause for grievance, may as a matter of right seek redress from such superior authorities in such manner and under such conditions as shall be prescribed in regulations made by the Governor in Council.

RELEASE.

Entitlement.

31. (1) Except during an emergency, an officer or man is entitled to be released at the expiration of the term of service for which he is enrolled or re-engaged.

Effect of illegal absence.

(2) Except as may be prescribed in regulations made by the Governor in Council, any period during which an officer or man is in a state of desertion or is absent without leave shall not be reckoned toward the completion of the term of service for which that officer or man was enrolled or re-engaged.

Exception in emergency.

(3) Where the term of service for which an officer or man is enrolled or re-engaged expires during an emergency or within one year after the expiration of an emergency, he is liable to serve until the expiration of one year after the emergency has ceased to exist.

ACTIVE SERVICE.

Placing forces on active service.

32. (1) The Governor in Council may place the Canadian Forces or any Service, component, unit or other element thereof or any officer or man thereof on active service anywhere in Canada, and also beyond Canada, for the defence thereof at any time when it appears desirable so to do by reason of an emergency.

29. New

30. See Army Act (UK), Secs 42, 43
Air Forces Act (UK), Secs 42, 43

31. See Militia Act, Secs 15(2) and (3), 18
Naval Service Act, Sec 13
RCAF Act, Sec 7(2) and (3)

32. Militia Act, Sec 64
See Naval Service Act, Sec 17
RCAF Act, Sec 8
See also Militia Act, Sec 2*(g)*
Naval Service Act, Sec 2*(a)*
RCAF Act, Sec 2*(f)*

Effect on status of officers and men.

(2) An officer or man of His Majesty's Forces who is a member of, serving with, or attached or seconded to a Service, component or unit of the Canadian Forces that has been placed on active service, or who has been placed on active service, or who pursuant to law has been attached or seconded to a portion of a force that has been placed on active service, shall be deemed to be on active service for all purposes.

Transfer on active service.

(3) An officer or man on active service may for the period of such service, be transferred from the component of the Service of the Canadian Forces in which he has been enrolled to the same component of another Service of the Canadian Forces or from the reserve forces to the regular forces.

Proclamation for meeting of Parliament.

33. Whenever the Governor in Council places the Canadian Forces or any Service, component or unit thereof on active service, if Parliament is then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within fifteen days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

SERVICE.

Liability of regular forces.

34. (1) The regular forces, all units and other elements thereof and all officers and men thereof are at all times liable to perform any lawful duty.

Liability of reserve forces.

(2) The reserve forces, all units and other elements thereof and all officers and men thereof

(a) may be ordered to drill or train for such periods as are prescribed in regulations made by the Governor in Council; and

(b) may be called out on service to perform any naval, army or air force duty other than drill or training at such times and in such manner as by regulations or otherwise are prescribed by the Governor in Council.

Exception in case of certain reserves.

(3) Nothing in subsection two shall be deemed to impose liability to serve as prescribed therein, without his consent, upon an officer or man of the reserve forces who is, by virtue of the terms of his enrolment, liable to perform duty on active service only.

Special liability of regular forces in national disaster.

35. (1) Where the Governor in Council has declared that a disaster exists or is imminent that is, or is likely to be, so serious as to be of national concern, the regular forces or any unit or other element thereof or any officer or man thereof shall be liable to perform such services in respect of the disaster, existing or imminent, as the Minister may authorize, and the performance of such services shall be deemed to be naval, army or air force duty, as the case may be.

33. Militia Act. Sec 66
Naval Service Act, Sec 19

34. See Militia Act, Secs 63, 22(2), 47, 51
RCAF Act, Sec 8
See also Militia Act, Sec 2*(h)*
Naval Service Act, Sec 2*(m)*
RCAF Act, Sec 2*(g)*

35. New

Special liability of reserve forces in national disaster.

(2) Where the Governor in Council declares that a disaster as mentioned in subsection one exists or is imminent and that the services of the reserve forces are required for the purpose of rendering assistance in respect of the disaster, existing or imminent, the Governor in Council may authorize the reserve forces or any unit or other element thereof or any officer or man thereof to be called out on service for that purpose and all officers and men while so called out shall be deemed to be performing naval, army or air force duty, as the case may be.

Exception in case of certain reserves.

(3) Nothing in subsection two shall be deemed to impose liability to serve as prescribed therein, without his consent, upon an officer or man of the reserve forces who is, by virtue of the terms of his enrolment, liable to perform duty on active service only.

PAY AND ALLOWANCES.

Rates and conditions.

36. (1) The pay and allowances of officers and men shall be at such rates and issued under such conditions as are prescribed in regulations made by the Governor in Council.

Forfeitures and deductions.

(2) The pay and allowances of officers and men shall be subject to such forfeitures and deductions as are prescribed in regulations made by the Governor in Council.

Assignments.

(3) Unless made in accordance with regulations prescribed by the Governor in Council, an assignment of pay and allowances is void.

SUPPLY AND ISSUE OF EQUIPMENT.

Authority.

37. The equipment supplied to or used by the Canadian Forces shall be of such type, pattern and design and shall be issued on such scales and in such manner as the Minister, or such authorities of the Canadian Forces as are designated by him for that purpose, may approve.

PUBLIC PROPERTY.

Liability for loss or damage.

38. The conditions under which and the extent to which an officer or man shall be liable to His Majesty in respect of loss or damage to public property shall be as prescribed in regulations.

NON-PUBLIC PROPERTY.

Non-public property of units.

39. (1) The non-public property of a unit or other element of the Canadian Forces shall vest in the officer from time to time in command of that unit or other element, and shall be used for the benefit of officers and men or for any other purpose approved by the chief of staff of the Service of the Canadian Forces in which that unit or other element is comprised, in the manner and to the extent authorized by that chief of staff.

36. See Militia Act, Secs 48, 49
Naval Service Act, Sec 6
RCAF Act, Sec 16(1) *(b)*

37. See Militia Act, Sec 42
Naval Service Act, Sec 14
RCAF Act, Sec 16(1) *(c)*

38. New

39. New

Non-public property of disbanded units.

(2) The non-public property of every disbanded unit or other disbanded element of the Canadian Forces, vested in the officer in command of that unit or other element, shall pass to and vest in the chief of staff of the Service of the Canadian Forces in which that unit or other element was comprised, and may be disposed of at his discretion and direction for the benefit of all or any officers and men or former officers and men, or their dependents, of the Service of the Canadian Forces in which that unit or other element was comprised.

Non-public property of units in altered circumstances.

(3) Where, by reason of a substantial reduction in the number of officers and men serving in a unit or other element of the Canadian Forces or by reason of a change in the location or other conditions of service of a unit or other element, the chief of staff of the Service of the Canadian Forces in which the unit or other element is comprised considers it desirable so to do, he may direct that the non-public property or any part thereof that is vested in the officer in command of that unit or other element shall pass to and be vested in the chief of staff upon the terms set out in subsection two.

Other non-public property.

(4) Non-public property acquired by contribution but not contributed to any specific unit or other element of the Canadian Forces shall vest in the chief of staff of the Service of the Canadian Forces to which that non-public property is contributed and, subject to any specific directions by the contributor as to its disposal, may be disposed of at his discretion and direction for the benefit of all or any officers and men or former officers and men, or their dependents, of that Service of the Canadian Forces.

By-products and refuse.

(5) By-products and refuse derived from rations and other consumable stores issued to the Canadian Forces for use in service kitchens, and the proceeds of the sale thereof, shall, to the extent that the Governor in Council may prescribe, be non-public property.

Alienation of non-public property.

(6) Except as authorized by the appropriate chief of staff, no gift, sale or other alienation or attempted alienation of non-public property is effectual to pass the property therein.

Liability for loss or damage.

(7) The conditions under which and the extent to which an officer or man shall be liable to make restitution or reimbursement in respect of loss or damage to non-public property resulting from his negligence or misconduct shall be as prescribed by the Minister.

Exercise of authority.

(8) A chief of staff shall exercise his authority under subsections one, two and four subject to any directions that may be given to him by the Minister for carrying the purposes and provisions of this section into effect.

Audit.

(9) Non-public property accounts shall be audited as the Minister may from time to time direct.

Special provision.

(10) The *Consolidated Revenue and Audit Act* shall not apply to non-public property.

Service Estates.

Collection, administration and distribution.

40. (1) The service estates of officers and men who die during their service in the Canadian Forces may be collected, administered and distributed in whole or in part as prescribed in regulations made by the Governor in Council.

Definition.

(2) For the purposes of this section, "service estate" means the following parts of the estate of a deceased officer or man mentioned in subsection one,

(a) service pay and allowances;

(b) all other emoluments emanating from His Majesty that, at the date of death, are due or otherwise payable;

(c) personal equipment that the deceased person is, under regulations, permitted to retain; and

(d) personal belongings, including cash, found on the deceased person or in camp, quarters or otherwise in the care or custody of the Canadian Forces.

Presumption of Death.

Authority to issue certificate.

41. Where an officer or man disappears under circumstances that, in the opinion of the Minister or such other authorities as he may designate, raise beyond reasonable doubt a presumption that he is dead, the Minister or any such other authority may issue a certificate declaring that such officer or man is deemed to be dead and stating the date upon which his death is presumed to have occurred, and such officer or man shall thenceforth, for the purposes of this Act and the regulations and in relation to his status and service in the Canadian Forces, be deemed to have died on that date.

Personal Effects of Absentees.

Disposal.

42. The personal belongings and decorations of an officer or man, who is absent without leave, that are found in camp, quarters or otherwise in the care or custody of the Canadian Forces shall vest in His Majesty and shall be disposed of in accordance with regulations made by the Governor in Council.

Boards of Inquiry.

Convening.

43. The Minister, and such other authorities as he may prescribe or appoint for that purpose, may, where it is expedient that he or any such other authority should be informed on any matter connected with the government,

CROSS-REFERENCES TO EXISTING LEGISLATION

40. See DND Act, Sec 7

41. New

42. See Naval Service Act, Sec 71

43. See Militia Act, Sec 93(1)

discipline, administration or functions of the Canadian Forces or affecting any officer or man, convene a board of inquiry for the purpose of investigating and reporting on that matter.

CADET ORGANIZATIONS.

Formation.

44. (1) The Minister may authorize the formation of cadet organizations under the joint or several control and supervision of the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force, to consist of boys not less than twelve years of age and who have not attained the age of nineteen years.

Conditions of service.

(2) The cadet organizations mentioned in subsection one shall be trained for such periods, administered in such manner, provided with equipment and accommodation under such conditions and shall be subject to the authority and command of such officers as the Minister may direct.

Not part of the forces.

(3) The cadet organizations mentioned in subsection one shall not be comprised in the Canadian Forces.

EDUCATIONAL INSTITUTIONS.

Establishment.

45. (1) The Governor in Council, and such other authorities as are prescribed or appointed by the Governor in Council for that purpose, may in the interests of national defence establish institutions for the training and education of officers and men, officers and employees of the Department and of the Defence Research Board, candidates for enrolment in the Canadian Forces or for employment in the Department or by the Defence Research Board and other persons whose attendance has been authorized by or on behalf of the Minister.

Administration.

(2) The institutions mentioned in subsection one shall be governed and administered in the manner prescribed by the Minister.

SERVICE ASSOCIATIONS.

Establishment.

46. (1) The Governor in Council may establish associations and organizations for purposes designed to further the defence of Canada.

Equipment.

(2) The Minister may authorize the provision of accommodation, equipment and facilities for the training, practice and use of the associations and organizations mentioned in subsection one and other associations and organizations designed to further the defence of Canada, whether or not the members of such associations and organizations are officers or men.

CROSS-REFERENCES TO EXISTING LEGISLATION

44. Militia Act, Secs 59 to 62
Naval Service Act, Secs 28A, 28B
RCAF Act, Secs 15A, 15B

45. See Naval Service Act, Secs 24 to 28
The Royal Military College Act, Statutes of Canada, 18-19 Geo V, Chap 7

46. New
See Militia Act, Sec 57

Exercise of Authority.

Conditions applicable.

47. Any power or jurisdiction given to, and any act or thing to be done by, to or before any officer or man may be exercised by, or done by, to or before any other officer or man for the time being authorized in that behalf by regulations or according to the custom of the service.

Method of signifying orders.

48. Orders made under this Act may be signified by an order, instruction or letter under the hand of any officer whom the authority who made such orders has authorized to issue orders on his behalf; and any order, instruction or letter purporting to be signed by any officer appearing therein so to be authorized is evidence of his being so authorized.

Notification of Orders.

By exhibition.

49. (1) All orders and instructions issued to the Canadian Forces shall be held to be sufficiently notified to any person whom they may concern by their publication, in the manner prescribed in regulations made by the Governor in Council, in the unit or other element in which that person is serving.

By mail.

(2) All orders and instructions relating to or in any way affecting an officer or man of the reserve forces, other than an officer or man who is serving with a unit or other element, when sent to him by registered mail, addressed to his last known place of abode or business, shall be held to be sufficiently notified.

Validity of Documents.

Authenticity of documents.

50. A commission, appointment, warrant, order or instruction in writing purported to be granted, made or issued under this Act is evidence of its authenticity without proof of the signature or seal affixed thereto or the authority of the person granting, making or issuing it.

Signature on commissions.

51. (1) The Governor General may cause his signature to be affixed to a commission granted to an officer of the Canadian Forces by stamping the signature on the commission with a stamp approved by him and used for the purpose by his authority.

Validity.

(2) A signature affixed in accordance with subsection one is as valid and effectual as if it were in the handwriting of the Governor General, and neither its authenticity nor the authority of the person by whom it was affixed shall be called in question except on behalf of His Majesty.

CROSS-REFERENCES TO EXISTING LEGISLATION

47. Army Act (UK), Sec 171
Air Force Act (UK), Sec 171

48. See Army Act (UK), Sec 172(1)
Air Force Act (UK), Sec 172(1)

49. New
See Militia Act, Secs 136 to 138
Naval Service Act, Sec 31

50. Militia Act, Sec 100
Naval Service Act, Sec 32

51. Militia Act, Sec 34

Validity of bonds.

52. Every bond to His Majesty entered into by any person before a judge or justice of the peace, or officer of the Canadian Forces, for the purpose of securing the payment of a sum of money or the performance of a duty or act required or authorized by this Act or by regulations, is valid and may be enforced accordingly.

CROSS-REFERENCES TO EXISTING LEGISLATION

52. Militia Act, Sec 128

PART III

THE DEFENCE RESEARCH BOARD.

Defence Research Board and its functions.

53. (1) There shall be a Defence Research Board which shall carry out such duties in connection with research relating to the defence of Canada and development of or improvements in equipment as the Minister may assign to it, and shall advise the Minister on all matters relating to scientific, technical, and other research and development that in its opinion may affect national defence.

Constitution.

(2) The Defence Research Board shall consist of a Chairman and a Vice Chairman, appointed by the Governor in Council, the persons who from time to time hold the offices of Chief of the Naval Staff, Chief of the General Staff, Chief of the Air Staff, President of the Honorary Advisory Council for Scientific and Industrial Research, and Deputy Minister of National Defence, and such additional members representative of universities, industry and other research interests as the Governor in Council appoints.

Chairman and Vice Chairman—tenure and salary.

(3) The Chairman and Vice Chairman shall hold office during pleasure, and shall be paid such salaries as the Governor in Council determines.

Other members—tenure and remuneration.

(4) The members of the Defence Research Board, other than the Chairman, Vice Chairman or the exofficio members, shall hold office for a period not exceeding three years but shall be eligible for re-appointment, and shall be paid such remuneration, if any, as the Governor in Council determines.

Expenses of members.

(5) Each member shall be paid his travelling and other expenses incurred in connection with the work of the Defence Research Board.

Duties of Chairman.

(6) The Chairman shall be the chief executive officer of the Defence Research Board and, under the direction of the Minister and in accordance with policies approved by the Board, shall oversee and direct the officers, clerks and employees of the Board, have general control of the business of the Board, have supervision over the work directed to be carried out by the Board, be charged with the organization, administration and operation of the defence establishments of the Board and perform such other duties as the Minister may assign to him.

Duties of Vice Chairman.

(7) The Vice Chairman shall perform such duties as may be assigned to him under the by-laws made by the Defence Research Board.

Status of Chairman.

(8) The Chairman shall have a status equivalent to that of a chief of staff of a Service of the Canadian Forces.

Part III

This Part contains, in amplified form, provisions for the Defence Research Board now contained in section 8 of the Department of National Defence Act as enacted by Statutes of Canada, 1947, Chapter 5.

Powers of the Defence Research Board.

54. The Defence Research Board may, with the approval of the Minister,

(a) notwithstanding the *Civil Service Act* or any other section of this Act or any other statute or law, appoint and employ the professional, scientific, technical, clerical and other employees required to carry out efficiently the duties of the Board, prescribe their duties and, subject to the approval of the Governor in Council, prescribe their terms of appointment and service and fix their remuneration;

(b) make by-laws or rules for the regulation of its proceedings and for the performance of its functions;

(c) enter into contracts in the name of His Majesty for research and investigations with respect only to matters relating to defence; and

(d) make grants in aid of research and investigations with respect only to matters relating to defence and establish scholarships for the education or training of persons to qualify them to engage in such research and investigations.

Expenses of the Defence Research Board.

55. (1) All expenses of the Defence Research Board shall be paid out of moneys appropriated by Parliament for the purpose or received by the Board through the conduct of its operations, bequests, donations or otherwise and shall be paid by the Minister of Finance on the requisition of the Minister.

Scholarships and grants in aid.

(2) The Minister may request the Minister of Finance to allocate any portion of the moneys appropriated by Parliament for the purposes of the Defence Research Board for scholarships or grants in aid of research and investigations, and thereupon the Minister of Finance shall hold that portion of the moneys in trust and may at any time on the requisition of the Minister disburse that portion of the moneys for scholarships or grants in aid of research and investigations.

Moneys not required.

(3) Any moneys allocated by the Minister of Finance under this section that, in the opinion of the Minister, are not required for the purpose for which they were allocated shall cease to be held in trust.

Part IV

DISCIPLINARY JURISDICTION OF THE SERVICES.

Application.

Persons subject.

56. (1) The following persons, and no others, are subject to the Code of Service Discipline,

(a) an officer or man of the regular forces;

(b) an officer or man of the active service forces;

(c) an officer or man of the reserve forces when he is

(i) undergoing drill or training whether in uniform or not,

(ii) in uniform,

(iii) on duty,

(iv) called out under subsection two of section thirty-five to render assistance in a disaster,

(v) called out under Part XI in aid of the civil power,

(vi) on service,

(vii) on active service,

(viii) in or on any vessel, vehicle or aircraft of the Canadian Forces or in or on any defence establishment or work for defence,

(ix) serving with any unit or other element of the regular forces or the active service forces, or

(x) present, whether in uniform or not, at any drill or training of a unit or other element of the Canadian Forces;

(d) subject to such exceptions, adaptations, and modifications as the Governor in Council may by regulations prescribe, a person who pursuant to law is attached or seconded as an officer or man to a Service of the Canadian Forces;

(e) a person, not otherwise subject to the Code of Service Discipline, who is serving in the position of an officer or man of any force raised and maintained out of Canada by His Majesty in right of Canada and commanded by an officer of the Canadian Forces;

(f) a person, not otherwise subject to the Code of Service Discipline, who accompanies any unit or other element of the Canadian Forces that is on service or active service in any place;

(g) subject to such exceptions, adaptations and modifications as the Governor in Council may by regulations prescribe, a person attending an institution established under section forty-five;

Part IV

For convenience, this Part and Parts V to IX inclusive, relating to discipline within the armed forces, are designated as the "Code of Service Discipline". The purpose of Part IV is to establish the classes of persons who are subject to that Code and the circumstances in which they are so subject. It also contains certain provisions relating to the jurisdiction of service tribunals generally.

Cross-References to Existing Legislation

56. See Militia Act, Secs 69(2), 71(1) and(2)
Naval Service Act, Secs 47, 91
RCAF Act, Sec 6
Army Act (UK), Secs 158, 175, 176, 176A, 178
Air Force Act (UK), Sec 158

(h) an alleged spy for the enemy;

(i) a service convict, service prisoner or service detainee, not otherwise subject to the Code of Service Discipline, who is committed to undergo his punishment in a service prison or detention barrack, as the case may be;

(j) a person, not otherwise subject to the Code of Service Discipline, while serving with a Service of the Canadian Forces under an engagement with the Minister whereby he agreed to be subject to that Code.

Continuing liability.

(2) Every person subject to the Code of Service Discipline under subsection one at the time of the alleged commission by him of a service offence shall continue to be liable to be charged, dealt with and tried in respect of that offence under the Code of Service Discipline notwithstanding that he may have, since the commission of that offence, ceased to be a person mentioned in subsection one.

Retention of status.

(3) Every person who, since the alleged commission by him of a service offence, has ceased to be a person mentioned in subsection one, shall for the purposes of the Code of Service Discipline be deemed, for the period during which under that Code he is liable to be charged, dealt with and tried, to have the status and rank that he held immediately prior to the time when he ceased to be a person mentioned in subsection one.

Persons in Canadian Forces.

An officer or man to be tried by own Service.

(4) Subject to subsections five and six, every officer or man who is alleged to have committed a service offence may be charged, dealt with and tried only within the Service of the Canadian Forces in which he is enrolled.

Attachment and secondment.

(5) Every officer or man who, while attached or seconded to a Service of the Canadian Forces other than the Service in which he is enrolled, is alleged to have committed a service offence, may be charged, dealt with and tried either within that other Service, as if he were an officer or man thereof, or within the Service in which he is enrolled.

When on vessel or aircraft of other Service.

(6) Every officer or man who, while embarked on any vessel or aircraft of a Service of the Canadian Forces other than the Service in which he is enrolled, is alleged to have committed a service offence, may be charged, dealt with and tried either within that other Service, as if he were an officer or man thereof, or within the Service in which he is enrolled.

Forces raised out of Canada.

(7) Every person serving in the circumstances set forth in paragraph *(e)* of subsection one who, while so serving, is alleged to have committed a service offence, may be charged, dealt with and tried within that Service of the Canadian Forces in which his commanding officer is serving.

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Persons Accompanying Canadian Forces.

Dealt with by Service accompanied.

(8) Every person mentioned in paragraph *(f)* of subsection one who, while accompanying any unit or other element of the Canadian Forces, is alleged to have committed a service offence, may be charged, dealt with and tried within the Service in which is comprised the unit or other element of the Canadian Forces that he accompanies, and for that purpose shall be treated as a man, unless he holds from the commanding officer of the unit or other element of the Canadian Forces that he so accompanies or from any other officer prescribed by the Minister for that purpose, a certificate, revocable at the pleasure of the officer who issued it or of any other officer of equal or higher rank, entitling such person to be treated on the footing of an officer, in which case he shall be treated as an officer in respect of any offence alleged to have been committed by him while holding that certificate.

Command.

(9) Every person mentioned in subsection eight shall, for the purpose of the Code of Service Discipline, be deemed to be under the command of the commanding officer of the unit or other element of the Service of the Canadian Forces that such person accompanies.

Spies for the Enemy.

Dealt with by Service having custody.

(10) Every person mentioned in paragraph *(h)* of subsection one may be charged, dealt with and tried within the Service of the Canadian Forces in which he is at any time held in custody and shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of such unit or other element of that Service as may be holding him in custody from time to time.

Released Persons Serving Sentence.

Dealt with by Service having custody.

(11) Every person mentioned in paragraph *(i)* of subsection one who is alleged to have committed, during the currency of his imprisonment or detention, a service offence, may be charged, dealt with and tried within the Service of the Canadian Forces which controls or administers the service prison or detention barrack to which he has been committed, and shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of that service prison or detention barrack, as the case may be.

Persons Under Special Engagement.

Dealt with by Service in which engaged.

(12) Every person mentioned in paragraph *(j)* of subsection one who, while serving with a Service of the Canadian Forces, is alleged to have committed a service offence, may be charged, dealt with and tried within that Service and for that purpose he shall be treated as a man, unless the terms of the agreement under which he was engaged entitle him to be treated as an officer, in which case he shall be treated as an officer.

Command.

(13) Every person mentioned in subsection twelve shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of the unit or other element of the Service of the Canadian Forces in which that person is serving.

Women.

Application.

(14) The Code of Service Discipline applies to females enrolled in the Canadian Forces in the same manner and to the same extent as it applies to males, subject to such limitations and modifications as may be prescribed in regulations.

PLEA IN BAR OF TRIAL.

Autrefois acquit and autrefois convict.

57. (1) Every person, in respect of whom a charge of having committed a service offence has been dismissed, or who has been found guilty or not guilty either by a service tribunal or a civil court on a charge of having committed any such offence, shall not be tried or tried again by a service tribunal under this Act in respect of that offence or any other offence of which he might have been found guilty on that charge by a service tribunal or a civil court.

Exception.

(2) Nothing in subsection one shall affect the validity of a new trial ordered under sections one hundred and ninety-one or one hundred and ninety-nine.

Effect of other offences admitted at previous trial.

(3) Every person who under section one hundred and sixty-three has been sentenced in respect of a service offence admitted by him shall not be tried by a service tribunal under this Act in respect of that offence.

PLACE OF COMMISSION OF OFFENCE.

No limitation.

58. Subject to section sixty-one, every person alleged to have committed a service offence may be charged, dealt with and tried under the Code of Service Discipline, whether the alleged offence was committed in Canada or out of Canada.

Cross-References to Existing Legislation

57. See Army Act (UK), Secs 46(7), 157, 162(6)
Air Force Act (UK), Secs 46(7), 157, 162(6)

58. See Naval Service Act, Sec 90
Army Act (UK), Sec 159
Air Force Act (UK), Sec 159

PLACE OF TRIAL.

No limitation.

59. Every person alleged to have committed a service offence may be charged, dealt with and tried under the Code of Service Discipline, either in Canada or out of Canada.

PERIOD OF LIABILITY UNDER CODE OF SERVICE DISCIPLINE.

Time bar.

60. (1) Except in respect of the service offences mentioned in subsection two, no person shall be liable to be tried by a service tribunal unless his trial begins before the expiration of a period of three years from the day upon which the service offence was committed.

Exceptions.

(2) Every person, subject to the Code of Service Discipline at the time of the alleged commission by him of a service offence of mutiny, desertion or absence without leave or a service offence for which the highest punishment that may be imposed is death, shall continue to be liable to be charged, dealt with and tried at any time under the Code of Service Discipline.

LIMITATIONS WITH RESPECT TO CERTAIN OFFENCES.

Murder, rape or manslaughter.

61. A service tribunal shall not try any person charged with an offence of murder, rape or manslaughter, committed in Canada.

JURISDICTION OF CIVIL COURTS.

No interference with civil juridiction.

62. (1) Nothing in the Code of Service Discipline affects the jurisdiction of any civil court to try a person for any offence triable by that court.

Civil sentence modified by service punishment.

(2) Where a person, sentenced by a service tribunal in respect of a conviction on a charge of having committed a service offence, is afterwards tried by a civil court for the same offence or for any other offence of which he might have been found guilty on that charge, the civil court shall in awarding punishment take into account any punishment imposed by the service tribunal for the service offence.

Remission in certain cases.

(3) Where a civil court that tries a person in the circumstances set out in subsection two either acquits or convicts the person of an offence, the unexpired term of any punishment of imprisonment for more than two years, imprisonment for less than two years or detention, imposed by the service tribunal in respect of that offence, shall be deemed to be wholly remitted as of the date of the acquittal or conviction by that civil court.

CROSS-REFERENCES TO EXISTING LEGISLATION

59. See Army Act (UK), Sec 159
Air Force Act (UK), Sec 159

60. See Militia Act, Sec 71(3)
Naval Service Act, Secs 91, 99
Army Act (UK), Secs 158(1), 161
Air Force Act (UK), Secs 158(1), 161

61. See Army Act (UK), Sec 41 (Proviso)
Air Force Act (UK), Sec 41 (Proviso)

62. (1) and (2).
See Naval Service Act, Sec 121
Army Act (UK), Secs 41A, 162(1) and (2)
Air Force Act (UK), Secs 41A, 162(1) and (2)

62. (3). New

Part V.

SERVICE OFFENCES AND PUNISHMENTS.

Responsibility for Offences.

Parties to offences.

63. (1) Every person is a party to and guilty of an offence who

(a) actually commits it;

(b) does or omits an act for the purpose of aiding any person to commit the offence;

(c) abets any person in commission of the offence; or

(d) counsels or procures any person to commit the offence.

Intent to commit offence.

(2) Every person who, having an intent to commit an offence, does or omits an act for the purpose of accomplishing his object is guilty of an attempt to commit the offence intended, whether under the circumstances it was possible to commit such offence or not.

Misconduct of Commanders in Presence of Enemy.

Offences by commanders when in action.

64. Every officer in command of a vessel, aircraft, defence establishment, unit or other element of the Canadian Forces who

(a) when under orders to carry out an operation of war or on coming into contact with an enemy that it is his duty to engage, does not use his utmost exertion to bring the officers and men under his command or his vessel, aircraft, or his other equipment into action;

(b) being in action, does not, during the action, in his own person and according to his rank, encourage his officers and men to fight courageously;

(c) when capable of making a successful defence, surrenders his vessel, aircraft, defence establishment, equipment, unit or other element of the Canadian Forces to the enemy;

(d) being in action, improperly withdraws from the action;

(e) improperly fails to pursue an enemy or to consolidate a position gained;

(f) improperly fails to relieve or assist a known friend to the utmost of his power; or

(g) when in action, improperly forsakes his station,

is guilty of an offence and on conviction, if he acted traitorously, shall suffer death, if he acted from cowardice is liable to suffer death or less punishment, and in any other case is liable to dismissal with disgrace from His Majesty's service or to less punishment.

Part V

This Part prescribes service offences applicable to all three Services, with the maximum punishments considered appropriate for each offence. Where practicable, the principles embodied in the Criminal Code have been followed. The Part contains a scale and description of service punishments, with details of the circumstances in which specific punishments may be imposed. It concludes with provisions which make available to persons accused of having committed service offences, the same grounds of defence as are available to persons tried in the civil courts.

Cross-References to Existing Legislation

63. Criminal Code, Secs 69(1), 72(1)

64. See Naval Service Act, Secs 49, 50
Army Act (UK), Sec 4(1)
Air Force Act (UK), Sec 4(1) and (10)

Misconduct of any Person in Presence of Enemy.

Offences by any person in presence of enemy.

65. Every person who

(a) improperly delays or discourages any action against the enemy;

(b) goes over to the enemy;

(c) when ordered to carry out an operation of war, fails to use his utmost exertion to carry the orders into effect;

(d) improperly abandons or delivers up any defence establishment, garrison, place, equipment, post or guard;

(e) assists the enemy with equipment;

(f) casts away or abandons any equipment in the presence of the enemy;

(g) improperly does or omits to do anything that results in the capture by the enemy of persons or the capture or destruction by the enemy of equipment;

(h) when on watch in the presence or vicinity of the enemy, leaves his post before he is regularly relieved or sleeps or is drunk;

(i) behaves before the enemy in such manner as to show cowardice; or

(j) knowingly does or omits to do anything with intent to imperil the success of His Majesty's Forces or of any forces co-operating therewith,

is guilty of an offence and on conviction, if he acted traitorously, shall suffer death, and in any other case, if the offence was committed in action, is liable to suffer death or less punishment or, if the offence was committed otherwise than in action, to imprisonment for life or to less punishment.

Security.

Offences related to security.

66. Every person who

(a) improperly holds communication with or gives intelligence to the enemy;

(b) without due authority discloses in any manner whatsoever any information relating to the number, position, equipment, movements, preparations for movements, operations or preparations for operations of any of His Majesty's Forces or of any forces co-operating therewith;

(c) makes known the parole, watchword, password, countersign or identification signal to any person not entitled to receive it;

(d) gives a parole, watchword, password, countersign or identification signal different from that which he received;

CROSS-REFERENCES TO EXISTING LEGISLATION

65. See Naval Service Act, Secs 51, 52, 54
Army Act (UK), Secs 4, 5, 6
Air Force Act (UK), Secs 4, 5, 6

66. See Naval Service Act, Secs 54, 55
Army Act (UK), Secs 4, 5, 6, 36
Air Force Act (UK), Secs 4, 5, 6, 36

(e) without due authority alters or interferes with any identification or other signal;
(f) improperly occasions false alarms;
(g) when acting as sentry or lookout, leaves his post before he is regularly relieved or sleeps or is drunk;
(h) forces a safeguard or forces or strikes a sentinel; or
(i) knowingly does or omits to do anything with intent to prejudice the security of His Majesty's Forces or of any forces co-operating therewith,

is guilty of an offence and on conviction, if he acted traitorously, shall suffer death, and in any other case is liable to imprisonment for life or to less punishment.

PRISONERS OF WAR.

Offences related to prisoners of war.

67. Every person who
(a) by want of due precaution, or through disobedience of orders or wilful neglect of duty, is taken prisoner;
(b) having been taken prisoner, fails to rejoin His Majesty's service when able to do so; or
(c) having been made a prisoner of war, serves with or aids the enemy,

is guilty of an offence and on conviction, if he acted traitorously, shall suffer death, and in any other case is liable to imprisonment for life or to less punishment.

MISCELLANEOUS OPERATIONAL OFFENCES.

Offences related to operations.

68. Every person who
(a) does violence to any person bringing equipment to His Majesty's Forces or to any forces co-operating therewith;
(b) irregularly detains or appropriates to the unit or other element of the Canadian Forces with which he is serving any equipment being conveyed to any other unit or element of His Majesty's Forces or of any forces co-operating therewith;
(c) without orders from his superior officer, improperly destroys or damages any property;
(d) breaks into any house or other place in search of plunder; or
(e) commits any offence against the property or person of any inhabitant or resident of a country in which he is serving,

is guilty of an offence and on conviction, if he committed any such offence on active service, is liable to imprisonment for life or to less punishment, and in any other case is liable to dismissal with disgrace from His Majesty's service or to less punishment.

67. See Army Act (UK), Secs 4, 5
Air Force Act (UK), Secs 4, 5

68. See Army Act (UK), Secs 5, 6
Air Force Act (UK), Secs 5, 6

Spies for the Enemy.

Penalty.

69. Every person who is a spy for the enemy is guilty of an offence and on conviction is liable to suffer death or less punishment.

Mutiny.

Mutiny with violence.

70. Every person who joins in a mutiny that is accompanied by violence is guilty of an offence and on conviction is liable to suffer death or less punishment.

Mutiny without violence.

71. Every person who joins in a mutiny that is not accompanied by violence is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment and, in the case of a ringleader of the mutiny, to suffer death or less punishment.

Offences related to mutiny.

72. Every person who

(a) causes or conspires with any other person to cause a mutiny;

(b) endeavours to persuade any person to join in a mutiny;

(c) being present, does not use his utmost endeavours to suppress a mutiny; or

(d) being aware of an actual or intended mutiny, does not without delay inform his superior officer thereof,

is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment.

Seditious Offences.

Advocating governmental change by force.

73. Every person who publishes or circulates any writing, printing or document in which is advocated, or who teaches or advocates, the use, without the authority of law, of force as a means of accomplishing any governmental change within Canada is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment.

Insubordination.

Disobedience of lawful command.

74. Every person who disobeys a lawful command of a superior officer is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment.

69. See Naval Service Act, Sec 53

70. See Naval Service Act, Sec 57
Army Act (UK), Sec 7(3)
Air Force Act (UK), Sec 7(3)

71. See Naval Service Act, Sec 58
Army Act (UK), Sec 7(3)
Air Force Act (UK), Sec 7(3)

72. See Naval Service Act, Secs 59, 61, 62
Army Act (UK), Sec 7
Air Force Act (UK), Sec 7

73. See Criminal Code, Sec 133(4)

74. See Naval Service Act, Sec 64
Army Act (UK), Sec 9
Air Force Act (UK), Sec 9(1) and (2)

Striking or offering violence to a superior officer.

75. Every person who strikes or attempts to strike, or draws or lifts up a weapon against, or uses, attempts to use, or offers violence against a superior officer, is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment.

Insubordinate behavior.

76. Every person who uses threatening or insulting language to or behaves with contempt toward a superior officer is guilty of an offence and on conviction is liable to dismissal with disgrace from His Majesty's service or to less punishment.

Quarrels and disturbances.

77. Every person who quarrels or fights with any other person who is subject to the Code of Service Discipline, or who uses provoking speeches or gestures toward a person so subject tending to cause a quarrel or disturbance, is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Disorders.

78. Every person who

(a) being concerned in a quarrel, fray or disorder, refuses to obey an officer, though of inferior rank, who orders him into arrest, or strikes or uses or offers violence to any such officer;

(b) strikes or uses or offers violence to any other person in whose custody he is placed, whether or not such other person is his superior officer and whether or not such other person is subject to the Code of Service Discipline;

(c) resists an escort whose duty it is to apprehend him or to have him in charge; or

(d) breaks out of barracks, station, camp, quarters or ship,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Desertion.

Offence.

79. (1) Every person who deserts or attempts to desert is guilty of an offence and on conviction, if he committed the offence on active service or under orders for active service, is liable to imprisonment for life or to less punishment, and in any other case is liable to imprisonment for a term not exceeding five years or to less punishment.

Definition.

(2) A person deserts who

(a) being on or having been warned for active service or other important service, is absent without due authority with the intention of avoiding that service;

(b) having been warned that his vessel is under sailing orders, is absent without due authority, with the intention of missing that vessel;

CROSS-REFERENCES TO EXISTING LEGISLATION

75. See Naval Service Act, Sec 63
Army Act (UK), Sec 8
Air Force Act (UK), Sec 8

76. See Naval Service Act, Sec 64
Army Act (UK), Sec 8(2)
Air Force Act (UK), Sec 8(2)

77. See Naval Service Act, Sec 65

78. Army Act (UK), Sec 10
Air Force Act (UK), Sec 10

79. (1) See Naval Service Act, Secs 66, 67
Army Act (UK), Sec 12(1)
Air Force Act (UK), Sec 12(1)

79. (2) New

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(c) absents himself without due authority from his unit or formation or from the place where his duty requires him to be, with the intention of not returning to that unit, formation or place;

(d) is absent without due authority from his unit or formation or from the place where his duty requires him to be and at any time during such absence forms the intention of not returning to that unit, formation or place; or

(e) while absent with due authority from his unit or formation or the place where his duty requires him to be, with the intention of not returning to that unit, formation or place, does any act, or omits to do anything, the natural and probable consequence of which act or omission is to preclude his return to that unit, formation or place at the time required.

Presumption of desertion.

(3) A person who has been absent without authority for a continuous period of six months or more shall, unless the contrary is proved, be presumed to have had the intention of not returning to his unit or formation or the place where his duty requires him to be.

Connivance at desertion.

80. Every person who

(a) being aware of the desertion or intended desertion of a person from any of His Majesty's Forces, does not without reasonable excuse inform his superior officer forthwith; or

(b) fails to take any steps in his power to cause the apprehension of a person known by him to be a deserter,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Absence Without Leave.

Offence.

81. (1) Every person who absents himself without leave is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Definition.

(2) A person absents himself without leave who

(a) without authority leaves his unit or formation or the place where his duty requires him to be;

(b) without authority is absent from his unit or formation or the place where his duty requires him to be; or

(c) having been authorized to be absent from his unit or formation or the place where his duty required him to be, fails to return to that unit, formation or place at the expiration of the period for which his absence was authorized.

79. (3) New

80. See Army Act (UK), Sec 14(2)
Air Force Act (UK), Sec 14(2)

81. See Naval Service Act, Act Secs 69, 70
Army Act (UK), Sec 15
Air Force Act (UK), Sec 15

False statement in respect of leave.

82. Every person who knowingly makes a false statement in respect of prolongation of leave of absence is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Disgraceful Conduct.

Scandalous conduct by officers.

83. Every officer who behaves in a scandalous manner unbecoming an officer is guilty of an offence and on conviction shall suffer dismissal with disgrace from His Majesty's service or dismissal from His Majesty's service.

Cruel or disgraceful conduct.

84. Every person who behaves in a cruel or disgraceful manner is guilty of an offence and on conviction is liable to imprisonment for a term not exceeding five years or to less punishment.

Traitorous utterances.

85. Every person who uses traitorous or disloyal words regarding His Majesty is guilty of an offence and on conviction is liable to imprisonment for a term not exceeding seven years or to less punishment.

Abuse of inferiors.

86. Every person who strikes or otherwise ill-treats any person who by reason of rank or appointment is subordinate to him is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

False accusations or or statements.

87. Every person who

(a) makes a false accusation against an officer or man, knowing such accusation to be false; or

(b) when seeking redress under section thirty, knowingly makes a false statement affecting the character of an officer or man or knowingly, in respect of the redress so sought, suppresses any material facts,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Drunkenness.

88. Drunkenness, whether on duty or not on duty, is an offence and every person convicted thereof is liable to imprisonment for less than two years or to less punishment, except that, where the offence is committed by a man who is neither on active service nor on duty, no punishment of imprisonment, and no punishment of detention for a term in excess of ninety days, shall be imposed.

Malingering or maiming.

89. Every person who

(a) malingers or feigns or produces disease or infirmity;

(b) produces, aggravates, or delays the cure of, disease or infirmity by misconduct or wilful disobedience of orders; or

CROSS-REFERENCES TO EXISTING LEGISLATION

82. See Army Act (UK), Sec 27(4)
Air Force Act (UK), Sec 27(4)

83. See Naval Service Act, Sec 73
Army Act (UK), Sec 16
Air Force Act (UK), Sec 16

84. See Naval Service Act, Secs 72, 73
Army Act (UK), Sec 18(5)
Air Force Act (UK), Sec 18(5)

85. Army Act (UK), Sec 35
Air Force Act (UK), Sec 35

86. See Army Act (UK), Sec 37(1)
Air Force Act (UK), Sec 37(1)

87. See Army Act (UK), Sec 27(1) and (2)
Air Force Act (UK), Sec 27 (1) and (2)

88. See Naval Service Act, Sec 72
Army Act (UK), Sec 19
Air Force Act (UK), Sec 19

89. See Naval Service Act, Sec 80
Army Act (UK), Sec 18(1), (2) and (3)
Air Force Act (UK), Sec 18 (1), (2) and (3)

(c) wilfully maims or injures himself or any other person who is a member of His Majesty's Forces or of any forces co-operating therewith, whether at the instance of that person or not, with intent thereby to render himself or that other person unfit for service, or causes himself to be maimed or injured by any person with intent thereby to render himself unfit for service,

is guilty of an offence and on conviction, if he commits the offence on active service or when under orders for active service, or in respect of a person on active service or under orders for active service, is liable to imprisonment for life or to less punishment, and in any other case, is liable to imprisonment for a term not exceeding five years or to less punishment.

Offences in Relation to Service Arrest and Custody.

Ill-treatment of person in custody.

90. Every person who unnecessarily detains any other person in arrest or confinement without bringing him to trial, or fails to bring that other person's case before the proper authority for investigation, is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Negligent or wilful interference with lawful custody.

91. Every person who

(a) without proper authority sets free or authorizes or otherwise facilitates the setting free of any person in custody;

(b) negligently or wilfully allows to escape any person who is committed to his charge, or whom it is his duty to guard or keep in custody; or

(c) assists any person in escaping or attempting to escape from custody,

is guilty of an offence and on conviction, if he acted wilfully, is liable to imprisonment for a term not exceeding seven years or to less punishment, and in any other case is liable to imprisonment for less than two years or to less punishment.

Escape from custody.

92. Every person who, being in arrest or confinement or in prison or otherwise in lawful custody, escapes, or attempts to escape, is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Obstruction—service police duties.

93. Every person who

(a) resists or wilfully obstructs an officer or man in carrying out any duty, performed by such officer or man with due authority, pertaining to the arrest, custody or confinement of a person subject to the Code of Service Discipline; or

90. See Army Act (UK), Sec 21(1)
Air Force Act (UK), Sec 21(1)

91. See Army Act (UK), Sec 20
Air Force Act (UK), Sec 20

92. See Army Act (UK), Sec 22
Air Force Act (UK), Sec 22

93. See Army Act (UK), Sec 6(3) *(c)*
Air Force Act (UK), Sec 6(3) *(c)*

(b) when called upon, refuses or neglects to assist an officer or man in the performance of any such duty,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Obstruction of civil power.

94. Every person who neglects or refuses to deliver over an officer or man to the civil power, pursuant to a warrant in that behalf, or to assist in the lawful apprehension of an officer or man accused of an offence punishable by a civil court is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Offences in Relation to Vessels.

Losing, stranding or hazarding vessels.

95. Every person who wilfully or negligently or through other default loses, strands or hazards, or suffers to be lost, stranded or hazarded any of His Majesty's Canadian Ships or other vessels of the Canadian Forces is guilty of an offence and on conviction is liable to dismissal with disgrace from His Majesty's service or to less punishment.

Offences in relation to convoys.

96. Every officer who, while serving in one of His Majesty's Canadian Ships involved in the convoying and protection of vessels,

(a) fails to perform his duty promptly and diligently;

(b) fails to defend the vessels and goods under convoy;

(c) refuses to fight in the defence of the vessels in his convoy if they are attacked; or

(d) cowardly abandons or exposes the vessels in his convoy to hazards,

is guilty of an offence and on conviction is liable to suffer death or less punishment.

Offences in Relation to Aircraft.

Wrongful acts in relation to aircraft, etc.

97. Every person who

(a) in the use of or in relation to any aircraft or aircraft material, wilfully or negligently or by neglect of or contrary to regulations, orders or instructions, does any act or omits to do anything, which act or omission causes or is likely to cause loss of life or bodily injury to any person;

(b) wilfully or negligently or by neglect of or contrary to regulations, orders or instructions, does any act or omits to do anything, which act or omission results or is likely to result in damage to or destruction or loss of any of His Majesty's aircraft or aircraft material, or of aircraft or aircraft material of any forces co-operating with His Majesty's Forces; or

94. See Army Act (UK), Sec 39
Air Force Act (UK), Sec 39

95. See Naval Service Act, Sec 74

96. See Naval Service Act, Sec 75

97. See Army Act (UK), Sec 39A(1) *(a)*, *(b)*, *(e)* and *(f)*
Air Force Act (UK), Sec 39A(1) *(a)*, *(b)*, *(e)* and *(f)*

(c) during a state of war wilfully or negligently causes the sequestration by or under the authority of a neutral state or the destruction in a neutral state of any of His Majesty's aircraft, or aircraft of any forces co-operating with His Majesty's Forces,

is guilty of an offence and on conviction, if he acted wilfully, is liable to imprisonment for life or to less punishment, and in any other case is liable to imprisonment for less than two years or to less punishment.

Inaccurate certificate.

98. Every person who signs any certificate in relation to an aircraft or aircraft material without ensuring the accuracy thereof is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Low flying.

99. Every person who flies an aircraft at a height less than the minimum height authorized in the circumstances is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Disobedience of captain's orders.

100. (1) Every person who, when in an aircraft, disobeys any lawful command given by the captain of the aircraft in relation to the flying or handling of the aircraft or affecting the safety of the aircraft, whether or not the captain is subject to the Code of Service Discipline, is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment.

Command in aircraft.

(2) For the purposes of this section

(a) every person whatever his rank shall when he is in an aircraft be under the command, as respects all matters relating to the flying or handling of the aircraft or affecting the safety of the aircraft, of the captain of the aircraft, whether or not the latter is subject to the Code of Service Discipline; and

(b) if the aircraft is a glider and is being towed by another aircraft, the captain of the glider shall so long as his glider is being towed be under the command, as respects all matters relating to the flying or handling of the glider or affecting the safety of the glider, of the captain of the towing aircraft, whether or not the latter is subject to the Code of Service Discipline.

OFFENCES IN RELATION TO VEHICLES.

Negligent or furious driving.

101. Every person who

(a) having the charge of a vehicle of the Canadian Forces, by wanton or furious driving or racing or other wilful misconduct or by wilful neglect, does or causes to be done any bodily injury to any person or damage to any property;

98. See Army Act (UK), Sec 39A(2) *(a)*
Air Force Act (UK), Sec 39A(2) *(a)*

99. See Army Act (UK), Sec 39A(2) *(b)*
Air Force Act (UK), Sec 39A (2) *(b)*

100. See Army Act (UK), Sec 39A(3)
Air Force Act (UK), Sec 39A(3)

101. New
See Criminal Code, Sec 285(1), (6) and (4)

(*b*) drives a vehicle of the Canadian Forces on a street, road, highway or any other place, whether public or private, recklessly or in a manner that is dangerous to any person or property having regard to all the circumstances of the case; or

(*c*) drives a vehicle of the Canadian Forces while intoxicated or under the influence of a drug or narcotic,

is guilty of an offence and on conviction is liable to imprisonment for a term not exceeding five years or to less punishment.

Unauthorized use.

102. Every person who

(*a*) uses a vehicle of the Canadian Forces for an unauthorized purpose;

(*b*) without due authority uses a vehicle of the Canadian Forces for any purpose; or

(*c*) uses a vehicle of the Canadian Forces contrary to any regulation, order or instruction,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Offences in Relation to Property.

Arson.

103. Every person who unlawfully sets fire to any equipment, defence establishment or work for defence is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment.

Stealing.

104. (1) Every person who steals is guilty of an offence and on conviction, if at the time of the commission of the offence he was, by reason of his rank, appointment or employment or as a result of any lawful command, entrusted with the custody, control or distribution of the thing stolen, is liable to imprisonment for a term not exceeding fourteen years or to less punishment, and in any other case is liable to imprisonment for a term not exceeding seven years or to less punishment.

Definition.

(2) For the purposes of this section,

(*a*) stealing is the act of fraudulently and without colour of right taking, or fraudulently and without colour of right converting to the use of any person, anything capable of being stolen, with intent

(i) to deprive the owner, or any person having any special property or interest therein, temporarily or absolutely of such thing or of such property or interest;

(ii) to pledge the same or deposit it as security;

(iii) to part with it under a condition as to its return which the person parting with it may be unable to perform; or

102. New

103. See Naval Service Act, Sec 78
Army Act (UK), Sec 39A(1)*(c)*
Air Force Act (UK) Sec 39A(1)*(c)*

104. See Naval Service Act, Sec 77
Army Act (UK), Secs 17, 18(4)
Air Force Act (UK), Secs 17, 18(4)
Criminal Code, Secs 347, 386(1), 359

(iv) to deal with it in such a manner that it cannot be restored in the condition in which it was at the time of such taking and conversion;

(b) stealing is committed when the offender moves the thing or causes it to move or to be moved, or begins to cause it to become movable, with intent to steal it;

(c) the taking or conversion may be fraudulent, although effected without secrecy or attempt at concealment;

(d) it is immaterial whether the thing converted was taken for the purpose of conversion, or whether it was, at the time of the conversion, in the lawful possession of the person converting.

Receiving.

105. Every person who receives or retains in his possession any property obtained by the commission of any service offence, knowing such property to have been so obtained, is guilty of an offence and on conviction is liable to imprisonment for a term not exceeding seven years or to less punishment.

Destruction, loss or improper disposal.

106. Every person who

(a) wilfully destroys or damages, loses by neglect, improperly sells or wastefully expends any public property, non-public property or property of any of His Majesty's Forces or of any forces co-operating therewith;

(b) wilfully destroys, damages or improperly sells any property belonging to another person who is subject to the Code of Service Discipline; or

(c) sells, pawns or otherwise disposes of any cross, medal, insignia or other decoration granted by or with the approval of His Majesty,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Miscellaneous offences.

107. Every person who

(a) connives at the exaction of an exorbitant price for property purchased or rented by a person supplying property or services to the Canadian Forces;

(b) improperly demands or accepts compensation, consideration or personal advantage in respect of the performance of any military duty or in respect of any matter relating to the Department, the Canadian Forces or the Defence Research Board;

(c) receives directly or indirectly, whether personally or by or through any member of his family or person under his control, or for his benefit, any gift, loan, promise, compensation or consideration, either in money or otherwise, from any person, for assisting or favouring any person in the transaction of any business relating to any of His Majesty's Forces, or to any forces co-operating therewith or to any mess, institute

105. New
See Criminal Code, Sec 399
Naval Service Act, Sec 77
Army Act (UK), Sec 18(4)
Air Force Act (UK), Sec 18(4)

106. See Army Act (UK), Sec 24(1), (2), (3) and (4)
Air Force Act (UK), Sec 24(1), (2), (3) and (4)

107. See Naval Service Act, Secs 73, 75, 76
Army Act (UK), Secs 18(5), 23
Air Force Act (UK), Secs 18(5), 23

or canteen operated for the use and benefit of members of such forces;

(d) demands or accepts compensation, consideration or personal advantage for convoying ships or vessels entrusted to his care;

(e) being in command of a vessel or aircraft, takes or receives on board goods or merchandise that he is not authorized to take or receive on board; or

(f) commits any act of a fraudulent nature not particularly specified in the Code of Service Discipline,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

OFFENCES IN RELATION TO SERVICE TRIBUNALS.

"service tribunal".

108. (1) For the purposes of this section, "service tribunal", in addition to the tribunals mentioned in paragraph *(jj)* of section two, includes a board of inquiry, a commissioner taking evidence under this Act and an officer taking a summary of evidence in accordance with regulations.

Contempt of service tribunals.

(2) Every person who

(a) being duly summoned or ordered to attend as a witness before a service tribunal, makes default in attending;

(b) refuses to take an oath or make a solemn affirmation lawfully required by a service tribunal to be taken or made;

(c) refuses to produce any document in his power or control lawfully required by a service tribunal to be produced by him;

(d) refuses when a witness to answer any question to which a service tribunal may lawfully require an answer;

(e) uses insulting or threatening language or causes any interruption or disturbance in the proceedings of a service tribunal; or

(f) commits any other contempt of a service tribunal,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment; and where an offence under this section is committed at or in relation to a court martial, that court martial may, under the hand of the president, issue an order that the offender undergo, for a period not exceeding thirty days, a term of imprisonment or detention; and where any such order is issued the offender shall not be liable to any other proceedings under the Code of Service Discipline in respect of the contempt in consequence of which the order is issued.

108. See Army Act (UK), Sec 28
Air Force Act (UK), Sec 28

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False evidence.

109. Every person who, when examined on oath or solemn affirmation before a service tribunal mentioned in section one hundred and eight, knowingly gives false evidence, is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding seven years or to less punishment.

OFFENCES IN RELATION TO BILLETING.

Disturbances, etc., in billets.

110. Every person who

(a) ill-treats, by violence, extortion or making disturbance in billets or otherwise, any occupant of a house in which any person is billeted or of any premises in which accommodation for equipment has been provided; or

(b) fails to comply with regulations in respect of payment of the just demands of the person on whom he or any officer or man under his command is or has been billeted or the occupant of premises on which equipment is or has been accommodated,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

OFFENCES IN RELATION TO ENROLMENT.

Fraudulent enrolment.

111. Every person who, having been released from His Majesty's Forces by reason of a sentence of a service tribunal or by reason of misconduct, has afterwards been enrolled in the Canadian Forces without declaring the circumstances of his release is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

False answer on enrolment.

112. Every person who knowingly makes a false answer to any question set forth in any document required to be completed in relation to his enrolment is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Assisting unlawful enrolment.

113. Every person who is concerned in the enrolment of any other person, and knows or has reasonable cause to believe that by being enrolled such other person commits an offence under this Act, is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

MISCELLANEOUS OFFENCES.

Negligent performance of duties.

114. Every person who negligently performs a military duty imposed on him is guilty of an offence and on conviction is liable to dismissal with disgrace from His Majesty's service or to less punishment.

CROSS-REFERENCES TO EXISTING LEGISLATION

109. See Army Act (UK), Sec 29
Air Force Act (UK), Sec 29

110. See Army Act (UK), Sec 30(1) and (3)
Air Force Act (UK), Sec 30(1) and (3)

111. See Army Act (UK), Sec 32(1)
Air Force Act (UK), Sec 32(1)

112. See Army Act (UK), Sec 33
Air Force Act (UK), Sec 33

113. See Army Act (UK), Sec 34(1)
Air Force Act (UK), Sec 34(1)

114. See Naval Service Act, Sec 56

Offences in relation to documents.

115. Every person who

(a) knowingly or negligently makes or signs a document, required for official purposes, that is false or who orders the making or signing thereof;

(b) when signing a document required for official purposes, leaves in blank any material part for which his signature is a voucher; or

(c) knowingly and with intent to injure any person or with intent to deceive, suppresses, defaces, alters or makes away with any document or file kept, made or issued for any military or departmental purpose,

is guilty of an offence and on conviction, if he acted knowingly, is liable to imprisonment for a term not exceeding seven years or to less punishment, and in any other case is liable to imprisonment for less than two years or to less punishment.

Refusing vaccination, etc.

116. Every person who, upon receiving an order to submit to inoculation, re-inoculation, vaccination, re-vaccination, other immunization procedures, immunity tests, blood examination or treatment against any infectious disease, wilfully and without reasonable excuse disobeys that order is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Negligent handling of dangerous substances.

117. Every person who wilfully or negligently or by neglect of or contrary to regulations, orders or instructions does any act or omits to do anything in relation to any matter or substance that may be dangerous to life or property, which act or omission causes or is likely to cause loss of life or bodily injury to any person or causes or is likely to cause damage to or destruction of any property, is guilty of an offence and on conviction, if he acted wilfully, is liable to imprisonment for life or to less punishment, and in any other case is liable to imprisonment for less than two years or to less punishment.

Conduct to the Prejudice of Good Order and Discipline.

Offence.

118. (1) Any act, conduct, disorder or neglect to the prejudice of good order and discipline is an offence and every person convicted thereof is liable to dismissal with disgrace from His Majesty's service or to less punishment.

Not intended to cover offences elsewhere provided for.

(2) No person may be charged under this section with any offence for which special provision is made in sections sixty-four to one hundred and seventeen but the conviction of a person so charged is not invalid by reason only of the

CROSS-REFERENCES TO EXISTING LEGISLATION

115. See Naval Service Act, Sec 79
Army Act (UK), Secs 25, 26(1)
Air Force Act (UK), Secs 25, 26(1)

116. New

117. New

118. (1) and (2) See Naval Service Act, Sec 87
Army Act (UK), Sec 40
Air Force Act (UK), Sec 40

charge being in contravention of this subsection unless it appears that an injustice has been done to the person charged by reason of the contravention; but the responsibility of any officer for that contravention is not affected by the validity of the conviction.

Contravention of Act, regulations etc., may constitute offence.

(3) Contravention by any person of

(a) any of the provisions of this Act;

(b) any regulations, orders or instructions published for the general information and guidance of that Service of the Canadian Forces to which that person belongs, or to which he is attached or seconded; or

(c) any general, garrison, unit, station, standing, local or other orders,

is an act, conduct, disorder or neglect to the prejudice of good order and discipline.

Attempts to commit offences.

(4) An attempt to commit any of the offences prescribed in sections sixty-four to one hundred and seventeen is, unless such attempt is in itself an offence punishable under any of those sections, an act, conduct, disorder or neglect to the prejudice of good order and discipline.

Saving provision.

(5) Nothing in subsections three or four shall affect the generality of subsection one.

Offences Punishable by Ordinary Law.

Service trial of civil offences.

119. (1) An act or omission

(a) that takes place in Canada and is punishable under Part XII of this Act, the *Criminal Code* or any other Act of the Parliament of Canada; or

(b) that takes place out of Canada and would, if it had taken place in Canada, be punishable under Part XII of this Act, the *Criminal Code* or any other Act of the Parliament of Canada,

is an offence under this Part and every person convicted thereof is liable to suffer punishment as provided in subsection two.

Punishment.

(2) Subject to subsection three, where a service tribunal convicts a person under subsection one, the service tribunal shall,

(a) if under Part XII of this Act, the *Criminal Code* or other Act of the Parliament of Canada, a minimum penalty is prescribed, impose a penalty in accordance with the enactment prescribing that minimum penalty; or

118. (3) New
See Army Act (UK), Sec 11
Air Force Act (UK), Sec 11

118. (4) and (5) New

119. (1) and (2) See Naval Service Act, Sec 89
Army Act (UK), Sec 41
Air Force Act (UK), Sec 41

(b) in any other case,

(i) impose the penalty prescribed for the offence by Part XII of this Act, the *Criminal Code* or that other Act; or

(ii) impose dismissal with disgrace from His Majesty's service or less punishment.

Ordinary rules apply.

(3) All provisions of the Code of Service Discipline in respect of a punishment of death, imprisonment for two years or more, imprisonment for less than two years, and a fine, shall apply in respect of penalties imposed under paragraph *(a)*, or sub-paragraph (i) of paragraph *(b)* of subsection two.

Saving provision.

(4) Nothing in this section shall be in derogation of the authority conferred by other sections of the Code of Service Discipline to charge, deal with and try a person alleged to have committed any offence set out in sections sixty-four to one hundred and eighteen and to impose the punishment for that offence mentioned in the section prescribing that offence.

CONVICTION OF COGNATE OFFENCE.

Conviction of related or less serious offences.

120. (1) A person charged with desertion may be found guilty of attempting to desert or of being absent without leave.

(2) A person charged with attempting to desert may be found guilty of being absent without leave.

(3) A person charged with any one of the offences prescribed in section seventy-five may be found guilty of any other offence prescribed in that section.

(4) A person charged with any one of the offences prescribed in section seventy-six may be found guilty of any other offence prescribed in that section.

(5) A person charged with a service offence may, on failure of proof of an offence having been committed under circumstances involving a higher punishment, be found guilty of the same offence as having been committed under circumstances involving a lower punishment.

(6) Where a person is charged with an offence under section one hundred and nineteen and the charge is one upon which, if he had been tried by a civil court in Canada for that offence, he might have been found guilty of any other offence, he may be found guilty of that other offence.

PUNISHMENTS.

Scale of punishments.

121. (1) The following punishments may be imposed in respect of service offences:—

(a) death;

(b) imprisonment for two years or more;

119. (3) New

119. (4) New

120. See Naval Service Act, Secs 92, 93
Army Act (UK), Sec 56(3) to(6)
Air Force Act (UK), Sec 56(3) to(6)

121. (1) See Naval Service Act, Sec 97
Army Act (UK), Sec 44*(a)* to *(n)*
Air Force Act (UK), Sec 44*(a)* to *(n)*

(c) dismissal with disgrace from His Majesty's service;
(d) imprisonment for less than two years;
(e) dismissal from His Majesty's service;
(f) detention;
(g) reduction in rank;
(h) forfeiture of seniority;
(i) dismissal of an officer from the ship to which he belongs;
(j) forfeiture of service toward progressive increase in pay;
(k) fine;
(l) severe reprimand;
(m) reprimand;
(n) minor punishments,

and each of the above punishments shall be deemed to be a punishment less than every punishment preceding it in the above scale, in this Act referred to as the "scale of punishments".

Less Punishment.

Definition of "less punishment".

(2) Where a punishment is specified by the Code of Service Discipline as a penalty for an offence, and it is further provided in the alternative that on conviction the offender is liable to less punishment, the expression "less punishment" means any one or more of the punishments lower in the scale of punishments than the specified punishment.

Death.

Limitation on imposition of death penalty.

(3) A punishment of death may be imposed only by a General Court Martial, and may be imposed only with the concurrence of at least two-thirds of the members.

Imprisonment.

Conditions relating to imposition of punishment of imprisonment.

(4) The punishment of imprisonment for two years or more or imprisonment for less than two years is subject to the following conditions,

(a) every person who, on conviction of a service offence, is liable to imprisonment for life or for a term of years or other term, may be sentenced to imprisonment for a shorter term;

(b) a sentence that includes a punishment of imprisonment for two years or more imposed upon an officer shall be deemed to include a punishment of dismissal with disgrace from His Majesty's service, whether or not the last mentioned punishment is specified in the sentence passed by the service tribunal;

CROSS-REFERENCES TO EXISTING LEGISLATION

121. (2) See Naval Service Act, Sec 100
Army Act (UK), Sec 44, proviso (1)
Air Force Act (UK), Sec 44, proviso (1)

121. (3) See Naval Service Act, Sec 98(1) *(b)*
Army Act (UK), Sec 48(8)
Air Force Act (UK), Sec 48(8)

121. (4) See Naval Service Act, Secs 98(1) *(d)*, *(e)*, *(g)* *(i)*, *(k)*, 113
Army Act (UK), Secs 44, provisoes (2) and (4), 183(4)
Air Force Act (UK), Secs 44, provisoes (2) and (4), 183(4)
Criminal Code, Sec 1054

(c) a sentence that includes a punishment of imprisonment for less than two years imposed upon an officer shall be deemed to include a punishment of dismissal from His Majesty's service, whether or not the last mentioned punishment is specified in the sentence passed by the service tribunal;

(d) where a service tribunal imposes a punishment of imprisonment for two years or more upon a man, the service tribunal may in addition, notwithstanding any other provision of this Part, impose a punishment of dismissal with disgrace from His Majesty's service;

(e) where a service tribunal imposes a punishment of imprisonment for less than two years upon a man, the service tribunal may in addition, notwithstanding any other provision of this Part, impose a punishment of dismissal from His Majesty's service;

(f) in the case of a chief petty officer, petty officer or leading rating in the Royal Canadian Navy or a warrant officer or non-commissioned officer in the Canadian Army or the Royal Canadian Air Force, a sentence that includes a punishment of imprisonment for two years or more or imprisonment for less than two years shall be deemed to include a punishment of reduction in rank to the lowest rank to which under regulations he can be reduced, whether or not the last mentioned punishment is specified in the sentence passed by the service tribunal;

(g) a punishment of imprisonment for two years or more or imprisonment for less than two years shall be deemed to be a punishment of imprisonment with hard labour, but in the case of a punishment of imprisonment for less than two years, the Minister or such authorities as he may prescribe or appoint for that purpose may order that such punishment shall be without hard labour.

Dismissal With Disgrace.

Accompanying punishment.

(5) Where a service tribunal imposes a punishment of dismissal with disgrace from His Majesty's service upon an officer or man, the service tribunal may in addition, notwithstanding any other provision of this Part, impose a punishment of imprisonment for less than two years.

Consequences of dismissal with disgrace.

(6) A person upon whom a punishment of dismissal with disgrace from His Majesty's service has been carried out shall not, except in an emergency or unless that punishment is subsequently set aside or altered, be eligible to serve His Majesty again in any military or civil capacity.

121. (5) and (6) See Naval Service Act, Sec 98(1) *(f)*

Detention.

Conditions relating to imposition of detention.

(7) The punishment of detention is subject to the following conditions,

(a) detention shall not exceed two years and a person sentenced to detention shall not be subject to detention for more than two years consecutively by reason of more than one conviction;

(b) no officer may be sentenced to detention;

(c) in the case of a chief petty officer, petty officer or leading rating in the Royal Canadian Navy or a warrant officer or non-commissioned officer in the Canadian Army or the Royal Canadian Air Force, a sentence that includes a punishment of detention shall be deemed to include a punishment of reduction in rank to the lowest rank to which under regulations he can be reduced, whether or not the last mentioned punishment is specified in the sentence passed by the service tribunal.

Reduction in Rank.

Conditions-army and air force.

(8) The punishment of reduction in rank in the Canadian Army and the Royal Canadian Air Force is subject to the following conditions,

(a) in the case of a commissioned officer, it shall not be imposed upon an officer of or above the rank of lieutenant-colonel or wing commander and shall not involve reduction to a rank lower than commissioned rank; and

(b) in the case of a subordinate officer, it shall not involve reduction to a rank lower than an inferior grade of subordinate officer.

Conditions-navy.

(9) A punishment of reduction in rank in the Royal Canadian Navy shall apply only to a chief petty officer, petty officer or leading rating and shall not involve reduction to a rank lower than that to which under regulations the offender can be reduced.

Forfeiture of Seniority.

Sentence to specify period of forfeiture.

(10) Where an officer or man has been sentenced to forfeiture of seniority, the service tribunal imposing the punishment shall in passing sentence specify the period for which seniority is to be forfeited.

Dismissal from Ship.

Applies only to Royal Canadian Navy.

(11) The punishment of dismissal of an officer from the ship to which he belongs shall apply only to officers of the Royal Canadian Navy.

CROSS-REFERENCES TO EXISTING LEGISLATION

121. (7) See Naval Service Act, Sec 98(1) *(j) (k) (l)*, 113
Army Act (UK), Secs 44 proviso (1B), 183(4)
Air Force Act (UK), Secs 44 proviso (1B), 183(4)

121. (8) See Air Force Act (UK), Sec 44*(ee)*

121. (9) See Naval Service Act, Sec 97 *(j)*

121. (10) See Naval Service Act, Sec 97*(g)*

121. (11) See Naval Service Act, Sec 97*(h)*

Fine.

Conditions relating to fines.

(12) A fine shall be imposed in a stated amount and shall not exceed, in the case of an officer or man, three months basic pay, and in the case of any other person the sum of two hundred dollars, and the terms of payment of a fine shall lie within the discretion of the commanding officer of the person so punished.

Minor Punishments.

Governor In Council prescribes.

(13) Minor punishments shall be such as are prescribed in regulations made by the Governor in Council.

SENTENCES.

One sentence only to be passed.

122. Only one sentence shall be passed on an offender at a trial under the Code of Service Discipline and, where the offender is convicted of more than one offence, the sentence shall be good if any one of the offences would have justified it.

INCARCERATION UNDER MORE THAN ONE SENTENCE.

To be concurrent.

123. Where a person is under a sentence imposed by a service tribunal that includes a punishment involving incarceration and another service tribunal subsequently passes a new sentence that also includes a punishment involving incarceration, both punishments of incarceration shall, from the date of the pronouncement of the new sentence, run concurrently, but the punishment higher in the scale of punishments shall be served first.

IGNORANCE OF LAW.

No excuse.

124. The fact that a person is ignorant of the provisions of this Act, or of any regulations or of any order or instruction duly notified under this Act, is no excuse for any offence committed by him.

CIVIL DEFENCES.

Rules of civil courts applicable.

125. All rules and principles from time to time followed in the civil courts in proceedings under the *Criminal Code* that would render any circumstances a justification or excuse for any act or omission or a defence to any charge, shall be applicable to any defence to a charge under the Code of Service Discipline, except insofar as such rules and principles are altered by or are inconsistent with this Act.

CROSS-REFERENCES TO EXISTING LEGISLATION

121. (12) New

121. (13) See Naval Service Act, Sec 97*(l)*

122. See Criminal Code, Sec 1005

123. New.
See Naval Service Act, Sec 113

124. See Criminal Code, Sec 22

125. See Criminal Code, Sec 16

INSANITY AS A DEFENCE.

Natural imbecility or mental disease.

126. (1) No person shall be convicted of a service offence by reason of an act done or omitted by him when labouring under natural imbecility, or disease of the mind, to such an extent as to render him incapable of appreciating the nature and quality of the act or omission, and of knowing that such an act or omission was wrong.

Specific delusions.

(2) In respect of a person labouring under specific delusions, but in other respects sane, subsection one shall not apply unless the delusions caused him to believe in the existence of some state of things which, if it existed, would justify or excuse his act or omission.

Presumption of sanity.

(3) Every person shall be presumed to be sane at the time of doing or omitting to do any act until the contrary is proved.

CROSS-REFERENCES TO EXISTING LEGISLATION

126. See Criminal Code, Sec 19

PART VI.

ARREST.

Authority to Arrest.

General authority.

127. (1) Every person who has committed, is found committing, is suspected of being about to commit, or is suspected of or charged under this Act with having committed a service offence, may be placed under arrest.

Reasonable force authorized.

(2) Every person authorized to effect arrest under this Part may use such force as is reasonably necessary for that purpose.

Powers of officers.

128. (1) An officer may, without a warrant, in the circumstances mentioned in section one hundred and twenty-seven, arrest or order the arrest of

(a) any man;

(b) any officer of equal or lower rank; and

(c) any officer of higher rank who is engaged in a quarrel, fray or disorder.

Powers of men.

(2) A man may, without a warrant, in the circumstances mentioned in section one hundred and twenty-seven, arrest or order the arrest of

(a) any man of lower rank; and

(b) any man of equal or higher rank who is engaged in a quarrel, fray or disorder.

Arrest of offenders of other Services.

(3) An order given under subsection one or subsection two shall be obeyed although the person giving the order and the person to whom and the person in respect of whom the order is given do not belong to the same Service, component, unit or other element of the Canadian Forces.

Arrest of persons other than officers or men.

(4) Every person who is subject to the Code of Service Discipline, other than an officer or man, may without a warrant be arrested or ordered to be arrested by such person as any commanding officer may designate for that purpose.

Appointment and powers of shore patrol and provost.

129. Such officers and men as are appointed under regulations for the purposes of this section may,

(a) detain or arrest without a warrant any person who is subject to the Code of Service Discipline, regardless of the rank or status of that person, who has committed, is found committing, is suspected of being about to commit, or is suspected of or charged under this Act with having committed a service offence; and

(b) exercise such other powers as are prescribed in regulations made by the Governor in Council.

Issue of warrants.

130. (1) Subject to subsection two, every commanding officer, and every officer to whom the power of trying a charge summarily has been delegated under subsection six

Part VI.

This Part contains provisions relating to arrest in respect of service offences. Provision is also made for the prompt trial of accused persons held in custody.

Cross-References to Existing Legislation

127. (1) New
See Army Act (UK), Sec 45(1) (except proviso)
Air Force Act (UK), Sec 45(1) (except proviso)

127. (2) See Naval Service Act, Sec 95

128. (1), (2) and (3) See Army Act (UK), Sec 45(3)
Air Force Act (UK), Sec 45(3)

128. (4) New

129. See Army Act (UK), Sec 74

130. See Naval Service Act, Sec 95

of section one hundred and thirty-five or subsection six of section one hundred and thirty-six may by a warrant under his hand authorize any person to arrest any other person triable under the Code of Service Discipline who has committed, or is suspected of or charged under this Act with having committed a service offence.

Limitation.

(2) An officer authorized to issue a warrant under this section shall not, unless he has certified on the face of the warrant that the exigencies of the service so require, issue a warrant authorizing the arrest of any officer of rank higher than he himself holds.

Contents of warrants.

(3) In any warrant issued under this section the offence in respect of which the warrant is issued shall be stated and the names of more persons than one in respect of the same offence, or several offences of the same nature, may be included.

Saving provision.

(4) Nothing in this section shall be deemed to be in derogation of the authority that any person, including an officer or man, may have under other sections of this Act or otherwise under the law of Canada to arrest any other person without a warrant.

ACTION FOLLOWING ARREST.

Disposal of person arrested.

131. (1) A person arrested under this Part may forthwith on his apprehension be placed in civil custody or service custody or be taken to the unit or formation with which he is serving or to any other unit or formation of the Canadian Forces; and such force as is reasonably necessary for the purposes of this section may be used.

Delivery into custody.

(2) An officer or man commanding a guard or safeguard or an officer or man appointed under section one hundred and twenty-nine shall receive and keep a person who is committed to his custody by an officer, man or other person having power to arrest that person, but it shall be the duty of the officer, man or other person who commits a person into custody to deliver at the time of such committal, or as soon as practicable and in any case within twenty-four hours thereafter, to the officer or man into whose custody that person is committed, an account in writing, signed by himself, of the offence with which the person so committed is charged.

Report of custody.

(3) An officer or man who, pursuant to subsection two, receives a person committed to his custody shall, as soon as practicable and in any case within twenty-four hours thereafter, give in writing to the officer or man to whom it is his duty to report, the name of that person and an account of the offence alleged to have been committed by

131. (1) See Naval Service Act, Sec 95

131. (2) See Army Act (UK), Secs 21(2), 45(4)
Air Force Act (UK), Secs 21(2), 45(4)

131. (3) See Army Act (UK), Sec 21(3)
Air Force Act (UK), Sec 21(3)

that person so far as is known and the name and rank of the officer, man or other person by whom the person so committed was placed in custody, accompanied by any account in writing which has been submitted pursuant to subsection two.

LIMITATIONS IN RESPECT OF CUSTODY.

Report of delay of trial.

132. (1) Where a person triable under the Code of Service Discipline has been placed under arrest for a service offence and remains in custody for eight days without a summary trial having been held or a court martial for his trial having been ordered to assemble, a report stating the necessity for further delay shall be made by his commanding officer to the authority who is empowered to convene a court martial for the trial of that person, and a similar report shall be forwarded in the same manner every eighth day until a summary trial has been held or a court martial has been ordered to assemble.

Petition in respect of delay of trial.

(2) Every person held in custody in the circumstances mentioned in subsection one, who has been continuously so held for a period of twenty-eight days without a summary trial having been held or a court martial having been ordered to assemble, shall at the expiration of that period be entitled to direct to the Minister, or to such authority as the Minister may prescribe or appoint for that purpose, a petition to be freed from custody or for a disposition of the case and in any event that person shall be so freed when a period of ninety days continuous custody from the time of his arrest has expired, unless a summary trial has been held or a court martial has been ordered to assemble.

Limitation upon re-arrest.

(3) A person who has been freed from custody pursuant to subsection two shall not be subject to re-arrest for the offence with which he was originally charged, except on the written order of an authority having power to convene a court martial for his trial.

CROSS-REFERENCES TO EXISTING LEGISLATION

132. (1) See Army Act (UK), Sec 45(1)
Air Force Act (UK), Sec 45(1)

132. (2) and (3) New

PART VII.

SERVICE TRIBUNALS.

Application.

Commanding officer

133. (1) Every reference in this Part to a commanding officer shall be deemed to be a reference to the commanding officer of the accused person, or to such other commanding officer as may by regulations be empowered to act in lieu of the commanding officer of the accused person.

Meaning of ranks where specified.

(2) Every reference in this Part to the rank of an officer or man shall be construed in accordance with regulations made by the Governor in Council and every such reference shall be deemed to include a person who holds any equivalent relative rank, whether that person is enrolled in, or is attached, seconded or on loan to the Canadian Forces.

Investigation and Preliminary Disposition of Charges.

Immediate investigation required.

134. (1) Where a charge is laid against a person to whom this Part applies alleging that he has committed a service offence, the charge shall forthwith be investigated in accordance with regulations made by the Governor in Council.

Dismissal or other disposition.

(2) Where, after investigation, a commanding officer considers that a charge should not be proceeded with, he shall dismiss the charge; but otherwise shall cause it to be proceeded with as expeditiously as circumstances admit.

Summary Trials by Commanding Officer within the Royal Canadian Navy.

Persons triable.

135. (1) This section shall apply only in respect of persons who under Part IV are liable to be charged, dealt with and tried within the Royal Canadian Navy.

Jurisdiction of commanding officer.

(2) A commanding officer may in his discretion try an accused person by summary trial, but only if all of the following conditions are satisfied,

(a) the accused person is either a subordinate officer or a man;

(b) the offence is not one for which the punishment of death may be imposed;

(c) having regard to the gravity of the offence, the commanding officer considers that his powers of punishment are adequate;

Part VII

This Part makes provision for the constitution, powers and procedure of navy, army and air force tribunals.

Cross-References to Existing Legislation

133. New

134. (1) See Army Act (UK), Sec 45(5)
Air Force Act (UK), Sec 45(5)

134. (2) See Army Act (UK), Sec 46(1)
Air Force Act (UK), Sec 46(1)

135. (1) New

135. (2) See Naval Service Act, Sec 101(2), 102

(d) the accused person is not, pursuant to subsection nine, entitled to be tried by court martial; and

(e) the offence is not one which in regulations made by the Governor in Council the commanding officer is precluded from trying.

Sentences.

(3) A sentence passed by a commanding officer at a summary trial shall not include any of the following punishments,

(a) death;

(b) imprisonment for a period exceeding ninety days;

(c) detention for a period exceeding ninety days;

(d) any other punishment that by regulations made by the Governor in Council he is precluded from imposing.

Subordinate officers.

(4) A subordinate officer charged with having committed a service offence that in the opinion of the commanding officer is not sufficiently grave to justify trial by court martial, may be tried by summary trial under this section, but no punishment shall be imposed except forfeiture of seniority for a period not exceeding twelve months or forfeiture of service toward progressive increase in pay for a period not exceeding twelve months.

Jurisdiction in cases of detachment, etc.

(5) The authority of a commanding officer exercisable under this section may,

(a) in respect of persons on board a tender to a unit, be exercised in the case of a single tender absent from the unit, by the officer in command of the tender, and in the case of two or more tenders absent from the unit in company or acting together, by the officer in immediate command of the tenders;

(b) in respect of persons on board a boat belonging to the unit, be exercised, when the boat is absent on detached service, by the officer in command of the boat; and

(c) in respect of persons on detached service, either on shore or otherwise, be exercised by the officer in immediate command of those persons.

Delegation.

(6) A commanding officer may, subject to regulations made by the Governor in Council and to such extent as the commanding officer deems fit, delegate his powers under this section to any officer under his command, but an officer to whom powers are so delegated may not be authorized to impose punishments other than the following,

(a) a fine not exceeding ten dollars;

(b) a reprimand;

(c) minor punishments.

Limitation upon powers of punishment.

(7) Such punishments as are, in regulations made by the Governor in Council, specified as requiring approval before they may be imposed by a commanding officer, shall not be so imposed until approval has been obtained in the manner prescribed in such regulations.

135. (3) New
See Naval Service Act, Sec 101(2)

135. (4) See Naval Service Act, Sec 102

135. (5) See Naval Service Act, Sec 101(3)

135. (6) See Army Act (UK), Sec 46(9)
Air Force Act (UK), Sec 46(9)

135. (7) New

Evidence on oath.

(8) Where a commanding officer tries an accused person by summary trial, the evidence shall be taken on oath if the accused person so requests.

Election to be tried by court martial.

(9) Where a commanding officer tries a chief petty officer or a petty officer, first class, by summary trial and the commanding officer, either before or after any or all of the evidence has been heard, arrives at the conclusion that a finding of guilty,

(a) in the case of a chief petty officer or petty officer, first class, who is liable to be sentenced to the punishment of reduction in rank, would justify that punishment; or

(b) in the case of a chief petty officer or petty officer, first class, who under regulations is not liable to be sentenced to the punishment of reduction in rank, would justify the punishment of imprisonment for less than two years or detention,

the accused person shall, subject to paragraph *(a)* of subsection ten, have the right to elect to be tried by court martial rather than have the commanding officer continue and complete the summary trial, and the commanding officer shall inform him of that right.

Summary trial where court martial impracticable.

(10) *(a)* Where a chief petty officer or petty officer, first class, has, under subsection nine elected to be tried by court martial and, in the opinion of the senior naval officer present, the exigencies of naval service do not permit a court martial to be assembled within a reasonable period, that senior naval officer may, if he considers it necessary, authorize the commanding officer to deal with the case by summary trial.

Board of inquiry.

(b) Where in the circumstances mentioned in paragraph *(a)*, the commanding officer at a summary trial imposes the punishment of reduction in rank upon a chief petty officer or petty officer, first class, the senior officer in chief command shall order a board of inquiry to assemble forthwith to determine whether, having regard to the circumstances of the case, any one or more of the punishments lower in the scale of punishments than reduction in rank would be appropriate.

Reduction of sentence.

(c) Where a board of inquiry recommends a substituted punishment under paragraph *(b)*, the senior officer in chief command shall make an order to that effect and the substituted punishment shall have force and effect as if it had been imposed at the summary trial in the first instance, and the provisions of the Code of Service Discipline shall apply accordingly.

CROSS-REFERENCES TO EXISTING LEGISLATION

135. (8) Army Act (UK), Sec 46(6)
Air Force Act (UK), Sec 46(6)

135. (9) New

135. (10) New

SUMMARY TRIALS BY COMMANDING OFFICER WITHIN THE CANADIAN ARMY AND THE ROYAL CANADIAN AIR FORCE

Persons triable.

136. (1) This section shall apply only in respect of persons who under Part IV are liable to be charged, dealt with and tried within the Canadian Army or the Royal Canadian Air Force.

Jurisdiction of commanding officer.

(2) A commanding officer may in his discretion try an accused person by summary trial, but only if all of the following conditions are satisfied,

(a) the accused person is a man below the rank of warrant officer;

(b) the offence is not one for which the punishment of death may be imposed;

(c) having regard to the gravity of the offence, the commanding officer considers that his powers of punishment are adequate;

(d) the accused person is not, pursuant to subsection four, entitled to be tried by court martial; and

(e) the offence is not one which in regulations made by the Governor in Council the commanding officer is precluded from trying.

Sentences.

(3) Subject to the conditions set out in this section and in Part V relating to punishments, a commanding officer at a summary trial may pass a sentence in which any one or more of the following punishments may be included,

(a) detention for a period not exceeding ninety days, subject to the following provisions,

(i) a punishment of detention imposed by a commanding officer upon a non-commissioned officer shall not be carried into effect until approved by an officer not below the rank of brigadier or air commodore under whom the commanding officer who imposed the punishment is serving, and only to the extent so approved;

(ii) where a commanding officer imposes more than thirty days detention, the portion in excess of thirty days shall be effective only if approved by, and to the extent approved by, an officer not below the rank of brigadier or air commodore under whom the commanding officer who imposed the punishment is serving;

(b) reduction in rank, but a punishment of reduction in rank imposed by a commanding officer shall be effective only if approved by, and to the extent approved by, an officer, not below the rank of brigadier or air commodore, under whom the commanding officer who imposed the punishment is serving;

(c) forfeiture of seniority;

CROSS-REFERENCES TO EXISTING LEGISLATION

136. (1) New

136. (2) See Naval Service Act, Secs 101(2), 102
Army Act (UK), Sec 46(1)
Air Force Act (UK), Sec 46(1)

136. (3) See Army Act (UK), Sec 46(2)
Air Force Act (UK), Sec 46(2)

(d) forfeiture of service toward progressive increase in pay;
(e) a fine not exceeding basic pay for one month;
(f) severe reprimand;
(g) reprimand;
(h) minor punishments.

Election to be tried by court martial.

(4) Where a commanding officer tries an accused person by summary trial and the commanding officer, either before or after any or all of the evidence has been heard, arrives at the conclusion that a finding of guilty

(a) would involve a forfeiture of pay for absence without leave exceeding pay for seven days; or
(b) would justify
(i) a fine exceeding ten dollars; or
(ii) a punishment higher in the scale of punishments than a severe reprimand,

that person shall have the right to elect to be tried by court martial rather than have the commanding officer continue and complete the summary trial, and the commanding officer shall inform him of that right.

Evidence on oath.

(5) Where a commanding officer tries an accused person by summary trial, the evidence shall be taken on oath if the accused person so requests.

Delegation.

(6) A commanding officer may, subject to regulations made by the Governor in Council and to such extent as the commanding officer deems fit, delegate his powers under this section to any officer under his command, but an officer to whom powers are so delegated may not be authorized to impose punishments other than the following,

(a) a fine not exceeding ten dollars;
(b) a reprimand;
(c) minor punishments.

Limitation upon powers of punishment.

(7) Such punishments as are, in regulations made by the Governor in Council, specified as requiring approval before they may be imposed by a commanding officer, shall not be so imposed until approval has been obtained in the manner prescribed in such regulations.

Summary Trials by Superior Commander within the Canadian Army and the Royal Canadian Air Force.

Persons triable.

137. (1) This section shall apply only in respect of persons who under Part IV are liable to be charged, dealt with and tried within the Canadian Army or the Royal Canadian Air Force.

Jurisdiction of superior commander.

(2) Any officer of or above the rank of brigadier or air commodore, or any other officer prescribed or appointed by the Minister for that purpose, referred to in this section

136. (4) See Army Act (UK), Sec 46(8)
Air Force Act (UK), Sec 46(8)

136. (5) See Army Act (UK), Sec 46(6)
Air Force Act (UK), Sec 46(6)

136. (6) See Army Act (UK), Sec 46(9)
Air Force Act (UK), Sec 46(9)

136. (7) New

137. See Army Act (UK), Sec 47
Air Force Act (UK), Sec 47

as a "superior commander", may in his discretion try by summary trial an officer below the rank of major or squadron leader, or a warrant officer, charged with having committed a service offence, and in an emergency the Governor in Council may extend the provisions of this section to cases where the accused person is of the rank of major or squadron leader.

Dismissal or other disposition.

(3) A superior commander may, with or without hearing the evidence, dismiss a charge if he considers that it should not be proceeded with; but otherwise shall cause it to be proceeded with as expeditiously as circumstances admit.

Sentences.

(4) Subject to the conditions set out in this section and in Part V relating to punishments, a superior commander at a summary trial may pass a sentence in which any one or more of the following punishments may be included,

(a) forfeiture of seniority;

(b) forfeiture of service toward progressive increase in pay;

(c) fine;

(d) severe reprimand;

(e) reprimand.

Election to be tried by court martial.

(5) Where a superior commander tries an accused person by summary trial and the superior commander, either before or after any or all of the evidence has been heard, arrives at the conclusion that a finding of guilty would justify

(a) forefeiture of seniority;

(b) forfeiture of service toward progressive increase in pay;

(c) in the case of an officer, a fine exceeding fifty dollars; or

(d) in the case of a warrant officer, a fine exceeding twenty-five dollars,

the accused person shall have the right to elect to be tried by court martial rather than have the superior commander continue and complete the summary trial, and the superior commander shall inform him of that right.

Evidence on oath.

(6) Where a superior commander tries an accused person by summary trial, the evidence shall be taken on oath if the accused person so requests.

Convening of Courts Martial.

Convening authorities.

138. (1) The Minister, and such other authorities as he may prescribe or appoint for that purpose, may convene General Courts Martial and Disciplinary Courts Martial.

Officers of other Services may be appointed.

(2) An authority who convenes a court martial under subsection one may appoint as members of the court martial, officers of the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force or officers of any navy, army or air force, who are attached, seconded or loaned to the Canadian Forces.

138. (1) See Militia Act, Sec 93(2)
Naval Service Act, Secs 104(9), 103(1)

138. (2) See RCAF Act, Sec 13
Army Act (UK), Sec 48(10)
Air Force Act, (UK) Sec 48(10)

General Courts Martial.

Jurisdiction.

139. A General Court Martial may try any person who under Part IV is liable to be charged, dealt with and tried upon a charge of having committed any service offence.

Number of members.

140. (1) A General Court Martial shall consist of not less than five officers and not more than such maximum number of officers as may be prescribed in regulations.

Appointment of president.

(2) The president of a General Court Martial shall be an officer of or above the naval rank of captain or of or above the rank of colonel or group captain and shall be appointed by the authority convening the General Court Marial or by an officer empowered by that authority to appoint the president.

Trial of commodore, etc.

(3) Where the accused person is of or above the rank of commodore, brigadier or air commodore, the president of a General Court Martial shall be an officer or of above the rank of the accused person, and the other members of the court martial shall be of or above the naval rank of captain or of or above the rank of colonel or group captain.

Trial of captain, etc.

(4) Where the accused person is of the naval rank of captain or of the rank of colonel or group captain, all of the members of a General Court Martial, other than the president, shall be of or above the rank of commander, lieutenant-colonel or wing commander.

Trial of commander, etc.

(5) Where the accused person is a commander, lieutenant-colonel or wing commander, at least two of the members of a General Court Martial, other than the president, shall be of or above the rank of the accused person.

Judge advocate.

141. Such authority as is prescribed for that purpose in regulations shall appoint a person to officiate as judge advocate at a General Court Martial.

Ineligibility to serve on General Court Martial.

142. None of the following persons shall sit as a member of a General Court Martial,

(a) the officer who convened the court martial;

(b) the prosecutor;

(c) a witness for the prosecution;

(d) the commanding officer of the accused person;

(e) a provost officer;

(f) an officer who is under the age of twenty-one years;

(g) an officer below the naval rank of lieutenant, the army rank of captain or the air force rank of flight lieutenant;

(h) any person who prior to the court martial participated in any investigation respecting the matters upon which a charge against the accused person is founded; or

CROSS-REFERENCES TO EXISTING LEGISLATION

139. See Naval Service Act, Sec 101(1)
Army Act (UK), Sec 48(6)
Air Force Act (UK), Sec 48(6)

140. (1) See Naval Service Act, Sec 104(1) and (13)
Army Act (UK), Sec 48(3)
Air Force Act (UK), Sec 48(3)

140. (2), (3), (4), (5), See Naval Service Act, Sec 104(5), (6), (7) and (12)
Army Act (UK), Sec 48(9)
Air Force Act (UK), Sec 48(9)

141. New

142. See Naval Service Act, Secs 104(2), (4), (8) and (11), 105

(i) within the Royal Canadian Navy, an officer of the reserve forces, unless he is on active service.

DISCIPLINARY COURTS MARTIAL.

Jurisdiction.

143. Subject to any limitations prescribed in regulations made by the Governor in Council, a Disciplinary Court Martial may try any person who under Part IV is liable to be charged, dealt with and tried upon a charge of having committed any service offence.

Punishment.

144. A Disciplinary Court Martial shall not pass a sentence including a punishment higher in the scale of punishments than dismissal with disgrace from His Majesty's service, or higher than such other punishment as may be prescribed in regulations; but no such other punishment shall be higher in the scale of punishments than dismissal with disgrace from His Majesty's service.

Number of members.

145. A Disciplinary Court Martial shall consist of not less than three officers and not more than such maximum number of officers as may be prescribed in regulations.

Appointment of president.

146. (1) The president of a Disciplinary Court Martial shall be appointed by the authority convening the Disciplinary Court Martial or by an officer empowered by that authority to appoint the president.

Rank of president.

(2) The president of a Disciplinary Court Martial shall be an officer of or above the rank of lieutenant-commander, major or squadron leader or of or above such higher rank as may be prescribed in regulations.

Judge advocate.

147. Such authority as may be prescribed for that purpose in regulations may appoint a person to officiate as judge advocate at a Disciplinary Court Martial.

Ineligibility to serve on Disciplinary Court Martial.

148. None of the following persons shall sit as a member of a Disciplinary Court Martial,

(a) the officer who convened the court martial;
(b) the prosecutor;
(c) a witness for the prosecution;
(d) the commanding officer of the accused person;
(e) a provost officer;
(f) an officer who is under the age of twenty-one years;
(g) any person who prior to the court martial participated in any investigation respecting the matters upon which a charge against the accused person is founded; or
(h) within the Royal Canadian Navy, an officer of the reserve forces, unless he is on active service.

CROSS-REFERENCES TO EXISTING LEGISLATION

143. New
See Naval Service Act, Sec 103(1)
Army Act (UK), Sec 48(6)
Air Force Act (UK), Sec 48(6)

144. New
See Naval Service Act, Sec 103(3)
Army Act (UK), Sec 48 (6)
Air Force Act (UK), Sec 48(6)

145. See Naval Service Act, Sec 103(2)
Army Act (UK), Sec 48(4)
Air Force Act (UK), Sec 48 (4)

146. See Naval Service Act, Sec 103(2)
Army Act (UK) Sec 48(9)
Air Force Act (UK), Sec 48(9)

147. New

148. New
See Naval Service Act, Secs 104(4), (8) and (11), 105

Standing Courts Martial.

Constitution.

149. (1) The Governor in Council may in an emergency establish Standing Courts Martial and each such court martial shall consist of one officer, to be called the president, who is or has been a barrister or advocate of more than three years standing and who shall be appointed by or under the authority of the Minister.

Powers.

(2) Subject to any limitations prescribed in regulations, a Standing Court Martial may try any person who under Part IV is liable to be charged, dealt with and tried upon a charge of having committed a service offence, but a Standing Court Martial shall not pass a sentence including any punishment higher in the scale of punishments than imprisonment for less than two years.

Admission to Courts Martial.

Trials public.

150. (1) Subject to subsections two and three, courts martial shall be public and, to the extent that accommodation permits, members of the public shall be admitted to the trial.

Exception.

(2) Where the authority who convenes a court martial or the president of a court martial considers that it is expedient in the interests of public safety, defence or public morals that the public should be excluded during the whole or any part of a trial, either of them may make an order to that effect, and any such order shall be recorded in the minutes of the proceedings of the court martial.

Witnesses.

(3) Witnesses, other than the prosecutor and the accused person, shall not be admitted to a trial, except when under examination or by specific leave of the president of the court martial.

Clearing court.

(4) The president may, on any deliberation among the members, cause a court martial to be cleared of any other persons in accordance with regulations.

Rules of Evidence.

Trial in Canada.

151. (1) The rules of evidence at a trial by court martial held in Canada shall be the same as those from time to time followed in civil courts in the province of Canada in which the court martial is held, except insofar as such rules are inconsistent with this Act or regulations.

CROSS-REFERENCES TO EXISTING LEGISLATION

149. New

150. New

151. New
See Army Act (UK), Secs 127, 128
Air Force Act (UK), Sec 128

Trial outside Canada.

(2) Where a court martial is held out of Canada or in a ship beyond the territorial limits of Canada, the rules of evidence shall be the same as those from time to time followed in civil courts in the province in which the accused person states to the court martial that his ordinary place of residence is situated, except insofar as such rules are inconsistent with this Act or regulations.

Special case.

(3) Where, in the circumstances mentioned in subsection two, an accused person states that his ordinary place of residence is situated out of Canada, or makes no statement as to his ordinary place of residence, the court martial shall apply the rules of evidence from time to time followed in civil courts in the capital city of Canada, except insofar as such rules are inconsistent with this Act or regulations.

Exclusion.

(4) A court martial, wherever held, shall not as respects the conduct of its proceedings or the reception or rejection of evidence or as respects any other matter or thing, be subject to any Act, law or regulation not in force in Canada.

Admission of documents and records.

152. Such classes of documents and records as are prescribed in regulations made by the Governor in Council may be admitted as evidence of the facts therein stated at trials by court martial or in any proceedings before civil courts arising out of such trials, and the conditions governing the admissibility of such classes of documents and records or copies thereof shall be as prescribed in those regulations.

Statutory declarations admissible.

153. A court martial may receive, as evidence of the facts therein stated, declarations made in the manner prescribed by section thirty-six of the *Canada Evidence Act*, subject to the following conditions,

(a) where the declaration is one that the prosecutor wishes to introduce, a copy shall be served upon the accused person at least seven days before the trial;

(b) where the declaration is one that the accused person wishes to introduce, a copy shall be served upon the prosecutor at least three days before the trial; and

(c) at any time before the trial the party upon whom the copy of the declaration has been served under paragraphs *(a)* or *(b)* may notify the opposite party that he will not consent to the declaration being received by the court martial, and in that event the declaration shall not be received.

WITNESSES AT COURTS MARTIAL.

Procurement of attendance of witnesses.

154. (1) The commanding officer of the accused person, the authority who convenes a court martial, or, after the assembly of the court martial, the president, shall take all necessary action to procure the attendance of the witnesses

CROSS-REFERENCES TO EXISTING LEGISLATION

152. New

153. New

154. New

whom the prosecutor and the accused person request to be called and whose attendance can, having regard to the exigencies of the service, reasonably be procured, but nothing in this subsection shall require the procurement of the attendance of any witnesses, the request for whose attendance is deemed by any such commanding officer, authority who convenes a court martial or president to be frivolous or vexatious.

Procurement of attendance in exceptional cases.

(2) Where a request by the accused person for the attendance of a witness is deemed to be frivolous or vexatious, the attendance of that witness, if his attendance, having regard to the exigencies of the service, can reasonably be procured, shall be procured if the accused person pays in advance the fees and expenses of the witness at the rates prescribed in regulations, and if at the trial the evidence of the witness proves to be relevant and material, the president of the court martial or the authority who convened the court martial may order that the accused person be reimbursed in the amount of the fees and expenses of the witness so paid.

Rights of accused preserved.

(3) Nothing in this section shall limit the right of the accused person to procure and produce at the trial at his own expense such witnesses as he may desire, if the exigencies of the service permit.

Evidence on Commission.

Appointment of commissioner.

155. (1) Where it appears to the Judge Advocate General, or to such person as he may appoint for that purpose, that the attendance at a trial by court martial of a witness for the prosecution is not readily obtainable because the witness is ill or is absent from the country in which the trial is held, or that the attendance of a witness for the accused person is not readily obtainable for any reason, the Judge Advocate General, or such person as he may appoint for that purpose, may appoint any officer or other qualified person, in this section referred to as a "commissioner", to take the evidence of the witness under oath.

Admissibility of commission evidence.

(2) The document containing the evidence of a witness, taken under subsection one and duly certified by the commissioner, shall be admissible in evidence at a court martial to the same extent and subject to the same objections as if the witness had given that evidence in person at the trial.

Personal attendance of witness.

(3) Where in the opinion of the president of a court martial, a witness whose evidence has been taken on commission, should in the interests of justice appear and give evidence before the court martial and that witness is not too ill to attend the trial and is not outside the country in which the trial is held, the president may require the attendance of that witness.

155. New

Commission evidence part of summary or abstract.

(4) The document mentioned in subsection two or a true copy thereof may be attached to the summary or abstract of evidence taken in respect of the charge against the accused person and, on being so attached, that document shall form part of the summary or abstract of evidence.

Cross-examination.

(5) At any proceedings before a commissioner the accused person and the prosecutor shall be entitled to be represented and the persons representing them shall have the right to examine and cross-examine any witness.

Copy to accused.

(6) The accused person shall, at least twenty-four hours before it is admitted at the court martial, be furnished without charge with a copy of the document mentioned in subsection two.

View by Court Martial.

President may authorize.

156. A court martial may, where the president considers it necessary, view any place, thing or person.

Objection to Members of Courts Martial.

Right of accused.

157. (1) When a court martial is assembled, the names of the president and other members shall be read over to the accused person who shall be asked if he objects to be tried by any of them, and if he objects the court martial shall decide whether the objection shall be allowed.

Replacements

(2) The procedure for the replacement of a president of a court martial or any other members of a court martial in respect of whom an objection has been allowed shall be as prescribed in regulations.

Oaths at Courts Martial.

Persons required to take oath.

158. (1) At every court martial an oath shall be administered to each of the following persons,

(a) the president and other members of the court martial;

(b) the judge advocate;

(c) the officers ordered to attend for purposes of instruction;

(d) court reporters;

(e) interpreters;

(f) witnesses,

in the manner and in the forms prescribed in regulations.

Affirmation in lieu of oath.

(2) If a person to whom an oath is required to be administered under subsection one,

(a) objects to take the oath and the president of the court martial is satisfied of the sincerity of the objection; or

(b) is objected to as incompetent to take the oath and the president of the court martial is satisfied that the

156. See Army Act (UK), Sec 53(7)
Air Force Act (UK), Sec 53(7)
Criminal Code, Sec 958(1)

157. See Naval Service Act, Sec 109
Army Act (UK), Sec 51
Air Force Act (UK), Sec 51

158. See Naval Service Act, Secs 110, 111
Army Act (UK), Sec 52
Air Force Act (UK), Sec 52

oath would have no binding effect on the conscience of that person,

the president shall require that person, instead of being sworn, to make a solemn affirmation in the form prescribed in regulations and, for the purposes of this Act, a solemn affirmation shall be deemed to be an oath.

ADJOURNMENT AND DISSOLUTION.

President may adjourn.

159. A court martial may be adjourned whenever the president considers adjournment desirable.

Dissolution when numbers reduced.

160. (1) Where, after the commencement of a trial, a court martial is by death or otherwise reduced below the minimum number of members prescribed in this Act, it shall be deemed to be dissolved.

President unable to attend.

(2) Where, after the commencement of a trial, the president of a court martial dies or for any other reason cannot attend and the court martial is not thereby reduced below the minimum number of members prescribed in this Act, the authority who convened the court martial may appoint the senior member of the court martial to be the president and the trial shall proceed; but if the senior member of the court martial is not of sufficient rank to be appointed president, the court martial shall be deemed to be dissolved.

Illness of accused.

(3) Where, on account of the illness of the accused person, it is impossible to continue the trial, the court martial shall be dissolved.

Effect of dissolution.

(4) Where a court martial is dissolved pursuant to this section, the accused person may be dealt with as if the trial had never commenced.

AMENDMENT OF CHARGES.

May be made if no injustice.

161. (1) Where at any time during a trial by court martial, it appears to the president that there is a technical defect in a charge that does not affect the substance of the charge, the president, if he is of the opinion that the accused person will not be prejudiced in the conduct of his defence by an amendment, shall make such order for the amendment of the charge as he considers necessary to meet the circumstances of the case.

Procedure.

(2) Where an amendment to the charge has been made, the president of the court martial shall, if the accused person so requests, adjourn the court martial for such period as the president considers necessary to enable the accused person to meet the charge so amended.

Minute of amendment.

(3) Where a charge is amended, a minute of the amendment shall be endorsed upon the charge sheet and signed

159. See Naval Service Act, Sec 107
Army Act (UK), Sec 53(6)
Air Force Act (UK), Sec 53(6)

160. See Army Act (UK), Sec 53(1), (2), (3) and (4)
Air Force Act (UK), Sec 53(1), (2), (3) and (4)

161. New
See Criminal Code, Sec 893

by the president of the court martial; and the charge sheet so amended shall be treated for the purposes of the trial and all proceedings in connection therewith as being the original charge sheet.

Decisions by Courts Martial.

Majority vote.

162. (1) The finding and, subject to subsection three of section one hundred and twenty-one, the sentence of a court martial and the decision in respect of any other matter or question arising after the commencement of the trial shall be determined by the vote of a majority of the members.

Equality on finding.

(2) In the case of an equality of votes on the finding, the accused shall be found not guilty.

Equality on sentence.

(3) In the case of an equality of votes on the sentence or on any other matter or question arising after the commencement of the trial, except the finding, the president of the court martial shall have a second or casting vote.

Similar Offences.

May be considered in imposing sentence.

163. A court martial may at the request of the offender and in its discretion take into consideration, for the purposes of sentence, other service offences similar in character to that of which the offender has been found guilty, that are admitted by him, as if he had been charged with, tried on and found guilty of such offences; but the sentence of the court martial sha l not include any punishment higher in the scale of punishments than the punishment that might be imposed in respect of any offence of which the offender has been found guilty.

Pronouncement of Findings and Sentence.

Effect.

164. The finding and sentence of a court martial shall at the conclusion of the trial be pronounced to the offender in open court and he shall be under the sentence as of the date of the pronouncement thereof.

Recommendations to Clemency.

Applicable in certain cases only.

165. Where a court martial has found a person guilty of an offence, prescribed in section sixty-four, sixty-five, sixty-six or sixty-seven, for which the punishment of death is mandatory, or in section eighty-three, for which the punishment of dismissal with disgrace from His Majesty's service or dismissal from His Majesty's service is manda-

162. (1) New

162. (2) and (3) See Army Act (UK), Sec 53(8)
Air Force Act (UK), Sec 53(8)

163. New

164. New

165. See Army Act (UK), Sec 53(9)
Air Force Act (UK), Sec 53(9)

tory, or an offence to which paragraph *(a)* of subsection two of section one hundred and nineteen applies, the court martial may recommend clemency and the recommendation shall be attached to and form part of the minutes of the proceedings of the trial.

DECISION WHERE ACCUSED INSANE AT TRIAL.

Trial of issue of insanity.

166. (1) Where at any time after a trial by court martial commences and before the finding of the court martial is made, it appears that there is sufficient reason to doubt whether the accused person is then, on account of insanity, capable of conducting his defence, an issue shall be tried and decided by that court martial as to whether the accused person is or is not then, on account of insanity, unfit to stand or continue his trial.

Trial proceeds if accused sane.

(2) Where the decision of the court martial on an issue mentioned in subsection one is that the accused person is not then unfit to stand or continue his trial, the court martial shall proceed to try that person as if no such issue had been tried.

Disposal of accused in Canada.

(3) Where the decision of a court martial held in Canada is that the accused person is unfit to stand or continue his trial on account of insanity, the court martial shall order the accused person to be kept in strict custody, and he shall be treated in accordance with subsection five of section nine hundred and sixty-seven and section nine hundred and sixty-nine of the *Criminal Code*, as if the same decision had been made in respect of him by a civil court in the province of Canada in which that court martial was held.

Disposal of accused out of Canada.

(4) Where the decision of a court martial held out of Canada is that the accused person is unfit to stand or continue his trial on account of insanity, the court martial shall order that person to be kept in strict custody and he shall be transferred, as soon as conveniently may be, to the province of Canada in which he is domiciled, and upon transfer to that province he shall be treated in accordance with subsection five of section nine hundred and sixty-seven and section nine hundred and sixty-nine of the *Criminal Code*, as if the same decision had been made in respect of him by a civil court in that province; and, in the case of an accused person who is not domiciled in any province, the Minister may make such arrangements for the benefit and welfare of that person as to the Minister seem fit.

Saving of jurisdiction.

(5) No decision of a court martial that an accused person is unfit to stand or continue his trial by reason of insanity shall prevent that person being afterwards tried in respect of the offence or of any other offence of which he might have been found guilty on the same charge; and the period during which he is unfit to stand or continue his trial by reason of

166. New
Criminal Code, Sec 967
See Army Act (UK), Sec 130(1) and (3)
Air Force Act (UK), Sec 130(1) and (3)

insanity shall not be taken into account in applying to him in respect of that offence the provisions of section sixty.

Decision Where Accused Insane When Offence Committed.

Special finding.

167. (1) Where evidence is given at a court martial that a person charged with a service offence was insane at the time of the commission of that offence, the court martial, if it finds that person not guilty of the offence, shall make a special finding as to whether he was insane at the time of the commission of the offence and whether he was found not guilty by reason of insanity.

Disposal of accused in Canada.

(2) Where a court martial held in Canada makes a special finding under subsection one that an accused person was insane, it shall order that person to be kept in strict custody and he shall be treated in accordance with subsection two of section nine hundred and sixty-six and section nine hundred and sixty-nine of the *Criminal Code*, as if the same finding had been made in respect of him by a civil court in the province of Canada in which that court martial was held.

Disposal of accused out of Canada.

(3) Where a court martial held out of Canada makes a special finding under subsection one that an accused person was insane, it shall order that person to be kept in strict custody and he shall be transferred, as soon as conveniently may be, to the province of Canada in which he is domiciled, and upon transfer to that province he shall be treated in accordance with subsection two of section nine hundred and sixty-six and section nine hundred and sixty-nine of the *Criminal Code*, as if the same finding had been made in respect of him by a civil court in that province; and, in the case of an accused person who is not domiciled in any province, the Minister may make such arrangements for the benefit and welfare of that person as to the Minister seem fit.

Minutes of Proceedings of Courts Martial.

Delivery to offender.

168. A copy of the minutes of the proceedings of a court martial shall be delivered without charge as soon as practicable after the conclusion of the trial to the person who has been tried and found guilty by that court martial.

167. New
Criminal Code Sec 966
See Army Act (UK), Sec 130(2) and (3)
Air Force Act (UK), Sec 130(2) and (3)

168. See Army Act (UK), Sec 124
Air Force Act (UK), Sec 124

Part VIII.

PROVISIONS APPLICABLE TO FINDINGS AND SENTENCES AFTER TRIAL.

Imprisonment and Detention.

Commencement.

169. (1) Subject to subsection three and sections one hundred and seventy-six and one hundred and seventy-seven, the term of a punishment of imprisonment for two years or more, imprisonment for less than two years or detention, shall commence on the date upon which the service tribunal pronounces sentence upon the offender.

Time counted.

(2) The only time which shall be reckoned toward the completion of a term of a punishment of imprisonment for two years or more, imprisonment for less than two years or detention shall be the time that the offender spends in civil custody or service custody while under the sentence in which that punishment is included.

Special case.

(3) Where a punishment mentioned in subsection two cannot lawfully be carried out by reason of a vessel being at sea or in a port at which there is no suitable place of incarceration, the offender shall as soon as practicable, having regard to the exigencies of military service, be sent to a place where the punishment can lawfully be carried out, and the period of time prior to the date of arrival of the offender at that place shall not be reckoned toward the completion of the term of the punishment.

Punishments Requiring Approval.

Death.

170. (1) A punishment of death included in a sentence passed by a court martial shall be subject to approval by the Governor in Council and shall not be carried out unless so approved.

Dismissal.

(2) A punishment of dismissal with disgrace from His Majesty's service or of dismissal from His Majesty's service, whether it is expressly included in the sentence passed by a service tribunal or whether it is deemed to be included in the sentence pursuant to paragraph *(b)* or paragraph *(c)* of subsection four of section one hundred and twenty-one shall be subject to approval by the Minister or such authorities as are prescribed in regulations and shall not be carried out unless so approved; but any punishment of imprisonment for two years or more, imprisonment for less than two years or detention included in the sentence shall commence and be carried out under section one hundred and sixty-nine as

Part VIII.

This Part provides for the effective date of sentences and the carrying out of punishments. It also empowers service authorities to quash findings and alter sentences in circumstances where the ends of justice and the interest of the accused render that action desirable.

Cross-References to Existing Legislation

169. (1) See Naval Service Act, Sec 114(1)
Army Act (UK), Sec 68(1)

169. (2) New

169. (3) See Naval Service Act, Sec 114(3)

170. (1) Militia Act, Sec 93(3)
See Naval Service Act, Sec 98(1) *(c)*

170. (2) New

if the sentence had not included a punishment of dismissal with disgrace from His Majesty's service or dismissal from His Majesty's service, as the case may be.

Effective date of dismissal.

(3) A punishment of dismissal with disgrace from His Majesty's service or dismissal from His Majesty's service shall be deemed to be carried out as of the date upon which the release of the offender from the Canadian Forces is effected.

Substitution where punishment not approved.

(4) An authority mentioned in section one hundred and seventy-three shall have power to substitute a new punishment for

(a) a punishment of death that has not been approved under subsection one;

(b) a punishment of dismissal with disgrace from His Majesty's service or dismissal from His Majesty's service that has not been approved under subsection two; or

(c) a punishment, imposed by a commanding officer at a summary trial, that has not been approved under subsection seven of section one hundred and thirty-five or subsection three or seven of section one hundred and thirty-six, as the case may be.

Quashing of Findings.

Authority.

171. (1) The Minister, and such other authorities as he may prescribe or appoint for that purpose, may quash any finding of guilty made by a service tribunal.

Effect upon sentence of complete quashing.

(2) Where, after a finding of guilty has been quashed, no other finding of guilty remains, the whole of the sentence passed by the service tribunal shall cease to have force and effect.

Effect upon sentence of partial quashing.

(3) Where, after a finding of guilty has been quashed, another finding of guilty remains, and any punishment included in the sentence passed by the service tribunal is in excess of the punishment authorized by this Act in respect of the findings of guilty which remain, or is, in the opinion of the authority who quashed the finding, unduly severe, he shall, subject to the conditions set out in section one hundred and seventy-five, substitute such new punishment or punishments as he considers appropriate.

Substitution of Findings.

Authority.

172. (1) The Minister, and such other authorities as he may prescribe or appoint for that purpose, may substitute a new finding for any finding of guilty, made by a service tribunal, that is illegal or cannot be supported by the evidence, if the new finding could validly have been made

CROSS-REFERENCES TO EXISTING LEGISLATION

170. (3) New

170. (4) New

171. See Army Act (UK), Sec 54(1) *(b)* and *(c)*
Air Force Act (UK), Sec 54(1) *(b)* and *(c)*

172. See Army Act (UK), Sec 70(1) *(ee)*
Air Force Act (UK), Sec 70(1) *(ee)*

by the service tribunal on the charge and if it appears that the service tribunal was satisfied of the facts establishing the offence specified or involved in the new finding.

Effect upon sentence.

(2) Where a new finding has been substituted for a finding made by a service tribunal and any punishment included in the sentence passed by the service tribunal is in excess of the punishment authorized by this Act in respect of the new finding, or is, in the opinion of the authority who substituted the new finding, unduly severe, he shall, subject to the conditions set out in section one hundred and seventy-five, substitute such new punishment or punishments as he considers appropriate.

Substitution of Punishments.

Authority.

173. Where a service tribunal has passed a sentence in which is included an illegal punishment, the Minister, and such other authorities as he may prescribe or appoint for that purpose, may, subject to the conditions set out in section one hundred and seventy-five, substitute for the illegal punishment such new punishment or punishments as he considers appropriate.

Mitigation, Commutation and Remission of Punishments.

Authority.

174. The Minister, and such other authorities as he may prescribe or appoint for that purpose, may, subject to the conditions set out in section one hundred and seventy-five, mitigate, commute or remit any or all of the punishments included in a sentence passed by a service tribunal.

Conditions Applicable to New Punishments.

Limitation upon new punishments.

175. The following conditions shall apply where under this Act a new punishment, by way of substitution, commutation or reduction, replaces a punishment imposed by a service tribunal,

(a) the new punishment shall not be any punishment that could not legally have been imposed by the service tribunal on the charges of which the offender was found guilty and in respect of which the findings have not been quashed or set aside by way of substitution;

(b) the new punishment shall not be higher in the scale of punishments than the punishment imposed by the service tribunal in the first instance and, if the sentence passed by the service tribunal included a punishment of incarceration, the new punishment shall not involve

173. See Naval Service Act, Sec 98(1) *(a)*
Army Act (UK), Sec 70(1) *(e)*
Air Force Act (UK), Sec 70(1) *(e)*

174. See Naval Service Act, Sec 98(1) *(a)*
Army Act (UK), Sec 57(2)
Air Force Act (UK), Sec 57(2)

175. See Naval Service Act, Sec 98(1) *(a)*
Army Act (UK), Secs 44(1A) and (1B), 57(2)
Air Force Act (UK), Secs 44(1A) and (1B), 57(2)

a period of incarceration exceeding the period comprised in that sentence;

(c) where the new punishment is detention and the punishment that it replaces is imprisonment for two years or more or imprisonment for less than two years, the term of detention from the date of alteration shall in no case exceed the term of imprisonment remaining to be served, and in any event shall not exceed a term of two years; and

(d) where the offence of which a person has been found guilty by a service tribunal is an offence, prescribed in section sixty-four, sixty-five, sixty-six or sixty-seven, for which the punishment of death is mandatory, or in section eighty-three, for which the punishment of dismissal with disgrace from His Majesty's service is mandatory, or an offence to which paragraph *(a)* of subsection two of section one hundred and nineteen applies, the punishment may, subject to this section, be altered to any one or more of the punishments lower in the scale of punishments than the punishment provided for in the enactment prescribing the offence.

Effect of New Punishments.

Ordinary provisions to apply.

176. Where under the authority of this Act, a new punishment, by reason of substitution, commutation or reduction, replaces a punishment imposed by a service tribunal, the new punishment shall have force and effect as if it had been imposed by the service tribunal in the first instance and the provisions of the Code of Service Discipline shall apply accordingly; but where the new punishment involves incarceration, the term of the new punishment shall be reckoned from the date of substitution, commutation or reduction, as the case may be.

Suspension of Imprisonment or Detention.

Authority.

177. (1) Where an offender has been sentenced to imprisonment for two years or more, imprisonment for less than two years or detention, the carrying into effect of the punishment may be suspended by the Minister, or such other authorities as he may prescribe or appoint for that purpose; and the Minister or any authority so prescribed or appointed is referred to in this section as a "suspending authority".

Postponement of committal.

(2) Where, in the case of an offender upon whom any punishment mentioned in subsection one has been imposed, suspension of the punishment has been recommended, the authority empowered to commit the offender to a penitentiary, civil prison, service prison or detention barrack, as

176. See Naval Service Act, Sec 98(1) *(a)*
Army Act (UK), Sec 57(5)
Air Force Act (UK), Sec 57(5)

177. See Naval Service Act, Secs 98(1) *(a)*, 115
Army Act (UK), Sec 57A
Air Force Act (UK), Sec 57A

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the case may be, may postpone committal until the directions of a suspending authority have been obtained.

Suspension possible at any time.

(3) A suspending authority may, in the case of an offender upon whom any punishment mentioned in subsection one has been imposed, suspend the punishment whether or not the offender has already been committed to undergo that punishment.

Effect of suspension before committal.

(4) Where a punishment is suspended before the offender has been committed to undergo the punishment, he shall, if in custody, be discharged from custody and the term of the punishment shall not commence until the offender has been ordered to be committed to undergo that punishment.

Effect of suspension after committal.

(5) Where a punishment is suspended after the offender has been committed to undergo the punishment, he shall be discharged from the place in which he is incarcerated and the currency of the punishment shall be arrested from the day on which he is so discharged, until he is again ordered to be committed to undergo that punishment.

Review and remission.

(6) Where a punishment has been suspended, it may at any time, and shall at intervals of not more than three months, be reviewed by a suspending authority and if on such review it appears to the suspending authority that the conduct of the offender, since the punishment was suspended, has been such as to justify a remission of the punishment, he shall remit it.

Automatic remission.

(7) A punishment that has been suspended shall be deemed to be wholly remitted on the expiration of the period specified as the term of that punishment, unless the punishment has been put into execution prior to the expiration of that period.

Committal after suspension.

(8) A suspending authority may, at any time while a punishment is suspended, direct the authority who is empowered to commit the offender to commit him, and from the date of the committal order that punishment shall cease to be suspended.

Term where suspended punishment put into execution.

(9) Where a punishment that has been suspended under this section is put into execution, the term of the punishment shall be deemed to commence on the date upon which it is put into execution, but there shall be deducted from the term any time during which the offender has been incarcerated following pronouncement of the sentence.

COMMITTAL TO IMPRISONMENT OR DETENTION.

"committing authority".

178. (1) The Minister may prescribe or appoint authorities for the purposes of this section and any such authority is referred to in this section as a "committing authority".

Service prisons and detention barracks.

(2) Such places as are designated by the Minister for the purpose shall be service prisons and detention barracks and

178. See Militia Act, Secs 132, 133
Naval Service Act, Secs 114(2) and (4), 116, 118
Army Act (UK), Secs 58, 60(1), 61, 63, 65, 66, 67(2)

any hospital or other place for the reception of sick persons to which a person who is a service convict, service prisoner or service detainee has been admitted shall, as respects that person, be deemed to be part of the place to which he has been committed.

Warrants for committal.

(3) A committal order, in such form as is prescribed in regulations, made by a committing authority shall be a sufficient warrant for the committal of a service convict, service prisoner or service detainee to any lawful place of confinement.

Authority for transfer.

(4) A committing authority may from time to time by warrant order that a service convict, service prisoner or service detainee shall be transferred from the place to which he has been committed to undergo his punishment to any other place in which that punishment may lawfully be put into execution.

Custody pending committal and during transfer.

(5) Until he is delivered to the place where he is to undergo his punishment or while he is being transferred from one such place to another such place, a service convict, service prisoner or service detainee may be held in any place, either in service custody or in civil custody or at one time in service custody and at another time in civil custody, as occasion may require, and may be transferred from place to place by any mode of conveyance, under such restraint as is necessary for his safe conduct.

Committal to penitentiaries.

(6) Where a punishment of imprisonment for two years or more is to be put into execution, the service convict shall as soon as practicable be committed to a penitentiary, there to undergo his punishment according to law; except that a committing authority may, in accordance with regulations made by the Governor in Council, order that a service convict be committed to a service prison there to undergo his punishment or part of his punishment, and where a service convict has undergone part of his punishment in a service prison and a committing authority then orders him to be committed to a penitentiary, the service convict may be so committed notwithstanding that the unexpired portion of the term of his punishment is less than two years.

Committal to service prisons.

(7) Where a punishment of imprisonment for less than two years is to be put into execution, the service prisoner shall as soon as practicable be committed to a civil prison there to undergo his punishment according to law; except that a committing authority may, in accordance with regulations made by the Governor in Council, order that a service prisoner be committed to a service prison or detention barrack there to undergo his punishment or part of his punishment.

Committal to detention barrack.

(8) Where a punishment of detention is to be put into execution, the service detainee shall as soon as practicable be committed to a detention barrack there to undergo his punishment.

Temporary Removal from Incarceration.

Authority required.

179. Where the exigencies of military service so require, a service convict, service prisoner or service detainee may, by an order made by a committing authority mentioned in section one hundred and seventy-eight, be removed temporarily from the place to which he has been committed for such period as may be specified in that order but, until his return to that place, he shall be retained in service custody or civil custody, as occasion may require, and no further committal order shall be necessary upon his return to that place.

Rules Applicable to Service Convicts and Service Prisoners.

Rules of penitentiaries and civil prisons to apply.

180. While a service convict is undergoing punishment in a penitentiary or a service prisoner is undergoing punishment in a civil prison, he shall be dealt with in the same manner as other prisoners in the place where he is undergoing punishment, and all rules applicable in respect of a person sentenced by a civil court to imprisonment in a penitentiary or civil prison, as the case may be, shall insofar as circumstances admit, apply accordingly; but a service convict undergoing punishment in a penitentiary or a service prisoner undergoing punishment in a civil prison shall not be discharged therefrom until the expiration of the term of his punishment, as reduced for good conduct by virtue of any rules in effect in that penitentiary or civil prison, unless an authority mentioned in section one hundred and seventy-four or section one hundred and seventy-seven orders that he be discharged therefrom prior to the expiration of the term of his punishment.

Validity of Documents.

Errors in form may be corrected.

181. The custody of a service convict, service prisoner or service detainee is not illegal by reason only of informality or error in or in respect of a document containing a warrant, order or direction issued in pursuance of this Act, or by reason only that such document deviates from the prescribed form; and any such document may be amended appropriately at any time by the authority who issued it in the first instance or by any other authority empowered to issue documents of the same nature.

CROSS-REFERENCES TO EXISTING LEGISLATION

179. See Naval Service Act, Sec 117

180. See Army Act (UK), Secs 62, 67(1)

181. See Army Act (UK), Sec 172(4)
Air Force Act (UK), Sec 172(4)

Insanity During Imprisonment or Detention.

Insane persons in penitentiaries or civil prisons.

182. (1) A service convict or service prisoner who, having been released from the Canadian Forces, is or becomes insane, mentally ill or mentally deficient while undergoing punishment in a penitentiary or a civil prison, shall be treated in the same manner as if he were a person undergoing a term of imprisonment in such penitentiary or civil prison by virtue of the sentence of a civil court.

Insane persons in service prisons or detention barracks.

(2) A service convict, service prisoner or service detainee who, having been released from the Canadian Forces, is or becomes insane, mentally ill or mentally deficient while undergoing punishment in a service prison or detention barrack, may, in the discretion of the commanding officer of that service prison or detention barrack, be made available to the Lieutenant-Governor of the province in which the service prison or detention barrack is situated, in order that he may be treated in the manner provided for in section nine hundred and seventy of the *Criminal Code*, and, pending action under that section, he shall be kept in strict custody until his case has been disposed of under that section, whether or not his term of imprisonment or detention has expired.

CROSS-REFERENCES TO EXISTING LEGISLATION

182. New
See Criminal Code, Sec 970
Army Act (UK), Sec 130(5)
Air Force Act (UK), Sec 130(5)

Part IX.

APPEAL, REVIEW AND PETITION.

General Provisions.

"legality" and "illegal".

183. For the purposes of this Part, the expressions "legality" and "illegal", shall be deemed to relate either to questions of law alone or to questions of mixed law and fact.

Exercise of powers of Judge Advocate General.

184. The powers, duties and functions of the Judge Advocate General under this Part may also be exercised by such other person as the Minister may authorize to act for the Judge Advocate General for that purpose.

Saving provision.

185. Nothing in this Part shall be in derogation of the powers conferred under Part VIII to quash findings or alter findings and sentences.

Right to Appeal.

Cases in which applicable.

186. Every person who has been tried and found guilty by a court martial shall, subject to subsection two of section one hundred and eighty-eight, have a right to appeal in respect of any or all of the following matters,

(a) the severity of the sentence;

(b) the legality of any or all of the findings; or

(c) the legality of the whole or any part of the sentence.

Other rights preserved.

187. The right of any person to appeal from the finding or sentence of a court martial shall be deemed to be in addition to and not in derogation of any rights that he has under the law of Canada.

Entry of Appeals.

Form.

188. (1) An appeal under this Part shall be stated on a form to be known as a Statement of Appeal which shall contain particulars of the grounds upon which the appeal is founded and shall be signed by the appellant.

Time limits.

(2) No appeal under this Part shall be entertained unless the Statement of Appeal is delivered to an officer designated for that purpose in regulations

(a) within fourteen days after delivery to the appellant, pursuant to section one hundred and sixty-eight, of a copy of the minutes of the proceedings; or

Part IX.

This Part is new. It gives to an offender a right of appeal which is designed to place service personnel, as closely as practicable, in the same position as persons convicted by civil courts. When the appeal relates only to severity of sentence it will be dealt with by service authorities as at present. When the appeal raises a question of law or one of mixed law and fact it will be dealt with by the Court Martial Appeal Board, consisting of judges and other legally qualified persons, provision for which is made in this Part. A further appeal will lie to the Supreme Court of Canada in certain circumstances. Where no appeal has been entered, provision is made for an automatic review by service authorities of findings and sentences of service tribunals. In addition, provision is made for a petition for a new trial in the case of newly discovered evidence.

Cross-References to Existing Legislation

183. New

184. New

185. New

186. New

187. New

188. New

(b) where the finding or sentence in respect of which the offender intends to enter an appeal has been altered under section one hundred and seventy-two, one hundred and seventy-three or one hundred and seventy-four, within fourteen days after the date upon which notice of such alteration is given to the appellant.

Where sent.

(3) All Statements of Appeal shall be forwarded to the Judge Advocate General.

PRELIMINARY DISPOSITION OF APPEALS.

When quantum of sentence only involved.

189. (1) Where an appeal relates only to the severity of the sentence, mentioned in paragraph *(a)* of section one hundred and eighty-six, the Judge Advocate General shall forward the Statement of Appeal to an authority who, under section one hundred and seventy-four, has power to mitigate, commute or remit punishments and that authority shall, as seems fit, deal with the appeal.

Illegal findings.

(2) Where an appeal relates to the legality of the findings, as mentioned in paragraph *(b)* of section one hundred and eighty-six, the Statement of Appeal shall be referred by the Judge Advocate General to the Court Martial Appeal Board provided for in this Part, unless the appropriate chief of staff, acting on the certificate of the Judge Advocate General that all of the findings in respect of which an appeal has been made are illegal, quashes such findings.

Illegal sentences.

(3) Where an appeal relates to the legality of the sentence, mentioned in paragraph *(c)* of section one hundred and eighty-six, the Statement of Appeal shall be referred by the Judge Advocate General to the Court Martial Appeal Board, unless the Judge Advocate General certifies that there is no finding in respect of which any sentence could legally be passed, in which case the sentence shall be null and void.

COURT MARTIAL APPEAL BOARD.

Establishment.

190. (1) There shall be a Court Martial Appeal Board which shall hear and determine all appeals referred to it under this Part.

Constitution.

(2) The Court Martial Appeal Board shall consist of,

(a) a Chairman, who shall be a judge of the Exchequer Court or of a "superior court of criminal jurisdiction", as that expression is defined in the *Criminal Code;* and

(b) two or more other persons who shall be judges or retired judges of the Exchequer Court or of a "superior court of criminal jurisdiction", as that expression is defined in the *Criminal Code*, or barristers or advocates of not less than five years standing,

all of whom shall be appointed by the Governor in Council.

Cross-References to Existing Legislation

189. New

190. New

Tribunals.

(3) Where, in the opinion of the Minister, the exigencies of the situation so demand, the Minister may require the Chairman of the Court Martial Appeal Board to establish tribunals consisting of not less than three members of the Board, to sit and hear appeals at such times and places as the Minister may designate.

Constitution and powers of tribunals.

(4) The Chairman of the Court Martial Appeal Board shall establish such tribunals as the Minister may require under subsection three, and shall appoint one member of each tribunal as Chairman, and every tribunal shall exercise all the powers, duties and functions of the Board as prescribed by this Act, and all references in this Act to the Court Martial Appeal Board in respect of the hearing and dispositions of appeals shall be deemed to include such tribunals.

Judge Advocate General to attend as adviser.

(5) The Judge Advocate General shall on the hearing of all appeals sit with the Court Martial Appeal Board, not as a member, but for the purpose of advising on service law, regulations and legal procedure.

Provision for additional adviser.

(6) Where the chief of staff of the Service of the Canadian Forces within which an appellant was tried considers it to be desirable, that chief of staff may designate an officer in addition to the Judge Advocate General to sit with the Court Martial Appeal Board on the hearing of the appeal, not as a member, but for the purpose of advising on service procedure and customs and any other matter involving service considerations.

Procedure.

(7) The Chairman of the Court Martial Appeal Board or of any tribunal thereof may allow the hearing of evidence, including new evidence, on oath or otherwise as he may deem expedient, and the Board may sit in camera or in public, and for the performance of its duties shall have all the powers vested in a commissioner under Part I of the *Inquiries Act*.

Quorum and decision on appeal.

(8) The powers, duties and functions of the Court Martial Appeal Board shall be exercised at any sitting of the Board when not less than three members, including the Chairman, are present, and the decision on any appeal shall be determined by the vote of the majority of the members of the Board, and in the event of an equality of votes, the Chairman shall have a second or casting vote.

Fees of members.

(9) The Chairman and members of the Court Martial Appeal Board shall be paid such fees and allowances as may be prescribed by the Governor in Council.

Disposition of Appeals by Court Martial Appeal Board.

Powers.

191. (1) Upon the hearing of an appeal respecting the legality of a finding of guilty on any charge, the Court Martial Appeal Board, if it considers the finding to be illegal and allows the appeal, shall

(a) set aside the finding and direct a finding of not guilty to be recorded in respect of that charge; or

(b) direct a new trial on that charge, in which case the appellant shall be tried again as if no trial on that charge had been held.

Effect of setting aside finding of guilty.

(2) Where the Court Martial Appeal Board has set aside a finding of guilty and no other finding of gu lty remains, the whole of the sentence shall cease to have force and effect

Reduction of punishment where finding set aside.

(3) Where the Court Martial Appeal Board has set aside a finding of guilty and another finding of guilty remains and any punishment included in the sentence passed by the court martial upon the appellant is thereby in excess of the punishment authorized by this Act, the punishment included in that sentence shall be reduced to a new punishment, which shall, subject to the conditions set out in section one hundred and seventy-five, be the highest punishment that the court martial could legally have imposed upon the appellant for the charges in respect of which findings of guilty remain; and section one hundred and seventy-six shall apply to the new punishment.

Substitution of new punishment where illegal punishment set aside.

192. Upon the hearing of an appeal respecting the legality of a sentence passed by a court martial, the Court Martial Appeal Board, if it considers that any pun shment included in that sentence is illegal and allows the appeal in respect of that punishment, shall set aside that punishment and shall substitute therefor a new punishment which shall be included in the sentence in the same manner and upon the same terms and conditions as are set out in subsection three of section one hundred and ninety-one in respect of the reduction of a punishment to a new punishment.

Special power to disallow appeal.

193. Notwithstanding sections one hundred and ninety-one and one hundred and ninety-two, the Court Martial Appeal Board shall have power to disallow an appeal if, in the opinion of the Board, to be expressed in writing, there has been no substantial miscarriage of justice.

Power of service authorities preserved.

194. Where a punishment included in a sentence has been reduced pursuant to section one hundred and ninety-one or where a punishment has been dealt with pursuant to section one hundred and ninety-two, the new punishment

CROSS-REFERENCES TO EXISTING LEGISLATION

191. New

192. New

193. New
See Criminal Code, Sec 1014(2)

194. New

shall be subject to mitigation, commutation, remission or suspension in the same manner and to the same extent as if it had been passed by the court martial that tried the appellant.

RULES OF APPEAL PROCEDURE.

Chairman may make.

195. (1) The Chairman of the Court Martial Appeal Board, with the approval of the Governor in Council, may make rules not inconsistent with this Act respecting,

(a) the seniority of members of the Board for the purpose of presiding at appeals;

(b) the practice and procedure to be observed at hearings;

(c) the conduct of appeals;

(d) the production of the minutes of the proceedings of any court martial in respect of which an appeal is taken;

(e) the production of all other documents and records relating to an appeal;

(f) the extent to which new evidence may be introduced;

(g) the circumstances in which the appellant may attend or appear before the Board on the hearing of his appeal, but no such rule shall deprive an appellant of the right to be present on the hearing of his appeal from a sentence of death; and

(h) provision for and payment of fees of counsel for the appellant.

Publication.

(2) No rule made under this section shall have effect until it has been published in the *Canada Gazette*.

APPEAL TO SUPREME COURT OF CANADA.

Cases in which appeals lie.

196. (1) A person whose appeal has been wholly or partially dismissed by the Court Martial Appeal Board or any tribunal thereof may, where there has been dissent in the Board or tribunal, appeal to the Supreme Court of Canada with leave of the Attorney General of Canada.

Application.

(2) An application for leave to appeal under subsection one shall be delivered to the Attorney General of Canada within thirty days of notice to the appellant of the decision of the Court Martial Appeal Board or tribunal, and the Attorney General of Canada may grant leave to appeal only if in his opinion a matter of importance affecting the public interest is involved.

Powers of Supreme Court of Canada.

(3) The Supreme Court of Canada shall, in respect of the hearing and determination of an appeal under this section, have the same powers, duties and functions as the Court Martial Appeal Board has under this Act, and sections one hundred and ninety-one to one hundred and ninety-four shall apply with such adaptations and modifications as the circumstances may require.

195. New

196. New

Review After Expiration of Right to Appeal.

Review by Judge Advocate General.

197. Upon the expiration of the period mentioned in subsection two of section one hundred and eighty-eight within which an appeal may be made, the proceedings of every court martial shall be reviewed by the Judge Advocate General in respect of any matter mentioned in paragraph *(b)* or *(c)* of section one hundred and eighty-six on which an appeal has not been made.

Procedure where illegality exists.

198. Where, upon the review mentioned in section one hundred and ninety-seven, the Judge Advocate General certifies that any finding or punishment is illegal, he shall refer the minutes of the proceedings of the court martial to the appropriate chief of staff for such action under this Act as that chief of staff may deem fit.

Petition for New Trial.

Where applicable.

199. (1) Every person who has been tried and found guilty by a court martial shall have a right to petition for a new trial on grounds of new evidence discovered subsequent to his trial.

Time limits.

(2) No petition under this section shall be entertained unless it is delivered to an officer designated for that purpose in regulations

(a) within one year after the date of the pronouncement of the finding; or

(b) within one year after any punishment of incarceration, undergone by the petitioner in consequence of his trial, has been carried out,

Disposal.

whichever is the later.

(3) Every petition under this section shall be forwarded to the Judge Advocate General who shall refer the petition with his recommendation to the appropriate chief of staff who, if he is of the opinion that the petition should be granted, shall order a new trial, in which case the petitioner shall be tried again as if no trial had been held.

CROSS-REFERENCES TO EXISTING LEGISLATION

197. New

198. New

199. New

Part X.

MISCELLANEOUS PROVISIONS HAVING GENERAL APPLICATION.

Witnesses and Counsel at Courts Martial.

"court martial".

200. (1) For the purposes of this section, "court martial", in addition to the tribunals mentioned in paragraph *(g)* of section two, includes a commissioner taking evidence under this Act and an officer taking a summary of evidence in accordance with regulations; and references in this section to the president or members of a court martial shall be deemed to include references to any such commissioner or officer.

Summons to witnesses.

(2) Every person required to give evidence before a court martial may be summoned under the hand of the authority by whom the court martial was convened, established or appointed, or the Judge Advocate General, or under the hand of the president, judge advocate, commissioner taking evidence under this Act or officer taking a summary of evidence in accordance with regulations.

Production of documents.

(3) A person summoned under subsection two may be required to bring with him and produce at a court martial any documents in his possession or under his control relating to the matters in issue before the court martial.

Witness fees.

(4) A witness summoned or attending to give evidence before a court martial shall be paid such witness fees and allowances for expenses of attendance as are prescribed in regulations.

Misconduct of counsel.

(5) Any conduct of counsel before a court martial that would be liable to censure or be contempt of court if it took place before a civil court in the place where the court martial is held shall likewise be liable to censure or be contempt of court in the case of a court martial; and the regulations governing the procedure of courts martial shall be binding upon counsel appearing before courts martial, and wilful disobedience of those regulations shall, if persevered in, be deemed to be contempt of court.

Removal for contempt.

(6) A court martial may, by order under the hand of the president, a commissioner taking evidence under this Act or an officer taking a summary of evidence in accordance with regulations, cause counsel to be removed from the court martial for contempt.

Oaths.

201. Every person when required to give evidence on oath under this Act shall take his oath in the form prescribed in regulations and that oath shall, in respect of any prosecution for perjury under the *Criminal Code*, have the same force and effect as an oath taken before a civil court.

Part X.

This Part embodies miscellaneous provisions which impose duties and obligations upon members of the general public in relation to the defence of Canada. It prescribes certain limitations upon the civil liabilities of service personnel. The prosecution and settlement of salvage claims is also provided for.

Cross-References to Existing Legislation

200. See Militia Act, Sec 96
Naval Service Act, Sec 46(1)
Army Act (UK), Secs 125(1) and (3), 129(1) and (3)
Air Force Act (UK), Secs 125(1) and (3), 129(1) and (3)

201. See Army Act (UK), Sec 126(2)
Air Force Act (UK), Sec 126(2)

Disposal by Civil Authorities of Deserters and Absentees Without Leave.

"justice".

202. (1) For the purposes of this section "justice" means a justice as defined in the *Criminal Code*.

Powers of arrest on reasonable suspicion.

(2) Upon reasonable suspicion that a person is a deserter or absentee without leave, it shall be lawful for any constable, or if no constable can be immediately met with, for any officer, man or other person, to apprehend that suspected person and forthwith to bring him before a justice.

Issue of warrant.

(3) A justice, if he is satisfied by evidence on oath that a deserter or absentee without leave is, or is reasonably suspected to be, within his jurisdiction, may issue a warrant authorizing the deserter or absentee without leave to be apprehended and brought forthwith before him or any other justice.

Powers of justice.

(4) Where a person is brought before a justice charged with being a deserter or absentee without leave under this Act, that justice may examine into the case in like manner as if that person were brought before him accused of an indictable offence.

Disposal of suspected person.

(5) A justice, if satisfied either by evidence on oath or by the admission of a person brought before him under this section that he is a deserter or absentee without leave, shall cause him to be delivered into service custody in such manner as the justice may deem most expedient; and, until he can be so delivered, the justice may cause him to be held in civil custody for such time as appears to the justice reasonably necessary for the purpose of delivering him into service custody.

Verification of admission.

(6) Where a person has admitted that he is a deserter or absentee without leave and evidence of the truth or falsehood of the admission is not then forthcoming, the justice before whom that person is brought shall remand him for the purpose of obtaining information as to the truth or falsehood of the admission; and for that purpose the justice shall transmit to such authorities of the Canadian Forces as the Minister may prescribe, a report which shall contain such particulars and be in such form as may be prescribed by the Minister.

Remands.

(7) A justice, before whom a person is brought under this section, may from time to time remand that person for a period not exceeding eight days on each appearance before him, but the whole period during which a person is so remanded shall not be longer than appears to the justice reasonably necessary for the purpose of obtaining the information mentioned in subsection six.

202. See Army Act (UK), Sec 154
Air Force Act (UK), Sec 154(1)

Report following disposal.

(8) Where a justice before whom a person is brought under this section causes him to be delivered into service custody or to be held in civil custody, the justice shall transmit to such authorities of the Canadian Forces as the Minister may prescribe, a report which shall contain such particulars and be in such form as may be prescribed by the Minister.

Report where person delivered into service custody.

(9) Where a person surrenders himself to a constable and admits desertion or absence without leave, the constable in charge of the police station to which he is brought shall forthwith inquire into the case and, if it appears to him from the admission that such person is a deserter or absentee without leave, he may cause him to be delivered into service custody, without bringing him before a justice; and in that event the constable shall transmit to such authorities of the Canadian Forces as the Minister may prescribe, a report which shall contain such particulars and be in such form as may be prescribed by the Minister.

Certificate of Civil Courts.

Procedure.

203. Where any person subject to the Code of Service Discipline has at any time been tried by a civil court, the clerk of that court or other authority having custody of the records of the court shall, if required by any officer of the Canadian Forces, transmit to that officer a certificate setting forth the offence for which that person was tried, together with the judgment or order of the court thereon, and shall be allowed for that certificate the fee authorized by law.

Authority for Committal.

Execution of warrants.

204. Every warden, governor, gaoler, commanding officer, commandant or other keeper of a penitentiary, civil prison, service prison or detention barrack shall take cognizance of any warrant of committal purporting to be signed by a committing authority mentioned in section one hundred and seventy-eight and shall receive and detain, according to the exigency of that warrant, the offender mentioned therein and delivered into his custody and shall confine that person until discharged or delivered over in due course of law.

203. See Army Act (UK), Sec 164
Air Force Act (UK), Sec 164

204. See Militia Act, Sec 131
Naval Service Act, Sec 44
Army Act (UK), Secs 61(1), 66(1)

Manoeuvres.

Minister may authorize.

205. (1) For the purpose of training the Canadian Forces, the Minister may authorize the execution of military exercises or movements, referred to in this section as "manoeuvres", over and upon such parts of Canada and during such periods as are specified.

Notice.

(2) Notice of manoeuvres shall be given to the inhabitants of any area concerned by appropriate publication.

Powers.

(3) Units and other elements of the Canadian Forces may execute manoeuvres on and pass over such areas as are specified under subsection one, stop or control all traffic thereover whether by water, land or air, draw water from such sources as are available, and do all things reasonably necessary for the execution of the manoeuvres.

Interference.

(4) Any person who wilfully obstructs or interferes with manoeuvres authorized under this section and any animal, vehicle, vessel or aircraft under his control may be forcibly removed by any constable or by any officer, or by any man on the order of any officer.

Bar of action.

(5) No action shall lie by reason only of the execution of manoeuvres authorized under this section.

Emergency Powers in Relation to Property.

Control of property in emergency.

206. (1) When the Governor in Council by reason of an emergency declares it to be expedient for His Majesty to take control of property, including transportation or communications facilities in Canada or operating from Canada, the Minister may, by warrant under his hand, empower any person named in such warrant to take possession of property which he considers necessary for defence purposes or to assume the operation or management thereof for the service of His Majesty in such manner as the Minister directs; and all persons employed in whatever manner in connection with such property shall obey the directions of the Minister or of the person named in the warrant.

Duration.

(2) A warrant mentioned in subsection one shall remain in force only so long as the emergency exists.

Enforcement of contracts.

(3) Where action relating to any property has been taken under subsection one, all contracts and agreements, which would otherwise have been enforceable by or against the person who owns that property, including the directors, officers, servants and agents of that person, shall be enforceable by or against His Majesty.

CROSS-REFERENCES TO EXISTING LEGISLATION

205. New
See The Military Manoeuvres Act, Statutes of the United Kingdom, 60 & 61 Vict, Chap 43

206. See Militia Act, Sec 90
Naval Service Act, Sec 20

Emergency powers of commanding officer.

207. When an emergency exists, the officer in command of any unit of the Canadian Forces or any officer duly authorized by him may, subject to regulations made by the Governor in Council, enter upon, take, impress, control, use, occupy, alter, remove or cause to be removed, destroy, desolate or lay waste any property imperatively required to be so dealt with immediately for the purpose of meeting the emergency.

Compensation.

208. Any person who suffers loss, damage or injury by reason of the exercise of any of the powers conferred by sections two hundred and five, two hundred and six or two hundred and seven shall be compensated from the Consolidated Revenue Fund in accordance with regulations made by the Governor in Council.

Exemption from Tolls.

Canadian Forces exempt.

209. (1) No duties or tolls, otherwise payable by law in respect of the use of any pier, wharf, quay, landing-place, highway, road, right of way, bridge or canal, shall be paid by or demanded from any unit or other element of the Canadian Forces or an officer or man when on duty or any person under escort or in respect of the movement of any equipment.

Exception.

(2) Nothing in this section shall affect the liability for payment of duties or tolls lawfully demandable in respect of any vehicles or vessels other than those belonging to or in the service of His Majesty.

Ships in Convoy.

Master of merchant ship to obey convoying officer.

210. Every master or other person in command of a merchant or other vessel under the convoy of any of His Majesty's Canadian Ships shall obey the directions of the commanding officer of the convoy or the directions of the commanding officer of any of His Majesty's Canadian Ships in all matters relating to the navigation or security of the convoy, and shall take such precautions for avoiding the enemy as may be directed by any such commanding officer; and if he fails to obey such directions, that commanding officer may compel obedience by force of arms, without being liable for any loss of life or property that may result from the use of such force.

CROSS-REFERENCES TO EXISTING LEGISLATION

207. RCAF Act, Sec 10(1)
See Militia Act, Sec 7(1)

208. See RCAF Act, Sec 10(2)
Militia Act, Sec 7(2)

209. See Army Act (UK), Sec 143(1)

210. See Naval Service Act, Sec 45

SALVAGE.

Crown may claim for salvage services.

211. (1) Where salvage services are rendered by or with the aid of a vessel or aircraft belonging to or in the service of His Majesty and used in the Canadian Forces, His Majesty may claim salvage for those services, and shall have the same rights and remedies in respect of those services as any other salvor would have had if the vessel or aircraft had belonged to him.

Consent of Minister to salvage claim.

(2) No claim for salvage services by the commander or crew or part of the crew of a vessel or aircraft belonging to or in the service of His Majesty and used in the Canadian Forces shall be finally adjudicated upon, unless the consent of the Minister to the prosecution of claim is proved; and such consent may be given at any time before final adjudication.

Evidence of consent.

(3) Any document purporting to give the consent of the Minister for the purpose of this section shall be evidence of that consent.

Claim dismissed if no consent.

(4) Where a claim for salvage services is prosecuted and the consent of the Minister is not proved the claim shall be dismissed with costs.

Minister may accept offers of settlement for the Crown and others.

(5) The Minister may, upon the recommendation of the Attorney General of Canada, accept on behalf of His Majesty and the commander and crew or part of the crew, offers of settlement made with respect to claims for salvage services rendered by vessels or aircraft belonging to or in the service of His Majesty and used in the Canadian Forces.

Distribution.

(6) The proceeds of any settlement made under subsection five shall be distributed in such manner as the Governor in Council may prescribe.

Canada Shipping Act, 1934 —limiting provision.

(7) Section five hundred and thirty-four of the *Canada Shipping Act, 1934*, shall not apply to or in respect of any claim for salvage services by His Majesty or by the commander or crew or part of the crew of a vessel or aircraft belonging to or in the service of His Majesty and used in the Canadian Forces.

GOVERNMENT VESSELS DISCIPLINE ACT.

When applicable.

212. Unless the Governor in Council otherwise directs, the *Government Vessels Discipline Act* shall not apply to His Majesty's Canadian Ships or to any other ship or vessel of the Canadian Forces or to the officers, men or other persons serving or engaged for service therein, or to officers and men serving in the regular forces, the active service forces, or the reserve forces when on service or on active service

CROSS-REFERENCES TO EXISTING LEGISLATION

211. New
See Canada Shipping Act, 1934, Sec 534
Merchant Shipping (Salvage) Act, 1940,
Statutes of United Kingdom, 3 & 4 Geo VI,
Chap 43

212. See Naval Service Act, Sec 37

Limitation of Civil Liabilities.

Officers and men not to be taken out of His Majesty's service.

213. (1) An officer or man of the reserve forces on active service or an officer or man of the regular forces or active service forces is not liable to be taken out of His Majesty's service by any process, execution or order of any court of law or otherwise, or to be compelled to appear in person before any court of law, except in respect of

(a) a charge of or conviction for an offence punishable under the *Criminal Code*, or any other law of Canada or of a province of Canada, or an offence punishable according to the law of that part of His Majesty's dominions in which the offence was committed; or

(b) a judgment for a debt, damages or sum of money when the amount involved, exclusive of any costs, exceeds two hundred dollars.

Procedure on complaint of officer or man.

(2) All proceedings and documents in or incidental to a process, execution or order in contravention of this section are void; and where a complaint is made by an officer or man or by his commanding officer that such officer or man has been dealt with in contravention of this section by any process, execution or order issued out of any court, the officer or man or his commanding officer may complain to that court or to any court superior to it and the court or a judge thereof shall examine into the complaint and shall, if necessary, discharge the officer or man without fee, and may award reasonable costs to him which may be recovered as if such costs had been awarded in his favour in an action or other proceeding in such court.

Judgment and execution.

(3) Any person having a cause of action against an officer or man of the reserve forces on active service or an officer or man of the regular forces or active service forces may, notwithstanding anything in this section, after due notice in writing of his intention to commence action has been personally served upon the officer or man, or left at his usual place of abode, commence action and proceed to judgment, and may proceed to execution except as against the person, pay, allowances or personal equipment of such officer or man.

Exemption from jury service.

214. Every officer and man of the reserve forces on active service and every officer and man of the regular forces and active service forces is exempt from serving on a jury.

Limitation of actions.

215. (1) No action, prosecution or other proceeding lies against any person for an act done in pursuance or execution or intended execution of this Act or any regulations, or of any military or departmental duty or authority, or in respect

CROSS-REFERENCES TO EXISTING LEGISLATION

213. See Army Act (UK), Sec 144(1), (2) and (5)
Air Force Act (UK), Sec 144(1), (2) and (5)

214. Army Act (UK), Sec 147

215. See Militia Act, Sec 134(1)

of any alleged neglect or default in the execution of this Act, regulations or such duty or authority, unless it is commenced within six months next after the act, neglect or default complained of, or, in the case of continuance of injury or damage, within six months after the ceasing thereof.

Saving provision.

(2) Nothing in subsection one shall be in bar of proceedings against any person under the Code of Service Discipline.

Actions barred in respect of findings and sentences.

216. No action or other proceeding lies against any officer or man in respect of a finding made or sentence passed on any person by a service tribunal, or in respect of anything done or omitted as a consequence of the finding or sentence, unless the finding was made or the sentence was passed maliciously and without reasonable and probable cause.

CROSS-REFERENCES TO EXISTING LEGISLATION

216. New

Based on principle contained in provincial legislation such as *The Public Authorities Protection Act*, R.S.O., 1937, Chap 135, Sec 2

PART XI.

AID OF THE CIVIL POWER.

Definitions.

217. For the purposes of this Part,

(a) "Attorney General" means the Attorney General of any province of Canada, or the acting Attorney General of a province, or any minister of a government of a province performing for the time being the duties of a provincial Attorney General;

(b) "Officer Commanding a Command" means an officer commanding a Canadian Army Command if he is present in the command and able to act, or if he is not so present, or is from sickness or other cause unable to act, the officer appointed to administer the command or for the time being performing the duties of the officer commanding the command.

Canadian Forces liable to be called out to suppress riot.

218. The Canadian Forces, or any unit or other element thereof, or any officer or man, with equipment, are liable to be called out for service in aid of the civil power, in any case in which a riot or disturbance of the peace requiring such service occurs, or is, in the opinion of an Attorney General, considered as likely to occur, and that is beyond the powers of the civil authorities to suppress, prevent, or deal with.

Exception in case of certain reserves.

219. Nothing in this Part shall be deemed to impose liability to serve in aid of the civil power, without his consent, upon an officer or man of the reserve forces who is, by virtue of the terms of his enrolment, liable to perform duty on active service only.

Attorney General of province may requisition Canadian Army.

220. In any case where a riot or disturbance occurs, or is considered as likely to occur, the Attorney General of the province in which is situated the place where the riot or disturbance occurs, or is considered as likely to occur, on his own motion, or upon receiving notification from a judge of a superior, county or district court having jurisdiction in that place that the services of the Canadian Forces are required in aid of the civil power, may by requisition in writing, signed by him and addressed to the Officer Commanding a Command of the command in which that place is situated, require the Canadian Army or such part thereof as the authorities hereinafter mentioned consider necessary, to be called out on service in aid of the civil power.

Part XI.

This Part deals with aid of the civil power in cases of riot or disturbance of the peace. The liability upon the army, and in a supplemental capacity the air force, for aid in these cases has long been established by the Militia Act and The Royal Canadian Air Force Act. A liability similar to that imposed on the air force will by this Part be imposed on the navy. Aid to the civil power has been, and under the provisions of this Part would still be, primarily an army responsibility and the services of the navy and air force would be supplemental only.

Cross-References to Existing Legislation

217. New

218. See Militia Act, Sec 75

219. New

220. See Militia Act, Sec 76

Call out of Canadian Army in a command.

221. (1) Upon receiving a requisition in writing made by an Attorney General under section two hundred and twenty, the Officer Commanding a Command shall call out such part of the Canadian Army in his command as he considers necessary for the purpose of suppressing or preventing any actual riot or disturbance, or any riot or disturbance that is considered as likely to occur.

Call out of Canadian Army in other commands.

(2) Where the Officer Commanding a Command mentioned in subsection one considers that the services of parts of the Canadian Army in commands other than his command are necessary or desirable for the purpose of suppressing or preventing the riot or disturbance mentioned in the requisition, he shall notify the Chief of the General Staff of the number of officers and men, and of the equipment therefor, that he requires, as to which the Officer Commanding a Command shall be the sole judge; and upon being so notified the Chief of the General Staff may call out such parts of the Canadian Army and provide such equipment as in his judgment are available to meet the requirements of the Officer Commanding a Command and shall cause them to be despatched to the Officer Commanding a Command.

Call out of navy and air force.

(3) Where the Officer Commanding a Command mentioned in subsection one has called out or caused to be called out any part of the Canadian Army in aid of the civil power, and considers that the services of any part of the Royal Canadian Navy or of the Royal Canadian Air Force are necessary or desirable for the purpose of assisting that part of the Canadian Army so called out, he may address to the Minister, through the Chief of the General Staff, a request stating the nature and extent of the assistance from the Royal Canadian Navy or from the Royal Canadian Air Force which in the circumstances the Officer Commanding a Command requires; and the Chief of the Naval Staff or the Chief of the Air Staff, as the case may be, if the Minister so directs, shall call out such part of the Royal Canadian Navy or of the Royal Canadian Air Force, and equipment therefor, as the Minister considers necessary or desirable for the purpose of meeting the request.

Form of requisition.

222. A requisition of an Attorney General under this Part may be in the following form, or to the like effect, and the form may, subject to section two hundred and twenty-three, be varied to suit the facts of the case:—

CROSS-REFERENCES TO EXISTING LEGISLATION

221. (1) See Militia Act, Secs 77, 78(1)

221. (2) See Militia Act, Sec 78(2)

221. (3) New
See RCAF Act, Sec 9(1)

222. See Militia Act, Sec 80

Province of
To wit

Whereas information has been received by me from responsible persons (or a notification has been received by me from a judge of a (superior) (county) (district) court having jurisdiction in) that a riot or disturbance of the peace beyond the powers of the civil authorities to suppress (or to prevent or to deal with) and requiring the aid of the Canadian Forces to that end has occurred and is in progress (or is considered likely as to occur) at ;

And whereas it has been made to appear to my satisfaction that the Canadian Forces are required in aid of the civil power;

Now therefore I, , the Attorney General of , under and by virtue of the powers conferred by the National Defence Act, do hereby require you to call out the Canadian Army or such part thereof as you consider necessary for the purpose of suppressing (or preventing or dealing with) the riot or disturbance and, if it is deemed necessary or desirable by the appropriate authorities, I do hereby request that such other Services of the Canadian Forces as are under that Act liable to be called out in aid of the civil power be so called out for the purpose of assisting the Canadian Army;

And for and on behalf of the Province of , I the said , Attorney General, hereby undertake that all expenses and costs, incurred by His Majesty by reason of the Canadian Forces or any part thereof being called out on service in aid of the civil power pursuant to this requisition, shall be paid to His Majesty by the said province.

Dated at , this day of , 19 .

Attorney General.

What requisition must show.

223. (1) In a requisition made under this Part it shall be stated that information has been received by the Attorney General from responsible persons, or that a notification has been received by the Attorney General from a judge that a riot or disturbance beyond the powers of the civil authorities to suppress or to prevent or to deal with, as the case may be, has occurred, or is considered as likely to occur, and that the Canadian Forces are required in aid of the civil power; and the requisition shall further state that it has been made to appear to the satisfaction of the Attorney General that the Canadian Forces are so required.

223. See Militia Act, Secs 81, 79

Undertaking to pay costs.

(2) In a requisition made under this Part there shall be embodied an unconditional undertaking by the Attorney General that the province shall pay to His Majesty all expenses and costs incurred by His Majesty by reason of the Canadian Forces or any part thereof being called out for service in aid of the civil power, as by the requisition required.

Statements of fact to be binding on the province.

(3) Every statement of fact contained in a requisition made under this Part shall be conclusive and binding upon the province on behalf of which the requisition is made, and every undertaking or promise in the requisition shall be binding upon the province and not open to question or dispute by reason of alleged incompetence or lack of authority on the part of the Attorney General or for any other reason.

Inquiry and report by Attorney General.

(4) In every case where a requisition is made under this Part, the Attorney General of the province concerned shall, within seven days after the making of the requisition, cause an inquiry to be made into the circumstances which occasioned the calling out of the Canadian Forces or any part thereof, and shall send a report upon the circumstances to the Secretary of State.

Statements not open to dispute.

(5) A statement of fact contained in a requisition made under this Part shall not be open to dispute by the Officer Commanding a Command upon whom the requisition is made.

Officers and men have powers of constables.

224. Officers and men when called out for service in aid of the civil power shall, without further authority or appointment and without taking oath of office, be held to have and may exercise, in addition to their powers and duties as officers and men, all of the powers and duties of constables, so long as they remain so called out, but they shall act only as a military body, and shall be individually liable to obey the orders of their superior officers.

Duration of aid of civil power.

225. The Canadian Forces or any part thereof called out in aid of the civil power shall remain on duty in such strength as the Officer Commanding a Command, who has carried into effect a requisition of an Attorney General made under this Part, deems necessary or orders, until notification is received from the Attorney General that the Canadian Forces are no longer required in aid of the civil power; and the Officer Commanding a Command may, from time to time as in his opinion the exigencies of the situation require, increase or diminish the number of officers and men called out; except that officers and men of the Royal Canadian Navy and the Royal Canadian Air Force called out to assist the Canadian Army in aid of the

224. See Militia Act, Sec 82

225. See Militia Act, Sec 83

civil power may be withdrawn at such time and to such extent as the Chief of the Naval Staff or the Chief of the Air Staff, as the case may be, under the direction of the Minister, may order.

Province to pay expenses.

226. All expenses and costs incurred by His Majesty by reason of any of the Canadian Forces being called out under this Part in aid of the civil power, shall be paid to His Majesty by the province the Attorney General of which made the requisition requiring the Canadian Army to be called out.

Advances in first instance.

227. Such moneys as are required to meet the expenses and costs occasioned by the calling out of the Canadian Forces as provided for in this Part and for the services rendered by them shall, pending payment by the province liable under section two hundred and twenty-six, be advanced in the first instance out of the Consolidated Revenue Fund by the authority of the Governor in Council, but shall be payable by and recoverable from the province to and by His Majesty as moneys paid by His Majesty to and for the use of the province at the request of the province.

226. See Militia Act, Sec 84(1)

227. See Militia Act, Sec 85

Part XII.

OFFENCES TRIABLE BY CIVIL COURTS.

Application.

Liability to civil trial.

228. (1) Every person, including an officer or man, shall be liable to be tried in a civil court in respect of any offence prescribed in this Part.

Special provision.

(2) No charge against an officer or man in respect of any offence prescribed in this Part shall, if laid by any other officer or man, be tried by a civil court unless the consent thereto in writing of the commanding officer of such first-mentioned officer or man has first been obtained.

Special limitation on prosecutions.

229. No prosecution in a civil court shall be commenced against a person in respect of an offence prescribed in this Part after the expiration of six months from the date of commission of the offence charged, except for any of the offences mentioned in section two hundred and thirty-nine.

Offences.

Breach of regulations respecting defence establishments, etc.

230. Every person who contravenes regulations respecting the access to, exclusion from, and safety and conduct of any persons in, on or about any defence establishment, work for defence or equipment is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

False answer on enrolment.

231. Every person who knowingly makes a false answer to any question relating to his enrolment that has been put to him by or by direction of the person before whom he appears for the purpose of being enrolled in the Canadian Forces is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

False medical certificates.

232. Every medical practitioner who signs a false medical certificate or other document in respect of

(a) the examination of a person for the purpose of enrolment in the Canadian Forces;

(b) the service or release of an officer or man; or

Part XII.

This Part prescribes certain offences, relating to the defence of Canada, which are capable of being committed by members of the public as well as by service personnel.

Cross-References to Existing Legislation

228. New
See Militia Act, Sec 126(1) and (2)

229. See Militia Act, Sec 126(4)

230. New
See Militia Act, Secs 53, 123
Naval Service Act, Sec 29

231. See Army Act (UK), Sec 99

232. See Militia Act, Sec 103

(c) the disability or alleged disability of a person, purported to have arisen or to have been contracted during, in the course of, or as a result of the service of such person as an officer or man,

is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Personation.

233. Every person who falsely personates any other person in respect of any duty, act or thing required to be performed or done under this Act by the person so personated is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

Representation of desertion.

234. Every person who falsely represents himself to any military or civil authority to be a deserter from His Majesty's Forces is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

Failure to attend parade.

235. (1) Every officer or man of the reserve forces who without lawful excuse neglects or refuses to attend any parade, drill or training at the place and hour appointed therefor is guilty of an offence and is liable on summary conviction for each offence, if an officer to a fine of ten dollars, and if a man to a fine of five dollars.

Each absence an offence.

(2) Absence from any parade, drill or training mentioned in subsection one shall, in respect of each day on which such absence occurs, be a separate offence.

Neglecting personal equipment.

236. Every officer or man of the reserve forces who fails to keep in proper order any personal equipment or who appears at drill, parade or on any other occasion with his personal equipment out of proper order, unserviceable or deficient in any respect is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars for each offence.

Interruption of drill or training.

237. Every person who without reasonable excuse interrupts or hinders the Canadian Forces at drill, training or while on the march is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars for each offence; and may be taken into custody and detained by any person by the order of an officer until such drill, training or march is over for the day.

233. See Militia Act, Sec 112

234. See Army Act (UK), Sec 152

235. See Militia Act, Sec 115

236. See Milltia Act, Sec 118

237. See Militia Act, Secs 116, 121 *(f)* and *(g)*

Hampering manœuvres.

238. Every person who without reasonable excuse obstructs or interferes with manœuvres authorized under section two hundred and five is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

Unlawfully dealing with property.

239. (1) Every person who

(a) unlawfully disposes of or removes any property;

(b) when lawfully required, refuses to deliver up any property that is in his possession; or

(c) except for lawful cause, the proof of which lies on him, has in his possession any property,

is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars for each offence.

Definition.

(2) For the purposes of this section, "property" means any public property, non-public property, and property of any of His Majesty's Forces or of any forces co-operating therewith.

Assisting or harbouring deserters or absentees.

240. (1) Every person who

(a) procures, persuades, aids, assists or counsels an officer or man to desert or absent himself without leave; or

(b) aids, assists, harbours or conceals an officer or man who is a deserter or an absentee without leave and who does not satisfy the court that he did not know that such officer or man was a deserter or an absentee without leave,

is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars and not less than one hundred dollars or to imprisonment for any term not exceeding twelve months or to both fine and imprisonment.

Certificate of Judge Advocate General.

(2) A certificate signed by the Judge Advocate General, or such person as he may appoint for that purpose, that an officer or man was convicted under this Act, of desertion or absence without leave or had been continuously absent without leave for six months or more, and setting forth the date of commencement and the duration of such desertion or absence without leave, shall for the purposes of proceedings under this section be conclusive proof that the officer or man was a deserter or absentee without leave during the period mentioned in the certificate.

Aid to intending deserters or absentees.

241. Every person who, knowing that an officer or man is about to desert or absent himself without leave, aids or assists him in his attempt to desert or absent himself without leave is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for any term not exceeding twelve months or to both fine and imprisonment.

CROSS-REFERENCES TO EXISTING LEGISLATION

238. New

239. (1) See Militia Act, Sec 119

239. (2) New

240. (1) See Naval Service Act, Sec 43 *(a)* and *(c)*
Army Act (UK), Sec 153(1) and (3)
Criminal Code, Sec 82

240. (2) New

241. See Naval Service Act, Sec 43 *(b)*
Army Act (UK), Sec 153(2)

Miscellaneous offences.

242. Every person who

(a) wilfully obstructs, impedes or otherwise interferes with any other person in the execution of any duty that such other person is required under this Act or regulations to perform;

(b) counsels any other person not to perform any duty that such other person is required under this Act or regulations to perform;

(c) does an act to the detriment of any other person in consequence of such other person having performed a duty that he is required under this Act or regulations to perform;

(d) interferes with or impedes, directly or indirectly, the recruiting of the Canadian Forces;

(e) wilfully produces any disease or infirmity in, or maims or injures himself or any other person with a view to enabling himself or such other person to avoid service in the Canadian Forces;

(f) with intent to enable any other person to render himself, or to induce the belief that such other person is, permanently or temporarily unfit for service in the Canadian Forces, supplies to or for such other person any drug or preparation calculated or likely to render such other person, or lead to the belief that such other person is, permanently or temporarily unfit for such service; or

(g) gives or receives, or is in any way concerned in the giving or receiving, of any valuable consideration in respect of enrolment, release or promotion in the Canadian Forces,

is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for any term not exceeding twelve months or to both fine and imprisonment.

Offence of contempt of court.

243. (1) Every person who

(a) on being duly summoned as a witness under section two hundred and after payment or tender of the fees and expenses of his attendance prescribed in regulations, makes default in attending;

(b) being in attendance as a witness before a court martial mentioned in section two hundred,

(i) refuses to take an oath or affirmation legally required of him,

(ii) refuses to produce any document in his power or under his control legally required to be produced by him, or

(iii) refuses to answer any question that legally requires an answer;

(c) uses insulting or threatening language before a court martial mentioned in section two hundred, or causes

CROSS-REFERENCES TO EXISTING LEGISLATION

242. See Militia Act, Sec 121 *(d)* and *(e)*
Army Act (UK), Sec 153A
Criminal Code, Sec 167(1)

243. See Militia Act, Sec 130
Naval Service Act, Sec 46(3)
Army Act (UK), Secs 126(1) and (3), 129(2)
Air Force Act (UK), Secs 126(1) and (3), 129(2)

any interference or disturbance in its proceedings, or prints observations or uses words likely to influence improperly the members of or witnesses before that court martial or to bring that court martial into disrepute, or in any other manner whatsoever displays contempt of that court martial; or

(d) being in attendance as counsel before a court martial mentioned in section two hundred, is in contempt of court within the meaning of subsection five of that section,

is guilty of an offence and the court martial may, by a certificate setting forth the facts thereof, refer the offence of such person to a civil court, in the place where the court martial is held, that has power to punish witnesses guilty of like offences in that civil court.

Disposal of offender.

(2) Any civil court to which an offence mentioned in this section has been referred shall cause to be brought before it the person certified to have committed that offence, and shall inquire into the circumstances set forth in the certificate mentioned in subsection one, and, after examination of any witnesses who may be produced for or against the person so accused and after hearing any statement that may be offered in defence, shall, if it seems just, punish the person in like manner as if he had committed the offence in a proceeding in that civil court.

Failure to obey directions respecting property taken over, etc.

244. Every person employed in connection with any property, control of which has been taken by His Majesty under section two hundred and six, who does not obey the directions of the Minister or such person as is named in any warrant issued by the Minister is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

Breach of regulations respecting billeting, etc.

245. Every person who contravenes regulations respecting the quartering, billeting and encamping of a unit or other element of the Canadian Forces, or of an officer or man is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

Improper exaction of tolls.

246. Every person who receives or demands a duty or toll in contravention of section two hundred and nine is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

Cross-References to Existing Legislation

244. New

245. See Militia Act, Sec 86

246. See Army Act (UK), Sec 143(3)

Failure to comply with convoy orders.

247. Every person who fails to comply with directions given under section two hundred and ten is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

CROSS-REFERENCES TO EXISTING LEGISLATION

247. New

Part XIII.

SPECIAL PROVISIONS

Deserters and Absentees.

Certain deserters and absentees deemed never to have served.

248. (1) Every member of the Naval Forces of Canada, the Canadian Army and the Royal Canadian Air Force and every person called out for compulsory military service under *The National Resources Mobilization Act, 1940*, who, while serving on active service beyond Canada at any time after the ninth day of September, one thousand nine hundred and thirty-nine, or while serving on active service within Canada at any time between the thirty-first day of December, one thousand nine hundred and forty-five, and the first day of October, one thousand nine hundred and forty-six, deserted or absented himself without leave and is still absent on the date that this section comes into force, shall for all purposes be deemed never to have been enlisted or enrolled in or appointed to or have served with the naval, army or air forces of Canada during the war that commenced in September, one thousand nine hundred and thirty-nine.

Pay, etc., of such persons.

(2) Notwithstanding that any person mentioned in subsection one is deemed never to have served in the naval, army or air forces of Canada, all pay and allowances, rations, kit and equipment at any time paid or issued to him or on his behalf shall be deemed to have been paid or issued with due authority.

Amendment to The Royal Canadian Air Force Act.

Definition of "officer".

249. Paragraph *(e)* of section two of *The Royal Canadian Air Force Act*, chapter fifteen of the statutes of 1940, is repealed and the following substituted therefor:—

"*(e)* "officer" means a person who holds His Majesty's commission in or who is a subordinate officer in the Royal Canadian Air Force or who is attached or seconded to the Royal Canadian Air Force as an officer;"

Repeal.

Existing legislation.

250. *The Royal Military College Act*, the *Militia Act*, the *Department of National Defence Act*, *The Royal Canadian Air Force Act* and *The Naval Service Act, 1944*, or any portion thereof, may be repealed by proclamation of the Governor in Council.

Part XIII.

This Part contains two clauses of a transitory nature and includes provision for the repeal of certain existing legislation and the coming into force of various portions of the Bill.

Cross-References to Existing Legislation

248. New

249. New
See RCAF Act, Sec 2 *(e)*

250. New

Commencement of Act.

Proclamation.

251. Sections one, two hundred and forty-eight and two hundred and fifty of this Act shall come into force when this Act is assented to, section two hundred and eleven shall operate retrospectively to the eighth day of December, one thousand nine hundred and forty-seven, section two hundred and forty-nine shall operate retrospectively to the first day of October, one thousand nine hundred and forty-six, and the other sections of this Act shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

Cross-References to Existing Legislation

251. New

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K5.

An Act for the relief of Etta Valerie Sherwin Sperber.

AS PASSED BY THE SENATE, 3rd NOVEMBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47673

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K[5].

An Act for the relief of Etta Valerie Sherwin Sperber.

Preamble.

WHEREAS Etta Valerie Sherwin Sperber, residing at the city of Montreal, in the province of Quebec, wife of Lionel Albert Sperber, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the nineteenth day of June, A.D. 1930, at the said city, she then being Etta Valerie Sherwin, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Etta Valerie Sherwin and Lionel Albert Sperber, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Etta Valerie Sherwin may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Lionel Albert Sperber had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L5.

An Act for the relief of Sandy Douglas Carbone.

AS PASSED BY THE SENATE, 3rd NOVEMBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
45713 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[5].

An Act for the relief of Sandy Douglas Carbone.

Preamble.

WHEREAS Sandy Douglas Carbone, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, chauffeur, has by his petition alleged that on the seventh day of March, A.D. 1941, at the said city, he and Marie Alice Bella Guertin, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Sandy Douglas Carbone and Marie Alice Bella Guertin, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Sandy Douglas Carbone may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Alice Bella Guertin had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M5.

An Act for the relief of Hellen Isabel Dawson Parlee.

AS PASSED BY THE SENATE, 3rd NOVEMBER, 1949.

OTTAWA
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47561

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M5.

An Act for the relief of Hellen Isabel Dawson Parlee.

Preamble.

WHEREAS Hellen Isabel Dawson Parlee, residing at the city of Montreal, in the province of Quebec, wife of Medley Kingdon Parlee, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighth day of July, A.D. 1944, at the city of Westmount, in the said province, she then being Hellen Isabel Dawson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Hellen Isabel Dawson and Medley Kingdon Parlee, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Hellen Isabel Dawson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Medley Kingdon Parlee had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N5.

An Act for the relief of Violet Emma Woodhall Brownridge.

AS PASSED BY THE SENATE, 3rd NOVEMBER, 1949.

OTTAWA
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1949

47669

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N5.

An Act for the relief of Violet Emma Woodhall Brownridge.

Preamble.

WHEREAS Violet Emma Woodhall Brownridge, residing at the city of Verdun, in the province of Quebec, nurse, wife of Harry Brownridge, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the fourth day of March, A.D. 1930, at the said city of Verdun, she then being Violet Emma Woodhall, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Violet Emma Woodhall and Harry Brownridge, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Violet Emma Woodhall may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Harry Brownridge had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O5.

An Act for the relief of James Samuel Hatton.

AS PASSED BY THE SENATE, 3rd NOVEMBER, 1949.

OTTAWA
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CONTROLLER OF STATIONERY
1949

46332

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O5.

An Act for the relief of James Samuel Hatton.

Preamble.

WHEREAS James Samuel Hatton, domiciled in Canada and residing at the town of Huntingdon, in the province of Quebec, manager, has by his petition alleged that on the fifteenth day of December, A.D. 1923, at the city of Montreal, in the said province, he and Pearl Nixon, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between James Samuel Hatton and Pearl Nixon, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said James Samuel Hatton may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Pearl Nixon had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P5.

An Act for the relief of Anne Denburg Hershcovich.

AS PASSED BY THE SENATE, 3rd NOVEMBER, 1949.

OTTAWA
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46324

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P5.

An Act for the relief of Anne Denburg Hershcovich.

Preamble.

WHEREAS Anne Denburg Hershcovich, residing at the city of New York, in the state of New York, one of the United States of America, claims adjuster, wife of Louis Hershcovich, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the fourth day of June, A.D. 1933, at the said city of Montreal, she then being Anne Denburg, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Anne Denburg and Louis Hershcovich, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Anne Denburg may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Louis Hershcovich had not been solemnized.

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First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q5.

An Act for the relief of Ruth Baranoff Clark.

AS PASSED BY THE SENATE, 3rd NOVEMBER, 1949.

OTTAWA
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1949

46344

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[5].

An Act for the relief of Ruth Baranoff Clark.

Preamble.

WHEREAS Ruth Baranoff Clark, residing at the city of Outremont, in the province of Quebec, wife of Moses (Moe) Clark, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-sixth day of March, A.D. 1933, at the city of Montreal, in the said province, she then being Ruth Baranoff, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ruth Baranoff and Moses (Moe) Clark, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ruth Baranoff may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Moses (Moe) Clark had not been solemnized.

170

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R5.

An Act for the relief of Viateur Longpre.

AS PASSED BY THE SENATE, 3rd NOVEMBER, 1949.

OTTAWA
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45749

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[5].

An Act for the relief of Viateur Longpre.

Preamble.

WHEREAS Viateur Longpre, domiciled in Canada and residing at the city of Joliette, in the province of Quebec, manufacturer, has by his petition alleged that on the twenty-first day of May, A.D. 1932, at the said city, he and Eleonore Jette, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Viateur Longpre and Eleonore Jette, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Viateur Longpre may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Eleonore Jette had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S5.

An Act for the relief of Evalina May Carter O'Connell.

AS PASSED BY THE SENATE, 3rd NOVEMBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
45729 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[5].

An Act for the relief of Evalina May Carter O'Connell.

Preamble.

WHEREAS Evalina May Carter O'Connell, residing at the town of Mount Royal, in the province of Quebec, manager, wife of Lawrence John O'Connell, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-fourth day of January, A.D. 1940, at the said city, she then being Evalina May Carter, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Evalina May Carter and Lawrence John O'Connell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Evalina May Carter may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Lawrence John O'Connell had not been solemnized.

172

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T5.

An Act for the relief of Borys Zaryn.

AS PASSED BY THE SENATE, 3rd NOVEMBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

45010

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T[5].

An Act for the relief of Borys Zaryn.

Preamble.

WHEREAS Borys Zaryn, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, labourer, has by his petition alleged that on the tenth day of March, A.D. 1948, at the city of Glasgow, Scotland, he and Izabella Kosinska, who was then of the city of Ayr, Scotland, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Borys Zaryn and Izabella Kosinska, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Borys Zaryn may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Izabella Kosinska had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U5.

An Act for the relief of Alice Dorothy Rolison Cransky.

AS PASSED BY THE SENATE, 3rd NOVEMBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47697

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U5.

An Act for the relief of Alice Dorothy Rolison Cransky.

Preamble.

WHEREAS Alice Dorothy Rolison Cransky, residing at the city of Montreal, in the province of Quebec, clerk, wife of Philip Cransky, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the sixteenth day of April, A.D. 1942, at the said city, she then being Alice Dorothy Rolison, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Alice Dorothy Rolison and Philip Cransky, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Alice Dorothy Rolison may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Philip Cransky had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V5.

An Act for the relief of Shirley Patricia Susan Oakes Rowlands.

Read a first time, Wednesday, 9th November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

48622

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V5.

An Act for the relief of Shirley Patricia Susan Oakes Rowlands.

Preamble.

WHEREAS Shirley Patricia Susan Oakes Rowlands, residing at the city of Montreal, in the province of Quebec, teller, wife of John Edward Stanley Rowlands, who is domiciled in Canada and residing at the city of Verdun, in the said province, has by her petition alleged that they were married on the fifth day of June, A.D. 1948, at the town of Valois, in the said province, she then being Shirley Patricia Susan Oakes, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Shirley Patricia Susan Oakes and John Edward Stanley Rowlands, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Shirley Patricia Susan Oakes may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Edward Stanley Rowlands had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W5.

An Act for the relief of Margaret Adeline Bodley Cabana.

Read a first time, Wednesday, 9th November, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
47691 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W5.

An Act for the relief of Margaret Adeline Bodley Cabana.

Preamble.

WHEREAS Margaret Adeline Bodley Cabana, residing at the city of Montreal, in the province of Quebec, teacher, wife of Louis Joseph Cabana, who is domiciled in Canada and residing at the town of Strathmore, in the said province, has by her petition alleged that they were married on the second day of September, A.D. 1938, at the said city, she then being Margaret Adeline Bodley, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Adeline Bodley and Louis Joseph Cabana, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Adeline Bodley may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Louis Joseph Cabana had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[5].

An Act for the relief of Mary Letinetsky Nemeroff.

Read a first time, Wednesday, 9th November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47535

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[5].

An Act for the relief of Mary Letinetsky Nemeroff.

Preamble.

WHEREAS Mary Letinetsky Nemeroff, residing at the city of Montreal, in the province of Quebec, tailoress, wife of Dave Hyman Nemeroff, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the nineteenth day of May, A.D. 1946, at the said city, she then being Mary Letinetsky, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Letinetsky and Dave Hyman Nemeroff, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Letinetsky may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Dave Hyman Nemeroff had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y5.

An Act for the relief of Norah Helen Jarrett McCaffrey.

Read a first time, Wednesday, 9th November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46565

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y[5].

An Act for the relief of Norah Helen Jarrett McCaffrey.

Preamble.

WHEREAS Norah Helen Jarrett McCaffrey, residing at the town of St. Laurent, in the province of Quebec, stenographer, wife of Hugh Anthony John McCaffrey, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-eighth day of March, A.D. 1946, at the said city, she then being Norah Helen Jarrett, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Norah Helen Jarrett and Hugh Anthony John McCaffrey, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Norah Helen Jarrett may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Hugh Anthony John McCaffrey had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z5.

An Act for the relief of Elizabeth Karaszi Bergeron.

Read a first time, Wednesday, 9th November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
47222 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[5].

An Act for the relief of Elizabeth Karaszi Bergeron.

Preamble.

WHEREAS Elizabeth Karaszi Bergeron, residing at the city of Montreal, in the province of Quebec, clerk, wife of Allison Joseph Bergeron, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the ninth day of March, A.D. 1946, at the said city, she then being Elizabeth Karaszi, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Elizabeth Karaszi and Allison Joseph Bergeron, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Elizabeth Karaszi may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Allison Joseph Bergeron had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A6.

An Act for the relief of John Albert Roberts.

Read a first time, Thursday, 10th November, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
47214 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A[6].

An Act for the relief of John Albert Roberts.

Preamble.

WHEREAS John Albert Roberts, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, secretary treasurer, has by his petition alleged that on the tenth day of August, A.D. 1926, at the said city, he and Mary Walker, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between John Albert Roberts and Mary Walker, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Albert Roberts may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Mary Walker had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[6].

An Act for the relief of Leslie Ernest Tulett.

Read a first time, Thursday, 10th November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46974

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[6].

An Act for the relief of Leslie Ernest Tulett.

Preamble.

WHEREAS Leslie Ernest Tulett, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, clerk, has by his petition alleged that on the twenty-third day of September, A.D. 1944, at the city of Toronto, in the province of Ontario, he and Louise Marie-Anne Colette Aube, who was then of the said city of Montreal, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Leslie Ernest Tulett and Louise Marie-Anne Colette Aube, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Leslie Ernest Tulett may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Louise Marie-Anne Colette Aube had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C6.

An Act for the relief of Ernest Tonegawa.

Read a first time, Thursday, 10th November, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
46978 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C6.

An Act for the relief of Ernest Tonegawa.

Preamble.

WHEREAS Ernest Tonegawa, domiciled in Canada and residing at the city of Verdun, in the province of Quebec, mechanic, has by his petition alleged that on the seventh day of November, A.D. 1944, at the city of Montreal, in the said province, he and Marie Blanche Berthe Lacroix, who was then of the said city of Verdun, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ernest Tonegawa and Marie Blanche Berthe Lacroix, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ernest Tonegawa may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Blanche Berthe Lacroix had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[6].

An Act to amend the Customs Act.

Read a first time, Monday, 14th November, 1949.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STMTIONERY
49702 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

R.S., c. 42; 1928, c. 16; 1930 (2nd Sess.), c. 2; 1931, cc. 29, 55; 1932-33, cc. 7, 38; 1934, c. 48; 1936, cc. 19, 30; 1937, c. 24; 1947, c. 4; 1947-48, c. 41.

BILL D[6].

An Act to amend the Customs Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section thirty-five of the *Customs Act*, chapter forty-two of the Revised Statutes of Canada, 1927, as enacted by section two of chapter forty-one of the statutes of 1947-48, is amended by adding thereto, immediately after subsection four thereof, the following subsection:—

Governor in Council may order that import duties be disregarded.

"(5) The Governor in Council may order that import duties of a country of export shall be disregarded, in whole or in part, in estimating the value for duty of goods of any kind imported into Canada from a country specified in the order."

2. Section one hundred and thirty-four A of the said Act, as enacted by section four of chapter twenty-nine of the statutes of 1931, is repealed and the following substituted therefor:—

Power to conduct inquiry.

"**134A.** The Deputy Minister or any other officer designated by the Minister may conduct any inquiry or investigation in matters relating to the Customs and, for the purpose of such inquiry or investigation, any such officer shall have all the powers and authority of a commissioner appointed under Part I of the *Inquiries Act*." R.S., c. 99.

Explanatory Notes.

1. The section to be amended reads as follows:—

"**35.** (1) Whenever any duty *ad valorem* is imposed on any goods imported into Canada, the value for duty shall be the fair market value of such or the like goods when sold for home consumption in the ordinary course of trade under fully competitive conditions, in like quantities and under comparable conditions of sale at the time when and place whence such goods were exported by the vendor abroad to the purchaser in Canada; or, except as otherwise provided in this Act, the price at which the goods were sold by the vendor abroad to the purchaser in Canada, exclusive of all charges thereon after their shipment from the place whence exported direct to Canada, whichever may be greater.

(2) When the fair market value of any goods is not ascertainable under subsection one, the value for duty of such goods shall be the nearest ascertainable equivalent of such value.

(3) When neither the fair market value nor the equivalent of such value can be ascertained, the value for duty shall be the actual cost of production of similar goods at date of shipment to Canada, plus a reasonable addition for administration, selling cost and profit.

(4) The value for duty shall not include the amount of any internal tax applicable within the country of origin or export from which the imported goods have been exempted or have been or will be relieved by means of refund or drawback."

Import duties of the country of export normally form part of the fair market value of goods exported to Canada and are included in the value for duty. In certain countries, however, such duties are abnormally high where for revenue purposes they are combined with excise duties. The proposed amendment will obviate the necessity of collecting duty upon a valuation which is in the circumstances unreasonable.

2. The section to be repealed at present reads as follows:—

"**134A.** (1) *The Deputy Minister of National Revenue for Customs and Excise, assistant commissioner of customs, any inspector of customs ports, any collector of customs, and the chief of the preventive service and any divisional chief of the preventive service,* and any other officer designated by the Minister, may conduct any inquiry or investigation in matters relating to the Customs and *may summon before him any person and may examine him and require him to give evidence orally or in writing, on oath or on solemn affirmation if he is entitled to affirm in civil matters, or by statutory declaration, on any matter pertinent to such inquiry or investigation, and any person thus authorized to conduct an inquiry or investigation may administer such oath or affirmation.*

3. Section one hundred and seventy-three of the said Act is repealed and the following substituted therefor:—

Deputy Minister or other officer to report his opinion to Minister.

"**173.** After the expiration of the thirty days referred to in section one hundred and seventy-two, or sooner, if the person so called upon to furnish evidence so desires, the Deputy Minister or such other officer as the Minister may designate may consider and weigh the circumstances of the case, and report his opinion and recommendation thereon to the Minister."

4. Section one hundred and seventy-nine of the said Act is repealed and the following substituted therefor:—

"judge".

"**179.** (1) In this section

(a) "judge" means

(i) in the province of Quebec, a judge of the Superior Court for the district in which the vessel, vehicle, goods or thing, in respect of which an application for an order is made, was seized;

(ii) in the province of Newfoundland, a judge of the Supreme Court of Newfoundland;

(iii) in the Yukon Territory, a judge of the Territorial Court;

(iv) in the Northwest Territories, a stipendiary magistrate;

(v) in any other province of Canada, the judge of the county or district court for the county or district in which such vessel, vehicle, goods or thing was seized; and

(2) Any officer authorized to conduct any such inquiry or investigation may for the purpose thereof issue a subpoena or other request or summons, requiring and commanding any person therein named to appear at the time and place mentioned therein, and then and there to testify to all matters within his knowledge relative to the subject matter of such investigation, and to bring with him and produce any document, book, or paper, which he has in his possession or under his control relative to any such matter as aforesaid; and any such person may be summoned from any part of Canada by virtue of such subpoena, request or summons.

(3) Reasonable travelling expenses shall be paid to any person so summoned at the time of service of the subpoena, request or summons.

(4) Every person who—

(a) being required to attend in the manner in this section provided, fails, without valid excuse, to attend accordingly; or

(b) being commanded to produce any document, book or paper, in his possession or under his control, fails to produce the same; or

(c) refuses to be sworn or to affirm, or to declare, as the case may be; or

(d) refuses to answer any proper question put to him by such officer;

shall, on summary conviction before any police or stipendiary magistrate, or judge of a superior or county court, having jurisdiction in the county or district in which such person resides, or in which the place is at which he was so required to attend, be liable to a penalty not exceeding four hundred dollars and not less than fifty dollars."

The office of Assistant Commissioner of Customs has been abolished, as has that of the Chief of the Preventive Service and any divisional chief. The object of the amendment is to avoid the necessity of periodically asking Parliament to bring the list of departmental officers up to date. Similarly, the specific powers given by the section as it stands are simply the powers of a commissioner appointed under the *Inquiries Act*. Compare the *Excise Tax Act*, section 116.

3. The section to be repealed at present reads as follows:—

"**173.** After the expiration of the *said* thirty days, or sooner, if the person so called upon to furnish evidence so desires, the Deputy Minister *of National Revenue for Customs and Excise or Assistant Commissioner of Customs* may consider and weigh the circumstances of the case, and report his opinion and recommendation thereon to the Minister."

The office of Assistant Commissioner of Customs has been abolished.

4. The section to be repealed at present reads as follows:—

"**179.** If notice of intent to claim has been given and the value of the goods or thing seized does not, in the opinion of the prosecuting officer, exceed one hundred dollars, such officer shall, if he chooses to proceed under this section, forthwith cause the goods to be valued by a competent appraiser, and, if such appraiser certifies them not to exceed the said value, a summary information in writing may be exhibited in the name of the collector at or nearest to the place of seizure, or in the name of any officer authorized thereto by the Minister, before two justices of the peace, charging the articles seized as forfeited under some particular Act and section thereof to be therein referred to, and praying condemnation thereof; and the justices shall thereupon issue a general notice for all persons claiming interest in the seizure to appear at a certain time and place to claim the articles seized and answer the information, and stating that otherwise such articles will be condemned.

2. A copy of the notice shall, at least eight days before the time of appearance, be served upon the person from whose possession the things were taken, or shall be left at or affixed to the building or vessel, if any, in which they were seized, if there remaining, or at two public places nearest the place of seizure.

3. If any person appears to answer the information, the justices shall hear and determine the matter in a summary manner and acquit or condemn the articles, but if no person appears, judgment of condemnation shall be given; and the justices on condemnation shall issue a warrant to the collector to sell the goods.

4. Such two justices shall be deemed a court, and each of them a judge thereof for the purposes of this Act."

"court of appeal"

(b) "court of appeal" means, in the province in which a judge's order is given, the court designated in paragraph seven of subsection one of section two of the *Criminal Code* as the court of appeal for that province.

R.S., c. 36.

Person who claims interest in vessel, etc., may apply to judge for order.

(2) Where any vessel, vehicle, goods or thing has been seized as forfeited under this Act, any person (other than the person accused of an offence resulting in such seizure or the person in whose possession the vessel, vehicle, goods or thing was when seized) who claims an interest in them as owner, mortgagee, lien-holder or holder of any like interest may, within thirty days after such seizure, apply by notice in writing to a judge for an order declaring his interest.

Time of hearing.

(3) The judge shall fix a day not less than thirty days after the date of the filing of the application for the hearing thereof.

Notice to Deputy Minister.

(4) The claimant shall serve notice of the application and of the hearing upon the Deputy Minister at least fifteen clear days before the day fixed for the hearing.

Conditions upon which judge may grant order to protect claimant's interest.

(5) Where, upon the hearing of an application, it is made to appear to the satisfaction of the judge

(a) that the claimant is innocent of any complicity in the offence resulting in such seizure or of any collusion with the offender in relation thereto, and

(b) that the claimant exercised all reasonable care in respect of the person permitted to obtain the possession of such vessel, vehicle, goods or thing to satisfy himself that it was not likely to be used contrary to the provisions of this Act or, if a mortgagee or lien-holder, he exercised such care with respect to the mortgagor or lien-giver,

the claimant shall be entitled to an order that his interest be not affected by such seizure.

Appeal.

(6) The claimant or the Crown may appeal to the court of appeal from an order of a judge given under subsection five and the appeal shall be asserted, heard and decided according to the ordinary procedure governing appeals to the court of appeal from orders or judgments of a judge."

The *Customs Act*, like other fiscal statutes, provides for the forfeiture of vehicles etc. used in the carriage of contraband goods without regard to ownership. In 1934 a section was inserted in the *Excise Act* which enabled an innocent owner,mortgagee or lien-holder to apply to a judge for an order "that his interest be not affected by such seizure". (*Excise Act, 1934*, Section 169A.) It is deemed advisable to insert a similar provision in the *Customs Act* and, in doing so, to make some simple rules of procedure (the *Excise Act* leaves the judge in effect to make his own) and to provide for an appeal.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E6.

An Act to amend The Surplus Crown Assets Act.

Read a first time, Monday, 14th November, 1949.

Honourable Senator ROBERTSON.

OTTAWA
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

49698

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E[6].

An Act to amend The Surplus Crown Assets Act.

1944-45, c. 21.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section two of *The Surplus Crown Assets Act*, chapter twenty-one of the statutes of 1944–45, is repealed and the following substituted therefor:

Definitions. "Board".

"2. In this Act,

(a) "Board" means the Board of Directors of the corporation;

"corporation".

(b) "corporation" means the corporation established by this Act;

"government department".

(c) "government department" means a department of the Government of Canada or a board, commission, corporation or other body that is an agent of His Majesty in right of Canada but does not include the National Railways as defined in *The Canadian National-Canadian Pacific Act, 1933*, the Canadian Broadcasting Corporation, the Bank of Canada, the Industrial Development Bank, Trans-Canada Air Lines or any corporation incorporated under *The Trans-Canada Air Lines Act, 1937;*

1932-33, c. 33.

1937, c. 43.

"Minister".

(d) "Minister" means the Minister of Trade and Commerce;

"surplus Crown assets".

(e) "surplus Crown assets" means the property that is included in a report made to the Minister under section three and has not subsequently been deleted from the report with the authority of the Minister or disposed of pursuant to this Act."

2. Section three of the said Act is repealed and the following substituted therefor:

Explanatory Notes.

1. The purpose of the Bill is to revise *The Surplus Crown Assets Act* to provide that Crown assets which are surplus to Government requirements are, with certain exceptions, to be reported surplus to the Minister of Trade and Commerce for disposal under his direction by a single Government agency now known as War Assets Corporation and to be known as Crown Assets Disposal Corporation.

Proposed paragraphs *(b)*, *(c)*, *(d)* and *(e)* of section 2 of the Act will replace the present paragraphs *(b)*, *(c)*, *(d)* and *(f)* which read as follows:

"*(b)* "committee" means the Crown Assets Allocation Committee established pursuant to this Act;

(c) "corporation" means the War Assets Corporation established pursuant to this Act;

(d) "government department" means a department, commission or board created by or pursuant to the authority of Parliament, and includes any agency of the Government of Canada designated by the Governor in Council as a government department for the purposes of this Act."

(f) "surplus Crown assets" means property that has been

(i) included in a report made to the Minister under section three; or

(ii) declared by the Governor in Council to be unnecessary to satisfy the requirements of the government department by which it is kept, administered or controlled; and

has not been subsequently deleted from the report with the consent of the Minister or disposed of pursuant to the provisions of this Act."

2. In the interests of clarity, proposed subsection (1) of section 3 of the Act will replace present subsection (1) which reads as follows:

Reports by departments.

"**3.** (1) Except as provided in subsection two of this section, whenever a government department determines that property of His Majesty in right of Canada in its custody or under its control or administration is surplus to its requirements, it shall make a report of such property to the Minister.

Exceptions.

(2) The following property need not be included in a report made under subsection one, except to such extent as may be specified by order of the Governor in Council:

(a) agricultural or dairy products or livestock or livestock products, other than those in the custody or under the control or administration of the Department of National Defence;

(b) personal property acquired or produced by a board, commission, corporation or other body for disposal pursuant to an Act of Parliament or order of the Governor in Council;

(c) lands situated in the Yukon Territory or the Northwest Territories and under the control, management or administration of the Minister of Mines and Resources;

(d) lands under the control, management or administration of the Minister of Mines and Resources on the thirty-first day of December, nineteen hundred and forty-nine, or by virtue of the *Indian Act*, *The National Parks Act* or *The Canada Forestry Act;*

R.S., c. 98. 1930 (1st Sess.) c. 33.

1949 (2nd Sess.) c.

(e) lands under the control, management or administration of the Minister of Transport, other than those acquired pursuant to the Acts mentioned in section two of *The War Appropriation Act, No. 2, 1944;*

1944-45, c. 16.

(f) lands authorized to be disposed of under *The Veterans' Land Act, 1942*, *the Soldier Settlement Act*, *The Central Mortgage and Housing Corporation Act* or the *Housing Acts* as defined in *The Central Mortgage and Housing Corporation Act.*

1942-43, c. 33. R.S., c. 188. 1945, (2nd Sess.) c. 15.

No disposal except under this Act.

(3) Notwithstanding any Act or Order in Council enacted or passed before this Act comes into force, no government department shall dispose of any surplus Crown assets except in accordance with this Act."

Repeal.

3. Sections five, six, seven and eight of the said Act are repealed.

"(1) Every government department shall, from time to time, after considering in relation to its immediate or known future needs all property of any kind whatsoever that is in its custody or control or administered by it, make a report to the Minister of all such property that is unnecessary to satisfy its immediate or known future requirements."

This language does not leave sufficient departmental discretion in regard to potential requirements.

Proposed new subsection (2) will replace present subsection (3) which reads as follows:

"(3) Notwithstanding the provisions of subsection one of this section, no government department except the Department of National Defence and the Department of Munitions and Supply, is required to include agricultural or dairy products or livestock or livestock products in a report made pursuant to subsection one."

Order in Council P.C. 6204 of August 11, 1944, made under this Act and applying to Crown lands, will be revised in terms of this Bill when enacted.

Proposed subsection (3) is a re-enactment of present subsection (2) except that the concluding words of the latter "or in accordance with general or specific authority of the Governor in Council" have been deleted in harmony with the new definition of "surplus Crown assets".

3. The functions of the Crown Assets Allocation Committee have diminished to the point where they are no longer necessary, having regard to the powers of the Board of Directors of the corporation acting under direction of the Minister. The sections proposed to be repealed read as follows:

"**5.** The Minister, with the approval of the Governor in Council, may

(a) establish a committee to be known as the Crown Assets Allocation Committee;

(b) appoint one of the members of the committee to be chairman and fix the salary, if any, to be paid him;

(c) authorize payment to any member of the committee who is not in the public service of Canada of a fee for each meeting of the committee that he attends; and

(d) authorize payment to each member of the committee of actual disbursements for expenses necessarily incurred in connection with the discharge of his duties under this Act.

Re-numbering.

4. (1) Section nine of the said Act is re-numbered as section five.

(2) Paragraph *(d)* of section five of the said Act, as re-numbered by this section, is repealed and the following substituted therefor:

Transfer from one department to another.

"*(d)* approve the transfer of surplus Crown assets from one government department to another, subject to such terms and conditions as he may consider desirable;"

(3) Paragraph *(e)* of section five of the said Act, as re-numbered by this section, is repealed and the following substituted therefor:

Authority to department to dispose of assets.

"*(e)* authorize a government department to dispose of surplus Crown assets in such manner, upon such terms and subject to such conditions as he may consider desirable;"

Repeal and re-lettering.

(4) Paragraph *(i)* of section five of the said Act, as re-numbered by this section, is repealed and paragraphs *(j)* and *(k)* of the said section are respectively re-lettered as paragraphs *(i)* and *(j)*.

6. (1) A member of the committee shall be appointed for a term of one year subject to removal without cause by the Governor in Council during the term; and a member may, upon the expiration of his term, be re-appointed.

(2) The committee shall be responsible to, and subject to the direction and control of, the Minister.

(3) The chairman shall call meetings of the committee to be held at such times and places as he may decide.

(4) The committee shall, immediately after every meeting, make a report to the Minister with reference to the proceedings thereof.

(5) Every member of the committee shall, before acting as such, take before a justice of the peace or commissioner for taking affidavits, and file with the secretary of the committee, an oath of fidelity and secrecy in the form set out in the Schedule to this Act.

7. The committee shall advise the Minister on matters relating to the use, disposal of or dealing with surplus Crown assets or otherwise arising out of this Act, which are referred to it by the Minister, and in particular without limiting the foregoing, it shall

(a) consider questions relating to surplus Crown assets referred to it by the Minister and recommend to the Minister whether the corporation should sell or otherwise dispose of any such assets or whether they should be dealt with or disposed of in some other way;

(b) consider representations made by any government department, provincial government, municipality or public body with respect to surplus Crown assets and make recommendations to the Minister in connection therewith; and

(c) exercise and perform such duties and make such investigations and reports as the Governor in Council or the Minister may from time to time direct.

8. (1) A secretary and such other officers, clerks and employees as are necessary to assist the committee in the performance of the duties imposed on it by this Act shall be appointed or employed in the manner authorized by law.

(2) The Minister may, with the approval of the Governor in Council, temporarily employ such persons of technical or professional attainment as he may deem necessary; and the salaries of such persons may be fixed or varied by the Minister with the approval of the Governor in Council.

(3) Every person appointed or employed as provided in this section shall, before entering upon his duties, take before a justice of the peace or commissioner for taking affidavits, and file with the Minister, an oath of fidelity and secrecy in the form set out in the Schedule to this Act."

4. Present paragraph *(d)* reads as follows:

"*(d)* approve the transfer of surplus Crown assets from one government department to another."

The proposed amendment will enable special terms and conditions in proper cases, as may be necessary if the transfer is by a Crown company or agency.

Present paragraph *(e)* reads as follows:

"*(e)* empower a government department to sell surplus Crown assets upon such terms and subject to such conditions as he may consider desirable."

The proposed amendment is necessary as some surplus assets are not saleable.

Present paragraph *(i)*, which will be unnecessary in view of clause 7, reads as follows:

"*(i)* direct the corporation to do any of the things authorized by paragraphs *(a)* to *(d)* inclusive of this section."

Re-numbering.

5. (1) Section ten of the said Act is re-numbered as section six.

(2) Subsection four of section six of the said Act, as re-numbered by this section, is repealed and the following substituted therefor:

Head office.

"(4) The head office of the corporation shall be at Ottawa or in such other place as the Minister may from time to time determine."

Change of name.

(3) After the commencement of this Act War Assets Corporation shall be known as Crown Assets Disposal Corporation.

Re-numbering.

6. Section eleven of the said Act is re-numbered as section seven.

7. Section twelve of the said Act is repealed and the following substituted therefor:

Delegation of Minister's powers to corporation.

"**8.** (1) The Minister may authorize the corporation to exercise or perform any or all of the functions, powers or duties of the Minister under section five.

Powers of corporation.

(2) Subject to specific or general instructions of the Minister, the corporation may

(a) convert surplus Crown assets to basic materials;

(b) purchase, lease or otherwise acquire real or personal property for the purpose of its operations and sell, lease or otherwise dispose of such property; and

(c) do such other acts and things as the Board may deem incidental or conducive to the attainment of its objects or the exercise of its powers."

Re-numbering.

8. Sections thirteen to eighteen of the said Act are re-numbered as sections nine to fourteen respectively.

Repeal.

9. Section nineteen of the said Act is repealed.

5. The effect of proposed subclause (2) is to change the head office of the corporation from Montreal to Ottawa.

Subclause (3) is substantive and self-explanatory.

6. This clause is self-explanatory.

7. Present section 12 of the Act reads as follows:

"**12.** (1) Subject to general or specific instructions given by the Minister, the corporation may, when so directed by the Minister,

(a) sell, exchange, lease, lend or otherwise dispose of or deal with surplus Crown assets either gratuitiously or for a consideration and upon such terms and subject to such conditions as the Board may consider desirable;

(b) hold, manage, operate, finish, assemble, store, transport, repair, maintain and service surplus Crown assets;

(c) restore to its original condition any property that has been made available to His Majesty and settle any claim in connection therewith;

(d) convert surplus Crown assets back to basic materials; and

(e) do such other acts and things as the Board may deem incidental or conducive to the attainment of its objects or the exercise of its powers.

(2) If authorized by the Minister, the corporation may purchase, lease or otherwise acquire real or personal property required for the purpose of its operations; and sell, lease, or otherwise dispose of the same."

Subsection (1) has been clarified to remove any confusion due to its lack of reference to section 9 from which the Minister derives powers that are subject to authorization by the Governor in Council, and to enable the Minister to have the Corporation perform under his direction such of those authorized powers as he deems advisable.

Proposed subsection (2) re-enacts the above paragraphs *(d)* and *(e)* and above subsection (2).

8. This clause is self-explanatory.

9. Present section 19 is spent. It provides as follows:

"**19.** (1) The custody, administration and control of all property and assets belonging to His Majesty kept, administered or controlled by War Assets Corporation Limited, a company the incorporation of which was procured by the Minister pursuant to an Order in Council passed on the twenty-ninth day of November, nineteen hundred and forty-three, are hereby transferred to the corporation on the day the corporation is established.

(2) The corporation shall, upon the day the corporation is established, take possession of all property and assets of and assume all the obligations and liabilities of or incurred by the said War Assets Corporation Limited.

(3) The Charter of War Assets Corporation Limited is hereby cancelled and the company dissolved on the day the corporation is established."

Re-numbering.

10. Sections twenty, twenty-one and twenty-two of the said Act are re-numbered as sections fifteen, sixteen and seventeen respectively.

Re-numbering.

11. (1) Section twenty-three of the said Act is re-numbered as section eighteen.

(2) Paragraph *(a)* of section eighteen of the said Act, as re-numbered by this section, is repealed and the following substituted therefor:

"*(a)* make such orders as he may deem necessary or desirable with reference to the organization, administration or management of the corporation and confer on the corporation additional powers and duties;"

Re-numbering.

12. Section twenty-four of the said Act is re-numbered as section nineteen.

Repeal.

13. Section twenty-five of the said Act is repealed.

New Schedule.

14. The Schedule to the said Act is repealed and the Schedule to this Act substituted therefor.

Coming into force.

15. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

10. This clause is self-explanatory.

11. The change effected by subclause (2) merely omits reference to the Crown Assets Allocation Committee in present paragraph *(a)* which reads as follows:

"*(a)* make such orders as he may deem necessary or desirable with reference to the organization, administration or management of the committee or corporation and to confer on the committee or corporation additional powers and duties."

12. This clause is self-explanatory.

13. This clause is self-explanatory.

14. This clause re-enacts the present Schedule without change except to refer to the corporation by its new name and to omit references to the Crown Assets Allocation Committee.

15. The purpose of bringing the amending Act into force by proclamation is to allow the *Canada Forestry Act* (referred to in clause 2) to be first enacted during this session.

SCHEDULE.

Oath of Fidelity and Secrecy of Employee of Crown Assets Disposal Corporation:

I,....., solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me and shall not divulge any knowledge or information obtained by me in the course of my employment to any one not legally entitled thereto unless expressly authorized by my superior officers.

Oath of Fidelity and Secrecy of Director or Officer of Crown Assets Disposal Corporation:

I,....., do solemnly swear that I will faithfully, truly and to the best of my judgment, skill and ability execute and perform the duties required of me as a Director or Officer, as the case may be, of Crown Assets Disposal Corporation.

I further solemnly swear that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the corporation, nor will I allow any such person to inspect or have access to any books, documents or records belonging to or in the possession of the corporation and relating to its business.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F6.

An Act for the relief of Rene Walsh.

Read a first time, Tuesday, 15th November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
47094 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F[6].

An Act for the relief of Rene Walsh.

Preamble.

WHEREAS Rene Walsh, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, organizer, has by his petition alleged that on the third day of September, A.D. 1938, at the said city, he and Lucille Berthiaume, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Rene Walsh and Lucille Berthiaume, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Rene Walsh may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Lucille Berthiaume had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G[6].

An Act for the relief of Sara Tepper Prupas.

Read a first time, Tuesday, 15th November, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

48257

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G⁶.

An Act for the relief of Sara Tepper Prupas.

Preamble.

WHEREAS Sara Tepper Prupas, residing at the city of Montreal, in the province of Quebec, bookkeeper, wife of Manuel Prupas, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirty-first day of December, A.D. 1944, at the said city, she then being Sara Tepper, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Sara Tepper and Manuel Prupas, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Sara Tepper may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Manuel Prupas had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H6.

An Act for the relief of Joseph Wilfred Melanson.

Read a first time, Tuesday, 15th November, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

48374

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[6].

An Act for the relief of Joseph Wilfred Melanson.

Preamble.

WHEREAS Joseph Wilfred Melanson, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, chauffeur, has by his petition alleged that on the second day of September, A.D. 1935, at the said city, he and Viola Eleanor Kathleen Smith, who was then of the city of Verdun, in the said province, a widow, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Wilfred Melanson and Viola Eleanor Kathleen Smith, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Wilfred Melanson may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Viola Eleanor Kathleen Smith had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[6].

An Act for the relief of Muriel Johnson Binnie Keates.

Read a first time, Wednesday, 16th November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
46796 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[6].

An Act for the relief of Muriel Johnson Binnie Keates.

Preamble.

WHEREAS Muriel Johnson Binnie Keates, residing at the city of Outremont, in the province of Quebec, salesgirl, wife of Bertie Keates, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-fifth day of September, A.D. 1937, at the said city of Outremont, she then being Muriel Johnson Binnie, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Muriel Johnson Binnie and Bertie Keates, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Muriel Johnson Binnie may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Bertie Keates had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J6.

An Act for the relief of William Campbell James Meredith.

Read a first time, Wednesday, 16th November, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
48241 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[6].

An Act for the relief of William Campbell James Meredith.

Preamble.

WHEREAS William Campbell James Meredith, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, lawyer, has by his petition alleged that on the eleventh day of December, A.D. 1935, at the said city, he and Marie Berthe Louis Francoise Martin, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between William Campbell James Meredith and Marie Berthe Louis Francoise Martin, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said William Campbell James Meredith may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Berthe Louis Francoise Martin had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K6.

An Act for the relief of Lillian Steinberg Heitner.

Read a first time, Wednesday, 16th November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47840

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K[6].

An Act for the relief of Lillian Steinberg Heitner.

Preamble.

WHEREAS Lillian Steinberg Heitner, residing at the city of Montreal, in the province of Quebec, wife of Solomon Heitner, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the seventh day of April, A.D. 1935, at the said city, she then being Lillian Steinberg, a widow; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lillian Steinberg and Solomon Heitner, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lillian Steinberg may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Solomon Heitner had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[6].

An Act for the relief of Clayton George Allison.

Read a first time, Wednesday, 16th November, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46028

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[6].

An Act for the relief of Clayton George Allison.

Preamble.

WHEREAS Clayton George Allison, domiciled in Canada and residing at the city of Quebec, in the province of Quebec, soldier, has by his petition alleged that on the third day of July, A.D. 1943, at the village of Bury, in the said province, he and Marie Claire Cora Cossette, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Clayton George Allison and Marie Claire Cora Cossette, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Clayton George Allison may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Claire Cora Cossette had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M6.

An Act for the relief of Louis Kasper.

Read a first time, Wednesday, 16th November, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
46585 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M[6].

An Act for the relief of Louis Kasper.

Preamble.

WHEREAS Louis Kasper, domiciled in Canada and residing at the city of Verdun, in the province of Quebec, shoemaker, has by his petition alleged that on the nineteenth day of November, A.D. 1924, at the town of Tiszafoldvir, Hungary, he and Juliana Thot, who was then of the said town, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Louis Kasper and Juliana Thot, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again

2. The said Louis Kasper may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Juliana Thot had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N6.

An Act for the relief of Arthur Colpron.

Read a first time, Thursday, 17th November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

48249

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N^{6}.

An Act for the relief of Arthur Colpron.

Preamble.

WHEREAS Arthur Colpron, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, labourer, has by his petition alleged that on the twenty-sixth day of April, A.D. 1930, at the village of St. Michel, in the said province, he and Alice Marcel, who was then of the said village, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved

1. The said marriage between Arthur Colpron and Alice Marcel, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Arthur Colpron may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Alice Marcel had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O⁶.

An Act for the relief of Berengere Pare Fuller.

Read a first time, Thursday, 17th November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47547

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O[6].

An Act for the relief of Berengere Pare Fuller.

Preamble.

WHEREAS Berengere Pare Fuller, residing at the city of Montreal, in the province of Quebec, secretary, wife of Joseph James Michael Walter Fuller, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourteenth day of November, A.D. 1940, at the said city, she then being Berengere Pare, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Berengere Pare and Joseph James Michael Walter Fuller, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Berengere Pare may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph James Michael Walter Fuller had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P6.

An Act for the relief of Enid Dorothy MacRae Gauley.

Read a first time, Thursday, 17th November, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

48245

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P[6].

An Act for the relief of Enid Dorothy MacRae Gauley.

Preamble.

WHEREAS Enid Dorothy MacRae Gauley, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Leslie James Gauley, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the sixth day of July, A.D. 1940, at the city of Westmount, in the said province, she then being Enid Dorothy MacRae, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Enid Dorothy MacRae and Leslie James Gauley, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Enid Dorothy MacRae may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Leslie James Gauley had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q6.

An Act for the relief of Guy Merrill Desaulniers.

Read a first time, Monday, 21st November, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
47699 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[6].

An Act for the relief of Guy Merrill Desaulniers.

Preamble.

WHEREAS Guy Merrill Desaulniers, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, lawyer, has by his petition alleged that on the twenty-second day of October, A.D. 1938, at the city of Westmount, in the said province, he and Marie Berthe Alice O'Leary, who was then of the said city of Westmount, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Guy Merrill Desaulniers and Marie Berthe Alice O'Leary, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Guy Merrill Desaulniers may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Berthe Alice O'Leary had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R6.

An Act for the relief of Margaret May Lester Rajotte.

Read a first time, Monday, 21st November, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
47198 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[6].

An Act for the relief of Margaret May Lester Rajotte.

Preamble.

WHEREAS Margaret May Lester Rajotte, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Stephen Paul Emile Rajotte, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-second day of December, A.D. 1945, at the said city, she then being Margaret May Lester, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret May Lester and Stephen Paul Emile Rajotte, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret May Lester may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Stephen Paul Emile Rajotte had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S6.

An Act for the relief of Odette Therese Gabard Coupal.

Read a first time, Tuesday, 22nd November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
47832 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[6].

An Act for the relief of Odette Therese Gabard Coupal.

Preamble.

WHEREAS Odette Therese Gabard Coupal, residing at the city of Montreal, in the province of Quebec, wife of Maurice Joseph Rene Coupal, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighth day of July, A.D. 1939, at the said city, she then being Odette Therese Gabard, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Odette Therese Gabard and Maurice Joseph Rene Coupal, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Odette Therese Gabard may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Maurice Joseph Rene Coupal had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T6.

An Act for the relief of Ella Maxine Shover Logan.

Read a first time, Tuesday, 22nd November, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
47970 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T[6].

An Act for the relief of Ella Maxine Shover Logan.

Preamble.

WHEREAS Ella Maxine Shover Logan, residing at the city of Kingston, in the province of Ontario, waitress, wife of Roy Hiram Logan, who is domiciled in Canada and residing at the town of Waterloo, in the province of Quebec, has by her petition alleged that they were married on the seventh day of March, A.D. 1932, at Richford, in the state of Vermont, one of the United States of America, she then being Ella Maxine Shover, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ella Maxine Shover and Roy Hiram Logan, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ella Maxine Shover may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Roy Hiram Logan had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U6.

An Act for the relief of Bernard Rivet.

AS PASSED BY THE SENATE, 24th NOVEMBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

46948

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U[6].

An Act for the relief of Bernard Rivet.

Preamble.

WHEREAS Bernard Rivet, domiciled in Canada and residing at the village of Sanmaur, in the province of Quebec, superintendent, has by his petition alleged that on the third day of May, A.D. 1939, at the city of Montreal, in the said province, he and Elizabeth McKenzie, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Bernard Rivet and Elizabeth McKenzie, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Bernard Rivet may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Elizabeth McKenzie had not been solemnized.

206

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V6.

An Act for the relief of Phyllis Elizabeth Campbell Westover.

AS PASSED BY THE SENATE, 24th NOVEMBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
IMPRIMEUR DE SA TRÈS EXCELLENTE MAJESTÉ LE ROI
CONTRÔLEUR DE LA PAPETERIE
46956 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V⁶.

An Act for the relief of Phyllis Elizabeth Campbell Westover.

Preamble.

WHEREAS Phyllis Elizabeth Campbell Westover, residing at the city of Verdun, in the province of Quebec, comptometer operator, wife of Homer Walter Westover, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the first day of September, A.D. 1937, at the said city, she then being Phyllis Elizabeth Campbell, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Phyllis Elizabeth Campbell and Homer Walter Westover, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Phyllis Elizabeth Campbell may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Homer Walter Westover had not been solemnized.

207

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W6.

An Act for the relief of Mildred Blanche Tilson Bell.

AS PASSED BY THE SENATE, 24th NOVEMBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
47960 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W6.

An Act for the relief of Mildred Blanche Tilson Bell.

Preamble.

WHEREAS Mildred Blanche Tilson Bell, residing at the city of Verdun, in the province of Quebec, operator, wife of Victor Robert Bell, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the nineteenth day of January, A.D. 1921, at the city of Westmount, in the said province, she then being Mildred Blanche Tilson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mildred Blanche Tilson and Victor Robert Bell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mildred Blanche Tilson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Victor Robert Bell had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[6].

An Act for the relief of Ruby Anderson Edwards.

AS PASSED BY THE SENATE, 24th NOVEMBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

47846

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[6].

An Act for the relief of Ruby Anderson Edwards.

Preamble.

WHEREAS Ruby Anderson Edwards, residing at the city of Montreal, in the province of Quebec, nurse, wife of Bert Edwards, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the sixteenth day of September, A.D. 1930, at the city of New Mills, in the province of New Brunswick, she then being Ruby Anderson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ruby Anderson and Bert Edwards, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ruby Anderson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Bert Edwards had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y6.

An Act for the relief of Vera Marguerite Abraham Allen Richey.

AS PASSED BY THE SENATE, 24th NOVEMBER, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
47850 1949

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y[6].

An Act for the relief of Vera Marguerite Abraham Allen Richey.

Preamble.

WHEREAS Vera Marguerite Abraham Allen Richey, residing at the city of Montreal, in the province of Quebec, secretary, wife of James Metthew Douglas Richey, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighteenth day of December, A.D. 1926, at the said city, she then being Vera Marguerite Abraham Allen, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Vera Marguerite Abraham Allen and James Metthew Douglas Richey, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Vera Marguerite Abraham Allen may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Metthew Douglas Richey had not been solemnized.

First Session, Twenty-First Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[6].

An Act to amend The Government Employees Compensation Act, 1947.

Read a first time, Tuesday, 29th November, 1949.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

50937

1st Session, 21st Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[6].

An Act to amend The Government Employees Compensation Act, 1947.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Repeal of section 4.

1. Section four of *The Government Employees Compensation Act, 1947*, chapter eighteen of the statutes of 1947, is repealed.

Explanatory Notes.

The purpose of the Bill is to provide for determination of compensation for injuries to Government Employees in Prince Edward Island according to The Workmen's Compensation Act of Prince Edward Island which was enacted on March 23, 1949.

Section four of *The Government Employees Compensation Act, 1947*, reads as follows:—

"**4.** (1) Where an employee is caused personal injury or is killed by accident arising out of and in the course of his employment, or is disabled or his death is caused by an industrial disease due to the nature of his employment, while employed in the province of Prince Edward Island, such accident or industrial disease shall be deemed for the purposes of this Act to have occurred or been contracted, as the case may be, in the province of New Brunswick, and the right to and the amount of the compensation shall be determined under the law of the province of New Brunswick by such court, board, officers or other authority as the Governor in Council shall from time to time appoint.

(2) Any compensation awarded to any employee or the dependents of any deceased employee under this section shall be paid to such employee or dependents or to such person as the court, board, officers or other authority awarding such compensation directs, and the said court, board, officers or other authority shall have like jurisdiction respecting the awarding of compensation under this section as the Workmen's Compensation Board of the province of New Brunswick has under the Workmen's Compensation Act of that province.

(3) An appeal shall lie from the decision of any board, officers or other authority determining the right to and the amount of compensation payable under this section to a judge of the Supreme Court of Judicature of Prince Edward Island sitting without a jury whose decision shall be final, but no appeal shall lie from the decision of a judge in the first instance.

(4) The board, officers or other authority appointed under this section may be paid such remuneration and expenses as the Governor in Council may fix, and such remuneration and expenses may be paid by the Minister of Finance out of any unappropriated moneys in the Consolidated Revenue Fund of Canada."