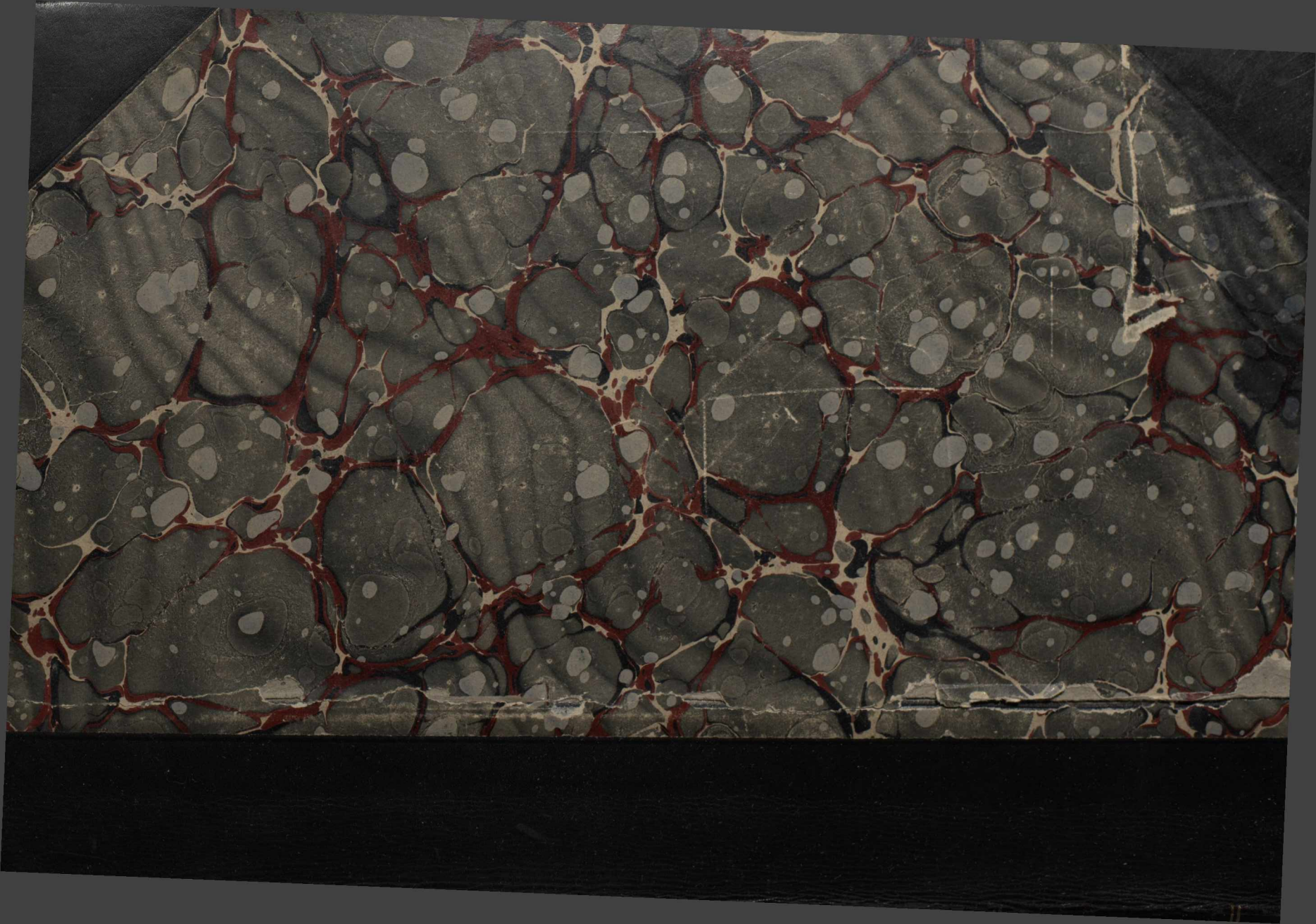

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20th Parliament, 4th Session
1947-48

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356.	Tuchsneider, Leie Snideman, otherwise known as Lilly Schneidman Schneider	P10-306
357.	Turner, Olive Turnidge Burns	A11-318
358.	Verrier, Sarah Ann Older	R3-97
359.	Vezina, Margaret Elizabeth Dunn	D8-237
360.	Viau, Joseph Leopold Joffre	N10-304
361.	Vincent, Claire Alice Tucker	I10-296
362.	Walker, Edith Elizabeth	N9-274
363.	Walker, Jean Fullarton Craig	R1-40
364.	Walker, Mavis Aurelia Leney Ogilvie	L7-216
365.	Wallis, Daisy Elizabeth May Fishlock	C9-263
366.	Walsh, Laurel Gwendolyn Wilband	G10-294
367.	Ward, Edith McLachlan	P12-381
368.	Ward, Vera May Paulson	K2-64
369.	Warner, Dolores Margaret Paul	G6-166
370.	Waugh, Anna Martha Kokojachuk	S3-98
371.	Weedmark, Dorothy June Wilson	B11-319
372.	Wells, James Arnold	I1-30
373.	Welsh, Richard Edward	A7-191
374.	White, Gladys Victoria Lewis	F11-323
375.	Whitelaw, Simone Boily	H2-61
376.	Williamson, Kenneth Wright	F12-371
377.	Wise, Goldie Tessler	Z3-104
378.	Wolfe, Rena Victoria Rabin	E1-26
379.	Woodall, Ralph	S4-125
380.	Wright, William Thomas	G1-28
381.	Young, James	U7-227
382.	Yuile, Barbara	U10-311
383.	Zloty, Eva Wolfovitch, otherwise known as Eva Wolfovitch Gold	K3-90

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 2.

An Act to amend the Criminal Code. (Illegal Organizations).

First reading, December 10, 1947.

Mr. LaCroix.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

99664

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 2.

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.

An Act to amend the Criminal Code. (Illegal Organizations).

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

1. The *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is amended by inserting therein the following section:—

Illegal organizations.

"**98.** (1) The Communist Party of Canada, the Labor-Progressive Party of Canada and any association, society, group or organization having similar aims or purposes are declared to be, and shall be deemed to be illegal organizations: Provided that no association, society, group or organization, except the Communist Party of Canada, and the Labor-Progressive Party shall be deemed to be an illegal organization unless a Superior Court of criminal jurisdiction has previously, upon a reference submitted by the Governor in Council, expressed the opinion that the said association, society, group or organization is an illegal association within the meaning of this section.

Proviso.

Members guilty of an offence.

(2) Every person who, after the coming into force of this section or after the court of criminal jurisdiction has expressed the opinion mentioned in subsection one of this section, as the case may be, continues to be or becomes an officer or member of such an illegal organization, or professes to be such, or who advocates or defends the acts, principles or policies of such illegal organization shall be guilty of an offence under this section and liable to a fine not exceeding five thousand dollars or to imprisonment for not more than twenty years, or to both fine and imprisonment.

Penalty.

Evidence of membership.

(3) In any prosecution under this section, if it is proved that the person charged has

(a) attended meetings of an illegal organization; or

Explanatory Note.

The Communist Party of Canada and the Labor-Progressive Party of Canada and organizations with similar objectives and advocating the use of similar means of overthrowing constituted authority as developed in Canada under our Constitution are a menace to the safety of the State and should be outlawed by adequate provision of the *Criminal Code*. The Government, with the approval of Parliament, thought it necessary and expedient for the safety of the State to outlaw the Communist Party during the war. Such organizations constitute a great threat to the safety of our national institutions in peace time and should be suppressed in like manner. With this object in view it is proposed by this Bill to declare the named Parties, illegal organizations, under the *Criminal Code*.

A similar Bill was introduced in the House of Commons on the 31st of March, 1947. The difference between the previous Bill and the present one is that in the first case it was left to the Governor in Council to declare groups or associations to be illegal associations whereas in the present Bill a Superior Court of criminal jurisdiction is substituted for the Governor in Council.

(*b*) distributed literature of an illegal organization by circulation through the mails of the Post Office of Canada, or otherwise; or

(*c*) knowingly permitted, as the owner, lessee, agent or superintendent of any building, room, premises or place, any meeting of an illegal organization;

it shall be *prima facie* evidence that said person is a member of such illegal organization.

Property may be seized and forfeited.

(4) Any property, real or personal, belonging or suspected of belonging to such illegal organization, or held or suspected to be held by any person for or on behalf thereof may, without warrant, be seized or taken possession of by any person thereunto authorized by the Commissioner of the Royal Canadian Mounted Police, and may thereupon be forfeited to His Majesty.

Disqualification as to House and Senate.

(5) No person who is a member of an illegal organization shall be eligible to be a candidate to serve as a member of the House of Commons nor to sit as a member of the Senate or House of Commons."

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act respecting Emergency Measures for the Conservation of Canadian Foreign Exchange Resources.

AS PASSED BY THE HOUSE OF COMMONS, 24th FEBRUARY, 1948.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

1656

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act respecting Emergency Measures for the Conservation of Canadian Foreign Exchange Resources.

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 Emergency Exchange Conservation Act.*

Interpretation.

Definition. "permit"

2. In this Act "permit" means a permit issued under this Act.

Import Control.

Goods not permitted import.

3. (1) No person shall import or attempt to import into Canada any goods listed or of the classes described in Schedules I, II or III except in accordance with a permit issued by the Minister and, subject to this Act and the regulations, the Minister may issue, vary, or revoke permits for the import of such goods.

(2) Subsection one does not apply in respect of goods

(a) included in the Schedules to this Act that were included in Appendices seven, eight and nine of the Foreign Exchange Control Regulations on the eighteenth day of November, nineteen hundred and forty-seven, if those goods had been delivered to and were in the custody or possession of a common carrier before that day and were in the course of continuous and uninterrupted transportation to Canada on the day preceding that day;

(b) included in the Schedules to this Act that were added to the said Appendices on a day after the said

eighteenth day of November, if those goods had been delivered to and were in the custody or possession of a common carrier before the day that they were included in the said Appendices and were in the course of continuous and uninterrupted transportation to Canada on the day preceding that day; or

(c) that may be admitted into Canada free from duty under Tariff Item 703 *(b)* of the Customs Tariff and

(i) that, in the case of goods described in paragraph *(a)*, are included in the baggage of a resident of Canada who returns to Canada pursuant to a departure from Canada before the eighteenth day of November, nineteen hundred and forty-seven; or

(ii) that, in the case of goods described in paragraph *(b)*, are included in the baggage of a resident of Canada who returns to Canada pursuant to a departure from Canada before the day that those goods were added to the said Appendices.

GOODS IN SCHEDULE I.

No permits for goods in Schedule I —exception.

4. No permit shall be issued for the import of goods listed in Schedule I unless, in the opinion of the Minister, exceptional hardship would result if a permit were not issued.

GOODS IN SCHEDULES II AND III.

Regulations governing issue of permits for goods in Schedules II and III.

5. (1) The Governor in Council may make regulations,

(a) prescribing that permits shall not be issued for the import, during any period, of such goods or class of goods included in Schedule II as are specified in the regulation, in excess of a total quantity or value thereof, fixed either generally or with respect to any country or class of countries from which such goods are to be imported or in which they originate and the method of calculating such total quantity or value;

(b) prescribing that permits shall not be issued for the import of such goods or class of goods included in Schedule II as are specified in the regulation, in excess of quotas for any period established for the applicants therefor, and the method of calculating the quotas, or prescribing the circumstances in which permits may be issued to applicants therefor;

(c) governing the issue of permits for the import of goods listed in Schedule III;

(d) prescribing conditions to the issue of permits, and terms of, and conditions to permits or the permissions granted by permits, and terms of and conditions to the continuation of permits in effect;

(e) prescribing returns to be made by applicants for permits or by persons to whom permits have been issued:

(f) providing that any goods included in Schedule I shall be deemed to be included for the purposes of this Act in Schedules II or III in place of Schedule I;

(g) providing that any goods included in Schedule II shall be deemed to be included for the purposes of this Act in Schedule III in place of Schedule II;

(h) suspending the operation of this Act with respect to any person or any goods or any class of persons or class of goods; and

(i) generally for carrying out the purposes and provisions of this Act.

Definition of quota.

(2) For the purposes of this section, a quota for the import of goods by any person means a quantity of those goods, fixed by way of value, weight, or number of units of those goods, that may be imported by that person during the period in respect of which the quota is fixed.

Substituted goods.

(3) Where the Governor in Council is of opinion that any goods not included in Schedules I, II or III, are being imported into Canada for use or consumption in substitution for any goods included in those Schedules, respectively, the Governor in Council may by regulation prescribe that such goods shall be deemed to be included in Schedule I, II or III, as the case may be, in which the goods for which the said goods are so substituted, are included.

Regulations published and laid before Parliament.

(4) A regulation shall be published forthwith in the *Canada Gazette* and if Parliament is then sitting shall be laid before Parliament or, if Parliament is not then sitting, shall be laid before Parliament within fifteen days after the commencement of the next ensuing session thereof.

ADMINISTRATION.

Ministerial power to prescribe procedure, forms, etc.

6. (1) Subject to this Act and the regulations, the Minister may,

(a) prescribe the procedure to be followed in applying for and issuing permits;

(b) prescribe forms necessary for the administration of this Act;

(c) in particular cases or classes of cases, where it is advisable in order to ensure that

(i) the import of goods by a person pursuant to a permit is carried on equitably in relation to the import of goods by other persons to whom permits have been granted, or

(ii) goods imported pursuant to permits are distributed so as to be available equitably to consumers

prescribe, from time to time, terms of and conditions to a permit or the permission granted in a permit additional to those prescribed by regulation; and

(d) authorize any person, under his control and direction, to act on his behalf under this Act except in the exercise of the powers conferred by this section.

"Minister."

(2) In this Act "Minister" with respect to permits for the import of goods,

(a) in Schedules I and II, means the Minister of Finance, and

(b) in Schedule III, means the Minister of Trade and Commerce.

Customs Officers duty to enforce.

7. All officers as defined in the *Customs Act*, before permitting the import into Canada of any goods, shall satisfy themselves that the import of those goods is permitted under this Act and that all requirements of this Act with reference thereto have been complied with, and sections one hundred and fifty-seven to one hundred and sixty-two of the *Customs Act* apply in respect of officers and persons engaged in the administration of this Act with regard to the performance of their duties under this Act.

R.S., c. 42.

Permit not transferable.

8. A permit is not transferable by the holder thereof to any other person and does not affect the obligation of the holder thereof to obtain any other license, permit or certificate to import that may be required by law or to pay any tax, duty, toll or impost or other sum required by law to be paid in respect of the import of the goods to which the permit applies.

Report to Parliament.

Report to Parliament.

9. The Minister shall lay before Parliament, within fifteen days after the commencement of each session thereof, a report on the administration of this Act during the preceding fiscal year.

Offences and Penalties.

Offences.

10. (1) Every person who knowingly

(a) in any application for a permit or in any return required to be made under this Act, furnishes any false or misleading information or makes any false or misleading statement, or

(b) being the holder of a permit, does any act or thing in contravention of, or fails to do any act or thing required to be done by, the permit or the terms of, or conditions to the permit or the permission granted by the permit, either before or after the import of the goods the import of which is permitted thereunder, or

(c) contravenes or omits to comply with this Act or a regulation.

is guilty of an offence and

Penalties.

R.S., c. 36.

(i) may be prosecuted under Part XV of the *Criminal Code* and if convicted is liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment; or

(ii) may, at the election of the Attorney General of Canada, be prosecuted under indictment and if convicted is liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years or to both fine and imprisonment.

Corporation offender.

(2) If a corporation is guilty of an offence under this Act, any officer, director or agent of the corporation, who directed, authorized, assented to or acquiesced or participated in the commission of the offence, is a party to and guilty of the offence.

Prohibited goods subject to Customs Tariff and Customs Act.

R.S., c. 42. R.S., c. 44.

11. Goods, the importation of which into Canada is prohibited by this Act, shall, unless a permit for their importation has been issued or the goods have been exempted from the provisions of this Act, be deemed to be goods the importation of which is prohibited by section thirteen of the *Customs Tariff* and all provisions of the *Customs Act* and *Customs Tariff*, and regulations thereunder, respecting search, detention, seizure, forfeiture and condemnation thereof apply to or in respect of those goods.

Burden of proof on person charged.

12. Where a person is charged with an offence under this Act, if it is established that the said person did any act for which a permit is required under this Act, it shall not be necessary to establish that the person charged did not possess a permit and the burden of proof that he possessed the necessary permit shall be upon the person charged.

COMMENCEMENT, CONTINUATION AND EXPIRY.

Coming into force.

13. This Act shall come into force on a day to be fixed by proclamation.

Foreign Exchange Control regulations revoked.

14. Sections forty-three B to forty-three F and Appendices seven, eight and nine of the Foreign Exchange Control Regulations as set out in the Order of His Excellency in Council of the twelfth day of November, one thousand nine hundred and forty-seven, as amended, are revoked: Provided, however, that any act or thing done or permit granted before the commencement of this Act by or on behalf of the Minister of Finance or by and on behalf of the Foreign Exchange Control Board pursuant to the provisions of the sections and Appendices aforesaid shall be deemed to have been done or issued by or on behalf of the Minister under this Act, and all acts, things or matters commenced thereunder shall be continued under this Act and all acts or things done before the commencement of this Act while the sections and Appendices aforesaid were in force, which if done pursuant to this Act would be valid, are hereby confirmed as if done under this Act.

Expiration.

15. This Act shall expire upon a day to be fixed by proclamation.

SCHEDULE I

In this Schedule where a tariff item of Schedule "A" to the Customs Tariff is listed without being preceded by the word "ex" all goods included in that tariff item shall be deemed to be included in this Schedule and where a tariff item is listed and preceded by the word "ex" only the goods described thereafter are deemed to be included in this Schedule, and words and expressions in this Schedule have the same meaning as in the Schedules to the Customs Tariff.

Tariff Item No.	*Description*
7	Meats, fresh, n.o.p.
8	Canned meats, poultry or game.
9	Poultry and game, n.o.p.
9*a*	Quails, partridges, and squabs, dead or alive, n.o.p.
10	Meats, prepared or preserved, other than canned.
16	Eggs in the shell.
18*a*	Peanut butter.
22	Preparations of cocoa or chocolate in powder form.
27	Coffee, roasted or ground, when not imported direct from the country of growth and production.
29*a*	Tea, n.o.p. (not imported direct from the country of growth and production.)
31	Ginger and spices, ground, n.o.p.
33	Nutmegs and mace, ground.
36, 37	Compressed yeast.
38	Yeast cakes.
42*a*	Table salt.
43	Condensed milk.
ex 45, 46	Prepared cereal foods.
ex 47	Beans, n.o.p. (except soya beans.)
48	Peas, n.o.p.
63, 63*a*	Rice, cleaned.
65	Biscuits, not sweetened.
66	Biscuits, sweetened.
67	Macaroni and vermicelli.
79*b*	Flowers and foliage, natural, cut, whether in designs or bouquets or not, n.o.p.
87	Vegetables, fresh, in their natural state: asparagus, green beans, Brussels sprouts, cabbage, carrots, beets, n.o.p., cauliflower, eggplant, celery, cucumbers, lettuce, parsley, green peas, rhubarb, spinach, tomatoes, watercress, whitloof, endive, and fresh vegetables, n.o.p.
89	Vegetables, prepared, in air-tight cans or other air-tight containers.

SCHEDULE I—*Continued*

Tariff Item No.	*Description*
90*e*	Vegetables, frozen.
91	Soups, soup rolls, tablets, cubes, or other soup preparations, n.o.p.
92	Fruits, fresh, in their natural state: apricots, cherries, cranberries, peaches, pears, plums or prunes, strawberries, raspberries, loganberries, berries, edible, n.o.p., quinces, nectarines.
94	Grapes, fresh, in their natural state.
95	Cantaloupes and muskmelons.
95*a*	Melons, n.o.p.
96	Fruits, fresh, in their natural state, n.o.p.
96*a*	Kumquats, fresh.
97	Plantains, pineapples, pomegranates, guavas and mangoes.
99*b*	Fruits, dried, desiccated, evaporated or dehydrated, n.o.p.
99*d* ex 99*e*	Dates, dried, unpitted.
99*g*	Apricots, nectarines, pears and peaches, dried, desiccated, evaporated or dehydrated.
ex 104*a* ex 105	Fruit pulp, other than passion fruit pulp, with sugar or not, and fruits, crushed or frozen.
108	Honey in the comb or otherwise, and imitations thereof.
ex 109	Nuts of all kinds, in the shell, n.o.p.
110	Cocoanuts, n.o.p.
123*a*	Crabs, clams or shrimps in sealed containers.
124 125 126 127 128 ex 123 ex 133	Oysters.
130	Turtles.
138	Maple sugar and maple syrup.
139	Glucose or grape sugar, glucose syrup and corn syrup, or any syrups containing an admixture thereof, n.o.p.
143	Cigars.
143*a*	Cigarettes.
152*c*	Grape juice in containers of more than one gallon capacity each.
ex 179	Labels for cigar boxes, fruits, vegetables, meats, fish, confectionery or other goods or wares.
ex 180 181*a*	Pictorial post-cards, greeting cards and similar artistic cards or folders, finished or unfinished.

SCHEDULE I—*Continued*

Tariff Item No.	*Description*
ex 184*d* ex 169 ex 170 ex 171 ex 184*a*	Periodical publications, unbound or paper bound, consisting largely of fiction or printed matter of a similar character, including detective, sex, western, and alleged true or confession stories, and publications, unbound or paper bound, commonly known as comics, but not including bona fide supplements used with newspapers. Provided, that the decision of the Minister of National Revenue as to whether or not any publication is included in the foregoing description shall be final and conclusive.
ex 192 ex 198 ex 199	Tarred paper and prepared roofings (including shingles), sheathing, insulation (not including fibreglass), building board, chipboard, newsboard, strawboard, testboard, corrugated board, and all other similar boards manufactured wholly or in part of vegetable fibres (not including electric insulation board, shoe board, automobile board, book binders' board and pressboard); bristol board, artists' board, photograph mounting board, picture matting board and showcard board; flock coated board or paper; wax coated paper; blotting paper not printed.
192*b*	Sandpaper, glass or flint paper, and emery paper or emery cloth.
192*c*	Roofing and shingles of saturated felt.
ex 193	Paper sacks or bags of all kinds, printed or not (but not including those made from twisted paper).
194	Playing cards, in packs or in sheet form, n.o.p.; cards and sheets partly lithographed or printed, for use in the manufacture of such playing cards.
195	Paper hanging or wall papers, including borders or bordering.
ex 197 ex 197*b* ex 198 ex 199 ex 181 ex 509	Towels, napkins, table covers, tray covers and doilies, of paper; fancy shelf and lace papers; paper handkerchiefs; facial tissues and toilet paper, including such materials in jumbo rolls; cups, dishes or plates, forks, spoons, and drinking straws, made of paper, cardboard, or of vegetable fibres; paper envelopes; correspondence and printed letterhead papers, not including plain unprinted typewriter or copying papers; creped tissue paper and manufactures thereof; wrapping paper (including box covering paper and wrappers) printed, embossed or otherwise decorated; Christmas seals, stickers, tags and enclosure cards, printed, embossed or otherwise decorated; card and other games, score reckoners, score pads, tallies and place

SCHEDULE I—*Continued*

Tariff Item No.	*Description*
	cards, of paper or cardboard; festivity, carnival and celebration supplies and decorations of paper or cardboard, including costumes, hats, caps, headbands, masks, horns, serpentines and confetti; gummed paper; blank books; photograph mounts manufactured from paper or paper board.
197*b*	Wrapping paper of all kinds, not pasted, coated or embossed.
ex 192 ex 197 ex 198 ex 199	Papers and paperboards or fibreboards the surface of which is in two or more colours or is embossed or otherwise decorated.
ex 199b	Empty containers wholly or partially manufactured from paperboard or fibreboard having affixed thereto paper the surface of which is in two or more colours, or is embossed or otherwise decorated.
226	Candles.
234	Perfumery, including toilet preparations, non-alcoholic, viz., hair oils, tooth and other powders and washes, pomatums, pastes and all other perfumed preparations, n.o.p., used for the hair, mouth or skin.
235*b*	Liquorice in rolls or sticks, not sweetened.
247	Liquid fillers, anti-corrosive and anti-fouling paints, and ground and liquid paints, n.o.p.
248	Paints and colours, ground in spirits, and all spirit varnishes and lacquers.
249	Varnishes, lacquers, japans, japan driers, liquid driers, and oil finish, n.o.p.
251	Gold liquid paint.
ex 257	Writing ink, but not including drafting, artists' or instrument ink.
ex 271	Lubricating oils composed wholly or in part of petroleum, in containers of less than 25 Imperial gallons each.
ex 272	Refined petroleum jellies and oils, for toilet, medicinal, edible, or similar purposes, in containers of less than 25 Imperial gallons each or of less than 250 pounds each in weight, including the weight of the container.
ex 272*a*	Petroleum greases and lubricating greases, n.o.p., in containers of less than 25 Imperial gallons each or of less than 250 pounds each in weight, including the weight of the container.
323	Silvered glass, bevelled or not and framed or not, n.o.p.
ex 326(*i*)	Decanters and machine-made tumblers of glass, not cut nor decorated, n.o.p.

SCHEDULE I—*Continued*

Tariff Item No.	*Description*
ex 326*g*	High thermal shock resisting glassware, but not including industrial or laboratory glassware, or glassware parts imported by manufacturers for production use in their own factories.
354*a*	Kitchen or household hollow-ware of aluminum, n.o.p.
354*b*	Kitchen or household hollow-ware of nickel, n.o.p.
ex 362*c*	Nickel-plated or electro-plated cutlery and table flatware.
ex 414	Typewriters.
ex 414*a*	Dictating machines, transcribing machines and cylinder shaving machines.
ex 414*c*	Adding machines.
415*a*	Refrigerators, domestic or store, completely equipped or not.
ex 415*b*	Washing machines, domestic, with or without motive power incorporated therein.
ex 415*c*	Clothes wringers, domestic.
ex 415*d*	Sewing machines, domestic, with or without motive power incorporated therein.
ex 427	Outboard motors.
ex 427*h*	Motion picture projectors for use with films less than one and one-eighth of an inch in width, with or without sound equipment, and motion picture screens adapted for use therewith.
432*b*	Hollow-ware, of iron or steel, coated with vitreous enamel.
433	Baths, bathtubs, basins, closets, lavatories, urinals, sinks and laundry tubs of iron or steel, coated or not.
ex 440*a*	Pleasure boats of all kinds.
ex 443	Apparatus designed for cooking or for heating buildings (not including parts).
444*b*	Lamp shades, n.o.p., and shade holders.
ex 445	Electric light fixtures and appliances, n.o.p. (not including industrial electric light fixtures, or parts).
ex 445*a*	Electric flashlights.
ex 445*b*	Incandescent electric light lamps.
ex 445*d*	Radio receiving sets and cabinets and chassis therefor.
ex 445*e*	Electric and galvanic batteries, n.o.p. (not including parts or separators).
ex 445*i*	Electric sad irons.
ex 445*j*	Electric dry shaving machines.
449	Steel wool, including steel wool impregnated with soap or in retail packages containing a cake of soap.
451*e* *et al*	Slide, hookless or zipper fasteners and parts thereof.
ex 462	Cameras, not including those for professional use.

SCHEDULE I—*Continued*

Tariff Item No.	*Description*
465	Signs of any material other than paper, framed or not; letters and numerals of any material other than paper.
468	Bird, squirrel and rat cages, of wire, and metal parts thereof.
503	Planks, boards, clapboards, laths, plain pickets and other timber or lumber of wood, not further manufactured than sawn or split, whether creosoted, vulcanized, or treated by any other preserving process, or not.
504	Planks, boards and other lumber of wood, sawn, split or cut, and dressed on one side only, but not further manufactured.
504*a*	Ponderosa pine lumber (pinus ponderosa) and California sugar pine lumber (pinus Lambertiana), not further manufactured than planed, dressed, or jointed, for use in Canadian manufactures.
505	Planks, boards, deals and other lumber of wood, not further manufactured than planed, dressed, jointed, tongued or grooved, n.o.p.
505*a*	Hardwood flooring, tongued and/or grooved, or jointed, viz:—beech, birch, maple and oak.
ex 506	Door and window frames and sash.
506*a*	Clothespins and parts thereof.
506*b*	Wooden doors of a height and width not less than 6 feet and 2 feet, respectively.
507	Single-ply, sliced or rotary-cut veneers of rosewood, mahogany or Spanish cedar, not over five-sixteenths of an inch in thickness, not taped nor jointed.
ex 507*a*	Single-ply, sliced or rotary-cut veneers of oak or walnut, n.o.p., not over five-sixteenths of an inch in thickness, not taped nor jointed.
507*b*	Veneers of wood of any kind, not over five-sixteenths of an inch in thickness, taped or jointed.
507*c*	Plywood made of two or more layers of veneer or lumber of wood, glued or cemented together, but not further manufactured.
507*e*	Plywood made of two or more layers of wood glued or cemented together and faced with metal on one or both sides.
508	Mouldings of wood.
512 ex 506 *et al*	Picture frames, photograph frames and mirror frames, of any material.
ex 514	Coffins and caskets.
ex 515	Show-cases of all kinds.
519	House, office, cabinet or store furniture of wood, iron or other material, and parts thereof, not to include forgings, castings, and stampings of metal, in the rough.

SCHEDULE I—*Continued*

Tariff Item No.	*Description*
519*a*	Wire screens, wire doors and wire windows; cash registers; window cornices and cornice poles of all kinds; hair, spring and other mattresses; curtain stretchers, furniture springs and carpet sweepers.
597	Pianofortes and organs.
ex 597*a*	Phonographs, graphophones and gramophones.
602 603	Fur skins, wholly or partially dressed.
ex 618*b*	Passenger automobile tires.
624 *et al*	Bead ornaments, and ornaments of alabaster, spar, amber, terra cotta, composition, or other material except china or porcelain; fans of all kinds; statues and statuettes of any material other than porcelain or earthenware.
625	Caps, hats, muffs, tippets, capes, coats and cloaks of fur, and other manufactures of fur, n.o.p.
629	Umbrellas, parasols and sunshades of all kinds and materials.
647	Jewellery of any material, for the adornment of the person, n.o.p.
ex 648	Precious and semi-precious stones (other than diamonds) whether genuine or synthetic; pearls, whether genuine or cultured, and imitations and simulations thereof.
ex 651	Buttons of all kinds, n.o.p. (except recognition buttons).
ex 655	Fountain and ball point pens.
ex 655*a*	Propelling pencils.
ex 689*a*	Mineral wool, but not including fibre glass.
ex 711	Synthetic casings for meat.
ex 711 ex 362*c* ex 427 ex 446*a* *et al*	Goods enumerated hereunder, but not including goods entitled to entry under tariff items enumerated in Schedule II: Domestic water heaters; public address and communication systems; humidifiers (but not including industrial humidifiers); chemical permanent waving preparations; Soda fountains; bars; ice-cream cabinets and beverage cabinets; beverage dispensing and mixing equipment; gasoline pumps; Punch boards and pin-ball games; vending machines, games, amusement devices, phonographs, radios, musical instruments, scales, parking meters, locks and lockers, coin-, disc-, or token-operated; Cigarette or cigar lighters (but not to include lighters provided for in Tariff Item 438 (c)); Air-conditioning units and apparatus designed for household or office use;

SCHEDULE I—*Concluded*

Tariff Item No.	*Description*
	Electric mixers, ironers and dish-washers, designed for household use;
	Cases, boxes, bowls, baskets, bottles, dishes and trays adapted for personal, household or office use, or for the packaging of goods for retail sale, of which the component of chief value is copper, brass, bronze or electro-plated metal, not including industrial containers unsuitable for retail sale;
	Ash trays and receivers; desk sets and bases or holders for blotters, pens or pencils; book-ends; paper weights and paper knives; andirons, screens, tongs and other furnishings for fire-places; door knockers;
	Christmas tree decorations of all kinds, including lights and fittings therefor; vases and jardinieres;
	Electric heating pads and blankets; juice extractors; amusement rides and devices; hair waving and drying machines; display decorations; lipstick holders; electric fans; floor polishers; atomizers; pencil sharpeners; radio cabinets, finished or unfinished; door chimes; binoculars and opera glasses; domestic garbage disposal units; ski racks; watch straps and bracelets; bowls, trays and dishes of wood.
ex 703*(b)*	Goods enumerated elsewhere in Schedules I and II, except goods to which paragraph *(c)* of subsection two of section three of this Act applies.

SCHEDULE II

In this Schedule where a tariff item of Schedule "A" to the Customs Tariff is listed without being preceded by the word "ex" all goods included in that tariff item shall be deemed to be included in this Schedule and where a tariff item is listed and preceded by the word "ex" only the goods described thereafter are deemed to be included in this Schedule, and words and expressions in this Schedule have the same meaning as in the Schedules to the Customs Tariff.

Category 1—Fruits and Vegetables.

Tariff Item No.	*Description*
83	Potatoes, as hereunder defined: *(a)* In their natural state. *(b)* Dried, desiccated, or dehydrated. *(c)* Sweet potatoes in their natural state. *(d)* Sweet potatoes, n.o.p.
84	Onions, in their natural state, including onions grown with tops, shallots, and onion sets.
93	Apples, fresh, in their natural state.
100	Grape fruit, when imported from the place of growth by ship, direct to a Canadian port.
100*a*	Grape fruit, n.o.p.
101	Oranges, n.o.p.
101*a*	Lemons.
101*b*	Oranges, the produce of Palestine (when imported direct from the country of growth and production or from a country entitled to the benefits of the British Preferential Tariff) during the months of January, February, March and April.
102	Limes.
152	Lime juice, fruit syrups and fruit juices, n.o.p.
152*b*	Orange juice, grapefruit juice, and blended orange and grapefruit juice, the product of the British West Indies, when imported direct from the country of production.

Category 2—Textiles.

523	Woven fabrics, wholly of cotton, not bleached, mercerized nor coloured, n.o.p., and seamless cotton bags.
523*a*	Woven fabrics, wholly of cotton, bleached or mercerized, not coloured, n.o.p.
523*b*	Woven fabrics, wholly of cotton, printed, dyed or coloured, n.o.p.
523*c*	Woven fabrics wholly of cotton, composed of yarns of counts of 100 or more, including all such fabrics in which the average of the count of warp and weft yarns is 100 or more.

SCHEDULE II—*Continued*

Tariff Item No.	*Description*
523*e*	Woven fabrics wholly of cotton with cut pile, n.o.p.
523*j*	Shadow cretonnes, wholly of cotton, with printed warp and plain weft.
523*k*	Gabardines, wholly of cotton, with not less than 280 ends and picks of ply yarn per square inch.
523*l*	Woven fabrics, wholly of cotton, composed of yarns of counts of not less than 80 and not more than 99, including all such fabrics in which the average count of the warp and weft yarns is not less than 80 and not more than 99.
524*a*	Fabrics with cut weft pile, wholly of cotton or of cotton and synthetic textile fibres or filaments.
528	White cotton bobinet, plain, in the web.
529	Embroideries, lace, nets, nettings, bobinet, n.o.p., fringes and tassels, wholly of cotton.
529*a*	Lace and embroideries, wholly of cotton, not coloured, when imported for use exclusively by manufacturers in the manufacture of clothing, in their own factories.
530	Lace and embroideries, wholly of cotton, coloured, when imported for use exclusively by manufacturers in the manufacture of clothing, in their own factories.
531	Knitted fabric wholly of cotton, in the web, imported by manufacturers of rubber boots and shoes for use exclusively in the manufacture of such articles in their own factories.
532	Clothing, wearing apparel and articles made from woven fabrics, and all textile manufactures, wholly or partially manufactured, composed wholly of cotton, n.o.p.; fabrics wholly of cotton, coated or impregnated, n.o.p.
532*a*	Handkerchiefs, wholly of cotton.
532*b*	Woven fabric, wholly of cotton, for covering books.
541*a*	Woven fabrics, wholly of jute, n.o.p.
542	Woven fabrics, wholly or in part of vegetable fibres, and all such fabrics with cut pile, n.o.p., not containing silk, synthetic textile fibres or filaments, nor wool.
542*a*	Woven or braided fabrics not exceeding twelve inches in width, wholly or in part of vegetable fibres, n.o.p., not to contain silk, synthetic textile fibres or filaments, nor wool.
545	Lace and embroideries, wholly of flax, or of hemp, or of flax, hemp and cotton, not coloured, imported by manufacturers for use exclusively in the manufacture of clothing in their own factories.
546	Articles made from fabrics, finished or unfinished, and all textile manufactures, wholly of jute, n.o.p.; fabrics wholly of jute, coated or impregnated, and jute fabric backed with paper.

SCHEDULE II—*Continued*

Tariff Item No.	*Description*
548	Clothing, wearing apparel and articles, made from woven fabrics, and all textile manufactures, wholly or partially manufactured, composed wholly or in part of vegetable fibres but not containing wool, n.o.p.; fabrics coated or impregnated, composed wholly or in part of vegetable fibres but not containing silk, synthetic textile fibres or filaments, nor wool, n.o.p.
553	Blankets of any material, not to include automobile rugs, steamer rugs, or similar articles.
554	Woven fabrics, composed wholly or in chief part by weight of yarns of wool or hair, not exceeding in weight six ounces to the square yard, n.o.p., when imported in the gray or unfinished condition, for the purpose of being dyed or finished in Canada.
554*a*	Woven fabrics, consisting of cotton warps with wefts of lustre wool, mohair or alpaca, generally known as lustres or Italian linings, n.o.p.
554*b*	Woven fabrics composed wholly or in part of yarns of wool or hair, n.o.p.
554*c*	Woven fabrics, composed wholly or in chief part by weight of yarns of wool or hair, not exceeding in weight four ounces to the square yard, when imported in the gray or unfinished condition, for the purpose of being dyed or finished in Canada.
554*d*	Woven or braided fabrics not exceeding twelve inches in width, whether with cut pile or not, wholly or in part of wool, the hair of the camel, alpaca, goat or other like animal.
554*f*	Woven fabrics, composed wholly or in part of yarns of wool or hair, commonly known as billiard cloth.
555	Clothing, wearing apparel and articles made from woven fabrics, and all textile manufactures, wholly or partially manufactured, composed wholly or in part of wool or similar animal fibres, but of which the component of chief value is not silk nor synthetic textile fibres or filaments, n.o.p.; fabrics, coated or impregnated, composed wholly or in part of yarns of wool or hair, but not containing silk nor synthetic textile fibres or filaments, n.o.p.
560*a*	Woven fabrics wholly or in part of silk, not to contain wool, not including fabrics in chief part by weight of synthetic textile fibres or filaments, n.o.p.
560*b*	Woven fabrics, wholly of silk, twenty-six inches in width, or less, n.o.p.
560*c*	Woven fabrics with cut pile, whether or not coated or impregnated, wholly or in part of silk or synthetic textile fibres or filaments, but not containing wool, n.o.p.

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SCHEDULE II—*Continued*

Tariff Item No.	*Description*
561	Woven fabrics wholly or in part of synthetic textile fibres or filaments, not to contain wool, not including fabrics in chief part by weight of silk, n.o.p.
561*a*	Fabrics, coated or impregnated, n.o.p.:— (i) Composed wholly or in part of silk. (ii) Composed wholly or in part of synthetic textile fibres or filaments, but not containing silk.
562	Woven fabrics not exceeding twelve inches in width generally known as "ribbons", whether with cut pile or not, wholly or in part of silk but not containing wool.
562*a*	Woven fabrics not exceeding twelve inches in width, generally known as "ribbons", whether with cut pile or not, wholly or in part of synthetic textile fibres or filaments, but not containing silk nor wool.
564	Woven fabrics, of a kind not made in Canada, wholly, or in chief part, by weight, of silk or of synthetic textile fibres or filaments, or both, imported in the web in lengths of not less than five yards each by manufacturers of neckties, scarves, or mufflers, for use exclusively in the manufacture of such articles in their own factories.
564*a*	Irish poplin, composed wholly of silk and wool, not exceeding twenty-five inches in width, imported in the web in lengths of not less than five yards each, under such regulations as the Minister may prescribe, by manufacturers of neckties, scarves or mufflers for use exclusively in the manufacture of such articles in their own factories.
565	Embroideries, lace, braids, cords, chenille, gimp, fringes and tassels, whether containing tinsel or not, nets, nettings and bobinet, n.o.p.
566	Plaited or braided lines and cords, non-elastic, whether of tubular or of solid construction, not exceeding one inch in circumference, wholly or in chief part by weight of vegetable fibres.
567	Clothing, wearing apparel and articles, made from woven fabrics and all textile manufactures, wholly or partially manufactured, n.o.p., of which silk is the component of chief value.
567*a*	Clothing, wearing apparel and articles, made from woven fabrics and all textile manufactures, wholly or partially manufactured, n.o.p., of which the component of chief value is synthetic textile fibres or filaments.
568	Knitted garments, knitted underwear and knitted goods, n.o.p.
568*a*	Socks and stockings:— (i) of wool. (ii) n.o.p.

SCHEDULE II—*Continued*

Tariff Item No.	*Description*
569 (i)	Hats, hoods and shapes of fur felt or of wool-and-fur felt, under such regulations as the Minister may prescribe.
569 (ii)	Hats, hoods and shapes of wool felt.
569(iii)	Hoods and shapes, knitted, crocheted, plaited or woven in a single piece, and hoods and shapes of braid, not sewn, under such regulations as the Minister may prescribe.
569(iv)	Hoods and shapes, n.o.p.
569 (v)	Hats, n.o.p.
569*a* (i)	Berets of wool, knitted and fulled.
569a (ii)	Caps, bonnets and berets, n.o.p., under such regulations as the Minister may prescribe.
569*c*	Hat braids, of a class or kind not made in Canada, whether woven, knitted or plaited, not exceeding six inches in width, imported for use exclusively in the manufacture of hat bodies or shapes, but not for use in the ornamentation or trimming of such bodies or shapes, under regulations prescribed by the Minister.
569*d*	Woven fabrics, not exceeding two inches in width, made with unserrated selvages, generally known as single, double or four shot corded ribbon, imported by the manufacturers of men's hats for use exclusively in their own factories in making the bands for, or in binding the edges of, men's hats only.
570	Mats, door or carriage, other than metal, n.o.p.
571	Carpeting, rugs, mats and matting of straw, hemp, flax tow, jute or paper; carpet lining and stair pads.
571*a*	(i) Mats with cut pile, of cocoa fibre. (ii) Mats, n.o.p., rugs, carpeting and matting of cocoa fibre.
572	Oriental and imitation Oriental rugs or carpets and carpeting, carpets and rugs, n.o.p.
573	Enamelled carriage, floor, shelf and table oilcloth, linoleum, and cork matting or carpets.
574*a*	Webbing, with strands of rubber interwoven, or braided therein, not exceeding twelve inches in width, n.o.p.; round elastic braid.
576	Window shades, mounted on rollers.
578	Regalia, badges and belts of all kinds, n.o.p.
619*a*	Rubber clothing and clothing made from water-proofed cotton fabrics.
818	Woven fabrics, wholly of cotton, bleached, when imported by manufacturers of handkerchiefs, for use exclusively in the manufacture of handkerchiefs wholly of cotton, in their own factories.

SCHEDULE II—*Continued*

Tariff Item No.	*Description*
844	Woven fabrics, wholly of cotton, when imported by manufacturers of cotton bags for use exclusively in the manufacture of cotton bags in their own factories.

CATEGORY 3—LEATHER, LEATHER PRODUCTS AND RELATED GOODS.

568*b*	Gloves and mitts of all kinds, n.o.p.
568*c*	Women's dress gloves of kid, elbow length.
604	Belting leather in butts or bends; and all leather further finished than tanned, n.o.p.
604*a*	Crust oil leather, for use in manufacturing chamois leather.
604*b*	Sole leather.
605	Leather produced from East India tanned kip, uncoloured or coloured other than black, when imported for use exclusively in lining boots and shoes; genuine reptile leathers.
605*a*	Genuine pig leathers and genuine Morocco leathers; so-called roller leathers.
606	Leather produced from East India tanned kip, n.o.p.
607	Leather, when imported by manufacturers of gloves or leather clothing, for use exclusively in manufacturing gloves or leather clothing, in their own factories.
607 Pt. 2	Leather, consisting of beef-cattle hides, horse-hides or sheep-skins, but not including suedes, Cabrettas, Spanish capes or African capes, when imported by manufacturers of gloves or leather clothing, for use exclusively in manufacturing gloves or leather clothing in their own factories.
607*a*	Leather, not further finished than tanned, in whole hides, in grains, or splits, when imported by manufacturers of upholstering leathers, for use exclusively in the manufacture of upholstering leathers, in their own factories.
608	Leather not further finished than tanned, and skins, n.o.p.
608*a*	East India kip leather, not further finished than tanned, for use in Canadian manufactures.
608*b*	Sheepskin and goatskin leather, not further finished than tanned, when imported by tanners for processing in their own factories.
611	Boots and shoes, pegged or wire fastened, with unstitched soles close edged.
611*a*	Boots, shoes, slippers and insoles of any material, n.o.p.
611*b*	Leather garments, lined or unlined.
617	Rubber boots and shoes.
622	Trunks, valises, hat boxes, carpet bags, tool bags, and baskets of all kinds, n.o.p.

SCHEDULE II—*Continued*

Tariff Item No.	*Description*
623	Musical instrument cases and fancy cases or boxes of all kinds, portfolios and fancy writing desks, satchels, reticules, card cases, purses, pocket-books, fly books and parts thereof.

CATEGORY 4—MISCELLANEOUS.

228	Soap powders, powdered soap, mineral soap, and soap, n.o.p.
230	Castile soap.
252	Shoe blacking; shoemakers' ink; shoe, harness and leather dressing, and knife or other polish or composition, n.o.p.
326(ii)	Opal glassware, glass tableware, cut glassware and illuminating glassware, n.o.p.
326*e*	Articles of glass, not plate or sheet, designed to be cut or mounted; articles of glassware, when imported by manufacturers of silverware to be used in receptacles made of or electro-plated with precious metals or to be equipped with tops made of or electro-plated with precious metals, in their own factories.
362	Articles consisting wholly or in part of sterling or other silverware, n.o.p.; manufactures of gold or silver, n.o.p.
366	Watches of all kinds.
366*a*	Watch actions and movements, finished or unfinished.
367	Watch cases, and parts thereof, finished or unfinished.
368	Clocks, time recorders, clock movements, clockwork mechanisms, and clock cases.
429	Cutlery of iron or steel, plated or not: *(a)* Knife blades or blanks, and table forks of iron or steel, in the rough, not handled, ground nor otherwise manufactured; spoon blanks of iron or steel, not further manufactured than stamped to shape; blanks, of iron or steel, for scissors and shears, in the rough, not ground nor otherwise manufactured. *(b)* Table knives and table forks. *(c)* Penknives, jack-knives and pocket knives of all kinds. *(d)* Knives, n.o.p. *(e)* Spoons. *(f)* Scissors and shears, n.o.p. *(g)* Razor blades; razors and complete parts thereof.
440j	Trawls, trawling spoons, fly hooks, sinkers, swivels, sportsmen's fishing reels, bait, hooks, and fishing tackle, n.o.p.

SCHEDULE II—*Continued*

Tariff Item No.	*Description*
441	Guns, rifles, including air guns and air rifles not being toys; muskets, cannons, pistols, revolvers, or other firearms, n.o.p.; cartridge cases, cartridges, primers, percussion caps, wads or other ammunition, n.o.p.; bayonets, swords, fencing foils and masks; gun or pistol covers or cases, game bags, loading tools and cartridge belts of any material.
441*e*	Guns and rifles of a class or kind not made in Canada.
450	Skates of all kinds, roller or other, and parts thereof.
511	Walking sticks and walking canes, of all kinds; golf clubs and finished parts thereof; skis; racquets and racquet frames and baseball bats; balls of all kinds for use in sports, games or athletics, n.o.p.
511*b*	Fishing rods.
518	Billiard tables, with or without pockets, and bagatelle and other game tables or boards, cues, balls, cue-racks and cue-tips.
624*a*	(i) Dolls; toys of all kinds, n.o.p. (ii) Mechanical toys of metal. (iii) Juvenile construction sets of metal or rubber, consisting of various stampings, punched or moulded, and connections therefor; parts of the foregoing.
634	Feathers and manufactures of feathers, n.o.p.; artificial feathers, fruits, grains, leaves and flowers suitable for ornamenting hats.
652	Toilet or dressing combs, n.o.p.; fancy combs, not being jewelry.
656	Tobacco pipes of all kinds, pipe mounts, cigar and cigarette cases, cigar and cigarette holders, and cases for the same, smokers' sets and cases therefor, and tobacco pouches.

CATEGORY 5—PREPARED FOODS.

17	Cheese.
20	Cocoa paste or "liquor" and chocolate paste or "liquor", not sweetened.
20*a*	Butter produced from the cocoa bean.
21	Cocoa paste or "liquor" and chocolate paste or "liquor", sweetened.
23	Preparations of cocoa or chocolate, n.o.p., and confectionery, coated with or containing chocolate.
25*a*	Coffee, extract of, n.o.p., and substitutes thereof of all kinds.
26	Coffee, roasted or ground, and all imitations thereof and substitutes therefor, including acorn nuts, n.o.p.

SCHEDULE II—*Concluded*

Tariff Item No.	*Description*
29	Coffee, green, n.o.p. (not imported direct from the country of growth and production).
34	Mustard, ground.
44	Condensed coffee with milk.
85	Mushrooms and truffles, fresh, dried or otherwise preserved.
90*a*	Vegetables, dried, desiccated, or dehydrated, including vegetable flour, n.o.p.
90*b*	Vegetables, pickled or preserved in salt, brine, oil or in any other manner, n.o.p.
90*c*	Vegetable juices, liquid mustards, soy and vegetable sauces of all kinds.
90*d*	Vegetable pastes and hash and all similar products composed of vegetables and meat or fish, or both, n.o.p.
103 104	Fruits preserved in brandy, or preserved in other spirits.
105*c*	Fruits and nuts, pickled or preserved in salt, brine, oil or any other manner, n.o.p.
105*d*	Jellies, jams, marmalades, preserves, fruit butters and condensed mince meats.
105*e*	Fruits and peels, crystallized, glacé, candied or drained; cherries and other fruits of crème de menthe, maraschino or other flavour.
106	Fruits, prepared, in air-tight cans or other air-tight containers.
107	Preserved ginger.
140	Syrups and molasses of all kinds, the product of the sugar-cane or beet, n.o.p., and all imitations thereof or substitutes therefor.
141	Sugar candy and confectionery, n.o.p., including sweetened gums, candied popcorn, candied nuts, flavouring powders, custard powders, jelly powders, sweetmeats, sweetened breads, cakes, pies, puddings and all other confections containing sugar.

SCHEDULE III

In this Schedule where a tariff item of Schedule "A" to the Customs Tariff is listed without being preceded by the word "ex" all goods included in that tariff item shall be deemed to be included in this Schedule and where a tariff item is listed and preceded by the word "ex" only the goods described thereafter are deemed to be included in this Schedule, and words and expressions in this Schedule have the same meaning as in the Schedules to the Customs Tariff.

Tariff Item No.	*Description*
ex 238a	Cinematograph or moving picture film negatives one and one-eighth of an inch in width or over.
305	Flagstone, sandstone and all building stone, not hammered, sawn or chiselled, and marble and granite, rough, not hammered or chiselled.
306	Marble, sawn or sand rubbed, not polished; granite, sawn; paving blocks of stone; flagstone and building stone, other than marble or granite, sawn on not more than two sides.
306*a*	Building stone, other than marble or granite, sawn on more than two sides but not sawn on more than four sides.
306*b*	Building stone, other than marble or granite, planed, turned, cut or further manufactured than sawn on four sides.
378	Bars and rods, of iron or steel; billets, of iron or steel, weighing less than 60 pounds per lineal yard:— *(a)* Not further processed than hot rolled, n.o.p. *(b)* Not further processed than hammered or pressed, n.o.p. *(c)* Cold rolled, drawn, reeled, turned or ground, n.o.p. *(d)* Hot rolled, valued at not less than 4 cents per pound, n.o.p.
388	Iron or steel angles, beams, channels, columns, girders, joists, tees, zees and other shapes or sections, not punched, drilled or further manufactured than hot rolled, weighing not less than 35 pounds per lineal yard, n.o.p.; piling of iron or steel, not punched or drilled, weighing not less than 35 pounds per lineal yard, including interlocking sections, if any, used therewith, n.o.p.
388*a*	Iron or steel shapes or sections, as hereunder defined, not punched, drilled or further manufactured than hot rolled, weighing not less than 35 pounds per lineal yard, viz.: I-beams, up to and including 6 inches in depth, but not to include H sections; channels, up to and including 7 inches in depth; angles, up to and including 6 inches by 6 inches; zees, up to and including 6 inches in depth of web.
388*b*	Iron or steel angles, beams, channels, columns, girders, joists, tees, zees and other shapes or sections, not punched,

SCHEDULE III—*Continued*

Tariff Item No.	*Description*
	drilled or further manufactured than hot rolled, n.o.p.; piling of iron or steel, not punched or drilled, including interlocking sections, if any, used therewith, n.o.p.
388*c*	Iron or steel beams or joists, not punched, drilled or further manufactured than hot rolled, weighing less than 5½ pounds per lineal yard for each inch in depth of web.
388*d*	Iron or steel angles, beams, channels, columns, girders, joists, piling, tees, zees, and other shapes or sections, punched, drilled or further manufactured than hot rolled or cast, n.o.p.
388*e*	Iron or steel side or centre sill sections, of all sizes not manufactured in Canada, weighing not less than 35 pounds per lineal yard, not punched, drilled or further manufactured, when imported by manufacturers of railway cars, for use in their own factories.
393	Tires, of steel, in the rough, not drilled or machined in any manner, for railway vehicles, including locomotives and tenders.
ex 409*l*	Traction ditching machines (not being ploughs) and complete parts thereof for production use.
ex 409*m*	Internal combustion traction engines for other than farm purposes and complete parts thereof for production use.
ex 412	Machinery, being presses for use in the printing of newspapers, of not less value by retail than fifteen hundred dollars each; of a class or kind not made in Canada; complete parts thereof for production use, not to include saws, knives and motive power; mechanical deliveries or conveyors for use with newspaper printing presses.
ex 412*a*	Machinery and apparatus, n.o.p.; gun and mould apparatus for making press rollers; machines and apparatus for making electrotypes and stereotypes; engraving machines and apparatus, including photo-engraving apparatus, and other plate-making apparatus, used in the manufacture of printing plates of all kinds; machines and apparatus for graining metal plates; machines and apparatus for sensitizing, grinding or polishing metal plates; machines and apparatus including cameras and camera equipment, lens, prisms, camera and printing lamps, screens, and vacuum frames for transferring by photographic processes, or direct, to plates or rolls for use in lithography, rotogravure and printing; shading apparatus; machines and apparatus for addressing and/or wrapping newspapers, magazines, periodicals, pamphlets and catalogues; machines and apparatus for embossing or stamping or producing embossed or engraved effects, book-binding, looping, stitching, sewing, gathering, inserting, bronzing, dusting, creasing, scoring, cutting, perforating, drilling, punching,

SCHEDULE III—*Continued*

Tariff Item No.	*Description*
	slitting, re-winding, glueing, pasting, gumming, waxing, varnishing, carbon coating, patching, numbering, ruling, jogging, sheet piling, tying, bundling, tube-making, metal mounting, eye-letting, staying or stripping, reinforcing and box-covering; complete parts for production use, not to include saws, knives and motive power; all the foregoing when for use exclusively by, and in their capacities as printers, lithographers, book-binders, manufacturers of stereotypes, electrotypes and printing plates or rolls, paper converters, or by manufacturers of articles made from paper or cardboard.
ex 412*b*	Flat bed cylinder printing presses, to print sheets of a size 25 by 38 inches or larger; complete parts thereof for production use; machines designed to fold or sheet-feed paper or cardboard; complete parts thereof for production use.
ex 412*c*	Typecasting and typesetting machines for use in printing offices; parts thereof for production use.
ex 412*d*	Offset presses; lithographic presses; printing presses and type-making accessories therefor, n.o.p.; complete parts of the foregoing for production use, not to include saws, knives and motive power.
ex 413	Machinery and apparatus, of a class or kind not made in Canada, parts thereof for production use, specially constructed for preparing, manufacturing, testing or finishing yarns, cordage, and fabrics made from textile fibres or from paper, imported for use exclusively by manufacturers and scholastic or charitable institutions in such processes only.
ex 414	Complete parts of typewriters for production use.
ex 414*a*	Complete parts of dictating, transcribing and cylinder shaving machines for production use.
ex 414*c*	Bookkeeping, calculating and invoicing machines, and complete parts thereof for production use, and complete parts of adding machines for production use.
ex 415	Electric vacuum cleaners and attachments therefor; hand vacuum cleaners; and complete parts of all the foregoing for production use.
ex 415*b*	Complete parts of washing machines, domestic, for production use.
ex 415*c*	Complete parts of domestic clothes wringers for production use.
ex 415*d*	Sewing machines, other than domestic, with or without motive power incorporated therein; complete parts of sewing machines for production use.
ex 420	Machinery of a class or kind not made in Canada, when imported by manufacturers of leather for use exclusively

SCHEDULE III—*Continued*

Tariff Item No.	*Description*
	in the tanning of leather or the embossing of leather, in their own factories, under regulations prescribed by the Minister, and complete parts thereof for production use.
ex 422	Street or road rollers and complete parts thereof for production use.
ex 422*a*	Concrete road-paving machines, self-propelling, end loading type, with a capacity of 21 cubic feet of wet concrete or more; concrete and asphalt road finishing machines; form graders; sub-graders; combination excavating and transporting scraper units; concrete mixers, transit type; dump wagons or trailers, having a capacity of 10 cubic yards or over, not self-propelled; back-filling machines and equipment, mounted on self-propelling wheels or crawling traction, semi-or full-revolving boom and scraper type; steam or air driven pile hammers or extractors; well-points; truck turntables; all the foregoing of a class or kind, not made in Canada; complete parts thereof for production use.
ex 422*b*	Trench and ditch excavating machines, round wheel or vertical or ladder boom, chain and bucket type, for digging vertical or sloping bank ditches; complete parts thereof for production use.
ex 424	Fire engines and other fire extinguishing machines and chassis for same; complete parts of the foregoing for production use other than chassis parts.
ex 425	Lawn mowers designed for use with motive power, whether or not containing the power unit; complete parts thereof for production use.
ex 427	All machinery composed wholly or in part of iron or steel, n.o.p., valued at over $200.00 per unit; complete parts thereof for production use.
ex 427*a*	All machinery composed wholly or in part of iron or steel, n.o.p., of a class or kind not made in Canada, valued at over $200.00 per unit; complete parts of the foregoing for production use.
427*e*	Automatic machines for making and packaging cigars and cigarettes, not to include tobacco-preparing machines.
ex 427*f*	Machines for the manufacture of veneers and plywoods, viz.—veneer clippers, veneer clipper knife jointers, veneer glue spreaders, veneer jointers, veneer lathes and veneer taping machines; complete parts of all the foregoing for production use.
ex 427*h*	Motion picture projectors for use with film one and one-eighth of an inch in width or over; electric rectifiers or generators designed for use with such motion picture projectors; arc lamps for motion picture work, motion picture or theatrical spot lights, light effect machines, not to include electric light bulbs, tubes or exciter lamps;

SCHEDULE III—*Continued*

Tariff Item No.	*Description*
	complete parts for production use of motion picture projectors, arc lamps for motion picture work, motion picture or theatrical spot lights, light effect machines, motion picture screens, portable motion picture projectors with or without sound equipment, and electric rectifiers or generators designed for use with motion picture projectors.
ex 428	Traction engines, n.o.p.; complete parts thereof for production use.
ex 428*c*	Engines or boilers, n.o.p.; complete parts thereof for production use.
ex 428*e*	Diesel and semi-diesel engines, n.o.p.; complete parts thereof for production use.
ex 428*f*	Air-cooled internal combustion engines of not greater than 1½ h.p. rating; complete parts thereof for production use.
434	Locomotives for use on railways, and chassis, tops, wheels and bodies for the same, n.o.p.
ex 434*a*	Motor rail cars or units for use on railways, and chassis for same; complete parts of the foregoing for production use.
434*b*	Steel wheels for use on railway rolling stock, viz;— (i) Pressed steel (ii) n.o.p.
ex 435	Locomotive and motor cars for railways, of a class or kind not made in Canada, for use exclusively in mining, metallurgical or sawmill operations; complete parts thereof for production use; diesel switching locomotives of a class or kind not made in Canada.
ex 438	Railway cars, n.o.p.; parts thereof for production use.
438*a*	Automobiles and motor vehicles of all kinds, n.o.p.; electric trackless trolley buses; chassis for all the foregoing.
438*b*	Bearings, clutch release; bearings, graphite; bearings, steel or bronze backed, with non-ferrous metal lining; bushings, graphited or oil impregnated; ceramic insulator spark plug cores, not further manufactured than burned and glazed, printed or decorated or not, without fittings; compressors, air; commutator copper segments; commutator insulating end rings; tapered discs of hot rolled steel, with or without centre hole, for disc wheels; distributor rotors and cam assemblies; door bumper shoes; electric wiring terminals, sockets, fittings and connectors and parts thereof, not to include battery terminals; gaskets of any material except cork or felt, composite or not; ignition contact points; keys for shafting; auxiliary driving control kits, designed for attachment to motor vehicles to facilitate their operation by physically disabled persons, and parts thereof; lenses of glass for head, tail, dome, signal and cowl or parking lamps, and for light

SCHEDULE III—*Continued*

Tariff Item No.	*Description*
	reflectors; lock washers; piston ring castings in the rough, with or without gates and fins removed; rails of lock seam section, corners, locks and catches, unplated ventilators and parts thereof, the foregoing being of metal other than aluminium, for the manufacture of window sashes for bus bodies; steel bolts, or studs, capped with stainless steel; switches for lamps, heaters and defrosters and parts thereof; vacuum control assemblies; vulcanized fibre in sheets, rods, strips and tubing; all of the foregoing when of a class or kind not made in Canada and for use in the manufacture or the repair of the goods enumerated in tariff items 424 and 438*a*, or for use in the manufacture of parts therefor.
438*c*	Ammeters; arm rests and wheel housing lining of indurated fibre, pressed to shape; axle housings, one piece welded, machined or not; carburetors and parts thereof; chassis frames and steel shapes for the manufacture thereof; cigar and cigarette lighters, whether in combination with a cigarette holder or not, including base, and parts thereof; control ventilator gear box; cylinder lock barrels, with or without sleeves and keys thereof; dash heat indicators and parts thereof; electric gear shift switches and parts thereof; engine speed governor units and parts thereof; fluid couplings, with or without drive plate assemblies, and parts thereof; front axle cross channel king pin support section assembly of steel, in the rough; fuel pumps, vacuum pumps and combinations thereof and parts therefor; gasoline gauges and parts thereof; hinges and parts thereof, finished or not, for bodies; horns and parts thereof; instrument bezel assemblies and parts thereof; instrument board lamps; locks, electric ignition, steering gear, transmission, or combinations of such locks, and parts thereof; mouldings of metal, with nails set in position, lead filled or not; oil filters and parts thereof; oil gauges and parts thereof; pipe lines of tubing, rigid or flexible, covered or not, with or without fittings, and tubing therefor, for oil, fuel, air, or liquid for actuating hydraulic brakes; purifiers for air, and parts thereof; purifiers for oil or gasoline, parts thereof and brackets and fittings therefor; radiator, hood and other grills, assembled or not, and parts thereof, but not polished nor plated, and not to include finish or decorative moulding; radiator ornaments, and hood lift lock ornaments, unplated, and parts thereof; radiator shutter assemblies, automatic; radiator water gauges; radiator shells and parts thereof, not plated nor metal finished in any degree; shackles, bearing spring, and parts thereof; speedo-

SCHEDULE III—*Continued*

Tariff Item No.	*Description*
	meters and parts thereof; spring covers of metal and closing strips or shapes therefor; stampings, body, cowl, hood, fender and instrument board, of metal in the rough, trimmed or not, but not metal finished in any degree; starter switch assembly and parts thereof; steering wheels, rims and spiders therefor; sun visor blanks of gypsum weatherboard; thermostats and parts thereof; throttle, spark and choke assemblies, including buttons therefor, and parts thereof; tire clamping rings of steel, plated or not; universal joint ball assemblies; voltage control regulators; wind-shield wipers and parts thereof; all of the foregoing when of a class or kind not made in Canada and for use in the manufacture or the repair of the goods enumerated in tariff items 424 and 438*a* or for use in the manufacture of parts therefor.
438*d*	Front and rear axles; brakes; clutches; internal combustion engines; steering gears; magnetos; rims for pneumatic tires larger than thirty inches by five inches; transmission assemblies; hydraulic or fluid couplings and torque convertors; drive shafts; universal joints; steel road wheels; and parts of the foregoing, when of a class or kind not made in Canada, and imported by manufacturers of the goods enumerated in tariff items 424 and 438*a* for use only in the manufacture of motor trucks, motor buses and electric trackless trolley buses, or for the manufacture of chassis for the same.
438*e*	Parts, n.o.p. for automobiles, motor vehicles, electric trackless trolley buses or chassis enumerated in tariff items 438*a* and 424, not to include wireless receiving sets, die castings of zinc, electric storage batteries, parts of wood, tires and tubes or parts of which the component material of chief value is rubber:— (1) Brake linings, and clutch facings whether or not including metallic wires or threads:— *(a)* when made from crude asbestos of Empire origin *(b)* when made from crude asbestos of non-Empire origin (2) Automobile and motor vehicle engines, stripped, n.o.p. and complete parts thereof, n.o.p. (3) Parts, n.o.p. not electro-plated, whether finished or not.
438*f*	Hot rolled strip of iron or steel with rolled or mill edge, of a class or kind not made in Canada, when imported for use in the importer's own factory, in the manufacture of the goods enumerated in tariff items 424 and 438*a*, or in the manufacture of parts therefor.
ex 438*g*	Motor cycles or side cars therefor; complete parts of the foregoing for production use.

SCHEDULE III—*Continued*

Tariff Item No.	*Description*
438*h*	Annular ball bearings and parts thereof, when imported for use only as original equipment in the manufacture of goods enumerated in tariff items 438*a* and 424, under regulations prescribed by the Minister.
438*i*	Body bottom cross members and steel shapes for the manufacture thereof; bumpers, front and rear, and parts thereof, including spring steel bumper plates; casket tables or platforms for hearses; destination and route sign assemblies, illuminated or not, and parts thereof; direction signals, illuminated or not; door and step mechanism, hand, vacuum or air operated, and parts thereof; door locks and catches and parts thereof; electric switches, buzzers, bells, push buttons, fuse assemblies and parts thereof; forward drive control conversion assemblies and parts thereof; lamps of all kinds, illuminating and indicating, including sockets, flanges, terminals, glassware, lenses and gaskets therefor, assembled or not, but not to include lamp bulbs; metal stampings, oiled and primed or not, and assemblies thereof; rubber fenders; seat operating mechanisms; ventilators, including motor driven fan type, and grills, and parts thereof; window operating mechanisms; all of the foregoing when imported to be used only in the manufacture of motor truck bodies, motor bus bodies, electric trackless trolley bus bodies, motor ambulances and hearses.
438*j*	Piston castings of any material, in the rough or semi-finished.
ex 439*b*	Cars, n.o.p., trucks, road or railway scrapers.
ex 440 ex 440*a*	Vessels, dredges, scows, yachts, boats and other water borne craft, built outside of Canada, of any material, destined for use or service in Canadian waters, except pleasure boats of all kinds.
ex 440*l*	Aircraft, n.o.p.; complete parts thereof for production use, not including engines, under regulations prescribed by the Minister.
440*m* ex	(i) Unfinished parts of aircraft, n.o.p., for production use, not including parts for production of aircraft engines. (ii) Direct or inertia starters with or without related operating gear and parts thereof; generators; voltage control boxes; batteries; de-icing and anti-icing equipment and parts thereof, not including parts of rubber; vacuum pumps with related operating gear and parts thereof; landing and navigation lights; propellers; hydraulic jacks and pumps and parts thereof; aircraft wheels; aircraft brakes with related operating gear; aircraft tires and tubes; oil coolers; fuel pressure warn-

SCHEDULE III—*Continued*

Tariff Item No.	*Description*
	ing devices; exhaust gas analysers; pressure fire extinguishers; primer pumps; instruments excepting fuel contents gauges; bolts, nuts, cocks, turnbuckles, clevis and pins, swaged wires and tie rods; bars, tubes, extrusions and forgings of aluminum, aluminum alloys and magnesium alloys; steel tubing; all of the foregoing when of types and sizes not made in Canada and imported by manufacturers of aircraft for use exclusively in the manufacture in their own factories of the goods enumerated in tariff item 440 *l*, under such regulations as the Minister may prescribe.
440*n*	Engines, when imported for use only in the equipment of aircraft.
440*o* ex	(ii) Parts, finished or not, n.o.p., for the production of aircraft engines.
ex 440*p*	Direct or inertia starters with or without related operating gear and parts thereof; generators; voltage control boxes; batteries; de-icing and anti-icing equipment and parts thereof, not including parts of rubber; vacuum pumps with related operating gear and parts thereof; landing and navigation lights; propellers; hydraulic jacks and pumps and parts thereof; aircraft wheels; aircraft brakes with related operating gear and parts thereof; aircraft tires and tubes; oil coolers; fuel pressure warning devices; exhaust gas analysers; pressure fire extinguishers; primer pumps; instruments excepting fuel contents gauges; bolts, nuts, cocks, turnbuckles, clevis and pins, swaged wires and tie rods; bars, tubes, extrusions and forgings of aluminum, aluminum alloys and magnesium alloys; steel tubing; all the foregoing when of types and sizes not made in Canada and imported for use exclusively in the manufacture of the goods enumerated in tariff item 440*l* under such regulations as the Minister may prescribe.
ex 442*d*	Materials, including all parts, wholly or in chief part of metal, of a class or kind not made in Canada, when imported by manufacturers of goods entitled to entry under tariff items 410*g*, 410*l*, 410*n*, 410*o*, 410*p*, 410*q*, 410*u*, 410*w*, 410*z*, 411, 411*a*, 411*b*, 428*c*, 428*e*, and 447*a*, for use in the manufacture of such goods in their own factories, under such regulations as the Minister may prescribe.
ex 443	Parts for the production of apparatus designed for cooking or for heating buildings: (1) For coal or wood (2) For gas (3) For electricity (4) For oil (5) n.o.p.

SCHEDULE III—*Continued*

Tariff Item No.	*Description*
ex 443*a*	Ovens, of a class or kind not made in Canada, for use in commercial bakeries; complete parts of the foregoing, for production use.
ex 445	Complete parts of electric light fixtures and appliances, n.o.p., for production use.
ex 445*d*	Complete parts of electric wireless or radio apparatus, n.o.p., for production use.
ex 445*f*	Electric dynamos or generators and transformers, n.o.p.; complete parts thereof for production use.
ex 445*g*	Electric motors, n.o.p.; complete parts thereof for production use.
ex 445*i*	Complete parts for the production of electric sad irons.
ex 445*j*	Parts for the production of electric dry shaving machines for use in removing human hair.
ex 445*k*	Electric apparatus, n.o.p., complete parts for production use, of a total invoice value exceeding $25.00.
ex 445*o*	Acid-free capacitor tissue and paper, plain and gummed; metal cans, extruded, plated or unplated; automatic record changers; parts for pickups; bias cells and holders; frames, yokes, brackets, pole-pieces, gaskets and field covers, separate or assembled for use in speakers with mounting diameter not exceeding 6-3/8 inches; cones, spiders, spider suspensions, voice coils and voice coil dust covers, separate or assembled; magnetic structures and parts thereof for permanent magnet speakers; glass dial crystals and scales and metal dials or scales made by the silk-screen process; metal cabinet escutcheons without crystals, plain or finished; high frequency circuit switches and essential components thereof; high frequency iron cores with or without inserts moulded therein; motors and gears for automatic tuning; radio frequency ceramics; raw low loss mica; sheets and punchings of low loss mica; tube shields and parts thereof; vibrators; vulcanized fibre in sheets, rods, strips or tubing; high frequency coil forms and tubing having an outside diameter not exceeding one inch; for use in the manufacture of the goods enumerated in tariff items 445*d*, 597*a*, and other apparatus using radio tubes, or for use in the manufacture of parts therefor.
445*p*	Ceramic parts; copper alloys for welding; getter and getter assemblies; glass parts; metal bulbs and shells and metal headers; mica parts; mica assemblies; wire snubbers, clips and straps; wire of molybdenum and molybdenum alloy; nickel and nickel alloy tubing, wire, ribbon, screen and strip, coated or not, carbonized or not; metal cathodes; nickel, nickel alloy and nickel plated parts, coated or not, carbonized or not; tungsten

SCHEDULE III—*Continued*

Tariff Item No.	*Description*
	and tungsten alloy and zinc wire; leads, spuds and welds; iron parts designed for sealing to glass; hooks and supports; base pins; wire and strip of silver copper, chrome copper, chrome iron or plated iron; top cap assemblies; graphite anodes; heaters and filaments; all the foregoing when imported by manufacturers of radio tubes and parts therefor, for use exclusively in the manufacture of such articles, in their own factories.
445*q*	Glass bulbs, glass tubing, glass cane; molybdenum strip; tantalum wire and strip; copper tubing, rod and strip; iron strip, plated or not; metal parts, n.o.p.; all the foregoing when imported by manufacturers of radio tubes and parts therefor, for use exclusively in the manufacture of such articles, in their own factories.
ex 446	Electric steam turbo generator sets, 700 h.p. and greater, of a class or kind not made in Canada; complete parts thereof for production use.
ex 446*a*	Manufactures, articles or wares, of iron or steel or of which iron or steel or both are the component materials of chief value, n.o.p., of a total invoice value in excess of $200.00.
ex 446*g*	Electric or gas apparatus designed for welding or cutting, not including motors; parts thereof for production use.
447*a*	Sand cast rolls and chilled cast iron rolls, for use exclusively in rolling iron or steel, or in manufacturing paper.
447*b*	Forged steel rolls, hardened and ground, for use exclusively in rolling ferrous or non-ferrous metals.
459	Materials, including all parts, when imported by manufacturers of street or road rollers for use exclusively in the manufacture of street or road rollers, in their own factories, under regulations prescribed by the Minister.
461	Safes, including doors; doors and door frames for vaults; scales, balances, weighing beams and strength-testing machines of all kinds, n.o.p.
ex 461*a*	Automatic scales or weighing machines, of a class or kind not made in Canada for use in Canadian manufactures; complete parts of the foregoing for production use.
ex 462*b*	Cinematograph and motion picture cameras, 35 mm., for use by professional motion picture producers having studios in Canada equipped for motion picture production; parts of the foregoing for production use.
657*a*	Cinematograph or moving picture films, positives, one and one-eighth of an inch in width and over, n.o.p.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA

BILL 4.

An Act to amend the Dairy Industry Act.

First reading, December 15, 1947.

MR. SINCLAIR.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

2105

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA

BILL 4.

R.S., c. 45; 1928, c. 19; 1931, c. 31; 1934, c. 12; 1936, c. 32; 1937, c. 8; 1938, c. 45; 1939, c. 15; 1940, c. 8.

An Act to amend the Dairy Industry Act.

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

Repeal.

1. Paragraph *(a)* of section five of the *Dairy Industry Act*, chapter forty-five of the Revised Statutes of Canada, 1927, is repealed.

Explanatory Notes.

The purpose of this amendment is to remove from the *Dairy Industry Act* the prohibition against the manufacture of substitutes for butter. The paragraph repealed reads as follows:—

"**5.** No person shall

(a) manufacture, import into Canada, or offer, sell or have in his possession for sale, any oleomargarine, margarine, butterine, or other substitute for butter, manufactured wholly or in part from any fat other than that of milk or cream;"

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

An Act to amend the Supreme Court Act.

First reading, December 18, 1947.

MR. JAENICKE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

1997

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA

BILL 5.

An Act to amend the Supreme Court Act.

R.S., c. 35; 1928, c. 9; 1929, c. 58; 1930, c. 44; 1937, c. 42.

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

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

Court to have ultimate appellate jurisdiction.

"**54.** (1) The Supreme Court shall have, hold and exercise exclusive ultimate appellate civil and criminal jurisdiction within and for Canada; and the judgment of the Court shall, in all cases, be final and conclusive.

Abolition of appeals to His Majesty in Council.

(2) Notwithstanding any royal prerogative or anything contained in any Act of the Parliament of the United Kingdom or any Act of the Parliament of Canada or any Act of the legislature of any province of Canada or any other statute or law, no appeal shall lie or be brought from any court now or hereafter established within Canada to the Judicial Committee of the Privy Council or any court of appeal, tribunal or authority by which, in the United Kingdom, appeals or petitions to His Majesty in Council may be heard or ordered to be heard.

Judicial Committee Acts 1833 and 1844, repealed (3 and 4 W. IV, c. 41, and 8 V., c. 69).

(3) *The Judicial Committee Act, 1833*, chapter forty-one of the statutes of the United Kingdom of Great Britain and Ireland, 1833, and *The Judicial Committee Act, 1844*, chapter sixty-nine of the statutes of the United Kingdom of Great Britain and Ireland, 1844, and all orders, rules or regulations made under the said Acts are hereby repealed in so far as the same are part of the law of or applicable to Canada."

Explanatory Notes.

On the 13th January, 1947, the Judicial Committee of the Privy Council decided that the Dominion Parliament may, in the exercise of the wide amplitude of power conferred by section 101 of the *British North America Act*, vest the Supreme Court of Canada with final and exclusive civil and appellate jurisdiction within and for Canada and may accordingly deny any appeal to His Majesty in Council either from the Supreme Court or from any Provincial Court and regardless of whether the matter in question is within the exclusive legislative authority of the Dominion or of the provincial Legislatures.

The purpose of the present Bill is to give effect to the decision of the Privy Council mentioned above and also to a previous decision respecting appeals in criminal matters, viz: British Coal Corporation v. The King in 1935.

Section 54 of the *Supreme Court Act* at present reads as follows:—

> "**54.** The judgment of the Court shall, in all cases, be final and conclusive, and no appeal shall be brought from any judgment or order of *the* Court to any court of appeal *established by the Parliament of Great Britain and Ireland*, by which appeals or petitions to His Majesty in Council may be ordered to be heard, *saving any right which His Majesty may be graciously pleased to exercise by virtue of His Royal prerogative.*"

The right of appeal to His Majesty in Council has been regulated in certain statutes of the Parliament of the United Kingdom of Great Britain and Ireland, of which two are important: The Judicial Committee Act, 1833 (3 and 4, W. 4, c. 41), and The Judicial Committee Act, 1844 (7 and 8 Vict., c. 69).

The Act of 1833 recites that

> "from the decisions of various courts of judicature in the East Indies and in the Plantations, Colonies and other Dominions of His Majesty abroad, an appeal lies to His Majesty in Council."

and proceeds to regulate the manner of such appeal.

The Act of 1844 recites that

> "the Judicial Committee, acting under the authority of the said Acts (the Act of 1833 and an amending Act) hath been found to answer well the purposes for which it was so established by Parliament, but it is found necessary to improve its proceedings in some respects for the better despatch of business and expedient also to extend its jurisdiction and powers."

Rights saved.

2. Nothing in this Act shall affect any action, proceeding or reference pending in any Court in Canada at the date of the coming into force of this Act.

The first section of the Act of 1844 enacts that it shall be competent to Her Majesty by general or special Order in Council to

"provide for the admission of any appeal or appeals to Her Majesty in Council from any judgments, sentences, decrees or orders of any Court of justice within any British Colony or Possession abroad."

This Bill is in accordance with the decisions of the Privy Council, above referred to, which themselves were based on the provisions of the Statute of Westminster, 1931 (22 Geo. V, c. 4), sections two and three, which read as follows:—

"**2.** (1) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this Act by the Parliament of a Dominion.

(2) No law and no provision of any law made after the commencement of this Act by the Parliament of a Dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of a Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of the Dominion.

3. It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation."

6.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend the Railway Act.

First reading, December 18, 1947.

MR. KNOWLES.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

2254

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend the Railway Act.

R.S., c. 170; 1928, c. 43; 1929, c. 54; 1930, c. 36; 1932-33, c. 47; 1938, cc. 2, 40; 1946, c. 30; 1947, c. 70.

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

1. Subsection one of section one hundred and twenty-two of the *Railway Act*, chapter one hundred and seventy of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

Directors may make by-laws.

"**122.** (1) The directors may make by-laws or pass resolutions, from time to time, not inconsistent with law, for

(a) the management and disposition of the stock, property, business and affairs of the company;

(b) the appointment of all officers, servants and artificers, and the prescribing of their respective duties and the compensation to be made therefor; and

(c) the retirement of such of said officers and servants, on such terms as to an annual allowance or otherwise, as in each case the directors, in the interest of the company's service, and under the circumstances, consider just and reasonable: Provided that in the administration of any railway retirement or pension plan, leave of absence, suspension, dismissal followed by reinstatement, a temporary lay-off on account of reduction of staff, or absence due to an industrial dispute, strike or lock-out, shall not disqualify any railway employee from any retirement or pension rights or benefits to which he would otherwise be entitled."

Proviso.

Explanatory Notes.

Subsection one of section 122 at present reads as follows:—

"**122.** The directors may make by-laws or pass resolutions, from time to time, not inconsistent with law, for

(a) the management and disposition of the stock, property, business and affairs of the company;

(b) the appointment of all officers, servants and artificers, and the prescribing of their respective duties and the compensation to be made therefor; and

(c) the retirement of such of said officers and servants, on such terms as to an annual allowance or otherwise, as in each case the directors, in the interest of the company's service, and under the circumstances, consider just and reasonable."

The amendment adds to paragraph *(c)* the words underlined on the opposite page.

The purpose of this amendment is to make it perfectly clear that the pension rights of railway employees, provided such other conditions as are laid down in railway pension plans are met, cannot be lost or abrogated because of a break in service for any of the reasons indicated in the proviso which is added to paragraph *(c)*.

This bill is exactly the same as Bill 24 of last session, the subject matter of which was referred to the Committee on Industrial Relations. The Committee's report, while recommending further study of its implications, found the purpose of the bill commendable, a decision in which the House of Commons concurred on July 8, 1947.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 7.

An Act respecting Emergency Payments to assist in meeting increased Cost of Production of Gold.

First reading, December 19, 1947.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

2326

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 7.

An Act respecting Emergency Payments to assist in meeting increased Cost of Production of Gold.

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 Emergency Gold Mining Assistance Act.*

Interpretation.

Definitions.

2. (1) In this Act

"average cost of production".

(a) "average cost of production" of gold from a mine during any period means the cost of production of the gold produced from the mine during that period divided by the number of ounces of gold produced from the mine during that period;

"base year".

(b) "base year"

(i) in the case of a mine in which the first year of production commenced on or before the thirtieth day of June, nineteen hundred and forty-six, means the period of twelve months ending on and including the thirtieth day of June, nineteen hundred and forty-seven, and

(ii) in the case of any other mine, means the first year of production;

"cost of production".

(c) "cost of production" of gold from a mine during any period means the costs incurred by the operator of the mine in, and properly attributable to, the production of gold produced from the mine during that period, and includes mining, milling, smelting, refining, transportation and administrative costs so

incurred and so attributable, and includes such amounts in respect of depreciation, amortization of pre-production expenses, and costs of exploration and development in the mine as may be determined in accordance with the regulations, but does not include any amount in respect of depletion or off-property exploration and development, or, subject to the regulations, any amount not allowable as an expense or deduction in determining income from the mine for the purpose of the *Income War Tax Act*;

R.S., c. 97.

"designated year".

(d) "designated year" means a period of twelve months commencing on the first day of December in the year nineteen hundred and forty-seven, nineteen hundred and forty-eight or nineteen hundred and forty-nine;

"first year of production".

(e) "first year of production" means the period of twelve months immediately following the day on which the mine is deemed to come into production for the purposes of paragraph (*x*) of section four of the *Income War Tax Act* or, in the case of a mine to which that paragraph did not or does not apply, a day determined by the Minister to be the day on which the mine would have been or would be deemed to come into production for the purposes of that paragraph and regulations thereunder if they had applied or applied to it;

"gold mine". "mine".

(f) "gold mine" and "mine" mean

(i) any work or undertaking in which ore containing gold is mined and the gold separated therefrom and refined, or

(ii) any work or undertaking in which ore containing gold is mined although the gold is separated therefrom or refined, or both separated therefrom and refined by a person other than the person operating the work or undertaking, under a contract with him pursuant to which the gold produced remains his property;

"Minister".

(g) "Minister" means the Minister of Mines and Resources; and

"rate of assistance".

(h) "rate of assistance" for a mine for any period means the amount that is fifty per cent of the amount by which the average cost of production of gold from the mine during that period exceeds eighteen dollars.

(2) For the purpose of this Act

Mines that are not deemed gold mines.

(a) a mine shall not be deemed to be a gold mine during any designated year in which the gold produced from the mine is less than seventy per centum of the value of the output of the mine;

Number of ounces of gold produced during any period.

(b) the number of ounces of gold produced from a mine during any period, means the number of troy ounces of fine gold contained in bullion that is produced from the mine during that period; and

When works or undertakings deemed one mine.

(c) all works or undertakings for the production of gold operated by a person as a unit and which include a mine, shall be deemed to be one mine: Provided that, where a mill, smelter or other like establishment is operated by a person to mill, smelt, refine or process ore containing gold, or material produced therefrom, mined by him from two or more works or undertakings each of which is operated as a unit, the mill, smelter, or other like establishment may, with respect to its operations with regard to such ore or material from each such work or undertaking, be deemed by the Minister to constitute, with each such work or undertaking, a separate mine.

ASSISTANCE PAYMENTS.

Amounts payable.

3. (1) The Minister of Mines and Resources may pay to a person engaged in operating a gold mine a sum not exceeding an amount calculated in the manner prescribed in this section with respect to gold that is produced from the mine during a designated year and that, during the designated year, is sold to His Majesty at the Royal Canadian Mint or at a branch thereof, or is exported from Canada and sold.

Where first year of production is not included.

(2) The sum that may be paid under this section in respect of gold produced from a mine and sold in a designated year that does not include any part of the first year of production, is an amount equal to the product of

(a) the rate of assistance for the mine for that designated year

multiplied by

(b) the number of ounces of gold by which the number produced from the mine and sold in that designated year exceeds two-thirds of the number produced from the mine during the base year.

Where first or part of first year of production included.

(3) The sum that may be paid under this section in respect of gold produced from a mine and sold in a designated year that includes a part or all of the first year of production, is an amount equal to the product of

(a) the rate of assistance for the mine for that designated year

multiplied by the total of

(b) the number of ounces of gold produced from the mine and sold in that part of the designated year that is also part of the first year of production, and

(c) the number of ounces of gold by which the number produced from the mine and sold in the part of the designated year remaining after the end of the first year of production, exceeds two-thirds of the number obtained by dividing the number of ounces of gold produced from the mine in the base year by three hundred and sixty-five and multiplying the quotient by the number of days in the part of the designated year so remaining.

Ministerial power to determine questions relevant to payments.

4. (1) The Minister may determine any question that it is necessary to determine in order to ascertain whether any payment may be made to a person under this Act or the amount of any such payment.

Where normal operation has not been continuous.

(2) Where it appears to the Minister that the normal operation of a mine has not been carried on during any period for the purpose of reducing the production of gold from the mine in that period and increasing the production of gold from the mine in another period and the amount that may be paid under this Act in respect of gold produced from the mine in the latter period, he may direct that, for the purpose of this Act, such portion of the gold produced from the mine in the latter period shall be deemed to have been produced in the first-mentioned period, as would have been produced in that period, in addition to the gold actually produced therein, if the normal operation of the mine had been carried on during that period.

Contracts between corporations affecting costs.

(3) Where a corporation that operates a gold mine or a mill, smelter or other like establishment is a party to a contract with another corporation, which contract affects the cost of production of gold from a mine operated by it or by such other corporation, and the corporation controls such other corporation or is controlled by it or both such corporations are controlled by the same persons, the Minister may, if it appears to him to be necessary to give effect to the true intent and purpose of this Act, fix, for the purpose of this Act, the average cost of production of gold produced from a mine operated by either such corporation during any period at such amount as he deems would have been incurred by the corporation if the said corporations were independent persons.

When person deemed to control a corporation.

(4) For the purpose of subsection three, a person is deemed to control a corporation if he owns, directly or indirectly, more than fifty per centum of the shares of the corporation that have full voting rights in all circumstances.

Inspection and information as a condition to payment.

5. The Minister may, as a condition to the making of any payment to a person under this Act, require that person

(a) to permit any person authorized by the Minister in that behalf, at any reasonable time, to enter upon and examine the mine from which the gold in respect of which the payment is to be made is produced, and all works and premises in connection therewith, and to have access to and to examine all books and records of that person relating to the production of gold from the mine and the costs of production thereof during any period relevant for the purposes of this Act, and

(b) to furnish to any person so authorized, or to cause his employees to furnish or make available to any

person so authorized, information relating to the production of gold from the mine or the cost of production of such gold for any period relevant for the purposes of this Act.

REGULATIONS.

Regulations.

6. (1) The Governor in Council may make regulations

(a) prescribing forms necessary for the administration of this Act and the procedure for the making of applications for payments under this Act;

(b) prescribing the amount, or the method of calculating the amount, that may be included in the cost of production of gold from a mine for any period, in respect of depreciation, amortization of preproduction expenses, and costs of exploration and development in the mine;

(c) prescribing that, where the operation of a mine was suspended during part of the base year, the number of ounces of gold produced from the mine during the base year may be deemed to be the number that would have been produced if the mine had been in normal operation throughout the year and the method of computation thereof;

(d) prescribing that, where the operation of a mine is suspended during part of a designated year for a reason specified in the regulations beyond the control of the operator, payments may be made under this Act in respect of gold produced from the mine during the remaining part of the designated year in such amount as would have been payable in respect of that gold if the mine had been in normal operation throughout the designated year, and the method of computation of such amount;

(e) prescribing that a work or undertaking in which ore containing gold is mined but which ore is sold by the operator thereof before the gold is separated therefrom or before the gold separated therefrom is refined, shall be deemed to be a mine for the purpose of this Act and the conditions upon and the manner in which this Act shall apply thereto;

(f) prescribing that, for the purpose of this Act, a person is deemed not to be engaged in operating a gold mine during a designated year unless he produces during the designated year more than a specified number of ounces of gold, and prescribing circumstances in which it may be determined that no payment may be made under this Act in respect of gold produced from a mine where there is no reasonable possibility of production of gold from the mine on a commercial basis within a reasonable time;

(g) prescribing the times at which amounts payable under this Act may be paid, and authorizing the Minister to make advances in respect thereof and the conditions upon which such advances may be made;

(*h*) prescribing records to be kept and returns to be made by persons making application for payments under this Act or to whom such payments have been made; and

(*i*) generally dealing with any matter arising in the course of the administration of this Act, for carrying into effect the purposes of this Act and the true intent, meaning and spirit of its provisions.

Publication and laid before Parliament.

(2) A regulation shall be published forthwith in the *Canada Gazette* and if Parliament is then sitting shall be laid before Parliament or if Parliament is not then sitting shall be laid before Parliament within fifteen days after the commencement of the next ensuing session thereof.

Advance payments may be repayable.

(3) Where pursuant to a regulation any payment is made to any person by way of an advance on account of payments that may be made to that person under this Act, if that person is subsequently found to be ineligible to receive any payment, or to receive any part of the payments made by way of such advance, that person shall be liable to repay to His Majesty the amount of the advance, or the amount of that part, as the case may be, and any amount so repayable is recoverable as a debt due to the Crown.

Offences and Penalties.

Offences.

7. (1) Every person who wilfully furnishes false information or knowingly makes a false return in any application or return under this Act or the regulations, is guilty of an offence and

Penalties, R.S., c. 36.

(*a*) may be prosecuted under Part XV of the *Criminal Code* and if convicted is liable to a fine not exceeding five hundred dollars or to imprisonment not exceeding six months or to both such fine and imprisonment; or

(*b*) may, at the election of the Attorney General of Canada be prosecuted upon indictment and if convicted, is liable to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding five years or to both such fine and imprisonment.

Corporation offender.

(2) Where a corporation is guilty of an offence under this Act any officer, director or agent thereof who directed, authorized, assented to or acquiesced or participated in the commission of the offence is a party to and guilty of the offence.

Appropriation.

Payments out of C.R.F.

8. The Minister may pay amounts authorized to be paid under this Act out of unappropriated moneys in the Consolidated Revenue Fund.

Report to Parliament.

Report to Parliament.

9. The Minister shall lay before Parliament within fifteen days after the commencement of each session thereof a report on the administration of this Act during the preceding fiscal year.

Commencement.

Coming into force.

10. This Act shall come into force on a day fixed by proclamation for that purpose.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 114.

An Act to amend The Farm Improvement Loans Act, 1944.

First reading, February 23, 1948.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

4737

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA

BILL 114.

An Act to amend The Farm Improvement Loans Act, 1944.

1944-45, c. 41; 1947, c. 34.

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

1. Sections four and five of *The Farm Improvement Loans Act, 1944*, chapter forty-one of the statutes of 1944-45, are repealed and the following substituted therefor:—

Limitation of amount of liability to bank.

"**4.** (1) The Minister shall not be liable under this Act to pay to a bank, in respect of losses sustained by it as a result of farm improvement loans made by it during the period commencing on the first day of March, nineteen hundred and forty-five and ending on the twenty-ninth day of February, nineteen hundred and forty-eight, a total amount in excess of ten per centum of the aggregate principal amount of the guaranteed farm improvement loans made by the bank during that period.

Idem.

(2) The Minister shall not be liable under this Act to pay to a bank in respect of losses sustained by it as a result of farm improvement loans made by it during the period commencing on the first day of March, nineteen hundred and forty-eight and ending on the twenty-eighth day of February, nineteen hundred and fifty-one, a total amount in excess of ten per centum of the aggregate principal amount of the guaranteed farm improvement loans made by the bank during that period.

Idem.

"**5.** The Minister shall not be liable under this Act to make any payment to a bank in respect of loss sustained by it as a result of a farm improvement loan made after the aggregate principal amount of the guaranteed farm improvement loans made by all banks exceeds two hundred and fifty million dollars or made more than six years after the commencement of this Act."

Explanatory Notes.

1. Sections four and five at present read as follows:—

"**4.** The Minister shall not be liable under this Act to pay to a bank a total amount in excess of ten per centum of the aggregate principal amount of the guaranteed farm improvement loans made by such bank.

"**5.** The Minister shall not be liable under this Act to make any payment to a bank in respect of loss sustained by it as a result of a farm improvement loan made after the aggregate principal amount of guaranteed farm improvement loans made by all banks exceeds two hundred and fifty million dollars or made more than *three* years after the commencement of this Act."

The period of three years mentioned in section five expires on February 29, 1948. The purpose of the amendment is to extend the operation of the Act for a further three years. This is accomplished by the change indicated in section five. It is also desired that the guarantee for the additional three year period be extended on the same terms as for the original three year period. This is accomplished by the new subsection (2) of section four. Subsection (1) of section four is amended to limit the previous guarantee to the loans made during the period in respect of which it was first enacted.

2. Subsection one of section seven of the said Act is repealed and the following substituted therefor:—

Form of security by bank, 1944-45, c. 30.

"**7.** (1) Notwithstanding anything contained in *The Bank Act* or any other statute, if a bank makes a guaranteed farm improvement loan

(a) for the purpose of financing the construction, repair or alteration of or making of additions to, any building or structure on a farm, or

(b) for any purpose other than that specified in paragraph *(a)* and the principal amount of the loan exceeds two thousand dollars and the period for repayment thereof is longer than five years,

the bank may, at the time of making the loan take as security for the repayment thereof and the payment of interest thereon—

(c) a mortgage or hypothec upon the farm in respect of which the proceeds of the loan are to be expended, or

(d) an assignment of the rights and interest of a purchaser of the farm under an agreement of sale."

Coming into force.

3. This Act shall be deemed to have come into force on the first day of March, 1948.

2. Subsection one of section seven at present reads as follows:—

"**7.** (1) Notwithstanding anything contained in *The Bank Act* or any other statute, if a bank makes a guaranteed farm improvement loan the principal amount of which exceeds two thousand dollars and the period for repayment of which is longer than five years, the bank may at the time of making the loan take as security for the repayment thereof and the payment of interest thereon—

(a) a mortgage or hypothec upon the farm in respect of which the proceeds of the loan are to be expended;

(b) an assignment of the rights and interest of a purchaser of the farm under an agreement of sale."

The purpose of the amendment is to permit security by way of mortgage to be taken for improvements on the farm consisting of the construction, repair or alteration of buildings in which case the security by way of mortgage is considered to be the most appropriate form of security.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 126.

An Act to amend the Pension Act.

First reading, 8th March, 1948.

THE MINISTER OF VETERANS AFFAIRS.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

4621

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 126.

An Act to amend the Pension Act

R.S., c. 157; 1928, c. 38; 1930, c. 35; 1931, c. 44; 1932-33, c. 45; 1934, c. 58; 1935, cc. 8, 45; 1936, c. 44; 1939 (1st sess.) c. 32; 1940-41, c. 23; 1946, c. 62.

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

1. Paragraph *(b)* of subsection one of section two of the *Pension Act*, chapter one hundred and fifty-seven of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

"applicant."

"*(b)* 'applicant' means any person who has made an application for a pension, or any person on whose behalf an application for a pension has been made, or any member of the forces in whom a disability is shown to exist at the time of his retirement or discharge or at the time he ceased to be on active service during World War II, or at the time of the completion of treatment or training by the Department of Veterans Affairs;"

2. Paragraph *(q)* of subsection one of section two of the said Act, as enacted by section four of chapter sixty-two of the statutes of 1946, is repealed and the following substituted therefor:

"World War II."

"*(q)* 'World War II' means the war waged by His Majesty and His Majesty's Allies against Germany and Germany's Allies; and the period denoted by the term 'World War II' is the period between the first day of September, one thousand nine hundred and thirty-nine, and the first day of April, one thousand nine hundred and forty-seven, both dates inclusive;"

Explanatory Notes.

The purpose of the present Bill is to authorize increases in the basic rates of pension as announced by the Prime Minister in the House of Commons. Certain other minor amendments of an administrative or procedural nature are also incorporated, for which explanations are given in the notes opposite the relevant clauses.

1. Paragraph *(b)* of subsection one of section two of the *Pension Act* is amended by inserting the words underlined on the opposite page.

Difficulty has always been experienced in dealing with the cases of members of the Permanent Force who continue to serve in that capacity after the termination of service in war time. Unless such personnel are retired or discharged they cannot, under the present definition of "applicant" be dealt with for pension purposes. It has always been felt that this constitutes an injustice, and following World War I, certain such personnel were given technical retirements so as to permit of their cases being dealt with for pension purposes. The suggested amendment is intended to overcome this difficulty.

The paragraph to be repealed at present reads as follows:—

"2. (1) *(b)* 'applicant' means any person who has made an application for a pension, or any person on whose behalf an application for a pension has been made, or any member of the forces in whom a disability is shown to exist at the time of his retirement or discharge or at the time of the completion of treatment or training by the Department of Veterans Affairs;"

2. The change effected in this paragraph is indicated by the words underlined on the opposite page.

By a proclamation in the *Canada Gazette* 12th April, 1947, the date of termination of World War II, for purposes of the *Pension Act*, was fixed as the 1st of April, 1947.

The paragraph to be repealed at present reads as follows:—

"2. (1) *(q)* 'World War II' means the war waged by His Majesty and His Majesty's Allies against Germany and Germany's Allies *which for the purposes of this Act shall be deemed to have commenced on the first day of September, one thousand nine hundred and thirty-nine, the date or dates, as the case may be, of termination of which will be such date or dates, as may be proclaimed by the Governor in Council;*"

3. Subsection seven of section three of the said Act, as enacted by section six of chapter sixty-two of the statutes of 1946, is repealed and the following substituted therefor:

Salaries.

"(7) The Chairman shall be paid a salary of ten thousand dollars per annum, the Deputy Chairman shall be paid a salary of eight thousand dollars per annum, and each of the other Commissioners, including *ad hoc* Commissioners, shall be paid a salary at the rate of eight thousand dollars per annum; such salaries shall be paid monthly out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada."

Section repealed.

4. Section nine B of the said Act, as enacted by section six of chapter thirty-two of the statutes of 1939, is repealed.

5. Subsection seven of section twenty-two of the said Act, as enacted by section fourteen of chapter sixty-two of the statutes of 1946, is repealed and the following substituted therefor:

Children of deceased pensioner.

"(7) The children of a pensioner who has died and who at the time of his death was in receipt of a pension in any of the classes one to eleven, inclusive, mentioned in Schedule A to this Act or who died while on the strength of the department for treatment and but for his death would have been in receipt of pension in one of the said classes, shall be entitled to a pension as if he had died on service whether his death was attributable to his service or not."

3. The changes made in this subsection are indicated by the words underlined.

By authority of *The Appropriation Act No. 2, 1947*, the salary of the Chairman was increased to $10,000 per annum effective the 1st of January, 1947. The salary of the Deputy Chairman was similarly increased to $8,000 per annum.

The subsection formerly read as follows:—

"3. (7) The Chairman shall be paid a salary of *Nine Thousand* Dollars per annum, the Deputy Chairman shall be paid a salary of *Seven Thousand Five Hundred* Dollars per annum and each of the other Commissioners, including *ad hoc* Commissioners, shall be paid a salary at the rate of *Seven Thousand* Dollars per annum; such salaries shall be paid monthly out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada."

4. The Pension Appeal Court was abolished in 1939 and the official who formerly held the position of Registrar of the Court has since died.

The section to be repealed reads as follows:—

"9B. The person now holding the office of Registrar of the Court shall be and become during pleasure, an employee on the staff of the Department and shall be appointed to a permanent position in the Department classified not lower than the grade of Chief Clerk."

5. The change effected in this subsection is indicated by the words underlined on the opposite page.

New grants of pension entitlement are being continuously made by the Commission to former members of the forces who have been taken on the strength of the Department of Veterans Affairs for treatment. Many of these would be pensionable in classes one to eleven but assessment awaits completion of treatment and as administrative difficulties result from the delay in preparation and forwarding of documentation, the institution of pension payments is unavoidably delayed. Should death occur in such cases from other than the pensionable condition or conditions, the surviving children, if any, would not be eligible for pension and would thus be deprived of the protection this section is intended to provide.

The subsection to be repealed at present reads as follows:—

"22. (7) The children of a pensioner who has died and who at the time of his death was in receipt of pension in any of the classes one to eleven mentioned in Schedule A to this Act, shall be entitled to a pension as if he had died on active service whether his death was attributable to his service or not."

6. Subsections one and two of section twenty-six of the said Act, as enacted by section fifteen of chapter twenty-three of the statutes of 1940-41, are repealed and the following substituted therefor:

Extra allowance for total disability where requiring attendance in lower ranks.

"(1) A member of the forces, holding the rank of Lieutenant (Naval) or Captain (Militia) or Flight Lieutenant (Air) or a lower rank, who is totally disabled and helpless whether entitled to a pension of class one or a lower class and who is, in addition, in need of attendance, shall be entitled if he is not cared for under the jurisdiction of the Department of Veterans Affairs, to an addition to his pension, subject to review from time to time of an amount in the discretion of the Commission not less than two hundred and fifty dollars per annum and not exceeding seven hundred and fifty dollars per annum.

Additional allowance in accordance with rank where total disability.

(2) If such member of the forces holds the rank of Commander and Captain under three years' seniority (Naval) or Lieutenant-Colonel (Militia) or Wing Commander (Air) he shall be entitled to an addition to his pension not exceeding two hundred and thirty-four dollars per annum; if he holds the rank of Lieutenant-Commander (Naval) or Major (Militia) or Squadron Leader (Air) to an addition to his pension not exceeding five hundred and thirty-four dollars per annum."

7. Paragraph *(a)* of subsection one of section thirty-two of the said Act, as enacted by section twenty of chapter sixty-two of the statutes of 1946, is repealed and the following substituted therefor:

No pension to widow unless living with or maintained by member of the forces.

"*(a)* No pension shall be paid to the widow of a member of the forces unless she was living with him or was maintained by him or was, in the opinion of the Commission, entitled to be maintained by him at the time of his death and for a reasonable time previously thereto,"

8. That portion of subsection two of section thirty-two of the said Act, as enacted by section twenty of chapter sixty-two of the statutes of 1946, that precedes paragraph *(a)* thereof is repealed and the following substituted therefor:—

Date for entitlement.

"(2) Subject as in this Act otherwise provided, the widow of a member of the forces who was at the time of his death in receipt of a pension in any of the classes one to eleven, inclusive, mentioned in Schedule A to this Act or who

6. The changes made in these subsections are indicated by the words underlined on the opposite page.

SUBSECTION ONE—The new basic scale of pensions provides the same scale of awards for all ranks up to and including that of Captain. The amendment to subsection one of section twenty-six is necessary to provide the same equality of payment with respect to helplessness allowance.

SUBSECTION TWO—The principle is that in no case shall the amount awarded for helplessness be in excess of that which is required to bring the total disability rate up to the total of the basic award for total disability plus the maximum for helplessness. That total is now $1,044 plus $750, viz., $1,794. The amendment is necessary to adjust the rates for Major and Lieutenant-Colonel and results in an increase for each class.

The subsections to be repealed at present read as follows:—

"**26.** (1) A member of the forces, holding the rank of *Sub-Lieutenant (Naval) or Lieutenant (Militia) or Flying Officer (Air)* or a lower rank, who is totally disabled and helpless whether entitled to a pension of class one or a lower class and who is, in addition, in need of attendance, shall be entitled if he is not cared for under the jurisdiction of the Department of Veterans Affairs, to an addition to his pension, subject to review from time to time of an amount in the discretion of the Commission not less than two hundred and fifty dollars per annum and not exceeding seven hundred and fifty dollars per annum.

(2) If such member of the forces holds the rank of Commander and Captain under three years' seniority (Naval) or Lieutenant-Colonel (Militia) or Wing Commander (Air) he shall be entitled to an addition to his pension not exceeding *ninety* dollars per annum; if he holds the rank of Lieutenant-Commander (Naval) or Major (Militia) or Squadron Leader (Air) to an addition to his pension not exceeding *three hundred and ninety* dollars per annum, *and if he holds the rank of Lieutenant (Naval) or Captain (Militia) or Flight Lieutenant (Air) to an addition to his pension not exceeding six hundred and fifty dollars per annum.*"

7. The words underlined had previously formed part of this section since the enactment of the *Pension Act* in 1919. They were inadvertently omitted when the section was amended in 1946, and the present amendment is intended merely to correct that omission.

The paragraph to be repealed at present reads as follows:—

"32. (1) *(a)* No pension shall be paid to the widow of a member of the forces unless she was living with him or was, in the opinion of the Commission, entitled to be maintained by him at the time of his death and for a reasonable time previously thereto."

8. The change made in this subsection is indicated by the words underlined.

New grants of pension entitlement are being continuously made by the Commission to former members of the forces who have been taken on the strength of the Department of Veterans Affairs for treatment. Many of these would be pensionable in classes one to eleven but assessment awaits completion of treatment and as administrative difficulties result from the delay in preparation and forwarding of

died while on the strength of the department for treatment and but for his death would have been in receipt of pension in one of the said classes, shall be entitled to a pension as if he had died on service whether his death was attributable to his service or not,"

Discretion to award pensions to parents and foster parents not exceeding $480 per annum.

9. Subsection two of section thirty-three of the said Act, as enacted by section twenty-three of chapter sixty-two of the statutes of 1946, is repealed and the following substituted therefor:—

"(2) In cases in which a member of the forces has died leaving a widow or a widow and children or orphan children entitled to pension in addition to a parent or person in the place of a parent who previous to his enlistment or during his service was wholly or to a substantial extent maintained by him, the Commission may, in its discretion, award a pension to each such parent or person not exceeding four hundred and eighty dollars per annum."

South African War pensions, while recipients reside in Canada, to be brought up to amount payable under this Act.

10. Section forty-seven of the said Act is repealed and the following substituted therefor:—

"**47.** The pensions which are now being paid by Great Britain for disabilities or deaths which occurred during the South African war to or in respect of members of the Canadian contingents which served in that war shall hereafter be supplemented during the continuance of the residence in Canada of the recipients of such pensions by such additional pensions as will make the total of the two pensions received by them equal to the pension that would have been awarded if they had been disabled or had died in the military service of Canada during the war, and the widows of such recipients shall be entitled to the benefits of this Act in so far only as the same or equivalent benefits are not provided under the laws or regulations of the United Kingdom of Great Britain and Northern Ireland; provided that payments may be made under this section only to such persons as are residents of Canada and during the continuance of their residence therein."

documentation, the institution of pension payments is unavoidably delayed. Should death occur in such cases from other than the pensionable condition or conditions, the surviving widow, if any, would not be eligible for pension and would thus be deprived of the protection this section is intended to provide.

The portion of the subsection to be repealed at present reads as follows:—

"32. (2) Subject as in this Act otherwise provided, the widow of a member of the forces who was at the time of his death in receipt of a pension in any of the classes one to eleven, inclusive, mentioned in Schedule A to this Act shall be entitled to a pension as if he had died on service whether his death was attributable to his service or not."

9. The change made in this subsection is indicated by the words underlined on the opposite page.

The increase in the scale of pension awards necessitated a review and adjustment of the allowable pension to a parent to conform to the general basic principle on which these awards are made.

The subsection to be repealed at present reads as follows:—

"**33.** (2) In cases in which a member of the forces has died leaving a widow or a widow and children or orphan children entitled to pension in addition to a parent or person in the place of a parent who previous to his enlistment or during his service was wholly or to a substantial extent maintained by him, the Commission may, in its discretion, award a pension to each such parent or person not exceeding *three hundred and sixty* dollars per annum."

10. The change made in this section is indicated by the words underlined on the opposite page.

In view of the widening of the scope of the *Pension Act* by the 1946 amendments so as to confer the benefits thereof on Canadians who served with Imperial and Allied forces, it would appear equitable that former members of Canadian forces should at least be placed on an equal footing. As section 47 now reads, the widow or children of a pensioner supplemented under this section would not be pensionable even if death were ruled to be service related.

The section to be repealed at present reads as follows:—

"47. The pensions which are now being paid by Great Britain for disabilities or deaths which occurred during the South African war to or in respect of members of the Canadian contingents which served in that war shall hereafter be supplemented during the continuance of the residence in Canada of the recipients of such pensions by such additional pensions as will make the total of the two pensions received by them equal to the pension that would have been awarded if they had been disabled or had died in the military service of Canada during the war."

11. Subsection one of section fifty-two of the said Act, as enacted by section twenty-seven of chapter sixty-two of the statutes of 1946, is repealed and the following substituted therefor:—

Duties of Commission on receipt of application.

"**52.** (1) When an application with respect to service in World War I or in peace time is first made to the Commission after the coming into force of the amending Act of 1936, the Commission shall expeditiously consider such application and shall collect such relevant information, if any, as may be available in the records of any department of the Government of Canada and make, through its medical and other officers, such enquiry as appears advisable into the facts upon which the application is based; if satisfied on the material available, that the applicant is entitled to a pension, the Commission shall then award such pension, and shall take the necessary steps to cause payment of such pension to be made."

12. Subsection four of section fifty-eight of the said Act, as enacted by section twenty of chapter thirty-two of the statutes of 1939, is repealed and the following substituted therefor:—

Commission may entertain application for appeal.

"(4) An application based upon any error in such decision or in any decision of the Court, the Federal Appeal Board, the Pension Tribunal or a quorum of the Commission, by reason of evidence not having been presented or otherwise, may be entertained by the Commission with the leave of an Appeal Board of the Commission, such Appeal Board to be designated by the Chairman of the Commission from time to time for this purpose, and such Appeal Board shall have jurisdiction to grant leave in any case in which it appears proper to grant it."

Schedules A and B.

13. (1) Schedules A and B to the said Act, as amended by sections thirty-one of chapter thirty-eight of the statutes of 1928 and by twenty-three of chapter twenty-three of the statutes of 1941, are repealed and Schedules A and B to this Act are respectively substituted therefor.

Coming into force.

(2) This section shall be deemed to have come into force on the first day of October, nineteen hundred and forty-seven.

11. The change made in this subsection is indicated by the underlined words "or in peace time".

The *Pension Act* provides for the consideration of claims arising out of peace time service, and the underlined words will bring the procedure for dealing with them into line with that prescribed for service in World War I.

The subsection to be repealed at present reads as follows:—

"52. (1) When an application with respect to service in World War I is first made to the Commission after the coming into force of the amending Act of 1936, the Commission shall expeditiously consider such application and shall collect such relevant information, if any, as may be available in the records of any department of the Government of Canada and make, through its medical and other officers, such enquiry as appears advisable into the facts upon which the application is based; if satisfied on the material available, that the applicant is entitled to a pension, the Commission shall then award such pension, and shall take the necessary steps to cause payment of such pension to be made."

12. The change made in this subsection is indicated by the words underlined on the opposite page.

This amendment will permit a number of applicants who neglected to exercise their right of appeal to the Pension Appeal Court or an Appeal Board of the Commission to apply for leave to re-open their claims with a view to establishing that the decision of the Federal Appeal Board, Pension Tribunal, or Quorum, is in error.

The subsection to be repealed at present reads as follows:

"58. (4) An application based upon any error in such decision or in any decision of the Court, by reason of evidence not having been presented or otherwise, may be entertained by the Commission with the leave of an Appeal Board of the Commission, such Appeal Board to be designated by the Chairman of the Commission from time to time for this purpose, and such Appeal Board shall have jurisdiction to grant leave in any case in which it appears proper to grant it."

13. This amendment substitutes new schedules to the *Pension Act* to provide for an increase in the basic rates of pension, as announced by the Prime Minister in the House of Commons.

SCHEDULE A.

Scale of Pensions for Disabilities.

Percentage of Disability—Class and Annual Rate of Pension.

Rank or Rating of Members of Forces	Class 1 Total 100%	Class 2 — 99%-95%	Class 3 — 94%-90%	Class 4 — 89%-85%	Class 5 — 84%-80%	Class 6 — 79%-75%	Class 7 — 74%-70%	Class 8 — 69%-65%	Class 9 — 64%-60%	Class 10 — 59%-55%
	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
Lieutenant (Naval), Captain (Military), Flight Lieutenant (Air) and all ranks and ratings below..	1,044 00	991 80	939 60	887 40	835 20	783 00	730 80	678 60	626 40	574 20
Lieutenant Commander (Naval), Major (Military), Squadron Leader (Air).....	1,260 00	1,197 00	1,134 00	1,071 00	1,008 00	945 00	882 00	819 00	756 00	693 00
Commander and Captain under three years' seniority (Naval), Lieutenant-Colonel (Military), Wing Commander (Air).....	1,560 00	1,482 00	1,404 00	1,326 00	1,248 00	1,170 00	1,092 00	1,014 00	936 00	858 00
Captain (Naval), Colonel (Military), Group Captain (Air).....	1,890 00	1,795 50	1,701 00	1,606 50	1,512 00	1,417 50	1,323 00	1,228 50	1,134 00	1,039 50
Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Military), Air Commodore and higher ranks (Air).....	2,700 00	2,565 00	2,430 00	2,295 00	2,160 00	2,025 00	1,890 00	1,755 00	1,620 00	1,485 00
Above Ranks—Additional pension for married members of the Forces.....	360 00	342 00	324 00	306 00	288 00	270 00	252 00	234 00	216 00	198 00
Additional pension for children for above ranks—										
First child.....	216 00	205 20	194 40	183 60	172 80	162 00	151 20	140 40	129 60	118 80
Second child.....	168 00	159 60	151 20	142 80	134 40	126 00	117 60	109 20	100 80	92 40
Each subsequent child an additional.....	144 00	136 80	129 60	122 40	115 20	108 00	100 80	93 60	86 40	79 20

SCHEDULE A.—*Concluded.*

Rank or Rating of Members of Forces	Class 11 — 54%-50%	Class 12 — 49%-45%	Class 13 — 44%-40%	Class 14 — 39%-35%	Class 15 — 34%-30%	Class 16 — 29%-25%	Class 17 — 24%-20%	Class 18 — 19%-15%	Class 19 — 14%-10%	Class 20 — 9%-5%
	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
Lieutenant (Naval), Captain (Military), Flight Lieutenant (Air), and all ranks and ratings below.	522 00	469 80	417 60	365 40	313 20	261 00	208 80	156 60	104 40	52 20
Lieutenant Commander (Naval), Major (Military), Squadron Leader (Air)	630 00	567 00	504 00	441 00	378 00	315 00	252 00	189 00	126 00	63 00
Commander and Captain under three years' seniority (Naval), Lieutenant-Colonel (Military), Wing Commander (Air)	780 00	702 00	624 00	546 00	468 00	390 00	312 00	234 00	156 00	78 00
Captain (Naval), Colonel (Military) Group Captain (Air)	945 00	850 50	756 00	661 50	567 00	472 50	378 00	283 50	189 00	94 50
Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Military), Air Commodore and higher ranks (Air)	1,350 00	1,215 00	1,080 00	945 00	810 00	675 00	540 00	405 00	270 00	135 00
Above Ranks—Additional pension for married members of the Forces	180 00	162 00	144 00	126 00	108 00	90 00	72 00	54 00	36 00	18 00
Additional pension for children for above ranks—										
First child	108 00	97 20	86 40	75 60	64 80	54 00	43 20	32 40	21 60	10 80
Second child	84 00	75 60	67 20	58 80	50 40	42 00	33 60	25 20	16 80	8 40
Each subsequent child an additional	72 00	64 80	57 60	50 40	43 20	36 00	28 80	21 60	14 40	7 20

Class 21—Disabilities below 5 per cent—All ranks—A final payment not exceeding $115.

SCHEDULE B.

Scale of Pensions for Deaths.

Rank or Rating of Members of Forces	Rate per Annum		
	Widow or dependent parent	Child or dependent brother or sister	Orphan child or orphan brother or sister
	$ cts.	$ cts.	$ cts.
Lieutenant (Naval), Captain (Military) Flight Lieutenant (Air) and all ranks and ratings below	*840 00		
Lieutenant Commander (Naval), Major (Military), Squadron Leader (Air)	*1,008 00		
Commander and Captain under three years' seniority (Naval), Lieutenant-Colonel (Military), Wing Commander (Air)	*1,248 00		
Captain (Naval), Colonel (Military), Group Captain (Air)	*1,512 00		
Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Military), Air Commodore and higher ranks (Air)	*2,160 00		
Additional pension for children or dependent brothers or sisters for above ranks—			
First child	.....	*216 00	*432 00
Second child	.....	*168 00	*336 00
Each subsequent child an additional	.....	*144 00	*288 00

* Pensions awarded to parents or brothers and sisters may be less than these amounts in accordance with the provisions of this Act.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 135.

An Act to amend The Canadian Wheat Board Act, 1935.

First reading, 11th March, 1948.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5912

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 135.

An Act to amend The Canadian Wheat Board Act, 1935.

1935, c. 53; 1939, c. 39; 1940, c. 25; 1942-43, c. 4; 1947, c. 15.

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

1. *The Canadian Wheat Board Act, 1935*, chapter fifty-three of the statutes of 1935, is amended by adding thereto, immediately after section five B thereof, the following section:

Pension fund.

"5C. (1) The Board may, with the approval of the Governor in Council, establish a pension fund for the members of the Board and the officers, clerks and employees employed by the Board under this Act and their dependents, and may contribute to it out of funds of the Board.

(2) Contributions to the pension fund made by the Board, pursuant to subsection one, shall be deemed to be expenses incurred in connection with the operations of the Board."

2. Paragraph *(b)* of subsection one of section twenty-one of the said Act, as enacted by section five of chapter fifteen of the statutes of 1947, is repealed and the following substituted therefor:

Payment to producers.

"*(b)* pay to producers selling and delivering wheat produced in the designated area to the Board, at the time of delivery or at any time thereafter as may be agreed upon, a sum certain per bushel basis in store Fort William/Port Arthur or Vancouver to be fixed from time to time by regulation of the Governor in Council in respect of wheat of the grade No. 1 Manitoba Northern and by the Board, with the approval of the Governor in Council, in respect of each other grade thereof: Provided that during the period commencing on the first day of August, nineteen hundred and forty-six and ending on the thirty-first day of July, nineteen

Proviso.

Explanatory Notes.

The general purposes of the proposed amendments are:

(1) to make provision for pensions for members, officers and employees of The Canadian Wheat Board;

(2) to make provision for the increase of the fixed minimum price payable to producers selling and delivering wheat to The Canadian Wheat Board and to authorize the Board to adjust the payments made to producers who have delivered wheat prior to such increase in order to equalize the amounts received;

(3) to extend the control of interprovincial movements of wheat to wheat products.

(4) to empower the Governor in Council, by regulation, to extend to oats or barley the system now employed in handling wheat.

1. Section 5c is new. This section authorizes the Board to establish and support a pension fund, with the approval of the Governor in Council and to make any payments which may be required for this purpose out of the funds of the Board, as an expense of its operations.

2. Section 21 (1) *(b)* of the present Act provides:

"Pay to producers selling and delivering wheat produced in the designated area to the Board, at the time of delivery or at any time thereafter as may be agreed upon, a sum certain per bushel basis in store Fort William/Port Arthur or Vancouver to be fixed by the Board with the approval of the Governor in Council, in respect of each grade thereof: Provided that during the period commencing on the first day of August, nineteen hundred and forty-six and ending on the thirty-first day of July, nineteen hundred and fifty, such sum certain shall in the case of grade No. 1 Manitoba Northern be one dollar and thirty-five cents per bushel, and in the case of each other grade, such other sum certain as in the opinion of the Board from time to time brings the sum certain for such grade into proper price relationship with the said sum certain for the Grade No. 1 Manitoba Northern;"

The changes proposed are to provide authority for the increase of the sum certain payable to producers selling and delivering wheat to The Canadian Wheat Board and to make provision for the adjustment of payments made to producers who have delivered wheat to the Board within the pool period prior to the effective date of such increase.

hundred and fifty, such sum certain shall, in the case of grade No. 1 Manitoba Northern be not less than one dollar and thirty-five cents per bushel, and in the case of each other grade, such other sum certain as in the opinion of the Board, with the approval of the Governor in Council, from time to time brings the sum certain for such grade into proper price relationship with the said sum certain for the grade No. 1 Manitoba Northern; and where the Governor in Council pursuant to this paragraph increases during a pool period the sum certain payable to producers in respect of wheat of the grade No. 1 Manitoba Northern, it shall not be reduced during that pool period and the Board shall pay to any person the amount of such increase in respect of each bushel of wheat produced in the designated area and sold and delivered by him as a producer to the Board during that pool period prior to the day on which such increase becomes effective."

3. Section twenty-seven of the said Act, as enacted by section five of chapter fifteen of the statutes of 1947, is repealed and the following substituted therefor:

Trading in wheat or wheat products.

"**27.** Except as permitted under the regulations, no person other than the Board shall

(a) export from or import into Canada wheat or wheat products owned by a person other than the Board;

(b) transport or cause to be transported from one province to another province, wheat or wheat products owned by a person other than the Board;

(c) sell or agree to sell wheat or wheat products situated in one province for delivery in another province or outside of Canada; or

(d) buy or agree to buy wheat or wheat products situated in one province for delivery in another province or for delivery outside of Canada."

4. Paragraph *(d)* of section twenty-eight of the said Act, as enacted by section five of chapter fifteen of the statutes of 1947, is repealed and the following substituted therefor:

"*(d)* to provide for the granting of licences for the transportation from one province to another province, or the sale or purchase for delivery anywhere in Canada, of wheat or wheat products, that is otherwise prohibited under this Part, and to prescribe the terms and conditions on which such licences may be granted or the terms or conditions of the permission granted in such licence;"

3. The present section 27 provides as follows:

"**27.** Except as permitted under the regulations, no person other than the Board shall

(a) export from or import into Canada wheat or wheat products owned by a person other than the Board;

(b) transport or cause to be transported from one province to another province, wheat owned by a person other than the Board;

(c) sell or agree to sell wheat situated in one province for delivery in another province or outside of Canada; or

(d) buy or agree to buy wheat situated in one province for delivery in another province or for delivery outside of Canada."

The changes proposed are to extend the control of interprovincial movement of wheat, established by the section, to wheat products.

4. The present section 28 *(d)* provides:

"**28.** The Governor in Council may make regulations

(d) to provide for the granting of licences for the transportation from one province to another province, or the sale or purchase for delivery anywhere in Canada, of wheat, that is otherwise prohibited under this Part, and to prescribe the terms and conditions on which such licences may be granted or the terms or conditions of the permission granted in such licence;"

The changes proposed are to extend the licensing power of the Board to wheat products.

5. The said Act is further amended by adding thereto, immediately after Part IV thereof, the following Part:

"PART IVA.

Oats and Barley.

Extension of Parts III and IV to oats and barley.

"**29A.** (1) The Governor in Council may by regulation extend the application of Part III or of Part IV or of both Parts III and IV to oats or to barley or to both oats and barley.

Modifications.

(2) Where the Governor in Council has extended the application of any Part of this Act under subsection one, the provisions of the said Part shall be deemed to be re-enacted in this Part, subject to the following:

(a) the word "oats" or "barley", as the case may be, shall be substituted for the word "wheat";

(b) the expression "oat products" or "barley products", as the case may be, shall be substituted for the expression "wheat products";

(c) the sum certain per bushel to be fixed by the Governor in Council shall be fixed in the case of oats in respect of the grade No. 2 Canada Western and in the case of barley in respect of the grade No. 3 Canada Western Six-Row, and in both cases basis in store Fort William or Port Arthur;

(d) each pool period for the purposes of Part III shall be a crop year as designated by the Governor in Council;

(e) section twenty, the proviso to paragraph *(b)* and paragraph *(d)* of subsection one of section twenty-one, section twenty-five and paragraph *(b)* of subsection two of section twenty-six are not applicable; and

(f) such other modifications as the circumstances may require.

When extension to come into force.

(3) An extension of the application of Part III shall come into force only at the beginning of a crop year.

Definitions.

(4) For the purposes of this section

"oat product".

(a) "oat product" means any substance produced by processing or manufacturing oats, alone or together with any other material or substance, designated by the Governor in Council by regulation as an oat product for the purposes of this Part; and

"barley product".

(b) "barley product" means any substance produced by processing or manufacturing barley, alone or together with any other material or substance, designated by the Governor in Council by regulation as a barley product for the purposes of this Part."

5. Section 29A is new. This section empowers the Governor in Council, by regulation, to extend to oats or barley the system now employed in handling wheat. In such case, Part III may only be brought into effect at the beginning of a crop year and the pool period is limited to a year. Certain sections specifically applicable to wheat are excluded.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 136.

An Act to amend The Continuation of Transitional Measures Act, 1947.

First reading, March 12, 1948.

THE MINISTER OF JUSTICE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

4480

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA

BILL 136.

An Act to amend The Continuation of Transitional Measures Act, 1947.

1947, c. 16

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

Duration of Act.

1. Section seven of *The Continuation of Transitional Measures Act, 1947*, chapter sixteen of the statutes of 1947, is repealed and the following substituted therefor:—

"**7.** Subject as hereinafter provided, this Act shall expire on the sixtieth day after Parliament first meets during the year one thousand nine hundred and forty-nine or on the thirty-first day of March, one thousand nine hundred and forty-nine, whichever date is the earlier:

Proviso.

Provided that, if at any time while this Act is in force, Addresses are presented to the Governor General by the Senate and House of Commons respectively, praying that this Act should be continued in force for a further period, not in any case exceeding one year, from the time at which it would otherwise expire and the Governor in Council so orders, this Act shall continue in force for that further period."

Explanatory Note.

Section 7 of *The Continuation of Transitional Measures Act, 1947*, at present reads as follows:

"7. Subject as hereinbefore provided, this Act shall expire *on the thirty-first day of December, one thousand nine hundred and forty-seven, if Parliament meets during November or December, one thousand nine hundred and forty-seven, but if Parliament does not so meet it shall expire* on the sixtieth day after Parliament first meets during the year one thousand nine hundred and *forty-eight* or on the thirty-first day of March, one thousand nine hundred and *forty-eight*, whichever date is the earlier: Provided that, if at any time while this Act is in force, addresses are presented to the Governor General by the Senate and House of Commons respectively, praying that this Act should be continued in force for a further period, not in any case exceeding one year, from the time at which it would otherwise expire and the Governor in Council so orders, this Act shall continue in force for that further period."

The words in italics in the first four lines of section seven (above) are deleted. The words "forty-nine" (underlined on the opposite page) are substituted for the words "forty-eight" (in italics above).

Pursuant to section 7, as it now stands, Addresses were presented to the Governor General by the Senate and House of Commons, respectively, praying that the Act be continued in force until the thirty-first day of March, one thousand nine hundred and forty-eight, and the Governor in Council has so ordered.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 148.

An Act respecting The New Westminster Harbour Commissioners and to provide for the refunding of maturing financial obligations.

First reading, March 15, 1948.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6049

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 148.

An Act respecting The New Westminster Harbour Commissioners and to provide for the refunding of maturing financial obligations.

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 New Westminster Harbour Commissioners Refunding Act, 1948.*

Refunding of 1928 debentures.

2. (1) The New Westminster Harbour Commissioners (hereinafter called the "Corporation") may, with the approval of the Governor in Council, provide for the refunding of the New Westminster Harbour Commissioners $4\frac{3}{4}\%$ debentures, dated April second, 1928, maturing April first, 1948, payable at the option of the holder in lawful money of Canada or of the United States, guaranteed as to principal and interest by the Government of Canada and now outstanding in the amount of seven hundred thousand dollars and may, for the purpose of the refunding, issue notes, bonds, debentures, or other securities (hereinafter called "substituted securities") in such form, for such separate sums, bearing such rate of interest and upon such other terms and conditions as the Governor in Council may approve, to an aggregate principal amount not exceeding such amount as is necessary for that purpose.

Substituted securities.

Government guarantee of substituted securities.

(2) The Governor in Council may authorize the Minister of Finance or such other person as may be designated by the Governor in Council to guarantee, on behalf of His Majesty in right of Canada, payment of the principal of and interest on the substituted securities and signature of the guarantee by the Minister of Finance or such other person is conclusive evidence for all purposes of the validity of the guarantee and that the requirements of this Act relating to the guarantee have been complied with.

Disposition of money received from sale of substituted securities.

(3) Money received in respect of the sale, pledge or other disposition of substituted securities shall be deposited, in the first place, to the credit of the Receiver General of Canada in one or more banks designated by him in trust for the Corporation, and shall be released by the Minister of Finance to the Corporation upon application made by it, approved by the Minister of Transport, from time to time for the release of the money.

Securities refunded to be destroyed.

(4) Securities refunded under this Act that come into the possession of the Corporation shall be cancelled and cremated in the presence of representatives of the Minister of Finance and of the Corporation.

Loans to Corporation out of C. R. F.

3. (1) The Minister of Finance may, with the approval of the Governor in Council, upon application of the Corporation approved by the Minister of Transport, from time to time make loans to the Corporation out of the Consolidated Revenue Fund for the purpose of redeeming securities that may be refunded under this Act, such loans to be in such amounts and repayable on such terms, to bear such rates of interest and to be evidenced by such notes, debentures, bonds or other securities of the Corporation as the Governor in Council may from time to time determine and the Corporation may borrow such money and issue such securities.

Aggregate amount of loans.

(2) The aggregate principal amount of loans that may be made to the Corporation under this section shall not exceed such amount as is necessary for the purpose of redeeming securities that may be refunded under this Act.

Substituted securities to repay loans.

(3) Substituted securities may be issued and guaranteed under the authority of this Act to repay any loan made under this section.

Rate of interest on debentures.

1931, c. 40.

4. Notwithstanding the provisions of section five of *The New Westminster Harbour Loan Act, 1931*, the Governor in Council may from time to time fix the rate of interest payable by the Corporation on debentures issued by it to the Minister of Finance and Receiver General.

171.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 171.

An Act to amend The Agricultural Products Act.

First reading, March 19, 1948.

THE MINISTER OF AGRICULTURE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

4918

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA

BILL 171.

An Act to amend The Agricultural Products Act.

1947, c.10.

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

1. Section eleven of *The Agricultural Products Act*, chapter ten of the statutes of 1947, is repealed and the following substituted therefor:

Expiration of Act.

"**11.** This Act shall expire on the thirty-first day of March, nineteen hundred and forty-nine."

Explanatory Note.

Section 11 of *The Agricultural Products Act* at present reads as follows:

> "**11.** Subject as hereinafter provided, this Act shall expire on the thirty-first day of December, one thousand nine hundred and forty-seven, if Parliament meets during November or December, one thousand nine hundred and forty-seven, but if Parliament does not so meet it shall expire on the sixtieth day after Parliament first meets during the year one thousand nine hundred and forty-eight or on the thirty-first day of March, one thousand nine hundred and forty-eight, whichever date is the earlier: Provided that, if at any time while this Act is in force, addresses are presented to the Governor General by the Senate and House of Commons, respectively, praying that this Act should be continued in force for a further period, not in any case exceeding one year, from the time at which it would otherwise expire and the Governor in Council so orders, this Act shall continue in force for that further period."

Pursuant to section 11, as it now stands, Addresses were presented to the Governor General by the Senate and House of Commons, respectively, praying that the Act be continued in force until the thirty-first day of March, one thousand nine hundred and forty-eight, and the Governor in Council has so ordered.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 172.

An Act to amend the Excise Tax Act.

First reading, March 23, 1948.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

1743

R.S., c. 179; 1928, c. 50; 1929, c. 57; 1930, c. 43; 1931, c. 54; 1932, c. 54; 1932-33, c. 50; 1934, c. 42; 1935, c. 33; 1936, c. 45; 1937, c. 41; 1938, c. 52; 1939, c. 52; 1939 (2nd Sess.), c. 8; 1940, c. 41; 1940-41, cc. 1, 27; 1942-43, c. 32; 1943-44, c. 11; 1944-45, c. 48; 1945 (2nd Sess.), c. 30; 1946, c. 65; 1947, c. 60.

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA

BILL 172.

An Act to amend the Excise Tax Act

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

Section one of Schedule I amended.

1. (1) Section one of Schedule I of the *Excise Tax Act*, chapter one hundred and seventy-nine of the Revised Statutes of Canada, 1927, is amended by repealing paragraph *(a)* thereof and substituting the following:—

"*(a)* Automobiles adapted or adaptable for passenger use, with seating capacity for not more than ten persons each, valued at twelve hundred dollars or less.....twenty-five per cent;

Over twelve hundred dollars but not more than two thousand dollars.....twenty-five per cent on twelve hundred dollars plus fifty per cent on the amount in excess of twelve hundred dollars;

Over two thousand dollars.....twenty-five per cent on twelve hundred dollars plus fifty per cent on eight hundred dollars plus seventy-five per cent on the amount in excess of two thousand dollars."

Section two of Schedule I amended.

(2) Section two of Schedule I of the said Act is repealed and the following substituted therefor:—

"2. Articles, materials or preparations of whatever composition or in whatever form, commonly or

Explanatory Notes.

1. (1) Paragraph *(a)* at present reads:—

"*(a)* Automobiles adapted or adaptable for passenger use, with seating capacity for not more than ten persons each . . . ten per cent."

(2) Section two at present reads:—

"2. Articles, materials or preparations of whatever composition or in whatever form, commonly or commercially known as toilet articles, preparations or cosmetics, which are intended for use or application for toilet

commercially known as toilet articles (including combs, mirrors and brushes, the duty paid value or the Canadian manufacturer's selling price of which is more than twenty-five cents each, but not including tooth brushes or shaving brushes), preparations or cosmetics, which are intended for use or application for toilet purposes, or for use in connection with the care of the human body, including the hair, nails, eyes, teeth, or any other part or parts thereof, whether for cleansing, deodorizing, beautifying, preserving or restoring, and to include shaving soaps and shaving creams, antiseptics, bleaches, depilatories, perfumes, scents and similar preparations, but not to include any article taxable under Schedule VI.....twenty-five per cent."

Sections five and six of Schedule I amended.

(3) Sections five and six of Schedule I of the said Act are repealed and the following substituted therefor:—

"5. Cameras, photographic films and plates, except those designed exclusively for industrial or professional photographers' use; projectors for slides, films or pictures.....twenty-five per cent.

"6. Phonographs, record playing devices, radio broadcast receiving sets and tubes therefor.....twenty-five per cent."

Sections added to Schedule I.

(4) The following sections are added to Schedule I of the said Act:—

"15. The following electrical appliances: waffle irons; roasters; kettles; chafing dishes; juice extractors; coffee makers; toasters of all kinds; portable humidifiers; curling irons or tongs; hair dryers; permanent waving machines and spacers or clamps, rods and heaters therefor; razors and shavers; garbage disposal units.....twenty-five per cent.

"16. The following electrical appliances when adapted to household use: food or drink mixers; food choppers and grinders;

purposes, or for use in connection with the care of the human body, including the hair, nails, eyes, teeth, or any other part or parts thereof, whether for cleansing, deodorizing, beautifying, preserving or restoring, and to include shaving soaps and shaving creams, antiseptics, bleaches, depilatories, perfumes, scents and similar preparations.....twenty-five per cent."

(3) Sections five and six presently read:—

"5. Cameras, photographic films and plates, projectors for slides, films or pictures, except those designed exclusively for industrial or professional photographers' use.....ten per cent.

"6. Phonographs, record playing devices, radio broadcast receiving sets and tubes therefor.....ten per cent."

(4) These sections are new.

irons and ironers; vacuum cleaners and attachments therefor; floor waxers and polishers... twenty-five per cent.

"17. Electric or gas refrigerators or freezing equipment, and coils, condensing or compressor units, cabinets, boxes, evaporators and expansion valves therefor; all the foregoing when adapted to household or apartment use or when for use in places of entertainment, amusement or recreation, including rinks, auditoria, halls and clubs..... twenty-five per cent.

"18. Firearms except for military or police purposes..... twenty-five per cent.

"19. Outboard motors..... twenty-five per cent.

"20. Motorcycles, and all other two or three wheeled motor driven vehicles including motors for attachment to bicycles but not including vehicles specially designed for carrying goods or for use by invalids..... twenty-five per cent."

Expiration of special taxes.

(5) The Governor in Council may, where he deems it advisable either in order to avoid restricting production of goods for export from Canada or otherwise, by proclamation, declare that a section, or a part thereof, in Schedule I of the *Excise Tax Act* enacted by this Act shall cease to have effect on and after a day fixed in the proclamation and on and after that day the section, or such part thereof, shall cease to have effect: Provided that, where any such section or part thereof that was substituted by this Act for a section or part thereof previously contained in the said Schedule ceases to have effect, the section or part for which it was substituted shall then be deemed to have been re-enacted.

Amendments to sec. 80.

2. (1) The proviso to subsection three and subsections five and six of section eighty of the said Act are repealed.

Par. 3 of Sch. II repealed.

(2) Paragraph three of Schedule II of the said Act commencing with the words "Sugar, etc.—" is repealed.

Par. *(g)* of sec. 85 repealed.

3. (1) Paragraph *(g)* of section eighty-five of the said Act is repealed.

Amendments to Sch. III.

(2) The words "except when used in dwellings" where they appear after the words "Electricity" and after the words "Natural gas and gas manufactured from coal, calcium carbide or oil for illuminating or heating purposes" under the heading "Miscellaneous" in Schedule III of the said Act, are repealed.

2. Subsections 3, 5 and 6 of Section 80 and paragraph 3 of Schedule II read as follows:—

3. The tax imposed by this section is not payable in the case of goods that are purchased or imported by a manufacturer licensed under this Part and that are to be incorporated into and form a constituent or component part of an article or product that is subject to an excise tax under this Part: *Provided, however, that the foregoing exemption does not extend to the goods mentioned in section three of Schedule II to this Act when used in manufacturing goods mentioned in sections two, eight, nine and ten of Schedule I to this Act.*

"5. Notwithstanding anything contained in the four preceding subsections, the tax thereby imposed upon sugar, syrup, and substitutes therefor as enumerated in Schedule II to this Act shall not be payable when such materials are imported or bought in bond in Canada by recognized sugar refiners for further manufacture but shall be payable whenever any such materials are delivered to a purchaser thereof by such refiners, whether such materials have been further manufactured or not.

"6. The tax by this section imposed upon sugar, syrup, and substitutes therefor, glucose and grape sugar, imported into Canada shall be levied and collected upon the importation of any specified commodity which contains any of these materials in accordance with regulations to be prescribed by the Minister, and the said tax shall be graduated according to the quantity of any such materials contained in any such commodity, and shall be paid by the importer at the time of importation, at the same rate as imposed on similar goods of domestic production."

"3. Sugar, etc.:—

Materials enumerated in Customs Tariff items 134, 135, 135a, 135b, 139, 140 (except molasses) and 168a (except malt syrup and malt syrup powder) . . . . one cent per pound;

Provided that the tax hereby imposed shall not apply to glucose and grape sugar when sold for use exclusively in the manufacture of leather and artificial silk."

3. Paragraph *(g)* of section 85 and the provisions under the heading "Miscellaneous" in Schedule III are as follows—

"*(g)* "dwelling" shall include business premises where the supply of gas or electricity for both the business and living quarters is metered through a single meter, or where a flat charge is made to cover both the business and living quarters."

Coming into force.

4. This Act shall be deemed to have come into force on the eighteenth day of November, nineteen hundred and forty-seven, and to have applied to all goods mentioned herein imported or taken out of warehouse for consumption on and after that day, and to have applied to goods imported before that day for which no entry for consumption was made before that day.

"British and Canadian coins and foreign gold coin;
Electricity, except when used in dwellings;
Fuel other than in liquid form;
Natural gas and gas manufactured from coal, calcium carbide or oil for illuminating or heating purposes except when used in dwellings;"

Schedule III sets out exemptions. At present gas and electricity used in dwellings are excluded from the exemption. The amendment repeals the excluding words so that they will be included in the exemption.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 173.

An Act to amend the Customs Tariff.

First reading, March 23, 1948.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

1765

R.S., c. 44; 1928, c. 17; 1929, c. 39; 1930 (1st Sess.), c. 13; 1930 (2nd Sess.), c. 3; 1931, c. 30; 1932, c. 41; 1932-33, cc. 6, 37; 1934, cc. 32, 49; 1935, c. 28; 1936, c. 31; 1937, cc. 25, 26; 1939 (1st Sess.), c. 41; 1939 (2nd Sess.), c. 2; 1940, c. 29; 1940-41, c. 13; 1942-43, c. 23; 1943-44, c. 7; 1944-45, c. 36; 1946, c. 45.

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA

BILL 173.

An Act to amend the Customs Tariff

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

Schedule A amended

1. Schedule A to the *Customs Tariff*, chapter forty-four of the Revised Statutes of Canada, 1927, is further amended by striking out tariff items 28 and 28a thereof, the several enumerations of goods and the several rates of duties of customs, respectively, set opposite each of the said items and by inserting in the said Schedule the items, enumerations and rates of duty that are specified in the Schedule to this Act.

Date of coming into force.

2. This Act shall be deemed to have come into force on the eighteenth day of November, one thousand nine hundred and forty-seven, and to have applied to all goods mentioned in the Schedule to this Act that were imported or taken out of warehouse for consumption on or after that day, and to have applied to goods imported before that day for which no entry for consumption was made before that day.

SCHEDULE

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
28	Coffee, green, imported direct from the country of growth and production, or purchased in bond in the United Kingdom .....per pound Provided, that coffee, green, shall be entitled to entry under the British Preferential Tariff upon evidence satisfactory to the Minister that such coffee has been produced wholly in the British dominions, colonies or possessions, and not otherwise.	Free	2 cts.	5 cts.
28a	Tea, imported direct from the country of growth and production, or purchased in bond in the United Kingdom or in any British possession.....per pound When in packages weighing five pounds, each, or less, the weight of such packages to be included in the weight for duty. Provided, that tea shall be entitled to entry under the British Preferential Tariff upon evidence satisfactory to the Minister that such tea has been produced wholly in the British dominions, colonies or possessions, and not otherwise.	Free	2 cts.	8 cts.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 195.

An Act to provide for the Investigation, Conciliation and Settlement of Industrial Disputes.

First reading, April 6, 1948.

THE MINISTER OF LABOUR.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

3624

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 195.

An Act to provide for the Investigation, Conciliation and Settlement of Industrial Disputes.

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 Industrial Relations and Disputes Investigation Act.*

PART I.

INTERPRETATION.

Definitions.

2. (1) In this Act, unless the context otherwise requires,

"Board".

(a) "Board" means the labour relations board established to administer this Part;

"bargaining agent".

(b) "bargaining agent" means a trade union that acts on behalf of employees

(i) in collective bargaining; or

(ii) as a party to a collective agreement with their employer;

"certified bargaining agent".

(c) "certified bargaining agent" means a bargaining agent that has been certified under this Act and the certification of which has not been revoked;

"collective agreement".

(d) "collective agreement" means an agreement in writing between an employer or an employers' organization acting on behalf of an employer, on the one hand, and a bargaining agent of his employees, on behalf of the employees, on the other hand, containing terms or conditions of employment of employees that include provisions with reference to rates of pay and hours of work;

"collective bargaining".

(e) "collective bargaining" means negotiating with a view to the conclusion of a collective agreement or the renewal or revision thereof, as the case may be; and "bargaining collectively" and "bargain collectively" have corresponding meanings;

"bargaining collectively". "bargain collectively".

"Conciliation Board".

(f) "Conciliation Board" means a Board of Conciliation and Investigation appointed by the Minister in accordance with section twenty-eight of this Act;

"Conciliation Officer". (*g*) "Conciliation Officer" means a person whose duties include the conciliation of disputes and who is under the control and direction of the Minister;

"dispute". "industrial dispute". (*h*) "dispute" or "industrial dispute" means any dispute or difference or apprehended dispute or difference between an employer and one or more of his employees or a bargaining agent acting on behalf of his employees, as to matters or things affecting or relating to terms or conditions of employment or work done or to be done by him or by the employee or employees or as to privileges, rights and duties of the employer or the employee or employees;

"employee". (*i*) "employee" means a person employed to do skilled or unskilled manual, clerical or technical work, but does not include

(i) a manager or superintendent, or any other person who, in the opinion of the Board, exercises management functions or is employed in a confidential capacity in matters relating to labour relations;

(ii) a member of the medical, dental, architectural, engineering or legal profession qualified to practise under the laws of a province and employed in that capacity;

"employer" (*j*) "employer" means any person who employs one or more employees;

"employers organization". (*k*) "employers' organization" means an organization of employers formed for purposes including the regulation of relations between employers and employees;

"lockout". (*l*) "lockout" includes the closing of a place of employment, a suspension of work or a refusal by an employer to continue to employ a number of his employees, done to compel his employees, or to aid another employer to compel his employees, to agree to terms or conditions of employment;

"Minister". (*m*) "Minister" means the Minister charged with the administration of this Act;

"parties". (*n*) "parties" with reference to the appointment of, or proceedings before a Conciliation Board means the parties who are engaged in the collective bargaining or the dispute in respect of which the Conciliation Board is or is not to be established;

"regulation". (*o*) "regulation" means a regulation of the Governor in Council under this Act;

"strike". (*p*) "strike" includes a cessation of work, or refusal to work or to continue to work, by employees, in combination or in concert or in accordance with a common understanding;

"to strike".

(q) "to strike" includes to cease work, or to refuse to work or to continue to work, in combination or in concert or in accordance with a common understanding;

"trade union". "union".

(r) "trade union" or "union" means any organization of employees formed for the purpose of regulating relations between employers and employees; and

Masculine gender.

(s) words importing the masculine gender include corporations, trade unions and employers' organizations, as well as females.

When not to cease being an employee.

(2) No person shall cease to be an employee within the meaning of this Act by reason only of his ceasing to work as the result of a lockout or strike or by reason only of dismissal contrary to this Act.

"unit".

"appropriate for collective bargaining".

(3) For the purposes of this Act, a "unit" means a group of employees and "appropriate for collective bargaining" with reference to a unit, means a unit that is appropriate for such purposes whether it be an employer unit, craft unit, technical unit, plant unit, or any other unit and whether or not the employees therein are employed by one or more employer.

Rights of Employees and Employers.

Trade union membership rights.

3. (1) Every employee has the right to be a member of a trade union and to participate in the activities thereof.

Employers' organization rights.

(2) Every employer has the right to be a member of an employers' organization and to participate in the activities thereof.

Unfair Labour Practices.

Employer or employers' organization interferance with trade union.

4. (1) No employer or employers' organization, and no person acting on behalf of an employer or employers' organization, shall participate in or interfere with the formation or administration of a trade union, or contribute financial or other support to it: Provided that an employer may, notwithstanding anything contained in this section, permit an employee or representative of a trade union to confer with him during working hours or to attend to the business of the organization during working hours without deduction of time so occupied in the computation of the time worked for the employer and without deduction of wages in respect of the time so occupied, or provide free transportation to

Proviso.

representatives of a trade union for purposes of collective bargaining or permit a trade union the use of the employer's premises for the purposes of the trade union.

Discrimination against trade union members.

(2) No employer, and no person acting on behalf of an employer, shall

(a) refuse to employ or to continue to employ any person, or otherwise discriminate against any person in regard to employment or any term or condition of employment because the person is a member of a trade union; or

Employees' rights under Act preserved.

(b) impose any condition in a contract of employment seeking to restrain an employee from exercising his rights under this Act.

Intimidation or threats against trade unionism.

(3) No employer and no person acting on behalf of an employer shall seek by intimidation, by threat of dismissal, or by any other kind of threat, or by the imposition of a pecuniary or other penalty, or by any other means to compel an employee to refrain from becoming or to cease to be a member or officer or representative of a trade union and no other person shall seek by intimidation or coercion to compel an employee to become or refrain from becoming or to cease to be a member of a trade union.

Right of employer to suspend, discharge, etc.

(4) Except as expressly provided, nothing in this Act shall be interpreted to affect the right of an employer to suspend, transfer, lay off or discharge an employee for proper and sufficient cause.

Soliciting memberships in union during working hours.

5. Except with the consent of the employer, no trade union and no person acting on behalf of a trade union shall attempt, at an employer's place of employment during the working hours of an employee of the employer, to persuade the employee to become or refrain from becoming or continuing to be a member of a trade union.

Collective agreement conditions allowed.

6. (1) Nothing in this Act prohibits the parties to a collective agreement from inserting in the collective agreement a provision requiring, as a condition of employment, membership in a specified trade union, or granting a preference of employment to members of a specified trade union.

Invalid conditions.

(2) No provision in a collective agreement requiring an employer to discharge an employee because such employee is or continues to be a member of, or engages in activities on behalf of a union other than a specified trade union, shall be valid.

Collective Bargaining.

Application for Certification of Bargaining Agent.

Conditions of application.

7. (1) A trade union claiming to have as members in good standing a majority of employees of one or more employers in a unit that is appropriate for collective bargaining may, subject to the rules of the Board and in accordance with this section, make application to the Board to be certified as bargaining agent of the employees in the unit.

Time-limit.

(2) Where no collective agreement is in force and no bargaining agent has been certified under this Act for the unit, the application may be made at any time.

Idem.

(3) Where no collective agreement is in force but a bargaining agent has been certified under this Act for the unit, the application may be made after the expiry of twelve months from the date of certification of the bargaining agent, but not before, except with the consent of the Board.

Idem.

(4) Where a collective agreement is in force, the application may be made at any time after the expiry of ten months of the term of the collective agreement, but not before, except with the consent of the Board.

Two or more trade unions joining in application.

(5) Two or more trade unions claiming to have as members in good standing of the said unions a majority of employees in a unit that is appropriate for collective bargaining, may join in an application under this section and the provisions of this Act relating to an application by one union and all matters or things arising therefrom, shall apply in respect of the said application and the said unions as if it were an application by one union.

Craft or group exercising technical skills.

8. Where a group of employees of an employer belong to a craft or group exercising technical skills, by reason of which they are distinguishable from the employees as a whole and the majority of the group are members of one trade union pertaining to such craft or other skills, the trade union may apply to the Board subject to the provisions of section seven of this Act, and shall be entitled to be certified as the bargaining agent of the employees in the group if the group is otherwise appropriate as a unit for collective bargaining.

Certification.

Board determination of application.

9. (1) Where a trade union makes application for certification under this Act as bargaining agent of employees in a unit, the Board shall determine whether the unit in respect of which the application is made is appropriate for collective bargaining and the Board may, before certi-

fication, if it deems it appropriate to do so, include additional employees in, or exclude employees from, the unit, and shall take such steps as it deems appropriate to determine the wishes of the employees in the unit as to the selection of a bargaining agent to act on their behalf.

Certificate granted.

(2) When, pursuant to an application for certification under this Act by a trade union, the Board has determined that a unit of employees is appropriate for collective bargaining

(a) if the Board is satisfied that the majority of the employees in the unit are members in good standing of the trade union; or

(b) if, as a result of a vote of the employees in the unit, the Board is satisfied that a majority of them have selected the trade union to be a bargaining agent on their behalf;

the Board may certify the trade union as the bargaining agent of the employees in the unit.

Where employees employed by two or more employers.

(3) Where an application for certification under this Act is made by a trade union claiming to have as members in good standing a majority in a unit that is appropriate for collective bargaining, which includes employees of two or more employers, the Board shall not certify the trade union as the bargaining agent of the employees in the unit unless

(a) all employers of the said employees consent thereto; and

(b) the Board is satisfied that the trade union might be certified by it under this section as the bargaining agent of the employees in the unit of each such employer if separate applications for such purpose were made by the trade union.

Board examination and inquiries.

(4) The Board may, for the purposes of determining whether the majority of the employees in a unit are members in good standing of a trade union or whether a majority of them have selected a trade union to be their bargaining agent, make or cause to be made such examination of records or other inquiries as it deems necessary, including the holding of such hearings or the taking of such votes as it deems expedient, and the Board may prescribe the nature of the evidence to be furnished to the Board.

Trade union influenced by employer.

(5) Notwithstanding anything in this Act, no trade union, the administration, management or policy of which is, in the opinion of the Board,

(a) influenced by an employer so that its fitness to represent employees for the purpose of collective bargaining is impaired; or

(b) dominated by an employer;

shall be certified as a bargaining agent of employees, nor shall an agreement entered into between such trade union and such employer be deemed to be a collective agreement for the purposes of this Act.

Effect of Certification.

10. Where a trade union is certified under this Act as the bargaining agent of the employees in a unit

Exclusive authority of certified union.

(a) the trade union shall immediately replace any other bargaining agent of employees in the unit and shall have exclusive authority to bargain collectively on behalf of employees in the unit and to bind them by a collective agreement until the certification of the trade union in respect of employees in the unit is revoked;

Revocation of previous certificate.

(b) if another trade union had previously been certified as bargaining agent in respect of employees in the unit, the certification of the last mentioned trade union shall be deemed to be revoked in respect of such employees; and

Substitution.

(c) if, at the time of certification, a collective agreement binding on or entered into on behalf of employees in the unit is in force, the trade union shall be substituted as a party to the agreement in place of the bargaining agent that is a party to the agreement on behalf of employees in the unit, and may, notwithstanding anything contained in the agreement, upon two months' notice to the employer terminate the agreement in so far as it applies to those employees.

Revocation of Certification.

Revocation.

11. Where in the opinion of the Board a bargaining agent no longer represents a majority of employees in the unit for which it was certified, the Board may revoke such certification and thereupon, notwithstanding sections fourteen and fifteen of this Act, the employer shall not be required to bargain collectively with the bargaining agent, but nothing in this section shall prevent the bargaining agent from making an application under section seven of this Act.

Notice to Negotiate.

Order parties to commence collective bargaining.

12. Where the Board has under this Act certified a trade union as a bargaining agent of employees in a unit and no collective agreement with their employer binding on or entered into on behalf of employees in the unit, is in force,

(*a*) the bargaining agent may, on behalf of the employees in the unit, by notice, require their employer to commence collective bargaining; or

(*b*) the employer or an employers' organization representing the employer may, by notice, require the bargaining agent to commence collective bargaining;

with a view to the conclusion of a collective agreement.

Renewal or revision of current agreement or conclusion of new agreement.

13. Either party to a collective agreement, whether entered into before or after the commencement of this Act, may, within the period of two months next preceding the date of expiry of the term of, or preceding termination of the agreement, by notice, require the other party to the agreement to commence collective bargaining with a view to the renewal or revision of the agreement or conclusion of a new collective agreement.

Negotiation.

14. Where notice to commence collective bargaining has been given under section twelve of this Act

Time-limit for parties to meet and negotiate.

(*a*) the certified bargaining agent and the employer, or an employers' organization representing the employer shall, without delay, but in any case within twenty clear days after the notice was given or such further time as the parties may agree, meet and commence or cause authorized representatives on their behalf to meet and commence to bargain collectively with one another and shall make every reasonable effort to conclude a collective agreement; and

Employer not to decrease wage rates or alter conditions pending conclusion of agreement or other proceedings.

(*b*) the employer shall not, without consent by or on behalf of the employees affected, decrease rates of wages or alter any other term or condition of employment of employees in the unit for which the bargaining agent is certified until a collective agreement has been concluded or until a Conciliation Board appointed to endeavour to bring about agreement has reported to the Minister and seven days have elapsed after the report has been received by the Minister, whichever is earlier, or until the Minister has advised the employer that he has decided not to appoint a Conciliation Board.

Parties to proceed without delay after notice given.

15. Where a party to a collective agreement has given notice under section thirteen of this Act to the other party to the agreement

(*a*) the parties shall, without delay, but in any case within twenty clear days after the notice was given or such further time as the parties may agree upon,

meet and commence or cause authorized representatives on their behalf to meet and commence to bargain collectively and make every reasonable effort to conclude a renewal or revision of the agreement or a new collective agreement; and

Employer not to decrease wages or alter conditions pending renewal or revision.

(b) if a renewal or revision of the agreement or a new collective agreement has not been concluded before expiry of the term of, or termination of the agreement, the employer shall not, without consent by or on behalf of the employees affected, decrease rates of wages, or alter any other term or condition of employment in effect immediately prior to such expiry or termination provided for in the agreement, until a renewal or revision of the agreement or a new collective agreement has been concluded or a Conciliation Board, appointed to endeavour to bring about agreement, has reported to the Minister and seven days have elapsed after the report has been received by the Minister, whichever is earlier, or until the Minister has advised the employer that he has decided not to appoint a Conciliation Board.

Conciliation.

Conciliation Officer conference with parties.

16. Where a notice to commence collective bargaining has been given under this Act and

(a) collective bargaining has not commenced within the time prescribed by this Act; or

(b) collective bargaining has commenced;

and either party thereto requests the Minister in writing to instruct a Conciliation Officer to confer with the parties thereto to assist them to conclude a collective agreement or a renewal or revision thereof and such request is accompanied by a statement of the difficulties, if any, that have been encountered before the commencement or in the course of the collective bargaining, or in any other case in which in the opinion of the Minister it is advisable so to do, the Minister may instruct a Conciliation Officer to confer with the parties engaged in collective bargaining.

Conciliation Officer failing then Conciliation Board.

17. Where a Conciliation Officer fails to bring about an agreement between parties engaged in collective bargaining or in any other case where in the opinion of the Minister a Conciliation Board should be appointed to endeavour to bring about agreement between parties to a dispute, the Minister may appoint a Conciliation Board for such purpose.

Collective Agreements.

Binding on agent, employees and employer.

18. A collective agreement entered into by a certified bargaining agent is, subject to and for the purposes of this Act, binding upon

(a) the bargaining agent and every employee in the unit of employees for which the bargaining agent has been certified; and

(b) the employer who has entered into the agreement or on whose behalf the agreement has been entered into.

Provision for final settlement without work stoppage.

19. (1) Every collective agreement entered into after the commencement of this Act shall contain a provision for final settlement without stoppage of work, by arbitration or otherwise, of all differences between the parties to or persons bound by the agreement or on whose behalf it was entered into, concerning its meaning or violation.

Where such provision not in agreement.

(2) Where a collective agreement, whether entered into before or after the commencement of this Act, does not contain a provision as required by this section, the Board shall, upon application of either party to the agreement, by order, prescribe a provision for such purpose and a provision so prescribed shall be deemed to be a term of the collective agreement and binding on the parties to and all persons bound by the agreement and all persons on whose behalf the agreement was entered into.

Parties bound by provision for final settlement.

(3) Every party to and every person bound by the agreement, and every person on whose behalf the agreement was entered into, shall comply with the provision for final settlement contained in the agreement and give effect thereto.

Agreement deemed for term of one year.

20. (1) Notwithstanding anything therein contained, every collective agreement, whether entered into before or after the commencement of this Act, shall, if for a term of less than a year, be deemed to be for a term of one year from the date upon which it came or comes into operation, or if for an indeterminate term shall be deemed to be for a term of at least one year from that date and shall not, except as provided by section ten of this Act or with the consent of the Board, be terminated by the parties thereto within a period of one year from that date.

Revision other than that of the term.

(2) Nothing in this section shall prevent the revision of any provision of a collective agreement, other than a provision relating to the term of the collective agreement, that under the agreement is subject to revision during the term thereof.

Strikes and Lockouts.

Conditions precedent to strike vote, strike or lockout.

21. Where a trade union on behalf of a unit of employees is entitled by notice under this Act to require their employer to commence collective bargaining with a view to the conclusion or renewal or revision of a collective agreement, the trade union shall not take a strike vote or authorize or participate in the taking of a strike vote of employees in the unit or declare or authorize a strike of the employees in the unit, and no employee in the unit shall strike, and the employer shall not declare or cause a lockout of the employees in the unit, until

(a) the bargaining agent and the employer, or representatives authorized by them in that behalf, have bargained collectively and have failed to conclude a collective agreement; and either

(b) a Conciliation Board has been appointed to endeavour to bring about agreement between them and seven days have elapsed from the date on which the report of the Conciliation Board was received by the Minister; or

(c) either party has requested the Minister in writing to appoint a Conciliation Board to endeavour to bring about agreement between them and fifteen days have elapsed since the Minister received the said request and

(i) no notice under subsection two of section twenty-eight of this Act has been given by the Minister, or

(ii) the Minister has notified the party so requesting that he has decided not to appoint a Conciliation Board.

No strikes and lockouts while agreement in force.

22. (1) Except in respect of a dispute that is subject to the provisions of subsection two of this section

(a) no employer bound by or who is a party to a collective agreement, whether entered into before or after the commencement of this Act, shall declare or cause a lockout with respect to any employee bound by the collective agreement or on whose behalf the collective agreement was entered into; and

(b) during the term of the collective agreement, no employee bound by a collective agreement or on whose behalf a collective agreement has been entered into, whether entered into before or after the commencement of this Act, shall go on strike and no bargaining agent that is a party to the agreement shall declare or authorize a strike of any such employee.

Where dispute respecting revision of agreement.

(2) Where a collective agreement is in force and any dispute arises between the parties thereto with reference to the revision of a provision of the agreement that by the provisions of the agreement is subject to revision during the term of the agreement, the employer bound thereby or who is a party thereto shall not declare or cause a lockout with respect to any employee bound thereby or on whose behalf the collective agreement has been entered into, and no such employee shall strike and no bargaining agent that is a party to the agreement shall declare or authorize a strike of any such employee until

(a) the bargaining agent of such employees and the employer or representatives authorized by them on their behalf have bargained collectively and have failed to conclude an agreement on the matters in dispute; and either

(b) a Conciliation Board has been appointed to endeavour to bring about agreement between them and seven days have elapsed from the date on which the report of the Conciliation Board was received by the Minister; or

(c) either party has requested the Minister in writing to appoint a Conciliation Board to endeavour to bring about agreement between them and fifteen days have elapsed since the Minister received the said request and

(i) no notice under subsection two of section twenty-eight of this Act has been given by the Minister, or

(ii) the Minister has notified the party so requesting that he has decided not to appoint a Conciliation Board.

No employee to strike until bargaining agent entitled to give notice to employer to commence collective bargaining.

23. (1) No employee in a unit shall strike until a bargaining agent has become entitled on behalf of the unit of employees to require their employer by notice under this Act to commence collective bargaining with a view to the conclusion or renewal or revision of a collective agreement and the provisions of section twenty-one or twenty-two of this Act, as the case may be, have been complied with.

No lockout while application for certification of bargaining agent pending.

(2) No employer shall declare or cause a lockout of employees while an application for certification of a bargaining agent to act for such employees is pending before the Board.

Trade union not entitled to bargain not to declare strike.

24. A trade union that is not entitled to bargain collectively under this Act on behalf of a unit of employees shall not declare or authorize a strike of employees in that unit.

Suspension or discontinuance of operations.

25. Nothing in this Act shall be interpreted to prohibit the suspension or discontinuance of operations in an employer's establishment, in whole or in part, not constituting a lockout or strike.

Personal grievance of employee.

26. Notwithstanding anything contained in this Act, any employee may present his personal grievance to his employer at any time.

Conciliation Proceedings.

Conciliation Officers.

Conciliation Officer's report to Minister.

27. Where a Conciliation Officer has, under this Act, been instructed to confer with parties engaged in collective bargaining or to any dispute, he shall, within fourteen days after being so instructed or within such longer period as the Minister may from time to time allow, make a report to the Minister setting out

(a) the matters, if any, upon which the parties have agreed;

(b) the matters, if any, upon which the parties cannot agree; and

(c) as to the advisability of appointing a Conciliation Board with a view to effecting an agreement.

Constitution of Conciliation Boards.

Board of Conciliation and Investigation.

28. (1) A Board of Conciliation and Investigation under this Act shall consist of three members appointed in the manner provided in this section.

Nomination by parties.

(2) Where the Minister has decided to appoint a Conciliation Board, he shall forthwith, by notice in writing, require each of the parties within seven days after receipt by the party of the notice, to nominate one person to be a member of the Conciliation Board, and upon receipt of the nomination within the seven days, the Minister shall appoint such person a member of the Conciliation Board.

Where no nomination Minister appoints member.

(3) If either of the parties to whom notice is given under this section, fails or neglects to nominate a person within seven days after receipt of the notice, the Minister shall appoint as a member of the Conciliation Board, a person he deems fit for such purpose, and such member shall be deemed to be appointed on the recommendation of the said party.

Chairman nominated by other two members.

(4) The two members appointed under subsections two and three of this section shall, within five days after the day on which the second of them is appointed, nominate a third person, who is willing and ready to act, to be a member and Chairman of the Conciliation Board, and the Minister shall appoint such person a member and Chairman of the Conciliation Board.

Failure to nominate third member Minister then makes appointment.

(5) If the two members appointed under subsections two and three of this section fail or neglect to make a nomination within five days after the appointment of the second such member, the Minister shall forthwith appoint as the third member and Chairman of the Conciliation Board, a person whom he deems fit for such purpose.

Parties notified of members' names.

(6) When the Conciliation Board has been appointed, the Minister shall forthwith notify the parties of the names of the members of the Board.

Upon notice given Board presumed duly established.

(7) Where the Minister has given notice to parties that a Conciliation Board has been appointed under this Act, it shall be conclusively presumed that the Conciliation Board described in the said notice has been established in accordance with the provisions of this Act, and no order shall be made or process entered or proceedings taken in any court to question the granting or refusal of a Conciliation Board, or to review, prohibit or restrain establishment of that Conciliation Board or any of its proceedings.

Certain persons not to act as members.

(8) No person

(a) who has any pecuniary interest in the matters referred to the Board; or

(b) who is acting or has within a period of six months preceding the date of his appointment acted in the capacity of solicitor, legal adviser, counsel, or paid agent of either of the parties;

shall act as a member of a Conciliation Board.

Person ceasing to be member.

Substituted appointment.

29. Upon a person ceasing to be a member of a Conciliation Board before it has completed its work, the Minister shall appoint a member in his place who shall be selected in the manner prescribed by this Act for the selection of the person who has so ceased to be a member.

Oath of office.

30. Each member of a Conciliation Board shall, before acting as such, take and subscribe before a person authorized to administer an oath or affirmation, and file with the Minister, an oath or affirmation in the following form:

"I do solemnly swear (affirm) that I will faithfully, truly and impartially to the best of my knowledge, skill and ability, execute and perform the office of member of the Conciliation Board appointed to . . . . . and will not, except in the discharge of my duties, disclose to any person any of the evidence or other matter brought before the said Board. So help me God."

Terms of Reference.

Order of reference.

31. (1) Where the Minister has appointed a Conciliation Board, he shall forthwith deliver to it a statement of the matters referred to it, and may, either before or after the making of its report, amend or add to such statement.

Reconsideration of report.

(2) After a Conciliation Board has made its report the Minister may direct it to reconsider and clarify or amplify the report or any part thereof or to consider and report on any new matter added to the amended statement of matters referred to it and the report of the Conciliation Board shall not be deemed to be received by the Minister until such reconsidered report is received.

Procedure.

Function.

32. (1) A Conciliation Board shall, immediately after appointment of the Chairman thereof, endeavour to bring about agreement between the parties in relation to the matters referred to it.

Procedure.

(2) Except as otherwise provided in this Act, a Conciliation Board may determine its own procedure, but shall give full opportunity to all parties to present evidence and make representations.

Time and place of sittings.

(3) The Chairman may, after consultation with the other members of the Board, fix the time and place of sittings of a Conciliation Board and shall notify the parties as to the time and place so fixed.

Quorum.

(4) The Chairman and one other member of a Conciliation Board shall be a quorum, but, in the absence of a member, the other members shall not proceed unless the absent member has been given reasonable notice of the sitting.

Majority decision.

(5) The decision of a majority of the members present at a sitting of a Conciliation Board shall be the decision of the Conciliation Board, and in the event that the votes are equal the Chairman shall have a casting vote.

Particulars of sittings to Minister.

(6) The Chairman shall forward to the Minister a detailed certified statement of the sittings of the Board, and of the members and witnesses present at each sitting.

Majority report.

(7) The report of the majority of its members shall be the report of the Conciliation Board.

Representation before Board.

(8) In any proceedings before the Conciliation Board, no person except with the consent of the parties shall be entitled to be represented by a barrister, solicitor or advocate and, notwithstanding such consent, a Conciliation Board may refuse to allow a barrister, solicitor or advocate to represent a party in any such proceedings.

Witnesses and documents.

33. (1) A Conciliation Board shall have the power of summoning before it any witnesses and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the Conciliation Board deems requisite to the full investigation

and consideration of the matters referred to it, but the information so obtained from such documents shall not, except as the Conciliation Board deems expedient, be made public.

Enforced attendance of witnesses.

(2) A Conciliation Board shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases.

Administration of oath.

(3) Any member of a Conciliation Board may administer an oath, and the Conciliation Board may receive and accept such evidence on oath, affidavit or otherwise as it in its discretion may deem fit and proper whether admissible in evidence in a court of law or not.

Entry and inspection.

34. A Conciliation Board or a member of a Conciliation Board or any person who has been authorized for such purpose in writing by a Conciliation Board may, without any other warrant than this section, at any time, enter a building, ship, vessel, factory, workshop, place, or premises of any kind wherein work is being or has been done or commenced by employees or in which an employer carries on business or any matter or thing is taking place or has taken place, concerning the matters referred to the Conciliation Board, and may inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such place, matter or thing hereinbefore mentioned; and no person shall hinder or obstruct the Board or any person authorized as aforesaid in the exercise of a power conferred by this section or refuse to answer an interrogation made as aforesaid.

Report.

Report to Minister within specified time.

35. A Conciliation Board shall, within fourteen days after the appointment of the Chairman of the Board, or within such longer period as may be agreed upon by the parties, or as may from time to time be allowed by the Minister, report its findings and recommendations to the Minister.

Copy of report to parties.

Publication.

36. On receipt of the report of a Conciliation Board the Minister shall forthwith cause a copy thereof to be sent to the parties and he may cause the report to be published in such manner as he sees fit.

Report and proceedings not evidence in court except for perjury.

37. No report of a Conciliation Board, and no testimony or proceedings before a Conciliation Board shall be receivable in evidence in any court in Canada except in the case of a prosecution for perjury.

ARBITRATION.

Report binding by agreement.

38. Where a Conciliation Board has been appointed and at any time before or after it has made its report, the parties so agree in writing, the recommendation of the Conciliation Board shall be binding on the parties and they shall give effect thereto.

ENFORCEMENT.

Offence of employer decreasing wage rate or altering term of employment.

39. Every employer and every person acting on behalf of an employer who decreases a wage rate or alters any term or condition of employment contrary to section fourteen or section fifteen of this Act is guilty of an offence and liable on summary conviction to a fine not exceeding

(a) five dollars in respect of each employee whose wage rate was so decreased or whose term or condition of employment was so altered, or

(b) two hundred and fifty dollars,

whichever is the lesser, for each day during which such decrease or alteration continues contrary to this Act.

Unfair labour practices.

Offence.

40. (1) Every person, trade union and employers' organization who violates section four or section five of this Act is guilty of an offence and liable upon summary conviction,

Fine.

(a) if an individual, to a fine not exceeding two hundred dollars; or

(b) if a corporation, trade union or employers' organization, to a fine not exceeding five hundred dollars.

Payment to employee.

Reinstatement.

(2) Where an employer is convicted for violation of paragraph *(a)* of subsection two of section four of this Act by reason of his having suspended, transferred, laid off or discharged an employee contrary to this Act, the convicting court, judge or magistrate, in addition to any other penalty authorized by this Act may order the employer to pay compensation for loss of employment to the employee not exceeding such sum as in the opinion of the court, judge or magistrate, as the case may be, is equivalent to the wages, salary or other remuneration that would have accrued to the employee up to the date of conviction but for such suspension, transfer, lay-off or discharge, and may order the employer to reinstate the employee in his employ at such date as in the opinion of the court, judge or magistrate is just and proper in the circumstances in the position which the employee would have held but for such suspension, transfer, lay-off or discharge.

Refusal to comply with order.

(3) Every person, trade union and employers' organization who contrary to this Act refuses or neglects to comply with any order of a court, judge or magistrate made under this section or any lawful order of the Board is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars for each day during which such refusal or failure continues.

Lockout.

41. (1) Every employer who declares or causes a lockout contrary to this Act is guilty of an offence and liable upon summary conviction to a fine not exceeding two hundred and fifty dollars for each day that the lockout exists.

Idem.

(2) Every person acting on behalf of an employer who declares or causes a lockout contrary to this Act is guilty of an offence and liable on summary conviction to a fine not exceeding three hundred dollars.

Strike.

(3) Every trade union that declares or authorizes a strike contrary to this Act is guilty of an offence and liable upon summary conviction to a fine not exceeding one hundred and fifty dollars for each day that the strike exists.

Idem.

(4) Every officer or representative of a trade union who contrary to this Act, authorizes or participates in the taking of a strike vote of employees or declares or authorizes a strike contrary to this Act is guilty of an offence and liable upon summary conviction to a fine not exceeding three hundred dollars.

Offence general.

42. Every person, trade union or employers' organization who does anything prohibited by this Act or who refuses or neglects to do anything required by this Act to be done by him is guilty of an offence and, except where some other penalty is by this Act provided for the act, refusal or neglect is liable on summary conviction,

(a) if an individual, to a fine not exceeding one hundred dollars; or

(b) if a corporation, trade union or employers' organization, to a fine not exceeding five hundred dollars.

Reference of complaint by Minister to Board.

43 (1) Where the Minister receives a complaint in writing from a party to collective bargaining that any other party to such collective bargaining has failed to comply with paragraph *(a)* of section fourteen of this Act or with paragraph *(a)* of section fifteen of this Act, he may refer the same to the Board.

Consideration and disposition of complaint.

(2) Where a complaint from a party to collective bargaining is referred to the Board pursuant to subsection one of this section, the Board shall inquire into the complaint and may dismiss the complaint or may make an order requiring any party to such collective bargaining to do such things as in the opinion of the Board are necessary to secure compliance with paragraph *(a)* of section fourteen or paragraph *(a)* of section fifteen of this Act.

Compliance with order.

(3) Every employer, employers' organization, trade union or other person in respect of whom an order is made under this section, shall comply with such order.

Investigation and report of alleged violations.

44. (1) A person claiming to be aggrieved because of an alleged violation of any of the provisions of this Act may make a complaint in writing to the Minister and the Minister, upon receipt of such complaint, may require an Industrial Inquiry Commission appointed by him pursuant to section fifty-six of this Act or a Conciliation Officer to investigate and make a report to him in respect of the alleged violation.

Copy of report to parties.

(2) Upon receipt of a report pursuant to subsection one of this section, the Minister shall furnish a copy to each of the parties affected and if the Minister considers it desirable to do so, shall publish the same in such manner as he sees fit.

Consent to prosecution.

(3) The Minister shall take into account any report made pursuant to this section or any action taken by the Board upon a complaint referred to it under this Act in granting or refusing to grant consent to prosecute under section forty-six of this Act.

Prosecution of employers' organization or trade union.

45. (1) A prosecution for an offence under this Act may be brought against an employers' organization or a trade union and in the name of the organization or union and for the purpose of such a prosecution a trade union or an employers' organization shall be deemed to be a person, and any act or thing done or omitted by an officer or agent of an employers' organization or trade union within the scope of his authority to act on behalf of the organization or union shall be deemed to be an act or thing done or omitted by the employers' organization or trade union.

(2) An information or complaint in respect of a contravention of the provisions of this Act may be for one or more offences, and no information, complaint, warrant, conviction or other proceedings in a prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Consent of Minister to prosecution.

46. (1) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister.

Idem.

(2) A consent by the Minister indicating that he has consented to the prosecution of a person named therein for an offence under this Act alleged to have been committed, or in the case of a continuing offence, alleged to have commenced, on a date therein set out, shall be a sufficient consent for the purposes of this section to the prosecution of the said person for any offence under this Act committed by or commencing on the said date.

GENERAL.

Signature to application, notice or collective agreement.

47. For the purposes of this Act, an application to the Board or any notice or any collective agreement may be signed, if it is made, given or entered into

(a) by an employer who is an individual, by the employer himself;

(b) where several individuals, who are jointly employers, by a majority of the said individuals;

(c) by a corporation, by one of its authorized managers or by one or more of the principal executive officers;

(d) by a trade union or employers' organization, by the president and secretary or by any two officers thereof or by any person authorized for such purpose by resolution duly passed at a meeting thereof.

Notice by mail.

48. For the purpose of this Act, and of any proceedings taken thereunder, any notice or other communication sent through His Majesty's mails shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail.

Service prescribed by regulation.

(2) A document may be served or delivered for the purposes of this Act or any proceedings thereunder in the manner prescribed by regulation.

Documents as evidence in court

49. (1) Any document purporting to contain or to be a copy of any rule, decision, direction or order of the Board, and purporting to be signed by a member of the Board, or the chief executive officer thereof, shall be accepted by any court as evidence of the rule, decision, direction, order or other matter therein contained of which it purports to be a copy.

Certificate *prima facie* evidence.

(2) A certificate purporting to be signed by the Minister or his Deputy or by an official in his department stating that a report, request or notice was or was not received or given by the Minister pursuant to this Act, and if so received or given, the date upon which it was so received or given, shall be *prima facie* evidence of the facts stated therein without proof of the signature or of the official character of the person appearing to have signed the same.

Failure to report within time-limit.

50. Failure of a Conciliation Officer or Conciliation Board to report to the Minister within the time provided in this Act shall not invalidate the proceedings of the Conciliation Officer or Conciliation Board or terminate the authority of the Conciliation Board under this Act.

Proceedings not invalidated by irregularity.

51. No proceeding under this Act shall be deemed invalid by reason of any defect in form or any technical irregularity.

INFORMATION.

Collective agreement copy filed with Minister.

52. (1) Each of the parties to a collective agreement shall forthwith upon its execution file one copy with the Minister.

Particulars filed with Board.

(2) The Board may direct any trade union or employers' organization which is a party to any application for certification, or is a party to an existing collective agreement, to file with the Board

(a) a statutory declaration signed by its President or Secretary stating the names and addresses of its officers; and

(b) a copy of its constitution and by-laws;

and the trade union or employers' organization shall comply with the direction within the time prescribed by the Board.

PART II

Application and Administration.

Application.

Classes of employees and employers thereof and works, undertakings or businesses under Part I.

53. Part I of this Act shall apply in respect of employees who are employed upon or in connection with the operation of the following works, undertakings or businesses, namely,

(a) works, undertakings or businesses operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada;

(b) railways, canals, telegraphs and other works and undertakings connecting a province with any other or others of the provinces, or extending beyond the limits of a province;

(c) lines of steam and other ships connecting a province with any other or others of the provinces or extending beyond the limits of a province;

(d) ferries between any province and any other province or between any province and any country other than Canada;

(e) aerodromes, aircraft and lines of air transportation;

(f) radio broadcasting stations;

(g) such works or undertakings as, although wholly situate within a province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces; and

(h) any work, undertaking or business outside the exclusive legislative authority of the legislature of any province;

and in respect of the employers of all such employees in their relations with such employees and in respect of trade unions and employers' organizations composed of such employees or employers.

Part I. Government corporation.

54. Part I of this Act shall apply in respect of any corporation established to perform any function or duty on behalf of the Government of Canada and in respect of employees of such corporation, except any such corporation, and the employees thereof, that the Governor in Council, excludes from the provisions of Part I.

Exception.

Idem.

55. Except as provided by section fifty-four, Part I of this Act shall not apply to His Majesty in right of Canada or employees of His Majesty in right of Canada.

Industrial Inquiries.

Ministerial powers.

56. (1) The Minister may either upon application or of his own initiative, where he deems it expedient, make or cause to be made any inquiries he thinks fit regarding industrial matters, and may do such things as seem calculated to maintain or secure industrial peace and to promote conditions favourable to settlement of disputes.

Reference to an Industrial Inquiry Commission.

(2) For any of the purposes of subsection one of this section or where in any industry a dispute or difference between employers and employees exists or is apprehended, the Minister may refer the matters involved to a Commission, to be designated as an Industrial Inquiry Commission, for investigation thereof, as the Minister deems expedient, and for report thereon; and shall furnish the Commission with a statement of the matters concerning which such inquiry is to be made, and, in the case of any inquiry involving any particular persons or parties, shall advise such persons or parties of such appointment.

Function and powers of Commission.

(3) Immediately following its appointment an Industrial Inquiry Commission shall inquire into the matters referred to it by the Minister and endeavour to carry out its terms of reference; and in the case of a dispute or difference in which a settlement has not been effected in the meantime the report of the result of its inquiries, including its recommendations, shall be made to the Minister within fourteen days of its appointment or such extension thereof as the Minister may from time to time grant.

Report.

Copies of report to parties.

(4) Upon receipt of a report of an Industrial Inquiry Commission relating to any dispute or difference between employers and employees the Minister shall furnish a copy to each of the parties affected and shall publish the same in such manner as he sees fit.

Constitution of Commission.

(5) An Industrial Inquiry Commission shall consist of one or more members appointed by the Minister and the provisions of sections thirty-three and thirty-four of this Act shall apply, *mutatis mutandis*, as though enacted in respect of that Commission and the Commission may determine its own procedure but shall give full opportunity to all parties to present evidence and make representations.

Remuneration and expenses.

(6) The Chairman and members of an Industrial Inquiry Commission shall be paid remuneration and expenses at the same rate as is payable to a Chairman and members of a Conciliation Board under this Act.

Administration.

Minister.

Minister of Labour.

57. The Minister of Labour shall be charged with the administration of this Act and shall exercise the powers and perform the duties imposed on the Minister by Part I of this Act.

Canada Labour Relations Board.

Constitution of Board.

58. (1) There shall be a labour relations board to administer Part I of this Act which shall be known as the Canada Labour Relations Board and shall consist of a chairman, and such number of other members as the Governor in Council may determine, not exceeding eight consisting of an equal number of members representative of employees and employers.

Appointment and tenure of office.

(2) The members of the Board shall be appointed by the Governor in Council and shall hold office during pleasure.

Vice-chairman.

(3) In addition to the chairman and members of the Board, the Governor in Council may appoint a person as vice-chairman to act in the place of the chairman during his absence for any reason, and the vice-chairman shall be a member of the Board while so acting.

Head office.

(4) The head office of the Board shall be in Ottawa.

Powers under R.S., c. 99.

(5) The Board shall have the powers of commissioners under Part I of the *Inquiries Act*.

Evidence and information.

(6) The Board may receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it may deem fit and proper whether admissible as evidence in a court of law or not.

Remuneration and expenses.

(7) The members shall be paid such remuneration as may be fixed by the Governor in Council, and such actual and reasonable expenses as may be incurred by them in the discharge of their duties.

Delegation of powers.

59. Subject to regulation, the Board may by order authorize any person or board to exercise or perform all or any of its powers or duties under this Act relating to any particular matter and a person or board so authorized shall with respect to such matter have the powers of commissioners under Part I of the *Inquiries Act*.

R.S., c. 99

Procedure rules.

60. (1) The Board may, with the approval of the Governor in Council, make rules governing its procedure, including the fixing of a quorum of the Board, and, where an application for certification in respect of a unit has been refused, the time when a further application may be made in respect of the same unit by the same applicant.

Publication.

(2) The rules of the Board shall have effect upon publication in the *Canada Gazette*.

Powers of Board.

Decisions final and conclusive.

61. (1) If in any proceeding before the Board a question arises under this Act as to whether

(a) a person is an employer or employee;

(b) an organization or association is an employers' organization or a trade union;

(c) in any case a collective agreement has been entered into and the terms thereof and the persons who are parties to or are bound by the collective agreement or on whose behalf the collective agreement was entered into;

(d) a collective agreement is by its terms in full force and effect;

(e) any party to collective bargaining has failed to comply with paragraph *(a)* of section fourteen or with paragraph *(a)* of section fifteen of this Act;

(f) a group of employees is a unit appropriate for collective bargaining;

(g) an employee belongs to a craft or group exercising technical skills; or

(h) a person is a member in good standing of a trade union;

the Board shall decide the question and its decision shall be final and conclusive for all the purposes of this Act.

Reconsider, vary or revoke.

(2) A decision or order of the Board is final and conclusive and not open to question, or review, but the Board may, if it considers it advisable so to do, reconsider any decision or order made by it under this Act, and may vary or revoke any decision or order made by it under this Act.

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Arrangements with Provinces.

Where uniform provincial legislation.

62. (1) Where legislation enacted by the legislature of a province and Part I of this Act are substantially uniform, the Minister of Labour may, on behalf of the Government of Canada, with the approval of the Governor in Council, enter into an agreement with the government of the province to provide for the administration by officers and employees of Canada of the provincial legislation.

Agreement for administration by Canada.

(2) An agreement made pursuant to subsection one of this section may provide

(a) for the administration by Canada of the said legislation of the province with respect to any particular undertaking or business;

(b) that the person who is from time to time the Minister may on behalf of the province exercise or perform powers or duties conferred under the legislation of the province referred to in subsection one of this section;

(c) that the persons who from time to time are members of the Board, or other officers and employees of Canada, may exercise or perform powers or duties conferred or imposed under the said legislation of the province, either by way of appeal or otherwise; and

(d) for payment by the Government of the province to the Government of Canada for expenses incurred by the said Government of Canada in the administration of the said legislation of the province.

Where powers or duties conferred on Minister or Dominion officers by provincial legislation.

63. Where the legislature of a province has enacted legislation substantially uniform with Part I of this Act and

(a) an agreement has been entered into between the Government of Canada and the government of such province; or

(b) such legislation so provides and the Governor in Council so orders;

the person who is from time to time the Minister and the persons who, from time to time, are members of the Board, and other officers or employees of Canada, may exercise the powers and perform the duties specified in such legislation or agreement.

Conciliation Boards.

Remuneration.

64. (1) Unless the Governor in Council otherwise orders, the following remuneration shall be paid:

(a) to a member of a Conciliation Board other than the chairman, an allowance of five dollars for each day, not more than three, during which he is engaged in considering the recommendation of a person to be the third member of the Board; and

(b) to a member of the Board, other than the chairman, an allowance at the rate of twenty-five dollars for each day he is present when the Board sits and for each day necessarily spent travelling from his place of residence to a meeting of the Board and returning therefrom and for each day not exceeding two days he is engaged in completion of the Board's report and to the chairman an allowance of thirty dollars for each day to be similarly determined.

Expenses.

(2) Each member of a Conciliation Board is entitled to his actual and reasonable travelling and living expenses for each day that he is absent from his place of residence, in connection with the work of the Board.

Witness fees.

65. Every person who is summoned by the Board or a Conciliation Board or Industrial Inquiry Commission and duly attends as a witness shall be entitled to an allowance for expenses determined in accordance with the scale for the time being in force with respect to witnesses in civil suits in the superior court in the province where the inquiry is being conducted, and in any event, he shall be entitled to not less than four dollars for each day he so attends.

Clerical assistance.

66. The Minister may provide a Conciliation Board, or Industrial Inquiry Commission with a secretary, stenographer, and such clerical or other assistance as to the Minister seems necessary for the performance of its duties and fix their remuneration.

Regulations.

G. in C. regulations.

67. (1) The Governor in Council may make regulations

(a) as to the time within which anything authorized by this Act shall be done;

(b) excluding an employer or employee or any class of employers or employees from the provisions of Part I of this Act or any of the provisions thereof; and

(c) generally for carrying any of the purposes or provisions of this Act into effect.

Publication.

Laid before Parliament.

(2) Regulations made under this section shall go into force on the day of the publication thereof in the *Canada Gazette*, and they shall be laid before Parliament within fifteen days after such publication, or, if Parliament is not then in session, within fifteen days after the opening of the next session thereof.

Annual Report.

Annual report laid before Parliament.

68. An annual report with respect to the matters transacted by him under this Act shall be laid by the Minister before Parliament within the first fifteen days of each session thereof.

General.

Officers, clerks, employees. Chief Executive Officer.

69. There may be employed in the manner authorized by law, such officers, clerks and employees as are necessary for the administration of this Act, including a Chief Executive Officer of the Board.

Expenses provided by Parliament.

70. The expenses of the administration of this Act shall be paid out of moneys provided by Parliament.

Fines and penalties belong to Crown.

71. All fines and penalties imposed under this Act shall be payable to the Receiver General of Canada and belong to His Majesty in right of Canada for the public uses of Canada.

Continuation.

Board successor to Wartime Relations Board.

72. (1) The Canada Labour Relations Board established by this Act shall be the successor to the Wartime Labour Relations Board established by order of His Excellency the Governor General in Council of the seventeenth day of February, one thousand nine hundred and forty-four, as amended from time to time, and the said order, as amended, shall be deemed to have been revoked on the coming into force of this Act, and all acts and things done and matters and proceedings commenced by the said Wartime Labour Relations Board under the said order, as amended, shall, in so far as the said matters and proceedings are within the authority of the Canada Labour Relations Board established by this Act, be continued by the Canada Labour Relations Board under this Act.

Wartime Relations Board acts deemed acts of Board.

(2) Every regulation, order, decision or determination or any other act or thing, made, given or done by or on behalf of the Wartime Labour Relations Board or by the Minister or by any other person under the order of His Excellency the Governor General in Council mentioned in subsection one of this section, shall, in so far as the said regulation, order, decision, determination, act or thing might be done under this Act, be deemed to have been made, given or done by the Canada Labour Relations Board or the Minister or such other person under this Act.

Certified bargaining agent by Order in Council before this Act. Act to apply.

(3) Where a person was certified, before the commencement of this Act, under the Order of His Excellency the Governor General in Council mentioned in subsection one of this section, as a bargaining agent pursuant to an application by a trade union (including therein an employees' organization as defined in the said Order) the said trade union shall be deemed to have been certified as a bargaining agent for the purposes of Part I of this Act for the employees on behalf of whom the said person was so certified so far as the said Part I applies to the said employees, and where in any other case a person was so certified as a bargaining agent, such person shall be deemed to be a bargaining agent for the purposes of Part I of this Act for the employees on behalf of whom he was so certified so far as the said Part I applies to the said employees.

REPEAL AND COMMENCEMENT.

Repeal. R.S., c. 112.

73. The *Industrial Disputes Investigation Act* is repealed.

Coming into force.

74. This Act shall come into force on a day to be fixed by proclamation.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 196.

An Act to amend The War Veterans' Allowance Act, 1946.

First reading, April 6, 1948.

THE MINISTER OF VETERANS AFFAIRS.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

3939

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 196.

An Act to amend The War Veterans' Allowance Act, 1946.

1946, c. 75.

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

1. Paragraph *(g)* of section two of *The War Veterans' Allowance Act, 1946*, chapter seventy-five of the statutes of 1946, is repealed and the following substituted therefor:

"orphan."

"*(g)* 'orphan' means

(i) a child of a veteran who is bereft by death of both father and mother; or

(ii) a child of a deceased veteran whose surviving parent has, in the opinion of the Board, abandoned or deserted the child;"

2. Subsection seven of section three of the said Act is repealed and the following substituted therefor:

Salaries.

"(7) The Chairman shall be paid a salary of eight thousand dollars per annum and each of the other members, including temporary members, shall be paid at the rate of seven thousand dollars per annum."

3. Paragraph *(c)* of section four of the said Act is repealed and the following substituted therefor:

"*(c)* any former member of His Majesty's Canadian forces who served during World War I or World War II and who

(i) served in a theatre of actual war;

(ii) is in receipt of a pension for injury or disease incurred or aggravated while he was enlisted or obligated to serve without territorial limitation with such forces; or

EXPLANATORY NOTES.

1. The purpose of this amendment is to make provision for a neglected child of a veteran.

2. The salaries as proposed amount to an increase of $500.00 per annum for each of the members of the Board, except the Chairman, whose salary remains the same.

3. *(c)* The purpose of this amendment is to make it clear that the benefits under this part of the Act are limited to those pensioners who were members of the Canadian Expeditionary Force in World War I, of the Canadian Active Service Force in World War II, or of any other Canadian force in which pensioners had enlisted or been obligated to serve without territorial limitation.

This confirms established policy.

R.S., c. 157.

(iii) pursuant to the Pension Act has accepted a final payment in lieu of annual pension in respect of a disability rated at five per centum or more of total disability, incurred while he was enlisted or obligated to serve without territorial limitation with such forces; or"

4. Section six of the said Act is repealed and the following substituted therefor:

Maximum allowance in certain cases.

"**6.** (1) The maximum allowance payable in any year to an unmarried veteran or a veteran bereft by death of his or her spouse, without child or children, shall be three hundred and sixty-five dollars less the amount of any income of the recipient in excess of two hundred and fifty dollars per annum.

Maximum allowance

(2) The maximum allowance payable in any year to

(a) a married veteran shall be seven hundred and thirty dollars less the total amount of any incomes of such veteran and his or her spouse in excess of three hundred and seventy-five dollars per annum;

(b) a veteran bereft by death of his or her spouse with a child or children shall be seven hundred and thirty dollars less the amount of any income of such veteran in excess of three hundred and seventy-five dollars per annum;

(c) a veteran, deserted by his or her spouse or divorced, with a child or children shall be seven hundred and thirty dollars less the amount of any income of such veteran in excess of three hundred and seventy-five dollars per annum;"

5. Subsections one and two of section eight of the said Act are repealed and the following substituted therefor:

Maximum allowance in certain cases.

"**8.** (1) The maximum allowance payable in any year to a widow without child or children shall be three hundred and sixty-five dollars less the amount of any income of the recipient in excess of two hundred and fifty dollars per annum.

(2) The maximum allowance payable in any year to a widow with a child or children shall be seven hundred and thirty dollars less the amount of any income of the recipient in excess of three hundred and seventy-five dollars per annum."

4. Permissible income in case of a single veteran is raised from $125.00 to $250.00 per year and, in the case of a married veteran or widower with children from $250.00 to $375.00 per year. Provision is made, also, to treat a deserted or divorced veteran with a child or children as if living with spouse.

5. Permissible income in the case of a widow is raised from $125.00 to $250.00 per year and in the case of a widow with a child or children from $250.00 to $375.00 per year.

6. Section nine of the said Act is repealed and the following substituted therefor:

"veteran" defined.

"**9.** In this Part, unless the context otherwise requires 'veteran' means

(a) person who served during World War I and World War II as a member of His Majesty's Canadian forces and was enlisted or obligated to serve in such forces without territorial limitation; or

(b) a person who served during World War I as a member of His Majesty's forces other than Canadian forces, was domiciled in Canada when he became a member of the said forces, and was a member of His Majesty's Canadian forces during World War II, enlisted or obligated to serve without territorial limitation,

and who has been honourably discharged or has been permitted honourably to resign or retire from such forces."

7. Subsections one and two of section eleven of the said Act are repealed and the following substituted therefor:—

Maximum allowance in certain cases.

"**11.** (1) The maximum allowance payable in any year to an unmarried veteran or a veteran bereft by death of his or her spouse or a widow, without child or children, shall be three hundred and sixty-five dollars less the amount of any income of the recipient in excess of two hundred and fifty dollars per annum.

Maximum alllowance respecting a married veteran and similar persons.

(2) The maximum allowance payable in any year to

(a) a married veteran shall be seven hundred and thirty dollars less the total amount of any incomes of such veteran and his or her spouse in excess of three hundred and seventy-five dollars per annum;

(b) a veteran with a child or children and bereft by death of his or her spouse, or a widow with a child or children, shall be seven hundred and thirty dollars less the amount of any income of such recipient in excess of three hundred and seventy-five dollars per annum;

(c) a veteran deserted by his or her spouse or divorced with a child or children shall be seven hundred and thirty dollars less the amount of any income of such veteran in excess of three hundred and seventy-five dollars per annum."

6. This amendment clarifies the meaning of "veteran" under Part III of the Act. It covers those persons referred to in the Veterans' Dual Service Pension Order passed under the *War Measures Act* as P.C. 160/7746 of the 4th day of October, 1944. It is not necessary for such persons to have served in an actual theatre of war to be eligible for benefits under the Act. However, to be so eligible they must have enlisted or been obligated to serve in the Canadian forces without territorial limitation and must have an honourable termination of such service.

7. Permissible income in the case of a single veteran is raised from $125.00 to $250.00 per year and, in the case of a widow with a child or children from $250.00 to $375.00 per year. Provision is made, also, to treat a deserted or divorced veteran with a child or children as if living with spouse.

8. The said Act is further amended by adding thereto immediately after section twelve thereof, the following section:

Supplementary allowance.

"**12A** (1) A supplementary allowance not exceeding one hundred and twenty dollars in any year shall be payable with the approval of the Board to a person who is in receipt of the maximum allowance payable under section six, subsection one or two of section eight or subsection one or two of section eleven.

Maximum.

(2) The maximum supplementary allowance of a recipient shall not exceed the amount by which the amount of income specified for his case by sections six, eight or eleven exceeds his income."

Paragraph repealed.

9. Paragraph *(d)* of section thirteen of the said Act is repealed.

Coming into force.

10. Sections four, five, seven, eight and nine of this Act shall be deemed to have come into force on the first day of October nineteen hundred and forty-seven.

8. (1) Provision is here made for a supplementary allowance up to $120.00 per year where the maximum allowance is found to be in payment.

(2) The supplementary yearly allowance is not to exceed the difference between the actual income of the recipient and the permissible income applicable in his case.

9. Paragraph *(d)* of section 13 provides that no deduction shall be made from any allowance by reason of "any casual earnings of the recipient to the extent of $125.00 in any year". This paragraph is being repealed. Those earnings will hereafter be considered as part of the new permissive income.

10. This clause makes it possible for the supplementary allowance to be paid retroactively where necessary to the 1st day of October, 1947.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 197.

An Act to amend The Export Credits Insurance Act.

First reading, April 8, 1948.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6170

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 197.

An Act to amend The Export Credits Insurance Act.

1944-45, c. 39; 1946, c. 49.

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

1. *The Export Credits Insurance Act*, chapter thirty-nine of the statutes of 1944-45, is amended by adding thereto, immediately after section twenty thereof, the following section:

Contracts approved by Governor in Council.

"**20A.** (1) Where the Minister reports to the Governor in Council that

(a) the Board, having regard to the limitations imposed by section fourteen, is of opinion that a proposed contract of insurance will impose upon the Corporation a liability for a term or in an amount in excess of that which the Corporation would normally undertake in relation to any one contract, exporter, commodity or country; and

(b) in the opinion of the Minister it is in the national interest that the proposed contract be entered into;

the Governor in Council may approve of and authorize the Corporation to enter into the proposed contract of insurance.

Moneys required to discharge liabilities to be paid out of C.R.F.

(2) All moneys required by the Corporation to discharge its liabilities arising under any contract of insurance entered into under this section shall be paid to the Corporation by the Minister of Finance out of unappropriated moneys in the Consolidated Revenue Fund.

Liability under contracts outstanding.

(3) The liability of the Corporation under the contracts of insurance entered into under this section and outstanding shall not at any time exceed one hundred million dollars and shall not be included in the liability of the Corporation for the purposes of section fourteen.

Explanatory Notes.

Section 14 of the Act reads as follows:

"**14.** The liability of the Corporation under the contracts of insurance issued and outstanding shall not at any time exceed a total of ten times the aggregate of the amount of the paid-up capital and the surplus of the Corporation."

The general objects of the Act require that the risks underwritten by the Corporation be spread over a wide field of transactions, exporters and countries. Some transactions which the Corporation is asked to underwrite, however beneficial to Canada, would not normally be underwritten by the Corporation because they would involve and centralize an undue proportion of the maximum amount authorized by Section 14. The purpose of the new section 20A is to provide a means whereby contracts of that nature which are deemed by the Minister of Trade and Commerce to be in the national interest may, with the approval of the Governor in Council, be underwritten by the Corporation beyond such limitation.

Separate accounts.

(4) The Corporation shall maintain a separate account of all receipts and disbursements arising out of contracts entered into under this section and shall, if the Minister of Finance so directs, pay to the Receiver General of Canada any part of such receipts that the Minister considers to be in excess of the amount required to meet expenses and overhead arising out of such contracts.

Orders laid before Parliament.

(5) All Orders in Council made under this section while Parliament is in session shall be laid before Parliament during such session and, if made while Parliament is not in session, shall be laid before Parliament at the next ensuing session thereof."

198.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 198.

An Act to amend The Dominion Elections Act, 1938.

First reading, April 8, 1948.

SECRETARY OF STATE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

3664

4th Session, 20th Parliament, 12 George VI, 1948.

THE HOUSE OF COMMONS OF CANADA

BILL 198.

An Act to amend The Dominion Elections Act, 1938.

1938, c. 46.

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

1. (1) Section two of *The Dominion Elections Act, 1938*, chapter forty-six of the statutes of Canada, 1938, is amended by adding thereto the following subsection:

"fishermen."

"(12A) "fishermen" means all persons who are engaged or employed on inland, coastal, or deep-sea waters, on salary or wages, or on shares in association with others, or on their own behalf, in the process of fishing as an industry, including sealing and whaling;"

(2) Subsection fourteen of the said section two is repealed and the following substituted therefor:—

"hours of the day."

"(14) "hours of the day" and all other references to time appearing in this Act relate to standard time;"

(3) Paragraph *(d)* of subsection fifteen of the said section two is repealed and the following substituted therefor:—

"*(d)* in relation to the electoral district of Yukon-Mackenzie River, the person exercising from time to time the jurisdiction of the judge of the Territorial court of the Yukon Territory; and"

(4) Subsection thirty-one of the said section two is repealed and the following substituted therefor:—

"province."

"(31) "province" means any province of Canada and includes the electoral district of Yukon-Mackenzie River;"

2. Subsection one of section four of the said Act is repealed and the following substituted therefor:—

Tenure of office, salary, rank, and powers of Chief Electoral Officer.

"**4.** (1) The Chief Electoral Officer shall hold office on the same tenure as, be removable only for cause and in the same manner as, and be entitled to superannuation on the same conditions as, a Judge of the Supreme Court of Canada;

Explanatory Notes.

The various amendments contained in this Bill have been recommended by the Special Committee on the Dominion Elections Act in their final report dated July 3rd, 1947.

1. Section 2 (12A). This amendment corresponds to the modification herein made to section 95 of the Act which prescribes that fishermen are entitled to the privilege of voting at advance polls.

Section 2 (14). This amendment provides that every operation relating to a Dominion election will be on standard time. This means that polls will open and close at the same hour in an electoral district where both daylight saving and standard times are in effect during a Dominion election. The present provision, which was enacted by section 3 of Chapter 26, S. of C., 1944-45, reads as follows:—

"(14) "hours of the day" and all other references to time in this Act relate to whatever time is lawfully in effect in an electoral district during a Dominion election."

Subsections (15) and (31) of section 2 of the Act are amended so as to correspond with the change made in *The Representation Act, 1947*, with regard to the electoral district of Yukon-Mackenzie River. The present provisions read as follows:—

"*(d)* in relation to the Yukon Territory, the judge exercising from time to time the jurisdiction of the judge of the Territorial Court of the said Territory, and"

"(31) "province" means any province in the Dominion of Canada and includes the Yukon Territory;"

2. Section 4 (1). This amendment provides that the salary of the Chief Electoral Officer be increased from eight thousand to ten thousand dollars per annum. The present provision reads as follows:—

"**4.** (1) The Chief Electoral Officer shall hold office on the same tenure as, be removable only for cause and in the same manner as, and be entitled to superannuation on the same condition as, a Judge of the Supreme Court of Canada. He shall rank as and have all the powers of a deputy head of a department, communicate with the Governor in Council through the Secretary of State of Canada, devote himself exclusively to the performance of the duties of his office and be paid a salary of eight thousand dollars per annum."

he shall rank as and have all the powers of a deputy head of a department, communicate with the Governor in Council through the Secretary of State of Canada, devote himself exclusively to the performance of the duties of his office and be paid a salary of ten thousand dollars per annum."

3. Section six of the said Act is repealed and the following substituted therefor:—

Permanent staff.

"**6.** (1) The permanent staff of the Chief Electoral Officer shall consist of an officer known as the Assistant Chief Electoral Officer appointed by the Governor in Council and such other officers, clerks, and employees, as may be appointed from time to time by the Governor in Council all of whom may be contributors under and entitled to all the benefits of the *Civil Service Superannuation Act.*

Temporary assistance.

(2) The Chief Electoral Officer shall from time to time select and appoint such temporary employees as he may require for the proper performance of the duties of his office; the rate of remuneration to be paid to such temporary employees shall be determined by the Governor in Council, and such temporary employees shall be discharged forthwith upon completion of the business of the election for or during which they respectively were engaged.

Classification.

(3) In the classification of the Civil Service of Canada, the rank of the permanent employees in the office of the Chief Electoral Officer shall be determined by the Governor in Council."

4. Subsection one of section eight of the said Act is repealed and the following substituted therefor:—

Appointment of returning officers.

"**8.** (1) The offices of all returning officers appointed prior to the passing of this Act shall be deemed to be vacant and the Governor in Council may appoint to such offices either the same persons as now hold them, any of such persons or any other persons. He may also thereafter appoint from time to time a returning officer for any new electoral district and a new returning officer for any electoral district in which the office of returning officer shall, within the meaning of the next following subsection, become vacant."

5. Paragraph *(a)* of subsection one of section thirteen of the said Act is repealed and the following substituted therefor:—

Copies of Act and instructions.

"*(a)* such sufficiently indexed copies of this Act, and such instructions prepared by him, as are required for the proper conduct of an election by the returning officer and to enable him to supply to each election officer a copy of such instructions, as such officer may have occasion to consult or observe in the performance of his duties;"

3. Section 6. This amendment provides for the additional permanent employees in the office of the Chief Electoral Officer who will be required for the taxation of election accounts which was heretofore done in the office of the Auditor General. It will also make it possible for temporary employees whose services are continuously required, to be appointed on a permanent basis. The present provision reads as follows:—

"**6.** (1) Excepting the Chief Electoral Officer and one assistant, to be known as Assistant Chief Electoral Officer, two stenographers and three clerks, all of whom shall be appointed by the Governor in Council and be eligible as contributors under the *Civil Service Superannuation Act*, with all the benefits therein prescribed, there shall be no permanent officers or employees in the office of the Chief Electoral Officer, appointed or paid to perform any duties in connection with elections.

(2) The Chief Electoral Officer shall from time to time select and appoint such temporary help as he may require for the proper performance of the duties of his office, first however, submitting to the Auditor General the name and proposed salary payable to the temporary appointee and obtaining a certificate that such salary is reasonable and that funds are lawfully available for the payment thereof. All such temporary appointees shall be discharged forthwith upon completion of the business of the election for or during which they respectively were engaged.

(3) In the classification of the Civil Service of Canada, the Assistant Chief Electoral Officer shall rank as a chief clerk and the rank of the other permanent employees shall be determined by the Governor in Council upon the recommendation of the Chief Electoral Officer."

4. Section 8 (1) of the Act is amended to provide for the appointment of returning officers for electoral districts created by a Representation Act. The present provision reads as follows:—

"**8.** (1) The offices of all returning officers appointed prior to the passing of this Act shall be deemed to be vacant and the Governor in Council may appoint to such offices either the same persons as now hold them, any of such persons or any other persons. He may also thereafter appoint from time to time, a new returning officer for any electoral district in which the office of returning officer shall, within the meaning of the next following subsection, become vacant."

5. Section 13 (1) *(a)*. The purpose of this amendment is to obviate the necessity of furnishing excerpts of the Act to enumerators and deputy returning officers. With detailed instructions such as those that are now being issued by the Chief Electoral Officer, it is considered that every enumerator or deputy returning officer will be able to perform properly all his duties. The present provision reads as follows:—

"*(a)* such sufficiently indexed copies of or excerpts from this Act, and such instructions prepared by him, as are required for the proper conduct of the election by the returning officer and to enable him to supply to each election officer a copy of such portions of the Act and such instructions as such officer may have occasion to consult or observe in the performance of his duties;"

6. (1) Subsection one of section fourteen of the said Act is repealed and the following substituted therefor:—

Qualifications.

"**14.** (1) Except as hereinafter provided, every person in Canada, man or woman, is entitled to have his or her name included in the list of electors prepared for the polling division in which he or she was ordinarily resident on the date of the issue of the writ ordering an election in the electoral district, and is qualified to vote in such polling division, if he or she

(a) is of the full age of twenty-one years or will attain such age on or before polling day at such election;

(b) is a British subject by birth or naturalization;

(c) has been ordinarily resident in Canada for the twelve months immediately preceding polling day at such election; and

(d) at a by-election only, continues to be ordinarily resident in the electoral district until polling day at such by-election."

(2) Paragraphs *(f)* and *(i)* of subsection two of the said section fourteen are repealed and the following substituted therefor, respectively:—

Disqualifications.

"*(f)* every Indian person ordinarily resident on an Indian reservation who did not serve in the naval, military, or air forces of Canada in the war 1914-1918, or in the war that began on the tenth day of September, nineteen hundred and thirty-nine; (For the purpose of this provision "Indian" means any person wholly or partly of Indian blood who is entitled to receive any annuity or other benefit under any treaty with the Crown.)"

"*(i)* every person who is disqualified by reason of race from voting at the election of a member of the Legislative Assembly of the province in which he or she resides and who did not serve in the naval, military, or air forces of Canada in the war 1914-1918, or in the war that began on the tenth day of September, nineteen hundred and thirty-nine;"

Repeal.

(3) Paragraphs *(k)* and *(l)* of subsection two of the said section fourteen are repealed.

(4) The said section fourteen is further amended by adding thereto the following subsections:—

Qualification of veteran under 21 years of age.

"(3) Notwithstanding anything in this Act, any person, man or woman, who, prior to the ninth day of August, nineteen hundred and forty-five, was a member of the naval, military, or air forces of Canada and has been discharged from such forces, and who, at a Dominion election, has not attained the full age of twenty-one years, is entitled to have his or her name included in the list of electors prepared for the polling division in which he or she ordinarily resides and is entitled to vote in such polling division, if such person is otherwise qualified as an elector.

6. Section 14 (1) of the Act is amended to provide clarification. At present, it is stated in the opening paragraph of this subsection that, in order to be qualified to vote, a person must be ordinarily residing in a given polling division at the time of the preparation and revision of the lists of electors while in paragraph *(d)* of the said subsection, the date of the issue of the writ is given as the date upon which a person must be ordinarily resident in the electoral district in order to be qualified to vote. The present provision reads as follows:—

"**14.** (1) Save as hereinafter provided every person, man or woman, shall be qualified to vote and be entitled to be registered as an elector on the list of electors for the polling division in which he or she ordinarily resides at the time of the preparation and revision of the list of electors therefor if he or she

(a) is of the full age of twenty-one years or will attain the full age of twenty-one years on or before polling day at the pending election; and

(b) is a British subject by birth or naturalization; and

(c) has been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election; and

(d) was ordinarily resident in the electoral district at the date of the issue of the writ for the pending election; and at a by-election has continued to be ordinarily resident therein until polling day."

Section 14 (2) *(f)* and *(i)* of the Act is amended to provide the same privileges to the veterans of World War No. 2, as those provided to veterans of World War No. 1. These provisions are now in force but in view of the repeal of Chapter 26 of the Statutes of Canada, 1944-45, by section 47 of this Bill, it has been deemed necessary to re-enact such provisions.

Section 14 (2) *(k)*. It provided that inmates of charitable institutions were disqualified from voting in the provinces of Ontario, Nova Scotia, and New Brunswick, in view of the fact that such inmates are not entitled to vote at the election of a member of the Legislative Assembly of these three provinces. The present provision reads as follows:—

"*(k)* in any province, every person who is an inmate of an institution which is maintained by any government or municipality for the housing and maintenance of the poor, if such person is by the law of that province disqualified from voting at an election of a member of the Legislative Assembly of that province, and did not serve in the naval, military or air forces of Canada in the war of 1914-1918;"

Section 14 (2) *(l)*. This provision is unnecessary in view of section 15 of the Act. The present provision reads as follows:—

"*(l)* every person who is disqualified from voting by reason of his employment for pay or reward in connection with the election in the electoral district in which such person would otherwise be entitled to vote;"

Section 14 (3). This is a new subsection. It provides qualification as civilian electors to veterans of the last war who, at a Dominion election, have not yet attained the full age of 21 years.

Qualification of wife of Indian veteran.

"(4) Notwithstanding anything in this Act, a woman who is the wife of an Indian person, as defined in paragraph *(f)* of subsection two of this section, which Indian person has served in the naval, military, or air forces of Canada in the war 1914-1918, or in the war that began on the tenth day of September, nineteen hundred and thirty-nine, is entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and is entitled to vote in such polling division, if such woman is otherwise qualified as an elector.

Qualifications of Veterans in certain hospitals or institutions.

"(5) Notwithstanding anything in this Act, every person, man or woman, irrespective of age, who

(a) was a member of the naval, military, or air forces of Canada in the war 1914-1918, or in the war that began on the tenth day of September, nineteen hundred and thirty-nine;

(b) was discharged from such forces; and

(c) is receiving treatment or domiciliary care in any hospital or institution at the request or on behalf of the Department of Veterans Affairs, in which hospital or institution, on the date of the issue of the writs ordering a general election, less than twenty-five of such persons, as determined by the said Department, are receiving such treatment or care;

is entitled to have his or her name included on the list of electors prepared for the polling division in which such hospital or institution is situated, and is entitled to vote at a general election in such polling division, if such person is otherwise qualified as an elector.

Residence qualifications of Defence Service electors at a by-election.

"(6) A Defence Service elector, as defined in paragraph twenty-one of *The Canadian Defence Service Voting Regulations* in Schedule Three to this Act, is entitled to vote at a by-election only in the electoral district in which is situated the place of his ordinary residence as defined in paragraph twenty-three of the said Regulations.

Residence qualifications of Veteran electors at a by-election.

"(7) A Veteran elector, as defined in paragraph forty-two of *The Canadian Defence Service Voting Regulations* in Schedule Three to this Act, is entitled to vote at a by-election only in the electoral district in which is situated the place of his actual ordinary residence."

7. (1) Rule four of section sixteen of the said Act is repealed and the following substituted therefor:—

Persons on Defence Service.

"(4) Any person on Defence Service, as defined in paragraph twenty-one of *The Canadian Defence Service Voting Regulations* in Schedule Three to this Act, shall be deemed to continue to ordinarily reside in the place of his ordinary residence as defined in paragraph twenty-three of the said Regulations."

Section 14 (4). This is a new subsection. It provides qualifications as elector at any Dominion election to the wife of an Indian veteran of World War No. 1 or World War No. 2.

Section 14 (5). This is a new subsection. It provides qualifications as electors at a general election to Veterans receiving treatment or domiciliary care in hospitals or institutions at the request or on behalf of the Department of Veterans Affairs where, on the date of the issue of the writs ordering the said general election, less than 25 of such veterans are receiving such treatment or care.

Section 14 (6). This is a new subsection. It regulates the residence qualifications of Defence Service electors at a by-election.

Section 14 (7). This is a new subsection. It regulates the residence qualifications of Veteran electors at a by-election.

7. Section 16 (4). The amendment to this rule is consequential to the provisions of *The Canadian Defence Service Voting Regulations* appended hereto. The present provision reads as follows:—

"(4) Any person on active service with the naval, military or air forces of Canada shall be deemed to continue to ordinarily reside in the polling division in which he was ordinarily resident at the time of enrolment for such active service, unless he has thereafter established some other ordinary residence in Canada."

Repeal.

(2) Paragraph *(c)* of rule six of the said section sixteen is repealed.

(3) The said section sixteen is further amended by adding thereto the following rule:—

Students.

"(6A) For the purposes of a general election and notwithstanding anything in this Act, a person who, on the date of the issue of the writs therefor, is duly registered and in attendance at a recognized educational institution, and for such purpose resides in a polling division other than that in which he ordinarily resides and if he is otherwise qualified as an elector, is entitled to have his name entered on the list of electors for the polling division in which he ordinarily resides and on the list of electors for the polling division in which he resides on the date of the issue of the said writs, and to vote in either one of such polling divisions as he may elect."

(4) Rule seven of the said section sixteen is repealed and the following substituted therefor:—

Summer residents.

"(7) No person shall be deemed to be ordinarily resident, on the date of the issue of the writ ordering an election, in residential quarters which are generally occupied only during some or all of the months of May to October, inclusive, and generally remain unoccupied during some or all of the months of November to April, inclusive, unless, at a general election only, such person has no residential quarters in any other electoral district to which, on the date of the issue of such writ, he might at will remove."

(5) The said section sixteen is further amended by adding thereto the following rules:—

Temporary workers.

"(7A) Except as provided in rule eight of this section, a person shall be deemed to be ordinarily resident, on the date of the issue of the writs ordering a general election, in a polling division in which he is temporarily residing while temporarily employed in the pursuit of his ordinary gainful occupation and shall be entitled to have his name included in the list of electors prepared for such polling division and be qualified to vote therein at the said general election, provided that such person is otherwise qualified as an elector. Such person shall not, however, be entitled to vote in such polling division unless on polling day he is still temporarily residing therein while temporarily employed in the pursuit of his ordinary gainful occupation. This rule shall not be applicable at a by-election.

Wives or dependents of servicemen.

"(7B) A person who is the wife or dependent of a member of the naval, military, or air forces of Canada, shall be deemed to be ordinarily resident on the date of the issue of the writs ordering a general election in the polling division in which such person is occupying residential quarters during

Section 16 (6) *(c)*. This provision should not have been inserted as one of the paragraphs of this rule. Originally, it should have been inserted as a separate rule to section 16, as suggested in the next following amendment. The present provision reads as follows:—

"(6) For the purpose of a general election, any of the following persons who, in the interval between the date of the issue of the writ of election and polling day, changes his place of ordinary residence from one electoral district to another, shall if otherwise qualified, be entitled, if he so elects, to be included in the list of electors for the polling division in which he is ordinarily resident at the time of his application, and to vote at the polling station established therein provided that,

(c) being a pupil he is, and, for at least seven of the preceding twelve months, has been registered as a pupil and has been in actual and regular attendance at an educational institution situate in the electoral district to which he has removed."

Section 16 (6A). This new rule replaces paragraph *(c)* of rule 6 of section 16 of the Act referred to in the next preceding amendment.

Section 16 (7). The amendment to this rule consists in the striking out of the present paragraph *(a)* thereof, which in a sense will be re-enacted in the following new rule 7A. It prescribes that the proviso to rule 7 will apply only at a general election. The present provision reads as follows:—

"(7) No person shall, for the purpose of this Act, be deemed to be ordinarily resident at the date of the issue of the writ in quarters or premises which are generally occupied only during some or all of the months of May to October, inclusive, and generally remain unoccupied during some or all of the months of November to April, inclusive, unless

(a) he is occupying such quarters in the course of and in the pursuit of his ordinary gainful occupation, or

(b) he has no quarters in any other electoral district to which, at the date of the issue of the writ, he might at will remove."

Section 16 (7A). This is a new provision which will enable persons temporarily employed away from home to vote in the polling division where they are temporarily residing while temporarily employed during a general election.

Section 16 (7B). This is a new provision. It prescribes that wives and dependents of servicemen will be entitled to vote in the polling division where such persons happen to reside during a general election, as a result of the services performed by members of the permanent naval, military, or air forces of Canada.

the course and as a result of the services performed by such member in such forces. Such person (wife or dependent) shall, if otherwise qualified as an elector, be entitled to have his or her name included in the list of electors prepared for such polling division and shall be qualified to vote therein at the said general election. This rule shall not be applicable at a by-election."

8. (1) Subsections three, six, eight, and eleven of section seventeen of the said Act are repealed and the following substituted therefor, respectively:—

List of names of enumerators.

"(3) Every returning officer shall prepare a list of the names and addresses of all enumerators appointed by him, and of the polling divisions for which they are to act. Such list shall be prepared on the special form prescribed for that purpose, and, forthwith upon its completion, a copy thereof shall be sent to the Chief Electoral Officer. The returning officer shall post up, and keep posted up, in his office during the period of the preparation of the lists of electors a copy of such list of names and addresses of enumerators, and shall permit any person to inspect such list at all reasonable times.

Copies of printed preliminary lists for candidates.

"(6) Immediately after the preliminary lists of electors have been printed, the returning officer shall furnish twenty copies thereof for each polling division in his electoral district to each candidate at the pending election who was a member of the House of Commons in the next preceding Parliament, and to every candidate who has been officially nominated at the pending election in such electoral district. The returning officer may also, at his discretion, upon receipt of the sum of ten dollars from any person reasonably expected to be officially nominated as a candidate at the pending election in his electoral district, transmit or deliver to such person five copies of such lists, and if and when such person is officially nominated the said sum of ten dollars shall be forthwith returned to him and, at the same time, he shall be furnished with an additional fifteen copies of such lists. If such person is not so officially nominated, the said sum of ten dollars shall be forfeited to His Majesty for the public uses of Canada and shall, at the close of the nominations, forthwith be transmitted by the returning officer to the Comptroller of the Treasury, with full particulars of the name and address of the person by whom the said sum was paid and the reason for which it was forfeited.

Copies of rural preliminary lists to Chief Electoral Officer.

"(8) The returning officer shall, forthwith after the lists have been printed, transmit to the Chief Electoral Officer thirty copies of the preliminary list of electors for every rural polling division comprised in his electoral district.

8. Section 17 (3). This modification corresponds to the amendment set out in section 34 of this Bill which provides that election accounts will be taxed by the Chief Electoral Officer instead of by the Auditor General. The present provision reads as follows:—

"(3) Every returning officer shall make and keep a list of the names and addresses of all enumerators appointed by him, and of the polling divisions for which each is to act. Such list shall be made and kept on the special form prescribed by the Chief Electoral Officer. The returning officer shall permit any person to inspect such list at all reasonable times and forthwith upon its completion shall send by mail a copy thereof to the Auditor General at Ottawa. The returning officer shall post up, and keep posted up in his office for the whole period of the preparation of the lists of electors a copy of such list of names and addresses of enumerators."

Section 17 (6). This amendment is required because the Comptroller of the Treasury, instead of the Auditor General, will be called upon to handle all candidates' deposits. The present provision reads as follows:—

"(6) Immediately after the preliminary lists of electors have been printed, the returning officer shall furnish twenty copies thereof for each polling division in the applicable electoral district to each candidate at the pending election who was a member of the House of Commons in the next preceding Parliament, and to every candidate who has been officially nominated at the pending election in such electoral district. The returning officer may also, at his discretion, upon receipt of the sum of ten dollars from any person reasonably expected to be officially nominated as a candidate at the pending election in his electoral district, transmit or deliver to such person five copies of such lists, and if and when such person is officially nominated the said sum of ten dollars shall be forthwith returned to him and, at the same time, he shall be furnished with an additional fifteen copies of such lists. If such person is not officially nominated at the pending election, the said sum of ten dollars shall be forfeited to His Majesty for the public uses of Canada and shall, at the close of the nominations, forthwith be transmitted by the returning officer to the Auditor General, with full particulars of the name and address of the person by whom the said sum was paid and the reason for which it was forfeited".

Section 17 (8) and (11). These amendments provide that an additional number of copies of the printed lists of electors be furnished to the Chief Electoral Officer. The 15 copies of the printed lists of electors for urban and rural polling divisions which are presently furnished to the Chief Electoral Officer have not been sufficient. In the interval between general elections many requests for copies of such lists are received from candidates and various organizations, and it is considered that a supply of 30 copies will enable the Chief Electoral Officer to meet all reasonable requests. The present provisions read as follows:—

"(8) The returning officer shall, forthwith after the lists have been printed, transmit to the Chief Electoral Officer, by registered mail, fifteen copies of the preliminary list of electors for every rural polling division comprised in his electoral district. For urban polling divisions, the returning officer shall furnish the Chief Electoral Officer with only re-printed copies of the finally revised list, as prescribed in subsection eleven of this section."

Copies of re-printed urban lists to Chief Electoral Officer.

"(11) The returning officer shall, forthwith after the finally revised urban lists of electors have been re-printed, transmit to the Chief Electoral Officer thirty copies thereof for every urban polling division comprised in his electoral district."

(2) The said section seventeen is further amended by adding thereto the following subsections:—

Certificate in case of name omitted by revising officer.

"(14A) Whenever, after the list of electors for an urban polling division has been re-printed, it is discovered that the name of an elector who has personally applied to a revising officer, or on whose behalf a sworn application has been made by an agent, pursuant to *Rule (33)* of Schedule A to this section, to have his name included in the list of electors, and whose application has been duly accepted by the revising officer during his sittings for revision, was thereafter inadvertently left off the finally revised list of electors, the returning officer shall, on an application made in person by the elector concerned, and upon ascertaining from the revising officer's record sheets in his possession that such an omission has actually been made, issue to such elector a certificate in Form No. 18A, entitling him to vote at the polling station for which his name should have appeared on the finally revised list; the returning officer shall, at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to his representative, and the official list of electors shall be deemed for all purposes to have been amended in accordance with such certificate.

Conditions.

"(15A) Before an account relating to the printing of the lists of electors is taxed by the Chief Electoral Officer:—

Affidavit of printer.

(a) the printer shall transmit to the Chief Electoral Officer, through the returning officer, an affidavit in Form No. 9A setting forth that he has not, nor has anyone for him and on his behalf, paid, agreed or promised to pay, given or promised to give, any monetary or other reward to the returning officer, or to any person on the latter's behalf, as consideration for the granting of an order of any kind for the printing of such lists of electors; and

Affidavit of returning officer.

(b) the returning officer shall transmit to the Chief Electoral Officer an affidavit in Form No. 9B setting forth that he has not, nor has any person for him and on his behalf, received or requested, demanded, accepted or agreed to accept, any monetary or other reward from any person whatsoever, as consideration for the granting of an order of any kind for the printing of the lists of electors for his electoral district."

"(11) The returning officer shall, forthwith after the finally revised urban lists of electors have been re-printed, transmit to the Chief Electoral Officer, by registered mail, fifteen copies thereof for every urban polling division comprised in his electoral district".

Section 17 (14A). This is a new provision which will make it possible for an elector, in an urban polling division, whose application for registration on the official list of electors has been duly accepted by a revising officer, but whose name was thereafter inadvertently left off such list, to cast his vote on polling day.

Section 17 (15A). This is a new provision. Its purpose is to curb abuses such as those that are alleged to have occurred in some electoral districts at past Dominion elections with regard to the printing of the lists of electors.

9. (1) Schedule A to section seventeen of the said Act is amended by repealing *Rules (3), (5), (7), (9), (12), (14), (23),* and *(26)* thereof, and substituting the following therefor, respectively:—

"*Rule (3).* At least five days before he proposes to appoint the persons who are to act as enumerators as aforesaid, the returning officer shall

(a) in an electoral district the urban areas of which have not been altered since the last preceding Dominion election, give notice accordingly to the candidate who, at the last preceding Dominion election in the electoral district, received the highest number of votes, and also to the candidate representing at that election a different and opposed political interest, who received the next highest number of votes; such candidates may each, by himself or by a representative, nominate a fit and proper person for appointment as enumerator for every urban polling division comprised in the electoral district, and, except as provided in *Rule (4)* of this Schedule, the returning officer shall appoint such persons to be enumerators for the polling divisions for which they have been nominated; and

(b) in an electoral district the urban areas of which have been altered since the last preceding Dominion election, and in an electoral district where at the last preceding Dominion election there was opposed to the candidate elected no candidate representing a different and opposed political interest, or if, for any reason, either of the candidates mentioned in paragraph *(a)* of this *Rule* is not available to nominate enumerators or to designate a representative as aforesaid, the returning officer shall, with the concurrence of the Chief Electoral Officer, determine which candidates or persons are entitled to nominate urban enumerators, and then proceed with the appointment of such enumerators as above directed.

"*Rule (5).* If either of the candidates or persons entitled to nominate enumerators fail to nominate a fit and proper person for appointment as enumerator for any urban polling division comprised in the electoral district, the returning officer shall, subject to the provisions of *Rule (2)* of this Schedule, himself select and appoint enumerators to any necessary extent.

9. Section 17, Sched. A, Rules 3 and 5. These amendments will be necessary with regard to the nominating of urban enumerators in electoral districts created or altered by a Representation Act. The present provisions read as follows:—

"*Rule (3).* At least five days before he proposes to select the persons who are to act as enumerators as aforesaid, the returning officer shall give notice accordingly to the candidate who, at the then last preceding election in the electoral district, received the highest number of votes, and also to the candidate representing at that election a different and opposed political interest, who received the next highest number of votes. Such candidates may each, by himself or by a representative, nominate a fit and proper person for appointment as enumerator in every urban polling division comprised in the electoral district, and, except as hereinafter provided, the returning officer shall appoint such persons to be enumerators of the polling divisions for which they have been nominated."

"*Rule (5).* If, at the then last preceding election in the electoral district, there was opposed to the candidate who received the highest number of votes no candidate representing a different and opposed political interest and therefore no nominations by such a candidate are possible, or if either of the candidates mentioned in Rule (3) of this Schedule fails to nominate a suitable person for appointment as enumerator of any polling division in the applicable electoral district, the returning officer shall, subject to the provisions of Rule (2) of this Schedule, himself select and appoint to any necessary extent."

"*Rule (7).* Each pair of enumerators, after taking their oaths as such, shall, on Monday, the forty-ninth day before polling day, proceed jointly to ascertain the name, address, and occupation of every person qualified to vote at the pending election, under the provisions of sections fourteen, fifteen, and sixteen of this Act, in the polling division for which they have been appointed, obtaining the information they may require by a joint house-to-house visitation and from such other sources of information as may be available to them, and leaving at the residence of every person whose name and particulars they have agreed to include in their preliminary list, a notice in Form No. 7, signed by both enumerators, which shall be detached from the enumerators' record books.

"*Rule (9).* Each pair of enumerators shall visit every dwelling place in their polling division at least twice,—once between the hours of nine o'clock in the forenoon and six o'clock in the afternoon, and once between the hours of seven o'clock and ten o'clock in the evening (unless, as to any dwelling place, they are both satisfied that no qualified elector residing therein remains unregistered). If, on the above mentioned visits to any dwelling place, the enumerators are unable to communicate with any person from whom they could secure the names and particulars of the qualified electors residing thereat, the enumerators shall leave at such dwelling place a notification card, as prescribed by the Chief Electoral Officer, on which it shall be stated the day and hour that the enumerators shall make another visit to such dwelling place. The enumerators shall also state on such notification card their names, addresses, and telephone number, if any, of one or of both of them.

"*Rule (12).* Upon receipt of the enumerators' record books and of the two copies of the preliminary list of electors from each pair of enumerators, the returning officer shall carefully examine the same and if, in his judgment, the said list is incomplete or contains the name of any person whose name should not be included in the list, he shall not certify to the enumerators' account, and shall forward such account uncertified to the Chief Electoral Officer with a special report attached thereto stating the relevant facts; moreover, the Comptroller of the Treasury shall not issue a cheque in payment of an urban enumerator's account until after the revision of the preliminary lists of electors by the revising officer has been completed, and it shall be the duty of the revising officer, forthwith after his sittings for revision, to inform the Chief Electoral Officer, if, in his judgment, any enumerator has wrongfully and wilfully omitted any name or names from the said lists, or wrongfully and wilfully included any name or names therein.

Section 17, Sched. A, Rule 7. This amendment will become necessary on the adoption of the new Form No. 7 printed at page 30 hereof, opposite which a more complete explanatory note is given. The present provision reads as follows:—

"*Rule (7).* Each pair of enumerators, after taking their oaths as such shall, on Monday, the forty-ninth day before polling day, proceed jointly to ascertain the name, address and occupation of every person qualified to vote under the provisions of sections fourteen, fifteen and sixteen of this Act, in the polling division for which they have been appointed, obtaining the information they may require by a joint house-to-house visitation and from such other sources as may be available to them, and leaving at the residence of every person who applies to be registered as an elector a notice in Form No. 7, which shall be detached from the enumerators' record book, that they have granted, or refused, as the case may be, that person's application to be registered as an elector. The aforesaid notice shall be signed by both enumerators."

Section 17, Sched. A, Rule 9. This amendment provides that at any dwelling place where urban enumerators, after repeated visits, are unable to contact any person from whom they could secure the information required to complete their preliminary list, the enumerators will leave at such dwelling place a notification card stating the day and hour at which they will make another call, together with their names, addresses, and telephone number, if any. The present provision reads as follows:—

"*Rule (9).* Each pair of enumerators shall visit every dwelling place in their polling division at least twice,—once between the hours of nine o'clock in the forenoon and six o'clock in the afternoon and once between the hours of seven o'clock and ten o'clock in the afternoon (unless, as to any dwelling place, they are both satisfied that no qualified elector residing therein remains unregistered)."

Section 17, Sched. A, Rule 12. This amendment is necessary in view of the fact that election accounts will be taxed by the Chief Electoral Officer and paid by the Comptroller of the Treasury. The present provision reads as follows:—

"*Rule (12).* Upon receipt of the enumerators' record books and of the two copies of the preliminary list of electors from each pair of enumerators, the returning officer shall carefully examine the same and if in his judgment the said list is incomplete or if it contains the name of any person whose name should not be included in the list, he shall not certify the enumerators' account, and shall forward the account uncertified to the Auditor General with a special report attached thereto stating the relevant facts, and, moreover, the Auditor General shall not issue a cheque in payment of an enumerator's account until after the revision of the preliminary lists of electors by the revising officer has been completed, and it shall be the duty of the revising officer forthwith after his sittings as such to inform the Auditor General, if, in his judgment, any enumerator has wrongfully and wilfully omitted any name or names from the said lists, or wrongfully and wilfully included any name or names thereon."

"*Rule (14)*. The enumerators shall, on the preliminary list of electors, as indicated on Form No. 8, register the name of a married woman or widow under the name and surname of her husband or deceased husband, or under her own christian name if she so desires. Whenever a woman is divorced or living apart from her husband, she shall be registered on the said list under whatever name and surname such woman is known in the polling division. The names of the above mentioned women on the said list shall be prefixed with the abbreviation "Mrs.", as indicated on the said Form No. 8. When the name of a married woman is entered on the said list immediately below her husband's name, there shall be no occupation given opposite such woman's name, as indicated on the said Form No. 8. The names of unmarried women on the said list shall be prefixed with the word "Miss", as indicated on the said Form No. 8.

"*Rule (23)*. Forthwith on receipt of such notification the returning officer shall, not later than Thursday, the twenty-fifth day before polling day, cause to be printed a notice of revision in Form No. 12, describing the boundaries of every revisal district established by him, giving the name of the revising officer appointed for each thereof, setting out the revisal office at which such revising officer will attend for the revision of the lists of electors, and stating the day and time during which such revisal office will be open. It shall also be stated in the said notice the days and hours before the first day of sittings for revision, and the address at which each revising officer shall be in attendance to complete Affidavits of Objection in Form No. 13. At least four days before the first day fixed for the sittings for revision, the returning officer shall cause two copies of such notice to be posted up in conspicuous places in each urban polling division comprised in his electoral district. Immediately after the printing of the notice in Form No. 12, the returning officer shall transmit or deliver five copies thereof to every candidate officially nominated at the pending election in the electoral district, and, at the discretion of the returning officer, to every other person reasonably expected to be so officially nominated or to his representative.

"*Rule (26)*. The sittings of the revising officers for the revision of the lists of electors shall commence at ten o'clock in the forenoon of Thursday, Friday, and Saturday, the eighteenth, seventeenth, and sixteenth days before polling day, and shall continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of, provided that, if any of such days is a holiday as defined in the *Interpretation Act*,

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Section 17, Sched. A, Rule 14. This amendment will make it possible for the urban enumerators, when deemed advisable, to register on the lists of electors the names of married women, widows, divorcées, or women living apart from their husbands, under their own christian names or under whatever names such women are known in their respective polling divisions. The present provision reads as follows:—

"*Rule (14).* The enumerators shall, in such list, as indicated in Form No. 8, register the name of a married woman or widow under the name and surname of her husband or deceased husband, as the case may be, prefixing each name with the abbreviation "Mrs". When the name of a married woman is entered on the list immediately below her husband's name, there shall be no occupation given opposite such woman's name, as shown in the said Form No. 8. The name of an unmarried woman shall be prefixed with the word "Miss", as indicated in the said Form No. 8".

Section 17, Sched. A, Rule 23. One of the purposes of this amendment is to provide for the posting up of two copies of the Notice of Revision in each urban polling division, instead of the six copies per thousand of population as presently prescribed. The other amendments correspond to the modifications to Rule (28) of Schedule A to section 17 of the Act hereinafter referred to. The present provision reads as follows:—

"*Rule (23).* Forthwith on receipt of such notification the returning officer shall, not later than Wednesday, the nineteenth day before polling day, cause to be printed a notice of revision in Form No. 12, describing the boundaries of each of the revisal districts established by him, giving the name and address of the revising officer for each thereof, setting out the revisal office at which such revising officer will attend for the revision of the list of electors, and stating the day and time during which such revisal office will be open. At least four days before the first day fixed for the sittings for revision, the returning officer shall cause six copies of such notice for each thousand of the population to be posted up in conspicuous places throughout each revisal district. Immediately after the printing of such notice in Form No. 12, the returning officer shall transmit or deliver five copies thereof to every candidate officially nominated, and, at the discretion of the returning officer, to every person reasonably expected to be officially nominated as a candidate at the pending election, or to his representative."

Section 17, Sched. A, Rule 26. This amendment provides that the sittings of the revising officers will be held on Thursday, Friday, and Saturday, the eighteenth, seventeenth, and sixteenth days before polling day instead of the fourteenth, thirteenth, and twelfth days as presently prescribed. With this amendment it is expected that the finally revised re-printed urban list of electors will, at a general election, be available for delivery to candidates and election officers at least five days earlier than at present. It provides also that the revising officer will sit between seven and ten o'clock p.m., on each of the three days of revision. Under the present provision the revising officer sits only in the evening of the last day fixed for revision. The present provision reads as follows:—

"*Rule (26).* The sittings of the revising officers for the revision of the lists shall commence at ten o'clock in the forenoon of Monday, Tuesday and Wednesday, the fourteenth, thirteenth and twelfth days before polling day, and shall continue only during such time as may be necessary to deal with the business ready to be disposed of, provided that, if any of such days is a holiday as defined in the *Interpretation Act*, the day for the commencement or continuation of the sittings may be postponed accordingly. On the last day fixed for the sittings for revision, every revising officer shall sit continuously at his revisal office for the revision of the lists between the hours of seven and ten o'clock in the afternoon of such day."

the date for the commencement or continuation of the sittings for revision may be postponed accordingly. Moreover, on each of the three days fixed for the sittings for revision, every revising officer shall sit continuously at his revisal office for the revision of the lists of electors from seven o'clock until ten o'clock in the evenings of these three days."

(2) Paragraph *(a)* of *Rule (27)* of Schedule A to the said section seventeen is repealed.

(3) Schedule A to the said section seventeen is further amended by repealing *Rules (28), (29), (40), (41)*, and *(42)* thereof, and substituting the following therefor, respectively:

"*Rule (28).* During the three days immediately preceding the first day fixed for the sittings for revision, whenever an elector whose name appears on the preliminary lists of electors prepared in connection with a pending election, for one of the polling divisions comprised in a given revisal district, subscribes to an Affidavit of Objection in Form No. 13, before the revising officer appointed for such revisal district, alleging the disqualification as an elector at the pending election of a person whose name appears on one of such preliminary lists, the revising officer shall, not later than the day immediately preceding the first day fixed for the sittings for revision, transmit, by registered mail, to the person, the appearance of whose name upon such preliminary list is objected to, at his address as given on such preliminary list and also at the other address, if any, mentioned in such affidavit, a Notice to Person Objected to, in Form No. 14, advising the person mentioned in such affidavit that he may appear personally or by representative before the said revising officer, during his sittings for revision, to establish his right, if any, to have his name retained on such preliminary list. With each copy of such notice, the revising officer shall transmit a copy of the relevant Affidavit of Objection. On each of the three days immediately preceding the first day fixed for the sittings for revision, the revising officer shall keep himself available during at least three hours in the afternoons or evenings of such days, at the address given in the Notice of Revision in Form No. 12, to complete, as required, Affidavits of Objection and Notices to Persons Objected to, and to despatch copies of such affidavits and notices to the persons concerned.

"*Rule (29).* In cases of objections made on affidavits subscribed before the revising officer under the next preceding *Rule*, of which notices have been sent by registered mail by the revising officer to the persons objected to, the revising officer shall deal with each objection separately upon the merits to be disclosed by examination on oath

Clause *(a)*, Sched. A, Rule 27. This provision will not be necessary in view of the amendment to Rule (7) of the said Schedule A. The present provision reads as follows:—

"*Rule (27)*. At the sittings for revision, the revising officer shall have jurisdiction to and shall dispose of,—

(a) personal applications made by persons whose applications to have their names included in the preliminary list of electors have been refused by the enumerators; and"

Section 17, Sched. A, Rule 28. This amendment is in accordance with the modifications to Rule (29) referred to hereunder. The present provision reads as follows:—

"*Rule (28)*. If any elector whose name appears in the preliminary list of electors for any polling division in the electoral district within which any revisal district is comprised makes oath in Form No. 13, before the revising officer, before or during the first day of his sittings for revision, giving particulars of the list of electors upon which his name appears, stating that he is qualified to vote in that electoral district and alleging the death or disqualification as an elector of a person whose name appears on any preliminary list of electors of a polling division which is comprised in such revisal district, the revising officer shall transmit before or on the first day of his sittings for revision, by registered mail, addressed to the person, the appearance of whose name upon such list is objected to, at the address, if any, mentioned in the list of electors, and also at such other address, if any, as may be mentioned in the oath of such elector, a notice of objection in Form No. 14 requiring the person to appear in person or by representative before the revising officer during any of his sittings for revision, to establish his qualification as an elector. The revising officer shall transmit with each copy of such notice a copy of the oath of the elector who has made the objection."

Section 17, Sched. A, Rule 29. This amendment provides that, whenever it is deemed necessary to have a name struck off the urban preliminary lists of electors with the use of an Affidavit of Objection in Form No. 13 of the Act, the burden of proof will rest upon the person who has sworn to such affidavit. The present provision imposes the burden of proof upon the person who has been objected to, and reads as follows:—

"*Rule (29)*. In case of any objection made on oath under the next preceding *Rule*, of which notice has been properly given by the revising officer, the onus of establishing his right to have his name included in the finally revised list of electors shall be upon the person objected to, and if such person does not, during the sittings for revision, appear before the revising officer personally or by representative, or, being present or represented, fails to satisfy the revising officer of his right to have his name retained on the list, the revising officer shall strike his name therefrom, whether or not the elector by whom the objection was made has appeared before him. Provided that, if the revising officer receives, before the close of the sittings for revision, from such person an affidavit or statutory declaration justifying on sufficient grounds his non-attendance and verifying his qualification to have his name retained on such list, the provisions of this *Rule* as to the effect of non-appearance shall not be applied."

of the elector making the objection, the person against whom the objection is made, and the witnesses present on their respective behalf. After each objection is dealt with, the revising officer shall, in his discretion, either strike off the name of the person objected to from the preliminary list on which such name appears or allow the name to stand. The onus of substantiating sufficient *prima facie* ground to strike off any name from the preliminary list shall be upon the elector making the objection, and it shall not be necessary for the person against whom objection is made to adduce proof in the first instance that his name properly appears on the preliminary list. The absence from or non-attendance before the revising officer, at the time that the objection is dealt with, of the person against whom an objection is made shall not relieve the elector making the objection from substantiating a *prima facie* case by evidence which, in the absence of rebuttal evidence, is considered by the revising officer sufficient to establish the fact that the name of the person objected to improperly appears on the preliminary list.

"*Rule (40)*. Immediately after the conclusion of his sittings for revision, and at the latest on Monday, the fourteenth day before polling day, the revising officer shall prepare for re-printing the list of electors for each polling division comprised in his revisal district, by making the necessary corrections by writing with ink upon one of the printed preliminary lists of electors supplied to him. The revising officer shall consign every entry in his record sheets to its appropriate place on each list. The names added to the list shall be written on the border of the list opposite where such names would have appeared if the electors had been registered in the first place by the enumerators and where such names should be inserted in the re-printing of the finally revised list. Every correction in the name, address, or occupation shall be made in the same manner and as legibly as possible. In the case of a name struck off, the revising officer shall draw a line through the entry. All changes made in the list for every polling division shall correspond to the statement of changes and additions prescribed in the next following *Rule*. The preliminary list for each polling division so corrected shall be re-printed by the returning officer as prescribed in subsection ten of section seventeen of this Act.

"*Rule (41)*. The revising officer shall, immediately after the conclusion of his sittings for revision, and not later than Monday, the fourteenth day before polling day, prepare from his record sheets at least six copies of the statement of changes and additions for each polling division comprised in his revisal district, and shall complete the certificate printed at the foot of each copy thereof. If no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless

Section 17, Sched. A, Rule 40. This amendment corresponds to the modifications to Rule (26) hereinbefore referred to. The present provision reads as follows:—

"*Rule (40).* Immediately after the conclusion of his sittings and at the latest on Thursday, the eleventh day before polling day, the revising officer shall prepare for re-printing the list of electors for each polling division comprised in his revisal district, by making the necessary corrections by writing with ink upon one of the printed preliminary lists of electors supplied to him. The revising officer shall consign every entry in the record to its appropriate place on each list. The names added to the list shall be written by hand on the border of the list where such names would have appeared if the electors had been registered in the first place by the enumerators and where such names should be inserted in the re-printing of the finally revised list. Every correction in the name, residence or occupation of the elector shall be made in the same manner and as legibly as possible. In the case of a name struck off, the revising officer shall draw a line through the entry. All changes made in the list for every polling division shall correspond to the statement of changes and additions prescribed in the next following *Rule*. The printed list for each polling division so corrected shall be re-printed by the returning officer as prescribed in subsection ten of section seventeen of this Act."

Section 17, Sched. A, Rule 41. This amendment corresponds to the modifications to Rule (26) hereinbefore referred to. The present provision reads as follows:—

"*Rule (41).* The revising officer shall, immediately after the conclusion of his sittings for revision, and not later than Thursday, the eleventh day before polling day, prepare from his record at least six copies of the statement of changes and additions, in Form No. 17, for each polling division comprised in his revisal district, and shall complete the certificate at the foot of each copy thereof. If no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions in Form No. 17 by writing the word "Nil" in the three blank spaces provided for the various entries on the said form and completing the form in every other respect."

prepare the necessary number of copies of the statement of changes and additions by writing the word "Nil" in the three spaces provided for the various entries on the prescribed form, and completing the said form in every other respect.

"*Rule (42)*. Upon completing the foregoing requirements, and not later than Monday, the fourteenth day before polling day, the revising officer shall deliver or transmit to the returning officer the corrected copy of the preliminary list, the six copies of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to the next preceding *Rule*, together with the revising officer's record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits in Forms Nos. 13 and 14, respectively, every used application made by agents in Forms Nos. 15 and 16, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district."

10. Schedule B to the said section seventeen is amended by repealing *Rules (3), (6), (9), (13), (16),* and *(20)* thereof, and substituting the following therefor, respectively:—

"*Rule (3)*. Every enumerator shall forthwith on his appointment take the oath of office in Form No. 6, and shall immediately thereafter post up in conspicuous places in his polling division at least three copies of the notice of rural enumeration, in Form No. 19, stating that he is about to prepare a preliminary list of the qualified electors in such polling division, which said list will be revised and corrected by him at a place stated in the said notice where he will be found between the hours of ten o'clock in the forenoon and ten o'clock in the evening of Thursday, the eighteenth day before polling day.

"*Rule (6)*. The enumerator shall, in the index book, as indicated in Form No. 21, register the name of a married woman or widow under the name and surname of her husband or deceased husband, or under her own christian name if she so desires. Whenever a woman is divorced or living apart from her husband, she shall be registered in the index book under whatever name and surname such woman is known in the polling division. The names of the above mentioned women in the index book shall be prefixed with the abbreviation "Mrs.", as indicated on the said Form No. 21. When the name of a married woman is entered in the index book immediately below her husband's name, there shall be no occupation given opposite such woman's name, as indicated on the said Form No. 21. The names of unmarried women in the index book shall be prefixed with the word "Miss", as indicated on the said Form No. 21.

Section 17, Sched. A, Rule 42. This amendment corresponds to the modifications to Rule (26) hereinbefore referred to. The present provision reads as follows:—

"*Rule (42)*. Upon completing the foregoing requirements, and not later than Friday, the tenth day before polling day, the revising officer shall deliver or transmit to the returning officer the corrected copy of the printed preliminary list, the six copies of the statement of changes and additions in Form No. 17, certified by the revising officer pursuant to the next preceding *Rule*, together with the revising officer's record, duly certified, the duplicate notices to electors objected to, with attached affidavits in Forms Nos. 14 and 13, respectively, every used application made by agents in Forms Nos. 15 and 16, and all other documents in his possession relating to the revision of the list of electors for the various polling divisions included in his revisal district, with the exception of the extra two copies of the printed preliminary list of electors supplied to him for each polling division comprised in his revisal district; which copies the revising officer shall keep in his possession."

10. Section 17, Sched. B, Rule 3. This amendment provides that the day fixed for the revision of the lists of electors for rural polling divisions will be Thursday, the eighteenth day before polling day, instead of Tuesday, the thirteenth day before polling day, as presently prescribed. This change will permit the returning officer to send the ballot box to almost every outlying polling division of his electoral district, by registered mail instead of by messenger. The present provision reads as follows:—

"*Rule (3)*. Every enumerator shall forthwith on his appointment take an oath as such in Form No. 6 and shall immediately thereafter post up in public places in the polling division at least three copies of a notice in Form No. 19, that he is about to prepare a list of qualified electors in the polling division, which said list will be revised and corrected by him at a stated place where he will be found between the hours of ten o'clock in the forenoon and ten o'clock in the afternoon of Tuesday, the thirteenth day before polling day."

Section 17, Sched. B, Rule 6. This amendment will make it possible for the rural enumerators, when deemed advisable, to register on the lists of electors the names of married women, widows, divorcées, or women living apart from their husbands, under their own christian names or under whatever names such women are known in their respective polling divisions. The present provision reads as follows:—

"*Rule (6)*. The enumerator shall, in such index book, as indicated in Form No. 21, register the name of a married woman or widow under the name or surname of her husband or deceased husband, as the case may be, prefixing the name with the abbreviation "Mrs". When the name of a married woman is entered in the index book immediately below her husband's name, there shall be no occupation given opposite such woman's name, as indicated in Form No. 21. The name of an unmarried woman shall be prefixed with the word "Miss", as indicated in the said Form No. 21."

"*Rule (9)*. Upon receipt of the two copies of the preliminary list of electors, as prescribed in *Rule (11)*, or of the index book, as prescribed in *Rule (20)* of this Schedule, the returning officer shall carefully examine the same and if in his judgment the said preliminary list or the index book appears to be incomplete or to contain the name of any person which should not be so included, he shall not certify the account of the enumerator concerned, and the account shall be sent uncertified to the Chief Electoral Officer, with a special report attached thereto, setting forth the relevant facts.

"*Rule (13)*. In order that he may readily be found by any person who desires to make representations with regard to any entry in or omission from the preliminary list of electors for his polling division, the enumerator shall attend at the place of which he has given notice, in Form 19 posted up as aforesaid, between the hours of ten o'clock in the forenoon and ten o'clock in the evening of Thursday, the eighteenth day before polling day, set for the revision of the said preliminary list.

"*Rule (16)*. At any time after the enumerator has posted up his preliminary list, and particularly between the hours of ten o'clock in the forenoon and ten o'clock in the evening of Thursday, the eighteenth day before polling day, at the place stated for the revision of the said list in the notice posted up by him pursuant to *Rule (3)* of this Schedule, on being satisfied from representations made to him by any credible person that the preliminary list as prepared by him in the index book requires amendment as hereinafter mentioned, the enumerator shall

(a) add to such list in the index book the name of any person who is qualified as an elector in his polling division at the pending election, but whose name has been omitted from the preliminary list; or

(b) strike off from such list in the index book the name of any person who is not qualified as an elector in his polling division; or

(c) correct in the index book any inaccurate entry as to the name, address, or occupation of any elector whose name appears on the said list.

"*Rule (20)*. Upon the completion of the foregoing requirements and not later than Friday, the seventeenth day before polling day, the enumerator shall deliver or transmit to the returning officer the index book duly certified, in Form No. 22, which certificate shall be printed on the

Section 17, Sched. B, Rule 9. This amendment is necessary in view of the taxation of election accounts by the Chief Electoral Officer instead of by the Auditor General. The present provision reads as follows:—

"*Rule (9)*. Upon receipt of the two copies of the preliminary list of electors, as prescribed in *Rule (11)*, or of the index book, as prescribed in *Rule (20)* of this Schedule, the returning officer shall carefully examine the same and if in his judgment the said list or the index book appears to be incomplete or contains the name of any person who should not be so included, he shall not certify the enumerator's account, and the account shall be sent forward uncertified to the Auditor General, with a special report attached setting forth the relevant facts."

Section 17, Sched. B, Rule 13. This amendment corresponds to the modifications to Rule (3) of Schedule B, hereinbefore referred to. The present provision reads as follows:—

"*Rule (13)*. In order that he may readily be found by any person who desires to make representations with regard to any entry in or omission from the preliminary list of electors for his polling division, the enumerator shall attend at the place of which he has given notice as aforesaid between the hours of ten o'clock in the forenoon and ten o'clock in the afternoon of Tuesday, the thirteenth day before polling day, set for the revision of the said list as posted up pursuant to *Rule (3)* of this Schedule."

Section 17, Sched. B, Rule 16. This amendment corresponds to the modifications to Rule (3) of Schedule B, hereinbefore referred to. The present provision reads as follows:—

"*Rule (16)*. At any time after the enumerator has posted up his preliminary list, and particularly between the hours of ten o'clock in the forenoon and ten o'clock in the afternoon of Tuesday, the thirteenth day before polling day, at the place stated for the revision of the said list in the notice posted by him pursuant to *Rule (3)* of this Schedule, on being fully satisfied from representations made to him by any credible person that the preliminary list as prepared by him in the index book requires amendment as hereinafter mentioned, the enumerator shall

(a) add to such list in the index book the name of any person who is qualified as an elector in the polling division at the election then pending, but whose name has been omitted from the preliminary list; or

(b) strike out from such list in the index book the name of any person who is not qualified as an elector in the polling division; or

(c) correct in the index book any inaccurate statement as to the name, address or occupation of any person whose name properly appears in the said list."

Section 17, Sched. B, Rule 20. This amendment corresponds to the modifications to Rule (3) of Schedule B, hereinbefore referred to. The present provision reads as follows:

"*Rule (20)*. Upon the completion of the foregoing requirements and not later than Thursday, the eleventh day before polling day, the enumerator shall deliver or transmit to the returning officer the index book duly certified, in Form No. 22, which certificate shall be printed on the outside back cover of the said book, and all other documents in his possession relating to the revision of the list of electors for his polling division, with the exception of the two copies of the printed preliminary list of electors supplied to him by the returning officer, which copies the enumerator shall keep in his possession. The enumerator shall also deliver or transmit at the same time to the returning officer five certified copies of the statement of changes and additions mentioned in the next preceding *Rule* of this Schedule."

outside back cover of the said index book, and all other documents in his possession relating to the revision of the list of electors for his polling division. The enumerator shall also deliver or transmit at the same time to the returning officer five certified copies of the statement of changes and additions mentioned in the last preceding *Rule* of this Schedule."

11. Subsection two of section eighteen of the said Act is repealed and the following substituted therefor:—

Electoral district of Yukon-Mackenzie River.

"(2) In the electoral district of Yukon-Mackenzie River it shall be sufficient compliance with the immediately preceding provisions, if, at least six days before the day fixed for the nomination of candidates, the returning officer shall cause such proclamation to be inserted in one newspaper published in Dawson, and in one newspaper, if any, published in Whitehorse and in Yellowknife, and mails one copy of such proclamation to such postmasters within his electoral district as, in his judgment and in accordance with his knowledge of the prevailing conditions, will probably receive the same at least six clear days before nomination day."

12. Section nineteen of the said Act is repealed and the following substituted therefor:—

Qualifications of candidates.

"**19.** Except as in this Act otherwise provided, any person, man or woman, who *(a)* is a British subject, *(b)* is a qualified elector under this Act, and (*c*) is of the full age of twenty-one years, may be a candidate at a Dominion election."

13. Paragraph *(a)* of subsection two of section twenty of the said Act is repealed and the following substituted therefor:—

Ministers of the Crown.

"*(a)* the member of the King's Privy Council holding the recognized position of Prime Minister or any person holding the office of President of the Privy Council, Secretary of State for External Affairs, Minister of Justice, Minister of Finance, Minister of Mines and Resources, Minister of Public Works, Postmaster General, Minister of Trade and Commerce, Secretary of State of Canada, Minister of National Defence, Minister of National Health and Welfare, Minister of National Revenue, Minister of Fisheries, Minister of Labour, Minister of Transport, Minister of Agriculture, Minister of Reconstruction and Supply,

11. Section 18 (2). This amendment corresponds to the change made in *The Representation Act, 1947*, with regard to the electoral district of Yukon-Mackenzie River. The present provision reads as follows:—

"(2) In the Yukon Territory it shall be sufficient compliance with the immediately preceding provisions, if, at least six days before the day fixed for the nomination of candidates, the returning officer shall cause such proclamation to be inserted in at least one daily newspaper published in Dawson and in one thereof, if any, published in Whitehorse, and mails at least one copy of such proclamation to such postmasters within his electoral district as, in his judgment and in accordance with his knowledge of the prevailing conditions, will probably receive the same at least six clear days before nomination day."

12. Section 19. This amendment provides that a candidate must be a qualified elector. The present provision reads as follows:—

"19. Except as in this Act otherwise provided, any British subject, man or woman, who is of the full age of twenty-one years, may be a candidate at a Dominion election."

13. Section 20 (2) *(a)*. This amendment consists in the insertion of the following designations in the list of designations of Ministers of the Crown, etc., given in the said provision, namely. the Minister of National Health and Welfare, the Minister of Reconstruction and Supply, and the Solicitor General. The present provision reads as follows:—

"*(a)* the member of the King's Privy Council holding the recognized position of Prime Minister or any person holding the office of President of the Privy Council, Secretary of State for External Affairs, Minister of Justice, Minister of Finance, Minister of Mines and Resources, Minister of Public Works, Postmaster General, Minister of Trade and Commerce, Secretary of State of Canada, Minister of National Defence, Minister of Pensions and National Health, Minister of National Revenue, Minister of Fisheries, Minister of Labour, Minister of Transport and Minister of Agriculture, Parliamentary Secretary or Parliamentary Under Secretary or any office which is hearafter created, to be held by a member of the King's Privy Council for Canada and entitling him to be a minister of the Crown;"

Minister of Veterans Affairs, Solicitor-General, Parliamentary Secretary, or Parliamentary Under Secretary, or any office which is hereafter created, to be held by a member of the King's Privy Council for Canada and entitling him to be a minister of the Crown;"

14. (1) Subsection three of section twenty-one of the said Act is repealed and the following substituted therefor:—

Nomination day.

"(3) The day for the close of nominations (in this Act referred to as nomination day) shall be Monday, the fourteenth day before polling day, in every electoral district in Canada excepting that of Yukon-Mackenzie River, where the day for the close of nominations shall be Monday, the twenty-eighth day before polling day."

(2) The said section twenty-one is further amended by adding thereto the following subsection:—

Occupation of candidate.

"5A. Unless specially authorized by the Chief Electoral Officer, the occupation given by a candidate in the heading of his nomination paper shall be briefly stated and shall correspond to the occupation under which such candidate is known in the place of his ordinary residence."

(3) The said section twenty-one is further amended by repealing subsections eleven and thirteen thereof and substituting the following therefor, respectively:—

Sent to Comptroller of the Treasury.

"(11) The full amount of every deposit shall forthwith after its receipt be transmitted by the returning officer to the Comptroller of the Treasury.

Disposition of deposit.

"(13) The sum so deposited by any candidate shall be returned to him by the Comptroller of the Treasury in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of the candidate elected; otherwise, except in the case provided in subsection fourteen of this section, it shall belong to His Majesty for the public uses of Canada."

15. Subsection two of section twenty-five of the said Act is amended by repealing the first nine lines thereof and substituting the following therefor:—

Returning officer to mail copies of notice to postmasters.

"(2) Within two days after such poll has been granted, the returning officer shall mail to the same postmasters to whom the proclamation in Form No. 4 has been mailed (and in the electoral district of Yukon-Mackenzie River advertise in the same newspapers) copies of the Notice of Grant of a Poll in Form No. 27 issued under his hand in the English and French languages in every electoral district in the provinces of Quebec and Manitoba, and in the English language only in all the other electoral districts, indicating:—"

14. Section 21 (3). This amendment provides a period of two weeks between nomination and polling days in every electoral district, except that of Yukon-Mackenzie River, where the period is four weeks. The application of *The Canadian Defence Service Voting Regulations*, hereto appended, requires a period of at least two weeks between nomination and polling days, in every electoral district. The present provision reads as follows:—

"(3) The day for the close of nominations (in this Act referred to as nomination day) shall in the electoral districts specified in Schedule Three to this Act be the Monday of the second week next preceding the week of the poll, and in all other electoral districts shall be the Monday of the week preceding the week of the poll."

Section 21 (5A). This is a new provision. At past Dominion elections some candidates have given their occupations in their nomination papers as "President of this or that company" or "President of this or that political organization" or "President of this or that corporation" and the returning officer had no alternative but to accept such nomination papers. As section 28 (1) of the Act prescribes that the names, addresses, and occupations of candidates must be printed on the ballot papers exactly as they are set out in the nomination papers, some objections have been raised, especially in the case of candidates who were at the head of political organizations, whenever their occupations were so printed on the ballot papers.

Section 21 (11) and (13). These amendments are necessary in view of the fact that the Comptroller of the Treasury, instead of the Auditor General, will be called upon to handle the candidates' deposits. The present provisions read as follows:—

"(11) The full amount of every deposit shall forthwith after its receipt be transmitted by the returning officer to the Auditor General."

"(13) The sum so deposited by any candidate shall be returned to him by the Auditor General in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of the candidate elected; otherwise, except in the case hereinafter provided for, it shall belong to His Majesty for the public uses of Canada."

15. Section 25 (2). This amendment corresponds to the change made in *The Representation Act, 1947*, with regard to the electoral district of Yukon-Mackenzie River. The present provision reads as follows:—

"(2) Within two days after such poll has been granted, the returning officer shall mail to the same postmasters to whom the proclamation in Form No. 4 shall have been mailed (and in the Yukon Territory advertise in the same papers) notices in Form No. 27 issued under his hand in the English and French languages in every electoral district in the provinces of Quebec and Manitoba, and in the English language only in other electoral districts, of his having granted such poll, and indicating:—"

16. Subsection five of section twenty-six of the said Act is repealed and the following substituted therefor:—

Posting up of list of names of deputy returning officers.

"(5) At least three days before polling day, the returning officer shall post up in his office a list of the names and addresses of all the deputy returning officers appointed to act in the electoral district, with the numbers of their respective polling stations, and shall permit free access to, and afford full opportunity for the inspection of, such list by interested persons at any reasonable time."

17. Subsections two and three of section twenty-seven of the said Act are repealed and the following substituted therefor, respectively:—

Construction.

"(2) Each ballot box shall be made of some durable material with a slit or narrow opening on the top so constructed that, while the poll is open, the ballot papers may be introduced therein, but cannot be withdrawn therefrom unless the ballot box is unsealed and opened. Each ballot box shall be provided with a sealing plate, permanently attached, to affix the special metal seals prescribed by the Chief Electoral Officer for the use of returning officers and deputy returning officers.

Furnished by custodian.

"(3) The officer in charge of a building owned or occupied by the Government of Canada, the postmaster, the sheriff, the registrar of deeds, or other person designated by the Chief Electoral Officer, into whose custody, after the preceding election, the ballot boxes were deposited pursuant to section fifty-three of this Act, shall deliver such ballot boxes to the appropriate returning officer whenever an election has been ordered in his electoral district."

18. Subsection one of section twenty-eight of the said Act is repealed and the following substituted therefor:—

Ballot papers and their form.

"**28.** (1) All ballots shall be of the same description and as nearly alike as possible; the ballot of each elector shall be a printed paper, in this Act called a ballot paper, on which the names, addresses, and occupations of the candidates alphabetically arranged in the order of their surnames, shall, subject as hereafter in this section provided, be printed exactly as such names, addresses, and occupations are set out in the heading of the nomination papers; each ballot paper shall have a counterfoil and a stub, and there shall be a line of perforations between the ballot paper and the counterfoil and between the counterfoil and the stub, the whole as in Form No. 32."

16. Section 26 (5). The present provision prescribes that a list of the names and addresses of deputy returning officers and poll clerks is to be posted up by the returning officer not later than seven o'clock in the evening of the Saturday immediately preceding polling day. Poll clerks are appointed by the deputy returning officers themselves, and in several electoral districts, the posting up, before polling day, of a list of names, etc., of the poll clerks has proven to be a physical impossibility. This amendment provides that only a list of names and addresses of the deputy returning officers is to be posted up in the returning officer's office. The present provision reads as follows:—

"(5) Each deputy returning officer shall, if practicable, furnish to the returning officer, not later than six o'clock in the afternoon of the Saturday immediately preceding polling day, the name, address and occupation of his poll clerk; and the returning officer shall, not later than seven o'clock in the afternoon of the Saturday immediately preceding polling day, post up in his office a list of the names and addresses of the deputy returning officers and poll clerks, showing the polling station where each is to act, and shall permit free access to and afford full opportunity for inspection of such list by any candidate, agent or elector up to at least ten o'clock in the evening of the same day."

17. Section 27 (2) and (3). The purpose of these amendments is to provide the use of a special metal seal called the "Tyden seal" for locking and sealing ballot boxes. At present, padlocks are used in locking ballot boxes, and gummed paper seals for the sealing of same. The proposed special metal seals will lock and seal the ballot boxes in one operation and in a most satisfactory manner. These seals have been used by the Canadian National Railway and the Canadian Pacific Railway during the last thirty years to seal freight cars. The special metal seal will be used to lock and seal every ballot box during polling hours and in the interval between the close of the poll and the final addition of the votes, and a recount, if one is held. The present provisions read as follows:—

"(2) The ballot boxes shall be made of some durable material, with one lock and key, and a slit or narrow opening in the top, and so constructed that the ballot papers may be introduced therein, but cannot be withdrawn therefrom unless the box is unlocked.

(3) The officer in charge of a federal building, the postmaster, the sheriff or the registrar of deeds into whose custody, after the close of the next previous election, the ballot boxes of the electoral district used at such election, with their locks and keys, were deposited pursuant to section fifty-three of this Act, shall deliver to the returning officer whenever he shall so request, such ballot boxes, locks and keys."

18. Section 28 (1). This amendment provides that the names, addresses, and occupations of candidates must be inserted on the ballot papers exactly as they are set out in the heading of the nomination papers. The present provision reads as follows:—

"**28.** (1) All ballots shall be of the same description and as nearly alike as possible. The ballot of each voter shall be a printed paper, in this Act called a ballot paper, on which the names, addresses and occupations of the candidates alphabetically arranged in the order of their surnames, shall, subject as hereafter in this section provided, be printed exactly as they are set out in the nomination paper; the ballot paper shall have a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub, the whole as in Form No. 32."

19. Paragraph *(d)* of section twenty-nine of the said Act is repealed and the following substituted therefor:—

Fraudulent putting of paper in ballot box.

"*(d)* fraudulently puts or causes to be put into a ballot box a paper other than the ballot paper which is authorized by this Act;"

20. Paragraph *(e)* of subsection one of section thirty of the said Act is repealed and the following substituted therefor:—

Instructions to be furnished D.R.O.

"*(e)* copy of the instructions prescribed by the Chief Electoral Officer, referred to in paragraph *(a)* of subsection one of section thirteen of this Act;"

21. (1) Section thirty-six of the said Act is amended by adding thereto the following subsection:—

Initialling ballot papers.

"(1A) Before the opening of the poll, on polling day, the deputy returning officer shall, at the polling station and in full view of such of the candidates or their agents or the electors representing candidates as are present, affix uniformly his initials in the space provided for that purpose on the back of every ballot paper supplied to him by the returning officer. The initials of the deputy returning officer shall be affixed either entirely with pen and ink or entirely with a black lead pencil. For the purpose of such initialling, the ballot papers shall not be detached from the books in which such ballot papers have been bound or stitched pursuant to subsection five of section twenty-eight of this Act."

(2) Subsection two of the said section thirty-six is repealed and the following substituted therefor:—

Examining and sealing ballot box.

"(2) At the hour fixed for opening the poll the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present, open the ballot box and ascertain that there are no ballot papers or other papers or material enclosed therein, after which the ballot box shall be locked and sealed with one of the special metal seals provided by the Chief Electoral Officer for the use of deputy returning officers; the ballot box shall then be placed on a table in full view of all present and shall be maintained so placed until the close of the poll."

22. Subsection one of section thirty-seven of the said Act is repealed and the following substituted therefor:—

Who may vote and where.

"**37.** (1) Subject to his taking any oath or affidavit authorized by this Act to be required of him, every person whose name appears on an official list of electors shall be allowed to vote at the polling station on the list of electors

19. Section 29 *(d)*. This amendment is required in view of the fact that the ballot paper is not to be put into the ballot box by the elector but by the deputy returning officer. The present provision reads as follows:—

"*(d)* fraudulently puts into a ballot box a paper other than the ballot paper which he is authorized by law to put in;"

20. Section 30 (1) *(e)*. This amendment corresponds to the modifications provided in section 5 of this Bill. The present provision reads as follows:—

"*(e)* copy of or excerpts from this Act and of the instructions referred to in section thirteen;"

21. Section 36 (1A). This is a new provision. It provides that the deputy returning officer must, in the polling station before the opening of the poll on polling day, initial all the ballot papers that he has received from the returning officer.

Section 36 (2). The purpose of this amendment is to provide the use of special metal seals for locking and sealing ballot boxes, which is commented upon more fully in the explanatory note printed opposite section 17 of this Bill. The present provision reads as follows:—

"(2) At the hour fixed for opening the poll the deputy returning officer and the poll clerk shall, in the presence of the candidates, their agents, and such of the electors as are present, open the ballot box and ascertain that there are no ballot papers or other papers therein, after which the box shall be locked, and the deputy returning officer shall keep the key thereof; the box shall be placed on a table in full view of all present and shall be maintained there until the close of the poll."

22. Section 37 (1). This amendment corresponds to the new subsection (14A) of section 17 of the Act hereinbefore referred to. The present provision reads as follows:—

"**37.** (1) Subject to his taking any oath authorized by this Act to be required of him, every person whose name appears on an official list of electors shall be permitted to vote at the polling station on the list of electors for which his name appears. In an urban polling division, he shall not be permitted to vote if his name does not so appear thereon, unless he has obtained a transfer certificate, pursuant to section forty-three of this Act, and fully complies with the provisions of subsection five of the said section, or unless he has obtained from the returning officer a certificate in Form No. 18 pursuant to subsection fourteen of section seventeen of this Act, which certificate shall be delivered to the deputy returning officer before the elector is allowed to vote. In a rural polling division, any qualified elector may vote subject to the provisions of section forty-six of this Act notwithstanding that his name does not appear on the official list of electors for the polling division in which such elector ordinarily resides."

Closed lists in urban polls.

for which his name appears; in an urban polling division, he shall not be allowed to vote if his name does not appear on such list, unless he has obtained a transfer certificate, pursuant to section forty-three of this Act, and fully complies with the provisions of subsection five of the said section, or unless he has obtained from the returning officer a certificate in Form No. 18 issued pursuant to subsection fourteen of section seventeen of this Act, or a certificate in Form No. 18A issued pursuant to subsection 14A of the said section, which certificate shall be delivered to the deputy returning officer before the elector is allowed to vote; in a rural polling division, any qualified elector may vote, subject to the provisions of section forty-six of this Act, notwithstanding that his name does not appear on the official list of electors for the polling division in which such elector ordinarily resides."

Open lists in rural polls.

23. Subsection four of section forty-three of the said Act is repealed and the following substituted therefor:—

Transfer certificates for deputy returning officer, poll clerk, and election clerk.

"(4) The returning officer or the election clerk may also issue a transfer certificate to any person whose name appears on the official list of electors and who has been appointed to act as deputy returning officer or poll clerk for any polling station established in the electoral district other than that at which such person is entitled to vote; the returning officer may also issue a transfer certificate to his election clerk, when such election clerk ordinarily resides in a polling division other than that in which the office of the returning officer is situated."

24. Paragraph *(c)* of subsection one of section forty-four of the said Act is repealed and the following substituted therefor:—

Communicating manner of voting.

"*(c)* at any time communicate any information as to the manner in which any ballot paper has been marked in his presence in the polling station; or"

25. Section forty-five of the said Act is amended by repealing subsections six and eight thereof and substituting the following therefor, respectively:—

Entry in poll book.

"(6) In such case, the poll clerk shall enter in the poll book, opposite the name of the elector

(a) a note of his having voted on a second ballot paper issued under the same name;

(b) the fact of the oath of identity having been taken, and the fact of any other oath being required and taken; and

(c) any objections made on behalf of any and of which of the candidates.

23. Section 43 (4). This amendment will enable the returning officer to issue a transfer certificate to his election clerk when such clerk is entitled to vote in another polling division of the electoral district. The present provision reads as follows:—

"(4) The returning officer or the election clerk may also issue a like transfer certificate to any person whose name appears on the official list of electors for any polling station and who has been appointed to act as deputy returning officer or poll clerk at any polling station in the electoral district other than that at which such person is entitled to vote."

24. Section 44 (1) *(c)*. This amendment corresponds to the modifications provided in section 25 of this Bill. The present provision reads as follows:—

"*(c)* at any time communicate, except to a court or judge lawfully requiring him so to do, any information as to the number on the back of the ballot paper given to any voter who has voted pursuant to subsections five and six of section forty-five of this Act:"

25. Section 45 (6). It is prescribed at present that the ballot paper used by a personated elector is to be marked with a number corresponding to the consecutive number given to such elector in the poll book, thus destroying the secrecy of such ballot paper. This amendment will render secret the ballot paper marked by a personated elector. The present provision reads as follows:—

"(6) In such case, the deputy returning officer shall put on the back of the ballot paper his initials, together with a number corresponding to the consecutive number given to the voter and entered in the poll book opposite the name of such voter, and the poll clerk shall enter in the poll book

(a) the name of such voter;

(b) a note of his having voted on a second ballot paper issued under the same name;

(c) the fact of the oath of identity having been required and taken, and the fact of any other oaths being so required or taken; and

(d) any objections made on behalf of any and of which of the candidates."

Blind elector's ballot paper marked by friend.

"(8) The deputy returning officer shall either deal with a blind elector in the same manner as with an illiterate or otherwise incapacitated elector, or, at the request of a blind elector who has taken the oath in Form No. 43, and is accompanied by a friend, shall permit such friend to accompany the blind elector into the voting compartment and mark the blind elector's ballot paper; in such case the poll clerk shall, in addition to the other requirements prescribed in this Act, enter the name of the friend of the blind elector in the remarks column of the poll book, opposite the entry relating to such blind elector; no person shall at any election be allowed to act as the friend of more than one blind elector."

26. Section forty-six of the said Act is amended by adding thereto the following subsection:—

Penalty for illegal vouching.

"(4) Any elector who vouches for an applicant elector, knowing that such applicant is for any reason disqualified from voting in the polling division at the pending election, is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided."

27. Subsections one and three of section forty-seven of the said Act are repealed and the following substituted therefor, respectively:—

Consecutive hours for voting.

"**47.** (1) Every employee who is a qualified elector shall, while the polls are open on polling day at a Dominion election, have three consecutive hours for the purpose of casting his vote; and if the hours of his employment do not allow for such three consecutive hours, his employer shall allow him such additional time for voting as may be necessary to provide the said three consecutive hours; no employer shall make any deduction from the pay of any such employee nor impose upon or exact from him any penalty by reason of absence from his work during such consecutive hours; the additional time for voting above referred to shall be granted at the convenience of the employer.

Penalty.

"(3) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any elector in his employ, of the consecutive hours for voting, as in this section provided, is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided."

Section 45 (8). This amendment provides for the entering of the name of the friend of the blind elector in the remarks column of the poll book. The present provision reads as follows:—

"(8) The deputy returning officer shall either deal with a blind elector in the same manner as with an illiterate or otherwise incapacitated elector, or, at the request of any blind elector who has taken the oath in Form No. 43, and is accompanied by a friend, shall permit such friend to accompany the blind elector into the voting compartment and mark the elector's ballot for him. No person shall at any election be allowed to act as the friend of more than one blind elector."

26. Section 46 (4). This is a new subsection; it provides a penalty for illegal vouching in rural polling divisions.

27. Section 47 (1) and (3). The interpretation of the present provisions has given rise to many difficulties at past elections. These read as follows:—

"47 (1). Every employer shall, on polling day, allow to every elector in his employ at least two additional hours other than the noon hour, for voting, and no employer shall make any deduction from the pay of any such elector nor impose upon or exact from him any penalty by reason of his absence during such hours."

"(3) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any elector in his employ, of the additional hours for voting, as in this section provided, shall be guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided."

28. (1) Paragraph *(d)* of subsection two of section fifty of the said Act is repealed and the following substituted therefor:—

Rejected ballots

"*(d)* upon which there is any writing or mark by which the elector could be identified, but no ballot paper shall be rejected on account of any writing, number, or mark placed thereon by any deputy returning officer."

(2) Subsection nine of the said section fifty is repealed and the following substituted therefor:—

Documents to be enclosed in ballot box.

"(9) The poll book, the several envelopes containing the ballot papers—unused, spoiled, rejected, or counted for each candidate—each lot in its proper envelope, the envelope containing the official list of electors and other documents used at the poll shall then be placed in the large envelope supplied for the purpose, and this envelope shall be immediately sealed and placed in the ballot box with (but not enclosing) the envelope containing the official statement of the poll prepared for the returning officer and referred to in subsection eight of this section; the ballot box shall then be locked and sealed with one of the special metal seals prescribed by the Chief Electoral Officer for the use of the deputy returning officer and forthwith transmitted by registered mail or delivered to the returning officer; the returning officer may appoint one or more persons for the purpose of collecting the ballot boxes from a given number of polling stations and such person or persons shall, on delivering such ballot boxes to the returning officer, subscribe to the oath in Form No. 55."

Locking and sealing ballot box.

29. Subsection one of section fifty-one of the said Act is repealed and the following substituted therefor:—

Safe-keeping of ballot boxes.

"**51.** (1) The returning officer upon the receipt of each ballot box, shall take every precaution for its safe-keeping and for preventing any person other than himself and his election clerk from having access thereto; the returning officer shall examine the special metal seal affixed to each ballot box by the deputy returning officer, pursuant to subsection nine of section fifty of this Act, and if such seal is not in good order, the returning officer shall affix his own special metal seal prescribed by the Chief Electoral Officer; the returning officer shall record the condition of the special metal seal required to be affixed, by the deputy returning officer, to every ballot box, in the appropriate column of the returning officer's record book."

30. Section fifty-three of the said Act is repealed and the following substituted therefor:—

Custody of empty ballot boxes.

"**53.** (1) After the close of the election, the returning officer shall cause the empty ballot boxes used thereat, to be deposited in the custody of the officer in charge of a building owned or occupied by the Government of Canada, if any,

28. Section 50 (2) *(d)*. This amendment corresponds to the modifications set out in section 25 of this Bill. The present provision reads as follows:—

> "*(d)* upon which there is any writing or mark by which the voter could be identified, other than the numbering by the deputy returning officer in the cases hereinbefore referred to, but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any deputy returning officer."

Section 50 (9). The purpose of this amendment is to provide the use of special metal seals for locking and sealing ballot boxes, which is commented upon more fully in the explanatory note printed opposite section 17 of this Bill. The present provision reads as follows:—

> "(9) The poll book, the several envelopes containing the ballot papers—unused, spoiled, rejected or counted for each candidate—each lot in its proper envelope, the envelope containing the official list of electors and other documents used at the poll shall then be placed in the large envelope supplied for the purpose, and this envelope shall then be sealed and placed in the ballot box with (but not enclosing) the envelope containing the statement of the poll prepared for the returning officer and referred to in the next preceding subsection. The ballot box shall then be locked and sealed with the seal of the deputy returning officer and forthwith transmitted by registered mail or delivered to the returning officer. The returning officer may specially appoint one or more persons for the purpose of collecting the ballot boxes from a given number of polling stations and such person or persons shall, on delivering the ballot boxes to the returning officer, take the oath in Form No. 55."

29. Section 51 (1). The purpose of this amendment is to provide the use of special metal seals for locking and sealing ballot boxes, which is commented upon more fully in the explanatory note printed opposite section 17 of this Bill. The present provision reads as follows:—

> "**51.** (1) The returning officer upon receipt by him of each of the ballot boxes, shall take every precaution for its safekeeping and for preventing any person other than himself and his election clerk from having access thereto, sealing it under his own seal so that it cannot be opened without the seal being broken, but without effacing or covering any other seals thereto affixed."

30. Section 53. The purpose of this amendment is to provide the use of special metal seals for locking and sealing ballot boxes, which is commented upon more fully in the explanatory note printed opposite section 17 of this Bill. The present provision reads as follows:—

> "**53.** (1) After the close of the election the returning officer shall cause the ballot boxes used thereat, with their locks and keys, to be deposited in the custody of the officer in charge of a federal building, if any, at the place at which the final addition of the votes was held, or if none, of the postmaster at such place, or of the sheriff of any county or district, or the registrar of deeds of any county or registration division, included, or in part included, in the electoral district.

at the place at which the final addition of the votes was held, or if none, of the postmaster of such place, or of the sheriff of any county or judicial district, or of the registrar of deeds of any county or registration division, included, or in part included, in the electoral district, or of any other person designated by the Chief Electoral Officer.

Receipt.

(2) Upon delivery to him of such ballot boxes, the custodian shall issue his receipt, in the form prescribed by the Chief Electoral Officer, and transmit or deliver a copy of such receipt to the returning officer."

31. Section fifty-five of the said Act is amended by repealing the first five lines of subsection one thereof and substituting the following therefor:—

Failure of judge to act.

"**55.** (1) Except in the electoral district of Yukon-Mackenzie River, in case of any omission, neglect, or refusal of the judge to comply with the foregoing provisions in respect of the recount, or to proceed therewith, any party aggrieved may, within eight days thereafter, make application—

32. Subsection five of section fifty-six of the said Act is repealed and the following substituted therefor:—

Notice of return in *Canada Gazette*.

"(5) The Chief Electoral Officer shall, on receiving the return of any member elected to serve in the House of Commons, enter it, in the order in which such return is received by him, in a book to be kept by him for such purpose and thereupon immediately give notice in an ordinary or special issue of the *Canada Gazette* of the name of the candidate so elected and in the order in which it was received, and shall also forward to the Comptroller of the Treasury a certified statement of the number of votes cast for each candidate in every electoral district, and when the Comptroller of the Treasury has satisfied himself that, pursuant to subsection thirteen of section twenty-one of this Act, a candidate is entitled to the return of his deposit, the Comptroller of the Treasury shall return it accordingly."

Statement to Comptroller of the Treasury.

Return of deposit.

33. Subsections three, four, and five of section sixty of the said Act are repealed and the following substituted therefor, respectively:—

Mode of payment of fees and expenses.

"(3) Such fees, costs, allowances, and expenses shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, and they shall be distributed as follows:—

By special warrants in certain cases.

(a) with regard to polling stations other than advance polling stations the fees or allowances, fixed by the tariff of fees, established pursuant to subsection one

"(2) Upon delivery to him of such ballot boxes, padlocks and keys the custodian shall issue his receipt and shall at the next ensuing election, upon request deliver the said ballot boxes, padlocks and keys to the returning officer to whom the writ is directed, taking such returning officer's receipt."

31. Section 55. This amendment corresponds to the change made by *The Representation Act, 1947*, with regard to the electoral district of Yukon-Mackenzie River. The present provision reads as follows:—

"**55.** (1) Except in the Yukon Territory, in case of any omission, neglect or refusal of the judge to comply with the foregoing provisions in respect of the recount, or to proceed therewith, any party aggrieved may, within eight days thereafter, make application—"

32. Section 56 (5). This amendment is necessary owing to the handling of candidates' deposits by the Comptroller of the Treasury instead of by the Auditor General. The present provision reads as follows:—

"(5) The Chief Electoral Officer shall, on receiving the return of any member elected to serve in the House of Commons, enter it, in the order in which such return is received by him, in a book to be kept by him for such purpose and thereupon immediately give notice in an ordinary or special issue of the *Canada Gazette* of the name of the candidate so elected and in the order in which it was received, and shall also forward to the Auditor General a certified statement of the number of votes cast for each candidate in each electoral district and when the Auditor General has satisfied himself that pursuant to subsection thirteen of section twenty-one of this Act, a candidate is entitled to the return of his deposit the Auditor General shall return it accordingly."

33. Section 60 (3), (4), and (5). These amendments are necessary owing to the taxation of election accounts by the Chief Electoral Officer and the payment of such accounts by the Comptroller of the Treasury, instead of these accounts being taxed and paid by the Auditor General. The present provisions read as follows:—

"(3) Such fees, costs, allowances and expenses shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada and they shall be distributed as follows:—

(a) in polling stations other than advance polling stations, the fees or allowances, fixed by the tariff for the personal services of deputy returning officers and poll clerks, and for the rental of polling stations, shall be paid direct to each claimant by special warrants drawn on the Auditor General and finally issued by the returning officer for each electoral district. The necessary blank warrants shall be furnished to each returning officer by the Chief Electoral Officer on requisitions received by him from returning officers not earlier than polling day. Such warrants shall bear the printed signature of the Chief Electoral Officer, and when countersigned by the appropriate returning officer, shall be negotiable without charge at any chartered bank in Canada. Immediately after the final addition of the votes has been held, every returning officer shall fill in the necessary blank spaces in the warrants, affix his signature thereon and despatch the warrants by mail to the deputy returning officers, poll clerks and landlords of polling stations entitled to receive them;

of this section, of deputy returning officers and poll clerks, and for the rental of polling stations, shall, except in the electoral district of Yukon-Mackenzie River, be paid direct to each claimant by special warrants drawn on the Comptroller of the Treasury and finally issued by the returning officer for each electoral district; the necessary forms of warrants shall be furnished to each returning officer by the Chief Electoral Officer. Such warrants shall bear the printed signature of the Chief Electoral Officer, and when countersigned by the appropriate returning officer, shall be negotiable without charge at any chartered bank in Canada; immediately after the final addition of the votes has been held, every returning officer shall fill in the necessary spaces in the warrants, affix his signature thereon, and despatch the warrants by mail to the deputy returning officers, poll clerks, and landlords of polling stations entitled to receive them;

By separate cheques in other cases.

(b) all claims made by other election officers, including the returning officer, election clerk, enumerators, revising officers, advance polling station officers, constables, and various other claims relating to the conduct of an election, shall be paid by separate cheques issued from the office of the Comptroller of the Treasury at Ottawa, and sent direct to each person entitled to payment; and

Mode of payment in Yukon-Mackenzie River.

(c) in the electoral district of Yukon-Mackenzie River, the fees of deputy returning officers, poll clerks, and landlords of polling stations, shall be paid by separate cheques issued from the office of the Comptroller of the Treasury.

Certification.

"(4) The returning officer shall certify all accounts submitted by him to the Chief Electoral Officer, and shall be responsible for their correctness.

Responsibility of returning officer.

"(5) The returning officer shall exercise special care in the certification of enumerators' accounts; any enumerator who wilfully and without reasonable excuse omits from the list of electors prepared by him (or by him jointly with another enumerator) the name of any person entitled to have his name entered thereon, or enters on the said list the name of any person who is not qualified as an elector in his polling division, shall forfeit his right to payment for his services and expenses; in all such cases, the returning officer shall not certify the account of the enumerator concerned, but shall send it uncertified to the Chief Electoral Officer with a special report attached thereto stating the relevant facts; the Comptroller of the Treasury shall not pay any urban enumerator's account until after the revision of the lists of electors has been completed."

(*b*) all claims made by other election officers, including enumerators, revising officers, advance polling station officers, and constables, and the various other claims, shall be paid by separate cheques issued from the office of the Auditor General at Ottawa, and sent direct to each person entitled to payment;

(*c*) in the electoral district of Yukon, all accounts for fees, costs, allowances and expenses relating to the holding of an election, including the fees and allowances of deputy returning officers, poll clerks and landlords of polling stations, shall be paid in accordance with regulations made by the Auditor General.

(4) The returning officer shall certify for payment all accounts submitted by him to the Auditor General, and shall be responsible for their correctness.

(5) The returning officer shall exercise special care in the certification of enumerators' accounts. Any enumerator who wilfully and without reasonable excuse omits from the list of electors prepared by him (or by him jointly with another enumerator) the name of any person entitled to have his name entered thereon, or enters on the said list the name of any person who is not qualified as an elector in his polling division, shall forfeit his right to payment for his services and expenses. In all such cases, the returning officer shall not certify the enumerator's account, but shall send it forward uncertified to the Auditor General with a special report attached thereto stating the relevant facts. The Auditor General shall not pay any urban enumerator's account until after the revision of the list has been completed."

34. Subsection one of section sixty-one of the said Act is repealed and the following substituted therefor:—

Taxation of accounts.

"**61.** (1) The Chief Electoral Officer shall, in accordance with the tariff of fees established pursuant to subsection one of section sixty of this Act, tax all accounts relating to the conduct of an election and shall transmit such accounts forthwith to the Comptroller of the Treasury."

35. Section sixty-three of the said Act is amended by repealing the first six lines of subsection one thereof and substituting the following therefor:—

Return of election expenses by official agent.

"**63.** (1) Within two months after the candidate returned has been finally declared elected, the official agent of every candidate shall transmit to the returning officer a true signed return substantially in Form No. 57, in this Act referred to as a return respecting election expenses, containing detailed statements as respects that candidate of".

36. Subsection six of section seventy of the said Act is repealed and the following substituted therefor:—

Powers as commissioner under *Inquiries Act*. R.S., c. 99

"(6) For the purpose of any inquiry held under the provisions of this section, the Chief Electoral Officer or any person nominated by him for the purpose of conducting any such inquiry, shall have the powers of a commissioner under Part II of the *Inquiries Act*, and any expense required to be incurred for the purpose of any inquiry under this section and of any proceedings assisted or caused to be taken by the Chief Electoral Officer by virtue thereof shall be payable by the Comptroller of the Treasury, on the certificate of the Chief Electoral Officer, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada."

37. Section ninety-five of the said Act is repealed and the following substituted therefor:—

Who may vote at advance polls.

"**95.** The privilege of voting at an advance poll shall extend and shall extend only—

(a) to such persons as are employed as commercial travellers as defined in subsection four of section two of this Act, to such persons as are employed as fishermen as defined in subsection 12A of the said section, and to such persons as are employed upon railways, vessels, airships, or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof), and to any of such persons only if, because of the nature of his said employment, and in the course thereof, he is necessarily absent from time to time from the place of his ordinary residence, and if he has reason to believe that he will be so absent on polling

34. Section 61 (1). This amendment provides that election accounts will be taxed by the Chief Electoral Officer instead of by the Auditor General. The present provision reads as follows:—

"**61.** (1) The Auditor General shall, in accordance with this Act, tax and pay all election expense accounts; and any disagreement between the Auditor General and any claimant shall be referred to the Chief Electoral Officer and he shall either confirm the action of the Auditor General or, if he disagrees, then, if the question involves only the legal right of a person claiming payment to be paid at all, it shall be referred to and be finally resolved by the Treasury Board; or if the question involves only the fairness of the amount payable to any person with relation to the services or materials supplied, it shall be referred to and shall be finally resolved by the Secretary of State."

35. Section 63 (1). This amendment provides that the final declaration of the elected candidate will be the date from which the two months period for the transmission of the returns of election expenses to the returning officer is to be calculated. The present provision reads as follows:—

"**63.** (1) Within two months after the candidate returned has been declared elected, the official agent of every candidate shall transmit to the returning officer a true signed return substantially in Form No. 57, in this Act referred to as a return respecting election expenses, containing detailed statements as respects that candidate of"

36. Section 70 (6). This amendment is required in view of the fact that the Comptroller of the Treasury will pay all election accounts instead of the Auditor General. The present provision reads as follows:—

"(6) For the purpose of any inquiry under the provisions of this section, the Chief Electoral Officer or any person nominated by him for the purpose of conducting any such inquiry, shall have the powers of a commissioner under Part II of the *Inquiries Act*, and any expense required to be incurred for the purpose of any inquiry under this section and of any proceedings assisted or caused to be taken by the Chief Electoral Officer by virtue thereof shall be payable by the Auditor General on the certificate of the Chief Electoral Officer out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada."

37. Section 95 *(a)*. This amendment provides that fishermen will be entitled to the privilege of voting at advance polls. The present provision reads as follows:—

"**95.** The privilege of voting at an advance poll shall extend and shall extend only to—

(a) such persons as are employed as commercial travellers as defined in subsection four of section two of this Act and to such persons as are employed upon railways, vessels, airships or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof) and to any of such persons only if, because of the nature of his said employment, and in the course thereof, he is necessarily absent from time to time from his ordinary place of residence, and if he has reason to believe that he will be so absent on polling day from, and that he is likely to be unable to vote on that day in, the polling division on the list for which his name appears; and"

day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list for which his name appears; and

(b) to such persons as are members of the Royal Canadian Mounted Police Force, and to any of such persons only if, on account of the performance of duties or training in such Force, he has reason to believe that he will be necessarily absent on polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears."

38. Subsections one, two, and three of section ninety-seven of the said Act are repealed and the following substituted therefor:—

Examining and sealing ballot box.

"**97.** (1) At the opening of the advance poll, at two o'clock in the afternoon of the first day of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present, open the ballot box and ascertain that there are no ballot papers or other papers or material enclosed therein, after which the ballot box shall be locked and sealed with one of the special metal seals provided by the Chief Electoral Officer for the use of deputy returning officers; the ballot box shall then be placed on a table in full view of all present and shall be maintained so placed until the close of the advance poll on such day of voting.

Re-opening of advance poll.

(2) At the re-opening of the advance poll, at two o'clock in the afternoon of the second and third days of voting, the ballot box shall be unsealed and opened by the deputy returning officer in full view of such of the candidates or their agents or the electors representing candidates as are present, and the special envelope containing the unused ballot papers shall be taken out and opened; the special envelope or envelopes containing the ballot papers cast on the preceding day or days of voting shall, unopened, remain in the ballot box; the ballot box shall then be locked and sealed, and placed upon the table, as prescribed in subsection one of this section.

Proceedings at close of advance poll each day of voting.

(3) At the close of the advance poll, at ten o'clock in the evening of each of the three days of voting, the deputy returning officer shall in full view of such of the candidates or their agents or the electors representing candidates as are present,

(a) unseal and open the ballot box;

(b) empty the ballot papers cast during the same day of voting (in such manner as not to disclose for whom any elector has voted) into a special envelope supplied for the purpose;

(c) seal such envelope with a gummed paper seal prescribed by the Chief Electoral Officer;

Section 95 *(b)*. This amendment provides that only the members of the Royal Canadian Mounted Police Force will be entitled to the privilege of voting at advance polls. The members of the naval, military, and air forces of Canada will be entitled to vote as Defence Service electors, and as such they will not be allowed to vote at advance polls. The present provision reads as follows:—

"*(b)* such persons as are members of the Naval, Military or Air Forces of Canada, or of the Royal Canadian Mounted Police, and to any of such persons only if (because he is called out on active service or for annual training or he is engaged in, or called to the performance of, naval, military or other duty, in pursuance of orders in that behalf) he has reason to believe that he will be necessarily absent on polling day from, and that he is likely to be unable to vote on that day in, the polling division on the list for which his name appears."

38. Section 97. The purpose of this amendment is to provide the use of special metal seals for locking and sealing ballot boxes, which is commented upon more fully in the explanatory note printed opposite section 17 of this Bill. The present provision reads as follows:—

"**97.** (1) At the close of the advance poll each day, the deputy returning officer shall in the presence of such of the candidates or their agents or of the electors representing candidates as may be entitled to be present and are present,

(a) unseal and open the ballot box;

(b) empty the ballots (in such manner as not to disclose for whom any elector has voted) into a special envelope supplied for the purpose;

(c) seal such envelope;

(d) count the unused ballots and the certificates in Form No. 62 which up to that time have been presented;

(e) place the unused ballots and certificates in Form No. 62 in another envelope which shall be supplied for the purpose;

(f) endorse thereon the number of such unused ballots and certificates in Form No. 62; and

(g) seal up the said envelope.

(2) The deputy returning officer shall and such candidates and their agents or electors representing candidates as are present may affix their seals or signatures to both envelopes and the deputy returning officer shall then place both envelopes in the ballot box and lock the same and the deputy returning officer shall and every candidate or agent present who desires to do so may affix their respective seals and signatures to the ballot box in such manner that the box cannot be opened or anything deposited therein or removed therefrom without breaking such seals.

(3) At the re-opening of the poll each day the ballot box shall be opened by the deputy returning officer in the presence of such of the candidates or their agents or of the electors representing the candidates as may be entitled to be present and are present and the envelope containing the unused ballots shall be taken out and opened, the ballot box being immediately thereafter locked and kept locked except as herein otherwise provided."

(d) count the unused ballot papers and the used advance poll certificates which up to that time have been presented;

(e) place the unused ballot papers and used advance poll certificates in another special envelope supplied for the purpose;

(f) endorse on such envelope the number of such unused ballot papers and used advance poll certificates; and

(g) seal the said envelope with a gummed paper seal prescribed by the Chief Electoral Officer;

Affixing of signatures and special metal seal.

the deputy returning officer and such of the candidates or their agents or the electors representing candidates as are present, shall affix their signatures on the gummed paper seals affixed to both of the above mentioned special envelopes, before such envelopes are placed in the ballot box; the ballot box shall then be locked and sealed as prescribed in subsection one of this section.

Custody of ballot box.

(4) In the intervals between voting hours at the advance poll and until six o'clock in the afternoon of the day fixed ordinary polling day, the ballot box shall remain in the custody of the deputy returning officer; the ballot box shall be kept locked and sealed in the manner prescribed in subsection one of this section, and such of the candidates or their agents or the electors representing candidates as are present at the close of the advance poll on each of the three days of voting, may, if they so desire, take note of the serial number embossed on the special metal seal used for locking and sealing the ballot box, as herein prescribed, and may again take note of such serial number at the re-opening of the advance poll on the second and third days of voting and at the counting of the votes on the ordinary polling day."

39. The said Act is further amended by adding thereto the following section:—

When polls lie in two time zones.

"**102A.** In an electoral district lying in two different standard time zones, the hours of the day for every operation prescribed by this Act shall be determined by the returning officer with the approval of the Chief Electoral Officer, and such hours, after a notice to that effect has been published in the proclamation in Form No. 4, shall be uniform throughout the electoral district."

40. Subsection one of section one hundred and four of the said Act is repealed and the following substituted therefor:—

Oaths, by whom administered.

"**104.** (1) Where in this Act any oath, affirmation, affidavit, or statutory declaration is authorized or directed to be made, taken or administered, the oath, affirmation, affidavit, or declaration shall be administered by the person who by this Act is expressly required to administer it, and, if no particular person is required to administer it, then by the judge of any court, the returning officer, the election clerk, a postmaster, a revising officer, a deputy returning

39. Section 102A. This is a new provision. There are several electoral districts which lie in two different standard time zones and this has given rise to some difficulties at past Dominion elections. For instance, in five electoral districts comprised in one of the western provinces, central standard time prevails at the eastern polls, while mountain standard time prevails at the western polls. This amendment will make it possible to open and close the polls at the same hours in each of those five electoral districts, as well as in other electoral districts lying in two different standard time zones.

40. Section 104 (1). This amendment provides that enumerators, deputy returning officers, poll clerks, and other election officers may swear their oaths of office before a postmaster. This provision is now in force, but in view of the repeal of Chapter 26 of the Statutes of Canada, 1944-45, by section 47 of this Bill, it has been deemed necessary to re-enact such provision.

officer, a poll clerk, a notary public, a magistrate, a justice of the peace, or a commissioner for taking affidavits in the province."

41. Section one hundred and seven of the said Act is repealed and the following substituted therefor:—

Premature publication of results forbidden.

"**107.** No person, company or corporation shall, in any province before the hour of closing of the polls in such province, publish the result or purported result of the polling in any electoral district in Canada, whether such publication is by radio broadcast, or by newspaper, news-sheet, poster, bill-board, handbill, or in any other manner; any person contravening the provisions of this section (and in the case of a company or corporation any person responsible for the contravention thereof) is guilty of an illegal practice and of an offence against this Act."

42. The said Act is further amended by adding thereto the following heading and section:—

"Lists of Electors for By-elections ordered on a date later than six months after a General Election.

Special procedure provided.

"**108A.** (1) When a writ ordering a by-election in any electoral district is issued on a date later than six months after the date fixed as polling day at the next preceding general election, the procedure to be followed in the preparation, revision, and distribution of the lists of electors to be used at such by-election shall be the same as that provided in this Act, except with regard to the following particulars:—

(a) the enumeration of electors in urban and rural polling divisions shall commence on Monday, the thirty-fifth day before polling day, and be completed on Thursday, the thirty-second day before polling day;

(b) the days for the sittings for the revision of the lists of electors for urban polling divisions shall be the Thursday, Friday, and Saturday, the eleventh, tenth, and ninth days before polling day;

(c) the lists of electors for urban polling divisions shall not be re-printed after such lists have been revised by the revising officer; and

(d) the official list of electors for an urban polling division shall consist of the printed preliminary list of electors, prepared pursuant to this Act, taken together with a copy of the statement of changes and additions certified by either the revising officer or the returning officer.

Act modified in consolidation.

(2) In the consolidation of this Act for use at any by-election herein referred to, the Chief Electoral Officer shall, consistently with the provisions of subsection one of this section, make such modifications as are deemed necessary."

41. Section 107. The only change made is the insertion of the words "or purported result" after the word "result" in the third line. The present provision reads as follows:—

"**107.** No person, company or corporation shall, in any province before the hour of closing of the polls in such province, publish the result of the polling in any electoral district in Canada, whether such publication is by radio broadcast, or by newspaper, news-sheet, poster, bill-board, handbill or in any other manner. Any person contravening the provisions of this section (and in the case of a company or corporation, any person responsible for the contravention thereof) is guilty of an illegal practice and of an offence against this Act."

42. Section 108A. This is a new provision. Its effect will be that, at a by-election ordered later than six months after a general election, the period between the issue of the writ and polling day will be reduced by two weeks. The special procedure to be followed at by-elections ordered within six months after a general election is set out in section 108 of *The Dominion Elections Act, 1938*.

43. The said Act is further amended by adding thereto the following heading and section:—

"Voting by Defence Service electors and Veteran electors at a General Election

Defence Service and Veteran electors voting at a general election.

"**109**A. (1) The qualifications of Defence Service electors and Veteran electors at a general election and the procedure to be followed in the taking, receiving, sorting, and counting of the votes cast by such electors shall be as set forth in *The Canadian Defence Service Voting Regulations* in Schedule Three to this Act.

Names and surnames of candidates wired to Chief Electoral Officer.

(2) The returning officer for each electoral district shall, immediately after three o'clock in the afternoon of nomination day, communicate to the Chief Electoral Officer, by telegraph, the names and surnames of all candidates officially nominated in his electoral district, as these appear in the heading of the nomination papers.

Earliest date for final addition of votes.

(3) For the purpose of a general election, the time at which the returning officer for each electoral district shall add up the number of votes cast for the several candidates shall not be earlier than Monday, the seventh day after polling day.

Results of voting by Defence Service electors and Veteran electors included with civilian vote.

(4) The Chief Electoral Officer shall, on a day not later than the Saturday next following polling day, inform, by telegraph, the returning officer of every electoral district as to the total number of votes cast by Defence Service electors and Veteran electors, in every voting territory, for each candidate in his electoral district, under the procedure set forth in *The Canadian Defence Service Voting Regulations* in Schedule Three to this Act; the returning officer shall thereupon enter on his recapitulation sheets such total number of votes cast for each candidate, and shall deal with such telegraphic communication as though it were an official statement of the poll completed by one of his deputy returning officers.

Adjournment of final addition of votes.

(5) If the result of the vote taken under the procedure set forth in *The Canadian Defence Service Voting Regulations* in Schedule Three to this Act, has not been communicated by the Chief Electoral Officer to the returning officer on the day fixed for the final addition of the votes, the returning officer shall adjourn the proceedings to a future day and hour."

43. Section 109A. This new section provides Regulations for the taking of the votes of Defence Service electors and Veteran electors, as defined in *The Canadian Defence Service Voting Regulations* appended hereto.

44. The said Act is further amended by adding thereto the following section:—

Writ for late by-election superseded and withdrawn.

"**110**A. Notwithstanding anything in this or any other Act, whenever a writ has been issued ordering a by-election to be held on a date subsequent to the latest date upon which the existing Parliament may dissolve, as provided by section fifty of the *British North America Act, 1867*, such writ shall, after a notice to that effect has been published in the *Canada Gazette* by the Chief Electoral Officer, be deemed to have been superseded and withdrawn."

44. Section 110A. This section provides for the superseding and withdrawal of writs ordering by-elections to be held on a date later than the life of the existing Parliament. A similar provision was resorted to in several instances prior to the general elections of 1935 and 1945.

45. (1) Forms Nos. 7, 12, 13, 14, 16, 18, 24, 32-*Front*, 34,37, 38, 41, 45, and 46 of Schedule One to the said Act are repealed and the following forms substituted therefor, respectively:—

"FORM No. 7

(Sec. 17, Sched. A, Rule 7)

Electoral district of.....

City (or town) of.....

Urban polling division No.....

ENUMERATORS' NOTICE TO ELECTOR.

Notice is hereby given that the undersigned enumerators for the above mentioned urban polling division will include in their preliminary list of electors, now in course of preparation for use at the pending Dominion election, an entry as undernoted. Notice is also given that if any entry made in this notice or in the preliminary list of electors is in any respect incorrect, such list may be corrected on application to the revising officer at the place and times of which notice will in due course be given by the returning officer for the above mentioned electoral district.

Name of elector.....
(family name first)

Occupation.....

Post office address.....

.....
(Enumerator)

.....
(Enumerator)

NOTE.—This notice should be preserved until after polling day at the pending election.

45. Form No. 7. This amendment will provide clarification. At present, the urban enumerators are required to strike out one of the inapplicable words printed at the foot of the enumerators' notice to electors (Form No. 7) before such notice is issued to the elector concerned. The experience of the last two general elections has shown that this striking out is very seldom done. The present form reads as follows:—

FORM No. 7

ENUMERATORS' NOTICE TO ELECTOR

(Sec. 17, Sched. A, Rule 7)

Electoral District of.....

City (or Town) of.....

Urban Polling Division No.....

Notice is hereby given that application having been made to the enumerators for the above urban polling division to include in their preliminary list of electors therefor an entry as undernoted; such application has been disposed of as hereinafter mentioned. Also that if any entry made in this notice or in the preliminary list of electors is in any respect incorrect, such list may be corrected on application to the revising officer at the place and times of which notice will in due course be given by the returning officer for the above mentioned electoral district.

Name of elector.....
(Family name first)

Occupation.....

Address.....

This application has been {GRANTED / REFUSED} (Strike out inapplicable word).

.....
Enumerator.

.....
Enumerator.

NOTE.—This notice should be preserved until after polling day at the pending election.

"FORM No. 12

NOTICE OF REVISION

(Sec. 17, Sched. A, Rule 23)

Electoral district of.....

PUBLIC NOTICE IS HEREBY GIVEN THAT the sittings for the revision of the preliminary lists of electors for the urban polling divisions comprised in the above mentioned electoral district will be held on each of the following three days, namely: Thursday, Friday, and Saturday, the....., ..., and.....days of....., 19...., *(Insert the dates of the 18th, 17th, and 16th days before polling day)* when the preliminary lists of electors for the urban polling divisions comprised in each of the following revisal districts will be revised by the undermentioned revising officers at the places specified below:

CITY (OR TOWN) OF.....

FOR REVISAL DISTRICT NO. 1, comprising polling divisions Nos..... of the above mentioned electoral district, included within an area described as follows: *(Insert description of area included in revisal district)*, the sittings for revision will be held at *(Insert exact location of the revisal office)* before *(Insert full name of revising officer)* who has been appointed revising officer and whose address is *(Insert address of revising officer)*, where he will be found from ..... o'clock until ..... o'clock in the afternoons of Monday, Tuesday, and Wednesday, the ....., ..., and.....days of....., 19..... *(Insert the dates of the three days immediately preceding the first day of sittings for revision)* to complete affidavits of objection in Form No. 13 of *The Dominion Elections Act, 1938.*

(Proceed as above in respect to any other revisal district.)

NOTICE IS FURTHER GIVEN THAT, on the three days immediately preceding the first day fixed for the sittings for revision, as aforesaid, any qualified elector in one of the above mentioned revisal districts may, before the revising officer for such revisal district, subscribe to an affidavit attacking the qualifications as elector of any other person whose name appears on the preliminary list of electors for one of the polling divisions comprised in such revisal district.

THAT at any of the sittings for revision aforesaid the revising officer shall dispose of the following applications and objections:—

(a) personal applications for registration made verbally, without previous notice, by electors whose names were omitted from the preliminary lists of electors, pursuant to Rule (32) of Schedule A to section seventeen of *The Dominion Elections Act, 1938;*

Form No. 12. This amended form corresponds to the modifications to rules 7, 23, 26, 27, 28, and 29 of Schedule A to section 17 of the Act.

(b) sworn applications made by agents on Forms Nos. 15 and 16 of the said Act, on behalf of persons claiming the right to have their names included in the official lists of electors, pursuant to Rule (33) of Schedule A to section seventeen of the said Act;

(c) verbal applications for the correction of names or particulars of electors appearing on the preliminary lists of electors, made, without previous notice, pursuant to Rule (35) of Schedule A to section seventeen of the said Act; and

(d) objections made on affidavits, in Form No. 13 of the said Act, to the retention of names on the preliminary lists of electors, of which the revising officer has given notice, in Form No. 14 of the said Act, to the persons concerned, pursuant to Rule (28) of Schedule A to section seventeen of the said Act.

THAT each of the sittings for revision will open at ten o'clock in the forenoon and will continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of.

THAT, moreover, on the above mentioned Thursday, Friday, and Saturday fixed for the sittings for revision, each revising officer will sit continuously in his revisal office from seven o'clock until ten o'clock in the evening of each of these three days.

AND THAT the preliminary lists of electors prepared by urban enumerators, to be revised as aforesaid, may be examined during reasonable hours my office at *(Insert location of office of returning officer)*.

Given under my hand at.....this.....

day of....., 19....

(Print name of returning officer.)

Returning officer.

"FORM No. 13

AFFIDAVIT OF OBJECTION

(Sec. 17, Sched. A, Rule 28)

Electoral district of.....

Revisal district No.....

I, the undersigned,..... whose address is....., and whose occupation is....., do swear (*or* solemnly affirm):—

1. That I am the person described on the preliminary list of electors prepared for use at the pending election, for urban polling division No....., comprised in the above mentioned revisal district, and that my address and occupation, as given in the said preliminary list, are as set out above.

Form No. 13. This amended form corresponds to the modifications to rule (28) of Schedule A to section 17 of the Act.

2. That there has been included in the preliminary list of electors prepared for use at the pending election, for urban polling division No....., comprised in the said revisal district, the name of *(name as on preliminary list)*, whose address is given as *(address as on preliminary list)*, and whose occupation is given as *(occupation as on preliminary list)*.

3. That I know of no other address at which the said person is more likely to be reached than that so stated on the said preliminary list, except *(give alternative or better address, if one is known)*.

4. And that I have good reason to believe and do verily believe that the name, address, and occupation mentioned in paragraph two of this affidavit should not appear on the said preliminary list because the person described by the said entry *(insert the ground of disqualification as hereinafter directed)*.

Sworn (*or* solemnly affirmed)
before me at.....
this.....day of.....,
19.....

.....
(Signature of deponent)

.....
Revising officer.

Grounds of disqualification which may be set out in paragraph four of the Affidavit of Objection in Form No. 13 of The Dominion Elections Act, 1938.

(1) "Is dead."
(2) "Is not known to exist."
(3) "Is not qualified to vote because he is not of the full age of twenty-one years or will not attain such age on or before polling day at the pending election."
(4) "Is not qualified to vote because he is not a British subject by birth or naturalization."
(5) "Is not qualified to vote because he has not been ordinarily resident in Canada during the twelve months immediately preceding polling day at the pending election."
(6) "Is not qualified to vote because he was not ordinarily resident in this electoral district on the
day of , 19 *(naming the date of the issue of the writ ordering the pending election)*."
(7) "Is not qualified to vote because he is" *(naming any other class of disqualified persons to which the person objected to belongs, as prescribed in sections fourteen, fifteen, or sixteen of The Dominion Elections Act, 1938)*.

(8) "Has, to my knowledge, been included in the preliminary list of electors prepared for use at the pending election for polling division No..... of this electoral district in which he ordinarily resides."

"FORM No. 14

NOTICE TO PERSON OBJECTED TO

(Sec. 17, Sched. A, Rule 28)

Electoral district of.....

Revisal district No.....

To *(set out name, address, and occupation of the person objected to, as these appear on the preliminary list of electors, also addressing a copy of the notice and affidavit to another address, if any, given in paragraph three of the attached Affidavit of Objection).*

Take notice that the attached Affidavit of Objection to the retention of your name on the preliminary list of electors for one of the urban polling divisions comprised in the above mentioned revisal district, has been subscribed before me and that this affidavit of objection will be dealt with during my sittings for revision which will be held at No.....street, in the city (or town) of..... on the.....,....., and.....days of....., 19...., where I may be found from ten o'clock until eleven o'clock in the forenoon, and also from seven o'clock until ten o'clock in the evening of each of these three days.

Take notice also that you may appear before me in person or by representative, during any of the above mentioned sittings for revision, to sustain your right, if any, to have your name retained on such preliminary list.

This notice is given pursuant to Rule 28 of Schedule A to section seventeen of *The Dominion Elections Act, 1938.*

Dated at.....this.....day of....., 19....

.....

Revising officer.

Form No. 14. This amended form corresponds to the modifications to rules 26, 28, and 29 of Schedule A to section 17 of the Act.

"FORM No. 16

APPLICATION TO BE MADE BY AN ELECTOR FOR REGISTRATION AS SUCH
(Sec. 17, Sched. A, Rule 33)

(To be presented to the revising officer by the agent of an elector)

Electoral district of.....
Urban polling division No.....
Name of applicant.....
(in capital letters with family name first)

.....
(address)

.....
(occupation)

I, the undersigned, hereby apply to be registered at the now proceeding revision of preliminary lists as an elector in the above mentioned urban polling division.

I am of the full age of twenty-one years, or will attain such age on or before polling day at the pending election.

I am a British subject by birth or naturalization.

I have been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election, and was ordinarily resident in the above mentioned urban polling division on the.....day of....., 19.... *(naming the date of the issue of the writ ordering the pending election);* (and, at a by-election, I have continued to be ordinarily resident in this electoral district until this day).

I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned urban polling division, at the pending election, under any of the provisions of *The Dominion Elections Act, 1938.*

Dated at....., this.....
day of....., 19....

.....
(Signature of applicant)

ALTERNATIVE APPLICATION TO BE SWORN BY A RELATIVE OR EMPLOYER WHEN ELECTOR IS TEMPORARILY ABSENT FROM THE PLACE OF HIS ORDINARY RESIDENCE

(To be presented to the revising officer by the agent of an elector)

Electoral district of.....
Urban polling division No.....

I, the undersigned, ..., of.....
(insert name of relative or employer) *(address)*
....., do swear (*or* solemnly affirm):—
(occupation)

Form No. 16. This form has been revised to conform to the other amendments set out in this Bill.

1. That I am hereby applying for the registration of the name of ....., of .....
(in capital letters with family name first) *(address)*

.....
(occupation)

on the list of electors for the above mentioned urban polling division at the now proceeding revision of lists of electors.

2. That the said person on whose behalf this application is made

(a) is of the full age of twenty-one years, or will attain such age on or before polling day at the pending election;

(b) is a British subject by birth or naturalization; and

(c) has been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election, and was ordinarily resident in the above mentioned urban polling division on the day of , 19 *(naming the date of the issue of the writ ordering the pending election)*; (and, at a by-election, has continued to be ordinarily resident in this electoral district until this day).

3. That the said person on whose behalf this application is made is at this time temporarily absent from the place of his ordinary residence, and that, to the best of my knowledge and belief, he is not disqualified as an elector in the above mentioned urban polling division, at the pending election, under any of the provisions of *The Dominion Elections Act, 1938.*

4. And that I am a relative by blood or marriage or the employer of the said person on whose behalf this application is made.

Sworn (*or* solemnly affirmed) before me at..... this.....day of....., 19....

.....
Revising officer (or as the case may be)

.....
(Signature of relative or employer)

"FORM No. 18

CERTIFICATE TO BE ISSUED BY THE RETURNING OFFICER TO AN ELECTOR, DULY ENUMERATED, WHOSE NAME WAS INADVERTENTLY LEFT OFF THE OFFICIAL URBAN LIST OF ELECTORS

(Sec. 17 (14))

Electoral district of.....

Urban polling division No.....

This is to certify that a carbon copy of the notice in Form No. 7 of *The Dominion Elections Act, 1938*, in the enumerators' record books now in my possession show that such notice was duly issued to

....., *(insert name)*

....., ..., *(insert address)* *(insert occupation)*

informing such person that his name would be included in the preliminary list of electors for the above mentioned urban polling division, and that it now appears that his name was thereafter inadvertently left off the official list of electors for the said urban polling division.

This is to certify also that, pursuant to subsection fourteen of section seventeen of *The Dominion Elections Act, 1938*, the official list of electors for the above mentioned urban polling division is deemed to have been amended to include the name of the above mentioned elector, and that such elector is therefore entitled to vote at the pending election at polling station No.....established for the above mentioned urban polling division.

Given under my hand at.....,

this.....day of....., 19.....

.....
(Returning officer)

Form No. 18. This amended form corresponds to the modifications to Rule (7) of Schedule A to section 17 of the Act and Form No. 7, hereinbefore referred to.

"FORM No. 24

NOMINATION PAPER. (Sec. 21 (5))

We, the undersigned electors of the electoral district of , hereby nominate *(here give name in full, with surname first, address, and occupation of person nominated)* as a candidate at the election, now about to be held, of a member to represent the said electoral district in the House of Commons of Canada.

Signature of witness	Address of witness	Occupation of witness	Signatures of electors	Addresses of electors	Occupations of electors
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

Several signatures of electors may be bracketed and a witness need sign only once opposite the bracket or for the whole series of signatures which he witnessed.

I, the said....., nominated in the
(Insert name of candidate)

foregoing nomination paper, hereby consent to such nomination, and name as my address for the serving of process and papers under *The Dominion Elections Act, 1938*, and under the *Dominion Controverted Elections Act:*

.....
(Insert address)

I do, pursuant to subsection one of section sixty-two of *The Dominion Elections Act, 1938*, hereby name and appoint.....
.....
whose address is.....
and whose occupation is....., as my official agent for the pending election.

Given under my hand at.....

this.....day of....., 19....

Signed by the said candidate in the presence of

.....
(Signature of candidate)

.....
(Signature of witness)

Form No. 24. This amended form corresponds to the modifications set out in section 18 of this Bill.

"FORM No. 32

FORM OF BALLOT PAPER. (Sec. 28)

Front

BROWN, WILLIAM R.,
636 POWER ST., OTTAWA,
BARRISTER.

HAMON, FRANK ARTHUR,
R.R. NO. 3, WESTBORO,
FARMER.

O'NEIL, JOSEPH,
EASTVIEW,
GENTLEMAN.

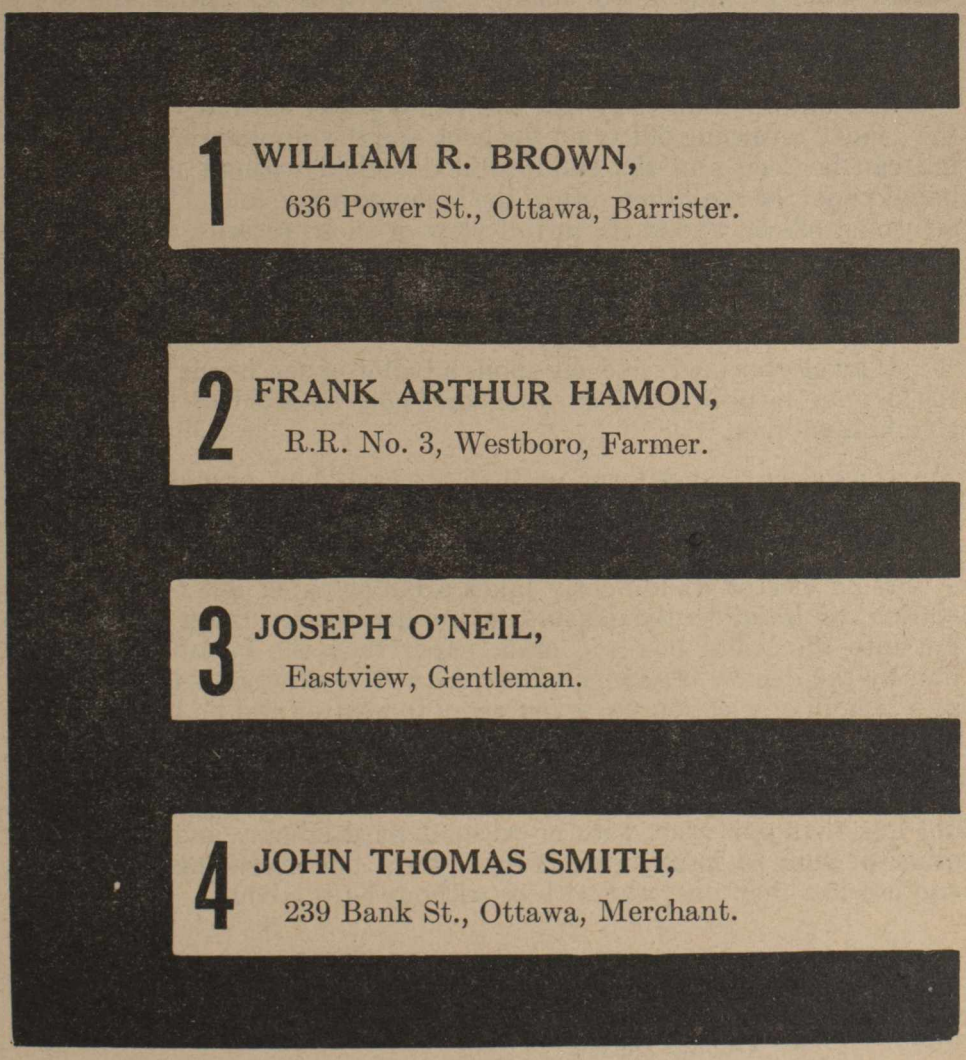
SMITH, JOHN THOMAS,
239 BANK ST., OTTAWA,
MERCHANT.

Form No. 32. This amendment provides for the deletion of the numerals printed before the names of the candidates. It also provides in what form the names, addresses, and occupations of the candidates are to be printed on the ballot papers. The present form of ballot paper is as follows:—

FORM NO. 32

FORM OF BALLOT PAPER. (Sec. 28)

Front



"FORM No. 34

DIRECTIONS TO ELECTORS. (Sec. 36 (1))

Each elector may vote at only one polling station and for only one candidate.

After being handed a ballot paper by the deputy returning officer, the elector will go into a voting compartment and, with a black lead pencil there provided, will make a cross, thus X, within the space provided on the ballot paper opposite the name and particulars of the candidate for whom such elector desires to vote.

The elector shall then fold the ballot paper so that the initials of the deputy returning officer on the back and the numbers on the counterfoil can be seen and the counterfoil detached without unfolding the ballot paper; he shall then return the ballot paper so folded to the deputy returning officer who shall, in full view of those present, including the elector, remove the counterfoil, destroy the same, and the deputy returning officer shall then himself place the ballot paper in the ballot box. The elector shall then forthwith leave the polling station.

If an elector inadvertently spoils a ballot paper, he may return it to the deputy returning officer who, on being satisfied of the fact, will give him another.

If an elector votes for more than one candidate, or makes any mark on the ballot paper by which he can afterwards be identified, his vote will not be counted.

If an elector fraudulently takes a ballot paper out of the polling station, or fraudulently delivers to the deputy returning officer to be put into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be disqualified from voting at a Dominion election for seven years thereafter and be liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk, or other officer engaged in the conduct of such an election, to imprisonment without the alternative of a fine for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person, to imprisonment for a term not exceeding three years and not less than one year with or without hard labour.

In the following specimen of ballot paper, given for illustration, the candidates are William R. Brown, Frank Arthur Hamon, Joseph O'Neil, and John Thomas Smith, and the elector has marked his ballot paper in favour of John Thomas Smith.

Form No. 34. This amended form will apply only in electoral districts returning one member, and corresponds to the new form of ballot paper herein provided.

BROWN, WILLIAM R.,
636 POWER ST., OTTAWA,
BARRISTER.

HAMON, FRANK ARTHUR,
R.R. NO. 3, WESTBORO,
FARMER.

O'NEIL, JOSEPH,
EASTVIEW,
GENTLEMAN.

SMITH, JOHN THOMAS,
239 BANK ST., OTTAWA,
MERCHANT. X

"FORM No. 34A

DIRECTIONS TO ELECTORS. (Sec. 36 (1))

APPLICABLE ONLY IN AN ELECTORAL DISTRICT IN WHICH TWO MEMBERS ARE TO BE RETURNED.

Each elector may vote at only one polling station but he is entitled to vote for two candidates.

After being handed a ballot paper by the deputy returning officer, the elector will go into a voting compartment and, with a black lead pencil there provided, will make a cross, thus X, within the space provided on the ballot paper opposite the name and particulars of each of the two candidates for whom such elector desires to vote.

The elector shall then fold the ballot paper so that the initials of the deputy returning officer on the back and the numbers on the counterfoil can be seen and the counterfoil detached without unfolding the ballot paper; he shall then return the ballot paper so folded to the deputy returning officer who shall, in full view of those present, including the elector, remove the counterfoil, destroy the same, and the deputy returning officer shall then himself place the ballot paper in the ballot box. The elector shall then forthwith leave the polling station.

If an elector inadvertently spoils a ballot paper, he may return it to the deputy returning officer who, on being satisfied of the fact, will give him another.

If an elector votes for more than two candidates, or makes any mark on the ballot paper by which he can afterwards be identified, his ballot paper will not be counted.

If an elector fraudulently takes a ballot paper out of the polling station, or fraudulently delivers to the deputy returning officer to be put into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be disqualified from voting at a Dominion election for seven years thereafter and be liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk, or other officer engaged in the conduct of such an election, to imprisonment without the alternative of a fine for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person, to imprisonment for a term not exceeding three years and not less than one year with or without hard labour.

In the following specimen of ballot paper, given for illustration, the candidates are William R. Brown, Frank Arthur Hamon, Joseph O'Neil, and John Thomas Smith, and the elector has marked his ballot paper in favour of Frank Arthur Hamon and John Thomas Smith.

Form No. 34A. This new form is applicable only in an electoral district in which two members are to be returned, and corresponds to the new form of ballot paper herein provided.

BROWN, WILLIAM R.,
636 POWER ST., OTTAWA,
BARRISTER.

HAMON, FRANK ARTHUR,
R.R. NO. 3, WESTBORO,
FARMER. X

O'NEIL, JOSEPH,
EASTVIEW,
GENTLEMAN.

SMITH, JOHN THOMAS,
239 BANK ST., OTTAWA,
MERCHANT. X

"FORM No. 37

OATH OF QUALIFICATION. (Sec. 39 (1))

(1) You swear (*or* solemnly affirm) that you are *(name, address, and occupation)* as given on the list of electors now shown you;

(2) That you are a British subject by birth or naturalization of the full age of twenty-one years;

(3) That you have been ordinarily resident in Canada for the twelve months immediately preceding this polling day, and that you were ordinarily resident in this polling division on the day of , 19 *(naming the date of the issue of the writ ordering the pending election);* (and, at a by-election, that you have continued to be ordinarily resident in this electoral district until to-day);

(4) That, to the best of your knowledge and belief, you are not disqualified as an elector in this polling division, at the pending election, under any of the provisions of the *Dominion Elections Act;*

(5) That you have not received anything nor has anything been promised to you directly or indirectly, in order to induce you to vote or to refrain from voting at the pending election; and

(6) That you have not already voted at the pending election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

Form No. 37. This form has been revised to conform to the other amendments set out in this Bill.

"FORM No. 38

AFFIDAVIT OF QUALIFICATION. (Sec. 39 (2))

Electoral district of.....

Urban polling division No.....

I, the undersigned, do swear (*or* solemnly affirm):—

(1) That I am of the full age of twenty-one years;

(2) That I am a British subject by birth or naturalization;

(3) That I have been ordinarily resident in Canada for the twelve months immediately preceding this polling day;

(4) That I was ordinarily resident in the above mentioned polling division on the day of , 19 *(naming the date of the issue of the writ ordering the pending election);* (and, at a by-election, that I have continued to be ordinarily resident in this electoral district until to-day);

(5) That I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned polling division, at the pending election, under any of the provisions of *The Dominion Elections Act, 1938;*

(6) That I have not received anything nor has anything been promised to me directly or indirectly, in order to induce me to vote or to refrain from voting at the pending election;

(7) That I have not already voted at the pending election nor have I been guilty of any corrupt or illegal practice in relation thereto;

(8) That I am the person intended to be referred to by the entry on the official list of electors for this polling station under consecutive No..... of the name of..... ..... *(name as on list of electors)*, whose occupation is given as..... *(occupation as on list of electors)*, and whose address is given as..... *(address as on list of electors);* and

(9) That the name stated above is my true name and that the signature affixed hereto is in my usual handwriting (or in the case of an illiterate person—that the mark placed hereto is my usual method of signing my name).

SWORN *(or* solemnly affirmed) before me at..... this.....day of....., 19.....

.....
(Signature of deponent)

.....
Deputy returning officer

Form No. 38. This form has been revised to conform to the other amendments set out in this Bill.

"FORM No. 41

AFFIDAVIT OF A CANDIDATE'S AGENT TO BE SUBSCRIBED BEFORE VOTING ON A TRANSFER CERTIFICATE

(Sec. 43 (2))

Electoral district of.....

I, the undersigned, do swear (*or* solemnly affirm):

(1) That I am the person described in the above transfer certificate;

(2) That I am actually agent of ..... ;
(insert name of candidate)

(3) That it is my intention to act in that capacity until the poll is closed on this polling day, that I have taken the oath of secrecy in Form No. 35 of *The Dominion Elections Act, 1938*, that I am a British subject by birth or naturalization of the full age of twenty-one years, that I have been ordinarily resident in Canada for the twelve months immediately preceding this polling day, and that I was ordinarily resident in this electoral district on the day of , 19 *(naming the date of the issue of the writ ordering the pending election);* (and, at a by-election, that I have continued to be ordinarily resident in this electoral district until to-day);

(4) That I am not, to the best of my knowledge and belief, disqualified as an elector at the pending election in this electoral district, under any of the provisions of *The Dominion Elections Act, 1938;*

(5) That I have not received anything nor has anything been promised to me directly or indirectly, in order to induce me to vote or to refrain from voting at the pending election; and

(6) That I have not already voted at the pending election nor have I been guilty of any corrupt or illegal practice in relation thereto. So help me God.

SWORN *(or* solemnly affirmed)
before me at.....
this.....
day of....., 19.....

.....
(Signature of deponent)

.....
Deputy returning officer.

Form No. 41. This form has been revised to conform to the other amendments set out in this Bill.

"FORM No. 45

OATH OF A PERSON WHOSE NAME IS NOT ON THE OFFICIAL LIST OF ELECTORS FOR A RURAL POLLING DIVISION AND WHO IS QUALIFIED TO VOTE THEREIN. (Sec. 46)

(1) You swear (*or* solemnly affirm) that you are *(name, address, and occupation)*, and that you are a British subject by birth or naturalization of the full age of twenty-one years;

(2) That you have been ordinarily resident in Canada for the twelve months immediately preceding this polling day, and that you were ordinarily resident in this electoral district on the day of , 19 *(naming the date of the issue of the writ ordering the pending election);*

(3) That you are now ordinarily resident in this rural polling division;

(4) That, to the best of your knowledge and belief, you are not disqualified as an elector in this rural polling division, at the pending election, under any of the provisions of the *Dominion Elections Act;*

(5) That you have not received anything nor has anything been promised to you directly or indirectly, in order to induce you to vote or to refrain from voting at the pending election; and

(6) That you have not already voted at the pending election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

"FORM No. 46

OATH OF PERSON VOUCHING. (Sec. 46)

(1) You swear (*or* solemnly affirm) that you are *(name, address, and occupation)* as given on the list of electors now shown you;

(2) That you are now ordinarily resident in this rural polling division;

(3) That you know *(naming the applicant and stating his address and occupation)* who has applied to vote at the pending election in this polling station;

(4) That the said applicant is now ordinarily resident in this rural polling division;

(5) That you verily believe that the said applicant is a British subject by birth or naturalization of the full age of twenty-one years, that he has been ordinarily resident in Canada for the twelve months immediately preceding this polling day, and that he was ordinarily resident in this electoral district on the day of , 19 *(naming the date of the issue of the writ ordering the pending election);* and

(6) That you verily believe that the said applicant is qualified to vote in this rural polling division at the pending election. So help you God.

Form No. 45. This form has been revised to conform to the other amendments set out in this Bill.

Form No. 46. This form has been revised to conform to the other amendments set out in this Bill.

(2) Clauses *(a)* and *(b)* in Form No. 61 of the said Schedule are repealed and the following substituted therefor:—

"(*a*) such persons as are employed as commercial travellers as defined in subsection four of section two of *The Dominion Elections Act, 1938*, or such persons as are employed as fishermen as defined in subsection 12A of the said section two, or such persons as are employed upon railways, vessels, airships, or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof), and to any of such persons only if, because of the nature of the said employment, and in the course thereof, he is necessarily absent from time to time from the place of his ordinary residence and if he has reason to believe that he will be so absent on polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears; and

(*b*) such persons as are members of the Royal Canadian Mounted Police Force and to any of such persons only if on account of the performance of duties or training, in such Force, he has reason to believe that he will be necessarily absent on polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears."

(3) Paragraph three of Form No. 62 of the said Schedule is repealed and the following substituted therefor:—

"(3) That he has reason to believe that he will be so absent on polling day at the pending election from, and that he is likely to be unable to vote on such polling day in, the undermentioned polling division on the list of electors for which his name appears, or that he is a member of the Royal Canadian Mounted Police Force and that, on account of the performance of duties or training in such Force, he has reason to believe that he will be necessarily absent on such polling day from, and that he is likely to be unable to vote on that day in, the undermentioned polling division on the list of electors for which his name appears, and

Form No. 61, clauses *(a)* and *(b)*. This amendment corresponds to the modifications made to section 95 of the Act hereinbefore referred to.

Form No. 62, paragraph (3). This amendment corresponds to the modifications made to section 95 of the Act hereinbefore referred to.

(4) The said Schedule is further amended by adding thereto the following forms Nos. 9A, 9B, and 18A.

"FORM No. 9A

PRINTER'S AFFIDAVIT RESPECTING THE PRINTING OF LISTS OF ELECTORS.
(Sec. 17 (15A))

Electoral district of.....

I, the undersigned, ...of the.....
(insert city or town or village)

of....., do swear *(or* solemnly affirm):—

1. That I am.....
(Insert "the sole member" or "one of the members of the firm

.....
of" or "the of the Co. Ltd.", or as the case may be.)

by whom or by which lists of electors have been printed for use at the Dominion election which has been ordered to be held in the above mentioned electoral district on the.....day of....., 19..

2. That neither I nor any member of my firm has paid, agreed or promised to pay, given or promised to give, any monetary or other reward, to the returning officer of the above named electoral district, or to any person on his behalf, as consideration for the granting of an order of any kind for the printing of the lists of electors prepared for use at the above mentioned Dominion election.

Sworn (*or* solemnly affirmed)
before me at.....
this.....day of .....,
19.....

.....
Justice of the peace (or Notary public or Commissioner for taking affidavits)

.....
(Signature of deponent)

Form No. 9A. This is a new form which corresponds to section 17 (15A) of the Act hereinbefore referred to.

"FORM No. 9B

RETURNING OFFICER'S AFFIDAVIT RESPECTING THE PRINTING OF LISTS OF ELECTORS

(Sec. 17 (15A))

Electoral district of.....

I, the undersigned, returning officer for the above mentioned electoral district, do swear (*or* solemnly affirm):—

That I have not, nor has any person for me and on my behalf, received or requested, demanded, accepted, or agreed to accept from any person whatsoever, any monetary or other reward as consideration for the granting of an order of any kind for the printing of the lists of electors prepared for use at the Dominion election which has been ordered to be held in the above named electoral district on the.....day of....., 19.....

SWORN (*or* solemnly affirmed) before me at..... this.....day of ....., 19.....

.....
Justice of the peace (or Notary public or Commissioner for taking affidavits)

.....
(Signature of returning officer)

Form No. 9B. This is a new form which corresponds to section 17 (15A) of the Act hereinbefore referred to.

"FORM No. 18A

CERTIFICATE TO BE ISSUED BY THE RETURNING OFFICER TO AN ELECTOR, DULY REGISTERED BY A REVISING OFFICER, WHOSE NAME WAS INADVERTENTLY LEFT OFF THE OFFICIAL URBAN LIST OF ELECTORS

(Sec. 17 (14A))

Electoral district of.....

Urban polling division No.....

This is to certify that the revising officer's record sheets, now in my possession, show that an application for registration on the list of electors made by or on behalf of....., *(insert name)*

....., ..., *(insert address)* *(insert occupation)*

was duly accepted by the revising officer for revisal district No....., of the above stated electoral district, during his sittings for revision, and that it now appears that the name of the above mentioned elector was thereafter inadvertently left off the official list of electors for the said urban polling division.

This is to certify also that, pursuant to subsection 14A of section 17 of *The Dominion Elections Act, 1938*, the official list of electors for the above mentioned urban polling division is deemed to have been amended to include the name of the above mentioned elector, and that such elector is therefore entitled to vote at the pending election at polling station No..... established for the above mentioned urban polling division.

Given under my hand at.....this.....

day of....., 19.....

.....

(Returning officer)

Form No. 18A. This is a new form which corresponds to section 17 (14A) of the Act hereinbefore referred to.

46. Schedule Three to the said Act is repealed and the following substituted therefor:—

"SCHEDULE THREE

THE CANADIAN DEFENCE SERVICE VOTING REGULATIONS

To enable Canadian electors on Defence Service and Veterans receiving treatment or domiciliary care in certain hospitals or institutions to exercise their franchise at a general election.

SHORT TITLE.

Short title.

1. These Regulations may be cited as *The Canadian Defence Service Voting Regulations.*

APPLICATION.

Application.

2. These Regulations apply only to a general election held in Canada and do not apply to a by-election.

ADMINISTRATION.

General direction.

3. (1) The Chief Electoral Officer shall exercise general direction and supervision over the administration of every detail prescribed in these Regulations.

Special powers.

(2) For the purposes of carrying into effect the provisions of these Regulations, or supplying any deficiency therein, the Chief Electoral Officer may issue such instructions, not inconsistent therewith, as may be deemed necessary to the execution of their intent.

INTERPRETATION.

Definitions.

4. In these Regulations, the expression

"Chief assistant."

(a) "chief assistant" means a person appointed by the Governor in Council, pursuant to paragraph 7, as chief assistant to a special returning officer;

"Chief Electoral Officer."

(b) "Chief Electoral Officer" means the person who holds office as Chief Electoral Officer under section four of *The Dominion Elections Act, 1938;*

"Clerical assistant."

(c) "clerical assistant" means a person appointed by a special returning officer, pursuant to paragraph 12, for duty as clerical assistant in his headquarters;

46. The present Schedule Three of the Act will not be necessary with the amendment set out in section 14 (1) of this Bill which provides an interval of two weeks between nomination and polling days in every electoral district, excepting that of Yukon-Mackenzie River where the interval is four weeks. At present, Schedule Three prescribes an interval of two weeks between nomination and polling days in 77 electoral districts, while in the remaining 166 electoral districts the interval is one week.

The Canadian Defence Service Voting Regulations provide a procedure for the taking of the votes of Defence Service electors and Veteran electors, as defined in such Regulations, and the attribution of the votes of such electors to their respective home electoral districts. This procedure is quite similar to that of *The Canadian War Service Voting Regulations, 1944*, which applied at the 1945 general election.

"Commanding officer." *(d)* "commanding officer" means the commanding officer of a unit, as hereinafter defined;

"Commissioned officer." *(e)* "commissioned officer" means the commissioned officer designated by the commanding officer, pursuant to paragraph 30, to take the votes of Defence Service electors; and includes a person of or above non-commissioned officer status designated by the commanding officer for that purpose where a commissioned officer is not available;

"Defence Service." *(f)* "Defence Service" means engagement in any of the services or duties referred to in subparagraph one of paragraph 21;

"Deputy special returning officers." *(g)* "deputy special returning officers" means the persons appointed by the Chief Electoral Officer, pursuant to paragraph 50 or 51, to take the votes of Veteran electors.

"Hours of the day." *(h)* "hours of the day" and all other references to time in these Regulations relate to standard time;

"Inner envelope." *(i)* "inner envelope" means the plain envelope in which a ballot paper is to be placed after it has been marked by a Defence Service elector or a Veteran elector, before it is transmitted to the special returning officer in the outer envelope hereinafter defined:

"Liaison officer." *(j)* "liaison officer" means the member of the Naval, Military, or Air Forces of Canada who has been designated by the Minister of National Defence to act as liaison officer between the special returning officer and the various commanding officers, pursuant to paragraph 25, with regard to the taking of the votes of Defence Service electors;

"Outer envelope." *(k)* "outer envelope" means the envelope provided for the transmission by mail of the ballot paper (after such ballot paper has been marked and enclosed in the inner envelope hereinbefore defined) of a Defence Service elector or a Veteran elector to the appropriate special returning officer, which envelope has been printed as follows: on the face with the full name and post office address of such special returning officer, and on the back with a blank declaration either in Form No. 7 or Form No. 12.

"Polling day." *(l)* "polling day" means the date fixed, as prescribed in subsection one of section twenty-one of *The Dominion Elections Act, 1938*, for holding the poll at a general election;

"Scrutineers." *(m)* "scrutineers" means the persons appointed by the Chief Electoral Officer, pursuant to paragraph 9, for duty as scrutineers in the headquarters of the special returning officer;

"Special returning officer."

(n) "special returning officer" means a person appointed by the Governor in Council, pursuant to paragraph 5, as special returning officer in a given voting territory;

"Superintendent."

(o) "superintendent" means the person in charge of a hospital or institution where voting by Veteran electors is authorized in these Regulations;

"Unit."

(p) "unit" means a formation, unit, detachment, ship, or establishment to which Defence Service electors are posted or attached for the time being;

"Veteran elector."

(q) "Veteran elector" means a person as described in paragraph 42; and

"Voting territory."

(r) "voting territory" means a specified area, within Canada, where a special returning officer shall be stationed and where the votes of Defence Service electors and Veteran electors shall be taken, received, sorted, and counted, as prescribed in these Regulations.

Special Returning Officers and their Staffs

Appointment of special returning officers.

5. (1) For the purpose of these Regulations, the Governor in Council shall, with respect to a general election, appoint a person as special returning officer to superintend the taking, receiving, sorting, and counting of the votes of Defence Service electors and Veteran electors in each of the following voting territories:

Ontario and Quebec.

(a) the provinces of Ontario and Quebec shall constitute a voting territory, with the headquarters of the special returning officer located at Ottawa;

Nova Scotia, New Brunswick, and Prince Edward Island.

(b) the provinces of Nova Scotia, New Brunswick, and Prince Edward Island shall constitute a voting territory, with the headquarters of the special returning officer located at Halifax; and

Manitoba, Saskatchewan, Alberta, British Columbia, and Yukon-Mackenzie River.

(c) the provinces of Manitoba, Saskatchewan, Alberta, British Columbia, and the electoral district of Yukon-Mackenzie River, shall constitute a voting territory, with the headquarters of the special returning officer located at Edmonton.

Defence Service electors stationed outside of Canada.

(2) If, at the time of a general election, there are Defence Service electors, as defined in paragraph 21, stationed outside of Canada, and the taking, receiving, sorting, and counting of the votes of such electors can be efficiently superintended from one of the voting territories mentioned in subparagraph one, the Chief Electoral Officer shall direct the appropriate liaison officer and special returning officer for such voting territory to deal with such Defence Service electors as though they were stationed in their voting territory.

Oath and tenure of office of special returning officer.

6. Every special returning officer shall be sworn, in Form No. one, before the Chief Electoral Officer, to the faithful performance of his duties; upon the completion of such duties the tenure of office of the special returning officer shall cease.

Appointment, oath and tenure of office of chief assistant.

7. The Governor in Council shall appoint a person to act as chief assistant to each special returning officer. After his appointment, the chief assistant shall be sworn, in Form No. 2, before the special returning officer, to the faithful performance of the duties imposed upon him in these Regulations. The tenure of office of a chief assistant shall cease at the same time as that of the special returning officer.

When special returning officer unable to act.

8. If, during the general election, the special returning officer becomes unable to act, his chief assistant shall, until a new appointment is made, or until the special returning officer is able to resume his duties, assume and perform the duties of such special returning officer.

Nominating, appointment, oath and tenure of office of scrutineers.

9. The Chief Electoral Officer shall, whenever deemed necessary for the purpose of these Regulations, appoint six persons to act as scrutineers in the headquarters of each special returning officer; two of such six scrutineers shall be nominated by the Leader of the Government, two by the Leader of the Opposition, and two on the joint recommendation of the Leaders of political groups having a recognized membership in the House of Commons of ten or more; each scrutineer shall be appointed in Form No. 3, and shall be sworn according to the said Form No. 3, before the special returning officer, to the faithful performance of the duties imposed upon him in these Regulations. The tenure of office of a scrutineer shall cease immediately after the counting of the votes has been completed.

Remuneration.

10. (1) Special returning officers, deputy special returning officers, chief assistants, and scrutineers shall be paid for their services as the Governor in Council may provide; whenever one of these officials is called upon to act outside of the place of his ordinary residence, he shall be reimbursed his actual travelling expenses and allowed living expenses at a rate to be fixed by the Governor in Council.

Voting by officials.

(2) Special returning officers, deputy special returning officers, chief assistants, and scrutineers, appointed pursuant to paragraphs 5, 7, 9, 50 or 51, are entitled to vote in the same manner as Defence Service electors, if qualified to vote at the general election.

Procedure.

(3) For the purpose of the provision set out in subparagraph 2, the special returning officer and his chief assistant may act in the capacity of a commissioned officer designated, as prescribed in these Regulations, to take the votes of the special returning officer, deputy special returning officers, chief assistant, and scrutineers.

Preparation of alphabetical lists of names, etc.

11. Forthwith upon receipt of the lists of names, ranks, and numbers of Defence Service electors furnished pursuant to paragraph 27, the special returning officer shall cause to be prepared a complete alphabetical list of all the names of Defence Service electors included in such lists.

Appointment, oath of office, etc., of clerical assistants.

12. Each special returning officer shall, subject to the approval of the Chief Electoral Officer, select and appoint such clerical assistants as may be deemed necessary for the proper performance of his duties; clerical assistants shall be paid for their services at a rate to be fixed by the Governor in Council and shall be discharged as soon as their services are no longer needed; they shall be sworn before the special returning officer, and their appointment and oath of office shall be in Form No. 4.

Duties of special returning officers.

13. Every special returning officer, upon being instructed by the Chief Electoral Officer, shall:

(a) secure suitable premises to be used as his headquarters for the proper performance of his duties;

(b) maintain such headquarters until all the duties imposed upon him in these Regulations are completed;

(c) retain in his possession the oaths of office of deputy special returning officers, chief assistant, scrutineers, and clerical assistants, and, after the general election, transmit such oaths of office to the Chief Electoral Officer, as prescribed in paragraph 82;

(d) select and appoint the clerical assistants required for the proper performance of his duties, as prescribed in paragraph 12;

(e) secure a list of the names, ranks, and numbers of Defence Service electors from the various liaison officers, as prescribed in paragraph 27;

(f) cause to be prepared an alphabetical list of all the names of Defence Service electors appearing on the lists received from the liaison officers, as prescribed in paragraph 11;

(g) secure, through the liaison officers, a list of the name, rank, and number of every commissioned officer designated by each commanding officer to take the votes of Defence Service electors, as prescribed in paragraph 31;

(h) distribute a sufficient number of copies of these Regulations, ballot papers, envelopes, books of key

maps, books of excerpts from the Canadian Postal Guide, printed lists of names and surnames of candidates, and other necessary supplies, to the commanding officers stationed in the voting territory under his jurisdiction, and to each pair of deputy special returning officers, as prescribed in paragraph 20;

(i) direct pairs of deputy special returning officers to take the votes of Veteran electors, as prescribed in these Regulations;

(j) receive completed outer envelopes containing ballot papers marked by Defence Service electors and Veteran electors in the voting territory under his jurisdiction, as prescribed in paragraphs 67 and 68;

(k) stamp each completed outer envelope with the date of its receipt, as prescribed in paragraph 68;

(l) provide that each completed outer envelope shall be sorted to its correct electoral district, as prescribed in paragraph 68;

(m) on the day immediately following polling day, proceed with the counting of the votes cast by Defence Service electors and Veteran electors, as prescribed in paragraphs 73 to 81;

(n) communicate by telegraph, or otherwise, to the Chief Electoral Officer the number of votes cast by Defence Service electors and Veteran electors in the voting territory under his jurisdiction for each candidate officially nominated in the various electoral districts in Canada, as prescribed in paragraph 83;

(o) transmit to the Chief Electoral Officer the official statements of the count, the used outer envelopes, ballot papers and other documents, as prescribed in paragraph 82; and

(p) perform all other duties prescribed to be executed by a special returning officer in these Regulations.

Liability of special returning officer and staff.

14. Every special returning officer, deputy special returning officer, chief assistant, scrutineer, or clerical assistant who wilfully omits to comply with the provisions of these Regulations, is liable on summary conviction to a fine of not less than fifty dollars nor more than two hundred dollars, and every special returning officer, deputy special returning officer, chief assistant, scrutineer, or clerical assistant who refuses to comply with any of the provisions thereof, is, on summary conviction, liable to a fine of not less than two hundred dollars nor more than five hundred dollars.

Supplies to special returning officer.

15. The Chief Electoral Officer shall, whenever deemed expedient, provide each special returning officer with a sufficient number of ballot papers, outer and inner envelopes, copies of these Regulations, books of key maps, books of excerpts from the Canadian Postal Guide, cards of instructions, and other supplies required for the taking of the votes of Defence Service electors and Veteran electors.

List of names and surnames, etc., of candidates.

16. As soon as possible after the nominations of candidates at the general election have closed, on the fourteenth day before polling day, the Chief Electoral Officer shall transmit a sufficient number of copies of a printed list of the names and surnames of the candidates officially nominated in each electoral district to every special returning officer; upon such list shall be inserted after the names and surname of each candidate the designating letters currently used to indicate his political affiliations; such designating letters shall be ascertained from the best sources of information available to the Chief Electoral Officer.

Form of ballot paper.

17. The ballot papers supplied by the Chief Electoral Officer for the taking of the votes of Defence Service electors and Veteran electors, shall be in Form No. 6.

Books of key maps, etc.

18. The books of key maps referred to in paragraph 15, shall be used by Defence Service electors and Veteran electors from large centres in Canada to enable them to ascertain the correct electoral district in which they are qualified to vote at the general election, and the books of excerpts from the Canadian Postal Guide shall be used for the same purpose by Defence Service electors and Veteran electors from other places in Canada.

Special procedure in electoral district returning two members.

19. Each Defence Service elector and Veteran elector shall vote only for one candidate, unless he is qualified to vote in the electoral district of Halifax in the province of Nova Scotia or in the electoral district of Queens in the Province of Prince Edward Island, both of which return two members to serve in the House of Commons; in the case only of the said electoral districts of Halifax and Queens, the Defence Service electors and the Veteran electors may vote for two candidates.

Distribution of supplies by special returning officer.

20. (1) Each special returning officer shall as soon as possible transmit a sufficient number of ballot papers, outer envelopes, inner envelopes, copies of these Regulations, books of key maps, books of excerpts from the Canadian Postal Guide, cards of instructions, printed lists of names and surnames of candidates, and other necessary supplies,

to the commanding officers stationed within his voting territory; when deemed advisable, the special returning officer shall distribute a sufficient number of each of the above mentioned documents to every pair of deputy special returning officers appointed to take the votes of Veteran electors in his voting territory.

Record of distribution of ballot papers.

(2) Each special returning officer shall keep a record, on the special form prescribed by the Chief Electoral Officer, of the serial numbers of the ballot papers supplied by him to each commanding officer and to each pair of deputy special returning officers.

Record of unused ballot papers.

(3) Each special returning officer shall also keep a record, on the special form prescribed by the Chief Electoral Officer, of the serial numbers of the unused ballot papers returned to him by each commanding officer and by each pair of deputy special returning officers.

Transmitted to Chief Electoral Officer.

(4) After the general election, the special returning officer shall transmit to the Chief Electoral Officer the records referred to in subparagraphs 2 and 3, as prescribed in paragraph 82.

Qualifications of Defence Service Electors

Qualifications.

21. (1) Every person, man or woman, who has attained the full age of twenty-one years and who is a British subject by birth or naturalization, shall be deemed to be a Defence Service elector and qualified to vote under the procedure set forth in these Regulations, if he or she

Naval Forces.

(a) is a member of the Royal Canadian Navy other than those on the retired list; or

Naval Forces (Reserve).

(b) is a member of the Royal Canadian Navy (Reserve) who is performing (i) periodic training; (ii) voluntary service; (iii) special naval duty; or

Army.

(c) is a member of the Canadian Army Active Force; or

Army (Reserve).

(d) is a member of the Canadian Army Reserve Force, and is absent from the place of his or her ordinary residence while undergoing training at a duly authorized training camp or school established for full-time courses, including any person who, being a member of a Reserve unit or formation of the Canadian Army Reserve Force, has been called up on service by the Minister of National Defence, but only with respect to the period during which such person is in receipt of compensation in consequence of his or her having been so called up; or

Air Force.

(e) is a member of the Royal Canadian Air Force (Regular) employed on continuous general service; or

Air Force (Other component).

(f) is a member of any other component of the Royal Canadian Air Force employed on continuous training or duty.

Exceptions.

(2) Notwithstanding anything in these Regulations, any person, man or woman, who, prior to the ninth day of August, nineteen hundred and forty-five, was a member of the Naval, Military, or Air Forces of Canada and who, at the general election, has not attained the full age of twenty-one years, but is otherwise qualified under subparagraph one, is entitled to vote under the procedure set forth in these Regulations.

Ordinary residence requirements.

22. In order to be entitled to vote under the procedure set forth in these Regulations, a Defence Service elector shall specify, in a declaration in Form No. 7, the name of the place of his or her ordinary residence in Canada as defined in paragraph 23, and his or her vote shall be applied only to the electoral district in which such place of ordinary residence is situated.

Definition of ordinary residence.

23. (1) For the purpose of these Regulations, the place of ordinary residence in Canada of a Defence Service elector, as defined in paragraph 21, shall be as follows:

Place of ordinary residence prior to enlistment.

(a) in the case of a person who becomes qualified as Defence Service elector after the first day of August, nineteen hundred and forty-eight, the place of his or her ordinary residence shall be the city, town, village, or other place in Canada, wherein he or she was ordinarily residing prior to his or her appointment or enlistment in the Naval, Military, or Air Forces of Canada; or

Place mentioned in statement of ordinary residence.

(b) in the case of a person qualified as Defence Service elector on the first day of August, nineteen hundred and forty-eight, who has changed his or her place of residence since his or her appointment or enlistment, the place of his or her ordinary residence shall be the city, town, village, or other place in Canada, mentioned in a statement of ordinary residence completed before the first day of January, nineteen hundred and forty-nine, and filed at the Naval Service, or Military, or Air Force Headquarters; whenever no such statement is made and filed at such Headquarters during the period herein specified, the place of ordinary residence of such Defence Service elector shall be the city, town, village, or other place in Canada, wherein such elector ordinarily resided prior to his or her appointment or enlistment in the Naval, Military, or Air Forces of Canada.

Ordinary residence requirements of members of Reserve Forces.

(2) A Defence Service elector, as described in clause *(b)*, *(d)*, or *(f)* of subparagraph one of paragraph 21, shall be deemed to be qualified to vote under the procedure set forth in these Regulations, at a general election, in the electoral district wherein he or she ordinarily resided on the date of

the commencement of the period of his or her special service or on the date of the commencement of each of the individual periods of his or her training in the Naval, Military, or Air Forces of Canada; the commencement of such special service is that period of special training or duty on which he or she is engaged during the voting period prescribed in subparagraph one of paragraph 26.

Voting by Defence Service electors.

24. Every Defence Service elector as defined in paragraph 21, is entitled to vote at a general election only according to the procedure set forth in these Regulations, unless such elector is, on polling day, in the place of his or her ordinary residence, as defined in paragraph 23, in which case the Defence Service elector may vote as a civilian elector, subject to the limitation set out in paragraph 40.

Procedure for Taking the Votes of Defence Service Electors.

Communication with the Minister of National Defence.

25. (1) As soon as possible after the general election has been ordered, the Chief Electoral Officer shall inform the Minister of National Defence, of the names and addresses of the special returning officers appointed to superintend the taking, receiving, sorting, and counting of the votes of Defence Service electors, setting out the voting territory assigned to each of them; in the case of each voting territory, the Minister shall designate a member of each of the Naval, Military, and Air Forces of Canada to act as liaison officer in connection with the taking of the votes of Defence Service electors, and the Minister shall inform the Chief Electoral Officer of the name, rank, and post office address of each liaison officer so designated.

Communication with the special returning officers.

(2) The Chief Electoral Officer shall forthwith inform each special returning officer of the names, ranks, and post office addresses of the liaison officers designated as above provided, with whom arrangements shall be made for the taking of the votes of Defence Service electors. The Chief Electoral Officer shall at the same time direct each special returning officer to proceed with the duties imposed upon him in these Regulations.

Duties of liaison officer.

(3) The liaison officer designated in each of the respective Forces shall immediately communicate with the commanding officer of every unit stationed in the voting territory, stating all necessary particulars relating to the taking of the votes of Defence Service electors at the general election; during the period between the issue of the writs ordering the general election and polling day thereat, the liaison officer shall cooperate with the special returning officer and the various commanding officers, in the taking of the votes of Defence Service electors.

Publication of notice of general election.

26. (1) Every commanding officer shall, forthwith upon being notified by the liaison officer, publish as part of Daily Orders, a notice, in Form No. 5, informing all Defence Service electors under his command that a general election has been ordered in Canada and shall therein state the dates fixed for nomination and polling days; it shall also be stated in the said notice that every Defence Service elector may cast his vote before any commissioned officer designated by the commanding officer for that purpose, on application to such commissioned officer during such hours as may be fixed by the commanding officer, not less than three each day, between nine o'clock in the forenoon and ten o'clock in the evening, of the six days from the Monday next following nomination day to the Saturday immediately preceding polling day, both inclusive; the commanding officer shall afford all necessary facilities to Defence Service electors attached to his unit to cast their votes in the manner prescribed in these Regulations.

Notification of days, hours, and places of voting.

(2) At least two days before the period fixed for voting by Defence Service electors, as prescribed in subparagraph one, and every day thereafter until the Saturday immediately preceding polling day, every commanding officer shall publish in Daily Orders, with the necessary modifications, a notice stating

(a) the days and dates upon which Defence Service electors may cast their votes;

(b) the exact locations of the voting places established for each unit; and

(c) the hours during which Defence Service electors may cast their votes at each of such voting places.

List of names, etc., of Defence Service electors.

27. As soon as possible after the publication of a notice in Daily Orders, in Form No. 5, each commanding officer shall, through the liaison officer, furnish to the special returning officer for the appropriate voting territory a list of the names, ranks, and numbers of all Defence Service electors attached to his unit.

Defence Service elector in hospital, etc.

28. Every Defence Service elector in a Service hospital or convalescent institution, during the period prescribed in subparagraph one of paragraph 26 for the taking of the votes of Defence Service electors at the general election,

shall be deemed to be a member of the unit under the command of the officer in charge of such hospital or convalescent institution.

Distribution of supplies by commanding officer.

29. Forthwith upon the receipt of the supplies mentioned in paragraph 20, the commanding officer shall distribute such supplies in sufficient quantities to every commissioned officer designated by him to take the votes of Defence Service electors; the commanding officer shall also cause copies of the printed list of names and surnames of candidates to be posted up on the bulletin boards of his unit and in other conspicuous places.

Posting up of list of names of candidates.

Before whom votes of Defence Service electors are to be cast.

30. The vote of every Defence Service elector shall be cast before any commissioned officer who has been designated by the commanding officer for that purpose, and who is himself a Defence Service elector, and has not been officially nominated as a candidate in any electoral district at the general election; provided, however, that in the case of a small detachment in which no commissioned officer is available, the commanding officer may designate, for that purpose, a person of or above non-commissioned officer status, subject to the above mentioned limitations.

Name, etc., sent to special returning officer.

31. As soon as a commissioned officer has been designated, as provided in paragraph 30, to take the votes of Defence Service electors, the commanding officer shall, through the liaison officer, communicate the name, rank, and number of such commissioned officer to the appropriate special returning officer.

Posting up of card of instructions, etc.

32. In any voting place, and at any time in which Defence Service electors are casting their votes, the commissioned officer before whom such votes are cast shall cause at least two copies of the card of instructions, in Form No. 9, to be posted up in conspicuous places; the commissioned officer shall also keep one copy of these Regulations, one book of key maps, one book of excerpts from the Canadian Postal Guide, and one printed list of the names and surnames of candidates readily available for consultation by Defence Service electors.

Representative of political party.

33. (1) Any person qualified to vote as a civilian elector at the general election may, upon delivery of a declaration, completed and signed by himself, in Form No. 10, to the commissioned officer who is taking the votes of Defence Service electors, act as representative of a political party at the taking of such votes.

Defence Service elector may act.

(2) In any voting place where it is not possible for a civilian elector to act as a representative of a political party, as provided in subparagraph one, a Defence Service elector may, with the approval of the commanding officer, act as such representative.

Disposition of declarations.

(3) After the voting period has ended the commissioned officer shall transmit every completed declaration in Form No. 10 to the appropriate commanding officer.

Declaration by Defence Service elector.

34. (1) Before delivering a ballot paper to a Defence Service elector, the commissioned officer before whom the vote is to be cast shall require such elector to make a declaration in Form No. 7, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Defence Service elector's name, rank, and number, that he is a British subject by birth or naturalization, that he has attained the full age of twenty-one years, that he has not previously voted at the general election, and the name of the place in Canada, with street address, if any, of his ordinary residence as defined in paragraph 23, the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration; the commissioned officer shall cause the Defence Service elector to affix his signature to the said declaration, and the certificate printed thereunder shall then be completed and signed by the commissioned officer.

Warning to Defence service elector and commissioned officer.

(2) At this stage, the Defence Service elector and the commissioned officer shall bear in mind that, as prescribed in paragraph 71, any outer envelope which does not bear the signatures of both the Defence Service elector and the commissioned officer concerned (except in cases referred to in paragraph 37), or any outer envelope upon which a sufficient description of the place of ordinary residence of the Defence Service elector does not appear, shall be laid aside unopened in the headquarters of the special returning officer, and that the ballot paper contained in such outer envelope shall not be counted.

Manner of voting by Defence Service elector.

35. After the declaration has been completed and signed by the Defence Service elector, and the certificate printed thereunder has been completed and signed by the commissioned officer, as prescribed in subparagraph one of paragraph 34, the commissioned officer shall hand a ballot paper to such elector, who shall cast his vote secretly by writing thereon, with ink or with a pencil of any colour, the names (or initials) and surname of the candidate of his choice; the ballot paper shall then be folded by the Defence Service

elector; when this has been done, the commissioned officer shall hand an inner envelope to the Defence Service elector, who shall place the ballot paper so folded in the inner envelope, seal such inner envelope, and hand it to the commissioned officer, who shall, in full view of the Defence Service elector, place it in the outer envelope addressed to the special returning officer, seal the said outer envelope and hand it to the Defence Service elector.

Disposition of completed outer envelope.

36. (1) The commissioned officer before whom the vote of a Defence Service elector has been cast shall, as prescribed in paragraph 35, hand the outer envelope, containing the ballot paper, to the Defence Service elector, who shall himself forthwith despatch it by ordinary mail or by such other postal facilities as may be available and expeditious, to the special returning officer whose name and address have been printed on the face of the outer envelope.

Warning to Defence Service elector.

(2) The commissioned officer shall at the same time inform the Defence Service elector that his outer envelope must be received by the special returning officer, to whom the envelope is addressed, not later than nine o'clock in the forenoon of the day immediately following polling day, otherwise the ballot paper enclosed in such outer envelope shall not be counted.

Mailing of outer envelopes.

(3) Every such envelope despatched by ordinary mail in Canada shall be carried free of postage; whenever it appears to be expedient to despatch an outer envelope by air mail to the special returning officer, the necessary postage stamps shall be affixed to such envelope by the commissioned officer before whom the vote is taken; the appropriate special returning officer shall, upon a written request, refund to such commissioned officer any expenditure properly incurred for the purchase of such air mail postage stamps.

Postal facilities.

(4) Every commanding officer shall, whenever possible, provide that the voting place established for taking the votes of Defence Service electors shall be located in close proximity to a post office or mail box; the commissioned officer before whom a Defence Service elector has cast his vote shall direct such elector to the nearest post office or mail box from which outer envelopes may be despatched to the special returning officer.

Voting by designated commissioned officer.

37. A commissioned officer before whom Defence Service electors have cast their votes may cast his own vote after completing the declaration in Form No. 7 printed on the back of the outer envelope; in such case, it shall not be necessary for the commissioned officer to complete the certificate printed at the foot of such declaration.

Spoiled ballot papers.

38. (1) A Defence Service elector who, when casting his vote, has inadvertently dealt with a ballot paper in such manner that it cannot be used, shall return it to the commissioned officer, who shall deface it and deliver another in its place; all ballot papers thus defaced shall be classified as spoiled ballot papers, and when the voting is completed, shall be transmitted to the commanding officer, together with all declarations completed by representatives of political parties and unused ballot papers and envelopes.

Disposition of declarations and unused supplies, etc.

(2) The commanding officer shall forthwith transmit to the appropriate special returning officer all spoiled ballot papers, declarations made by representatives of political parties, unused ballot papers and envelopes in his possession or received from designated commissioned officers.

Incapacited Defence Service elector.

39. When a Defence Service elector is unable to read or to write, or is incapacitated from any physical cause, and therefore unable to vote according to the ordinary procedure prescribed in these Regulations, the commissioned officer before whom the vote is to be cast, shall assist such elector by marking the ballot paper in the manner directed by the elector, in his presence and in the presence of another Defence Service elector who is able to read and to write; such other elector shall be selected by the incapacitated Defence Service elector.

Defence Service elector voting as civilian.

40. (1) A Defence Service elector who has not voted in the manner prescribed in these Regulations, and who is in the place of his ordinary residence on polling day, may cast his vote in the manner prescribed in *The Dominion Elections Act, 1938*, for civilian electors; in such case, however, the name of the Defence Service elector shall, in an urban polling division, appear on the official list of electors used at the poll.

Voting by Defence Service electors on leave or on furlough.

(2) A Defence Service elector who is absent from his unit, on leave or on furlough, during the voting period prescribed in subparagraph one of paragraph 26, and who has not already voted at the general election, may, on production of documentary proof that he is on leave or furlough, cast his vote elsewhere before any commissioned officer designated to take the votes of Defence Service electors by the commanding officer of a Naval, Military, or Air Force unit, when such commissioned officer is actually engaged in the taking of such votes.

Defence Service elector may vote only once.

41. (1) No elector, whether Defence Service or civilian, is entitled, because of anything in these Regulations, to vote more than once at the general election.

Application of certain paragraphs and forms.

(2) Paragraphs 42 to 66 and Forms Nos. 11, 12 and 13 do not apply to the taking of the votes of Defence Service electors.

PROCEDURE FOR TAKING THE VOTES, AT A GENERAL ELECTION, OF VETERANS OF THE WAR 1914-1918 AND THE WAR THAT BEGAN ON THE 10TH DAY OF SEPTEMBER, 1939, WHO ARE RECEIVING TREATMENT OR DOMICILIARY CARE IN CERTAIN HOSPITALS OR INSTITUTIONS.

Qualifications.

42. Except as hereinafter provided, every person, irrespective of age, who

(a) is a British subject by birth or naturalization;

(b) has been ordinarily residing in Canada during the twelve months immediately preceding polling day;

(c) was a member of the Naval, Military, or Air Forces of Canada in the war 1914-1918, or in the war that began on the tenth day of September, nineteen hundred and thirty-nine;

(d) has been discharged from such Forces; and

(e) is receiving treatment or domiciliary care in a hospital or institution operated under the direct control of the Department of Veterans Affairs or is receiving treatment or domiciliary care in another hospital or institution at the request or on behalf of the said Department;

shall be deemed to be a Defence Service elector and entitled to vote at the general election under the procedure set forth in these Regulations; for the purpose of these Regulations, the above mentioned persons shall be known as Veteran electors.

Veteran electors.

Ordinary residence requirements of Veteran electors.

43. In order to be entitled to vote under the procedure set forth in these Regulations, a Veteran elector shall specify, in a declaration in Form No. 12, the name of the place of his ordinary residence in Canada, with street address, if any, as declared by the Veteran elector on the date of his admission to the hospital or institution, and the vote of such Veteran elector shall be applied to the electoral district in which such place of ordinary residence is situated.

Procedure in mental cases.

44. No person as described in paragraph 42 who, during the days or hours of voting prescribed in paragraphs 54 and 55, is confined by lawful departmental medical authority in a mental ward of any hospital or institution, shall be eligible to vote under the procedure set forth in these Regulations.

Voting by Veteran electors in departmental hospitals or institutions.

45. Except as provided in paragraph 44, every Veteran elector who is receiving treatment or domiciliary care in a hospital or institution operated under the direct control of the Department of Veterans Affairs, is eligible to vote under the procedure set forth in these Regulations.

Limitation.

46. The only hospitals or institutions in which persons are receiving treatment or domiciliary care at the request

or on behalf of the Department of Veterans Affairs, where such persons are entitled to vote under the procedure set forth in these Regulations, are those in which, on the date of the issue of the writs ordering the general election, as determined by the said Department, a total of twenty-five persons or more are receiving such treatment or domiciliary care.

Veteran elector voting as civilian.

47. Any person, as described in paragraph 42, who is receiving treatment or domiciliary care in a hospital or institution, at the request or on behalf of the Department of Veterans Affairs, where less than twenty-five of such persons are receiving such treatment or care, on the date of the issue of the writs ordering the general election, is entitled to vote at such election as a civilian elector in the polling division in which such hospital or institution is situated, as provided in subsection five of section fourteen of *The Dominion Elections Act, 1938*.

Facilities for voting by Veteran electors.

48. The superintendent of any hospital or institution, in which voting under the procedure set forth in these Regulations is authorized, shall afford all necessary facilities to Veteran electors receiving treatment or domiciliary care therein to cast their votes before two deputy special returning officers, as prescribed in paragraph 57.

Names and addresses of hospitals or institutions.

49. As soon as possible after the date of the issue of the writs ordering the general election, the Minister of Veterans Affairs shall inform the Chief Electoral Officer, as at such date, of the name and address of every hospital or institution in Canada operated under the direct control of the Department of Veterans Affairs, and the name and address of every other hospital or institution where twenty-five or more persons were receiving treatment or domiciliary care at the request or on behalf of the said Department; the Minister shall at the same time furnish to the Chief Electoral Officer a statement giving the number of such persons in each of such hospitals or institutions as at the date aforesaid.

Nominating, appointment, and oath of office of deputy special returning officers.

50. For the purpose of taking the votes of Veteran electors at the general election, the Chief Electoral Officer shall appoint six persons to act as deputy special returning officers in each voting territory; two of such six deputy special returning officers shall be nominated by the Leader of the Government, two by the Leader of the Opposition, and two on the joint recommendation of the Leaders of political groups having a recognized membership in the House of Commons of ten or more; each deputy special returning officer shall be appointed on Form No. 11, and shall be sworn according to the said Form No. 11, before a special returning officer, or a justice of the peace, or a commissioner for taking affidavits in the province, to the faithful performance of the duties imposed upon him in these Regulations.

Nominating, appointment, etc., of additional deputy special returning officers.

51. When, after the date of the issue of the writs ordering the general election, it appears that the number of deputy special returning officers provided in paragraph 50 is not sufficient to take the votes of all the Veteran electors in any voting territory, the Chief Electoral Officer shall appoint the additional number of deputy special returning officers required; such additional deputy special returning officers shall be nominated in the same successive manner and, as near as may be, in the same proportion as prescribed in paragraph 50; every such additional deputy special returning officer shall be appointed and sworn as prescribed in the said paragraph.

Duties of deputy special returning officers.

52. The duties of deputy special returning officers shall consist of

(a) attending at the headquarters of the appropriate special returning officer when requested so to do by the Chief Electoral Officer;

(b) familiarizing themselves with the procedure to be followed in the taking of the votes of Veteran electors;

(c) travelling in pairs from place to place, during the voting period prescribed in paragraph 54, as directed by the special returning officer, to take the votes of Veteran electors in compliance with the procedure set forth in these Regulations; and

(d) keeping a record, in the form prescribed by the Chief Electoral Officer, of the names, surname, and place of ordinary residence of every Veteran elector who has cast his vote in a given hospital or institution, and transmitting such record to the special returning officer immediately after the voting is completed in such hospital or institution;

Tenure of office.

the tenure of office of deputy special returning officers shall cease immediately after the Saturday preceding polling day.

Designation of departmental representative.

53. As soon as possible after the general election has been ordered, the Minister of Veterans Affairs shall designate an official to represent the Department of Veterans Affairs in dealing with the Chief Electoral Officer in the carrying out of these Regulations.

Period of voting by Veteran electors.

54. The period of voting by Veteran electors shall commence on the Monday next following nomination day, and be concluded on the Saturday immediately preceding polling day, both inclusive.

Days and hours of voting by Veteran electors.

55. The voting by Veteran electors shall take place in every hospital or institution where such voting is authorized in these Regulations; such voting shall continue only for such days or hours as may be necessary to take the vote of every Veteran elector in the hospital or institution who is eligible to exercise his franchise at the general election; when all eligible Veteran electors in a given

hospital or institution have been furnished with an opportunity of casting their votes, the voting in such hospital or institution shall cease.

Advance notification to superintendent.

56. At least two days before a pair of deputy special returning officers are scheduled to attend at any hospital or institution to take the votes of Veteran electors, the special returning officer shall notify the superintendent of such hospital or institution, and the superintendent shall forthwith post up a notice to that effect in conspicuous places in such hospital or institution.

Before whom votes of Veteran electors to be taken.

57. (1) The votes of Veteran electors shall be cast according to the procedure set forth in these Regulations before a pair of deputy special returning officers appointed pursuant to paragraph 50 or 51, and each pair consisting of persons representing different and opposed political interests.

Spoiled ballot papers.

(2) A Veteran elector who, when casting his vote, has inadvertently dealt with a ballot paper in such manner that it cannot be used, shall return it to the deputy special returning officers, who shall deface it and deliver another in its place; all ballot papers thus defaced shall be classified as spoiled ballot papers, and, when the voting is completed in a given hospital or institution, shall be transmitted to the special returning officer.

Posting up of card of instructions, etc.

58. In any place, and at any time during which Veteran electors are casting their votes, the deputy special returning officers, before whom such votes are cast, shall cause at least one copy of the card of instructions, in Form No. 13, to be posted up in a conspicuous place, or shown to every Veteran elector as he applies to vote; the deputy special returning officers shall also keep one copy of these Regulations, one book of key maps, one book of excerpts from the Canadian Postal Guide, and one printed list of the names and surnames of candidates readily available for consultation by Veteran electors.

Incapacitated Veteran elector.

59. When a Veteran elector is unable to read or to write, or is incapacitated from any physical cause, and therefore unable to vote according to the ordinary procedure prescribed in these Regulations, the deputy special returning officers before whom the vote is to be cast, shall assist such elector by marking the ballot paper in the manner directed by the elector, in his presence and in the presence of another Veteran elector who is able to read and to write. Such other elector shall be selected by the incapacitated Veteran elector.

Blind Veteran elector.

60. The vote of a blind Veteran elector may be taken in the same manner as the votes of other incapacitated Veteran electors, as provided in paragraph 59, or through the

medium of a friend, who is also a Veteran elector and who is acting at the request of the blind Veteran elector; in such case the friend may mark the blind Veteran elector's ballot paper in the presence only of such blind elector; no person shall at the general election be allowed to act as the friend of more than one blind Veteran elector.

Voting by bed-ridden Veteran electors.

61. Whenever deemed advisable, the deputy special returning officers shall, with the approval of the superintendent, go from room to room in the hospital or institution to take the votes of bed-ridden Veteran electors.

Declaration by Veteran elector.

62. (1) Before delivering a ballot paper to a Veteran elector, the deputy special returning officers before whom the vote is to be cast shall require such elector to make a declaration in Form No. 12, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Veteran elector's name, that he is a British subject by birth or naturalization, that he was a member of either the Naval, Military, or Air Forces of Canada in the war 1914-1918, or in the war that began on the tenth day of September, nineteen hundred and thirty-nine, that he has been discharged from such Forces, that he has been ordinarily residing in Canada during the twelve months preceding polling day, and that he has not previously voted at the general election; it shall also be stated in the said declaration the name of the place of his ordinary residence in Canada, with street address, if any, as declared by the Veteran elector on the date of his admission to the hospital or institution; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration; the deputy special returning officers shall cause the Veteran elector to affix his signature to the said declaration, and the certificate printed thereunder shall then be signed by both deputy special returning officers.

Warning to Veteran elector and deputy special returning officers.

(2) At this stage, the Veteran elector and the deputy special returning officers shall bear in mind that, as prescribed in paragraph 71, any outer envelope which does not bear the signatures of the Veteran elector and the two deputy special returning officers concerned, or any outer envelope upon which a sufficient description of the place of ordinary residence of the Veteran elector does not appear, shall be laid aside unopened in the headquarters of the special returning officer, and that the ballot paper contained in such outer envelope shall not be counted.

Manner of voting by Veteran elector.

63. After the declaration has been completed and signed by the Veteran elector, and the certificate printed thereunder has been signed by both deputy special returning officers, as

prescribed in subparagraph one of paragraph 62, the deputy special returning officers shall hand a ballot paper to such elector, who shall cast his vote secretly by writing thereon, with ink or with a pencil of any colour, the names (or initials) and surname of the candidate of his choice; the ballot paper shall then be folded by the Veteran elector; when this has been done, the deputy special returning officers shall hand an inner envelope to the Veteran elector, who shall place the ballot paper so folded in the inner envelope, seal such inner envelope, and hand it to the deputy special returning officers who shall, in full view of the Veteran elector, place it in the outer envelope addressed to the special returning officer, seal the said outer envelope and hand it to the Veteran elector.

Disposition of completed outer envelope.

64. (1) The deputy special returning officers before whom the vote of a Veteran elector has been cast shall, as prescribed in paragraph 63, hand the outer envelope containing the ballot paper to the Veteran elector, who shall himself forthwith despatch it by ordinary mail or by such other postal facilities as may be available and expeditious, to the special returning officer whose name and address have been printed on the face of the outer envelope.

Warning to Veteran elector.

(2) The deputy special returning officers shall at the same time inform the Veteran elector that his outer envelope must be received by the special returning officer to whom the envelope is addressed not later than nine o'clock in the forenoon of the day immediately following polling day, otherwise the ballot paper enclosed in such outer envelope shall not be counted.

Mailing of outer envelopes.

(3) Every such outer envelope despatched by ordinary mail in Canada shall be carried free of postage; whenever it appears to be expedient to despatch an outer envelope by air mail, the necessary postage stamps shall be affixed to such envelope by the deputy special returning officers before whom the vote is cast; the special returning officer shall, upon the receipt of a written request, refund to any deputy special returning officer the expenditure properly incurred in the purchase of such air mail postage stamps.

Veteran elector may vote only once.

65. No elector, whether Veteran or Defence Service or civilian, is entitled, because of anything in these Regulations, to vote more than once at the general election.

Application of certain paragraphs and forms.

66. Paragraphs 21 to 41 and Forms Nos. 5, 7, 9, and 10 do not apply to the taking of the votes of Veteran electors.

Procedure to be Followed in the Receiving and Sorting of the Votes Cast by Defence Service Electors and Veteran Electors.

Supervision, etc.

67. (1) Every operation relating to the receiving and sorting to the proper electoral districts of outer envelopes containing ballot papers marked by Defence Service electors and Veteran electors, shall be conducted under the supervision of the special returning officer or his chief assistant, by scrutineers, who shall work in pairs, each pair consisting of persons representing different and opposed political interests.

Marking and initialling outer envelopes.

(2) Whenever an outer envelope has been sorted to its electoral district, the name of such electoral district shall be written by the scrutineers in the lower left hand corner of the back of the outer envelope and both scrutineers shall affix their initials thereto.

Disposition of completed outer envelopes.

68. On receipt of outer envelopes containing ballot papers marked by Defence Service electors and Veteran electors, the special returning officer or his chief assistant shall:

(a) stamp each outer envelope with the date of its receipt;

(b) examine each outer envelope in order to ascertain that the declaration on the back thereof is signed by both the Defence Service elector and the commissioned officer concerned (except in cases referred to in paragraph 37), or by the Veteran elector and the two deputy special returning officers concerned;

(c) ascertain that all the necessary details are given in the declaration made on the back of the outer envelope;

(d) direct the scrutineers to ascertain, from the details given on the back of each outer envelope, the correct electoral district containing the place of ordinary residence of the Defence Service elector, or Veteran elector, and to sort such outer envelope thereto; and

(e) make sure that each outer envelope is sorted to its proper electoral district, and has been duly marked and initialled by the scrutineers.

Packaging used outer envelopes.

69. (1) At the end of each day upon which outer envelopes are received, the special returning officer, or his chief assistant, shall, in the presence of at least two scrutineers, place in a special large envelope provided for that purpose, all the outer envelopes sorted by his staff to each electoral district separately.

Completing special large envelopes.

(2) Every such special large envelope shall be endorsed with the name of the applicable electoral district, the day of the week and the date of the month upon which it was used, and the number of sorted outer envelopes enclosed therein.

Sealing special large envelopes.

(3) Upon the completion of the above requirements, the special returning officer or his chief assistant shall close the special large envelope, and affix a gummed paper seal, provided for that purpose, over the sealed flap; the special returning officer or his chief assistant, and at least two scrutineers, shall affix their signatures to such seal.

Safe-keeping of special large envelopes.

(4) When this has been done, the special returning officer shall keep the sealed special large envelopes in safe custody, unopened, until the time has arrived to count the ballot papers sorted to the electoral district to which such envelopes appertain, as prescribed in paragraphs 73 to 81; in the meantime, the scrutineers shall be permitted to inspect any or all such sealed special large envelopes whenever they wish to do so.

Disposition of outer envelopes not sorted at end of day.

70. All used outer envelopes which have not been sorted, as prescribed in paragraph 68, to their proper electoral districts at the end of each day, shall be placed in one or more of the ballot boxes provided for the counting of the votes; such ballot boxes shall be locked with a padlock and sealed with gummed paper seals provided for that purpose, until the sorting of outer envelopes is proceeded with on the following day; the signatures of at least two scrutineers shall be affixed to such seals.

Disposition of outer envelope when declaration incomplete.

71. (1) An outer envelope which does not bear the signatures of both the Defence Service elector and the commissioned officer concerned (except in cases referred to in paragraph 37), or the signatures of the Veteran elector and the two deputy special returning officers concerned, or upon which a sufficient description of the place of ordinary residence of such elector does not appear, shall be laid aside, unopened; the special returning officer shall endorse upon each such outer envelope the reason why it has been so laid aside, and such endorsement shall be initialled by at least two scrutineers; the ballot paper contained in such outer envelope shall be deemed to be a rejected ballot paper.

Disposition of outer envelope received too late.

(2) Any outer envelope received by a special returning officer after nine o'clock in the forenoon of the day immediately following polling day, shall also be laid aside unopened; the special returning officer shall endorse upon such envelope the reason why it has been so laid aside, and such endorsement shall be initialled by at least two scrutineers; the ballot paper contained in such outer envelope shall be deemed to be a rejected ballot paper.

Transmission to the Chief Electoral Officer.

(3) The special returning officer shall retain all unopened outer envelopes mentioned in subparagraphs one and two in safe custody, and, after the counting of the votes is completed, transmit them to the Chief Electoral Officer, as prescribed in paragraph 82.

Procedure when Defence Service elector or Veteran elector votes more than once.

72. Where, during the receiving and sorting of the outer envelopes, as prescribed in paragraphs 68 to 71, or the counting of the votes, as prescribed in paragraphs 73 to 81, it is ascertained that a Defence Service elector or a Veteran elector has voted on more than one occasion, the outer envelopes relating to such elector shall be laid aside unopened; the special returning officer shall endorse on such envelopes the reason why they have been so laid aside, and such endorsement shall be initialled by at least two scrutineers; the ballot papers contained in such outer envelopes shall be deemed to be rejected ballot papers. After the counting of the votes has been completed, the special returning officer shall send such unopened outer envelopes to the Chief Electoral Officer with the other parcels and documents mentioned in paragraph 82; the special returning officer shall at the same time send to the Chief Electoral Officer a detailed report in every case in which it has been ascertained that a Defence Service elector or a Veteran elector has voted on more than one occasion.

PROCEDURE TO BE FOLLOWED IN THE COUNTING OF THE VOTES CAST BY DEFENCE SERVICE ELECTORS AND VETERAN ELECTORS.

Commencement of the counting.

73. On the day immediately following polling day, after all the outer envelopes received before 9 o'clock in the forenoon have been sorted, the special returning officer shall cause the counting of the votes cast by Defence Service electors and Veteran electors to be commenced; such counting shall be carried out with all possible despatch, and shall be completed not later than the Saturday next following such polling day.

Scrutineers to work in pairs.

74. In the counting of votes, the scrutineers shall work in pairs, each pair consisting of persons representing different and opposed political interests; the special returning officer shall direct each pair of scrutineers to count the votes for only one electoral district at a time; in the performance of these duties, each pair of scrutineers shall be furnished by the special returning officer with the services of at least one clerical assistant.

Ballot box used at the counting of the votes.

75. For the counting of votes, the Chief Electoral Officer shall furnish each special returning officer with a sufficient number of specially made ballot boxes; before the counting of the votes for any given electoral district begins, the ballot box used at such counting shall be examined by the scrutineers, and, when found empty, shall be locked and the key thereof retained by either the special returning officer or his chief assistant.

Opening special large envelopes.

76. All the special large envelopes containing outer envelopes sorted to a given electoral district shall be opened and their contents placed upon a table; the scrutineers shall examine every outer envelope taken out of such special large envelope in order to ascertain that it belongs to the electoral district for which the ballot papers are about to be counted; if it appears that any outer envelope belongs to another electoral district, the special returning officer shall sort such outer envelope to its proper electoral district and, if the counting of the votes attributed to such electoral district has been completed, the special returning officer shall keep such outer envelope in safe custody until the counting of the votes has been completed in every other electoral district; the special returning officer shall then re-open the counting of the votes in the electoral district to which the misplaced outer envelope belongs and direct the scrutineers to count the ballot paper enclosed in such outer envelope in the manner prescribed in these Regulations. When all the outer envelopes sorted to a given electoral district have been checked as above prescribed, they shall be opened, and the inner envelopes shall be removed therefrom and immediately placed, unopened, in the ballot box referred to in paragraph 75.

Opening outer envelopes.

Procedure when counting votes.

77. When all the outer envelopes for a given electoral district have been opened and the inner envelopes placed in the ballot box, as prescribed in paragraph 76, the ballot box shall be opened and its contents placed upon a table; the scrutineers shall then count the inner envelopes found in the ballot box in order to ascertain that the number of such inner envelopes corresponds with the number of outer envelopes opened for such electoral district; if the number of inner envelopes does not correspond with the number of such opened outer envelopes, the scrutineers shall make a report to that effect to the special returning officer, stating all particulars, and shall attach such report to the official statement of the count referred to hereunder; the scrutineers shall then proceed to open the inner envelopes and count the votes cast for each candidate and when this has been done, shall prepare copies of a statement of the count on Form No. 8; one copy of such statement, to be called the official statement of the count, shall be forthwith

delivered to the special returning officer, and the two scrutineers may each retain a copy thereof; the ballot papers counted for each candidate shall then be placed separately in the special envelopes provided for that purpose; the empty inner envelopes relating to such electoral district shall then be destroyed.

Application of votes cast.

78. Subject to the provisions of paragraph 79, a ballot paper marked for a candidate shall be counted for such candidate if he has been officially nominated in the electoral district to which, in accordance with the declaration made on the back of the outer envelope, such ballot paper has been attributed.

Rejection of ballot papers.

79. (1) In the counting of the votes, the scrutineers shall, with the approval of the special returning officer, reject all ballot papers

(a) that do not appear to have been supplied by the special returning officer for the pending general election;

(b) that have not been marked with the name of any candidate;

(c) that have been marked for more than one candidate in any electoral district except Halifax, N.S. and Queens, P.E.I.;

(d) that have been marked for more than two candidates in the electoral districts of Halifax, N.S. and Queens, P.E.I.;

(e) that have been marked with the name of a person who has not been officially nominated as a candidate in the electoral district to which the ballot paper has been attributed; or

(f) upon which the Defence Service elector or the Veteran elector appears to have intentionally made a mark by which he might afterwards be identified.

Ballot paper not to be rejected for uncertainty.

(2) No ballot paper shall be rejected for uncertainty as to the candidate intended to be voted for, if it is possible to ascertain, with a reasonable degree of certainty, for which candidate the Defence Service elector or the Veteran elector intended to vote.

Exception in case of designating letters.

(3) No ballot paper shall be rejected if, in addition to the names and surname of the candidate of his choice, a Defence Service elector or a Veteran elector has written on such ballot paper any of the designating letters printed on the list of names and surnames of candidates prescribed in paragraph 16.

Disposition of rejected ballot papers.

80. After the counting of the votes attributed to a given electoral district is completed, the scrutineers shall place all rejected ballot papers in the special envelope supplied for that purpose and, after inserting the necessary details thereon, shall package such envelope with the other documents, as prescribed in paragraph 81.

Disposition of ballot papers, etc.

81. The outer envelopes from which the ballot papers have been taken out, the envelopes containing the ballot papers counted for each candidate, and the envelope containing ballot papers rejected during the counting of the votes, relating to each individual electoral district, shall be parcelled by the scrutineers and delivered to the special returning officer after the name of such electoral district has been plainly written on the parcel; the scrutineers, the special returning officer, and the chief assistant shall exercise the utmost care in dealing with used outer envelopes; there shall be no poll book kept at the counting of the votes, and the used outer envelopes themselves shall constitute the official record of the votes cast by Defence Service electors and Veteran electors in each electoral district; the procedure prescribed in this and paragraphs 75 to 80 relating to the counting of the votes shall be repeated in the case of every electoral district.

Final Duties.

Transmission of ballot papers, etc., to Chief Electoral Officer.

82. Immediately after the counting of the votes has been completed for every electoral district, the special returning officer shall transmit to the Chief Electoral Officer, the following parcels and documents:—

(a) the parcels containing the outer envelopes from which ballot papers have been taken out, the envelopes containing the ballot papers counted for each candidate, and the envelope containing the ballot papers rejected during the counting of the votes, as prepared by the scrutineers pursuant to paragraph 81;

(b) the official statements of the count completed by the scrutineers, pursuant to paragraph 77;

(c) the unopened outer envelopes, laid aside pursuant to paragraphs 71 and 72;

(d) the oaths of office of deputy special returning officers, chief assistant, scrutineers, and clerical assistants, as prescribed in clause *(c)* of paragraph 13;

(e) the complete files of correspondence, reports and records in the headquarters of the special returning officer;

(f) the spoiled ballot papers and the declarations in Form No. 10 received from the commanding officers and deputy special returning officers, pursuant to paragraphs 38 and 57;

(g) the record of ballot papers distributed to commanding officers and deputy special returning officers and the

record of unused ballot papers returned by commanding officers and deputy special returning officers, pursuant to paragraph 20;

(h) the alphabetical list of the names of Defence Service electors prepared pursuant to paragraph 11; and

(i) the records of the names, surnames, and places of ordinary residences of Veteran electors, completed by each pair of deputy special returning officers, pursuant to paragraph 52.

Result of the counting of the votes to be communicated to Chief Electoral Officer.

83. Immediately after the counting of the votes has been completed for every electoral district, but not later than the Saturday next following polling day, the special returning officer shall inform the Chief Electoral Officer by telegraph, or otherwise, of the number of votes counted in his headquarters for each candidate in every electoral district in Canada; the special returning officer shall at the same time inform the Chief Electoral Officer of the total number of votes counted for each electoral district.

Disposition of results by Chief Electoral Officer.

84. Upon receipt of the result of the votes cast by Defence Service electors and Veteran electors from every special returning officer, as prescribed in paragraph 83, the Chief Electoral Officer shall compute the total number of votes counted for each candidate officially nominated in every electoral district, and forthwith communicate by telegraph or otherwise such result to the appropriate returning officer.

Offences and Penalties

Liability of Defence Service elector or Veteran elector.

85. Any Defence Service elector or Veteran elector who

(a) attempts to obtain or communicate any information as to the candidate for whom any ballot paper has been marked by a Defence Service elector or a Veteran elector;

(b) prevents or endeavours to prevent any Defence Service elector or Veteran elector from voting at a general election;

(c) knowingly applies for a ballot paper to which he is not entitled;

(d) makes any untrue statement in the declaration in Form No. 7 signed by him before a commissioned officer or, in the case of a Veteran elector in Form No. 12 signed by him before two deputy special returning officers; or

(e) makes any untrue declaration in the statement of ordinary residence completed pursuant to paragraph 23;

is guilty of an offence against these Regulations punishable as in these Regulations provided.

Penalty for intimidation, etc., of Defence Service elector or Veteran elector.

86. Every person is guilty of an offence against these Regulations punishable as in these Regulations provided, who, directly or indirectly, by himself, or by any other person, makes use, or threatens to make use, of any force, violence or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any temporal or spiritual injury, damage, harm or loss, or in any manner practises intimidation upon or against any Defence Service elector or Veteran elector, in order to induce or compel such elector to vote for any candidate or to refrain from voting or on account of such elector having voted for any candidate or refrained from voting at the general election or who, by abduction, duress, or any false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of any such elector, or thereby compels or induces or prevails upon any such elector either to vote for any candidate or to refrain from voting at the general election.

Procedure.

87. (1) Any offence against these Regulations may be prosecuted alternatively on indictment or by way of summary conviction.

Penalty for offence.

(2) Any person who is guilty of an offence against these Regulations is liable on indictment or on summary conviction to a fine not exceeding five hundred dollars and costs of prosecution or to imprisonment for a term not exceeding six months, with or without hard labour, or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith, in case only a fine and costs are imposed, or are not paid before the expiration of the term of imprisonment imposed, in case imprisonment, as well as fine and costs, is imposed, to imprisonment with or without hard labour for such term or such further term, as such fine and costs or either of them remain unpaid, not exceeding three months.

SUPPLEMENTAL PROVISIONS.

Procedure on withdrawal of candidate.

88. In the case of the withdrawal of a candidate during the period between nomination day and three days before polling day, the Chief Electoral Officer shall, by the most expeditious means, notify every special returning officer of such withdrawal; the special returning officer shall forthwith so notify every commanding officer stationed in his voting territory, and every deputy special returning officer who has been appointed to take the votes of Veteran electors in such voting territory; the commanding officer shall, as much as possible, notify every commissioned officer designated by him to take the votes of Defence Service electors of such withdrawal, and such commissioned officer or the deputy special returning officers shall inform the Defence Service electors or Veteran electors concerned as to

the name of the candidate who has withdrawn, when such electors are applying to vote; any votes cast by Defence Service electors or Veteran electors for a candidate who has withdrawn shall be null and void.

Procedure on death of candidate.

89. In the case of the death of a candidate between nomination day and polling day, and the subsequent postponement of the election in the electoral district in which such candidate was officially nominated, the outer envelopes containing the ballot papers cast by Defence Service electors and Veteran electors to be sorted or sorted to such electoral district shall remain unopened, and the ballot papers contained in such envelopes shall be deemed to be rejected ballot papers; all such unopened outer envelopes shall be transmitted to the Chief Electoral Officer with the other documents mentioned in paragraph 82.

Validity of election not affected by non-compliance.

90. The validity of the election of a member to serve in the House of Commons shall not be questioned on the ground of any omission or irregularity in connection with the administration of these Regulations, if it appears that such omission or irregularity did not affect the result of the election, nor on the ground that, for any reason, it was found impossible to secure the vote of any Defence Service elector or Veteran elector under the procedure set forth in the said Regulations.

Recounting by a judge.

91. Sections fifty-four and fifty-five of *The Dominion Elections Act, 1938*, relating to a recount by a judge apply, *mutatis mutandis*, to all ballot papers counted and rejected after being cast by Defence Service electors and Veteran electors under the procedure set forth in these Regulations, which have been transmitted by the special returning officers to the Chief Electoral Officer, pursuant to paragraph 82.

Custody, inspection, or production of documents.

92. Sections fifty-nine and eighty-eight of *The Dominion Elections Act, 1938*, relating to the custody, inspection, and production of election documents, apply, *mutatis mutandis*, to such documents received by the Chief Electoral Officer from the special returning officers, pursuant to paragraph 82.

Taxation and payment of accounts.

93. All accounts for services and expenses incurred in connection with the administration of these Regulations, shall be taxed by the Chief Electoral Officer, and paid by the Comptroller of the Treasury out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Form No. 1

Oath of Office of Special Returning Officer. (Par. 6)

I, the undersigned, appointed special returning officer for the voting territory consisting of the provinces of ....., pursuant to the provisions of paragraph five of *The Canadian Defence Service Voting Regulations*, do swear (*or* solemnly affirm) that I will act faithfully in my said capacity of special returning officer, without partiality, fear, favour or affection, and that I will keep secret the name of the candidate for whom any Defence Service elector or Veteran elector has marked his ballot paper at the general election, should I acquire any information with respect thereto during my tenure of office as special returning officer. So help me God.

.....

Signature of special returning officer.

Certificate of Oath of Office of Special Returning Officer

I, the undersigned, do hereby certify that on the..... day of....., 19...., the special returning officer above named made and subscribed before me the above set forth oath (*or* affirmation). In testimony whereof I have issued this certificate under my hand.

.....

Chief Electoral Officer.

Form No. 2

Oath of Office of Chief Assistant. (Par. 7)

I, the undersigned, appointed chief assistant for duty in the headquarters of the special returning officer for the voting territory consisting of the provinces of....., pursuant to paragraph seven of *The Canadian Defence Service Voting Regulations*, do swear (*or* solemnly affirm) that I will act faithfully in my said capacity of chief assistant without partiality, fear, favour or affection, and that I will keep secret the name of the candidate for whom any Defence Service elector or Veteran elector has marked his ballot paper at the general election, should I acquire any information with respect thereto during my tenure of office as such chief assistant. So help me God.

....

Signature of chief assistant.

Certificate of Oath of Office of Chief Assistant

I, the undersigned, do hereby certify that on the..... day of....., 19...., the chief assistant above named made and subscribed before me the above set forth oath (*or* affirmation). In testimony whereof I have issued this certificate under my hand.

.....

Special returning officer.

Form No. 3

Appointment of Scrutineer. (Par. 9)

To.....whose address is.....
.....and whose occupation is.....

Know you that, pursuant to the authority vested in me in paragraph nine of *The Canadian Defence Service Voting Regulations*, I do hereby appoint you as scrutineer for duty in the headquarters of the special returning officer for the voting territory consisting of the provinces of.....

Dated at Ottawa this ..... day of....., 19....

.....
Chief Electoral Officer.

Oath of Office of Scrutineer. (Par. 9)

I, the undersigned, appointed scrutineer as above mentioned, pursuant to paragraph nine of *The Canadian Defence Service Voting Regulations*, do swear (*or* solemnly affirm) that I will act faithfully in my said capacity of scrutineer, without partiality, fear, favour or affection, and that I will keep secret the name of the candidate for whom any Defence Service elector or Veteran elector has marked his ballot paper at the general election, should I acquire any information with respect thereto during my tenure of office as such scrutineer. So help me God.

.....
Signature of scrutineer.

Certificate of Oath of Office of Scrutineer

I, the undersigned, do hereby certify that on the.....
day of....., 19...., the scrutineer above named made and subscribed before me the above set forth oath (*or* affirmation). In testimony whereof I have issued this certificate under my hand.

.....
Special returning officer.

Form No. 4

Appointment and Oath of Office of Clerical Assistant. (Par. 12)

Appointment

To.....whose address is.....
.....and whose occupation is.....

Know you that, pursuant to the authority vested in me in paragraph twelve of *The Canadian Defence Service Voting Regulations*, I do hereby appoint you as clerical assistant for duty in my headquarters.

.....
Special returning officer.

Oath of Office of Clerical Assistant

I, the undersigned, appointed clerical assistant for duty in the headquarters of the special returning officer for the voting territory consisting of the provinces of....., pursuant to paragraph twelve of *The Canadian Defence Service Voting Regulations*, do swear (*or* solemnly affirm) that I will act faithfully in my said capacity of clerical assistant without partiality, fear, favour or affection, and that I will keep secret the name of the candidate for whom any Defence Service elector or Veteran elector has marked his ballot paper at the general election, should I acquire any information with respect thereto during my tenure of office as such clerical assistant. So help me God.

.....
Signature of clerical assistant.

Certificate of Oath of Office of Clerical Assistant

I, the undersigned, do hereby certify that on the..... day of....., 19...., the clerical assistant above named made and subscribed before me the above set forth oath (*or* affirmation). In testimony whereof I have issued this certificate under my hand.

.....
Special returning officer.

Form No. 5

Notice to Defence Service Electors that a General Election has been Ordered in Canada. (Par. 26)

Notice is hereby given that writs have been issued ordering that a general election be held in Canada, and that the nomination of candidates will take place on....., the.....day of ....., 19....., and that the date fixed as polling day is....., the.....day of....., 19....

Notice is further given that pursuant to *The Canadian Defence Service Voting Regulations*, all Defence Service electors, as defined in paragraph twenty-one of the said Regulations, are entitled to vote at such general election upon application to any commissioned officer designated for the purpose of taking such votes.

And that voting by Defence Service electors will take place on each of the six days from Monday, the.....day of....., 19....., to Saturday, the..... day of....., 19....., both inclusive.

And that a notice giving the exact location of each voting place established in the unit under my command, together with the hours fixed for voting on each day in such voting places, will be published in Daily Orders during the whole of the above mentioned voting period.

Given under my hand at..... this..... day of....., 19....

.....

Commanding officer.

FORM No. 6

FORM OF BALLOT PAPER. (Par. 17)

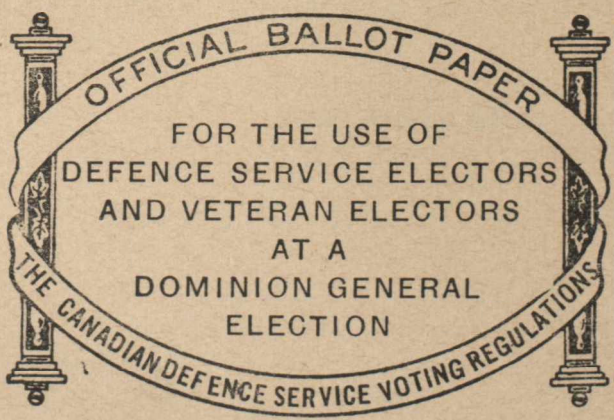
Front of ballot paper

THE ELECTOR WILL WRITE HEREUNDER THE NAMES (OR INITIALS) AND SURNAME OF THE CANDIDATE FOR WHOM HE WISHES TO VOTE

I VOTE FOR.....

(Write as above directed—Surname last.)

Back of ballot paper



Supplied by the Chief Electoral Officer, pursuant to paragraph fifteen of *The Canadian Defence Service Voting Regulations.*

(Print name and address of printer)

Printed by.....

Form No. 7

Declaration To Be Made by a Defence Service Elector Before Being Allowed to Vote. (Par. 34)

I Hereby Certify

1. That my name is.....
(Insert full name, surname last)
2. That my rank is.....
3. That my number is.....
4. That I am a British subject by birth or naturalization.
5. That I have attained the full age of twenty-one years.
6. That I have not previously voted as a Defence Service elector at the pending general election.
7. That the place of my ordinary residence in Canada, as defined in paragraph 23 of *The Canadian Defence Service Voting Regulations*, is

.....
(Here insert the name of the city, town, or village, with street address, if
.....
any, or the name of any other place of ordinary residence)
.....
(Here insert name of electoral district)
.....
(Here insert name of province)

I hereby solemnly declare that the above statements are true in substance and in fact.

Dated at.....this.....day of
....., 19....

.....
Signature of Defence Service elector.

Certificate of Commissioned Officer

I hereby certify that the above named Defence Service elector did this day make before me the above set forth declaration.

.....
Signature of commissioned officer.

.....
(Here insert rank, number, and name of unit)

Form No. 8

Statement of the Count to be completed after the ballot papers attributed to a given electoral district have been counted. (Par. 77)

Electoral district of.....

	Insert name of candidate	*Insert number*
Number of ballot papers counted for.....		.....
" " "	.....	.....
" " "	.....	.....
" " "	.....	.....
" " "	.....	.....
" " "	.....	.....
" " "	.....	.....

Number of ballot papers rejected during the counting.....

Total number of ballot papers found in ballot box.....

Certificate of Scrutineers

We, the undersigned scrutineers, hereby jointly and severally certify that the above statement is correct.

Dated at.....this.....day of....., 19...

.....
Scrutineer.

.....
Scrutineer.

Form No. 9

Card of Instructions. (Par. 32)

A Defence Service Elector has the Right to Vote Only Once at a General Election.

1. A Defence Service elector is entitled to vote for the candidate of his choice, officially nominated in the electoral district in which is situated the place of his ordinary residence as defined in paragraph twenty-three of *The Canadian Defence Service Voting Regulations.*
2. During the hours fixed by the commanding officer for voting, a Defence Service elector may cast his vote before the commissioned officer designated for that purpose.
3. The commissioned officer shall require each Defence Service elector to complete the declaration printed on the back of the outer envelope.
4. After the declaration has been completed and signed by the Defence Service elector and the certificate printed thereunder is completed and signed by the commissioned officer, the Defence Service elector shall be allowed to cast his vote in the following manner:
5. Each Defence Service elector shall vote for only one candidate (unless he is qualified to vote in the electoral district of Halifax, N.S., or Queens, P.E.I., in which case he may vote for two candidates).
6. Upon receiving a ballot paper from the commissioned officer, the Defence Service elector shall secretly cast his vote by writing, with ink or with a pencil of any colour, the names (or initials) and surname of the candidate of his choice in the space provided for that purpose on the ballot paper, and shall then fold the ballot paper.
7. The Defence Service elector shall place the folded ballot paper in the inner envelope which will then be supplied to him by the commissioned officer, seal such inner envelope, and hand it to the commissioned officer.
8. The commissioned officer shall then, in full view of the Defence Service elector, place the inner envelope in the completed outer envelope and seal such outer envelope.
9. The commissioned officer shall then hand the completed outer envelope to the Defence Service elector.
10. The Defence Service elector shall then mail the completed outer envelope in the nearest post office or mail box.

In the following specimen of ballot paper, given for illustration, the Defence Service elector has marked his ballot paper for William R. Brown.

THE ELECTOR WILL WRITE HEREUNDER THE NAMES (OR INITIALS) AND SURNAME OF THE CANDIDATE FOR WHOM HE WISHES TO VOTE

I VOTE FOR *William R. Brown*

(Write as above directed—Surname last.)

FORM No. 10

DECLARATION OF REPRESENTATIVE OF POLITICAL PARTY. (Par. 33)

To the commissioned officer designated to take the votes of Defence Service electors at.....

Pursuant to the provisions of paragraph thirty-three of *The Canadian Defence Service Voting Regulations*, I hereby declare that I am qualified to vote at the general election now pending in Canada, and that I have undertaken to represent the interests of the..... political party, during the taking of the votes of Defence Service electors in this voting place.

Given under my hand at.....this.....

day of....., 19....

.....

Representative.

Form No. 11

Appointment of Deputy Special Returning Officer (Par. 50 or 51)

To.....whose address is.....

and whose occupation is.....

Know you that, pursuant to the authority vested in me in paragraph fifty or fifty-one of *The Canadian Defence Service Voting Regulations*, I do hereby appoint you as deputy special returning officer to take the votes of Veteran electors receiving treatment or domiciliary care in certain hospitals or institutions located in the voting territory consisting of the provinces of.....

Dated at Ottawa this.....day of....., 19.....

.....

Chief Electoral Officer.

Oath of Office of Deputy Special Returning Officer (Par. 50 or 51)

I, the undersigned, appointed deputy special returning officer as above mentioned, pursuant to paragraph fifty or fifty-one of *The Canadian Defence Service Voting Regulations*, do swear (*or* solemnly affirm) that I will act faithfully in my said capacity of deputy special returning officer, without partiality, fear, favour or affection, and that I will keep secret the name of the candidate for whom any Veteran elector has marked his ballot paper at the general election, should I acquire any information with respect thereto during my tenure of office as such deputy special returning officer. So help me God.

.....

Signature of deputy special returning officer.

Certificate of Oath of Office of Deputy Special Returning Officer

I, the undersigned, do hereby certify that on the..... day of....., 19..., the deputy special returning officer above named made and subscribed before me the above set forth oath (*or* affirmation). In testimony whereof I have issued this certificate under my hand.

.....

Special returning officer (or, as the case may be)

Form No. 12

Declaration to be Made by a Veteran Elector Before Being Allowed to Vote. (Par. 62)

I Hereby Certify

1. That my name is.....
(Insert full name, surname last)

2. That I am a British subject by birth or naturalization.

3. That I was a member of either the Naval, Military, or Air Forces of Canada in the war 1914-1918, or in the war that began on the 10th day of September, 1939.

4. That I have been discharged from such Forces.

5. That I have been ordinarily residing in Canada during the twelve months preceding polling day at the pending general election.

6. That I have not previously voted as a Veteran elector at the pending general election.

7. That the place of my ordinary residence in Canada, as declared by me on the date of my admission to this hospital or institution, is at

.....
(Here insert the name of the city, town, or village, with street address, if any,

.....
or the name of any other place of ordinary residence)

.....
(Here insert name of electoral district) *(Here insert name of province)*

I hereby solemnly declare that the above statements are true in substance and in fact.

Dated at.....this.....day of....., 19....

.....
Signature of Veteran elector.

Certificate of Deputy Special Returning Officers

We, the undersigned deputy special returning officers, hereby jointly and severally certify that the above named Veteran elector did this day make the above set forth declaration.

.....
Signature of deputy special returning officer.

.....
Signature of deputy special returning officer.

Form No. 13

Card of Instructions. (Par. 58)

A Veteran Elector has the Right to Vote Only Once at a General Election.

1. A Veteran elector is entitled to vote for the candidate of his choice, officially nominated in the electoral district in which is situated the place of his ordinary residence as declared by the Veteran elector on the date of his admission to the hospital or institution.
2. During the days or hours of voting in a hospital or institution, a Veteran elector may cast his vote before the two deputy special returning officers appointed by the Chief Electoral Officer for that purpose.
3. The deputy special returning officers shall require each Veteran elector to complete the declaration printed on the back of the outer envelope.
4. After the declaration has been completed and signed by the Veteran elector and the certificate printed thereunder is signed by the two deputy special returning officers, the Veteran elector shall be allowed to cast his vote in the following manner:
5. Each Veteran elector shall vote for only one candidate (unless he is qualified to vote in the electoral district of Halifax, N.S., or Queens, P.E.I., in which case he may vote for two candidates).
6. Upon receiving a ballot paper from the deputy special returning officers, the Veteran elector shall secretly cast his vote by writing, with ink or with a pencil of any colour, the names (or initials) and surname of the candidate of his choice in the space provided for that purpose on the ballot paper, and shall then fold the ballot paper.
7. The Veteran elector shall place the folded ballot paper in the inner envelope which will then be supplied to him by the deputy special returning officers, seal such inner envelope, and hand it to the deputy special returning officers.
8. The deputy special returning officers shall then, in full view of the Veteran elector, place the inner envelope in the completed outer envelope and seal such outer envelope.
9. The deputy special returning officers shall then hand the completed outer envelope to the Veteran elector.
10. The Veteran elector shall then mail the completed outer envelope in the nearest post office or mail box.

In the following specimen of ballot paper, given for illustration, the Veteran elector has marked his ballot paper for William R. Brown.

THE ELECTOR WILL WRITE HEREUNDER THE NAMES (OR INITIALS) AND SURNAME OF THE CANDIDATE FOR WHOM HE WISHES TO VOTE

I VOTE FOR ..... *William R. Brown*

(Write as above directed—Surname last.)

47. Chapter twenty-six of the statutes of Canada, 1944-45, entitled "An Act to provide regulations enabling Canadian War Service electors to exercise their franchise, and Canadian prisoners of war to vote by proxy, at any general election held during the present war, also to provide amendments to *The Dominion Elections Act, 1938*, consequential to such regulations, or made necessary by the advent of the said war" is repealed.

47. The provisions set out in Chapter 26, S. of C.,1944-45, were applicable only to a general election held during World War No. 2 and within a period of six months thereafter, with the exception of the amendments to section 2 (14), to section 14 (2) *(f)* and *(i)*, and to section 104 (1) of the Act which are amended or re-enacted in sections 1(2), 6(2), and 40 of this Bill.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 199.

An Act to amend the Criminal Code. (Juries)

First reading, April 13, 1948.

MR. CHURCH.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

10127

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

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.

BILL 199.

An Act to amend the Criminal Code. (Juries).

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

1. The *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is amended by inserting immediately after section nine hundred and twenty-two the following as section 922A:—

Jury trial of female person.

"**922A.** On the trial of any female person by a jury under any provision of this Act, one-third in number of the jurors chosen to try the issue shall be female persons duly qualified on the same basis as male jurors."

Explanatory Note.

It seems only fair that in the trial of any female person by a jury a certain proportion of the jurors should be female persons.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 200.

An Act to amend The Veterans Rehabilitation Act.

First reading, April 16, 1948.

THE MINISTER OF VETERANS AFFAIRS.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5814

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 200.

An Act to amend The Veterans Rehabilitation Act.

1945 (2nd Sess.), c. 35; 1946, cc. 71, 72.

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

1. (1) Subparagraph (i) of paragraph *(c)* of section two of *The Veterans Rehabilitation Act*, chapter thirty-five of the statutes of 1945 (Second Session), is repealed and the following substituted therefor;

"dependent" defined.

"(i) a child legally adopted or in process of being legally adopted by the veteran and maintained by him,"

(2) Subparagraph (iii) of paragraph *(c)* of section two of the said Act is repealed and the following substituted therefor:

Idem.

"(iii) an illegitimate child of the veteran acknowledged or maintained by him, and where the veteran is a woman, having been born during service or within nine months thereafter and being maintained by her, and an illegitimate child of the veteran's wife maintained by him; and"

2. The said Act is further amended by inserting therein, immediately after section eight thereof, the following section:

Substitution of allowances under section seven for allowances under section eight.

"**8A.** (1) Where a veteran

(a) has been paid, prior to the coming into force of this section, an allowance under section eight and he makes application within six months after the coming into force of this section for an allowance under section seven; or

(b) is being paid an allowance under section eight and he makes application, before the termination of his course or within six months thereafter, for an allowance under section seven;

EXPLANATORY NOTES.

1. (1) (i) New in part as underlined; to provide payment of allowance during period in which application for legal adoption is pending.

(2) (iii) New in part as underlined; to provide payment of allowance where illegitimate child of veteran's wife is maintained by the veteran.

2. 8A. (1), (2). New. Intended to provide that a veteran who has taken a course of training under section seven may take a course under section eight, and that a veteran who has taken a course of training under section eight may take a course of training under section seven, in each case subject to the Minister's approval and subject also to adjustment respecting allowances previously paid.

the Minister may, notwithstanding that the application has not been made within the period specified in subsection two of section seven, pay to the veteran an allowance under subsection one of section seven, but subject to subsection three of section five no such allowance may be paid for a period that is greater than the period of service of the veteran less the periods with respect to which he has been paid any allowance under this Act.

Substitution of allowances under section eight for allowances under section seven.

(2) Where a veteran

(a) has been paid, prior to the coming into force of this section, an allowance under section seven and he makes application within six months after the coming into force of this section for an allowance under section eight; or

(b) is being paid an allowance under section seven and he makes application, before the termination of his course or within six months thereafter, for an allowance under section eight;

the Minister may, notwithstanding that the veteran has delayed resumption or commencement of a course beyond the period specified in paragraphs *(a)* or *(b)* of section eight, pay to the veteran an allowance under subsection one of section eight, but no such allowance may be paid for a period that is greater than the period of service of the veteran less the periods with respect to which he had been paid any allowance under this Act, except that the period may be extended as provided in subsection two of section eight.

Reimbursement of costs of training taken at veteran's expense.

(3) Where, prior to the coming into force of this section, a veteran has been paid an allowance under section eight and has commenced at his own expense a course of training in respect of which an allowance might have been paid to him by virtue of subsection one if that subsection had been in force at the date he commenced that course, and he makes application within six months after the coming into force of this section for reimbursement of the costs of the course of training so commenced, the Minister may pay to the veteran an amount not exceeding the amount of allowance that might have been paid to him by virtue of subsection one if that subsection had been in force at the date he commenced the course of training, and such payment shall for the purposes of section eleven be deemed to be payment of an allowance under section seven.

Idem.

(4) Where, prior to the coming into force of this section a veteran has been paid an allowance under section seven and has commenced at his own expense a course in respect of which an allowance might have been paid to him by virtue of subsection two if that subsection had been in force at the date he commenced that course, and he makes application within six months after the coming into force of this section for reimbursement of the costs of the course so commenced,

(3), (4). New. Intended to provide reimbursement to veteran of costs of training where veteran has received an allowance under section eight and takes at his own expense a course of training under section seven, and where a veteran has received an allowance under section seven and takes at his own expense a course of training under section eight. Application for reimbursement must be made within six months after coming into force of section eight A.

the Minister may pay to the veteran an amount not exceeding the amount of allowance that might have been paid to him by virtue of subsection two if that subsection had been in force at the date he commenced the course, and such payment shall for the purposes of section eleven be deemed to be payment of an allowance under section eight.

Allowance subject to Minister's approval.

(5) No allowance shall be paid by virtue of this section unless the Minister is of the opinion that it is in the interest of the veteran and in the public interest to do so.

Period for payment except in special cases.

(6) No allowance shall be paid by virtue of this section to a veteran who has received an allowance for more than twelve months under section seven or section eight, but the Minister may make regulations prescribing circumstances in which this subsection shall not apply."

3. Subsection two of section nine A of the said Act, as enacted by section four of chapter seventy-one of the statutes of 1946, is repealed and the following substituted therefor:

Exception.

"(2) This section does not apply to a veteran to whom an allowance is paid under this Act

(a) for the purpose of taking a diploma course in agriculture or other vocational training in agriculture;

(b) for the purpose of taking a course in order to qualify for admission to a university; or

(c) for a period not exceeding nine months, for the purpose of taking an undergraduate or post-graduate course at a university, if the veteran repays to the Minister the amount of allowance so paid, together with all other costs incurred by the Minister in respect of the course so taken."

4. Subsection four of section eleven of the said Act, as enacted by section one of chapter seventy-two of the statutes of 1946, is repealed and the following substituted therefor:

Supplementary grants to universities.

"(4) The Minister may, with the approval of the Governor in Council and subject to regulations, make a supplementary grant to any university for the purpose of assisting such university to meet expenses incurred in the training of veterans in respect of whom tuition fees are payable under this Act: Provided, however, that the amount of such grant to any one university shall not exceed one hundred and fifty dollars in respect of any one veteran within a twelve month period, and where tuition fees are payable under this Act in respect of a veteran for only part of an academic year, the amount of this supplementary grant in respect of that veteran shall not exceed a sum which bears the same relation to the sum of one hundred and fifty dollars as such period bears to the whole academic year."

Proviso.

(5). New. Self-explanatory.

(6) New. Self-explanatory.

3. (2) *(b), (c)* Intended to restore eligibility to benefits under *The Veterans' Land Act, 1942*, to veterans who received allowances during brief periods under the university training plan.

4. (4) The word "within" is substituted for the word "for" for the purpose of clarification. Owing to the regular tuition fees of universities having increased it has been found in many cases that with the present ceiling of $500.00 for tuition fees and supplementary grant combined, the payment of supplementary grant is impossible.

5. Section seventeen B of the said Act, as enacted by section seven of chapter seventy-one of the statutes of 1946, is repealed and the following substituted therefor:

Personal injury by accident in training.

"**17B.** Any veteran who

(a) prior to the fourteenth day of May, nineteen hundred and forty-seven, was caused personal injury by accident arising out of or in the course of training with respect to which he was paid allowances under section six of The Post-Discharge Re-establishment Order, or under section seven of this Act and who at the time of the accident was not eligible for compensation under the workmen's compensation laws of the province in which the accident occurred, shall, while pursuing such training, be deemed to have been an employee in the service of His Majesty within the meaning and for the purposes of the *Government Employees Compensation Act*, chapter thirty of the Revised Statutes of Canada, 1927; or

(b) on or after the fourteenth day of May, nineteen hundred and forty-seven, is caused personal injury by accident arising out of or in the course of training with respect to which he is paid allowances under section seven of this Act and who at the time of the accident is not eligible for compensation under the workmen's compensation laws of the province in which the accident occurred, shall, while pursuing such training, be deemed to be an employee within the meaning and for the purposes of *The Government Employees Compensation Act, 1947;*

and the Minister, with the approval of the Governor in Council may, for the purpose of computing compensation, determine the amount of direct monthly wage which the veteran shall be deemed to have been receiving at the time of the accident."

6. The said Act is further amended by adding thereto, immediately after section eighteen A thereof, the following section:

Persons deemed to be discharged as of September 30, 1947.

"**18B.** A person who

(a) is serving in the Royal Canadian Navy, the Canadian Army (Active Force) or the Royal Canadian Air Force (Regular) and was on active service in the Canadian forces or in receipt of active service rates of pay from the Canadian forces during the war and has not been discharged from such last-mentioned Canadian forces;

(b) is domiciled in Canada, is serving in the forces of His Majesty other than Canadian forces, was so domiciled at the time he joined any such forces for the purpose of the war and has not been discharged from such forces; or

5. 17B. *(a)* This amendment is new and intended to make compensation available to veterans who suffered personal injuries by accident during training after 1st October, 1941 and the enactment of the present Act.

(b) New in part as underlined to bring it up to date with other legislation.

6. 18B *(a), (b), (c)* A new section intended to provide cut-off date from which persons who never became civilians (or "veterans" within the meaning of the present Act) but who continued to serve in the forces mentioned, shall be deemed to have been discharged therefrom. That date is 30th September, 1947, as per National Defence Order in Council P.C. 2372 of 17th June, 1947.

(c) subsequent to the tenth day of September, nineteen hundred and thirty-nine, served in the armed forces of any of the nations allied with His Majesty in active operations against the enemy in the war and at the time he joined such forces was domiciled in Canada, and has not been discharged from such forces;

shall be deemed for the purposes of this Act to have been discharged from such forces on the thirtieth day of September, nineteen hundred and forty-seven."

201.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 201.

An Act to amend the Railway Act.

First reading, April 16, 1948.

THE MINISTER OF TRANSPORT.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5240

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA

BILL 201.

R.S., c. 170; 1928, c. 43; 1929, c. 54; 1930, c. 36; 1932-33, c. 47; 1938, cc. 2, 40; 1946, c. 30; 1947, c. 70.

An Act to amend the Railway Act.

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

1. Subsection six of section two hundred and sixty-two of the *Railway Act*, chapter one hundred and seventy of the Revised Statutes of Canada, 1927, as enacted by section three of chapter seventy of the statutes of 1947, is repealed and the following substituted therefor:—

Appropriation for highway crossings.

"(6) The sum of two hundred thousand dollars for the year commencing on the first day of April, one thousand nine hundred and forty-seven, and the sum of five hundred thousand dollars each year for nine consecutive years from the first day of April, one thousand nine hundred and forty-eight, shall be appropriated and set apart from the Consolidated Revenue Fund of Canada to aid actual construction work for the protection, safety and convenience of the public in respect of highway crossings of railways at rail level in accordance with the provisions of this section."

2. (1) Subsection two of section three hundred and seventy-three of the said Act is repealed and the following substituted therefor:—

Consent of Municipality.

"(2) Notwithstanding anything in any Act of the Parliament of Canada or of the legislature of any province, or any power or authority heretofore or hereafter conferred thereby or derived therefrom, no telegraph or telephone line, within the legislative authority of the Parliament of Canada shall except as hereinafter in this section provided, be constructed by any company upon, along, across or under any highway, square or other public place, without the legal consent of the municipality having jurisdiction over such highway, square or public place."

Explanatory Notes

1. The amendment increases the amount to be appropriated for the Railway Grade Crossing Fund to $500,000.00 each year for nine years from April 1, 1948.

2. (1) The only change made by the amendment is to substitute the words "upon, along, across or under" for the words "upon, along or across", thereby requiring a telegraph or telephone company to obtain the consent of the municipality for the construction of cables under any highway, etc.

(2) The amendment to subsection (6) gives the Board the same powers in regard to telegraph or telephone lines in all municipalities as it now has under subsection (6) of section 373 in regard to lines in cities or towns. Subsections (6) and (7) now read as follows:—

"**6.** Notwithstanding any power or authority heretofore or hereafter conferred upon any company by or under any Act of the Parliament of Canada, or of the legislature of any province, or any other authority, the Board, upon the application of the municipality, and upon such terms and conditions as the Board may prescribe, may order any telegraph or telephone line, within the legislative authority of the Parliament of Canada, in any city or town, or any portion thereof, to be placed underground, and may in any case order any extension or change in the location of any such line in any city or town, or any portion thereof, and the construction of any new line, and may abrogate the right of any such company to construct or maintain, or to operate, or continue, any such line, or any pole or other works belonging thereto, except as directed by the Board; and where such a line or lines within the legislative authority of the Parliament of Canada and such a line or lines within the legislative authority of a province, run through or into the same city or town, and such municipality is desirous of having any such lines placed underground, and there exists in such province a provincial commission, public utilities or other board or body having power to order such a line within the legislative authority of such province to be placed underground, the Board and such provincial commission, or public utilities board or body, may by joint session or conference, or by joint board, order any such lines within such city or town, or any portion thereof, to be placed underground, and abrogate any right to carry the same on poles, and the provisions of subsection three of section two hundred and fifty-three of this Act, with the necessary adaptation, shall apply to every such case."

"**7.** Except as provided in the last preceding subsection, nothing in this section shall affect the right of any telegraph or telephone company to operate, maintain, renew or reconstruct underground or overhead systems or lines, heretofore constructed."

(2) Subsections six and seven of section three hundred and seventy-three of the said Act are repealed and the following substituted therefor:—

Board may order wires placed underground.

"(6) Notwithstanding any power or authority heretofore or hereafter conferred upon any company by or under any Act of the Parliament of Canada, or of the legislature of any province, or any other authority, the Board, upon the application of the municipality, and upon such terms and conditions as the Board may prescribe, may order any telegraph or telephone line, within the legislative authority of the Parliament of Canada, in any municipality or any portion thereof to be placed underground, and may order any extension or change in the location of any such line or any portion thereof, and the construction of any new line, and may abrogate the right of any such company to construct or maintain, or to operate or continue, any such line, or any pole or other works belonging thereto, except as directed by the Board; and where such a line or lines within the legislative authority of the Parliament of Canada and such a line or lines within the legislative authority of a province, run through or into the same municipality, and the municipality is desirous of having any of the lines placed underground, and there exists in such province a provincial commission, public utilities or other board or body having power to order such a line within the legislative authority of such province to be placed underground, the Board and the provincial commission, or public utilities board or body, may by joint session or conference, or by joint board, order any of the lines to be placed underground, and abrogate any right to carry the same on poles, and the provisions of subsection three of section two hundred and fifty-three of this Act, with the necessary adaptation, shall apply to every such case.

Joint session.

Company may apply for additional lands.

"(6a) Where the Board makes an order under subsection six and a company requires additional lands for the purpose of enabling it to comply with the order, the company may apply to the Board for authority to take the additional lands necessary for such purpose without the consent of the owner, and subsections two to seven of section two hundred shall apply, *mutatis mutandis*, to the taking of the additional lands.

Municipality or landowner may apply for drainage or laying waterpipes rights.

"(6b) Where a municipality or landowner desires to obtain means of drainage or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across or under any telegraph or telephone line within the legislative authority of the Parliament of Canada or any lands forming part of or used in connection with such

"(6a) New. Proposed subsection (6a) gives a telegraph or telephone company power to expropriate land required in order to comply with an order of the Board made under subsection (6).

"(6b) New. Subsection (6b) enables the Board on application of the municipality or land owner to permit drainage or the laying of pipes through, along, upon, across or under any telegraph or telephone line.

"(7) The amendment to subsection (7) is required by new subsection (6b).

Board may permit construction of drainage and laying of pipes.

telegraph or telephone line, the Board may, upon the application of the municipality or landowner, permit the construction of the drainage or the laying of the pipes upon such terms and conditions as the Board may consider proper.

Telegraph and telephone companies' rights preserved.

"(7) Except as provided in subsections six and six b nothing in this section affects the right of any telegraph or telephone company to operate, maintain, renew or reconstruct underground or overhead systems or lines, heretofore constructed."

202.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 202.

An Act to amend The Vocational Training Co-ordination Act, 1942.

First reading, April 19, 1948.

THE MINISTER OF LABOUR.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

99349

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 202.

An Act to amend The Vocational Training Co-ordination Act, 1942.

1942-43, c. 34

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

1. Paragraph *(c)* of subsection one of section three of *The Vocational Training Co-ordination Act, 1942*, chapter thirty-four of the statutes of 1942-43 is repealed and the following substituted therefor:—

Projects the Minister may undertake.

"*(c)* to fit unemployed persons for gainful employment;"

EXPLANATORY NOTES.

1. Paragraph *(c)* of subsection one of section three of *The Vocational Training Co-ordination Act, 1942,* reads as follows:—

"*(c)* to fit for any gainful employment persons directed by the Unemployment Insurance Commission to attend a course of training pursuant to section twenty-eight of *The Unemployment Insurance Act, 1940.*"

The present provision limits the training of unemployed persons to persons applying for insurance benefits under *The Unemployment Insurance Act, 1940,* and referred for training by the Unemployment Insurance Commission.

The amendment will permit training for employment to be provided to unemployed persons in suitable cases whether or not the prospective trainee is an insured person.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 203.

An Act to amend The Unemployment Insurance Act, 1940.

First reading, April 19, 1948.

THE MINISTER OF LABOUR.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

4057

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 203.

An Act to amend The Unemployment Insurance Act, 1940.

1940, c.44; 1943-44, c.31; 1946, c. 68.

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

1. Paragraph *(b)* of subsection one of section sixteen of *The Unemployment Insurance Act, 1940,* chapter forty-four of the statutes of 1940, as enacted by section four of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

Exempted persons.

"*(b)* a person who habitually works for not more than one-half of the working hours in the normal working day at the office, plant, factory, premises or place where he is employed, and for not more than a total of four hours a day;"

2. Section twenty-two of the said Act, as enacted by section four of chapter thirty-one of the statutes of 1943, is repealed and the following substituted therefor:

No liability where certificate of exemption.

"**22.** The employer of a person who holds a certificate of exemption under section sixteen of this Act shall not be liable to pay an employer's contribution in respect of such person."

Explanatory Notes.

1. Subsection one of section sixteen at present reads as follows:

> "**16.** (1) Where an employed person establishes to the satisfaction of the Commission that he is either
>
> *(a)* a person who is employed in an industry that is seasonal and that does not ordinarily extend over more than twenty weeks in any year and who is not ordinarily employed in any other insurable employment; or
>
> *(b)* a person who habitually works for *less than the ordinary working day*; or
>
> *(c)* a person employed on a ship or vessel under circumstances prescribed in paragraph *(c)* of Part I of the First Schedule entitling him to exemption;
>
> the Commission shall grant him a certificate exempting him from liability to contribute under this Act and the holder of such a certificate shall not be insured under this Act."

It has been found that persons working almost the full normal working day have claimed exemption under paragraph *(b)*. It is considered that persons who work for more than half the working day should not be entitled to claim exemption under this paragraph. The amended paragraph will limit the exemption within more definite limits and reduce the number of insured persons who can qualify for exemption under this section.

2. Section 22 is as follows:

"**22.** The employer of a person who holds a certificate of exemption under section sixteen of this Act shall be liable to pay an employer's contribution at the weekly rate of twenty-four cents or at the daily rate of four cents, and in this Act, any reference to the employer's contribution shall be construed as including a contribution payable under this section."

The number of persons who hold the certificates of exemption is not large and such persons do not pay contributions and are not insured. It is considered that employers should be relieved of the obligation to pay contributions in such cases.

3. Subsection one of section twenty-nine of the said Act, as enacted by section seven of chapter sixty-eight of the statutes of 1946, is amended by adding thereto the following paragraph:

Day for which contribution required.

"*(g)* on any day for which a contribution is required under this Act or regulations made thereunder."

4. Section thirty of the said Act, as enacted by section seven of chapter sixty-eight of the statutes of 1946, is amended by adding thereto, immediately after subsection two thereof, the following:

Treatment of benefit year by Commission.

"(3) Notwithstanding subsection one of this section and without restricting the right of an insured person to receive all benefit to which he is entitled under this Act, where a benefit year is established the Commission may treat it as a benefit year in which the number of days in respect of which benefit may be paid is at least thirty-six, and benefit may be paid to the insured person on that basis for not more than thirty-six days in such benefit year, but no benefit year shall be so treated if it commences within twelve months after the establishment of a previous benefit year in which all the benefit that was paid was paid on such basis."

3. Section twenty-nine sets forth various days on which an insured person shall be deemed not to be unemployed—and consequently not entitled to benefit for those days. The purpose of the new paragraph is to set out specifically that benefit will not be payable for a day for which a contribution is paid. In most cases no question arises, for if a person pays a contribution it is because he is working and therefore not entitled to benefit as unemployed. However in certain types of employment, for example, where earnings are paid on a mileage basis, an insured person is permitted to pay more than one contribution for work done on a particular day and the extra contribution may be credited to a subsequent idle day as if he were working on that day. It is recognized that benefit should not be payable for the extra day to which the work and contribution are allocated.

4. Subsections (1) and (2) of Section 30 are as follows:

"**30.** (1) The number of days in respect of which benefit may be paid to an insured person in a benefit year is the difference between

(a) one-fifth of the number of days for which contributions have been paid in respect of him in the prescribed period of five years preceding the benefit year for which the computation is made; and

(b) one-third of the number of days, if any, for which benefit has been paid to him in the prescribed period of three years preceding the benefit year.

(2) For the purposes of this section

(a) fractions of a day less than one-half shall be disregarded and a fraction of a day equal to or greater than one-half shall be taken as a full day; and

(b) the Commission may, by regulation, prescribe that the dates of termination of the five-year and three-year periods aforesaid shall be determined otherwise than by reference to the commencement of the benefit year."

Subsection (3) is a new subsection designed to enable local offices of the Commission to commence paying benefit at the start of the benefit year, pending the calculation of the exact number of days that may be paid. The records in a local office often indicate that a claimant is entitled to have a benefit year established and to receive benefit, but the complete information on which the exact calculation is based is not available at local offices, as the number of days in respect of which contributions and benefit were paid within the previous five and three years, respectively, must be ascertained in order to make the calculation and the records in this respect are not kept in local offices. This subsection will speed the payment of claims and reduce costs of administration.

5. (1) Subsections one, two and three of section thirty-one of the said Act, as enacted by section seven of chapter sixty-eight of the statutes of 1946, are repealed and the following substituted therefor:

Daily rate of benefit.

"**31.** (1) Except in the cases referred to in subsection two of this section, the daily rate of benefit for a benefit year shall be thirty-four times the average of the one hundred and eighty most recent daily contributions paid by the insured person during the two years immediately preceding the commencement day of the benefit year.

Rates for persons with dependents.

(2) Where the employed person is a person with a dependent, that is to say

(a) a man whose wife is being maintained wholly or mainly by him; or

(b) a married woman who has a husband dependent on her; or

(c) a person who maintains wholly or mainly one or more children under the age of sixteen years; or

(d) a person who maintains a self-contained domestic establishment and supports therein, wholly or mainly, a person connected with him by blood relationship, marriage or adoption;

the daily rate of benefit shall be the amount obtained by multiplying the average of the one hundred and eighty most recent daily contributions paid by the insured person during the two years immediately preceding the commencement day of the benefit year by forty-five, and deducting ten cents from the product so obtained.

Variations in rate.

(3) Notwithstanding subsections one or two of this section, if the daily rate of benefit, computed as therein provided, is not a multiple of five, the daily rate of benefit shall be the nearest multiple of five, and if there are two multiples of five equally near to the daily rate so computed, the daily rate shall be the higher of the said multiples."

(2) Subsection six of section thirty-one of the said Act, as enacted by section seven of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

5. Subsections (1), (2), (3), and (6) of Section 31 are as follows:

31. (1) Except in the cases referred to in subsection two of this section, the daily rate of benefit for a benefit year shall be thirty-four times the average daily contribution paid by the employed person while in employment during the two years immediately preceding the commencement day of the benefit year.

(2) Where the employed person is a person with a dependent, that is to say

(a) a man whose wife is being maintained wholly or mainly by him; or
(b) a married woman who has a husband dependent on her; or
(c) a person who maintains wholly or mainly one or more children under the age of sixteen years; or
(d) a person who maintains a self-contained domestic establishment and supports therein a wholly dependent person connected by blood relationship, marriage or adoption;

the daily rate of benefit shall be forty times the average daily contribution paid by the insured person during the two years immediately preceding the initial claim for benefit in the benefit year.

"(3) Notwithstanding subsection one or two of this section, if the daily rate of benefit, computed as therein provided, is not a multiple of five, the daily rate of benefit shall be the nearest multiple of five.

Rates of benefit.

"(6) Where the one hundred and eighty most recent daily contributions paid by an insured person during the two years immediately preceding the commencement day of the benefit year average the amounts in columns (1) and (2) below, the rates of benefit shall be the amounts set out in columns (3) to (6) inclusive below:

Average Employee Contribution		Rate of Benefit			
		Person without a Dependent		Person with a Dependent	
Daily	Weekly	Daily	Weekly	Daily	Weekly
(1) cents	(2) cents	(3) $ cts.	(4) $ cts.	(5) $ cts.	(6) $ cts.
0·02	0·12	0 70	4 20	0 80	4 80
·02½	·15	85	5 10	1 05	6 30
·03	·18	1 00	6 00	1 25	7 50
·03½	·21	1 20	7 20	1 50	9 00
·04	·24	1 35	8 10	1 70	10 20
·04½	·27	1 55	9 30	1 95	11 70
·05	·30	1 70	10 20	2 15	12 90
·05½	·33	1 85	11 10	2 40	14 40
·06	·36	2 05	12 30	2 60	15 60
·06½	·39	2 20	13 20	2 85	17 10
·07	·42	2 40	14 40	3 05	18 30"

"(6) Where the contributions paid in respect of an employed person during the two years immediately preceding the claim for benefit average the amounts in columns (1) and (2) below the rates of benefit shall be the amounts set out in columns (3) to (6) inclusive below.

Average Employee Contribution		Rate of Benefit			
		Person without a Dependent		Person with a Dependent	
Daily	Weekly	Daily	Weekly	Daily	Weekly
(1) cents	(2) cents	(3) $ cts.	(4) $ cts.	(5) $ cts.	(6) $ cts.
0·02	0·12	0 70	4 20	0 80	4 80
·02½	·15	0 85	5 10	1 00	6 00
·03	·18	1 00	6 00	1 20	7 20
·03½	·21	1 20	7 20	1 40	8 40
·04	·24	1 35	8 10	1 60	9 60
·04½	·27	1 55	9 30	1 80	10 80
·05	·30	1 70	10 20	2 00	12 00
·05½	·33	1 85	11 10	2 20	13 20
·06	·36	2 05	12 30	2 40	14 40

The new rate is based on the average of the one hundred and eighty most recent contributions paid by the insured person during the two years immediately preceding the benefit year. This number coincides with the number of contributions which a person must have during that two years in order to qualify for benefit. A large proportion of claimants have at least one hundred and eighty contributions in their current insurance book when they become unemployed, and on the new basis it is possible in such cases for the local office to calculate the average without searching the records for the previous two years, as is now necessary. This change will speed the payment of claims, especially in mass lay-offs, and reduce the costs of administration. The purpose of the change in paragraph *(d)* of subsection two is to include persons who are mainly supported; such persons were not included in the old paragraph.

There is also an increase in the rate of benefit. The change proposed in this subsection is to implement the recommendation of the Unemployment Insurance Advisory Committee and the Commission for an increase in the rate of benefit payable to a person with a dependent.

The ten-cents deduction is a necessary part of the formula and is used to give a greater increase in higher earnings classes. If there were no such deduction it would be possible for a person earning $5.40 a week in Class 1 (see Second Schedule to the Act) to obtain benefit equal to his earnings, which is contrary to sound unemployment insurance

6. Section thirty-five of the said Act, as enacted by section seven of chapter sixty-eight of the statutes of 1946, is amended by adding thereto, immediately after subsection two thereof, the following subsection:

Disqualified days not included.

"(3) A day for which a person is disqualified from receiving benefit shall not be included as a day of unemployment for the purposes of paragraph *(a)* of subsection one of this section."

7. Paragraph *(b)* of subsection one of section thirty-eight of the said Act, as enacted by section seven of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

Seasonal.

"*(b)* who work or have worked for only part of the year in an industry that the Commission declares to be seasonal; or"

principles. His daily contribution is two cents; multiplied by forty-five the rate would be ninety cents a day or $5.40 a week; the same amount as his earnings; the deduction of ten cents a day makes the weekly rate $4.80. The increases are graded up and in the highest class of contributions the increase is from the former maximum of $14.40 to the present maximum of $18.30.

The amendment to subsection three is necessary because on the new basis on which benefit is computed under subsection two of section thirty-one it is possible that the daily rate may amount, for example: to $1.02½ which is equally near to $1.00, and to $1.05, (both multiples of five); in such case the higher multiple will be the rate.

The new table in subsection six illustrates the amounts payable as a result of the increase in the rate of benefit under subsection two.

6. Section thirty-five at present reads as follows:

"**35.** (1) An insured person shall not be entitled to benefit

(a) for the first nine days of unemployment in any benefit year; nor

(b) for the first day of unemployment in any claim week,

(i) unless the insured person is unemployed for the whole of that week, or

(ii) unless the first day of unemployment in that week immediately follows a period of continuous unemployment of not less than one full week;

and any day of unemployment excluded under this paragraph shall be in addition to the days, if any, excluded under paragraph *(a)* of this subsection.

(2) For the purpose of this Act, "claim week" means a period of six consecutive days exclusive of Sunday beginning on a day to be determined in a manner prescribed by the Commission."

The purpose of the amendment is to make clear that days of unemployment for which a person is disqualified from receiving benefit shall not count as waiting days.

7. Present subsection one of section thirty-eight is as follows:

"**38.** (1) Where it appears to the Commission that the application of the provisions of this Act in the determination of benefits for classes of persons

(a) who habitually work for less than a full working week;

(b) who work for portions of the year only, and who during those portions of the year work wholly or partly in industries which in the opinion of the Commission are seasonal; or

(c) who by custom of their occupation, trade or industry or pursuant to their agreement with an employer are paid, in whole or in part, by the piece or on a basis other than that of time;

would result in anomalies having regard for the benefits of other classes of insured persons, the Commission may make regulations in relation to the said classes of persons

(i) imposing additional conditions and terms with respect to contributions and the payment thereof and with respect to the receipt of benefit,

(ii) restricting the amount or period of benefit, and

(iii) making modifications in the provisions of this Act relating to the determination of claims for benefit,

as may appear necessary to remove or substantially remove the anomalies."

The purpose of the change in paragraph *(b)* is to set forth more clearly the class of persons in respect of whom seasonal regulations may be made. It is recognized that in Canada many persons work in one or more seasonal industries and during off-seasons remain unemployed, or are employed in

8. Subsection two of section forty-four of the said Act, as enacted by section seven of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

Disqualification for making false statement.

"(2) Where an insurance officer becomes aware of facts that in his opinion establish that an insured person has made a false statement or a misrepresentation for the purpose of obtaining benefit under this Act, he may disqualify the insured person from receiving benefit for not more than the first thirty-six compensable days that occur after such day as he may determine, and such disqualification may be imposed notwithstanding that proceedings have been taken under any other provision of this Act in respect of the false statement or misrepresentation.

"Compensable days".

"(3) For the purposes of subsection two of this section the expression "compensable days" means days in respect of which the person makes a claim for benefit in the prescribed manner and would be entitled to receive benefit but for this subsection."

9. Subparagraph (iii) of paragraph *(b)* of subsection two of section fifty-five of the said Act, as enacted by section eight of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

Further action by insurance officer.

"(iii) the claimant is disqualified under sections thirty-nine to forty-four, inclusive, of this Act."

10. Section sixty-seven of the said Act, as enacted by section fourteen of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

Penalty for false representation.

"**67.** (1) If, for the purpose of obtaining any benefit or payment under this Act, either for himself or for any other person, or for the purpose of avoiding or enabling any person to avoid any payment required under this Act, any person makes a false statement or misrepresentation to the Commission or to any person concerned in the administration of this Act, he is guilty of an offence and liable on summary conviction to a fine of not less than fifteen dollars nor more than one hundred dollars or to imprisonment for a term not exceeding three months, with or without hard labour, or to both fine and imprisonment.

employment which may or may not be insurable, for example: persons who work in seasonal industries when employment is available there, but who return in off-seasons to work which is not insurable. The amendment is for the purpose of clarification.

Regulations made under this section must of course be reported on by the Unemployment Insurance Advisory Committee before they become effective and the Commission is required to give public notice of its intention to make the regulations and to receive representations made to it with respect thereto.

8. Subsection two of section forty-four at present reads as follows:

"(2) Where an insured person makes application for benefit knowing that he is not unemployed, not capable of work, not available for work, or not unable to obtain suitable employment, he may be disqualified for such period not exceeding six weeks, beginning on such day, as may be determined by the insurance officer, court of referees or umpire, as the case may be, in addition to any period for which he is disqualified under subsection two of section fifty-five."

The purpose of the new subsection is to ensure that a disqualification under it will be an effective one. False statements are often not discovered until a considerable time after benefit has been paid and at a time when the claimant is employed and consequently not seeking benefit.

A claimant so disqualified will have recourse to the court of referees and the umpire against a disqualification with which he is dissatisfied.

9. Subsection two of section fifty-five at present reads as follows:

"(2) Notwithstanding that a benefit year has been established, if the insurance officer is not satisfied that the claimant has fulfilled all the other conditions of entitlement to benefit or if he is of the opinion that the claimant is disqualified from receiving benefit, he shall

(a) refer the claim, if practicable, within fourteen days from the day on which the claim was submitted to him for examination, to the court of referees for its decision;

(b) declare the claimant to be disqualified from receiving benefit from such day as he may determine, on the ground that

(i) the claimant has not proved fulfilment of the conditions contained in section twenty-seven;

(ii) the claimant does not fulfil one or more of the additional conditions or terms for the receipt of benefit imposed by regulation; or

(iii) the claimant is disqualified under sections thirty-nine to *forty-two* inclusive of the Act."

The change in (iii) is for the purpose of bringing a disqualification under subsection two of section forty-four within section fifty-five, as are other disqualifications.

10. Section sixty-seven at present reads as follows:

"**67.** (1) If for the purpose of obtaining benefit or payment under this Act, either for himself or for any other person, or for the purpose of avoiding any payment to be made by himself under this Act, or enabling any other person to avoid any such payment, any person makes a false statement or misrepresentation to the Commission or to any person concerned in the administration of this Act, he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months with or without hard labour, *without option of a fine.*

Additional penalty.

(2) There shall be imposed on every person convicted of an offence under subsection one of this section, in addition to the penalty provided therein, an additional penalty equal to whatever portion of the benefit or payment obtained as a result of the false statement or misrepresentation remains unrepaid to or unrecovered by the Commission at the time of conviction, and such additional penalty shall be paid over to the Unemployment Insurance Fund to be applied in repayment of the sum so obtained.

Evidence.

(3) In any prosecution under subsection one a certificate purporting to be signed by an officer appointed under this Act and setting forth the amount of benefit or payment obtained, and the portion thereof that remains unrepaid to or unrecovered by the Commission as of any day subsequent to the laying of the information, shall be receivable in evidence as *prima facie* proof of the amount of benefit or payment obtained, and the portion thereof that remains unrepaid to or unrecovered by the Commission as of the day of conviction, without proof of the signature or official character of the person appearing to have signed the certificate, and without further proof thereof.

Proceedings under other provisions.

(4) Proceedings may be taken under this section notwithstanding that proceedings have been taken or a disqualification has been imposed in respect of the same false statement or misrepresentation under any other provision of this Act."

11. (1) Subsection two of section sixty-eight of the said Act, as enacted by section fifteen of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

Form of information where one or more offences.

"(2) In any proceedings for offences against the provisions of this Act or regulations made thereunder, any information may include more than one offence committed by the same person, and all such offences may be tried concurrently, and no information, warrant, summons, conviction, or other proceedings for such offences shall be deemed objectionable or insufficient on the ground that it relates to two or more offences, and one conviction for any or all such offences may be made, which conviction may, but need not, provide a separate penalty for each such offence; except that penalties imposed under subsection two of section sixty-seven or the proviso to subsection one of this section shall be imposed separately from any other penalty and they shall be imposed either separately for each offence or as one penalty in an amount equal to the total of the penalties if imposed separately."

(2) Section sixty-eight of the said Act, as enacted by section fifteen of chapter sixty-eight of the statutes of 1946, is amended by adding thereto, immediately after subsection three thereof, the following subsection:

(2) There shall be imposed on every person convicted of an offence under subsection one of this section who has not already repaid the payment obtained or made the payment avoided, in addition to the penalty provided for therein, a further penalty equal to the amount of benefit or payment obtained or payment avoided, and the additional penalty shall be paid to the Unemployment Insurance Fund to be applied, where the payment avoided was in respect of contributions, in payment thereof."

The purpose of the amended subsection one is to give the Court power in its discretion to impose a fine. Under this amended subsection a fine may be imposed to meet the ends of justice.

The purpose of the amended subsection two is to make clear that the additional penalty shall be of the same amount as the amount owed to the Commission at the time of conviction.

Subsection three is new. Very often there is no dispute as to the amount of benefit obtained and owed to the Commission. The purpose of the new subsection is to permit the amount to be proved by an official certificate—unless it is disputed by the accused person. Costs will also be saved not only to the Crown but to the convicted person.

Subsection four is also new and its purpose is to avoid objection that prosecution is barred because of action for disqualification taken under some other provision of the Act.

11. Subsection two of section sixty-eight at present reads as follows:

"(2) In any proceedings for offences against the provisions of this Act or regulations made thereunder, any information may include more than one offence committed by the same person, and all such offences may be tried concurrently and no information, warrant, conviction, or other proceedings for such offences shall be deemed objectionable or insufficient on the ground that it relates to two or more offences, and one conviction for any or all such offences may be made, which conviction may, but need not, provide a separate penalty for each such offence, except in the case of additional penalties imposed under subsection two of section sixty-seven or the proviso to subsection one of this section, where separate additional penalties shall be imposed for each such offence."

Numerous charges are often included in the one information. This is particularly true where the offence is failure to pay contributions, for separate offences are committed in respect of each employee and each pay period. The purpose of the new subsection is to give to the court discretionary power to combine the additional penalties into one additional penalty. This will provide in practice a much more simplified procedure than was possible under the old subsection and will save costs to the Crown and the convicted person.

Subsection (4) is new. Its purpose is to enable an employer to satisfy an inspector of the Commission that his stamp purchases during a given period were, after making allowances for unused stamps on hand at the commencement and end of the period, sufficient to meet his liability for the period. He will be able to prove purchases by duplicate copies of forms of requisition for stamps which he

Employer to furnish proof of stamps in his possession, etc.

"(4) An employer shall, forthwith upon being requested so to do by an inspector, furnish to him the prescribed proof of the amount of unemployment insurance stamps lawfully in his possession at the commencement of any period specified by the inspector, the amount of such stamps lawfully purchased by him during the period and the amount of such stamps lawfully in his possession at the end of the said period; and if it appears that the aggregate amount of such stamps lawfully in the possession of an employer at the commencement of the period plus the amount of such stamps lawfully purchased by him during the period less the amount of such stamps lawfully in his possession at the end of the period, was not sufficient to enable the employer to pay all contributions payable by him during the period, an inspector may determine the aggregate amount of the contributions that the employer failed or neglected to pay, and the amount so determined shall *prima facie* be deemed to be contributions due and owing to the Fund by the employer."

12. The said Act is further amended by adding thereto, immediately after section seventy-two thereof, the following section:

Directors, etc., of corporations liable.

"**72A.** Where a corporation is guilty of an offence under this Act or the regulations, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence."

13. Section seventy-five of the said Act is repealed and the following substituted therefor:

Delay or obstruction of inspection an offence.

"**75.** If any person wilfully delays or obstructs an inspector in the exercise of any power under section seventy-three or fails to give such information or to produce such documents as required in section seventy-four, or conceals or prevents or attempts to conceal or prevent any person from appearing before or being examined by an inspector, he shall be guilty of an offence against this Act."

14. Section ninety-three of the said Act, as enacted by section twenty-four of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

Qualification period.

"**93.** A veteran who not later than the thirtieth day of September, 1952, completes fifteen weeks in insurable employment within any period of twelve months, whether continuous employment or not, shall for the purposes of this Act be deemed to have been in insurable employment immediately prior to the commencement of the said fifteen weeks for a period equal to his period of service after the thirtieth day of June, nineteen hundred and forty-one, and the said insurable employment shall be deemed to have been

fills out and which the Post Office Department receipts when he purchases the stamps. Stamps on hand at the beginning and end of the period will be subject to a physical count by the inspector. For example, an employer's payroll may disclose that $100 was payable for contributions for a certain audit period. If the employer had $10 worth of stamps on hand at the start of the period and purchased $50 worth only during the period, it is obvious that there were contributions amounting to $40 which he could not have stamped in the employees' books for the reason that he did not have the required stamps. Under this section the inspector may determine from the employer's records the amount of the deficiency. In case of dispute, evidence as to the amount of the deficiency may be given by either party.

12. This new section is designed to provide recourse against an officer of a corporation who by some direct action on his part or by acquiescence has in effect made himself a party to the offence of which his corporation is guilty. The provision is needed in the case of corporations which deduct the employees' contributions but fail to purchase the required unemployment insurance stamps or otherwise make their proper contribution to the Fund. This type of corporation often has no assets and it is difficult to compel payment of contributions or compliance with the Act unless the officers who direct the corporation can be reached by legal process if necessary. There is a similar provision in other Acts, for example, the Excise Tax Act.

13. Section seventy-five at present reads as follows:

"**75.** If any person wilfully delays or obstructs an inspector in the exercise of any power under section seventy-three or fails to give such information or to produce such documents as required in section seventy-four, or conceals or prevents or attempts to conceal or prevent any person from appearing before or being examined by an inspector, he shall be guilty of an offence against this Act, *and liable on summary conviction to a fine not exceeding twenty-five dollars.*"

The change here is that the particular penalty is deleted. The offence in section seventy-five is not less serious than many covered by the general penalty for violation of any provision of the Act or regulations for which no penalty is provided (Sec. 68) and the deletion of the particular penalty in this section has the effect of making the penalty conform with the general penalty in section sixty-eight, which is a fine not exceeding two hundred and fifty dollars, or imprisonment for a period not exceeding three months, or both.

14. The only change in this section is to set out specifically a date prior to which the veteran may complete his fifteen weeks in insurable employment. The date—September 30, 1952—is five years from the date Canadian

continuous as nearly as may be without being contemporaneous with any period during which the veteran actually was in insurable employment prior to the said fifteen weeks;

Proviso.

provided, however, that if a veteran is unable to complete fifteen weeks as aforesaid in insurable employment because of injury or disease attributable to or incurred or aggravated during his service in the forces or during his period of service as a merchant seaman, the Governor in Council may extend to a date not later than the thirtieth day of September, 1954, the time within which the veteran may complete the said fifteen weeks.

15. The said Act is further amended by adding thereto, immediately after section ninety-six thereof, the following section:

No benefits for service after Sept. 30, 1947.

"**96A.** No veteran is entitled to any benefit under this Part in respect of service in any forces subsequent to the thirtieth day of September, nineteen hundred and forty-seven."

16. (1) Paragraph *(q)* of section ninety-seven of the said Act as enacted by section twenty-five of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

Regulations.

"*(q)* notwithstanding subsection one of section twenty-nine, prescribing the conditions under which contributions and benefit shall be paid in respect of Sundays and holidays and any period mentioned in paragraph *(a)* of that subsection, and for determining the period for which the remuneration or compensation mentioned in that paragraph is deemed to have been received;"

(2) Paragraph *(s)* of the said section ninety-seven of the said Act is repealed and the following substituted therefor:

Determination of amount of earnings.

"*(s)* for predetermining or determining whether or not the earnings of employed persons, by reason of the amount thereof, will render their employments excepted employments, or whether or not a rate or aggregate rates of remuneration is or are such that the earnings of an employed person thereunder, by reason of the amount thereof, will render their employments excepted employments; and"

(3) The said section ninety-seven of the said Act is further amended by adding the following paragraph immediately after paragraph *(t)* thereof:

Control of employment service.

"*(u)* for regulating, prohibiting, and licensing any employment service carried on or operated by or on behalf of any person or agency, other than the government of Canada or the government of a province."

Forces ceased to be on active service and it is considered that this will give a reasonable opportunity to complete the fifteen weeks.

15. This section is new and its purpose is to set a date beyond which active service will not count. By virtue of Order in Council P.C. 2372 dated June 17, 1947, Canadian forces ceased to be on active service on Sept. 30, 1947. That Order, however, does not apply to other forces of His Majesty or of nations allied with His Majesty, who may still be on active service. This new section will ensure that veterans of those other forces who have rights under this Act will not be in a more favourable position that veterans of the Canadian forces.

16. Paragraphs *(q)* and *(s)* of section ninety-seven at present read as follows:

"**97.** In addition to the authority elsewhere in this Act conferred upon the Commission to make regulations, the Commission may also make regulations:

(q) notwithstanding subsection one of section twenty-nine, prescribing the conditions under which contributions and benefit shall be paid in respect of Sundays and holidays;

(s) for predetermining or determining whether or not the earnings of employed persons *exceed or will exceed in value two thousand four hundred dollars a year*, or whether or not a rate or aggregate rates of remuneration is or are such that the earnings of an employed person thereunder *exceed or will exceed in value two thousand four hundred dollars a year;* and"

The purpose of the amended paragraph *(q)* is to enable the Commission to make regulations dealing with special circumstances such as where payment is made under statute or working agreement for holidays earned but not taken.

The change in paragraph *(s)* is necessary because of the raising of the ceiling from $2,400 to $3,120 as proposed in the amendment to paragraph *(n)* of Part II of the First Schedule to the Act, and also because Order in Council P.C. 4854 dated December 3, 1947, made following recommendations by the Commission and the Unemployment Insurance Advisory Committee, extended the provisions of the Act to certain classes of persons earning not more than $3,120 per year. In view of the change from $2,400 to $3,120 the old paragraph no longer meets the situation; the new paragraph is designed to cover any ceiling that may be fixed.

Paragraph *(u)* is new. The whole of Canada is being served by Dominion and provincial employment services which do not charge fees, and it is considered to be in the public interest to make provision for regulating private or fee-charging agencies. The National Employment Service is a nation-wide service and as it is administered by the Unemployment Insurance Commission under the *Unemployment Insurance Act, 1940*, it is considered that the power to make regulations should be dealt with in this Act. Any regulations so made do not become effective until approved by the Governor in Council and published in the *Canada Gazette*.

17. Subsection two of section ninety-eight of the said Act, as re-numbered by section twenty-six of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

Advisory Committee to report on certain regulations.

"(2) Prior to the making of regulations under the provisions of section thirty-eight of this Act or in relation to the matters specified in subsections two and three of section eighty-four of this Act the same shall be reported on by the Unemployment Insurance Advisory Committee."

18. Subsection one of section one hundred and two of the said Act, as re-numbered by section twenty-seven of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

Failure to keep records or make returns an offence.

"**102.** (1) The Commission may require any person to keep such books, records and accounts as the Commission may direct and may require any person to make written returns of information deemed by the Commission to be necessary for the purposes of this Act, and failure to comply with any such direction or requirement shall be an offence against this Act."

Part II of First Schedule amended.

19. (1) The portion of paragraph (*l*) of Part II of the First Schedule to the said Act, as enacted by section twenty-one of chapter thirty-one of the statutes of 1943, that precedes subparagraph (i) thereof, is repealed and the following substituted therefor:

Employment by municipal authority.

"(*l*) Employment (other than employment in connection with a public utility) by a municipal authority or in the public service of Canada or a province of a person in an employment that the Commission by special order specifies as permanent, upon certification satisfactory to the Commission that such person is employed in any employment so specified."

17. Subsection two of section ninety-eight at present reads as follows:

"(2) Prior to the making of regulations under the provisions of section *forty-two* of this Act or in relation to the matters specified in subsections two and three of section eighty-four of this Act the same shall be reported on by the Unemployment Insurance Advisory Committee."

In the 1946 amendments section forty-two became section thirty-eight, but the present subsection two of section ninety-eight refers to the old section forty-two by its old number instead of its new number thirty-eight. The purpose of the amendment is to make the correction.

18. Subsection one of section one hundred and two at present reads as follows:

"**102.** (1) The Commission may require any person to keep such books, records and accounts as the Commission may direct and may require any person to make written returns of information deemed by the Commission to be necessary for the purposes of this Act, and failure to comply with any such direction or requirement shall be an offence against this Act *and shall be punishable on summary conviction by a fine not exceeding fifty dollars or to imprisonment for a period not exceeding one month or to both fine and imprisonment.*"

The change here is that the particular penalty is deleted. The offence in this section is not less serious than many covered by the general penalty for violation of any provision of the Act or regulations for which no penalty is provided (Sec. 68), and the deletion of the particular penalty in this section has the effect of making the penalty conform with the general penalty in section sixty-eight, which is a fine not exceeding two hundred and fifty dollars, or imprisonment for a period not exceeding three months, or both.

19. (1) The present paragraph *(l)* reads:—

"*(l)* Employment, other than employment in connection with a public utility, *in the public service of Canada or of a province or* by a municipal authority, upon certification satisfactory to the Commission that *the employment is, having regard to the normal practice of the employment, permanent in character;*

(i) "public utility" includes any gas, electric, heat, light, or power works, telephone lines, transportation system, and works for the transmission of gas or electrical power or energy and such other works, lines or systems as may be declared by special order of the Commission to be public utilities for the purposes of this paragraph.

(ii) employment in connection with a public utility includes the employment of all employees whose employment is considered by the Commission to be reasonably necessary or incidental to the operation thereof."

There is a noticeable lack of uniformity in the practice of departments of government and municipal authorities in certifying employment under this paragraph due to the lack of any definition of employment permanent in character, and the impossibility of verifying readily in the case of any individual employee whether in fact the exception applies to him. It is considered that the Commission should, along sound unemployment insurance lines, specify the classes of employment in the public service which should be excepted on the basis of permanency of employment, and thereby ensure that employees throughout the service will have

(2) Paragraph *(n)* of Part II of the First Schedule to the said Act, as enacted by section thirty-five of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

Employment under one or more contracts.

"*(n)* Employment under one or more contracts of service, whether concurrent or not, whether for full-time service or for part-time service, at a rate or aggregate rates of remuneration under which the earnings of the employed person exceed in value three thousand one hundred and twenty dollars a year;

Proviso:

Provided, however, that any such employment the rate of remuneration whereof is an hourly rate, a daily rate, a piece rate including a mileage or other rate being a sum of money per unit of physical measurement of work accomplished or service rendered, or any of such rates in combination with other rates, shall, notwithstanding that earnings thereunder exceed in value three thousand one hundred and twenty dollars a year, be insured, unless otherwise excepted;

Proviso:

And provided further that, notwithstanding anything contained in this paragraph, any person in respect of whom contributions have been paid or payable as an insured person, for two hundred weeks within the period of five years immediately prior to the date on which his employment became excepted by reason of this paragraph may, within six months after becoming so excepted, elect in the prescribed manner to remain an insured person from the date of his election."

uniform treatment in the matter of insurability and that both the employer and the employee will know definitely what employment is insurable or not insurable as the case may be.

(2) The present paragraph *(n)* reads:—

"*(n)* Employment under one or more contracts of service, whether concurrent or not, whether for full-time service or for part-time service, at a rate or aggregate rates of remuneration under which the earnings of the employed person exceed in value *two thousand four hundred dollars* a year;

Provided however, that any such employment, the rate of remuneration whereof is an hourly rate, a daily rate, *a weekly rate*, a piece rate including a mileage or other rate being a sum of money per unit of physical measurement of work accomplished or service rendered, or any of such rates in combination with *other rates*, shall notwithstanding that earnings thereunder exceed in value *two thousand four hundred dollars a year*, be insured, unless otherwise excepted;

And provided further that, notwithstanding anything contained in this paragraph, any person in respect of whom contributions have been paid or payable as an insured person, for two hundred weeks within the period of five years immediately prior to the date on which his employment became excepted by reason of this paragraph may, within six months after becoming so excepted, elect in the prescribed manner to remain an insured person from the date of his election."

The increase in earnings since the Act was passed has resulted in exclusion from coverage of many persons who were originally covered and who are now not insured because their earnings have passed the ceiling of $2,400 and they consequently became excepted under paragraph *(n)*. The Unemployment Insurance Advisory Committee and the Commission recommended that the ceiling be raised from $2,400 in the old paragraph to $3,120 and an Order in Council (P.C. 4854 dated December 3, 1947) has been made, pursuant to subsection two of section eighty-six of the Act, raising the ceiling for certain classes, e.g., monthly and yearly-rated persons, to $3,120, effective January 1, 1948. In the proposed amendment there is no change in respect of persons on hourly, daily, piece or mileage rates, for, in respect of those persons, there was no ceiling under the old paragraph and they will continue insurable regardless of the amount of their earnings, but for certain other persons, e.g., those on a weekly, monthly, fortnightly or yearly rate, the ceiling will be $3,120 instead of $2,400.

This amendment will incorporate the extension of coverage into the Act and raise the ceiling in paragraph *(n)* to $3,120.

20. The Second Schedule to the said Act, as enacted by section twenty-five of chapter thirty-one of the statutes of 1943-44, is repealed and the following substituted therefor:

"SECOND SCHEDULE

RATES OF CONTRIBUTION

(Section 17)

Reference number for Class	Class of Employed Persons	Weekly Rate	
		Employer	Employed Person
0	While earning less than 90 cents a day (Sec. 19 (3). or While under 16 years of age (Sec. 19(4)).	9 cents	9 cents (paid on his behalf by the employer)
1	Earning $ 5.40 to $ 7.49 in a week	18 cents	12 cents
2	Earning $ 7.50 to $ 9.59 in a week	24 cents	15 cents
3	Earning $ 9.60 to $11.99 in a week	24 cents	18 cents
4	Earning $12.00 to $14.99 in a week	24 cents	21 cents
5	Earning $15.00 to $19.99 in a week	24 cents	24 cents
6	Earning $20.00 to $25.99 in a week	30 cents	30 cents
7	Earning $26.00 to $33.99 in a week	36 cents	36 cents
8	Earning $34.00 or more in a week	42 cents	42 cents

Coming into force.

21. This Act or any portion thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

20. The Second Schedule to the said Act is as follows:

SECOND SCHEDULE

RATES OF CONTRIBUTION

(Section 17)

Reference Number for Class	Class of Employed Persons	WEEKLY RATE	
		Employer	Employed Person
0	While earning less than 90 cents a day (Sec. 19(3)). or While under 16 years of age (Sec. 19(4)).	18 cents	9 cents (paid on his behalf by the employer)
1	Earning $ 5.40 but less than $ 7.50 in a week....	21 cents	12 cents
2	Earning $ 7.50 but less than $ 9.60 in a week....	25 cents	15 cents
3	Earning $ 9.50 but less than $12.00 in a week....	25 cents	18 cents
4	Earning $12.00 but less than $15.00 in a week....	25 cents	21 cents
5	Earning $15.00 but less than $20.00 in a week....	27 cents	24 cents
6	Earning $20.00 but less than $26.00 in a week....	27 cents	30 cents
7	Earning $26.00 or more in a week.....	27 cents	36 cents

The new Second Schedule provides for a new Class 8 and for modifications in the rates of contributions with the object of equalizing, to some extent, the total contributions payable by employers and by employees.

The intention of the Act was that total employer contributions should equal total employee contributions but the proportion of all insured persons falling in the former Class 7 has increased each year and because of the shift of contributions from the lower classes in which the employer paid more, to higher classes in which the employer paid less, the intention has not been realized and the total of employer contributions has each year fallen behind.

The new Schedule, which makes the employer and employee contributions equal in the higher classes, is designed to remove this disparity.

Other minor changes are for the purpose of graduation and to give the convenience of contributions which are multiples of six so that they may be converted into daily rates.

The new Schedule has been recommended by the Unemployment Insurance Advisory Committee and the Commission after extensive study and investigation.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 204.

An Act to amend The Prairie Farm Assistance Act, 1939.

First reading, April 19, 1948.

THE MINISTER OF AGRICULTURE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6512

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 204.

An Act to amend The Prairie Farm Assistance Act, 1939.

1939, c. 50; 1940, c. 38; 1940-41, c. 24; 1942-43, c. 5.

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

1. Paragraph *(l)* of subsection one of section two of *The Prairie Farm Assistance Act, 1939*, chapter fifty of the statutes of 1939, is repealed and the following substituted therefor:

"township" R.S., c. 117.

"*(l)* 'township' means, in the provinces of Manitoba, Saskatchewan and Alberta, a township according to the system of survey authorized by the *Dominion Lands Surveys Act*, and in the province of British Columbia a township whose boundaries are confirmed by the *Official Surveys Act of British Columbia*, and includes any group of settlement or river lots declared by the Governor in Council to be a township for the purposes of this Act."

2. Subsection four of section three of the said Act, as enacted by section two of chapter forty-three of the statutes of 1947, is repealed and the following substituted therefor:

Number of acres for which award may be made.

"(4) The number of acres for which an award may be made under paragraph *(a)*, *(b)* or *(c)* of subsection two of this section shall not exceed a number that bears the same proportion to two hundred as the number of acres of cultivated land of the farmer in the township in respect of which the award is made bears to the total number of acres of the cultivated lands of the farmer in the townships that are determined by the Board to be eligible for an award."

Explanatory Notes.

1. This amendment is to provide that the Act may apply to areas surveyed as settlement or river lots in the same way as it applies to areas surveyed as townships.

2. The purpose of this amendment is to provide that where a farmer has land in an eligible township and land in an ineligible township he can receive payment up to the full amount of his eligible land; the effect of the 1947 amendment to section 3 (4) was that such payments were pro-rated according to a farmer's holdings in eligible and ineligible townships.

3. Section seven of the said Act, as enacted by section four of chapter twenty-four of the statutes of 1940-41, is repealed and the following substituted therefor:

"**7.** Notwithstanding anything contained in this Act,

Blocks ineligible for award.

(a) where any rectangular block of sections of land within an eligible township having an area of not less than one-quarter of the township, and a side of which lies along the boundary of an ineligible township is determined by the Board to have an average yield of fourteen or more bushels of wheat per acre, such block of sections of land shall be ineligible for award;

Blocks eligible.

(b) where any rectangular block of sections of land within an eligible township having an area of not less than one-quarter of the township and a side of which lies along the boundary of an eligible township is determined by the Board to have an average yield of ten bushels of wheat or less per acre, such block of sections of land shall be eligible for award as though it were a complete township but shall not be included as a township in determining a crop failure area under this Act."

4. (1) Subsections one and two of section thirteen of the said Act, as renumbered and amended by section six of chapter thirty-eight of the statutes of 1940, are repealed and the following substituted therefor:

Levy of one per centum from purchase price of all grain purchased by licensees, etc. 1930, c. 5.

"**13.** (1) Notwithstanding the provisions of *The Canada Grain Act*, a levy of one per centum shall be deducted from the purchase price of all grain purchased by or through the managers of licensed country elevators, licensed grain dealers, licensed track buyers or licensed commission merchants and, unless previously deducted by such licensees, a levy of one per centum of the purchase price shall be deducted on all grain purchased by the managers of mills and licensed terminal elevators, and transferred to the Board of Grain Commissioners for Canada as hereinafter provided.

Reduction to be recorded on cash ticket. 1930, c. 5.

(2) Notwithstanding the provisions of *The Canada Grain Act*, the manager of every mill, licensed country elevator, licensed terminal elevator and every licensed grain dealer, track buyer or commission merchant shall record on the cash ticket or other form of settlement issued to the vendor the deduction of one per centum of the purchase price as hereinbefore provided."

(2) Section thirteen of the said Act is further amended by adding thereto the following subsection:

"mill", "licensee", defined.

"(10) For the purposes of this section the expression 'mill' means a mill that has been declared by the Parlia-

3. The Act now provides that a block of sections having an area of not less than a quarter of a township may be taken into account under Section 7. This was interpreted to mean a quarter of a full thirty-six section township, and as a result it was rarely possible to apply Section 7 to the fractional townships lying along meridian lines. The proposed amendment corrects this by making the section applicable to one-quarter of the township under consideration, whether of thirty-six sections or less.

4. The purpose of this amendment is to authorize the collection of the One Per Cent Levy on direct purchases of grain by flour mills, which are not licensed by the Board of Grain Commissioners under *The Canada Grain Act;* such mills are not included under section 13 as it is worded at present.

ment of Canada to be a work for the general advantage of Canada and the expression 'licensee' includes the manager of such a mill."

Coming into force.

5. Sections one, two and three of this Act shall be deemed to have come into force on the first day of August, nineteen hundred and forty-seven.

5. This amendment makes all of the new provisions relating to the payment of awards applicable to the crop year 1947-48.

206.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 206.

An Act to amend the Penitentiary Act, 1939.

First reading, April 23, 1948.

MR. CHURCH.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

10840

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 206.

1939, c. 6; 1940; c. 37; 1945 (2nd Sess.), c. 28; 1947, c. 41.

An Act to amend the Penitentiary Act, 1939.

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

1. The *Penitentiary Act, 1939*, chapter six of the Statutes of 1939, is amended by inserting the following sections immediately after section twenty-seven thereof:—

Grand jury and Members of Parliament may inspect penitentiary.

"**27A.** The grand jury of any county in which a penitentiary is situated may visit, view and inspect the same, and members of the Senate and of the House of Commons, either singly or in groups, may visit, view and inspect any penitentiary and the said grand jury and said Members of Parliament may make such inquiry as to them may seem proper into the state, condition and management thereof, the nature and efficiency of its accommodation, the employment, training and treatment of convicts, the conduct of its officers, prisoners and employees, and of all others having dealings of any kind or in any capacity with such penitentiary, and may examine and inspect the accounts, vouchers, records and books of the penitentiary; and the grand jury may thereupon make such findings and such presentments as it may deem to be required in the public interest."

Permission to visit dying relatives.

2. Notwithstanding anything to the contrary in this Act or any other statute or regulation, the Minister of Justice or Solicitor General or a judge of the Supreme or County Court of a province, in special, urgent and important cases, may, on such terms as are defined in each case, permit a prisoner, under escort, to pay a brief or temporary visit to a dying parent, wife, child or other near dependent.

Offenders under nineteen not admitted.

3. No person under nineteen years of age on his or her last birthday shall be admitted to or be confined in any penitentiary or other penal institution under the control or administration of the Parliament of Canada, notwithstanding any law, usage or custom to the contrary and the provisions of any statute applicable to an offender under sixteen years of age shall apply to such person.

Explanatory Notes.

1. The object of this section is to give jurisdiction to the grand jury and to Members of Parliament to visit these institutions and to examine into complaints made, and make presentments without expense to the country. These institutions are managed by the Crown, and it is the intention of the Bill to afford the people some reliable and definite knowledge of the conditions that prevail in them. The practice recommended here is intended to serve the public interest, and in no way to be deemed as a criticism of the existing system of official inspection. On the contrary the object is to assist in satisfactory administration.

2. This section is intended to meet the cases which occasionally arise of urgent requests of relations of prisoners for permission to visit dying parents or dependents. A recent case evoked wide sympathy.

3. There are many youths of sixteen and seventeen years of age confined in the penitentiaries, and the object of this amendment is to prevent this by fixing the lowest age at nineteen in all cases. Very strong representations have been made in this regard by some of the judges.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 207.

An Act to amend the Criminal Code. (Pistols, Motor vehicles, Level crossings and the Payment of Fines).

First reading, April 23, 1948.

Mr. CHURCH.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
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CONTROLLER OF STATIONERY
1948

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THE HOUSE OF COMMONS OF CANADA.

BILL 207.

An Act to amend the Criminal Code. (Pistols, Motor vehicles, Level crossings and the Payment of Fines).

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.

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

1. Section one hundred and twenty-four of the Criminal Code, chapter thirty-six of the Revised Statutes of Canada, 1927, as enacted by section one of chapter twenty-five of the statutes of 1932-33, is repealed and the following substituted therefor:—

Pointing firearm, pistol or air-gun.

"**124.** Everyone who, without lawful excuse, points at another person any firearm, pistol or air-gun, whether loaded or unloaded, is guilty of an offence and liable, on summary conviction before two justices, to a penalty not exceeding one hundred dollars and not less than ten dollars, or to imprisonment for any term not exceeding one year, with or without hard labour."

2. Section one hundred and twenty-six of the said Act, as enacted by section nine of chapter forty-four of the statutes of 1938, is amended by adding thereto the following subsection:—

Pistol to include anything of shape or form and size of pistol.

"(3) Reference in this section or in sections one hundred and twenty-two and one hundred and twenty-four of this Act to any pistol shall mean and include anything of the shape or form and size of a pistol and notwithstanding that the same is not designed as, or capable of being used as, a firearm or air-gun."

3. Subsection two of section two hundred and eighty-five of the said Act, as enacted by section eight of chapter fifty-five of the statutes of 1947, is repealed and the following substituted therefor:—

Liability of driver of motor vehicle for failure to stop after accident.

"(2) Whenever, owing to the presence of a motor vehicle on the highway, an accident has occurred to any person or to any horse or vehicle in charge of any person, any

Explanatory Notes.

1 and **2.** The purpose of the amendments to sections 124 and 126 is to make it an offence to point, or use in a hold-up, not only an ordinary firearm but a pistol, or anything in the shape, form or size of a pistol.

3. The appalling fatal accidents and injuries from highway traffic and level crossings in Canada is mounting steadily and has become a public scandal as almost every highway is coloured red with the slaughter. Nothing is done to avert these accidents as the mad race for speed goes on. Casualties from such accidents are almost as numerous as those from the second world war in persons so killed or injured.

The purpose of this amendment is to increase the penalty from "a fine not exceeding one thousand dollars and costs or to imprisonment for a term not exceeding six months" to a term of "not less than six months and not exceeding twelve months", without the option of a fine, and to "seizure and forfeiture" of the driver's car.

person driving the motor vehicle shall be guilty of an offence and liable, either on indictment or on summary conviction to imprisonment for a term not less than six months and not exceeding twelve months if, with intent to escape liability either civil or criminal, he fails to stop his vehicle, tender assistance, and give his name and address. Such failure shall be prima facie evidence of an intent as aforesaid and such motor car shall be seized by any peace officer and shall thereupon be forfeited to the Crown to be disposed of as the Attorney General of the province in which such forfeiture takes place may direct."

4. Subsection four of section two hundred and eighty-five of the said Act, as enacted by section six of chapter eleven of the statutes of 1930, as amended by section four of chapter fifty-six of the statutes of 1935 and by section ten of chapter fifty-five of the statutes of 1947, is repealed and the following substituted therefor:—

Driving while under influence of alcohol or narcotic.

"(4) Everyone who, while under the influence of alcohol or of any narcotic, drives any motor vehicle or automobile is guilty of an offence, and liable,

(a) upon indictment, for a first offence to imprisonment for a term not exceeding six months and not less than two months, and for each subsequent offence to any term not exceeding two years and not less than six months; or

(b) upon summary conviction, for a first offence to a term of imprisonment not exceeding three months and not less than thirty days, for a second offence to a term of imprisonment not exceeding six months and not less than two months, and for each subsequent offence to a term of imprisonment not exceeding two years and not less than six months.

and the provisions of section ten hundred and thirty-five, in so far as it authorizes the imposition of a fine in lieu of any punishment otherwise authorized, and of section ten hundred and eighty-one of this Act shall not apply in the case of a conviction for an offence under this subsection.

Proviso,

Provided that any person who while under the influence of alcohol or of any narcotic occupies the seat ordinarily occupied by a person driving a motor vehicle shall be deemed to have the care or control of the said motor vehicle unless the said person establishes that he did not enter or mount the said vehicle for the purpose of setting it in motion."

4. Subsection four at present reads as follows:—

"(4) Every one who, while *intoxicated* or under the influence of any narcotic, drives any motor vehicle or automobile, *or has the care or control of a motor vehicle or automobile, whether it is in motion or not,* shall be guilty of an offence, and shall be liable.

(a) upon indictment, for a first offence to imprisonment for a term not exceeding *three* months and not less than *thirty* days, and for each subsequent offence to any term not exceeding *one* year and not less than *three* months; or

(b) upon summary conviction, for a first offence to a term of imprisonment not exceeding *thirty* days and not less than *seven* days, and for a second offence to a term of imprisonment not exceeding *three* months and not less than *one* month, and for each subsequent offence to a term of imprisonment not exceeding *one year* and not less than *three* months.

and the provisions of section ten hundred and thirty-five, in so far as it authorizes the imposition of a fine in lieu of any punishment otherwise authorized, and of section ten hundred and eighty-one of this Act shall not apply in the case of a conviction for an offence under this subsection."

"Provided that any person who while *intoxicated or under the influence* of any narcotic occupies the seat ordinarily occupied by a person driving a motor vehicle shall be deemed to have the care or control of the said motor vehicle unless the said person establishes that he did not enter or mount the said vehicle for the purpose of setting it in motion."

5. The said section two hundred and eighty-five is further amended by adding thereto the following subsections:—

Hit-and-run drivers.

"(6A.) If an accident occurs on a highway, every person in charge of a vehicle who is directly or indirectly a party to the accident shall remain at or return immediately to the scene of the accident and render all possible assistance and give in writing upon request to any one sustaining loss or injury or to any constable or any officer appointed for the carrying out of the provisions of this Act or to any witness, his name and address, and also the name and address of the owner of such vehicle, and the number of the permit, if any. Any person who violates any of the provisions of this subsection shall incur a penalty of not less than six months' imprisonment and not more than one year's imprisonment, and the motor vehicle driven by the person convicted at the time of committing the offence of which he was convicted, shall be seized, impounded and taken into custody of the law and be forfeited to and become the property of the Crown in right of Canada."

Penalty.

Failure to stop at level crossing.

(6B.) The operator of a motor vehicle on a street, road, highway, or other public place who neglects to come to a full stop before reaching a level crossing where a railway crosses such street, road, highway or other public place, and who does not look and listen for an approaching train before passing the level crossing shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars."

6. Subsection seven of the said section two hundred and eighty-five, as enacted by section twelve of chapter fifty-five of the statutes of 1947, is amended by adding after the word "six" in the second line thereof the words and letters "six A" and "six B".

7. Section two hundred and eighty-five of the said Act, as amended by section six of chapter eleven of the statutes of 1930, by section eight of chapter forty-seven of the statutes of 1934, by section four of chapter fifty-six of the statutes of 1935, by section nine of chapter twenty-nine of the statutes of 1936, by sections fifteen and sixteen of chapter forty-four of the statutes of 1938, by section six of chapter thirty of the statutes of 1939, by section nine of chapter twenty-three of the statutes of 1943-44, by sections eight, nine, ten, eleven and twelve of the statutes of 1947 and by sections three, four, five and six of this Act, is further amended by adding thereto the following subsections:—

5. The new sub-section 6A deals with the case of what is commonly known as hit-and-run drivers.

The purpose of the new subsection 6B is to force operators of motor vehicles to stop, look and listen at all level crossings.

6. This amendment brings the hit-and-run driver under subsection (7) providing that an order may be made prohibiting the convicted person from driving a motor vehicle for any period not exceeding three years.

Causing death in a culpably negligent manner.

"(10) Any person who, by the operation or use of any vehicle in a culpably negligent manner, but not wilfully or wantonly, occasions the death of another person, shall, upon conviction, be liable to imprisonment for a term not exceeding three months or to a fine of not more than one hundred dollars, or to both. The term "vehicle" shall be held to include every conveyance in, on or about which persons or property may be transported upon land, or upon, under or through water or in or through the air.

In any prosecution under this subsection, whether or not the accused was driving in a culpably negligent manner shall be a question of fact for the jury, and shall not depend upon the rate of speed fixed by law for operating such vehicle.

Person having caused death not to drive for two years.

"(11) Everyone is guilty of an indictable offence and liable to six months' imprisonment and a fine not exceeding one hundred dollars who, having caused the death of any person while driving an automobile or motor vehicle, thereafter drives an automobile or motor vehicle at any time during the next ensuing two years, notwithstanding that such death was not caused entirely or partially by fault of such driver."

8. The said Act is further amended by inserting therein, immediately after section six hundred and forty-four, the following section:—

Trial of youug persons.

"**644**A. In the event of the trial of a young person apparently or actually between the ages of sixteen and nineteen years, except in such cases as are already provided for by *The Juvenile Delinquents Act, 1929*, section ten of the said Act shall apply *mutatis mutandis*, and if a defending counsel has not been previously engaged, the trial shall not proceed until the Court, judge or justice has required a duly qualified counsel to defend the accused, after notice to the parents or guardian of the accused."

9. Subsection three of section nine hundred and fifty-one of the said Act, as enacted by section twenty-nine of chapter fifty-five of the statutes of 1947, is repealed, and the following substituted therefor:—

Charge of manslaughter arising out of operation of motor vehicle, criminal or culpable negligence proved.

"(3) Upon a charge of manslaughter arising out of the operation of a motor vehicle the jury, and in the province of Alberta a judge having jurisdiction and sitting without a jury, if satisfied that the accused is not guilty of manslaughter but is guilty of an offence under subsection six or ten of section two hundred and eighty-five, may find him guilty of one of those offences, and such conviction shall be a bar to further prosecution for any offence arising out of the same facts."

7. (10) The purpose of subsection ten is to provide that if a person is responsible for the death of another on account of the operation of a vehicle in a culpably negligent manner such person, although not guilty of wilfully or wantonly driving, should be punished for this minor offence.

(11) This subsection is for the purpose of preventing a person who has caused the death of another while driving an automobile from driving during the next ensuing two years.

8. The purpose of this amendment is to provide that in the trial of a youth under nineteen years of age, due notice of the charge shall be served on the parents or guardian and that the accused shall not be condemned without having been represented by counsel.

At present many of these young people are being condemned—the gaols are filled with them—in a rather mechanical way, without any defence or without being able to state their case properly, or to consult their friends or family, being simply rialroaded into prison.

Section ten of The Juvenile Delinquents Act referred to, reads as follows:—

> "**10.** (1) Due notice of the hearing of any charge of delinquency shall be served on the parent or parents or the guardian of the child, or if there be neither parent nor guardian, or if the residence of the parent or parents or guardian be unknown, then on some near relative living in the city, town or county, if any there be, whose whereabouts is known, and any person so served shall have the right to be present at the hearing.
>
> (2) The judge may give directions as to the persons to be served under this section, and such directions shall be conclusive as to the sufficiency of any notice given in accordance therewith."

9. The purpose of this amendment is to define the powers of the jury in cases of manslaughter arising out of the operation of motor vehicles. The only change consists of the word underlined on the opposite page and is necessitated by the insertion of subsection ten in section 285. (See section five of this Bill.)

10. The said Act is further amended by inserting, immediately after section nine hundred and fifty-one, the following as section 951A:—

Jury to decide whether guilty or not guilty.

"**951A.** Notwithstanding any law, statute, usage, custom or doctrine of law as to the function of the judge or of the jury, on the trial by jury of any person charged with causing death or injury to another the judge shall, in every such case, leave it to the jury to decide the question of fact as to whether the accused is guilty or not guilty on the evidence adduced."

11. Section one thousand and twenty-nine of the said Act is repealed, and the following is substituted therefor:—

Fine or penalty in discretion of court.

Payment deferred or made by instalments.

"**1029.** Wherever a fine may be awarded or a penalty imposed for any offence, the amount of such fine or penalty shall, within such limits, if any, as are prescribed in that behalf, be in the discretion of the court or person passing sentence or convicting, as the case may be, and it shall also be in the discretion of the said court or person imposing such fine or penalty to allow time for payment of the same or to order that the same may be paid by instalments at the times and in the amounts and under such conditions as the case may require."

12. The said Act is further amended by inserting therein the following sections as sections 1029A, 1029B and 1029C:—

Obligation to allow time for payment of fines.

"**1029A.** (1) A warrant committing a person to prison in respect of non-payment of a sum adjudged to be paid by a conviction of a court of summary jurisdiction shall not be issued forthwith unless the court which passed the sentence is satisfied that he is possessed of sufficient means to enable him to pay the sum forthwith, or unless, upon being asked by the court whether he desires that time should be allowed for payment, he does not express any such desire, or fails to satisfy the court that he has a fixed abode within its jurisdiction, or unless the court for any other special reason expressly desires that no time shall be allowed.

Representations made by defendant.

(2) Where any such person desires to be allowed time for payment the court in deciding what time shall be allowed shall consider any representation made by him, but the time allowed shall not be less than fourteen clear days: Provided that if before the expiration of the time allowed the person convicted surrenders himself to any court of summary jurisdiction having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum as aforesaid, and states that he prefers immediate committal to awaiting the expiration of the time allowed, that court may if it thinks fit forthwith issue a warrant committing him to prison.

10. On the trial with a jury of persons who cause death or serious injury, it is desirable that the functions of the jury should not be curtailed or abolished. There has been much criticism of many cases of gross negligence having been taken from the jury. The jury are required to take the law to be what the judge says it is, and, owing to the many cases withdrawn by order of the judge, trial by jury in those cases is negatived, and there are so many loopholes that many persons guilty of gross negligence get off. The increased accidents require that the law should be brought up to date to meet the changing conditions, while preserving also the liberty of the subject.

11. The object of this amendment is to provide that fines imposed under the Criminal Code may be paid on time or by instalment, to be laid down by the magistrates or judges after inquiring into the ability of the accused to pay.

Many people on relief and out of work, or on part time, cannot pay their fines and have to go to jail, many of them first offenders with families and some returned soldiers, which is another way of imposing imprisonment for debt.

Section 1029 as amended, and the following sections that are added (1029A to 1029C and 1057A and 1057B) follow the provisions of the law of England, 1935 (25-26 Geo. V), chapter 46, known as Money Payments (Justices Procedure Act), 1935.

12. Sections 1029A to 1029C are entirely new.

Offenders between 16 and 21.

(3) Where a person so allowed time for payment as aforesaid appears to the court to be not less than sixteen nor more than twenty-one years of age, the court may, if it thinks fit, and subject to any rules made under section five hundred and seventy-six of this Act, order that he be placed under the supervision of such person as may be appointed by the court until the sum adjudged to be paid is paid, and in such case before issuing a warrant committing the offender to prison in respect of non-payment of the sum a court of summary jurisdiction shall consider any report as to the conduct and means of the offender, which may be made by the person under whose supervision the offender has been placed.

Allowance of further time.

"**1029B.** Where time has been allowed for payment of a sum adjudged to be paid by a conviction or order of a court of summary jurisdiction, further time may, subject to any rules made under section five hundred and seventy-six of this Act, on an application by or on behalf of the offender, be allowed by a court of summary jurisdiction having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum as aforesaid, or the court may, subject as aforesaid, direct payment by instalments of the sum so adjudged to be paid.

Reduction of imprisonment on part payment of sums adjudged to be paid.

"**1029C.** (1) Where a term of imprisonment is imposed by a court of summary jurisdiction in respect of the non-payment of any sum of money adjudged to be paid by a conviction or order of that or any other court of summary jurisdiction, that term shall, on payment of a part of such sum to any person authorized to receive it, be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days in the term as the sum paid bears to the sum adjudged to be paid: Provided that, in reckoning the number of days by which any term of imprisonment would be reduced under this section, the first day of imprisonment shall not be taken into account.

Rules of court.

(2) Provision may be made by rules under section five hundred and seventy-six of this Act as to the application of sums paid under this and the two preceding sections, and for determining the persons authorized to receive such payments and the conditions under which such payments may be made."

Repeal.

13. Section 1035A, as enacted by section thirty-two of chapter fifty-five of the statutes of 1947 is repealed.

13. The section to be repealed deals with reduction of imprisonment on part payment of the sum adjudged to be paid. The provisions of the new sections 1029A, 1029B and 1029C are substituted therefor.

14. The said Act is further amended by inserting therein the following sections as sections 1057A and 1057B:—

Power to order detention for one day in precincts of court.

"**1057A.** Where a court of summary jurisdiction, has power to pass a sentence of imprisonment, the court, in lieu of passing a sentence of imprisonment, may order that the offender be detained within the precincts of the court, or at any police station, till such hour, not later than six in the evening on the day on which he is convicted, as the court may direct:

Provided that a court of summary jurisdiction shall, before making an order of detention under this section, take into consideration the distance between the place of detention and the offender's abode (if his abode is known to, or ascertainable by, the court), and shall not make any such order of detention under this section as will deprive the offender of a reasonable opportunity of returning to his abode on the day on which such order of detention is made.

"**1057B.** (1) No person shall be sentenced to imprisonment by a court of summary jurisdiction for a period of part of one day.

Substitution of police custody for imprisonment in case of short sentences.

(2) Where a person is liable to be sentenced to imprisonment by a court of summary jurisdiction, the court may, if any suitable places are available for the purpose, order the person to be detained within the precincts of the court or at any police station for such period not exceeding part of one day as the court thinks fit, and the order shall be delivered with the offender to the person in charge of the place where the offender is to be detained, and shall be a sufficient authority for his detention in that place in accordance with the tenor thereof."

14. Sections 1057A and 1057B are new.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 211.

An Act to amend the Royal Canadian Mounted Police Act.

First reading, April 23, 1948.

THE MINISTER OF JUSTICE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

4330

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 211.

R.S., c. 160; 1930, c. 39; 1931, c. 11; 1932, c. 37; 1932-33, c. 29; 1934, cc. 8, 40; 1935, c. 25; 1937, c. 38; 1938, c. 24; 1940, c. 39.

An Act to amend the Royal Canadian Mounted Police Act.

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

1. (1) Paragraph *(c)* of section two of the *Royal Canadian Mounted Police Act*, chapter one hundred and sixty of the Revised Statutes of Canada, 1927, as enacted by section one of chapter eight of the statutes of 1934, is repealed and the following substituted therefor:

"member of the Force" "member".

"*(c)* 'member of the Force' or 'member' includes the Commissioner and every other officer, non-commissioned officer and man or woman of the Force;"

(2) Paragraph *(e)* of the said section two of the said Act is repealed and the following substituted therefor:

"officer".

"*(e)* 'officer' means a commissioned officer of the Force;"

2. Section eleven of the said Act, as enacted by section three of chapter thirty-seven of the statutes of 1932, is repealed and the following substituted therefor:

Deputy Commissioner or an Assistant Commissioner to act.

"**11.** In the absence of the Commissioner, the Deputy Commissioner, or such Assistant Commissioner as the Commissioner may designate, may exercise all the powers that by this or any other Act are conferred upon the Commissioner."

3. Subsection three of section twenty-one of the said Act, as enacted by section five of chapter thirty-nine of the statutes of 1940, is repealed and the following substituted therefor:

How money to be used.

"(3) The money so paid to the Minister shall be used or paid

(a) for the benefit of members and ex-members of the Force and their families and the families of deceased members of the Force;

(b) to such benefit fund established or as may hereafter be established in the interest of members and ex-members of the Force or their dependents as the Governor in Council may prescribe; or

Explanatory Notes.

1. (1) The definition is extended by the words "or woman" and the dropping of the obsolete reference to the Marine Section.

(2) Reference to the Marine Section is dropped.

The present provisions read:—

"*(c)* 'member of the Force' or 'member' includes the Commissioner and every other officer, non-commissioned officer and man of the Force, including the members of the Marine Section;

(e) 'officer' means a commissioned officer of the Force, other than an officer in the Marine Section;"

2. "Such Assistant Commissioner as the Commissioner may designate" is substituted for "the senior assistant commissioner at headquarters."

The present provision reads:—

"**11.** In the absence of the Commissioner, the Deputy Commissioner or the senior Assistant Commissioner at headquarters may exercise all the powers which by this or any other Act are conferred upon the Commissioner."

3. The section is amended by the addition of par. *(c)* as shown in the text.

The present provision reads:—

"(3) The money so paid to the Minister shall be used or paid

(a) for the benefit of members and ex-members of the Force and their families and the families of deceased members of the Force; or

(b) to such benefit fund established or as may hereafter be established in the interest of members and ex-members of the Force or their dependents as the Governor in Council may prescribe."

(c) as a reward, grant or compensation to any person who assists the Force in the performance of its duties in any case where the Minister is of opinion that such person is deserving of recognition for the service rendered."

4. Section twenty-seven of the said Act, as enacted by section eight of chapter thirty-nine of the statutes of 1940, is repealed and the following substituted therefor:

Pension gratuity, etc. to be granted with approval of G. in C.

"**27.** Nothwithstanding anything in this Act, any pension, gratuity or allowance provided for by Part I, II or III shall be granted only with the approval of the Governor in Council and upon the further condition, in the case of a member of the Force, that it shall be granted only in consideration of good and faithful service during the period in respect of which it is calculated."

5. (1) Subsection one of section thirty-one of the said Act, as enacted by section ten of chapter thirty-nine of the statutes of 1940, is repealed and the following substituted therefor:

Trial and punishment.

"**31.** (1) The Commissioner, the Deputy Commissioner, an Assistant Commissioner, a Superintendent or other commissioned officer at any post or in any district may, forthwith, on a charge in writing of any one or more of the offences mentioned in this Act or any regulation made under the authority hereof being preferred against any member of the Force, other than a commissioned officer, cause the person so charged to be brought before him, and he shall then and there, in a summary way, investigate the said charge, and, if proved on oath to his satisfaction, shall thereof convict the offender. Every commissioned officer for the purpose of this section is empowered to administer the necessary oaths in dealing with a charge in a summary way."

(2) The said section thirty-one of the said Act is further amended by adding thereto the following subsection:

Lesser punishment.

"(6) Where a person is convicted under this section lesser punishments may be imposed as follows:

(a) where in the opinion of the convicting officer imprisonment is too severe a punishment the offender may be confined to barracks for a period not exceeding twenty-eight days in lieu of or in addition to a fine;

(b) where in the opinion of the convicting officer reduction in rank would be too severe the offender, if he is a non-commissioned officer, may be reduced in seniority in his own rank;

(c) where the convicting officer considers that the offence is of a minor nature and that fine or imprisonment would be too severe the offender may be given extra guards, extra fatigues or other extra duties; and

4. The amendment is consequential on the enactment of the new Parts to the Act.

The present section 27 reads:—

"**27.** Notwithstanding anything in this Act, any pension, gratuity or allowance provided for by this Act shall be granted only with the approval of the Governor in Council, and upon the further condition, in the case of a member of the Force, that it shall be granted only in consideration of good and faithful service during the period in respect of which it is calculated."

5. (1) The amendment to sec. 31 (1) is merely verbal.

The present section 31 (1) reads:—

"**31.** (1) The Commissioner, the Deputy Commissioner and Assistant Commissioner, or the Superintendent or other commissioned officer at any post or in any district, may, forthwith, on a charge in writing of any one or more of the offences mentioned in this Act or any regulation made under the authority hereof being preferred against any member of the Force, other than a commissioned officer, cause the person so charged to be brought before him, and he shall then and there, in a summary way, investigate the said charge, and, if proved on oath, to his satisfaction, shall thereof convict the offender. Every commissioned officer for the purpose of this section is empowered to administer the necessary oaths in dealing with a charge in a summary way."

(2) A lesser punishment provision added. New.

(d) where in the opinion of the convicting officer the offence is of so minor a nature that a more severe punishment is not necessary the offender may be reprimanded, admonished or warned as provided for in the Standing Orders of the Commissioner."

6. Section forty-eight of the said Act, as amended by section twelve of chapter thirty-seven of the statutes of 1932, section eight of chapter eight of the statutes of 1934, section three of chapter thirty-eight of the statutes of 1937 and section four of chapter twenty-four of the statutes of 1938, is further amended by adding thereto the following subsection:

Time on active service in World War II may be included.

"(9) Time served on active service during the war that commenced in September, nineteen hundred and thirty-nine, may be included in the term of service of an officer for the purposes of pension under this Part."

7. Section sixty-seven of the said Act, as amended by section fourteen of chapter thirty-seven of the statutes of 1932, section twelve of chapter eight of the statutes of 1934, section four of chapter thirty-eight of the statutes of 1937 and section seven of chapter twenty-four of the statutes of 1938, is further amended by adding thereto the following subsections:

Time on active serivce in World War II may be included.

"(6) Time served on active service during the war that commenced in September, nineteen hundred and thirty-nine, may be included in the term of service for the purpose of pension under this Part.

Refund in case of prior service in provincial force.

"(7) Where a member of the Force, who has made the payment required under this section in respect of prior service in a provincial police force, is certified by the Commissioner to have been retained in the Force beyond the maximum period of service that may be counted for the purpose of computing a pension under this Part by reason of the war that commenced in September, nineteen hundred and thirty-nine, there may be paid to him, or if he has died, to his legal representatives, an amount that bears the same ratio to the total of the payment made by him in respect of his prior service in the provincial police force, without interest, that the period of his service that may be counted for pension purposes in excess of the maximum period that may be so counted, bears to the total of his prior service in the provincial police force; but the amount payable under this subsection shall not exceed the total amount of the payment made by him in respect of his prior service in the provincial police force."

8. (1) Subsection two of section eighty-six of the said Act is repealed and the following substituted therefor:

R.C.M.P. (Dependents) Fund.

"(2) For the purposes of this Part, there shall be kept in accordance with the direction of the Minister of Finance an account to be called the Royal Canadian Mounted

6. An added subsection (9). New.

7. Subsection (6) is new.

Subsection (7) is to provide refunds in cases where constables, who otherwise do not contribute, have contributed for prior provincial service and then serve beyond the maximum period so that they would have been entitled to count their service without contributions.

8. Subsections 2 and 4 of section 86 at present read:—

"(2) For the purposes of this Part, there shall be opened in accordance with directions of the Minister of Finance, an account to be called the Royal Canadian Mounted Police (Dependents) Pension Fund to which shall be *carried* all contributions under this Part, and out of which shall be *met* all pensions, annuities and other benefits payable under this Part: *Provided that the charge on the Consolidated Revenue Fund shall not at any time exceed the available balance in the said account.*"

"(4) Any sums standing to the credit of the said Fund which are not required to meet expenditure shall from time to time be invested in securities in which a Trustee may invest the *Trust Companies Act*, in accordance with the direction of the Minister of Finance in that behalf, and investments so made may from time to time be sold or exchanged for other investments, and any interest received from investments of the Fund shall be credited to the Fund."

Police (Dependents) Pension Fund to which shall be credited all contributions made under this Part and against which shall be charged all pensions, annuities and other benefits paid under this Part."

Repeal. (2) Subsection four of section eighty-six of the said Act is repealed.

Renumber. (3) Subsection five of section eighty-six of the said Act is renumbered as subsection four.

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

"**88.** (1) If it appears from a report made under section eighty-seven that the Fund is substantially in excess of the amount required to make adequate provision for the prospective payments to be made out of it, the Governor in Council may by order increase the benefits provided in this Part, or any of them, in such manner as may appear equitable and expedient, or if it appears that the Fund is less than the said amount, the Governor in Council may direct that there be credited to the Fund out of any unappropriated moneys in the Consolidated Revenue Fund such amount as may appear equitable and expedient so as to re-establish the solvency of the Fund.

"(2) The Governor in Council, on the recommendation of the Minister of Finance, may by order amend the Tables in the Schedule to this Part: Provided that no amendment to the said Tables shall affect any benefits theretofore purchased."

10. The said Act is amended by adding thereto the following Parts:—

"PART V

"INTERPRETATION

Definitions. "**91.** (1) In this Part and in Part VI,

"child". *(a)* 'child' includes a stepchild and an adopted child;

"Civil Service". *(b)* 'Civil Service' means all branches or portions of the public service of Canada to which the *Civil Service Superannuation Act* is applicable;

R.S., c. 24. "Contributor". *(c)* 'contributor' means a member of the Force who contributes under this Part to the Consolidated Revenue Fund;

"dependent." *(d)* 'dependent' of a contributor means the widow, father, mother, stepfather, stepmother, brother, sister or child of a contributor who is at the date of the death of the contributor dependent upon the contributor for support;

"Force". *(e)* 'Force' means the Royal Canadian Mounted Police Force;

"member of the Force". *(f)* 'member of the Force' means any officer, non-commissioned officer, or constable, male or female, of the

9. Subsections 1 and 2 of section 88 at present read:—

> **88.** (1) If it appears from any report made under section eighty-seven of this Act that the Fund is substantially in excess of the amount required to make adequate provision for the prospective payments to be made thereout of, the Governor in Council may by Order made hereunder increase the benefits provided in this Part, or any of them, in such manner as may appear equitable and expedient, or if it appears that the fund is less than the said amount, the Governor in Council may in like manner decrease the benefits, or any of them, or increase the contributions, as may appear equitable and expedient, so as to re-establish the solvency of the Fund: *Provided that no decrease shall be made in any pension or annuity already granted.*
>
> (2) The Governor in Council, on the recommendation of the Minister of Finance, may, for the purposes of the preceding subsection of this section, by Order amend the Tables in the Schedule to this Part."

Sections 86 and 88 are contained in Part IV of the Act which established a pension scheme for constables' dependents. As constables and their dependents will in the future come under Part V this schedule is now closed. The amendments to sections 86 and 88 in clauses 9 and 10 of the Bill are to preserve the rights of those now under Part IV.

10. New. Three new Parts are added to the Act.

The new Part V establishes a new contributory scheme of pensions for all members of the Force. It is based on the same principles as those applied in the amendments to the *Militia Pension Act* in 1946. These were, insofar as is practicable having regard to differences in the conditions of service, similar to those that are applied under the *Civil Service Superannuation Act.*

Force and any special constable, male or female, designated by the Treasury Board as a member of the Force for the purposes of this Part;

"Minister". *(g)* 'Minister' means the Minister for the time having the control and management of the Force;

"pay and allowances". *(h)* 'pay and allowances' of a contributor, means the pay of the substantive rank or appointment of the contributor, not including the pay of acting rank or extra pay for staff or similar temporary appointments, and such allowances made by way of compensation for such substantive rank or appointment as may be fixed by regulation for the purposes of this Part;

"regulation". *(i)* 'regulation' means a regulation made under this Part; and

"service". *(j)* 'service' means time served in the Force and includes for the purpose of making contributions under this Part and of computing pensions, allowances or gratuities

(i) time served in the Civil Service or the permanent naval, military or air forces of Canada;

(ii) time served on active service in the naval, military or air forces of His Majesty raised in Canada during time of war;

(iii) time served as a special constable of the Force;

(iv) time served as a member of a provincial police force as prescribed by regulation; and

(v) in the case of any person who elects to become a contributor under this Part, any period which might have been counted as service of the said person under any other Part of this Act.

Retirement. (2) When a member of the Force does not offer to re-engage in the Force upon the expiration of his period of engagement he shall, for the purposes of this Part, be deemed

Voluntary. to have retired voluntarily from the Force and when he

Compulsory. offers so to re-engage and his offer is refused he shall be deemed to have been retired compulsorily from the Force.

"APPLICATION.

Members to whom this part applies. "**92.** (1) This Part applies to every member of the Force,—

(a) who was not a member of the Force on the day of commencement of this Part, or

(b) who was a member of the Force on that day but who subsequently ceased to be a member of the Force and after so ceasing to be a member of the Force, was re-appointed or re-enlisted in the Force, and

(c) who was a member of the Force on that day and who, within two years thereafter, elected to become a contributor under this Part.

Provisions not applicable. (2) Any provision of Part I relating to the payment of pension or compensation and Parts II, III and IV, do not apply to any member of the Force to whom this Part

applies or to any special constable or other person appointed or employed under the authority of this Act after the commencement of this Part.

"CONTRIBUTIONS.

Reservation from pay and allowances as contribution.

"**93.** (1) Every person to whom this Part applies shall, by reservation from his pay and allowances, contribute to the Consolidated Revenue Fund the following amounts

(a) while in receipt of pay and allowances of twelve hundred dollars per annum or less, five per centum thereof;

(b) while in receipt of pay and allowances over twelve hundred dollars and not over fifteen hundred dollars per annum, five and one-half per centum thereof but not in excess of an amount which would reduce the remainder of his pay and allowances to a rate per annum of eleven hundred and forty dollars; or

(c) while in receipt of pay and allowances over fifteen hundred dollars per annum, six per centum thereof but not in excess of an amount which would reduce the remainder of his pay and allowances to a rate per annum of fourteen hundred and seventeen dollars and fifty cents;

but no such contribution shall be made in respect of a period of service in excess of thirty-five years.

Where effective date pre-dates date of certification.

(2) Where a person becomes a contributor or where the pay and allowances of a contributor are increased, if the day in respect of which he becomes a contributor or the increase is made effective, is a day prior to the day on which the appointment or increase is certified or approved, the contributor shall contribute to the Consolidated Revenue Fund an amount equal to, or an amount which, together with the contributions, if any, made by him under this Part during the period between the day in respect of which it is made effective and the day of certification or approval, will equal the amount which he would have contributed under this section by reservation from his pay and allowances if the appointment or increase had been certified or approved on the day it was made effective.

Contributor by election.

"**94.** (1) Any contributor may within one year after he becomes a contributor elect to contribute under this Part in respect of the whole or any part of his service prior to becoming a contributor for which he has not contributed under this Part or under Parts II or III or the *Civil Service Superannuation Act* or the *Militia Pension Act* or in respect of which he made contributions thereunder which have previously been repaid to him by way of a withdrawal allowance or a gratuity.

R.S., c. 24.
R.S., c. 133.

Amount to be contributed.

(2) The contributions required under this section in respect of the whole of the service of a contributor prior to the time he became a contributor for which he has not contributed is an amount equal to that which he would have contributed had he during that service made contributions

under this Part in the manner and at the relevant rates set out in subsection one of section ninety-three together with simple interest at the rate of four per centum per annum up to the time of his election and the contribution required in respect of any part of that service is that proportion of the said amount which the part is of the whole of that service.

One sum or by instalments.

(3) A contribution made under this section or under subsection two of section ninety-three may be made in one sum or by instalments of equivalent value payable by reservation from pay and allowances or otherwise, for life, or for a period of years or for life whichever is the shorter, the instalments to be computed on such bases as to mortality and interest as may be prescribed by regulation.

Where retirement before full instalments paid.

(4) Where a contributor who is contributing by instalments in respect of prior service under this section, retires before payment of the said instalments in full, he shall be deemed to have contributed in respect of the service for which he elected to contribute and the remaining instalments shall be reserved out of any pension or retiring allowance, or the equivalent present value thereof shall be deducted from any gratuity granted under this Part on his said retirement.

"PENSIONS, ALLOWANCES AND GRATUITIES.

Annual pension.

"**95.** The Governor in Council may grant

(a) to a contributor who has served in the Force for twenty years or upwards and who is compulsorily retired for any reason other than misconduct or inefficiency, an annual pension;

(b) to a contributor other than an officer who has served in the Force for twenty-five years or upwards and who voluntarily retires from the Force, otherwise than by reason of misconduct, at the end of a period of engagement or re-engagement, an annual pension;

(c) to a contributor other than an officer who has served in the Force for twenty years and less than twenty-five years and who voluntarily retires from the Force, otherwise than by reason of misconduct, at the end of a period of engagement or re-engagement, three-fourths of the annual pension which might have been granted to him if he had been compulsorily retired for any reason other than misconduct or inefficiency, together with one-twentieth of the said annual pension for each year by which his period of service exceeds twenty years;

(d) to a contributor who has served in the Force for ten years or upwards but less than twenty years

(i) who becomes disabled so that he is thereby rendered incapable of performing his duties as a member of the Force, an annual pension;

(ii) who is compulsorily retired from the Force to promote economy or efficiency, otherwise than by reason of his misconduct or inefficiency in the performance of his duties, an annual retiring allowance equal to two-thirds of the pension which might have been granted to him if he had become disabled at the time of his retirement until he attains the age of sixty-five years and thereafter to the said pension.

Annual retiring allowance.

(e) to a contributor who has served in the Force for ten years or upwards and who is retired by reason of his inefficiency in the performance of his duties, an annual retiring allowance equal to one-half of the pension which might have been granted to him if he had become disabled at the time of his retirement until he attains the age of sixty-five years and thereafter to two-thirds of the said pension;

Gratuity.

(f) to a contributor who has served in the Force less than ten years and who becomes disabled or otherwise incapable of performing the duties of his rank or who is retired to promote economy and efficiency, a gratuity not exceeding one month's pay and allowances for each year of his service;

Withdrawal allowance.

(g) to a contributor who at any time for any reason other than those provided in the preceding paragraphs of this section, retires either voluntarily or by dismissal or removal, a withdrawal allowance payable in one sum equal to his total contributions under this Part without interest;

Widow's pension.

(h) to a widow of a contributor who has served in the Force for ten years or upwards and who dies while a member of the Force or while in receipt of an annual pension or retiring allowance under this Part, an annual allowance until re-marriage equal to one-half of the pension which might have been granted to the contributor if he had become totally disabled as aforesaid at the date of his death or of his retirement, as the case may be;

Child's allowance.

(i) to each child of a contributor who has served in the Force for ten years or upwards and who dies while a member of the Force or while in receipt of an annual pension or retiring allowance, an annual allowance payable until the child reaches the age of eighteen years, equal to one-fifth of the allowance which may be granted to a widow of the contributor in like circumstances but not in excess of three hundred dollars per annum and in the case of a child who has lost both parents by death, the allowance may be increased by the Governor in Council to twice the said amount but not in excess of six hundred dollars per annum; Pro-

vided that the total amount of the allowance to the children of a contributor shall not exceed the amount of an allowance which might be granted to a widow of a contributor in like circumstances and that the total amount of the allowance to the widow and children shall not exceed three-fourths of the annual pension which might have been granted to a contributor if he had become totally disabled as aforesaid at the time of his death or his retirement, as the case may be;

Dependent children.

(j) to the dependent children of a contributor who has served in the Force for ten years or upwards and who dies while in receipt of an annual pension or retiring allowance, although the said children have attained the age of eighteen years, if the aggregate amount paid to the contributor or to his widow or children if any, by way of allowances or gratuities under the preceding paragraphs of this section does not exceed the total amount of his contributions under this Part without interest, a gratuity payable in one sum equal to the difference between the said aggregate amount and the said total amount, the said gratuity to be payable in accordance with regulations;

Widow or children under 18 years of age.

(k) to the widow of a contributor who has served in the Force less than ten years and who dies while in the Force or if the contributor leaves no widow, to his children under eighteen years of age at his death, a gratuity not exceeding one month's pay and allowances for each year of his service;

Dependents where no widow or children.

(l) to the dependents of a contributor who dies while in the Force and leaves no widow or children to whom an allowance may be granted under the preceding paragraphs of this section, a gratuity not exceeding the amount of his contributions under this Part without interest, the said gratuity to be payable in accordance with regulations; or

Legal representative where no widow, children or dependents.

(m) to the legal representative of a contributor who dies while in the Force and leaves no widow, children or dependents to whom an allowance or gratuity may be granted under the preceding paragraphs of this section, or to such other person as the Treasury Board may designate, a gratuity not exceeding the amount of his contributions under this Part without interest.

Calculated amount of pension to contributor.

"**96.** (1) Except as herein otherwise provided, an annual pension granted under section ninety-five shall be one-fiftieth of the average pay and allowances received by the contributor during the last six years of his service multiplied by the number of years of his service not exceeding, however, thirty-five years.

Refund of contributions to widow and children in addition to pension.

(2) If the average pay and allowances for the period fixed by this Part for the purpose of computing the pension of a contributor is less than the average pay and allowances for any like period during the contributor's service, the contributor or his widow or children under the age of eighteen years, as the case may be, shall be entitled to receive in addition to a pension or allowance under this Part a refund of the contributions made in respect of the excess of his pay and allowances during any like period over his pay and allowances for the period so fixed and the Governor in Council on the recommendation of the Treasury Board may by regulation determine the basis of such refund in any case or class of cases, and where the contributor has died without receiving the refund, the person or persons amongst the surviving widow and children, or children only, of the contributor to whom it shall be paid, and if to more than one of them, the manner in which it shall be apportioned.

What service may be counted.

"**97.** (1) All service of a contributor, whether or not the service has been continuous, in respect of which the contributor has at any time made contributions under this Part or under Part II or Part III or under the *Civil Service Superannuation Act* or the *Militia Pension Act*, which contributions have not previously been repaid to him by way of withdrawal allowance, gratuity or otherwise, may, on his retirement or death be counted for the purpose of computing any pension, allowance or gratuity under this Part but, except as provided by subsections two, three and four, no other service may be counted.

Countable service of elector.

(2) Where a person who has elected to become a contributor under this Part has service in the Force which could be counted as service for the purpose of a pension under any other Part of this Act for which he was not required to make any contribution, the whole of the said service may be counted for the purpose of computing any pension, allowance or gratuity under this Part but an amount equal to five per centum of the aggregate pay and allowances received by him during such service shall be deducted from the gratuity, if any, or shall be commuted on such basis as may be prescribed by regulation, into an annuity in respect of his life commencing at the age when the pension or retiring allowance becomes payable and the amount of the annual payment of such annuity shall be deducted from the payments of pension or retiring allowance, but the person to whom the pension or allowance is payable may, at any time after the pension or allowance becomes payable, make good in one payment the value of the said deductions which would be made thereafter under this subsection from the said pension or allowance.

Service as member of a provincial police force.

(3) The Governor in Council may, by regulation, provide that service as a member of a provincial police force may be counted as service for the purpose of computing any pension, allowance or gratuity under this Part to such extent and on such conditions as may be prescribed in such regulation.

Service of a contributor under other schemes.

(4) The Governor in Council may by regulation provide that the service of a contributor for which he made contributions under this Part or Part II or Part III or under the *Civil Service Superannuation Act* or the *Militia Pension Act*, which contributions have been refunded to him by way of a withdrawal allowance, gratuity or otherwise or in respect of which he received any gratuity, may be counted for the purpose of computing any pension, allowance or gratuity under this Part to such extent and on such conditions and upon the making of such contributions as may be prescribed by regulation.

Instalment payments.

"**98.** The annual pensions and allowances provided for by this Part shall unless otherwise provided by regulation, be payable in equal monthly instalments and, unless otherwise specified in this Part, shall continue during the lifetime of the recipient; Provided that the Governor in Council on the recommendation of the Treasury Board may by regulation authorize the payment of an annual pension or allowance to the last day of the month in which the recipient dies.

Proviso.

Granted on Treasury Board report.

"**99.** No pension, allowance or gratuity shall be granted to or in respect of a contributor unless the Treasury Board reports that the granting thereof is authorized under this Part and the Treasury Board on the advice of the Minister reports in addition that the granting of the pension, allowance or gratuity is in the public interest.

Misconduct or inefficiency.

(2) Where a contributor is retired by reason of misconduct or inefficiency, the fact of such retirement and the circumstances thereof shall be reported to a Board of Officers appointed by the Minister to be known as The Royal Canadian Mounted Police Pension Board.

Investigation and report by R.C.M.P. Pension Board.

(3) If The Royal Canadian Mounted Police Pension Board, after investigation of the circumstances surrounding any retirement reported to it under subsection two, reports to the Minister that it is in the public interest by reason of good and faithful service rendered by the contributor in the Force prior to the time of the misconduct or at which the inefficiency became manifest, to grant a pension, allowance or gratuity, the Minister may recommend accordingly to the Treasury Board and the Governor in Council may, on the report of the Treasury Board, in such case nothwithstanding anything contained in this Part, grant a pension, allowance or gratuity to the contributor in the same manner

as if the contributor had been compulsorily retired to promote economy or efficiency.

Where no allowance may be granted.

"**100.** (1) No allowance shall be granted under this Part to the widow or any child of a contributor

(a) if the person to whom it is proposed to grant the allowance is in the opinion of the Treasury Board unworthy of it;

(b) if the contributor was over sixty years of age at the time of his marriage; or

(c) if the contributor dies within one year after his marriage unless the Treasury Board is satisfied that he was in good health at the time of his marriage and that there are no other objections to the granting of the allowance;

Proviso.

Provided, however, that a breach by the contributor of the conditions as to marriage prescribed by this subsection shall not prejudice the right to an allowance of a child of an earlier marriage of the contributor.

Contributor's age exceeding that of wife by 20 years.

(2) If a contributor marries and if his age exceeds that of his wife by twenty years or upwards, an allowance under this Part to his wife shall be reduced by such an amount as the Governor in Council may by regulation prescribe.

Widow or child allowance suspended or discontinued.

(3) An allowance under this Part to a widow or child shall be suspended or discontinued if, in the opinion of the Treasury Board, the widow or child becomes unworthy of it.

Retirement compulsory.

"**101.** (1) Retirement from the Force shall be compulsory on every contributor to whom a pension or a retiring allowance is offered, but such offer shall not be considered as implying any censure on the person to whom it is made, nor shall any person be considered as having a right to such an allowance, but it shall be granted only in consideration of good and faithful service during the period in respect of which it is calculated.

Dismissal rights of G. in C. preserved.

(2) Nothing contained in this Part shall be understood as impairing or affecting the right of the Governor in Council or the Commissioner to dismiss or remove any contributor from the Force.

Regulations.

"**102.** The Governor in Council may, on the recommendation of the Treasury Board, make regulations

(a) prescribing the rates of allowances in respect of any rank which shall constitute part of pay and allowances of the rank for the purposes of this Part;

(b) prescribing the method of computation of pension and retiring allowances authorized by this Part;

(c) prescribing the cases in which annual pensions or other allowances provided for by this Part shall be payable otherwise than in monthly instalments;

(d) prescribing the nature and form of the accounts to be kept of amounts received or paid under this Part and of the statement to be laid before Parliament by the Minister;

(e) providing for the transfer to the account set up under this Part of amounts, if any, credited in respect of contributions of a contributor under this Part made under any other Part of this Act or under the Civil Service Superannuation Act or the Militia Pension Act;

(f) prescribing whether and to what extent and under what conditions any duly authorized period of absence from duty without pay shall be counted as service for the purpose of computing allowances under this Part and the pay and allowances which a contributor on leave of absence shall be deemed to have been in receipt of for the purpose of computing contributions and average pay and allowances under this Part;

(g) prescribing the extent to and manner in which a pension or retiring allowance may be continued or discontinued to a contributor who after retirement from the Force is again appointed to or enlisted in the Force or in the public service of Canada and the counting of such additional service for the purpose of an additional allowance; and

(h) for any other purpose deemed necessary to give effect to the terms of, or for which regulations are provided for under this Part.

Contributor deserting wife and children.

"**103.** (1) Where a pension, allowance or gratuity is payable under this Part to a contributor, if he has deserted his wife or children and left her or them without means of support, or if he is incapable of managing his own affairs, or if for any other reason the Treasury Board deems it advisable so to do, the Treasury Board may direct that the pension, allowance or gratuity or any part thereof be paid to such person or persons as it deems advisable.

Contributor convicted of indictable offence.

(2) Where a contributor to whom a pension or allowance is being paid under this Part is convicted of an indictable offence committed by him while in the Force, if it appears to the Treasury Board that the commission of the offence constituted a failure by the contributor to render good and faithful service while in the Force, the Treasury Board may direct that payment of the allowance be discontinued or that the whole or any part thereof be paid to persons dependent upon the contributor for support.

Reference to Exchequer Court of Canada.

(3) Where the Treasury Board makes any direction under this section, if the contributor claims that the direction was not warranted by this section and gives notice of his claim to the Minister of Justice within thirty days after being notified of the direction, the Minister of Justice shall refer

the claim to the Exchequer Court of Canada for determination as to whether the direction was so warranted.

Application of C.R.F.

"**104.** (1) Moneys received under this Part form part of the Consolidated Revenue Fund and moneys payable under this Part are payable out of the Consolidated Revenue Fund.

Special account.

(2) There shall be kept a Special Account in the Consolidated Revenue Fund, to be known as the Royal Canadian Mounted Police Pension Account, of all moneys received or paid under this Part and there shall be added to the said Account annually an amount representing interest, at such rate and calculated in such manner as the Governor in Council may by regulation prescribe, on the amount to the credit of the Account.

Income tax exemption.

"**105.** Every contributor shall be entitled, in making a return of his income for the purpose of taxation on or in respect of income under any Act of the Parliament of Canada, to deduct from his pay and allowances the amount of the contributions reserved from his pay and allowances during the taxable year and paid into the Consolidated Revenue Fund under the provisions of this Part.

Annual report.

"**106.** The Minister or such other Minister as the Governor in Council may designate for that purpose shall lay before Parliament, within fifteen days after the commencement of each session thereof, a report on the administration of this Part during the preceding fiscal year, including therein statements showing by appropriate classifications, the amounts received by way of contribution under this Part, the amounts granted by way of pensions, allowances or gratuities, the amounts paid therefor, the number of contributors and the number of persons receiving pensions, allowances or gratuities together with such further information as may be prescribed by regulation.

Contributions of elector transferred.

"**107.** Where a member of the Force elects to become a contributor under this Part he shall thereupon be deemed to have waived his right to any payment under section twenty-one A, or Part II or Part III and the amount of any contributions made under either of the said Parts in respect of his service shall be transferred to the Royal Canadian Mounted Police Pension Account maintained under this Part and shall be deemed to be the contribution required under this Part in respect of the service for which such contributions were made.

Contributor under Part IV electing to come under Part V.

"**108.** Where a member of the Force who is a contributor under Part IV elects to become a contributor under this Part, he shall thereupon discontinue making contributions under Part IV but he may

(a) continue to pay any instalments of contributions being paid by him under the provisions of section eighty-one or section eighty-two, and the amount of benefits and the effect of such continuance shall be determined in accordance with the provisions of paragraph *(a)* of section eighty-three, or

(b) at the date of his election or at any time thereafter withdraw the amount of his contributions theretofore made under Part IV, and the amount which may be so withdrawn and the effect of such withdrawal shall be determined in accordance with the provisions of paragraph *(b)* of section eighty-three but no such withdrawal may be made except on the written request of the contributor.

"PART VI.

"INJURY OR DEATH ON SERVICE.

Pension Act applies.

"109. (1) This Part applies in respect of any member of the Force to whom Part V applies and in respect of any special constable appointed after the commencement of this Part.

Provisions not applicable.

(2) Any provision of Part I relating to the payment of pensions or compensation and Parts II, III and IV do not apply to any person to whom this Part applies.

Rates of pension and compensation awards as under the *Pension Act*.

"110. (1) Subject to this section a pension, in accordance with the rates set out in Schedule A or B of the *Pension Act*, or compensation in respect of medical and hospital expenses at such rate and in such manner as the Governor in Council may, by regulation, prescribe, or both such pension and compensation, shall be awarded to or in respect of persons to whom this Part applies who have suffered disability or who have died, when the injury or disease or aggravation thereof resulting in disability or death in respect of which the application for pension or compensation is made, arose out of or was directly connected with service in the Force.

Like adjudication as under the *Pension Act*.

(2) All claims for pension or compensation, under this section, shall be dealt with and adjudicated upon in a like manner as claims under the *Pension Act* and all provisions of the *Pension Act* not inconsistent with this section shall, with such modifications as circumstances may require, apply to every claim under this section.

Table of rates.

(3) For the purposes of the application of Schedules "A" and "B" of the Pension Act under this section, the ranks in the Force set out in the following table shall be deemed to correspond to the military ranks in respect of which the rates of pension set out in the attached table are applicable:

Part VI. New. This makes applicable to the Force the provisions of the *Pension Act* relating to disability or death of a member of the armed forces in time of peace.

Rank in the Force.	Rate of Pension.
Commissioner or Deputy Commissioner	$2,160.00
Assistant Commissioner	1,512.00
Inspector with over three years' service in that rank	1,008.00
Inspector with less than three years service in that rank, Sub-Inspector and lower ranks	840.00

1947, c. 18 not applicable.

"**111.** (1) The provisions of the *Government Employees Compensation Act* do not apply to persons to whom this Part applies.

Pension or compensation additional.

(2) Pension or compensation payable under this Part is payable in addition to any pension, allowance or gratuity granted under Part V or under Part IV pursuant to section one hundred and eight.

"PART VII.

"Special Constables not subject to Part V and Civilian Employees.

Special constables and civilian employees.

"**112.** (1) This Part applies to special constables and other persons employed under the authority of this Act who are not members of the Force as defined in Part V, if such special constables or other persons

(a) were appointed or employed after the commencement of this Part, or

(b) having been appointed or employed prior to the commencement of this Part, have elected within two years thereafter to be subject to this Part.

Parts that do not apply.

(2) Any provision of Part I relating to the payment of pensions and Parts II, III and IV do not apply to persons to whom this Part applies.

Civil Service Superannuation Act. R.S., c. 24.

"**113.** (1) A person to whom this Part applies shall be deemed to be employed in the Civil Service for the purposes of the *Civil Service Superannuation Act.*

Special constable credits transferred to Fund.

(2) Where a special constable is designated as a member of the Force for the purposes of Part V, any amount to his credit in the Retirement Fund under Part VI of the *Civil Service Superannuation Act* or an amount equal to his contributions under Part I of that Act with interest thereon at four per centum per annum, shall be transferred from the Retirement Fund or Superannuation Account in the Consolidated Revenue Fund, as the case may be, to the Royal Canadian Mounted Police Pension Account in the Consolidated Revenue Fund kept under Part V and shall be deemed to be a contribution under Part V in respect of the service of the special constable in respect of which the contributions were made."

Coming into force of Sec. 10.

11. Section ten shall come into force on a date to be fixed by proclamation.

Part VII. New. This will bring all persons for whose retirement provision is not made elsewhere in the Act under a retirement scheme and in particular under Part VI of the *Superannuation Act* which requires temporary employees to contribute to the Retirement Fund. Their contributions, with interest, are repaid on the termination of their employment or if they become permanently appointed are treated as contributions to pension or superannuation.

11. Bringing into force the new added Parts.

213.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 213.

An Act respecting Canada.

First reading, April 27, 1948.

MR. ARSENAULT.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

11027

228.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 228.

An Act to amend The Excise Act, 1934.

First reading, May 4, 1948.

THE MINISTER OF NATIONAL REVENUE

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6863

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

1934, c. 52;
1935, c. 29;
1936, c. 37;
1937, c. 29;
1938, c. 29;
1939 (1st sess), c. 43;
1939 (2nd sess.), c. 5;
1940, c. 33;
1940-41, c. 16;
1942-43, c. 27;
1943-44, c. 9;
1946, c. 48.

BILL 228.

An Act to amend The Excise Act, 1934.

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

1. Paragraph *(c)* of subsection one of section two of *The Excise Act, 1934*, chapter fifty-two of the statutes of 1934, is repealed and the following substituted therefor:—

"Deputy Minister".

"*(c)* 'Deputy Minister' means the Deputy Minister of National Revenue for Customs and Excise;"

2. Section four of the said Act is amended by adding thereto the following paragraph:—

"malt".

"*(d)* 'malt' means any substance prepared by steeping grain or leguminous seeds in water, allowing the grain or seeds to germinate, and checking the germination by drying."

Repeal.

3. The heading "*Malting and Malt-Houses*" immediately following section four of the said Act and section five of the said Act are repealed.

Explanatory Notes.

1. Paragraph *(c)* of subsection (1) of section 2 of *The Excise Act, 1934* at present reads as follows:—

"(c) 'Commissioner' means the Commissioner of Excise;"

The title "Commissioner of Excise" is obsolete and is being replaced by "Deputy Minister" in accordance with provisions of "An Act to amend the Department of National Revenue Act." (1943-44, c. 24).

2. Malt is presently defined in *The Excise Act* and appears in paragraph *(c)* of section 5 under the heading *"Malting and Malt-Houses"* and reads as follows:—

"(c) 'malt' means any preparation of grain or leguminous seeds that have been steeped in water, allowed to germinate, and the germination checked by drying;"

As the whole section is being repealed, it is necessary to define malt under the heading *"Breweries"*.

3. The heading *"Malting and Malt-Houses"* becomes obsolete, since, in the following amendments, the supervision of malting and malt-houses is to be discontinued. The various definitions in section 5 will likewise become obsolete.

Section 5 at present reads as follows:—

"Malting and Malt-Houses

"5. In this Act, unless the context otherwise requires,

(a) 'cistern' means any vessel, vat or other apparatus or utensil wherein any grain or leguminous seeds are steeped or wetted during any of the processes of converting the same into malt;

(b) 'kiln' means all heated apparatus wherein or whereon grain or leguminous seeds are dried or roasted;

(c) 'malt' means any preparation of grain or leguminous seeds that have been steeped in water, allowed to germinate, and the germination checked by drying;

(d) 'malt-house' means any place or premises where any malt is manufactured, made or produced; and all offices, granaries, malt-houses, kilns, yards, malt warehouses and store-rooms connected therewith, or in which any grain, leguminous seeds or material to be used in the manufacture of malt are kept or stored, or where any process of such manufacture is carried on, or where any apparatus or utensils connected with or used in such manufacture are kept or used, or where any of the products of malting are stored or kept, shall be held to be included in and to form part of the malt-house to which they are attached or are appurtenant;

(e) 'maltster' means any person who occupies, carries on, works or conducts any malt-house, either by himself or his agent."

Repeal.

4. Paragraph *(c)* of section six of the said Act is repealed.

Repeal.

5. Paragraph *(l)* of section seven of the said Act is repealed.

List of apparatus to be furnished to collector.

6. Section twelve of the said Act is repealed and the following substituted therefor:—

"**12.** Everyone who imports, makes or has in his possession or keeps any still, worm, mash-tub, fermenting-tun, distilling, rectifying or brewing apparatus, tobacco press or mill for cutting or grinding tobacco, shall, forthwith, after such article comes into his possession and in each subsequent year on or before the tenth day of April, give to the collector of the division in which such article or apparatus is located a full and particular list, description and return thereof, the same in nature and form as is by this Act required in an application for a licence to use similar apparatus or machinery."

7. All of section seventeen of the said Act except paragraph *(b)* thereof is repealed and the following substituted therefor:—

What application for licence must show as to apparatus.

"**17.** Every application for a licence for distilling or brewing shall also contain a list and description in triplicate of all utensils, stills, worms, boilers, mash-tubs, fermenting-tuns, coolers, closed spirit-receivers, or other vessels or machinery which are intended to be placed on the premises, or which are on the premises at the time of application, specifying distinctly and clearly

Dimensions of stills, etc.

(a) the dimensions and capacity of every still, mash-tub, fermenting-tun, cooler, closed spirit-receiver, and every other utensil, in inches and gallons, the purpose to which each is to be applied, and the locality or position in the building in which it is, or is to be, placed or used; and"

4. Paragraph *(c)* of section 6 at present reads as follows:—

> "*(c) 'Malt syrup' means any malt syrup suitable for the brewing of beer, and includes malt syrup powder, extract of malt (fluid or not) and any other malt product suitable for the brewing of beer.*"

This definition will become obsolete since malt syrup will no longer be dutiable.

5. Paragraph *(l)* of section 7 at present reads as follows:—

> "*(l) 'stemmer' means any person who cases and stems Canadian leaf tobacco;*"

"Stemmer" need no longer be defined, since section 277 of *The Excise Act* provides for the stemming of Canadian leaf tobacco by licensed tobacco packers.

6. Section 12 at present reads as follows:—

> "**12.** Everyone who imports, makes or has in his possession or keeps any still, worm, mash-tub, fermenting-tun, distilling, rectifying or brewing apparatus, *malt-kiln or any apparatus for the manufacture or production of malt, or* any tobacco press or mill for cutting or grinding tobacco, shall, *when* such articles come into his possession and on or before the tenth day of April in each subsequent year, give to the collector of the division in which such article or apparatus is located a full and particular list, description and return thereof, the same in nature and form as is by this Act required in an application for a licence to use similar apparatus or machinery."

Reference to "malt kiln or any apparatus for the production of malt" is omitted since supervision of malthouses is to be discontinued.

7. Section 17 to the end of paragraph *(a)* at present reads as follows:—

> "**17.** Every application for a licence for distilling, brewing or *malting*, shall also contain a list and description in triplicate of all utensils, stills, worms, boilers, mash-tubs, fermenting-tuns, coolers, *steep cisterns*, closed spirit-receivers, or other vessels or machinery which are intended to be placed in the premises, or which are on the premises at the time of application, specifying distinctly and clearly
>
> *(a)* the dimensions and capacity of every still, *steep cistern*, mash-tub, fermenting-tun, cooler, closed spirit-receiver, and every other utensil, in inches and gallons, the purpose to which each is to be applied, and the locality or position in the building in which it is, or is to be placed or used; and"

Reference to "malting" and "steep cisterns" is omitted since malting will no longer be carried on under licence.

8. Subsection two of section thirty of the said Act is repealed and the following substituted therefor:—

"(2) Except under authority of the collector and in the presence of an officer of excise,

As to night work.

(a) no act, operation or process for the supervision of which the presence of an officer is required by a departmental regulation shall be done or carried on in any licensed premises; and

(b) no goods subject to excise shall be removed from any licensed premises;

between the hours of five o'clock in the afternoon and eight o'clock the following morning."

Marking of utensils.

9. Subsection two of section thirty-one of the said Act is repealed and the following substituted therefor:—

"(2) Every mash-tub, fermenting-tun, closed spirit-receiver, cooler, tank, vat or other vessel being used to do anything for which a licence is required, or which is used for containing any commodity subject to excise, shall have written, stamped or printed on it in white Roman characters, at least two inches in height, on a black ground, the serial number, the name or designation of the vessel or utensil and the capacity thereof in gallons."

10. Subsection one of section thirty-three of the said Act, as enacted by section five of chapter nine of the statutes of 1943-44, is repealed and the following substituted therefor:

Yearly inventory of stock.

"**33.** (1) Every distiller, tobacco manufacturer, cigar manufacturer or bonded manufacturer, shall make and deliver to the collector of the division in which his manufactory or premises is or are situated, an inventory in such form as is prescribed by the Minister, and verified by oath, of the quantity of the different kinds of raw material, articles and goods in process of manufacture, and manufactured products, and all other materials held or owned by him at the close of business on the thirty-first day of March in each year or at any intermediate time when required by the Minister."

8. The amendment is a combination of subsection (2) of section 30 and section 47 which at present read as follows:—

"**30.** (2) *No act, operation or process, for the supervision of which the presence of an officer is required, shall be done or carried on in any licensed premises before the hour of six o'clock in the forenoon, or after six o'clock in the afternoon, except when permitted by departmental regulations.*

"**47.** *Except under authority of the collector in each case specially obtained, no goods, subject to excise, shall be removed from any premises subject to excise between the hours of six o'clock in the afternoon and seven o'clock on the following forenoon.*"

The present hours of duty for excise officers are from eight a.m. to five p.m., and it has not been the practice during recent years for officers or licensees to obtain the consent of the collector *in each case*. There are no departmental regulations as envisioned by subsection (2) of section 30 and it is desirable that discretion be vested in the collector.

9. Subsection (2) of section 31 at present reads as follows:—

"(2) Every mash-tub, fermenting-tun, closed spirit-receiver, cooler, tank, vat or other vessel, *for the using of* which a licence is required, or which is used for containing any commodity subject to excise, shall have written, stamped or printed on it in white Roman characters, at least two inches in height, on a black ground, the serial number, the name or designation of the vessel or utensil and the capacity thereof in gallons *and in cubic inches*."

The words "being used to do anything" have been inserted in the second line with a view to better grammatical construction. They do not alter the requirements.

The words "and in cubic inches" have been omitted from the last line since this information is shown in the specifications which must be deposited by the licensee with the department, and it is not necessary that the number of cubic inches appear on the vessels or utensils themselves.

10. Subsection (1) of section 33 at present reads as follows:—

"**33.** (1) Every distiller, *maltster*, tobacco manufacturer, cigar manufacturer or bonded manufacturer, shall make and deliver to the collector of the division in which his manufactory or premises is or are situated, an inventory in such form as is prescribed by the *Commissioner*, and verified by oath, of the quantity of the different kinds of raw material, articles and goods in process of manufacture, and manufactured products, and all other materials held or owned by him at the close of business on the thirty-first day of March in each year or at any intermediate time when required by the *Commissioner*."

The word "maltster" is omitted since, under these amendments, maltsters will not be required to operate under licence.

The word "Minister" has been substituted for "Commissioner" in order to bring same into accord with the remainder of the Statute.

11. Section forty-four of the said Act is repealed and the following substituted therefor:—

On what quantities duties to be levied.

"**44.** All duties of excise imposed by this Act shall accrue and be levied on the quantities ascertained in the manner by this Act provided, or otherwise proved."

Repeal.

12. Section forty-seven of the said Act is repealed.

13. Paragraph *(f)* of section seventy-one of the said Act is repealed and the following substituted therefor:—

Gauging, weighing, etc.

"*(f)* gauge, measure, weigh, prove, mark, label, stamp, lock, seal or otherwise designate or secure any apparatus, vessel, machinery, utensils or goods subject to excise, and close, seal and secure all or any of the same during the period when the distillery, brewery, tobacco manufactory, cigar manufactory, or bonded manufactory is not at work;"

14. Section seventy-three of the said Act is repealed and the following substituted therefor:—

Search warrant.

"**73.** Any justice of the peace may grant to any collector or other officer, or any person acting under or by direction of a collector, on affidavit made before him, stating reasonable grounds to the satisfaction of such justice for the issuing thereof, a search warrant under which such collector, officer or person may, at any hour between sunrise and sunset, enter into and search any house, building or place mentioned in such search warrant as being one in which it has been made to appear by affidavit that there is reasonable cause to suppose that an unlicensed still, worm, mash-tub, cooler, fermenting-tun, press, cutting-knife, mill or other vessel or implement is unlawfully in use or possession, or in respect of which the provisions of this Act are otherwise violated."

11. Section 44 at present reads as follows:—

"**44.** All duties of excise imposed by this Act shall accrue and be levied on the quantities *made or manufactured*, ascertained in the manner by this Act provided, or otherwise proved."

Under the present section, the basis for levying duties of excise is on the quantities "made or manufactured". Under the proposed amendments, excise duty is to be levied on malt when same is "received into a brewery". The new wording provides for this change.

12. Section 47 at present reads as follows:—

"**47.** *Except under authority of the collector in each case specially obtained, no goods, subject to excise, shall be removed from any premises subject to excise between the hours of six o'clock in the afternoon and seven o'clock on the following forenoon.*"

The present hours of duty for excise officers are from eight a.m. to five p.m. and not as stated. It has not been the practice during recent years to obtain consent of the collector in each case and the section is therefore obsolete. Section 8 of this Bill contains the provisions now necessary.

13. Paragraph *(f)* of section 71 at present reads as follows:—

"(f) gauge, measure, weigh, prove, mark, label, stamp, lock, seal or otherwise designate or secure any apparatus, vessel, machinery, utensils or goods, subject to excise, and close, seal and secure all or any of the same during the period when the distillery, *malt-house*, brewery, tobacco manufactory, cigar manufactory, or bonded manufactory is not at work;"

The word "malt-house" is omitted since supervision of malt-houses is being discontinued.

14. Section 73 at present reads as follows:—

"**73.** Any justice of the peace may grant to any collector or other officer, or any person acting under or by the direction of such collector, on affidavit made before him, stating reasonable grounds to the satisfaction of such justice for the issuing thereof, a search warrant under which such collector, officer or person may, at any hour between sunrise and sunset, enter into and search any house, building or place mentioned in such search warrant, as being one in which it has been made to appear by affidavit that there is reasonable cause to suppose that an unlicensed still, worm, mash-tub, cooler, fermenting-tun, *malt-floor or kiln*, press, cutting-knife, mill or other vessel or implement is unlawfully in use or possession, or in respect of which the provisions of this Act are otherwise violated."

The words "malt-floor or kiln" are omitted since malt-floors or kilns will no longer be subject to the provisions of *The Excise Act*.

Failing to obliterate brands.

15. Section ninety-one of the said Act is repealed and the following substituted therefor:—

"**91.** Every person

(a) who, having removed the contents of any package, barrel or cask labelled, branded, marked or sealed as required by this Act, fails forthwith to obliterate or effectually deface the label, mark, brand or seal, or

(b) in whose possession is found any such package, barrel or cask, the contents of which have been removed and the label, mark, brand or seal on which has not been obliterated or so defaced,

Penalty.

shall, for each such offence, incur a penalty not exceeding one hundred dollars, and the package, barrel or cask in respect of which the offence has been committed shall be forfeited to the Crown and may be seized and detained by any officer and dealt with accordingly."

16. Paragraph *(b)* of section ninety-three of the said Act is repealed and the following substituted therefor:—

Using apparatus not reported.

"*(b)* makes use of any still, worm, fermenting-tun, mash-tub, tobacco-press, cutting machine, vessel, utensil, closed spirit-receiver, fixed or movable pipe, cock, pump, or other appliance or apparatus, or permits any such to be used in his distillery, brewery, tobacco manufactory, cigar manufactory or bonded manufactory, or other premises subject to excise, which, or any of which, have not been known or reported to the proper officer previous to being so used; or"

17. Section ninety-five of the said Act is repealed and the following substituted therefor:—

Apparatus forfeited as to which penalty incurred.

"**95.** Every still, worm, rectifying apparatus, fermenting-tun, mash-tub, machinery, tobacco-press, cutting-machine, vessel, utensil, pipe, cock, pump, trough, conduit, or apparatus, with all and every matter or thing which they contain and the contents of every store-room, workshop or apartment in respect of which any penalty is incurred under this Act, or which has not been entered, described or returned as herein required, shall be forfeited to the Crown and may be seized and detained by any officer and dealt with accordingly."

18. Section one hundred and three of the said Act is repealed and the following substituted therefor:—

Removal out of hours.

Forfeiture.

"**103.** Goods subject to excise that have been removed from licensed premises contrary to the provisions of this Act shall be forfeited to the Crown and may be seized and detained by any officer and dealt with accordingly."

15. Section 91 at present reads as follows:—

"**91.** Every *vendor of* the contents of any package, barrel or cask, labelled, branded, marked or sealed, as required by this Act, *who so soon as the contents thereof have been removed*, fails to obliterate or effectually deface such label, mark, brand or seal, and every person in whose possession any such package, barrel or cask, *the contents whereof have been removed* and the label, mark, brand or seal on which has not been obliterated or defaced, is found, shall, for each such offence, incur a penalty not exceeding one hundred dollars, and the package, barrel or cask in respect of which the offence has been committed shall be forfeited to the Crown, and shall be dealt with accordingly."

This is merely a codification of the requirements of the former section, except that the words "every person" have been substituted for the words "every vendor". Spirits are not now sold by vendors as formerly.

16. Paragraph *(b)* of section 93 at present reads as follows:—

"(b) makes use of any still, worm, fermenting-tun, mash-tub, *cistern*, *malt-kiln*, *malt-floor*, tobacco-press, cutting machine, vessel, utensil, closed spirit-receiver, fixed or movable pipe, cock, pump, or other appliance or apparatus, or permits any such to be used in his distillery, *malt-house*, brewery, tobacco manufactory, cigar manufactory or bonded manufactory, or other premises subject to excise, which, or any of which, have not been known or reported to the proper officer previous to being so used; or"

The words "cistern, malt-kiln, malt-floor" in line 2 and "malt-house" in line 6 are omitted since, under the amendments, it will not be an offence to use or have in possession such articles without reporting to the proper officer.

17. Section 95 at present reads as follows:—

"**95.** Every still, worm, rectifying apparatus, fermenting-tun, mash-tub, machinery, tobacco-press, cutting-machine, vessel, utensil, pipe, cock, pump, trough, conduit, *cistern*, or apparatus, with all and every matter or thing which they contain, and the contents of every store-room, workshop, *malt-house*, *kiln* or apartment in respect of which any penalty is incurred under this Act, or which has not been entered, described or returned as herein required, shall be forfeited to the Crown, and shall be seized by any officer and dealt with accordingly."

The words "cistern" in line 3 and "malt-house, kiln" in line 5 are omitted for the reason that, under these amendments, these articles may be held in possession and used without a licence under *The Excise Act*.

18. Section 103 at present reads as follows:—

"**103.** Any goods subject to excise duty under this Act, removed *except under special departmental authority* from *any* premises licensed, *as herein provided, between the hours of six o'clock in the afternoon and seven o'clock in the following forenoon*, shall be seized and detained by any officer *having knowledge of the fact*, and shall be forfeited to the Crown."

The hours of attendance for excise officers at licensed premises have been changed during recent years from six o'clock in the afternoon to five o'clock, and from seven

19. Subsection two of section one hundred and fifty-five of the said Act is repealed and the following substituted therefor:—

Least quantity to be warehoused or ex-warehoused.

"(2) Spirits may be warehoused only when in complete packages and, except for export, no less quantity than one case or five standard gallons may be entered for warehouse or ex-warehouse on one entry."

20. That portion of subsection one of section one hundred and sixty-four which follows paragraph *(g)* is repealed and the following substituted therefor:—

Penalties.

"is guilty of an indictable offence and shall be sentenced

(h) for a first offence, to

(i) a penalty not exceeding two thousand dollars and not less than one hundred dollars,

(ii) imprisonment, with or without hard labour, for a term not exceeding twelve months and not less than three months, or

(iii) both the fine and the imprisonment, and, in default of payment of a pecuniary penalty imposed under subparagraph (i) or (iii) of this paragraph, to imprisonment for a term not exceeding twelve months and not less than three months in addition to the imprisonment, if any, imposed under subparagraph (ii) or (iii); and

(i) for every subsequent offence, to both

(i) a penalty not exceeding two thousand dollars and not less than five hundred dollars, and

(ii) imprisonment, with hard labour, for a term not exceeding twelve months and not less than six months,

and, in default of payment of the pecuniary penalty, to imprisonment for a further term equal to that imposed under subparagraph (ii) of this paragraph."

o'clock in the forenoon to eight o'clock. The present section is therefore obsolete in this regard. It is possible that these hours may have to be further adjusted from time to time to meet changing conditions in industry and labour. Subsection 2 of section 30, as amended, prohibits removal during certain hours, and it is therefore not necessary that reference to these hours be repeated in section 103.

19. Subsection (2) of section 155 at present reads as follows:—

"(2) *Except for export, use as ship stores, or delivery to a druggist licensed as herein provided, no less quantity than twelve cases or thirty gallons of proof spirits shall be entered for warehouse or ex-warehouse, by one entry, and in no case shall any spirits be ex-warehoused except in complete packages.*"

Druggists are presently restricted by regulation under authority of section 141 to use of five standard gallons of spirits per month, but this necessitates payment by the distiller of duty on not less than thirty proof gallons. The new section enables payment of duty on a minimum of five standard gallons. It does not affect the minimum quantity which may be removed for ships' stores purposes.

20. The portion of subsection (1) appearing after paragraph *(g)* of section 164 at present reads as follows:—

"*is guilty of an indictable offence, and shall, for a first offence be liable to a penalty not exceeding two thousand dollars, and not less than one hundred dollars or to imprisonment with or without hard labour for a term not exceeding twelve months and not less than three months, or to both fine and imprisonment, and in default of payment of any pecuniary penalty imposed under this section, to a term of imprisonment not exceeding twelve months and not less than three months, such term of imprisonment to be in addition to any imprisonment already imposed under this section, and for every subsequent offence to a penalty not exceeding two thousand dollars and not less than five hundred dollars and to imprisonment with hard labour for a term not exceeding twleve months and not less than six months, and in default of payment of the penalty to a further term of imprisonment equal to that already imposed by the Court for such subsequent offence.*"

This section is designed to clarify the penalties in connection with illicit distilling operations.

21. Section one hundred and sixty-nine of the said Act is repealed and the following substituted therefor:—

Penalties for sale of spirits unlawfully manufactured.

"**169.** (1) Everyone, whether the owner thereof or not, who, without lawful excuse, the proof whereof shall be upon the person accused, sells or offers for sale or purchases or has in his possession any spirits unlawfully manufactured or imported, or any spirits unlawfully or fraudulently removed from any distillery, bonded manufactory or from any bonded warehouse, is guilty of an indictable offence and shall be sentenced

(a) for a first offence, to

(i) a penalty not exceeding two thousand dollars and not less than one hundred dollars,

(ii) imprisonment, with or without hard labour, for a term not exceeding twelve months and not less than three months, or

(iii) both the fine and the imprisonment, and, in default of payment of a pecuniary penalty imposed under subparagraph (i) or (iii) of this paragraph, to imprisonment for a term not exceeding twelve months and not less than three months in addition to the imprisonment, if any, imposed under subparagraph (ii) or (iii); and

(b) for every subsequent offence, to both

(i) a penalty not exceeding two thousand dollars and not less than five hundred dollars, and

(ii) imprisonment, with hard labour, for a term not exceeding twelve months and not less than six months,

and, in default of payment of the pecuniary penalty, to imprisonment for a further term equal to that imposed under subparagraph (ii) of this paragraph.

Horses, vehicles, vessels, etc., seized and forfeited.

(2) All spirits unlawfully manufactured or imported, or unlawfully or fraudulently removed from any distillery, bonded manufactory or from any bonded warehouse, wheresoever they are found, and all horses and vehicles, vessels and other appliances which have been or are being used for the purpose of transporting the spirits so manufactured, imported or removed or in or upon which the same are found, shall be forfeited to the Crown, and may be seized and detained by any officer and be dealt with accordingly."

22. Section one hundred and seventy-three of the said Act is amended by adding thereto the following subsection:—

Manufacture of malt products.

"(2) No person shall manufacture a product if malt or malt and other ingredients are infused and the resultant wort is used in the manufacturing process, unless a formula is submitted and approved by the Minister, and the person manufacturing has, jointly with a Guarantee Company approved by the Minister, entered into a bond to His Majesty in the sum of five thousand dollars conditioned

21. Section 169 at present reads as follows:—

"**169.** Everyone, whether the owner thereof or not, who, without lawful excuse, the proof whereof shall be upon the person accused, sells or offers for sale or purchases or has in his possession any spirits unlawfully manufactured or imported, or any spirits unlawfully or fraudulently removed from any distillery, bonded manufactory or from any bonded warehouse, is guilty of an indictable offence and shall for a first offence, be liable to a penalty not exceeding two thousand dollars and not less than one hundred dollars, or to imprisonment with or without *hard labour for a term not exceeding twelve months and not less than three months, or to both fine and imprisonment, and in default of payment of any pecuniary penalty imposed under this section, to a term of imprisonment not exceeding twelve months and not less than three months, such term of imprisonment to be in addition to any imprisonment already imposed under this section, and for every subsequent offence to a penalty not exceeding two thousand dollars and not less than five hundred dollars, and to imprisonment, with hard labour, for a term not exceeding twelve months and not less than six months, and, in default of payment of the penalty, to a further term of imprisonment equal to that already imposed by the Court for such subsequent offence;* and all spirits so unlawfuly manufactured or imported, or unlawfully or fraudulently removed from any distillery, bonded manufactory or from any bonded warehouse, wheresoever they are found, and all horses and vehicles, vessels and other appliances which have been or are being used for the purpose of transporting the spirits so manufactured, imported or removed or in or upon which the same are found, shall be seized as forfeited to the Crown, and shall be dealt with accordingly."

This section is designed to clarify the penalties for possession or sale of spirits of illicit manufacture.

22. The manufacture of malt vinegar and of some cereal food products involves a brewing process, but since the end product is not dutiable, it is not necessary that such manufacturers be required to operate under excise licence and supervision, provided their formula has been approved and satisfactory security given.

upon the complete manufacture of the goods in accordance with the formula and compliance with such other conditions as are prescribed by departmental regulations."

Duties.

23. Section one hundred and seventy-five of the said Act, as enacted by section twenty of chapter nine of the statutes of 1943-44, is amended by adding thereto the following subsections:—

Malt.

"(2) There shall be imposed, levied and collected upon all malt brought into a brewery the duty of excise set out in the schedule to this Act, which shall be paid to the collector as herein provided.

Remittance.

"(3) The duty imposed by subsection two of this section upon any malt may be remitted upon proof satisfactory to the Minister that such malt has been used solely for the production of beer subject to duty under subsection one of this section.

Weighing and entering for warehouse.

"(4) For the purpose of determining the duty imposed by subsection two of this section, every quantity of malt brought into a brewery shall, immediately

(a) unless its weight has been determined by an officer under subsection five of this section, be weighed, and

(b) be entered for warehouse.

Weighing.

"(5) Before a quantity of malt is shipped to a brewery where, in the opinion of the Minister, the proper facilities for weighing malt are not available, the weight thereof may, for the purpose of determining the duty imposed by subsection two of this section, be determined, subject to departmental regulations, by an officer at the point of shipment.

Idem.

"(6) No person shall deliver a quantity of malt to a brewery where, in the opinion of the Minister, proper facilities for weighing malt are not available unless the weight thereof has been ascertained under subsection five of this section.

Minimum quantity.

"(7) Malt shall not be brought into a brewery in a quantity of less than one thousand pounds at a time."

24. Subsection one of section one hundred and eighty of the said Act is repealed and the following substituted therefor:—

Regulations.

"**180.** (1) The Governor in Council may make such regulations as to him seem necessary for carrying into effect and enforcing the provisions of this Act respecting the operation of a licensed brewery, the keeping of records, the making of entries and returns, the sale or removal from a licensed brewery of beer for exportation in bond or use as ships' stores, the collection of the duties hereby imposed and the refunding, in whole or in part, of the duty paid upon malt shipped to another licensed brewery."

23. (2) The collection of the excise duty on malt is transferred by this subsection from the maltster to the brewer.

(3) The excise duty on the malt content of beer or malt liquor brewed in whole or in part from any substance other than malt is presently collected at a rate per gallon on the beer itself. This subsection provides for the remission of the excise duty on the malt in cases where the duty applies on the gallonage produced, otherwise a double duty would be collected.

(4) The purpose of this subsection is to provide a basis and method for assessment of duty on malt received into a brewery.

(5) This is self-explanatory.

(6) This is designed to enforce compliance with subsection (5).

(7) The purpose of this subsection is to preclude a multiplicity of entries for small quantities. A similar provision is contained in the present section 205, which reads as follows:—

"**205.** No less quantity than one thousand pounds of malt shall be entered for warehouse under one entry; and except for exportation, no less quantity than one thousand pounds of malt shall be ex-warehoused for duty by one entry."

24. (1) Subsection (1) of section 180 at present reads as follows:—

"**180.** (1) The Governor in Council may make such regulations as to him seem necessary for carrying into effect and enforcing the provisions of this Act respecting the operation of a licensed brewery, the sale or removal of beer therefrom for exportation in bond or use as ships' stores, and the collection of the duties hereby imposed."

The purpose of this subsection is to authorize the establishment of necessary regulations by Order in Council.

25. Subsection one of section one hundred and eighty-four of the said Act is repealed and the following substituted therefor:—

Failure to comply with requirements of Act and Regulations

"**184.** (1) Every brewer who, having received malt into his brewery, fails to have the same weighed forthwith after receipt thereof, fails to keep any record or make any entry or return as required by departmental regulations, evades or attempts to evade the payment of duties imposed by this Act, or any part thereof, or fails to comply with any of the requirements of this Act or any departmental regulation, is liable to a penalty of not less than one thousand dollars or more than five thousand dollars and shall, in addition thereto, forfeit and pay for the use of His Majesty double the amount of excise duty, if any, which should have been paid by him under this Act."

Penalty.

Repeal.

26. Part IV of the said Act is repealed.

25. (1) Subsection (1) of section 184 at present reads as follows:—

"**184.** (1) Every brewer who evades or attempts to evade the payment of the duties hereby imposed, or any part thereof, or neglects or refuses to comply with the requirements of this Act respecting the payment of the same, or with any regulations made hereunder, is liable to a penalty of not less than *five hundred dollars or more than one thousand dollars*, and shall in addition thereto forfeit and pay for the use of His Majesty double the amount of excise duty which should have been paid by him under this Act."

Since the onus of accounting for the excise duty on malt as it enters the brewery is a new requirement on the brewer, it becomes necessary to provide suitable penalties for failure to comply with these requirements and for evasion, etc.

26. Part IV at present reads as follows:—

PART IV.

"MALTING AND MALT-HOUSES.

Interprêtation.

"**186.** *The provisions of this Part are to be construed as additional or supplemental to the provisions of Part I of this Act applicable to malting and malt-houses.*

"Licences.

"**187.** (1) *A licence to carry on the trade or business of a maltster may be granted to any person who has complied with the provisions of this Act, if the granting of such licence has been approved by the district inspector and the person has, jointly with a guarantee company, approved by the Minister, entered into a bond to His Majesty, in such sum as the Minister may determine.*

(2) *Such bond shall be conditioned for the rendering of all accounts, inventories, statements and returns prescribed by law, and the payment of all duties and penalties which the person to whom the licence is to be granted becomes liable to render or pay under the provisions of this Act, and that such person will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, inventories, statements, returns, duties and penalties, as to all other matters and things whatsoever.*

"**188.** *The person in whose favour a licence for malting is granted shall, upon receiving such licence, pay to the collector the sum of two hundred dollars.*

"**189.** *Except by permit of the collector specially obtained, no malt shall be sold to anyone other than persons licensed under this Act as bonded manufacturers, brewers, distillers or manufacturers of malt vinegar and in accordance with departmental regulations.*

"Books.

"**190.** *Everyone licensed to carry on business as a maltster shall keep such books as may be required by departmental regulations.*

"Various Requirements.

"**191.** (1) *All grain or leguminous seeds brought into any malt-house shall be weighed and the quantity shall be stated in all books, returns and accounts kept and made under this Act, in pounds avoirdupois.*

(2) *The quantity of grain or leguminous seeds placed in steep in any malt-house shall be stated in pounds.*

(3) *The quantity of malt removed from any kiln and chargeable with duty, shall be the quantity determined by weighing, and shall be stated in all books and returns made under this Act in pounds.*

"**192.** *Every cistern shall be of such shape as is approved by the Commissioner.*

"**193.** *Repealed.*

"**194.** (1) *Whenever any maltster is about to place any grain in any cistern to be steeped for the making of malt, he shall first give to the proper officer twenty-four hours' notice in writing of his intention to steep as aforesaid, such notice to be entered in a book to be supplied by the department and to contain such particulars as may be required by departmental regulations.*

(2) *Like notice shall be given in like manner whenever any maltster is about to place on any kiln to be dried, any grain then in process of manufacture into malt, or to move any such grain or any dried malt from any such kiln.*

"*Duties of Excise.*

"**195.** (1) *There shall be imposed, levied and collected upon all malt, whether manufactured or produced in Canada or imported, the duties of excise set out in the Schedule hereto, which shall be paid to the collector as herein provided.*

(2) *Notwithstanding anything in this section contained, malt may be removed from a malt-house to a distillery or brewery in bond and the duty otherwise hereby imposed upon such malt may be remitted upon proof satisfactory to the Commissioner that such malt has been used solely for the production of spirits or beer subject to duty.*

(3) *The duties hereby imposed may be remitted under departmental regulations upon malt used in any licensed bonded manufactory in the manufacture of malt extract or other similar medicinal preparation approved by the Commissioner, or in the preparation of any malt product approved by the Governor in Council.*

"**196.** *The duty upon malt shall be charged and computed in such manner as may be prescribed by departmental regulations.*

"**197.** *In comparing the results of such gaugings, weighings and computations as may be prescribed, the following proportions shall form the basis of the calculation:*

(a) One hundred pounds of barley or other grains weighed into the cistern shall, without any allowance for skimmings, be held to be equal to not less than seventy-five pounds of malt taken from the kiln and so in proportion for every greater or less quantity;

(b) The quantity upon which the duty shall be computed shall be the quantity of the malt when it has been removed from the kiln, subject to departmental regulations with respect to screening.

"**198.** *Malt shall be weighed when removed from the kiln, and no less quantity than the whole contents of one kiln shall be placed in the warehouse.*

"**199.** *If, at any time, any doubt or question arises as to the manner of determining the quantity of malt liable to duty under this Act, such doubt or question shall be decided and determined by the Minister, whose decision shall be final and conclusive.*

"**200.** *When a maltster licensed under this Act desires to follow a process of malting not herein provided for, and gives notice to that effect, such notice being accompanied by such plans and descriptions as the Commissioner deems necessary for fully understanding the proposed process, the Minister may authorise such modes of determining the quantity of malt that shall be held to be produced from a stated quantity of grain or leguminous seeds, as, having reference to the proposed change in the process of manufacture, he deems necessary for ensuring an equitable assessment of the duty.*

"*Supervision.*

"**201.** *Every maltster shall, at his own charge, provide upon his licensed premises a suitable bonding warehouse for the storage of malt.*

"**202.** *So soon as any malt is dried and ready for removal from the kiln, and the required notice of such removal has been duly given, the said malt shall be removed to the said warehouse.*

"**203.** *Whenever any maltster ceases from working his malt-house, the kiln and all means of access thereto may be closed, and secured by lock of the department to the satisfaction of the proper officer, and the keys of such locks shall remain in the possession of the collector, and the kiln shall remain so closed and secured until the maltster gives the required notice of his intention to resume working.*

"*Returns.*

"**204.** *Everyone who carries on business as a maltster shall render to the collector such returns as may be required by departmental regulations.*

"Bonding and Warehousing

*"**205.** No less quantity than one thousand pounds of malt shall be entered for warehouse under one entry; and except for exportation, no less quantity than one thousand pounds of malt shall be ex-warehoused for duty by one entry.*

*"**206.** The duty paid on malt taken out of warehouse for consumption shall not be refunded, by way of drawback or otherwise, upon the exportation of such malt out of Canada.*

*"**207.** Malt imported into Canada shall be warehoused in a bonding warehouse approved by the district imspector, and such malt shall be subject to all departmental regulations prescribed with respect to malt manufactured or produced in Canada, in so far as the same apply to malt in warehouse.*

"OFFENCES AND PENALTIES.

*"**208.** (1) Everyone who, without having a licence under this Act, then in force, makes any malt or steeps any grain or leguminous seeds for the purpose of malting, is guilty of an indictable offence, and shall, for the first offence, incur a penalty of one hundred dollars, and for each subsequent offence, a penalty of two hundred dollars.*

(2) Everyone who becomes liable to the penalty provided for in the last preceding subsection, shall, in addition thereto, forfeit and pay for the use of His Majesty double the amount of the excise duty and licence fee which should have been paid by him under this Act.

*"**209.** Everyone who has in his possession any malt-kiln, or any malting implement, machinery or apparatus, contrary to the provisions of this Act, shall incur, for a first offence, a penalty not exceeding one hundred dollars and not less than fifty dollars, and for each subsequent offence, a penalty of one hundred dollars; and all such implements, machinery or apparatus shall be forfeited to the Crown, and shall be seized by any officer and dealt with accordingly.*

*"**210.** If any maltster adds, or causes or permits to be added, any grain or leguminous seeds to the grain or leguminous seeds wet in any cistern, or placed in any cistern for the purpose of being wetted, after the officer has taken an account thereof, he shall, for a first offence, incur a penalty of two hundred dollars, and for each subsequent offence, a penalty of five hundred dollars; and all the grain and leguminous seeds so mixed or added, together with all the grain and leguminous seeds and malt then in the malt-house, shall be forfeited to the Crown and dealt with accordingly.*

*"**211.** If any maltster removes, or causes or permits to be removed, any malt from his malt-house otherwise than in the manner permitted by this Act, or if any person receives or has any malt so removed, knowing the same to have been so removed, the maltster and person so offending shall, for a first offence, incur a penalty of two hundred dollars, and for each subsequent offence, a penalty of five hundred dollars; and the malt so removed, together with all the grain, leguminous seeds and malt then in the malt-house from which the malt was so illegally removed, shall be forfeited to the Crown, and shall be seized by any officer and dealt with accordingly.*

*"**212.** Everyone who sells or offers for sale, or who purchases any malt, knowing the same to have been unlawfully manufactured, shall for a first offence,incur a penalty of fifty dollars; and for each subsequent offence, a penalty of one hundred dollars; and all malt so unlawfully manufactured, wheresoever it is found, and all horses, vehicles and other appliances which have been or are being used for the purpose of removing the same, shall be forfeited to the Crown, and shall be dealt with accordingly.*

*"**213.** Everyone who removes or delivers any malt, either in bond or duty paid, into the possession of any person other than a person authorized to use malt under this Act, except upon a written permit granted by the collector, and every person who receives any malt removed or delivered in violation of the provisions of this Act, shall incur a penalty of one hundred dollars.*

*"**214.** If any malt is imported into Canada and not immediately thereupon warehoused as by this Act required, the same may be seized as forfeited."*

This part is repealed, as under the proposed system of collection of duty on malt, it is unnecessary.

27. Sections two hundred and twenty-three to two hundred and twenty-seven inclusive of the said Act are repealed.

27. Sections 223 to 227 inclusive at present read as follows:—

"**223.** (1) Except as hereinafter provided there shall be imposed, levied and collected on all malt syrup imported into Canada or taken out of warehouse, or manufactured or produced in Canada, the duty of excise set out in the Schedule hereto, by means of stamps affixed to the packages in which such malt syrup is entered for consumption under departmental regulations, and such malt syrup shall only be entered for consumption in such packages as may be prescribed by such regulations.

(2) The duty of excise hereby imposed shall not be levied or collected upon malt syrup supplied, under departmental regulations, to bakers, confectioners, bonded manufacturers of medicinal or pharmaceutical preparations or to any other class of manufacturer approved by the Governor in Council, when for use *bona fide* under formula to be approved by the Commissioner in the art or industry of any of the classes of manufacturer aforesaid.

(3) The Minister may make regulations governing the manufacture and sale of malt syrup and the use thereof duty free by the classes of manufacturer aforesaid.

(4) All malt syrup imported shall have the stamps affixed and cancelled by the owner or importer thereof while in the custody of the proper officers, and shall not pass out of the custody of the said officers until the stamps have been so affixed and cancelled, and shall be put up in packages as prescribed for malt syrup manufactured in Canada before the stamps are affixed: Provided that imported malt syrup intended for removal in bond to another port or place within Canada may be removed to such other port under departmental regulations.

"**224.** Everyone who, having obtained malt syrup duty free for use in his art or industry as hereinbefore provided, sells the same or disposes thereof, or permits the sale or disposal thereof, to any other person, is guilty of an indictable offence and shall, for a first offence, be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars or to imprisonment, with or without hard labour, for a term not exceeding three months and not less than one month, or to both fine and imprisonment, and in default of payment of any pecuniary penalty imposed under this section, to a term of imprisonment not exceeding six months and not less than three months, such term of imprisonment to be in addition to any imprisonment already imposed under this section, and for every subsequent offence to a penalty not exceeding one thousand dollars and not less than two hundred dollars or to imprisonment, with hard labour, for a term not exceeding twelve months and not less than three months and in default of payment of the penalty to a further term of imprisonment equal to that already imposed by the Court for such subsequent offence, and all malt products so unlawfully sold or disposed of, wheresoever they are found, and all horses, vehicles, vessels and other appliances which have been or are being used for the purpose of removing the same, shall be forfeited to the Crown and shall be dealt with accordingly.

"**225.** The Commissioner shall cause to be prepared special stamps for the duty on malt syrup which shall indicate the weight of the article and which shall be affixed and cancelled in the manner prescribed by departmental regulations by the person entering the goods for consumption before the packages leave his premises; such stamps shall be furnished to the collectors requiring them and shall be distributed by collectors under departmental regulations.

"**226.** (1) Everyone, whether the owner thereof or not, who, without lawful excuse, the proof whereof shall be upon the person accused, purchases or has in his possession any malt syrup not put up in packages and stamped in accordance with the provisions of this Act, is guilty of an indictable offence and shall for a first offence, be liable to a penalty not exceeding five hundred dollars, and not less than one hundred dollars or to imprisonment with or without hard labour for a term not exceeding two months and not less than one month, or to both fine and imprisonment, and in default of payment of any pecuniary penalty imposed under this section, to a term of imprisonment not exceeding six months and not less than two months, such term of imprisonment to be in addition to any imprisonment already imposed under this section, and for every subsequent offence to a penalty not exceeding one thousand dollars and not less than three hundred dollars, and to imprisonment, with hard labour, for a term not exceeding six months and not less than three months, and in default of payment of the penalty, to a further term of imprisonment equal to that already imposed by the Court for such subsequent offence; and all malt syrup so unlawfully purchased or had in possession wheresoever found, and all horses and vehicles, vessels and other appliances which have been or are being used for the purpose of removing the same, shall be forfeited to the Crown and shall be dealt with accordingly.

(2) The absence of the proper duty paid stamps on any package of malt syrup sold or offered for sale or kept for sale, or found in possession of any person other than the licensed manufacturer thereof and in his manufactory, shall be notice to all persons that the duty has not been paid thereon and shall be *prima facie* evidence of the non-payment thereof, and such malt syrup shall be forfeited to the Crown and shall be seized by any officer and dealt with accordingly.

28. Subsection three of section two hundred and twenty-nine of the said Act is repealed.

29. Section two hundred and forty-five of the said Act is amended by adding thereto the following subsection:—

Stamps affixed before importation.

"(3) Subsection one of this section is not applicable to manufactured tobacco and cigars imported if, prior to importation thereof, stamps have been affixed thereto in such manner as is required by departmental regulation and to the satisfaction of the collector."

"227. (1) Every bonded manufacturer of malt syrup who sells or disposes of the same otherwise than as herein provided, or who violates or permits the violation of the provisions of this Part respecting such malt syrup or the requirements of any regulation made hereunder is guilty of an indictable offence and shall, for a first offence, incur a penalty of not less than five hundred dollars or more than five thousand dollars and a further penalty equal to double the amount of any duties of excise lost or evaded by reason of such violation, and for a second offence shall incur a penalty of not less than one thousand dollars and a like penalty of double the duties of excise evaded.

(2) A bonded manufacturer shall be guilty of an offence under the last preceding subsection if any malt syrup is sold or disposed of duty free by any agent or sub-agent of any such bonded manufacturer to any person other than a baker or confectioner or manufacturer duly authorized to receive such malt syrup duty-free for use in his art or industry as herein provided.

(3) Everyone who, being an agent or sub-agent of any such bonded manufacturer, sells or disposes of any such malt syrup, in violation of this Part, is guilty of an indictable offence."

Coincident with de-control of production of malt, it is proposed to de-control production and use of malt syrup. In so doing, it will cease to be dutiable, and it will no longer be necessary to supervise its use in the various industries hereinbefore mentioned.

28. Subsection (3) of section 229 at present reads as follows:—

"*(3) The Minister may refund or remit the duty on malt used in the manufacture of vinegar, under the supervision of the Department, in a manufactory where no other articles than malt, or malt used in combination with cereals, in such proportion as is established by the Governor in Council is used in the manufacture thereof, and where no other article than vinegar is produced.*"

Since under these amendments malt will be free of excise duty except when received in a licensed brewery, there will be no occasion for making refunds or remissions such as envisioned by this section.

29. Many brands of imported cigarettes and manufactured tobacco are cellophane wrapped. The adhesive material on excise stamps will not adhere securely to the cellophane and it becomes necessary to remove same from the packages, thus detracting from their appearance and defeating the purpose for which the cellophane is applied, viz.—that of retaining moisture. The amendment validates a procedure which has been in operation for some time under departmental regulation whereby excise stamps are forwarded to approved foreign manufacturers to be placed on the original packages before the cellophane is applied, and during the course of manufacturing operations in the same manner as stamps are affixed to the domestic article.

Malt.

30. Paragraphs four and five of the Schedule to the said Act are repealed and the following substituted therefor:—

"4. Malt.

Upon all malt brought into a brewery subject to such allowance or rebate in respect of waste as may be authorized by the Governor in Council, per pound.. .....sixteen cents."

"Minister" substituted for "Commissioner", etc.

31. (1) Subject to subsection two of this section where, in *The Excise Act, 1934*, or any regulation or order made pursuant thereto, the "Commissioner", the "Commissioner of Excise", or the "Department" is mentioned or referred to, there shall in each case be substituted the word "Minister".

"Deputy Minister" substituted for "Commissioner."

(2) In subsection two of section nine of the said Act, the words "Deputy Minister" are substituted for the word "Commissioner."

Coming into force.

32. This Act shall come into force on the first day of October, nineteen hundred and forty-eight.

30. Paragraphs 4 and 5 of the Schedule at present read as follows:—

"**4.** *Malt.*
Upon all malt:—
(a) manufactured or produced in Canada and screened (that is, malt from which the coomings have been removed) subject to the regulations of the Governor in Council with respect to absorption of moisture in warehouse, per pound .....sixteen cents;
(b) imported into Canada and entered for consumption, per pound..... ....sixteen cents;
"**5.** *Malt Syrup.*
Upon all malt syrup as defined by paragraph (c) of section six of The Excise Act, 1934:—
(a) manufactured or produced in Canada, per pound.....twenty-four cents;
(b) imported into Canada and entered for consumption, per pound..... ....forty cents."

This paragraph in conjunction with clause 23 of this Bill changes the incidence of the excise duty on malt from maltsters to brewers.

The repeal of paragraph 5 eliminates the excise duty on malt syrup.

31. The titles "Commissioner" and "Commissioner of Excise" are obsolete, having been replaced by "Deputy Minister", as provided by the *National Revenue Act.* A reference to the "Minister" is more specific than a reference to the "department", which might include any number of subordinate officers.

32. The Act is post-dated for the reason that some delay is necessary to enable brewers to make certain alterations to their plant and equipment and to enable the department to promulgate regulations.

229.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 229.

An Act to amend the Customs Act.

First reading, May 4, 1948.

THE MINISTER OF NATIONAL REVENUE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

4913

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 229.

An Act to amend the Customs Act.

R.S., c. 42; 1928, c. 16; 1930 (2nd Sess.), c. 2; 1931, c. 29; 1932-33, cc. 7 38; 1934, c. 48; 1936, cc. 19. 30; 1937, c. 24; 1947, c. 4.

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

1. Subsection one of section two of the *Customs Act*, chapter forty-two of the Revised Statutes, 1927, is amended by adding thereto, immediately after paragraph *(d)* thereof, the following paragraph:

"Deputy Minister".

"*(dd)* 'Deputy Minister' means the Deputy Minister of National Revenue for Customs and Excise;"

2. Sections thirty-five, thirty-six and thirty-six A of the said Act are repealed and the following substituted therefor:

Valuation for duty here determined.

"**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.

If market value unascertainable.

(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.

EXPLANATORY NOTES.

The purpose of the Bill is to carry out undertakings embodied in the General Agreement on Tariffs and Trade adopted at the conclusion of the Second Session of the preparatory committee of the United Nations Conference on Trade and Employment—especially Article VII of the said Agreement.

2. Subsection (1) of section 35 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 *thereof*, when sold for home consumption, *in the principal markets of the country whence and at the time when the same were exported directly to Canada.*"

Sub-sections (2), (3) and (4) of the existing section are repugnant to the Agreement (Article VII, 2*a*) and are therefore repealed.

"Fair market value" is re-defined to comply with paragraph 2 *(b)* of Art. VII.

Sub-sections (2) and (3) of the new section are inserted to comply with par. 2 *(c)* and s.s. (4) to comply with par. 3 of Article VII.

Sections 36 and 36A repealed, read:

"**36.** The value for duty of new or unused goods shall in no case be less than the actual cost of production of similar goods at date of shipment direct to Canada plus a reasonable advance for selling cost and profit, such advance not to be greater than that which in the ordinary course of business under normal conditions of trade, is added, in the case of goods similar to the particular goods under consideration, by manufacturers or producers of goods of the same class or kind in the country of export when sold for home consumption.

If value nor equivalent not ascertainable.

(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.

Amount of tax not included.

(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."

3. (1) Subsection one of section thirty-eight of the said Act is repealed and the following substituted therefor:

Appraisers to determine tariff classification and ascertain value.

"**38.** (1) Every one who acts as an appraiser shall determine the tariff classification of goods imported into Canada and shall, by all reasonable means in his power ascertain, estimate and appraise the true and fair market value, any invoice or affidavit to the contrary notwithstanding, of such goods at the time when and place whence they were exported direct to Canada and the proper weights, measures or other quantities as the case requires."

Repeal.

(2) Subsection four of the said section thirty-eight is repealed.

4. Sections thirty-nine to forty-two of the said Act are repealed and the following substituted therefor:

Subsidy or drawback allowed by foreign government, etc.

"**39.** The fair market value of goods shall be taken to include the amount of any subsidy or drawback of Customs duty which has been allowed by the Government of any other country, also the amount of consideration or money value of any special arrangement between the exporter and the importer, or between any persons interested therein, because of the exportation or intended exportation of such goods, or the right to territorial limits for the sale or use thereof, and also the amount or money value of any so-called royalty, rent or charge for use of any machine or goods of any description, which the seller or proprietor does or would usually charge thereon when the same are sold or leased or rented for use in the country whence they have been exported to Canada."

36A. The Governor in Council, whenever it is deemed expedient to do so, may order that import, excise and other duties and taxes, in whole or in part, shall be disregarded in estimating the value for duty of goods of any kind imported into Canada from any specified country."

Section 36 repealed as repugnant to Art. VII.

Section 36A to be repealed becomes needless, the ground being covered by new section 35(4).

3. Subsection (1) presently reads:

"**38.** (1) *The Dominion Customs appraisers and every one of them and* every person who acts as such appraiser, or the collector, as the case may be, shall, by all reasonable ways and means in his or their power, ascertain, estimate and appraise the true and fair market value, any invoice or affidavit thereto to the contrary notwithstanding, of the goods at the time *of exportation and in the principal markets of the country whence the same have been imported into Canada,* and the proper weights, measures or other quantities, and the fair market value thereof, as the case requires."

Subsection (1) is re-written to make it clear that an appraiser's duty is both to determine which item of the Tariff applies to the goods to be appraised and to ascertain their value for duty.

Subsection (4) is repealed. The powers conferred upon the now defunct Board of Customs were transferred to the Tariff Board by the *Tariff Board Act* (21-22 Geo. V. Ch. 55) but are, in practice, only exercised upon appeal.

Provision is made in this Bill for formal appeal to the Tariff Board.

4. The underlined words have been added to subsection (1) of section 39.

The repealed subsection (2) reads:

"(2) When the amount of such drawback, consideration, money value, royalty, rent, or charge for use has been deducted from the value of such goods, on the face of the invoice under which entry is to be made, or is not shown thereon, the collector or proper officer shall add the amount of such deduction, drawback, consideration, money value, royalty, rent or charge for use, and cause to be paid the lawful duty thereon."

Subsection (2) is redundant.

The amendment in subsection (1) consists in the insertion of the word "subsidy" and the words "of Customs duty".

Subsection (2) is repealed as redundant.

The repealed sections read:

"**40.** (1) No deduction of any kind shall be allowed from the value of any goods imported into Canada, because of any drawback paid or to be paid thereon, or because of

any special arrangement between the seller and purchaser having reference to the exportation of such goods, or the exclusive right to territorial limits for the sale thereof, or because of any royalty payable upon patent rights but not payable when the goods are purchased for exportation, or on account of any other consideration by which a special reduction in price might or could be obtained: Provided that nothing in this section shall be understood to apply to general fluctuations of market values."

This is redundant.

Section 40 of the Act repealed as redundant. Section 39 as amended covers the ground.

"**41.** Whenever goods are imported into Canada under such circumstances or conditions as render it difficult to determine the value thereof for duty because

(a) such goods are not sold for use or consumption in the country of production; or

(b) a lease of such goods or the right of using the same but not the right of property therein is sold or given; or

(c) such goods having a royalty imposed thereon, the royalty is uncertain, or is not from other causes a reliable means of estimating the value of the goods; or

(d) such goods are usually or exclusively sold by or to agents or by subscription; or

(e) such goods by reason of the fact that the circumstances of the trade render it necessary or desirable are sold under conditions or to a class of purchaser under or to which similar goods are not sold by the exporter for home consumption; or such goods are sold or imported in or under any other unusual or peculiar manner or conditions;

the Minister may determine the value for duty of such goods, and the value so determined shall, until otherwise provided, be the value upon which the duty on such goods shall be computed and levied.

(2) The Minister shall be the sole judge as to the existence of all or any of the causes or reasons aforesaid."

Repealed as repugnant to the whole spirit of the Agreement—especially Article VII, 2*(a)*. See S. 35 (3) as amended by S. 2 of the Bill.

"**42.** The Minister shall in like manner and with the like effect determine the value for duty of all material imported to form medicinal or toilet preparations, either along or with other articles or compounds, and intended to be put up, labelled or sold under any proprietary or special name or trade mark: Provided that the Minister may refer to the appraising officers for valuation such of the materials as have a fair market value in the ordinary course of trade."

5. Sections forty-three and forty-three A of the said Act are repealed and the following substituted therefor:

Valuation of imports prejudicially or injuriously affecting Canadian producers.

43. (1) If at any time it appears to the satisfaction of the Governor in Council on a report from the Minister that goods of any kind are being imported into Canada either on sale or on consignment, under such conditions as prejudicially or injuriously to affect the interests of Canadian producers or manufacturers, the Governor in Council may authorize the Minister to fix the value for duty of any class or kind of such goods, and notwithstanding any other provision of this Act, the value so fixed shall be deemed to be the fair market value of such goods.

Orders in Council published.

(2) Every order of the Governor in Council authorizing the Minister to fix the value for duty of any class or kind of such goods and the value thereof so fixed by the Minister by virtue of such authority, shall be published in the next following issue of the *Canada Gazette*.

Application to Tariff Board.

(3) Any interested person who deems himself aggrieved by any order made under this section, may apply to the Tariff Board by way of appeal therefrom. The Tariff Board shall thereupon conduct a public inquiry and make its finding as to whether, to what extent, and for what period such value is required to prevent the importation of goods into Canada from prejudicially or injuriously affecting the interests of Canadian producers or manufacturers. If no fixed value is found by the Tariff Board to be required, or if a lower value is found to be appropriate, the finding of the Tariff Board will become at once effective. If appeal is made to the Tariff Board, such value authorized by the Minister shall, in default of any finding by the Tariff Board in the meantime, cease to have force and effect upon the expiration of three months from the date of such application to the Tariff Board.

Basis of value.

(4) The value for duty shall be deemed to have been duly fixed by the Minister pursuant to subsection one of this section if the same is fixed on a basis or by a method prescribed by the Minister."

5. Sub-section (1) of section 43 presently reads:—

"**43.** (1) If at any time it appears to the satisfaction of the Governor in Council on a report from the Minister that goods of any kind *not entitled to entry under the British Preferential tariff or any lower tariff* are being imported into Canada either on sale or on consignment, under such conditions as prejudicially or injuriously to affect the interests of Canadian producers or manufacturers, the Governor in Council may authorize the Minister to fix the value for duty of any class or kind of such goods, and notwithstanding any other provision of this Act, the value so fixed shall be deemed to be the fair market value of such goods."

The suggested amendment to subsection (3) of section 43 is indicated, by the underlined words which replace the wording, "*In the case of any value for duty established under the provisions of this section after the first day of January, 1936, any interested person*"

Section 43 of the Act, as enacted by chapter 2 of the Statutes of 1930 and subsequently amended, is retained as necessary protection for Canadian producers. Note that the power conferred upon the Minister is subject to review by the Tariff Board.

The repealed section 43A reads:

"**43A.** All values for duty heretofore fixed by, or on a basis or by a method prescribed by the Minister or the Deputy Minister of National Revenue for Customs and Excise or the Assistant Commissioner of Customs, acting or purporting to act pursuant to the provisions of section forty-seven A of the *Customs Act*, chapter forty-eight of the Revised Statutes of Canada, 1906, as enacted by section three of chapter eighteen of the statutes of 1922, or of section forty-three of the *Customs Act*, chapter forty-two of the Revised Statutes of Canada, 1927, or of section forty-three of the said *Customs Act*, as enacted by section four of chapter two of the statutes of 1930 (Second Session), or of subsection one of section forty-three of the said *Customs Act*, as enacted by section one of chapter seven of the statutes of 1932-33, shall, notwithstanding any alleged defect or omission or want of authority in respect thereof, be deemed to have been lawfully fixed pursuant to the aforesaid provisions and all things required by statute to be done to fix such values shall be deemed to have been done, and the said values for duty and the levy and collection of all duties or taxes based or purporting to be based on such values are hereby confirmed and ratified.

(2) Without restricting the generality of the next preceding subsection, any act heretofore done by the Minister or the Deputy Minister of National Revenue for Customs and

6. Sections forty-six to fifty-four of the said Act are repealed and the following substituted therefor:

Goods exported to Canada through another country.

"**46.** Goods *bona fide* exported to Canada from any country but passing in transit through another shall, upon such terms and conditions as to shipment, documentation, warehousing, trans-shipment or the like as the Governor in Council may prescribe, be valued for duty as if they were imported direct from such first mentioned country.

Regulations respecting classification of sugar, etc.

"**47.** (1) The Minister may by regulation

(a) prescribe the methods to be followed in determining the classification of sugar, molasses and syrup for the purposes of the Customs Tariff;

(b) designate the instruments, standards and appliances to be used in such determination, and

(c) provide that such determination and/or classification shall be carried out by designated officers.

Decision final unless appealed from.

(2) The decision of any officer so designated as to the classification of sugar, molasses or syrup shall be final and conclusive unless the importer, within thirty days appeals in writing to the Deputy Minister.

Decision may be confirmed or varied.

(3) The Deputy Minister may, after such inquiry as he deems necessary, confirm or vary the decision appealed from.

Appeal to Tariff Board.

(4) An importer who deems himself aggrieved by any such decision of the Deputy Minister, may appeal therefrom to the Tariff Board.

Goods erroneously classified or appraised for entry.

"**48.** (1) If, upon any entry or in connection with any entry, it appears to any Dominion Customs Appraiser that any goods have been erroneously classified or appraised or allowed entry at an erroneous rate or valuation by any appraiser or collector acting as such, or that any of the foregoing provisions of this Act respecting the classification or value at which goods shall be entered for duty have not been complied with, such appraiser may make a fresh appraisal or valuation, and may direct an amended entry and payment of additional duty on such goods, or a refund of a part of the duty paid, as the case requires, subject to review by the Deputy Minister.

Fresh appraisal.

Excise or the Assistant Commissioner of Customs, directing that the value for duty in any case or class of cases should be considered as fixed in terms of the currency of the country of export, is hereby confirmed and ratified and any value for duty determined in accordance with such direction shall be deemed to have been duly fixed pursuant to section forty-three of this Act and the levy and collection of all duties or taxes based or purporting to be based on such values shall be deemed to have been duly levied and collected.

(3) Nothing in this section shall affect any legal proceedings by way of Petition of Right in respect of which a fiat of the Governor General had been granted on or before the first day of October, 1936."

The claims which this section was enacted to settle are now barred by lapse of time, or otherwise disposed of.

6. Section 46 presently reads:

"**46.** The Governor in Council may provide that in the cases and on the conditions to be mentioned in the order in council, goods *bona fide* exported to Canada from any country, but passing *in transitu* through another country, shall be valued for duty as if they were imported directly from such first mentioned country: Provided that goods which have been entered for consumption or for warehouse, or which have been permitted to remain unclaimed, or which have been permitted to remain for any purpose, in any country intermediate between the country of export and Canada, shall not be considered as *in transitu* through such intermediate country, but shall be treated as goods imported from such intermediate country and be valued and rated for duty accordingly."

The section to be repealed left the matter dealt with to the discretion of the Governor in Council. It is thought to be in accord with the spirit of the Agreement to make the principle statutory, with power to the Governor in Council to regulate.

Section 47, which deals with the Tariff classification of sugar, is combined with section 303, which deals with the classification of molasses and syrup.

In the amendments, appeal to the Tariff Board is substituted for the Minister's discretionary powers.

The proposed amendments to subsection (1) of section 48 are indicated by the added underlined words in the text.

Subsection (2) is new.

The section as re-written recognizes the actual practice which has grown up. It provides formally that an importer may appeal, as of right, from the decision of an appraiser (or collector) to a Dominion appraiser, and that any decision of an appraiser (including a Dominion appraiser) may be

Decision reviewed.

(2) The Deputy Minister may review the decision of any appraiser as to the tariff classification of any goods or the value for duty of any goods.

Appeal to Tariff Board.

"**49.** (1) An importer may, by notice in writing filed with the Secretary of the Board, within sixty days of the decision, appeal to the Tariff Board from any decision of the Deputy Minister

(i) as to tariff classification or value for duty;

(ii) under subsection three of section forty-seven; or

(iii) as to whether any drawback of Customs duties is payable under section twelve of the *Customs Tariff* or as to the rate of drawback so payable.

R.S., c. 44.

Order of finding.

(2) On any such appeal the Tariff Board may make any such order, or finding of fact, as the nature of the matter may require, and, without limiting the generality of the foregoing, may declare

(i) the rate of duty that shall be applicable to the class of goods respecting which appeal has been made, or applicable to the specific goods only,

(ii) the value for duty of the class of goods or of the specific goods, or

(iii) that such goods are exempt from duty;

and any such order, finding or declaration of the Board shall have force and effect as if the same had been sanctioned by Statute, unless appeal be taken as hereinafter provided.

Appeal to Exchequer Court.

(3) An importer or the Deputy Minister may, upon leave being obtained from the Exchequer Court of Canada or a Judge thereof upon application made within thirty days after the making of the finding or order sought to be appealed (or within such further time as the Court or Judge may allow), appeal to the said Court upon any question which in the opinion of the said Court or Judge is a question of law.

Notice of application for leave.

(4) The appellant shall give seven clear days' notice of his application for leave to appeal to the Board and to the respondent, and the Board and the respondent shall have the right to be heard by counsel or otherwise, upon the application or upon the appeal, or both.

Security for costs.

(5) Where leave to appeal is granted, the appellant shall, within sixty days of the granting of the leave, deposit with the Registrar of the said Court the sum of one hundred and fifty dollars as security for costs, and thereupon the Registrar shall set the appeal down for hearing at such time and place as the Court may direct, and shall notify the Board, the appellant and the respondent accordingly.

Appeal to Supreme Court of Canada.

(6) Any order or judgment of the Exchequer Court made on any such appeal may be appealed to the Supreme Court of Canada in like manner as a judgment of the said Court, and the provisions of the *Exchequer Court Act* as to appeals shall apply.

reviewed by the Deputy Minister with appeal from him to the Tariff Board.

Sections 49 to 53 to be repealed provide for an appeal from an appraiser's or collector's decision as to value to a board of three persons to be appointed *ad hoc*. These boards were doubtless useful in the past but the modern business man seems to prefer in practice, to appeal to the Dominion appraisers and the Minister or Deputy Minister. The combined effect of the preceding section and this one will be to enable him to do so, as of right, without being confused by the presence in the Act of the archaic and disused procedure set out in the Sections to be repealed.

Further appeal from the Deputy Minister to the Tariff Board and from the Tariff Board to the Courts is provided in the Bill since it has been held that the Tariff Board is not a court of law. The amendment provides a further appeal from the Board to the Exchequer Court upon a question of law and a further appeal may be had to the Supreme Court of Canada upon the usual conditions.

Section 54 empowers the Board of Custom to declare 'whether any or what rate of duty is payable on any class of goods'.

This power, transferred to the Tariff Board by the *Tariff Board Act* is exercised in practice, only on appeal. The proposed amendments confirm the jurisdiction of the Tariff Board and extend it to cover all questions of tariff classification and valuation.

New section 49 also makes statutory the jurisdiction given to the Tariff Board by Order in Council P.C. 274 of 10th February, 1937, to determine what rate of drawback of Customs duty, if any, is payable under Section 12 of the *Customs Tariff* (Schedule "B"). The existing provisions of the Act as to appeal to the Governor in Council from a ruling or decision of the Tariff Board, and approval by the Minister of such decisions, are omitted.

Deputy Minister's application to Board for ruling. Appeal.

"**50.** The Deputy Minister may at any time apply to the Tariff Board for a ruling upon any question relating to the valuation or Tariff classification of any goods or class of goods, and may appeal any such ruling as provided in section forty-nine."

7. Section fifty-five of the said Act is repealed and the following substituted therefor:

Invoice to show fair market value.

"**55.** (1) Every invoice delivered pursuant to this Act or any Regulation shall exhibit, in the currency of the country of export, the fair market value of the goods to which it relates, 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 the place whence the same were exported direct to Canada, and the true price at which such goods were sold by the vendor to the purchaser; and in computing the value for duty of the goods in Canadian currency the rate of exchange shall be such as may be declared from time to time by the Bank of Canada.

Rate of exchange.

Determination of conversion rate.

(2) Where the rate of exchange of the currency of any country has not been so declared, or where multiple rates of exchange exist, a conversion rate which shall reflect effectively the current value of such currency in commercial transactions may be determined and ordered by the Minister.

True and full statement of actual price.

(3) All such invoices shall faithfully exhibit the transaction between the exporter and the importer, and contain a true and full statement of the actual price payable for the goods, including cartons, cases and coverings of all kinds and all expenses incident to placing the goods in condition, packed ready for shipment to Canada, and no such invoice shall state any discount other than such as has been actually allowed to the importer."

8. Subsection two of section one hundred and seventy-four of the said Act is repealed and the following substituted therefor:—

Minister may delegate powers.

"(2) The Minister may by regulation authorize the Deputy Minister or such other officer as he may deem expedient to exercise the powers conferred by this section upon the Minister."

Section repealed.

9. Section three hundred and three of the said Act is repealed.

Coming into force.

10. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

7. The repealed section is re-written to comply with par. 4 of Article VII of the Agreement.

8. The subsection to be repealed reads as follows:—

"(2) The Minister may by regulation authorize the *Commissioner of Customs or the Assistant Commissioner of Customs* to exercise the powers conferred by this section on the Minister."

By subsection (4) of section 3 of the *Department of National Revenue Act*, as enacted by section 1 of chapter 24 of the statutes of 1933-34, the expression "Deputy Minister of National Revenue for Customs and Excise" is to be substituted for the expression "Commissioner of Customs". Nothing is said in the latter statute as to the Assistant Commissioner of Customs, and it is deemed expedient to adopt the language of subsection (2) of section 99 of the *Excise Tax Act* thus enabling the Minister to select the officials who are to exercise these powers on his behalf.

9. The section to be repealed at present reads as follows:—

"**303.** Regulations respecting the manner in which molasses and syrups shall be sampled and tested for the purpose of determining the classes to which they belong, with reference to the duty chargeable thereon, shall be made by the Minister; and the instruments and appliances necessary for such determination shall be designated by him, and supplied to such officers as are by him charged with the duty of sampling and testing such molasses and syrups.

(2) The decision of any officer to whom is so assigned the testing of such articles, as to the duties to which they are subject under the tariff, shall be final and conclusive, unless, upon appeal to the Deputy Minister of National Revenue for Customs and Excise, within thirty days from the rendering of such decision, such decision is, with the approval of the Minister, changed; and the decision of the Deputy Minister of National Revenue for Customs and Excise with such approval shall be final."

The reason for repealing section 303 is that its subject matter is now included in new section 47.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 248.

An Act to provide for carrying into effect the Treaties of Peace between Canada and Italy, Roumania, Hungary and Finland.

First reading, May 5, 1948.

THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

4401

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 248.

An Act to provide for carrying into effect the Treaties of Peace between Canada and Italy, Roumania, Hungary and Finland.

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 Treaties of Peace (Italy, Roumania, Hungary and Finland) Act, 1948.*

Application.

2. This Act applies to the treaties of peace (in this Act called "treaties"), signed at Paris on the tenth day of February, nineteen hundred and forty-seven, between Canada and Italy, Roumania, Hungary and Finland, respectively.

Orders and regulations.

3. The Governor in Council may make such appointments, establish such offices, make such orders or regulations and do such things as appear to him to be necessary for carrying out the treaties, and for giving effect to any of the provisions thereof.

Penalties.

4. (1) Subject to subsection two, the Governor in Council may prescribe a fine or a term of imprisonment or both a fine and a term of imprisonment as a penalty for violation of any order or regulation, and may also prescribe whether the penalty shall be imposed upon summary conviction or upon conviction under indictment or upon either summary conviction or conviction under indictment.

Amount of fines and terms of imprisonment.

(2) The fine prescribed shall not exceed one hundred dollars for summary conviction and one thousand dollars for conviction under indictment and the term of imprisonment prescribed shall not exceed two months for summary conviction and two years for conviction under indictment.

Orders and regulations to be laid before Parliament.

5. Every order or regulation shall be laid before Parliament within fifteen days after it is made or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof.

Expenses.

6. Any expense incurred in carrying out the treaties shall be defrayed out of moneys provided by Parliament.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 280.

An Act to amend The National Housing Act, 1944.

First reading, May 10, 1948.

THE MINISTER OF RECONSTRUCTION AND SUPPLY.

OTTAWA
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CONTROLLER OF STATIONERY
1948

7064

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 280.

An Act to amend The National Housing Act, 1944.

1944-45, c. 46; 1945 (2nd Sess.) c. 26; 1946, c. 61; 1947, c. 40.

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 National Housing Act, 1944*, chapter forty-six of the statutes of 1944-45, as enacted by section one of chapter forty of the statutes of 1947, is repealed and the following substituted therefor:

Powers of approved lending institutions.

"**3.** (1) Notwithstanding any restrictions on its power to lend or invest money contained in any other statute or law, any approved lending institution subject to the jurisdiction of Parliament, may

(a) lend on the security of a first mortgage or hypothec in favour of His Majesty and the lending institution jointly, pursuant to the provisions of Parts I, II and III of this Act, an amount not exceeding the maximum proportion of the lending value of a house specified in paragraph *(c)* of subsection two and subsection five of section four of this Act, or of the lending value of a rental housing project specified in paragraph *(b)* of subsection two of section eight of this Act, or an amount not exceeding the maximum specified in paragraphs *(c)* and *(d)* of subsection two of section fourteen of this Act, and

(b) purchase from the Corporation any first mortgage or any interest therein that the Corporation is by subsection three of section three B of this Act authorized to sell.

Lending institution and Corporation may take steps to safeguard mortgage.

(2) Where pursuant to the provisions of Part I, II or III a joint loan has been made by the Corporation and an approved lending institution or where an approved lending institution has purchased an interest in a first mortgage from the Corporation, the lending institution and the Corporation, to protect the mortgage security, may join in

Explanatory Notes.

1. Section 3 of *The National Housing Act* has been rewritten to add to the powers of approved lending institutions the power to invest funds in the purchase of mortgages from the Corporation. The mortgages referred to are those which may result from sales of Wartime Housing units and from direct loans made by the Corporation under section 31A of the Act and which the Corporation may sell under section 3B (3). The amendment in addition allows approved lending institutions to purchase an interest in such mortgages from the Corporation. Section 3 presently reads as follows:—

"**3.** Notwithstanding any restrictions on its power to lend money contained in any other statute or law, any approved lending institution subject to the jurisdiction of Parliament, may lend on the security of a first mortgage or hypothec in favour of His Majesty and the lending institution jointly, pursuant to the provisions of Parts I, II and III of this Act, an amount not exceeding the maximum proportion of the lending value of a house specified in paragraph *(c)* of subsection two and subsection five of section four of this Act, or of the lending value of a rental housing project specified in paragraph *(b)* of subsection two and subsection four of section eight of this Act, or an amount not exceeding the maximum specified in paragraphs *(c)* and *(d)* of subsection two of section fourteen of this Act, and to protect the mortgage security the said lending institution and the Corporation may join in making supplementary joint loans to the borrower and in taking such other measures and steps as may be required in accordance with normal mortgage practice to safeguard the interests of His Majesty and the said lending institution."

making supplementary joint loans to the borrower and in taking such other measures and steps as may be required in accordance with normal mortgage practice to safeguard the interests of His Majesty and the said lending institution."

2. The said Act is further amended by adding thereto, immediately after section eight thereof, the following sections:

Contract guaranteeing rentals from rental housing projects.

"**8A.** (1) Subject to this section, the Corporation may enter into contracts with builders to guarantee, in consideration of such payments as the Governor in Council may prescribe, an annual return of rentals from rental housing projects after completion thereof of an amount to be determined by the Corporation, for a total period not exceeding thirty years.

Undertaking.

(2) The Corporation may give to a builder an undertaking that the Corporation will enter into a contract with the builder under subsection one if the builder builds a rental housing project in accordance with this section.

Conditions.

(3) No contract shall be entered into pursuant to subsection one of this section unless:

(a) the project is completed and is built in an area satisfactory to the Corporation and in accordance with standards of construction approved by the Corporation; and

(b) the project consists of eight or more family housing units and is designed to provide housing accommodation of a size and type prescribed by the Corporation.

Terms of contract.

(4) The terms of a contract entered into under subsection one of this section shall provide:

(a) that the builder or subsequent owner will provide efficient management of the rental housing project;

(b) that the rents to be charged in respect of the units of the project shall not exceed, during the first three years after the completion of the project, an amount to be determined by the Corporation;

(c) that when an amount has been paid by the Corporation under the contract referred to in subsection one of this section equal to the amount of rentals guaranteed for the first year of the said contract the Corporation may purchase the project from the owner thereof at a price that shall not exceed the estimated cost of construction as determined by the Corporation less two and one-half per centum per annum thereof from the time of completion of the project to the date of purchase;

(d) that the contract, with the approval of the Corporation, may be assigned to subsequent owners;

(e) for such other matters as the Corporation may deem necessary or desirable to give effect to the purposes or provisions of this section.

2. This section, 8A, empowers the Corporation to guarantee to builders and subsequent owners a return of rentals from rental housing projects which meet the requirements of this new section.

The term "builder" is defined by section 2, subsection (4) of the Act as "a person who builds houses for sale or for rent on land which he owns".

"(1) Subsection one contains the general power to enter into the guarantee contract with the builder and provides that the consideration to be paid by the builder for the guarantee shall be fixed by Order in Council. The maximum period of the guarantee is 30 years.

"(2) Subsection two empowers the Corporation to give an undertaking to a builder that it will guarantee the rentals when the project is completed, if the project is built in accordance with approved specifications. This provision is designed to assist the builder in his financing during construction.

"(3) Subsection three sets out the conditions that must be satisfied regarding:

(a) location of the project and standards of construction;

(b) size of project (minimum 8 units) and size and type of unit in the project.

"(4) Subsection four specifies what provisions must be contained in the contract and covers the following points:

(a) that efficient management of the project be provided during the term of the contract either by the builder or subsequent owners;

(b) that for the first three years rentals to be charged will not exceed an amount to be fixed by the Corporation;

(c) that the Corporation may take over a project when there has been paid under the guarantee contract an amount equal to the rentals guaranteed in the first year of the contract;

(d) that the contract may be assigned to subsequent owners;

(e) this paragraph provides for the inclusion in the contract of such other matters as the Corporation considers necessary.

Maximum guarantee.

(5) The annual return of rentals guaranteed by the Corporation under this section shall not exceed eighty-five per centum of the annual rental of the units of the project determined by the Corporation under paragraph *(b)* of subsection four of this section.

Alteration of terms of contract.

(6) The Corporation and the builder or subsequent owner may by agreement alter any term of a contract made under subsection one of this section but in no case shall the total guarantee period exceed thirty years in the case of any one project.

Regulations.

(7) The Governor in Council may by regulation prescribe the maximum guarantee in respect of a room or unit and may make provision for any matters for which he deems regulations are necessary or desirable to carry out the purposes or provisions of this section.

Loans for rental housing projects.

"8B. (1) Notwithstanding any restrictions on its power to lend or invest money contained in any other statute or law, any approved lending institution subject to the jurisdiction of Parliament, may lend on the security of a first mortgage or hypothec in favour of the approved lending institution an amount not exceeding eighty-five per centum of the estimated cost as determined by the Corporation of a rental housing project, the rentals of which are guaranteed by the Corporation pursuant to section eight A of this Act or in respect of which an undertaking has been given under subsection two of section eight A.

Form of mortgage.

(2) The mortgage or hypothec referred to in subsection one of this section shall be in such form as the Corporation may approve and shall

(a) bear interest at a rate not in excess of a rate prescribed by the Governor in Council;

(b) be for a term not in excess of twenty years; and

(c) provide for repayment in each year during the term of the mortgage or hypothec of two and one-half per centum of the principal amounts advanced under the mortgage and the balance of the principal at the end of the term."

3. Paragraphs *(f)* and *(g)* of subsection four of section nine of the said Act, as enacted by section fifteen of chapter sixty-one of the statutes of 1946, are repealed and the following substituted therefor:

Terms of contract.

"*(f)* the amount of surplus earnings to be used or set aside for reserves, maintenance, repairs, possible decline in rentals or other contingencies shall be limited in such manner as may be agreed upon; and at the end of the term of the loan the amount of such surplus earnings so set aside and at that time unexpended shall be paid to such person or expended in such manner as is provided in the contract or as the Corporation may direct;

"(5) Subsection five provides that the amount of annual rentals to be guaranteed shall be determined by the Corporation, but shall not exceed 85 per centum of the controlled rentals referred to in paragraph *(b)* of subsection (4).

"(6) Subsection six provides for alteration in the terms of a contract and will permit the Corporation and the builder to agree that the contract shall extend for a limited period which may be renewed. The duration of the guarantee, however, cannot exceed thirty years.

"(7) By subsection seven, the Governor in Council may make regulations for the purposes of the section and in particular may place a limit on the amount of rentals that may be guaranteed per room or per unit.

"**8B.** (1) New section 8B empowers the approved lending institutions to make loans to assist in the construction of rental housing projects up to a maximum of 85 per centum of the estimated cost of the rental housing projects. Loans under this section are made by the approved lending institutions alone, and not, as under Section 8 of the Act, jointly with the Corporation. Such loans may be made only in the cases where the rentals of the project have been guaranteed under new Section 8A or in respect of which an undertaking to guarantee rentals has been given by the Corporation under that Section.

"(2) Subsection two provides that the mortgage shall be in a form prescribed by the Corporation, bear interest at a rate to be prescribed by the Governor in Council and be for a term of 20 years. The subsection further provides that the principal of the loan shall be paid at the rate of $2\frac{1}{2}$ per centum per annum and the balance at the end of the twenty year term.

3. This section amends section 9 of the Act relating to loans to limited-dividend housing companies and permits the retention of the full residual value of the property by the limited-dividend company after the repayment of the loan. It provides, however, that any funded reserves existing at the end of the period of the loan are to be disposed of as provided in the contract or as the Corporation may direct. Under the present legislation the property operators are, on the sale of the project even after the loan is repaid, limited to a return of their capital invested plus the 5 per centum dividends. The balance of the proceeds of sale must be disposed of as directed by the Corporation. Paragraphs *(f)* and *(g)* of subsection (4) of section 9 presently read:

> "*(f)* the amount of surplus earnings to be used or set aside for reserves, maintenance, repairs, possible decline in rentals or other contingencies shall be limited in such manner as may be agreed upon;

"*(g)* except with the consent of the Corporation and on such terms and conditions as the Corporation may approve the project or any part thereof shall not be sold or otherwise disposed of during the term of the loan; and"

4. Section nine B of the said Act, as enacted by section fifteen of chapter sixty-one of the statutes of 1946, is repealed.

5. Subsection one of section thirty-one A of the said Act, as enacted by section eight of chapter forty of the statutes of 1947, is repealed and the following substituted therefor:

If loan not available under ss. 4, 8, 8B or 14 Corporation may make loan.

"**31**A. (1) If in the opinion of the Corporation a loan is not being made available to a person pursuant to sections four, eight, eight B or fourteen of this Act, the Corporation may make a loan to such person to assist in the construction of a house or rental housing project on the same terms and conditions and subject to the same limitations as those upon which a loan may be made to such person under the provisions of the said sections four, eight, eight B or fourteen of this Act."

6. The said Act is further amended by adding thereto, immediately after section thirty-two thereof, the following sections:

Transfer of property of Wartime Housing Limited to Corporation.

"**33.** (1) All the rights of Wartime Housing Limited in or with respect to any property and all the rights of His Majesty under any agreement entered into by His Majesty with respect to any housing project built or administered by Wartime Housing Limited are hereby transferred to the Corporation and the Corporation shall take possession of all such property.

Obligations and liabilities.

(2) All the obligations and liabilities of Wartime Housing Limited existing at the commencement of this section shall be deemed to be obligations and liabilities of the Corporation.

Charter to be surrendered. 1934, c. 33.

(3) The charter granted by Letters Patent to Wartime Housing Limited under *The Companies Act, 1934,* shall be surrendered in accordance with section twenty-nine of that Act.

Powers of Corporation.

"**34.** (1) The Corporation may, out of moneys advanced to it under subsection seven of this section,

(a) acquire land or housing projects by way of purchase, lease or otherwise;

(b) install services in and effect improvements to or in respect of land acquired by it and develop and lay out such land for housing purposes;

(c) construct or convert housing projects; and

(d) acquire building materials and equipment and other personal property for use in connection with housing projects.

"*(g)* the project or any part thereof shall not be sold or otherwise disposed of without the *approval* of the Corporation *and, if sold or disposed of with the said approval, shall be sold or disposed of in such manner that the shareholders shall not receive more than the return of their investment and the limited dividends, and the surplus of the proceeds of the sale or disposal shall be paid to such person or expended in such manner as is provided in the contract or as the Corporation may direct;*."

4. Section 9B, relating to the powers of the Corporation to administer Crown property on an agency basis, is repealed. Its provisions are embodied in new section 34 which is being enacted by section 6 of this Bill.

5. Section 31A is repealed and re-enacted, the only change being that new section 8B is referred to in the re-enactment. This will permit the Corporation to make the type of loan referred to in new section 8B. Section 31A presently reads as follows:—

"**31A.** (1) If in the opinion of the Corporation a loan is not being made available to a person pursuant to sections four, eight or fourteen of this Act, the Corporation may make a loan to such person to assist in the construction of a house or rental housing project on the same terms and conditions and subject to the same limitations as those upon which a joint loan may be made to such person under the provisions of the said sections four, eight or fourteen of this Act.

(2) A loan under this section, if made to assist in the construction of a house as defined by subsection seven of section four of this Act shall, for the purposes of *The Central Mortgage and Housing Corporation Act*, and section seven of this Act, be deemed to be a loan under Part I of this Act, and if made to assist in the construction of a rental housing project shall for the purposes of *The Central Mortgage and Housing Corporation Act* and section thirteen of this Act be deemed to be a loan under Part II of this Act.

(3) The Governor in Council may by regulation make provision for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes or provisions of this section".

6. New section 33 transfers to the Corporation the assets of Wartime Housing Limited and imposes upon the Corporation the liabilities of that Company. The assets referred to are the operating equipment and chattels of the Company and not the housing projects built by Wartime Housing Limited. These housing projects are registered in the name of His Majesty. They are dealt with in the next section.

Subsection (3) provides that the charter of Wartime Housing Limited shall be surrendered in accordance with *The Companies Act, 1934*.

New section 34 empowers the Corporation to acquire and develop land and to purchase building materials and construct housing projects. The section also empowers the Corporation to hold, operate and manage housing projects and to take over from His Majesty housing projects now operated by the Government. This section is designed to vest in the Corporation power to carry on the operations of Wartime Housing Limited and acquire the houses built by Wartime Housing Limited and under the House Conversion Plan.

(2) The Corporation may

(a) hold, operate, manage, heat, maintain, supervise, alter, renovate, add to, improve, repair, demolish and salvage housing projects;

(b) acquire from His Majesty the leasehold or other interest of His Majesty in houses or housing projects;

(c) sell, lease, exchange or otherwise dispose of real or personal property acquired by it pursuant to this Act or *The Central Mortgage and Housing Corporation Act;*

(d) obtain the participation of municipalities in housing projects; and

(e) enter into contracts to carry out and do other acts or things incidental to the purposes of this section.

Transfer of Crown lands to Corporation.

(3) The Governor in Council may by order transfer to the Corporation any lands or interest therein vested in His Majesty and thereupon the lands or interest therein so transferred shall be deemed to be vested in the Corporation on a date to be fixed in the said order.

Lands acquired pursuant to Loan. 1935, c. 58. 1938, c. 49.

(4) Whenever lands are acquired in the name of His Majesty pursuant to an agreement made under section four B of this Act or pursuant to a loan made under this Act, *The Dominion Housing Act, 1935,* or *The National Housing Act, 1938,* the said lands shall be deemed to be vested in the Corporation.

Property subject to 1945, (2nd Sess.) c. 15.

(5) Property acquired by the Corporation pursuant to this section and the proceeds of sale thereof and the revenue therefrom shall be subject to the provisions of *The Central Mortgage and Housing Corporation Act.*

Corporation may pay certain taxes.

(6) When real or immovable property is acquired by the Corporation or His Majesty pursuant to this Act or *The Central Mortgage and Housing Corporation Act,* the Corporation may pay to a municipality or other taxing authority an amount equivalent to the taxes which might be levied in respect of the said property or of the interest of the Corporation or of His Majesty therein by the said authority if the said property or interest were not so acquired, and may enter into such agreements as may be necessary to give effect to the provisions of this subsection.

Advances out of C.R.F.

(7) The Minister may, out of moneys appropriated by Parliament for the purposes of subsection one of this section, make advances to the Corporation, on such terms and conditions as are approved by the Minister of Finance, and the Corporation shall give to the Minister in respect of such advances, debentures or other evidences of indebtedness as the Minister may require".

Subsection (3) provides that the Governor in Council may transfer Crown lands to the Corporation by Order in Council. This subsection will render it unnecessary to issue letters patent in order to effect the transfer of lands to the Corporation.

Subsection (4) provides that lands acquired pursuant to a loan, that is, by foreclosure, sale, quit claim deed or other proceedings, shall be deemed to be vested in the Corporation. Loans under the housing Acts have been secured by mortgages given in favour of His Majesty and the lending institution jointly or, in the case of a direct loan by the Corporation, in favour of His Majesty only. Thus on foreclosure title is registered in the name of His Majesty and by this subsection such properties, without a grant by letters patent, are deemed to be vested in the Corporation.

By section 3B of the Act the Corporation may by deed of conveyance transfer properties which it will acquire under subsections (3) and (4) of this section, even though title is registered in the name of the Crown.

Subsection (5) makes all properties acquired by the Corporation and the revenues therefrom and the proceeds of sale thereof subject to *The Central Mortgage and Housing Corporation Act.*

Subsection (6) provides for payment in lieu of taxes.

Subsection (7) provides for appropriations to be made to carry on the purposes of subsection (1) of section 34.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 282.

An Act to amend The Prairie Farm Rehabilitation Act.

First reading, May 11, 1948.

THE MINISTER OF AGRICULTURE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6639

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 282.

An Act to amend The Prairie Farm Rehabilitation Act.

1935, c.23; 1937, c.14; 1939, c.7; 1940-41, c.25.

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

1. Section six of *The Prairie Farm Rehabilitation Act*, chapter twenty-three of the statutes of 1935, is repealed and the following substituted therefor:—

Officers and employees.

"**6.** The Minister may appoint a Director of Rehabilitation and an Associate Director of Rehabilitation, and such temporary technical and other officers and employees as he may deem necessary and expedient for carrying out the provisions of this Act and the salaries and expenses of all persons appointed under this section shall be fixed by the Governor in Council."

Explanatory Notes.

1. Section 6 presently reads as follows:

"The Minister may appoint such temporary technical, professional and other officers and employees as he may deem necessary and expedient for carrying out the provisions of this Act and the salaries and expenses of such officers shall be fixed by the Governor in Council."

With the Act amended as proposed, appointees to the positions of Director of Rehabilitation and Associate Director of Rehabilitation can, with the approval of Treasury Board, come within the provisions of the Civil Service Superannuation Act.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 298.

An Act to amend the Income War Tax Act.

First reading, May 12, 1948.

Mr. KNOWLES.

OTTAWA
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CONTROLLER OF STATIONERY
1948

12785

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

R.S., c. 97; 1928, cc. 12, 30; 1930, c. 24; 1931, c. 35; 1932, cc. 43, 44; 1932-33, cc. 14, 15, 41; 1934, cc. 19, 55; 1935, cc. 22, 40; 1936, cc. 6, 38; 1938, c. 48; 1939 (1st Sess.), c. 46; 1939 (2nd Sess.), c. 6; 1940, c. 34; 1940-41, c. 18; 1942-43, c. 28; 1943-44, c. 14; 1944-45, c. 43; 1945, c. 23; 1946, c. 55; 1947, c. 63.

THE HOUSE OF COMMONS OF CANADA.

BILL 298.

An Act to amend the Income War Tax Act.

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

1. Subsection one of section eighty-one of the *Income War Tax Act*, chapter ninety-seven of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

Secrecy.

"**81.** (1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act: Provided that nothing in this subsection shall operate to prevent a Minister of the Crown from communicating to the Senate or to the House of Commons any information obtained under the provisions of this Act."

Proviso.

EXPLANATORY NOTES.

The only change in this section consists in the addition of the proviso underlined on the opposite page.

The purpose of this amendment is to remove restrictions as to secrecy imposed by subsection one of section 81, which as it stands at present can have the effect of preventing a Minister of the Crown from giving the Senate or the House such information as it might be perfectly legitimate to ask for and obtain.

This amendment would also affect *The Excess Profits Tax Act, 1940*, as sections 40 to 87 of the *Income War Tax Act* are made by section 14 of The Excess Profits Tax Act, to apply thereto.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 299.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1949.

AS PASSED BY THE HOUSE OF COMMONS, 13th MAY, 1948.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

12597

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA

BILL 299.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1949.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency, the Right Honourable Viscount Alexander of Tunis, etc., etc., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and forty-nine, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Short title.

1. This Act may be cited as *The Appropriation Act, No. 3, 1947-48.*

$89,567,384.33 granted for 1948-49.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole eighty-nine million, five hundred and sixty-seven thousand, three hundred and eighty-four dollars and thirty-three cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty eight, to the thirty-first day of March, one thousand nine hundred and forty-nine, not otherwise provided for, and being one-twelfth of the amount of each of the items to be voted, set forth in the Main Estimates for the fiscal year ending the thirty-first day of March, one thousand nine hundred and forty-nine, as laid before the House of Commons at the present session of Parliament.

$17,982,745.67 granted for 1948-49.

3. From and out of the Consolidated Revenue Fund there may be paid and applied, in addition to the amount granted therefor by section two of this Act, a sum not exceeding in the whole seventeen million, nine hundred and eighty-two thousand, seven hundred and forty-five dollars and sixty-seven cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty-eight, to the thirty-first day of March, one thousand nine hundred and forty-nine, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted set forth in the Schedule to this Act.

Account to be rendered in detail.

4. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the next session of Parliament.

SCHEDULE

Based on the Main Estimates, 1948-49. The amount hereby granted is $17,982,745.67, being one sixth of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1949, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	AGRICULTURE		
43	Freight Assistance on Western Feed Grains		7,750,000 00
	LEGISLATION		
	THE SENATE		
151	General Administration		283,433 00
	HOUSE OF COMMONS		
154	General Administration—Estimates of the Clerk		686,340 00
155	Estimates of the Sergeant-at-Arms		430,300 00
	TRADE AND COMMERCE		
447	Exhibitions		647,401 00
	VETERANS AFFAIRS		
541	Pensions for Disability and Death		80,014,000 00
542	War Veterans Allowances		18,085,000 00
			*$107,896,474 00

*Net total $17,982,745.67

313.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 313.

An Act to amend The Mail Contracts Supplemental Payments Act.

First reading, May 14, 1948.

THE POSTMASTER GENERAL.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7145

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 313.

An Act to amend The Mail Contracts Supplemental Payments Act.

1947, c. 8.

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

1. Subsection four of section three of *The Mail Contracts Supplemental Payments Act*, chapter eight of the statutes of 1947, is repealed and the following substituted therefor:

Expiration of authority.

"(4) No supplemental payments shall be authorized under this section after the thirty-first day of March, nineteen hundred and forty-nine."

Explanatory Note.

1. Subsection four of section three of *The Mail Contracts Supplemental Payments Act* at present reads as follows:—

"(4) No supplemental payments shall be authorized under this *Act later than sixty days after the commencement of the next session of Parliament following the coming into force of this Act.*"

The words underlined on the opposite page are substituted for the words in italics above, thus authorizing supplemental payments to be made under the Act up to the 31st day of March, 1949.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 328.

An Act respecting the Reclamation and Development of Marshlands in Nova Scotia, New Brunswick, and Prince Edward Island.

First reading, May 28, 1948.

THE MINISTER OF AGRICULTURE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

11840

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 328.

An Act respecting the Reclamation and Development of Marshlands in Nova Scotia, New Brunswick, and Prince Edward Island.

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 Maritime Marshland Rehabilitation Act.*

"Minister".

2. In this Act "Minister" means the Minister of Agriculture.

Minister may construct dykes, etc.

3. Subject to the provisions of this Act, the Minister may, for the reclamation and development of marshlands in the provinces of Nova Scotia, New Brunswick, and Prince Edward Island, construct and reconstruct and assist the provinces of Nova Scotia, New Brunswick and Prince Edward Island in the construction and reconstruction of dykes, aboiteaux and breakwaters.

No work to be constructed unless recommended by Advisory Committee and agreement made with province.

4. No work shall be undertaken in any province pursuant to this Act unless

(a) the work has been recommended by an Advisory Committee established under section eight; and

(b) the province in which the work is to be undertaken has entered into an agreement with the Government of Canada prior to the first day of May, nineteen hundred and fifty-five, providing that

(i) the province will undertake the reconditioning and construction of the main drainage creeks, the canals and the lateral ditches and other complementary facilities required in connection with the work;

(ii) the province, either with or without the assistance of the marshland owners, will maintain the work in satisfactory working condition;

(iii) the province will assume the operation and maintenance of the work at such time as the Minister may designate; and

(iv) the lands necessary for the construction of the work will be acquired by and at the expense of the province.

No work involving over $5,000 to be undertaken without consent of Governor in Council.

5. No work involving an expenditure in excess of five thousand dollars in any fiscal year shall be undertaken under section three without the consent of the Governor in Council.

Officers and employees.

6. The Minister may appoint such temporary technical, professional and other officers and employees as he may deem necessary and expedient for carrying out the provisions of this Act, but the salaries and expenses of such officers and employees shall be fixed by the Governor in Council.

Purchase or rental of machinery.

7. (1) The Minister may purchase or rent whatever machinery or equipment may be required for the purposes of this Act, but no single unit of machinery or equipment shall be purchased for an amount in excess of five thousand dollars without the approval of the Governor in Council.

Sale.

(2) Notwithstanding any statute or other law, the Minister may sell any single unit of machinery or equipment acquired for the purposes of this Act upon such terms as he may deem advisable, but no single unit of machinery or equipment acquired at a cost in excess of five hundred dollars shall be sold without the approval of the Governor in Council.

Advisory Committees.

8. (1) The Governor in Council may establish one or more Committees to be known as Advisory Committees whose duties shall be to consider and advise the Minister as to the best methods to be adopted to carry out the purposes of this Act.

Chairman.

(2) The Minister may appoint one of the members of an Advisory Committee to be the chairman.

Expenses.

(3) No member of an Advisory Committee shall receive any payment or emolument for his services as such but each member shall be entitled to be paid his actual travelling or other expenses incurred in connection with the work of the Advisory Committee.

Report to Parliament.

9. The Minister shall annually lay before Parliament a report of all proceedings under this Act for the preceding fiscal year.

329.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 329.

An Act to amend The Judges Act, 1946.

First reading, May 31, 1948.

THE MINISTER OF JUSTICE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

11180

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 329.

An Act to amend The Judges Act, 1946.

1946, c. 56; 1947, c. 36.

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

Repeal.

1. Paragraph *(d)* of section ten of *The Judges Act, 1946*, chapter fifty-six of the statutes of 1946, is repealed.

Coming into force.

2. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

EXPLANATORY NOTES.

Section 10 of *The Judges Act, 1946*, now reads as follows:

"**10.** The salaries of the judges of the Supreme Court of Nova Scotia are as follows:—

	Per annum
(a) The Chief Justice of the Court.....	$13,333.33
(b) The Judge in Equity.....	12,000.00
(c) Five other judges of the Court, each....	12,000.00
(d) The judge of the Court of Divorce and Matrimonial Causes.....	500.00"

At the present time only the Judge of the Supreme Court who is the Judge in Equity has divorce jurisdiction. The Legislature of Nova Scotia proposes to enact legislation conferring divorce jurisdiction upon all Judges of the Nova Scotia Supreme Court and accordingly it will no longer be necessary to provide a special salary for the Divorce Judge.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 330.

An Act to amend the Income War Tax Act.

First reading, June 2, 1948.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

14074

R.S., c. 97; 1928, cc. 12, 30 1930, c. 24; 1931, c. 35; 1932, cc. 43, 44; 1932-33, cc. 14, 15, 41; 1934, cc. 19, 55; 1935, cc. 22, 40; 1936, cc. 6, 38; 1938, c. 48; 1939 (1st Sess.), c. 46; 1939 (2nd Sess.), c. 6; 1940, c. 34; 1940-41, c. 18; 1942-43, c. 28; 1943-44, c. 14; 1944-45, c. 43; 1945, c. 23; 1946, c. 55; 1947, c. 63.

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 330.

An Act to amend the Income War Tax Act.

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

1. (1) Subparagraph (iii) of paragraph *(p)* of section four of the *Income War Tax Act*, chapter ninety-seven of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

Co-operatives.

"(iii) at least ninety per centum of its members are individuals and at least ninety per centum of its shares, if any, are held by individuals;"

(2) Paragraph *(s)* of the said section four is repealed and the following substituted therefor:

Exempt dividends.

"*(s)* dividends paid to a company incorporated in Canada by a company which has never paid a tax by reason of paragraph *(x)* of this section or section eighty-nine or ninety;"

Application of ss. (1) and ss. (2)

(3) Subsection one of this section is applicable to the nineteen hundred and forty-eight taxation year and subsection two of this section is applicable to the nineteen hundred and forty-seven and nineteen hundred and forty-eight taxation years.

2. (1) Subsection one of section five of the said Act is amended by inserting the following paragraph between paragraphs *(c)* and *(d)* thereof:

Exemption for taxpayer of age 65.

"*(cc)* five hundred dollars in the case of a taxpayer who has attained the age of sixty-five years before the end of the taxation year;"

(2) Paragraph *(w)* of the said subsection one is repealed and the following substituted therefor:

Mining and logging operations allowance.

"*(w)* such amount as the Governor in Council may, by regulation, allow in respect of taxes on income for the year from mining or logging operations."

Explanatory Notes.

1. (1) Paragraph (iii) now reads:—

"(iii) all its members are individuals".

This provision is one of the conditions required to be met by a new cooperative corporation in order to qualify for exemption during the first three years it carries on business. The effect of the amendment is to relax this condition by permitting ten per cent. of the shares to be held by persons other than individuals.

(2) The only change is the addition of the underlined words and is consequential on the insertion of paragraph *(x)* in section 4 in 1946.

2. (1) New. The effect of the amendment is to provide for the additional exemption mentioned in the Budget Resolution.

(2) Paragraph *(w)* now reads:—

"*(w)* Such amount as the Governor in Council may, by regulation, allow for amounts paid in respect of taxes imposed on the income, or any part thereof, by the Government of a Province by way of tax on income derived from mining operations or income derived from logging operations."

This provision provides for a deduction in computing taxable income, of the amount mentioned. The effect of the amendment is to permit the deduction to be made for municipal as well as provincial taxes.

(3) The said section five is further amended by inserting the following subsection between subsections four and five thereof:

Child dependent.

"(4A) A taxpayer who is entitled to a deduction under paragraph *(c)* of subsection one by reason of having a dependent as described therein may not make a deduction under paragraph *(d)* or *(e)* of the said subsection in respect of the same dependent unless the dependent is a child of the taxpayer and the taxpayer employs a full-time servant in a self-contained domestic establishment where he supports the child."

(4) Paragraph *(c)* of subsection seven of the said section five is repealed and the following substituted therefor:

Credits to account of policyholder.

"*(c)* credited to the account of the policyholder on terms that he is entitled to or may obtain payment thereof on or before termination of the policy."

Application of subsections (1), (2), (3), (4).

(5) Subsectoin one of this section is applicable to the nineteen hundred and forty-eight taxation year and subsections two, three and four of this section are applicable to the nineteen hundred and forty-seven and nineteen hundred and forty-eight taxation years.

3. (1) Section six of the said Act is amended by adding thereto the following subsections:

Deduction by employee for expenses while travelling on employer's business.

"(6) In computing the income from an office or employment, no amount is deductible for a disbursement or expense laid out for the purpose of earning the income: Provided that, where a taxpayer is an employee of a person whose principal business is the transportation of goods, passengers, or goods and passengers, and the duties of the employment require him regularly,

(a) to travel, away from the municipality where the employer's establishment to which he reports for work is located and away from the metropolitan area, if there is one, where it is located, on vehicles used by the employer to transport the goods or passengers, and

(b) while so away from such municipality and metropolitan area, to make disbursements for meals or lodging,

amounts so disbursed by him in the taxation year to the extent that he has not been reimbursed and is not entitled to be reimbursed in respect thereof may be deducted in computing his income from the employment.

Expenses of person employed to sell property or negotiate contracts.

(7) Where a person is employed in connection with the selling of property or negotiating of contracts for his employer and is,

(a) under the contract of employment required to pay his own expenses,

(3) The effect of this provision is that only one claim for exemption may be made in respect of the same dependent. It was formerly contained in the Schedules of Rules for computing tax and was omitted when the Schedules were repealed and the exemptions transferred to section 5.

(4) Paragraph *(c)* now reads:—

> "*(c)* credited to the account of the policyholder on terms that he is entitled to or may obtain payment thereof within a period not exceeding thirty days after demand for payment by him, if notice of crediting upon such terms has been given to the policyholder by the insurance company."

Subsection (7) which contains paragraph *(c)* permits certain insurance companies to deduct certain amounts paid or credited to policy holders in computing taxable income. The new paragraph *(c)* relaxes the strictness of the requirements as to amounts credited.

3. (1) New. The effect is to carry out the Budget Resolution in this respect.

(b) ordinarily required to carry on the duties of his employment away from his employer's place of business, and

(c) remunerated in whole or in part by commissions or other similar amounts fixed by reference to the volume of the sales made or the contracts negotiated,

there may be deducted in computing his income for a taxation year, notwithstanding subsection six of this section, amounts expended by him in the year for the purpose of earning the income from the employment not exceeding the commissions or other similar amounts fixed as aforesaid received by him in the year."

Application.

(2) This section is applicable to the nineteen hundred and forty-eight taxation year.

4. (1) Subsection two of section eight of the said Act is repealed and the following substituted therefor:

Limitation.

"(2) Such deduction shall not exceed the same proportion of the tax otherwise payable under this Act or the sum total of the income tax and excess profits tax otherwise payable under this Act and *The Excess Profits Tax Act, 1940*, as provided for in the proviso to subsection one, as that which the taxpayer's net profits from sources within such country and taxed therein bears to his entire net profits from all sources without taking into account the exemptions provided by paragraphs *(c)*, *(cc)*, *(d)* and *(e)* of subsection one of section five and subsection two of that section."

1940, c. 32.

(2) This section is applicable to the nineteen hundred and forty-seven and nineteen hundred and forty-eight taxation years.

5. (1) Section nine of the said Act is amended by inserting the following subsection between subsections three and four thereof:

Conditional exemption.

"(3A) No tax is payable under this section at the rates provided by paragraph AA of the First Schedule for a taxation year for which the taxpayer is not liable to pay tax at the rates provided by paragraph A of the First Schedule."

Repeal.

(2) Subsections five and six of the said section nine are repealed.

Application.

(3) This section is applicable to the nineteen hundred and forty-eight taxation year.

4. (1) Section 8 (2) now reads:—

"(2) Such deduction shall not exceed the same proportion of the tax otherwise payable under this Act or the sum total of the income tax and excess profits tax otherwise payable under this Act and *The Excess Profits Tax Act, 1940*, as provided for in the proviso to subsection one of this section, as that which the taxpayer's net profits from sources within such country and taxed therein bears to his entire net profits from all sources without taking into account the deduction provided by Rule one of section two of paragraph A of the First Sechdule to this Act."

No change in substance. The effect is to correct the cross reference to the First Schedule, which formerly contained the provisions for personal exemptions, that are now contained in the paragraphs in section five mentioned in the amendment.

5. New. The effect is to make the personal exemptions applicable in respect of the tax on investment income.

(2) Subsections (5) and (6) provide for averaging of income by farmers and fishermen. They will be replaced by new provision in the new *Income Tax Act*.

6. (1) Subsection two of section nine B of the said Act is amended by adding thereto the following paragraphs:

Tax on non-residents in respect of patronage dividends or premiums paid to non-resident on redemption of shares.

"*(g)* all amounts received from Canadian debtors as patronage dividends, that is to say, payments received pursuant to allocations in proportion to patronage as those expressions are defined by subsection ten of section five;

(h) all amounts received by a non-resident as premiums paid by a corporation resident in Canada on the redemption of any of its shares;

The tax payable by virtue of paragraph *(g)* or *(h)* shall be deducted by the Canadian debtor from the amount paid or credited to the non-resident at the time of payment or crediting and shall be remitted to the Receiver General of Canada."

(2) The said section nine B is further amended by adding thereto the following subsection:

Evidence of payment as patronage.

"(14) Certificates evidencing indebtedness or stock or shares issued to a person in respect of an allocation in proportion to patronage, as defined by subsection ten of section five, shall, for the purpose of paragraph *(g)* of subsection two of this section, be deemed to be payment pursuant to the allocation in proportion to patronage received by the person to whom they are issued at the time when they are issued of an amount equal to the amount of the allocation in proportion to patronage in respect of which they are issued and payment thereunder or redemption thereof shall not be deemed to be a payment received pursuant to the allocation in proportion to patronage in the year of payment or redemption."

(3) The said section nine B is further amended by adding thereto the following subsection:

Income of non-resident from a Canadian Trust.

"(15) Where all or any part of income received by a non-resident person for a taxation period from a Canadian trust can reasonably be regarded as having been derived from dividends or interest received by the trustee from a non-resident-owned investment corporation on which no tax would have been payable under subsection two of this section if they had been paid by the non-resident-owned investment corporation to the non-resident person instead of to the trustee, no tax is payable thereon under paragraph *(d)* of subsection two of this section."

Liability extinguished.

(4) Where tax payable under the said section nine B before the coming into force of this Act would not have been payable if subsection three of this section had been enacted before it became payable, the liability of the non-resident person to pay the tax and of the trustee for having failed to deduct the tax is extinguished.

Application of subsections (1), (2), (3).

(5) Subsections one, two and three of this section are applicable to amounts received on or after the nineteenth day of May, nineteen hundred and forty-eight.

6. (1) New. Section 9B imposes taxes on non-residents in respect of certain payments made them from sources in Canada. Paragraph *(g)* carries out the Budget Resolution in this respect. Paragraph *(h)* places a non-resident in the same position as a resident in respect of premiums on redemption of shares.

(2) New. The effect is to clarify the application of paragraph *(g)* where certificates are issued for patronage dividends. The tax will be payable at the time of issue of the certificate and no tax will be payable at the time of its redemption.

(3) New. The effect is to remove the double taxation technically imposed on non-residents who receive payments through a trustee which payments would not be taxable if the payments were received directly.

Certain classes of persons who filed returns for 1947 as "T4-1947, T1-Employees" deemed not to have been required to estimate amount of tax or to pay interest penalty.

7. Notwithstanding the provisions of the *Income War Tax Act*, a person who

(a) did not receive salary or wages in nineteen hundred and forty-seven in excess of three thousand dollars,

(b) did not work for more than one employer in nineteen hundred and forty-seven,

(c) was employed throughout the whole of nineteen hundred and forty-seven,

(d) did not have income from dividends or interest in excess of one hundred dollars in nineteen hundred and forty-seven,

(e) did not receive rentals, business profits, professional fees, commissions, annuities, alimony, farm income or estate income in nineteen hundred and forty-seven,

(f) does not claim deduction from tax for nineteen hundred and forty-seven in respect of taxes paid to a country other than Canada or a gift to the Crown,

(g) does not claim deduction from income for nineteen hundred and forty-seven for a dependent other than adult relatives living in his home throughout the whole of nineteen hundred and forty-seven or children, and

(h) did not have a spouse in nineteen hundred and forty-seven whose income for that year was in excess of two hundred and fifty dollars,

and who has filed a return of income for nineteen hundred and forty-seven in the form prescribed by the Minister and known as "T4-1947 T1-Employees", shall be deemed not to have been required to estimate the amount of tax payable by him in the return so filed or to pay the interest imposed by section forty-eight of the said Act for the period prior to the expiration of one month after the notice of assessment for the year has been sent to him under section fifty-four of the said Act.

Interest rate chargeable on overdue payments.

8. (1) Section forty-eight of the said Act is amended by deleting the words "four per centum per annum" wherever they appear in subsections two to five, inclusive, thereof and substituting the words "six per centum per annum" therefor and by deleting the words "seven per centum per annum" wherever they appear therein and substituting the words "eight per centum per annum" therefor.

(2) Subsection six of the said section forty-eight is repealed and the following substituted therefor:

Interest rate chargeable on deficiency of instalment payments.

"(6) Every person required to pay tax on the instalment basis as provided in subsection three or four who pays less on any instalment date than the required instalment shall

7. The purpose of this provision is to relieve taxpayers who filed the short form of tax return with which they were not required to estimate and pay their taxes from the requirement to pay interest since they did not pay their taxes.

8. (1) The effect is to change the rates of interest payable on arrears of taxes in accordance with the Budget Resolutions.

(2) Subsection six now reads:—

"(6) Any person required to pay tax on the quarterly instalment basis as provided in subsection three of this section, or under section eleven of *The Excess Profits Tax Act, 1940*, who pays less on any quarterly instalment date than the required instalment as referred to in subsection three of this section or section eleven of the *Excess Profits Tax Act, 1940*, shall pay interest at four per centum per annum upon any deficiency until paid. The deficiency shall be the amount by which the amount paid is less than the required instalment mentioned in the said subsection and section when calculated at the taxation year rates, on either

(a) the income of the preceding year, or

(b) the income of the taxation year,

whichever is the lesser."

The effect is to put the provisions with respect to interest on instalment payments by corporations on the same basis as in the case of individuals who make instalment payments.

pay interest at six per centum per annum upon any deficiency until paid; and, for the purpose of this subsection, the deficiency shall be the amount by which the amount paid is less than the required instalment mentioned in either of the said subsections when calculated at the taxation year rates on either

(a) the income of the preceding year, or

(b) the income of the taxation year,

whichever is the lesser."

Application.

(3) This section is applicable to the nineteen hundred and forty-eight taxation year.

9. Section fifty-three of the said Act is amended by adding thereto the following subsection:

Interest payable to taxpayer in respect of overpayment.

"(3) Where an amount in respect of an overpayment of tax for the nineteen hundred and forty-eight taxation year is refunded or applied on other liability of a taxpayer under this section or section fifty-six of this Act, interest shall be paid or applied for the period commencing

(a) on the day when the overpayment arose,

(b) on the day on or before which the return of the income in respect of which the tax was paid was required to be delivered, or

(c) on the day that the return of the income was delivered,

whichever was later, and ending with the day of refunding or application aforesaid, at the rate of

(i) two per centum per annum on the amount of the overpayment or on five thousand dollars, whichever is lesser, and

(ii) one-half of one per centum per annum on any part of the overpayment in excess of five thousand dollars,

unless the amount of interest so calculated is less than one dollar, in which case no interest is payable under this subsection."

10. (1) Subsections three and four of section fifty-four of the said Act are repealed and the following substituted therefor:

Interest on overdue and unpaid taxes.

"(3) Unless otherwise provided, all taxes found due and unpaid shall bear interest at the rate of six per centum per annum from the day prescribed for the filing of the return to the day of payment.

Additional interest penalty.

(4) If the taxpayer fails to pay such additional tax within one month from the date of the mailing of the notice of assessment aforesaid, he shall pay, in addition to the interest provided for by subsection three, interest at the rate of two per centum per annum upon the said additional tax from the expiry of the period of one month from the date of the mailing of the said notice of assessment to the

9. New. The effect is to carry out the Budget Resolution with respect to the payment of interest with refunds in respect of overpayments.

10. (1) Subsections (3) and (4) now read:—

"(3) Unless otherwise provided, all taxes found due and unpaid shall bear interest at the rate of four per centum per annum from the day prescribed for the filing of the return to the day of payment.

(4) If the taxpayer fails to pay such additional tax within one month from the date of the mailing of the notice of assessment aforesaid, he shall pay, in addition to the interest provided for by the next preceding subsection, interest at the rate of three per centum per annum, upon the said additional tax from the expiry of the period of one month from the date of the mailing of the said notice of assessment to the date of payments. Provided, however, that notwithstanding the date of mailing of any notice of assessment, the additional rate of interest herein provided for shall not be applied until after the expiry of four months from the date when the taxpayer's return was due to be filed."

The amendments are consequential on the change in the rates of interest.

Proviso.

date of payment: Provided, however, that, notwithstanding the date of mailing of any notice of assessment, the additional rate of interest herein provided for shall not be applied until after the expiry of four months from the date when the taxpayer's return was due to be filed."

Application.

(2) This section is applicable to the nineteen hundred and forty-eight taxation year.

Where time for appeal extended.

11. In any case where the time for appeal as fixed by section sixty-nine B of the said Act would have expired before the expiration of ninety days after the day when a rule determining the form of the notice of appeal is first published in the *Canada Gazette* under section three of the Third Schedule to that Act, the time for appeal is hereby extended to the day ninety days after that rule is so published.

Repeal.

12. Section sixty-nine E of the said Act is repealed.

13. Subsection four of section eighty of the said Act is repealed and the following substituted therefor:

Time within which information or complaint may be laid. R.S. c. 36.

"(4) An information or complaint under Part XV of the *Criminal Code* in respect of an offence under this section or section forty-six A may be laid or made within five years from the time when the matter of the information or complaint arose or within one year from the day on which evidence, sufficient in the opinion of the Minister to justify a prosecution for the offence, came to his knowledge, and the Minister's certificate as to the day on which such evidence came to his knowledge is conclusive evidence thereof."

14. (1) Section one of the Third Schedule to the said Act is repealed and the following substituted therefor:

Income Tax Appeal Board.

"1. There is hereby constituted an Income Tax Appeal Board to be appointed by the Governor in Council, consisting of the following members, namely, a Chairman, and not less than two or more than four other members of whom one may be appointed as Assistant Chairman."

(2) Subsection one of section two of the said Third Schedule is repealed and the following substituted therefor:

Chairman or Assistant Chairman qualifications

"(1) No person shall be appointed Chairman or Assistant Chairman unless he is

(a) a judge of a superior court of Canada or of a province of Canada, or

(b) a barrister or advocate of at least ten years' standing at the bar of a province of Canada,

Judge appointee, cessation of office.

but, if a person who is a judge is appointed Chairman or Assistant Chairman, he shall cease to hold office ninety days after his appointment unless

11. The effect is to extend the time for appeal so that taxpayers will not lose their rights of appeal by reason of delay in appointment of the Income Tax Appeal Board.

12. Section 69E established the jurisdiction of the Income Tax Advisory Board.

13. Subsection 4 now reads:—

"(4) An information or complaint under Part XV of the Criminal Code in respect of an offence under this section or section forty-six A may be laid or made within five years from the time when the matter of the information or complaint arose."

The effect of the amendment is to extend the time for bringing a prosecution in cases where an offence is not discovered within the usual time.

14. (1) Section 1 now reads:—

"1. There is hereby constituted an Income Tax Appeal Board to be appointed by the Governor in Council, consisting of the following members, namely, a Chairman, two assistant chairmen and not less than three or more than nine other members."

(2) The only change in subsection (1) of section 2 is the lines marked in the margin.

(i) within that time he has resigned from his office as judge, or

(ii) his appointment as Chairman or Assistant Chairman was for a period not exceeding two years and he has been granted leave of absence without pay for that period from his office as a judge."

(3) Subsection three of the said section two is repealed and the following substituted therefor:

Tenure of office.

"(3) Every member holds office for a period to be fixed by the Governor in Council not exceeding ten years from the day of his appointment, but may be removed for cause at any time by the Governor in Council upon address of the Senate and House of Commons."

(4) Subsection six of the said section two is repealed and the following substituted therefor:

Salaries.

"(6) The Chairman shall be paid a salary of thirteen thousand three hundred and thirty-three dollars and thirty-three cents a year, the Assistant Chairman shall be paid a salary of twelve thousand dollars a year, and every other member shall be paid a salary of ten thousand dollars a year."

(5) Section twelve of the said Third Schedule is amended by adding thereto the following subsection:

Application of *C.S. Superannuation Act*, R.S., c. 24.

"(4) *The Civil Service Superannuation Act* is applicable to a member to whom subsection one does not apply as though the Board were listed in Schedule A to that Act."

Repeal.

15. The Fifth Schedule to the said Act is repealed.

Deductions from income of Corporation in petroleum business.

16. (1) A corporation whose principal business is the production, refining or marketing of petroleum or petroleum products may deduct, in computing its income for the purpose of the *Income Tax Act* for the year of expenditure, an amount equal to the aggregate of the drilling and exploration costs, including all general geological and geophysical expenses incurred by it directly or indirectly on oil wells spudded in or the deepening of which commenced in nineteen hundred and forty-nine and which wells are abandoned within six months after the completion of the drilling.

Exploration and drilling for oil expenses deductible.

(2) A corporation, association, syndicate or exploration partnership formed for the purpose of exploring and drilling for oil may deduct, in computing its income for the purpose of the said Act for the year of expenditure or, if the deduction permitted under this subsection exceeds the amount that would otherwise be the income for that year, in computing the income for subsequent years, an amount equal to the exploration and drilling expenses incurred by it during the year nineteen hundred and forty-nine.

(3) Subsection (3) now reads:—

"(3) Every member holds office for a period of ten years from the day of his appointment but may be removed for cause at any time by the Governor in Council upon address of the Senate and House of Commons."

(4) Subsection (6) now reads:—

"(6) The Chairman shall be paid a salary of twelve thousand dollars a year, each assistant chairman shall be paid a salary of ten thousand dollars a year, and every other member shall be paid a salary of nine thousand dollars a year."

(5) New. The effect of the amendment is to make the *Civil Service Superannuation Act* applicable to members of the Board.

15. The Fifth Schedule to the Act provided for the establishment and procedure of the Income Tax Advisory Board and is repealed.

16. The provisions of this section carry out the Budget Resolution to continue during 1949 the deductions from income and tax permitted in this respect during 1948. Subsection eight provides that a deduction cannot be taken twice in respect of the same expense.

Exploring and drilling for natural gas.

(3) A corporation, association, syndicate or exploration partnership formed for the purpose of exploring and drilling for natural gas may deduct, in computing its income for the purpose of the said Act for the year of expenditure, exploration and drilling expenses incurred by it during the year nineteen hundred and forty-nine.

Mining or exploring for minerals.

(4) A corporation whose chief business is that of mining or exploring for minerals may deduct, in computing its income for the purpose of the said Act for the year of expenditure, an amount equal to all prospecting, exploration and development expenses incurred by it in searching for minerals during the year nineteen hundred and forty-nine if the corporation files certified statements of such expenditures and satisfies the Minister that it has been actively engaged in prospecting and exploring for minerals by means of qualified persons and has incurred the expenditure for such purposes.

Expenditures in production, refining or marketing of petroleum or in drilling deductible upon recommendation of Minister.

(5) A corporation, association, syndicate or exploration partnership, whose principal business is production, refining or marketing of petroleum or drilling for petroleum, may, with the consent of the Governor in Council, upon the recommendation of the Minister of Mines and Resources,

(a) deduct, in computing its income for the purpose of the said Act for the year of expenditure, all expenditures, and

(b) deduct, from the taxes otherwise payable under Part I of the said Act for the year of expenditure, thirty per centum of all expenditures,

other than geological or geophysical expenditures, made in connection with

(c) the testing of a significant geological structure by a deep test oil well that was spudded in during nineteen hundred and forty-nine and that proved unproductive, or

(d) the testing of a significant stratigraphic trap by a group of test wells that were spudded in during nineteen hundred and forty-nine and drilled to an aggregate depth of twenty-five thousand feet and all of which wells proved unproductive,

if, in the opinion of the Governor in Council,

(e) drilling the deep test well or group of test wells was desirable in order to extend the petroleum resources of Canada, and

(f) the taxpayer could not reasonably be expected to drill the deep test well or group of test wells unless permitted to deduct the amount of the expenditures in computing its income and from tax as provided in this subsection.

Corporation, association, etc., contributing to another corporation in the petroleum business.

(6) Where a corporation, association, syndicate or exploration partnership whose principal business is production, refining or marketing of petroleum or exploration or drilling for petroleum is a shareholder or partner in or member of another corporation, association, syndicate or exploration partnership whose principal business is production, refining or marketing of petroleum or exploration or drilling for petroleum, and has paid money thereto, either by way of subscription of capital or otherwise that is expended as described by subsection five of this section, the Minister may direct that it shall, to the extent of that payment, be deemed, for the purpose of subsection five of this section, to have, itself, made the expenditure and in any such case no deduction may be made by reason of subsection five of this section by the corporation, association, syndicate or exploration partnership that made the expenditure.

Election as to deduction under either subsections (1) or (5).

(7) Where a corporation has incurred expenditures, the deduction of which from income is authorized under both subsections one and five of this section, it shall not be entitled to make a deduction under both subsections but is entitled to elect to deduct the expenditures under either subsection.

Expenses deductible under s. 8 of R.S., ch. 97, s. 16, of ch. 63, 1947 or this section, deemed not otherwise deductible.

(8) Where expenses are or have been, under section eight of the *Income War Tax Act*, section sixteen of chapter sixty-three of the statutes of nineteen hundred and forty-seven or this section, deductible from, or in computing, a taxpayer's income or where any amount is or has been deductible in respect of expenses under any of those provisions from taxes otherwise payable, it is hereby declared that no amount in respect of the same expenses is or has been deductible under any other authority in computing the income or from the income of that taxpayer or any other taxpayer for that taxation year or any other taxation year.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 331.

An Act to amend the Dominion Succession Duty Act.

First reading, June 2, 1948.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

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4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA

BILL 331.

An Act to amend the Dominion Succession Duty Act.

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

1940-41, c. 14; 1942-43, c. 25; 1944-45, c. 37; 1945 (2nd Sess.), c. 18; 1946, c. 46.

1. (1) Paragraph *(a)* of section two of *The Dominion Succession Duty Act*, chapter fourteen of the statutes of 1940-41, is repealed and the following substituted therefor:—

"Aggregate net value."

"*(a)* 'aggregate net value' means the fair market value as at the date of death, of all the property of the deceased, wherever situated, together with the fair market value, as at the said date, of all such other property wherever situated, mentioned and described in section three of this Act, as deemed to be included in a succession or successions, as the case may be, from the deceased as predecessor, after the debts, incumbrances and other allowances are deducted therefrom as authorized by subsection six of section seven and by section eight of this Act;"

(2) Paragraph *(e)* of section two of the said Act, as enacted by section two of chapter twenty-five of the statutes of 1942-43, is repealed and the following substituted therefor:—

"Dutiable value."

"*(e)* 'dutiable value' means, in the case of the death of a person domiciled in Canada, the fair market value, as at the date of death, of all property included in a succession to a successor less the allowances as authorized by subsection six of section seven and by section eight of this Act and less the value of real property situated outside of Canada, and means, in the case of the death of a person domiciled outside of Canada, the fair market value of property situated in Canada of the deceased included in a succession to a successor less the allowances as authorized by subsection six of section seven and by sections eight and nine of this Act."

Explanatory Notes.

1. (1) and (2) The change in both cases is the addition of the underlined words. The effect is to give effect in computing the aggregate net value, to the reductions in value allowed in cases of "quick successions" provided in subsection (6) of section 7 as enacted in 1946.

2. Section six of the said Act is amended by adding thereto the following subsection:—

Situs of shares.

"(2) For the purposes of this Act, shares in the capital stock of a corporation incorporated in Canada are deemed to be property situated in Canada."

3. (1) Subparagraph (ii) of paragraph *(a)* of subsection one of section seven of the said Act is repealed and the following substituted therefor:—

Exemption.

"(ii) by five thousand dollars less the value of the property included in a succession to the child from the deceased;"

(2) Paragraph *(d)* of subsection one of section seven of the said Act, as enacted by section five of chapter twenty-five of the Statutes of 1942-43, is repealed and the following substituted therefor:—

Charitable gifts.

"*(d)* where the successor is a charitable organization in Canada operated exclusively as such and not for the benefit, gain or profit of any person, member or shareholder thereof;"

(3) Subsection four of section seven of the said Act is repealed and the following substituted therefor:—

No duty where aggregate net value does not exceed $50,000.

"(4) No duty shall be levied under this Act on the death of a predecessor on or after the first day of January, nineteen hundred and forty-eight, where the aggregate net value does not exceed fifty thousand dollars.

If in excess of $50,000.

"(4A) Where, on the death of a predecessor on or after the first day of January, nineteen hundred and forty-eight, the aggregate net value exceeds fifty thousand dollars, if the total amount of the duties otherwise payable under this Act exceeds the amount of the difference between the aggregate net value and fifty thousand dollars,

(a) the total amount of the duties is, notwithstanding anything in this Act, an amount equal to the amount of the difference, and

(b) the amount of the duty payable by each successor is an amount equal to the proportion of the amount of the duty otherwise payable by him that the total amount of the duties payable in accordance with this subsection is of the total amount of the duties otherwise payable.

In case of convention for the avoidance of double taxation.

"(4B) Where Canada has entered into a convention or agreement with another country for the avoidance of double taxation pursuant to which duties are assessable under this Act exclusively in respect of the property situated in Canada where the deceased dies domiciled in that other

2. New. The effect of this amendment is to fix the situs of shares of a Canadian corporation for taxation purposes in order to meet Treaty agreements. The amendment does not make any change in the duty imposed on the estates of domiciled decedents.

3. (1) Subparagraph (ii) now reads:—

"(ii) by five thousand dollars less the value of any benefit accruing to the child as a result of the death of the deceased;"

The effect of this amendment is to include gifts made to a child within three years from the date of death as being deductible from the $5,000 exemption.

(2) Paragraph *(d)* now reads:—

"*(d)* where the successor is a charitable organization in Canada operated exclusively as such and not for the benefit, gain or profit of any person, member or shareholder thereof, *provided this exemption shall apply only to an amount not exceeding fifty per centum of the value of all the property included in the aggregate net value; and provided further that where more than one charitable organization is entitled to exemption hereunder each such organization shall be entitled to that proportion of the total exemption applicable in the case of the total number of charitable organizations entitled as the value of the property included in its succession bears to the total value of the dutiable property divisible amongst the organizations;*"

The amendment deletes the provisos and permits property to be disposed of to charitable organizations in Canada clear of duty, instead of the provisions of the Act as it now stands which exempt an amount not exceeding fifty per centum of the value of all such property.

(3) Subsection (4) now reads:—

"(4) No duty shall be leviable on the death of any predecessor where the aggregate net value does not exceed five thousand dollars."

The effect of this amendment is to increase exemption from $5,000 to $50,000 and to provide that duties leviable on estates exceeding $50,000 shall not have the effect of reducing such estates below that figure. The proviso in *(a)* is intended to cover the Conventions or Agreements already entered into with the United Kingdom and the United States of America, one of the terms of which restricts taxation to property situated in Canada.

country, the aggregate net value for the purpose of subsections four and four A means, in the case of a predecessor who dies domiciled in that other country, the aggregate net value of the property wherever situated."

Application of Act.

4. The provisions of this Act apply retrospectively to successions derived from persons dying on or after the first day of January, nineteen hundred and forty-eight.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 332.

An Act to amend the Excise Tax Act.

First reading, June 2, 1948.

MINISTER MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

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R.S., c. 179;
1928, c. 50;
1929, c. 57;
1930, c. 43;
1931, c. 54;
1932, c. 54;
1932-33, c. 50;
1934, c. 42;
1935, c. 33;
1936, c. 45;
1937, c. 41;
1938, c. 52;
1939, c. 52;
1939 (2nd Sess.), c. 8;
1940. c, 41;
1940-41, cc. 1, 27;
1942-43, c. 32;
1943-44, c. 11;
1944-45, c. 48;
1945 (2nd Sess.), c. 30;
1946, c. 65;
1947, c. 60;
1947-48, c. 8.

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA

BILL 332.

An Act to amend the Excise Tax Act.

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

1. Subparagraph (ii) of paragraph *(a)* of section two of the *Excise Tax Act*, chapter one hundred and seventy-nine of the Revised Statutes of Canada, 1927, as enacted by section one of chapter eleven of the statutes of 1943–44, is repealed and the following substituted therefor:—

"Minister".

"(ii) in or in relation to any other Part, the Minister of National Revenue;"

Part II repealed.

2. Part II of the said Act is repealed.

3. Section seventy-six of the said Act, as enacted by section one of chapter forty-one of the statutes of 1940, is repealed and the following substituted therefor:—

Tax on matches.

"**76.** (1) Every manufacturer of matches shall affix to every package of matches manufactured by him and every importer of matches shall affix to every package of matches imported by him into Canada an adhesive or other stamp of the value of,

(a) if the package contains more than fifty matches, one cent for each one hundred matches or fraction of one hundred matches contained in the package,

(b) if the package contains not more than fifty nor less than forty-one matches, one-half of one cent,

(c) if the package contains not more than forty nor less than thirty-one matches, two-fifths of one cent,

(d) if the package contains not more than thirty nor less than twenty-six matches, three-tenths of one cent,

(e) if the package contains not more than twenty-five nor less than twenty-one matches, one-quarter of one cent,

Explanatory Notes.

1. Subparagraph (ii) of paragraph *(a)* of section two at present reads as follows:—

> "(ii) in or in relation to Parts II and IV to XVII, inclusive, the Minister of National Revenue;"

The change is to delete the Parts covering the tax on betting, amusements and entertainments.

2. Part II provided for the tax on bets on horse racing.

3. The industry has asked that provision be made for a more equitable tax on smaller sized packages of matches, that is packages of 15 or 10 each. There has also been some demand for packages of 40. The change in the schedule is to provide for these sizes and for the relative tax thereto being applied instead of the higher rates as heretofore. The previous schedule was:—

100 matches	1c.
Not more than 50 and not less than 31	1/2c.
Not more than 30 and not less than 26	3/10c.
Not more than 25 and not less than 21	1/4c.
Less than 21 matches	1/5c.

(f) if the package contains not more than twenty nor less than sixteen matches, one-fifth of one cent,

(g) if the package contains not more than fifteen nor less than eleven matches, three-twentieths of one cent, and

(h) if the package contains not more than ten matches, one-tenth of one cent.

Must be in packages.

(2) No manufacturer or importer shall sell or import matches unless they are in packages.

4. Subsection three of section eighty of the said Act, as enacted by section ten of chapter sixty of the statutes of 1947, is repealed and the following substituted therefor:—

When tax not payable.

"(3) The tax imposed by this section or by section eighty-three is not payable in the case of goods that are purchased or imported by a manufacturer licensed under this Part or under section one hundred and thirty of *The Excise Act, 1934*, and that are to be incorporated into and form a constituent or component part of an article or product that is subject to an excise tax under this Part or to an excise duty under *The Excise Act, 1934*."

1934, c. 52.

Section repealed.

5. Section eighty-eight of the said Act is repealed.

6. Subsection one of section one hundred and seven of the said Act, as enacted by section twenty-nine of chapter thirty-two of the statutes of 1942–43, is repealed and the following substituted therefor:—

Certificate before distribution of assets.

"**107.** (1) Trustees in bankruptcy, assignees, administrators, executors and other like persons, before distributing any assets under their control, shall obtain a certificate from the Minister certifying that no taxes or penalties, for which provision is made by any Part of this Act, other than Parts I and III, chargeable against or payable by any such person or chargeable against or payable in respect of any such assets, remain unpaid."

7. Subsection three of section one hundred and eight of the said Act, as enacted by section thirty of chapter thirty-two of the statutes of 1942-43, is repealed and the following substituted therefor:—

Prosecutions.

"(3) Every penalty imposed by this Act, when no other procedure for the recovery thereof is by this Act provided, may be sued for, prosecuted and recovered with costs by His Majesty's Attorney-General of Canada or, in the case of penalties under Parts I or III, in the name of the Minister of Finance and, in the case of penalties under any other Part of this Act, in the name of the Minister of National Revenue."

4. Section 83 of the Act provides for an excise tax of fifty cents per gallon on wines of all kinds except sparkling wines. It has been the practice for distillers to use a quantity of these wines in certain of their blending operations, and the resultant product is subject to the excise duty on spirits, thus in effect amassing both the tax and the duty on the same commodity. Provision is already made in *The Excise Tax Act* for exempting goods subject to one excise tax from other measures, and it is considered that similar action should be taken here.

5. Section 88 provides for the special excise tax of three per cent applicable to goods imported from general tariff countries.

6. This subsection at present reads:—

"**107.** (1) Trustees in bankruptcy, assignees, administrators, executors and other like persons, before distributing any assets under their control, shall obtain a certificate from the Minister certifying that no taxes or penalties for which provision is made by Parts VII and XI to XV inclusive of this Act chargeable against or payable by any such person or chargeable against or payable in respect of any such assets, remain unpaid."

Part XV of the Act is being repealed and it was considered that the section should be brought up to date and the other Parts brought under its provisions.

7. The change in this section is to make provision for deleting Parts II, XV and XVI, which are the Parts covering the taxes being repealed.

8. Subsection two of section one hundred and eleven of the said Act, as enacted by section thirty-three of chapter thirty-two of the statutes of 1942-43, is repealed and the following substituted therefor:—

Penalty for contravention.

"(2) Every person who has contravened any of the requirements of this Act or of a regulation made by the Minister under this Act for which no other penalty is provided is liable, on summary conviction, to a penalty of not less than fifty dollars and not exceeding one thousand dollars."

9. Section one hundred and fourteen of the said Act is repealed and the following substituted therefor:—

Application of Customs Act.

"**114.** Where an excise tax is payable under this Act upon the importation of any article into Canada, the provisions of the *Customs Act* are applicable in the same way and to the same extent as if that tax were payable under the *Customs Tariff*."

R.S., c. 44.

10. Section one hundred and fifteen of the said Act is repealed and the following substituted therefor:—

Tariff Board to settle doubts and differences.

"**115.** (1) Where any difference arises or where any doubt exists as to whether any or what rate of tax is payable on any article under this Act and there is no previous decision upon the question by any competent tribunal binding throughout Canada, the Tariff Board constituted by *The Tariff Board Act* may declare what amount of tax is payable thereon or that the article is exempt from tax under this Act.

1931, c. 55.

Force and effect.

(2) A declaration by the Tariff Board under this section shall have the same force and effect as if it had been sanctioned by statute."

11. Section one hundred and sixteen of the said Act, as enacted by section eleven of chapter forty-five of the statutes of 1936, is repealed and the following substituted therefor:—

Officers may make inquiry.

"**116.** The Deputy Minister of National Revenue for Customs and Excise, the Assistant Deputy Minister of National Revenue for Excise, a legal officer of the Department of National Revenue or any other officer authorized by the Minister from time to time in that behalf, may make such inquiry as he may deem necessary for ascertaining the liability of any person for any of the taxes imposed by this Act, and for the purpose of assessing or collecting the amount of any such tax and for the purpose of such inquiry, 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.

8. The change is to delete Parts XV and XVI covering the tax on amusements and entertainments.

9. The section to be repealed at present reads:—

"**114.** The provisions of the Customs Act, and the Acts amending the same, shall apply to any excise tax payable under this Act upon the importation of any article into Canada in the same way and to the same extent as if such war excise tax was payable under the Customs Tariff or the Acts amending the same."

The change is made to revise the wording and to omit the word "war" from the section. There is no change in the application of the section.

10. The section to be repealed at present reads:—

"**115.** (1) Whenever any difference arises or whenever any doubt exists as to whether any or what rate of excise tax is payable on any article and there is no previous decision upon the question by any competent tribunal binding throughout Canada, the Board of Customs appointed under the Customs Act may declare what the duty paid value of such article is or what the price of such article is, as the case may be, and what amount of war excise tax is payable on the article in question, or that such article is exempt from war excise tax.

(2) Any such declaration of the Board of Customs shall have force and effect as if the same had been sanctioned by statute."

The revision is to bring the wording up to date as the Board of Customs has long since disappeared and the Tariff Board has replaced it. The new section also omits the word "war". Otherwise there is no change in the application of the section.

11. The Section to be repealed at present reads:—

"**116.** The Commissioner of Excise, the Assistant Commissioner of Excise, the Superintendent of Excise Tax Collections, the Chief Excise Tax Auditor, any Special Excise Tax Auditor, any Assistant Special Excise Tax Auditor, a Departmental Solicitor, or any other officer authorized by the Minister from time to time in that behalf, may make such inquiry as he may deem necessary for ascertaining the liability of any person to any of the taxes imposed by this Act, and for the purpose of assessing or collecting the amount of any such tax, and for the purposes of such inquiry, any such officer shall have all the powers and authority of a Commissioner appointed under Part I of the *Inquiries Act*.

The purpose of the change is to revise the nomenclature in so far as classification of positions is concerned. The positions named above in most cases no longer exist. There is no change in the application of the section.

Parts repealed.

12. Parts XV and XVI of the said Act are repealed.

13. Section five of Schedule I to the said Act, as enacted by section one of chapter eight of the statutes of 1947-48, is repealed and the following substituted therefor:—

Cameras, films, plates, etc.

"(5) Cameras, photographic films and plates, except those designed exclusively for industrial or professional photographers' use; projectors for slides, films or pictures, and projector mechanisms, sound equipment, arc lamps, lenses, bases and film magazines or reels therefor..... twenty-five per cent; Provided that the tax is not applicable to sixteen millimetre projectors."

Proviso

Schedule III repealed and new.

14. Schedule III to the said Act is repealed and the First Schedule to this Act substituted therefor.

Schedule V repealed.

15. Schedule V to the said Act is repealed.

Schedule VI repealed and new.

16. Schedule VI to the said Act is repealed and the Second Schedule to this Act substituted therefor.

Coming into force.

17. Sections two, three, five, twelve, thirteen, fourteen, fifteen and sixteen of this Act shall be deemed to have come into force on the nineteenth day of May, nineteen hundred and forty-eight.

12. Part XV provided for the tax on amusements.

Part XVI provided for the tax on entertainment.

13. 16mm projectors are used very largely for educational purposes and are sold to colleges, schools, churches, halls, etc. The change provides exemption from the excise tax of 25% on these projectors.

It has been found that 35mm projectors are sold largely by parts instead of complete units, and the change here is to provide that the excise tax shall apply to the principal component parts or mechanisms.

14. Schedule III is the list of items exempt from sales tax. The purpose of the repeal and re-enactment is to embody those items which were covered by the Budget.

15. Schedule V is the list of exemptions from the special excise tax which has been repealed.

16. This Section provides for the exemptions from the retail purchase tax of watches specially designed for the use of the blind, for alarm clocks, and for plated knives, forks and spoons.

FIRST SCHEDULE

"SCHEDULE III

FOODSTUFFS.

Barley; Bread; Butter; Cheese; Cream; Eggs, Egg albumen and Egg yolks; Honey; Ice; Lard; Rice; Salt; Soups; Split Peas; Sugar; Yeast; Yogurt;

Bakers' cakes and pies including biscuits, cookies or other similar articles;

Cereal breakfast foods not including beverages;

Fish and edible products thereof;

Flour including pastry, cake, biscuit, and similar mixes;

Foods prepared and sold exclusively for feeding infants;

Fruit, fresh, canned, frozen, dried or evaporated;

Grain grits and meals;

Jams, jellies, marmalades, and preserves;

Maple syrup; corn syrup; table syrups, molasses, and materials to be used exclusively in the manufacture thereof;

Meats and poultry, fresh, cooked, canned, frozen, smoked or dried;

Milk, including buttermilk, condensed milk, evaporated milk, and powdered milk;

Peanut Butter and Shortening and materials for use exclusively in the manufacture thereof;

Spaghetti, macaroni, and vermicelli;

Vegetables, fresh, canned, frozen or dehydrated, not including pickles, relishes, catsup, sauces, olives, horseradish, mustard, and similar goods;

Vegetable juices; fruit juices which consist of at least ninety-five per cent of pure juice of the fruit.

FARM AND FOREST.

Bees; Casein; Fertilizer; Hay; Hops; Shorts; Straw;

Alfalfa meal;

Animals, living;

Baling twine for baling farm produce, and articles and materials to be used or consumed exclusively in process of manufacture thereof;

Beet pulp, dried;

Drain tiles for agricultural purposes;

Farm produce sold by the individual farmer of his own production, not to include flowers, flowering plants or bulbs, when the sales thereof exceed five hundred dollars per annum;

Feeds for fur-bearing animals whose pelts have commercial value;

Forest products when produced and sold by the individual settler or farmer;

Furs, raw;

Gopher poison, and materials for use exclusively in its manufacture;

Grain or seed cleaning machines and complete parts therefor;

Grains and seeds in their natural state;

Harness for horses and complete parts therefor, and articles and materials to be used exclusively in the manufacture thereof;

Hides, raw and salted;

Logs and round unmanufactured timber;

Milk albumen, when for use exclusively in the production of animal or poultry feeds;

Nursery stock;

Oil cake, oil cake meal;

Peat moss when used for agricultural purposes, including poultry litter;

Poultry, cattle and other stock feeds;

Poultry, living;

Preparations or chemicals sold for disinfecting, dipping or spraying and so used in agriculture or horticulture, and materials for use exclusively in the manufacture of such preparations;

Sap spouts and sap buckets, evaporators and complete parts therefor, when for use exclusively for the production of maple syrup;

Sawdust and wood shavings;

Settlers' effects;

Vegetable plants;

Wool not further prepared than washed;

Woollen rolls or wool yarn milled for a producer of wool from wool supplied by him for his own use;

ENGINES.

Internal combustion traction engines, and portable engines with boilers in combination, for farm purposes, or for use exclusively in the operation of logging, such operation to include the removal of the log from stump to skidway, log dump or common or other carrier, and complete parts of all the foregoing, and articles and materials, not to include plant equipment, to be used or consumed exclusively in the manufacture of the foregoing engines, boilers or parts thereof;

MINES AND QUARRIES.

Crushed stone or crushed gravel;

Gold and silver in ingots, blocks, bars, drops, sheets or plates unmanufactured;

Ores of metals of all kinds;

Sand, gravel, rubble, and field stone;

MARINE AND FISHERIES.

Boats *bona fide* purchased by fishermen for use in the fisheries, and articles and materials to be used exclusively in the manufacture, equipment or repair of such boats;

Carrageen or Irish Moss;

Cotton duck and cotton sail twine to be used only in the manufacture of equipment for ships or vessels;

Rope and cordage of cotton, hemp, manilla or other vegetable fibre, not exceeding one and one-half inches in circumference, for the fisheries, not including these articles for sportsmen's purposes, and materials for use only in the manufacture thereof.

Materials for use only in the construction, equipment and repair of ships;

Materials used as ingredients in canned fish;

Ships licensed to engage in the Canadian coasting trade;

Sinkers, and floats including trawl kegs, when for use exclusively in the fisheries, not including these articles for sportsmen's purposes;

RELIGIOUS, CHARITABLE, HEALTH, ETC.

Insulin; Radium;

Articles and materials for the sole use of any *bona fide* public hospital certified to be such by the Department of National Health and Welfare, when purchased in good faith for use exclusively by the said hospital and not for resale;

Artificial eyes;

Artificial limbs, and parts thereof;

Bibles, missals, prayer books, psalm and hymn books, religious tracts, Sunday School lesson pictures, books, bound and unbound, pamphlets, booklets, leaflets, scripture, prayer, hymn and mass cards and religious mottoes and pictures unframed, for the promotion of religion, and materials to be used exclusively in the manufacture thereof, but not including calendars, parish reports, forms, stationery or programmes.

Donations of clothing and books for charitable purposes;

Liver extract for use exclusively in the treatment of anaemia;

Memorials or monuments erected in memory of members of the Armed Forces who lost their lives in the service of their country;

War Veterans' badges;

PRINTING AND EDUCATIONAL.

Manuscript; Newspapers;

Books for the instruction of the deaf or dumb;

Magazines and literary papers unbound, regularly issued at stated intervals, not less frequently than four times yearly, and printing paper and printing ink for use exclusively in their production;

Photographs, paintings, pastels, drawings and other art work and illustrations of all kinds, whether originals, copies or proofs, and

printing plates made to reproduce the same, for use exclusively as non-advertising news pictures or for illustrating non-advertising articles or stories in periodical publications enjoying second-class mailing privileges, the pages of which are regularly bound, wire stitched or otherwise fastened together;

Text books, printed, authorized by the Department of Education of any province in Canada and phonograph records so authorized for instruction in the English and the French language, and materials used exclusively in the manufacture thereof;

DIPLOMATIC.

Articles for the use of the Governor General;

Articles imported for the personal or official use of the Heads of Diplomatic Missions, High Commissioners representing other of His Majesty's Governments, Counsellors, Secretaries and Attaches at Embassies, Legations, and offices of High Commissioners in Canada, Trade Commissioners, representing other of His Majesty's Governments, Consuls General of Foreign Nations who are natives or citizens of the countries they represent and who are not engaged in any other business or profession; automobiles, cigars, cigarettes, manufactured tobacco, ale, beer, stout, wines, spirits, electricity, purchased in Canada by any of the foregoing;

CERTAIN BUILDING MATERIALS.

Bricks; building tile, building blocks, and building stone;

Plaster; lime; cement;

Lumber; sash; doors; shingles; lath; siding; stairways;

Plaster boards, fibreboard, building paper and materials, other than wallpaper, manufactured wholly or in part of vegetable or mineral fibre for wall coverings or building insulation;

Paints, varnishes, white lead and paint oil;

Prepared roofings;

Shower baths, bath tubs, basins, faucets, closets, lavatories, sinks and laundry tubs, not including repair parts therefor, nor pipes and pipe fittings;

Cast iron soil pipe and cast iron fittings therefor;

Glass for buildings;

Furnaces, hot water and steam radiators not to include fittings, for the heating of buildings;

Locks and lock sets;

Structural steel to be used exclusively for the framework and support of buildings;

Articles and materials to be used exclusively in the manufacture or production of the aforementioned building materials;

COVERINGS.

Usual coverings to be used exclusively for covering goods not subject to the consumption or sales tax and materials to be used exclusively in the manufacture of such coverings;

FIRE BRICK, REFRACTORIES, ETC.

Fire brick, plastic refractories, high temperature cement, fire clay and other refractory materials for use exclusively in the construction or repair of a furnace, kiln or other equipment of a manufacturing establishment, and materials to be used or consumed exclusively in the manufacture of such fire brick or refractory materials;

PROCESSING MATERIALS.

Materials (not to include lubricating oils or fuel oils) consumed, otherwise than by waste or wear, in the process of manufacture or production of taxable goods;

MACHINERY AND APPARATUS TO BE USED IN MANUFACTURE OR PRODUCTION.

Machinery and apparatus, as defined by the Minister of National Revenue, and complete parts thereof which, in the opinion of the Minister, are to be used directly in the process of manufacture or production of goods;

Provided that this exemption shall not apply to office equipment or motor vehicles;

MISCELLANEOUS.

British and Canadian coins and foreign gold coin;

Electricity;

Fuel other than in liquid form;

Natural gas and gas manufactured from coal, calcium carbide or oil for illuminating or heating purposes.

GOODS ENUMERATED IN CUSTOMS TARIFF ITEMS.

173, 209b, 236b, 352a, 364, 406, 409, 409a, 409b, 409c, 409d 409e, 409f, 409g, 409h, 409i and complete parts thereof, 409j, 409k 409q, 439c, 440k, 460, 476, 476a, 480, 480a, 538, 663b, 666, 667, 682, 692, 693(i), 692b, 695a, 695b, 696, 696a, 698, 700, 701, 702, 703, 704, 708, 786, 848;

Articles and materials which enter into the cost of manufacture of the goods enumerated in tariff items 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409k, 409o and 439c, when imported by manufacturers for use exclusively in the manufacture in their own factories of the goods enumerated in the aforesaid tariff items, under regulations prescribed by the Minister;

Articles and materials to be used exclusively in the manufacture of goods enumerated in Customs Tariff items 173, 406, 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, 409j, 409k, 409q, 410b, 411, 411a, 411b, 439c, 440k, 476, 476a, 480, 480a, 538, 663, 663a, 663b, 666, 667, 696, 848;

Materials not to include plant equipment consumed in process of manufacture or production, which enter directly into the cost of goods enumerated in Customs Tariff items, 406, 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, 409j, 409k, 409q, 410b, 411, 411a, 411b, 439c, 440k, 476, 476a, 480, 480a, 538, 663, 663a, 666, 667, 696."

SECOND SCHEDULE

"SCHEDULE VI

1. Clocks and watches adapted to household or personal use .....twenty-five per cent;

Provided that the tax shall not apply to:—

(i) railway men's watches, the purchase of which is authorized in writing by the Divisional Superintendent of any railway;

(ii) watches specially designed for use of the blind;

(iii) alarm clocks sold at not more than ten dollars each.

2. Articles commonly or commercially known as jewellery, whether real or imitation, including diamonds and other precious or semi-precious stones for personal use or for adornment of the person; goldsmiths' and silversmiths' products except plated table knives, forks and spoons; pewter ware.....twenty-five per cent;

3. Articles of all kinds made in whole or in part of ivory, jet, amber, coral, mother of pearl, natural shells, tortoise shell, jade, onyx, lapis lazuli, or other semi-precious stones..twenty-five per cent;

4. Articles of cut glassware, crystal glassware, cut or not, etched glassware, marble, or metal decorated glassware..twenty-five per cent;

5. Articles of china, porcelain, earthenware, stoneware or other pottery ware, except articles for use in the preparation or serving of food or drink.....twenty-five per cent;

Provided that the tax shall not apply to goods of which the total cost to the consumer or user is not in excess of one dollar in the case of any goods mentioned in paragraphs 1 and 3 hereof, or not in excess of fifty cents in the case of any goods mentioned in paragraphs 2, 4 and 5 hereof."

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 333.

An Act to amend the Customs Tariff.

First reading, June 3, 1948.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

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R.S., c. 44; 1928, c. 17; 1929, c. 39; 1930 (1st Sess.), c. 13; 1930 (2nd Sess.), c. 3; 1931, c. 30; 1932, c. 41; 1932-33, cc. 6, 37; 1934, cc. 32, 49; 1935, c. 28; 1936, c. 31; 1937, cc. 25, 26; 1939 (1st Sess.), c. 41; 1939 (2nd Sess.), c. 2; 1940, c. 29; 1940-41, c. 13; 1942-43, c. 23; 1943-44, c. 7; 1944-45, c. 36; 1946, c. 45.

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 333.

An Act to amend the Customs Tariff.

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

1. Subsection one of section three of the *Customs Tariff*, chapter forty-four of the Revised Statutes of Canada, 1927, as enacted by section one of chapter thirty of the statutes of 1931, is repealed and the following is substituted therefor:—

Duties of Customs Schedule A.

"**3.** (1) Subject to the provisions of this Act and of the *Customs Act*, there shall be levied, collected and paid upon all goods enumerated, or referred to as not enumerated, in Schedule A to this Act, when such goods are imported into Canada or taken out of warehouse for consumption therein, the several rates of duties of Customs, if any, set opposite to each item respectively or charged on goods as not enumerated, in the column of the tariff applicable to the goods, subject to the following conditions, viz.:—

British Preferential Tariff.

(a) The rates of customs duties, if any, set forth in column (1), 'British Preferential Tariff', shall apply to goods the growth, produce or manufacture of the following British countries when conveyed without transhipment from a port of any British country enjoying the benefits of the British Preferential Tariff into a sea, lake or river port of Canada:—

United Kingdom of Great Britain and Northern Ireland
Union of South Africa
Australia
New Zealand
India
Pakistan
Ceylon
Eire
Newfoundland

British West Indies, including:—
Bahamas
Jamaica
Barbados
Trinidad and Tobago
Antigua
St. Christopher-Nevis
Dominica
Montserrat
Virgin Islands
Grenada
St. Vincent
St. Lucia
Turks and Caicos Islands
Ascension
Bermuda
British Guiana
British Honduras
British North Borneo
Brunei
Basutoland
Bechuanaland Protectorate
British Solomon Islands Protectorate
Cyprus
Channel Islands
Cayman Islands
Cameroons, British Sphere of the
Cook Islands
Fiji
Falkland Islands
Gold Coast
Gambia
Gilbert and Ellice Islands
Isle of Man
Kenya Colony and Protectorate
Malay States, Federated
Malay States, Unfederated—
Johore
Kedah
Kelantan
Perlis
Trengganu
Malta
Mauritius and Dependencies thereof
Northern Rhodesia
Nyasaland Protectorate
Nigeria Colony and Protectorate
New Guinea
Norfolk Island
Nauru, Mandated Territory of

Papua
St. Helena
Southern Rhodesia
Sierra Leone
Straits Settlements
Seychelles
Sarawak
Somaliland Protectorate
Swaziland
Tanganyika Territory
Togoland, British Sphere of
Tonga or Friendly Islands
Uganda Protectorate
Western Samoa
Zanzibar

Any other British Colony or Protectorate or Territory under British Trusteeship, admitted to the benefits of the British Preferential Tariff in Canada, in the manner hereinafter provided;

Provided, however, that goods entitled to the benefits of the British Preferential Tariff shall be accorded such benefits when such goods are shipped on a bill of lading consigned to a consignee in a specified port in Canada when such goods are transferred at a port in a British possession, and conveyed without further transhipment into a sea, lake or river port of Canada;

Most-Favoured-Nation Tariff.

(b) The rates of customs duties, if any, set forth in column (2), 'Most-Favoured-Nation Tariff', shall apply to goods the growth, produce or manufacture of any British or foreign country to which the benefits of such Most-Favoured-Nation Tariff shall have been extended in the manner hereinafter provided or to goods the growth, produce or manufacture of any foreign country to which the benefits of the Intermediate Tariff applied on May 1, 1948, when imported into Canada direct from a country entitled to the benefits of the Most-Favoured-Nation Tariff;

General Tariff.

(c) The rates of customs duties, if any, set forth in column (3), 'General Tariff', shall apply to all goods not entitled to admission under the Most-Favoured-Nation Tariff or under the British Preferential Tariff, or to goods entitled to rates of customs duties more favourable than those of the British Preferential Tariff;

Proof of origin.

(d) Proof of origin, as prescribed by the Minister, shall be furnished with the bill of entry at the customhouse for goods admitted to entry under any of the tariffs in Schedule A; and the decision of the Minister shall be final as to the tariff or surtax applicable in any case to imported goods by reason of their origin;

Bona fide under Most-Favoured-Nation Tariff.

(e) Goods for which entry is claimed under the Most-Favoured-Nation Tariff must be *bona fide* the growth, produce or manufacture of a country which has been admitted to the benefits of the Most-Favoured-Nation Tariff and a substantial portion of the value of each manufactured article must have been produced by the industry of such country;

Bona fide under British Preferential Tariff.

(f) Every manufactured article to be admitted under the British Preferential Tariff must be *bona fide* the manufacture of a British country entitled to the benefits of the British Preferential Tariff, and a substantial portion of the value of the manufactured article must have been produced by industry in one or more of such countries."

2. Subsection one of section four of the said Act, as enacted by section one of chapter thirty of the statutes of 1931, and as amended by section one of chapter twenty-eight of the statutes of 1935, is repealed and the following is substituted therefor:—

Powers of Governor in Council.

"**4.** The Governor in Council may, by Order, from time to time:

Extension of British Preferential Tariff.

(a) Extend the benefit of the British Preferential Tariff, in whole or in part, to any British Colony or any Protectorate or Territory under British Trusteeship not named in paragraph *(a)* of section three, and from and after the date specified in such Order the British Preferential Tariff shall apply to goods the growth, produce or manufacture of such Colony, Protectorate or Territory, subject to the provisions of this Act;

Withdrawal thereof.

(b) Withdraw the benefit of the British Preferential Tariff, in whole or in part, from any British country or Colony or any Protectorate or Territory under British Trusteeship, which has received the said benefit, and from and after the date specified in such Order the Most-Favoured-Nation Tariff or the General Tariff, as mentioned in the said Order, shall apply to goods the growth, produce or manufacture of any such British country, subject to the provisions of this Act;

Extension of more favourable rates to British country.

(c) Extend to any British country the benefit of rates of customs duties more favourable than those of the British Preferential Tariff, and from and after the date specified in such Order the rates of duties so ordered shall apply to goods the growth, produce or manufacture of such British country, subject to the provisions of this Act;

Withdrawal thereof.

(d) Withdraw from any British country to which they have been extended rates of customs duties more favourable than those of the British Preferential

Tariff, and from and after the date specified in such Order the British Preferential Tariff, the Most-Favoured-Nation Tariff or the General Tariff, as directed in the said Order, shall apply to goods the growth, produce or manufacture of such British country, subject to the provisions of this Act;

Extension of Most Favoured Nation Tariff.

(e) Extend the benefit of the Most-Favoured-Nation Tariff, in whole or in part, to any British or foreign country, goods the growth, produce or manufacture of which have previously been subject to the rates of customs duties set forth in the General Tariff, and from and after the date specified in such Order the rates of duty set forth in the Most-Favoured-Nation Tariff, so far as they are mentioned in the said Order, shall apply to goods the growth, produce or manufacture of such British or foreign country, when imported into Canada direct from a country entitled to the benefits of the Most-Favoured-Nation Tariff, subject to the provisions of this Act;

Withdrawal thereof.

(f) Withdraw the benefit of the Most-Favoured-Nation Tariff, in whole or in part, from any country to which it has been extended, and from and after the date specified in such Order the rates of customs duties set forth in the General Tariff shall apply to goods the growth, produce or manufacture of such country, subject to the provisions of this Act;

Publication in *Canada Gazette*.

(g) Every Order passed under the authority of this section shall be published in the *Canada Gazette*.

3. Section six of the said Act, as enacted by section one of chapter thirty of the statutes of 1931, and as amended by section one of chapter thirty-seven of the statutes of 1932-33, by section one of chapter forty-nine of the statutes of 1934, by section two of chapter thirty-one of the statutes of 1936 and by section one of chapter twenty-six of the statutes of 1937 is repealed and the following substituted therefor:—

Under-valuation.

"**6.** (1) In the case of goods exported to Canada of a class or kind made or produced in Canada, if the export or actual selling price to an importer in Canada is less than the fair market value or the value for duty of the goods as determined under the provisions of the *Customs Act*, there shall, in addition to the duties otherwise established, be levied, collected and paid on such goods, on their importation into Canada, a special or dumping duty, equal to the difference between the said selling price of the goods for export and the said value for duty thereof; and such special dumping duty shall be levied, collected and paid on such goods although not otherwise dutiable.

R.S., c. 42

Exemptions from special duty.

(2) The special duty imposed by the preceding subsection shall in no case exceed fifty per cent *ad valorem* and the following goods shall be exempt from such duty:—

(i) Goods of a class subject to duty under the *Excise Act;*

(ii) Goods or classes of goods declared exempt by any Order or regulation made by the Governor in Council.

Duties and taxes disregarded.

(3) Duties and taxes imposed in the country of export shall be disregarded in estimating the value for the purpose of the said duty.

"Export price" "Selling price".

(4) 'Export price' or 'selling price' in this section means the exporter's price for the goods, exclusive of all charges thereon after their shipment from the place whence exported direct to Canada.

Evasion of special duty.

(5) If at any time it appears to the satisfaction of the Minister that the payment of the special duty by this section provided for is being evaded by the shipment of goods on consignment without sale prior to such shipment, the Minister may in any case or class of cases authorize such action as is deemed necessary to collect on such goods or any of them the same special duty as if the goods had been sold to an importer in Canada prior to their shipment to Canada.

Additional special or dumping duty.

(6) If at any time it appears to the satisfaction of the Minister that any person owning or controlling or interested in a business in Canada and also in any other country, or any person carrying on a business in any other country and owning or controlling or interested in a business operating in Canada, and by reason thereof is enabled to import goods for further manufacture or assembling or for resale, and while complying with the legal requirements on importation disposes of such imported goods, whether in the form as imported or as further processed, assembled or manufactured, at prices below the duty paid value thereof as entered at Customs plus or including all charges upon the goods after shipment from the place whence exported direct to Canada, including sales, distribution and advertising costs, and plus, if any, the cost of processing, assembling or further manufacturing in Canada, the Minister may declare that goods of such class or kind were and are on importation subject to an additional special or dumping duty not exceeding fifty per cent and authorize such action as is deemed necessary for the collection thereof.

Enforcing payment.

(7) If the full amount of any special duty of Customs as herein provided has not been paid on goods imported, the Customs entry thereof shall be amended and the deficiency paid upon the demand of the Collector.

Regulations.

(8) The Minister may make such regulations as are deemed necessary for carrying out the provisions of this section and for its enforcement.

Goods deemed of a class or kind not made in Canada.

(9) For the purposes of this section, goods may be deemed to be of a class or kind not made or produced in Canada where similar goods of Canadian production are not offered for sale to the ordinary agencies of wholesale or retail distribution or are not offered to all purchasers on equal terms under like conditions, having regard to the custom and usage of trade.

Goods of class or kind made in Canada.

(10) For the purpose of this Act goods shall not be deemed to be of a class or kind made or produced in Canada unless so made or produced in substantial quantities; and the Governor in Council may provide that such quantities, to be substantial, shall be sufficient to supply a certain percentage of the normal Canadian consumption and may fix such percentages."

Section repealed and new.

4. Section eighteen of the said Act, as enacted by section four of chapter twenty-eight of the statutes of 1935 is repealed and the following substituted therefor:

B.P.T. rates of duty suspended. M.F.N. rates suspended and replaced.

"**18.** *(a)* The British Preferential Tariff rates of duty on the goods described in paragraph *(d)* are suspended until July 1, 1949;

(b) The Most-Favoured-Nation rates of duty on the goods referred to above are suspended and in place thereof the duty on each item, until July 1, 1949, shall be the amount of the present duty reduced by an amount equal to the amount of the British Preferential Tariff;

Suspensions may be withdrawn.

(c) The Governor in Council may at any time withdraw, in whole or in part, the suspensions in duty provided for in paragraphs *(a)* and *(b)*;

Goods referred to in paras. *(a)* and *(b)*.

(d) The goods referred to in paragraphs *(a)* and *(b)* of this section are those enumerated in the following tariff items:—

Item No.	*Goods*
ex 523	Woven fabrics, wholly of cotton, not bleached, mercerized nor coloured, n.o.p.
523a	Woven fabrics, wholly of cotton, bleached or mercerized, not coloured, n.o.p.
523b	Woven fabrics, wholly of cotton, printed, dyed or coloured, n.o.p.:—
	(i) Valued at more than 80 cents per pound.
	(ii) Valued at 50 cents or more but not more than 80 cents per pound.
	(iii) Valued at less than 50 cents per pound.
	(iv) Woven fabrics, wholly of cotton, commonly known as denims, when imported by manufacturers for use in their own factories in the manufacture of garments.

Item No.	*Goods*
523e	Woven fabrics wholly of cotton with cut pile, n.o.p.
523j	Shadow cretonnes, wholly of cotton with printed warp and plain weft.
523k	Gabardines, wholly of cotton, with not less than 280 ends and picks of ply yarn per square inch.
523l	Woven fabrics, wholly of cotton, composed of yarns of counts of not less than 80 and not more than 99, including all such fabrics in which the average count of the warp and weft yarns is not less than 80 and not more than 99.
524a	Fabrics with cut weft pile, wholly of cotton or of cotton and synthetic textile fibres or filaments.
523b	Woven fabric, wholly of cotton, for covering books.
561	Woven fabrics wholly or in part of synthetic textile fibres or filaments, not to contain wool, not including fabrics in chief part by weight of silk, n.o.p.

Schedule A amended

5. Schedule A to the said Act, as amended, is further amended by striking thereout tariff items 15, 65a, 82 *(b)*, 82 *(c)*, 180d, 186, 199g, 208i, 211b, 216d, 232e, 246b, 269, 271, 274, 275, 296b, 296e, 326c, 328, 349b, 359, 364, 386 *(d)*, 386 *(p)*, 392a, 403 *(a)*, 410a, 410h, 410m, 410n, 410o, 410o (ii), 410q, 410w, 410y, 412, 413, 427c, 427f, 431c, 431d, 431g, 437, 438b, 438c, 438d, 438e, 439c, 442d, 445m, 445n, 445o, 476, 539, 587, 587b, 657, 682a, 692 and 693 (iii), the several enumerations of goods respectively and the several rates of duties of customs, if any, set opposite each of the said items, and by inserting in the said schedule, the items, enumerations and rates of duty which are specified in the Schedule to this Act.

Date of coming into force.

6. This Act shall be deemed to have come into force on the nineteenth day of May, one thousand nine hundred and forty-eight, and to have applied to all goods mentioned in the preceding sections and in the Schedule hereto imported or taken out of warehouse for consumption on and after that date, and to have applied to goods previously imported for which no entry for consumption was made before that date.

SCHEDULE

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
15	(i) Beeswax, unrefined	Free	Free	Free
	(ii) Beeswax, refined but not bleached	Free	15 p.c.	20 p.c.
	(iii) Beeswax, n.o.p.	15 p.c.	15 p.c.	20 p.c.
20b	Illipe butter	5 p.c.	10 p.c.	25 p.c.
65a	Special dietary breads and biscuits under regulations of the Department of National Health	Free	7½ p.c.	10 p.c.
79d	Mulberry trees, cuttings, roots and buds, for sericultural purposes	Free	Free	30 p.c.
82	*(b)* (i) Raspberry, loganberry and blackberry bushes or roots.....each	Free	1 ct.	1 ct.
	(ii) Rhubarb roots.....each	Free	¾ ct.	1 ct.
	(c) (i) Asparagus roots.....each	Free	1/5 ct.	¼ ct.
	(ii) Strawberry plants.....each	Free	¼ ct.	¼ ct.
180d	Photographs, paintings, pastels, drawings and other art work and illustrations of all kinds, n.o.p., whether originals, copies or proofs, for reproduction in periodical publications enjoying second-class mailing privileges..... Provided that goods which are entitled to entry free of duty or at a lower rate than as indicated in this item shall not be entered at the rates specified in this item.	Free	9 p.c.	25 p.c.
181b	Paper, in single sheets, containing not less than 144 square inches, not exceeding ·012 and not less than ·003 of an inch in thickness, specially processed and printed, for use in duplicating machines	Free	7½ p.c.	35 p.c.
186	Paper calendered to between ·006 and ·008 inch thickness adapted for the manufacture of shot shells; and felt board sized and hydraulic pressed, and covered with paper or uncovered, adapted for the manufacture of gun wads	Free	Free	Free
192e	Gasket stock, wholly or in part of vegetable fibres, coated or impregnated, in sheets or rolls, when imported by manufacturers of gaskets, for use only in the manufacture of gaskets in their own factories	Free	Free	Free
192g	Roofing felt, single ply, not coated or impregnated, in rolls containing not less than 500 square feet, when imported by manufacturers of asphalt roofing (including shingles and siding) for use only in the manufacture of such materials in their own factories	Free	7½ p.c.	25 p.c.
198c	Tape, coated, not exceeding three-eighths of an inch in width, for use exclusively in the recording and reproduction of sound	5 p.c.	10 p.c.	35 p.c.

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
199g	Duplex backing papers or wrappers including those printed and/or skived for use in the packaging of photographic roll films; interleaving and wrapping paper, for packaging flat photographic films and photographic papers; when imported by manufacturers of photographic films and photographic papers for use in their own factories in the packaging of such films and papers	5 p.c.	12½ p.c.	35 p.c.
208i	(i) Animal glands and animal glandular organs, and extracts thereof, wet or dry, (whether alcoholic or not), when imported by manufacturers of pharmaceutical or medicinal preparations for use exclusively in the manufacture of such preparations in their own factories	Free	Free	Free
208i	(ii) Animal bile, in liquid or paste form, not further processed than concentrated, for use in the manufacture of bile acids	Free	Free	Free
211b	Kyanite, crude or calcined, but not further processed than ground	Free	Free	25 p.c.
216d	Phthalic anhydride, adipic, abietic, maleic and succinic acids, hexamethylene diammonium adipate, hexamethylene diammonium sebacate, hexamethylene diamine, caprolactam, and ethylene glycol, when imported by manufacturers of synthetic resins, for use exclusively in the manufacture of synthetic resins, in their own factories	Free	Free	Free
216e	Materials of a kind not produced in Canada when imported to be used for plasticizing synthetic resins	Free	Free	Free
216f	Materials of a kind not produced in Canada when imported for use only in the manufacture of the goods specified in tariff items 237(a), (b), (c) and (d), 238a, 238b, 238c, 238d, 238e, 238f and 238g	Free	Free	Free
219g	Yeast, dead or inactive, containing only those vitamins inherent in or developed by the yeast during its culture or propagation in which the Vitamin D does not exceed 1,000 International units per gram, when valued at more than twenty-five cents per pound, under regulations which the Minister may prescribe	Free	Free	25 p.c.
225a	Ouricury wax	Free	Free	10 p.c.
231d	Synthetic resin glue	15 p.c.	17½ p.c.	25 p.c.
231e	Phenol when imported by manufacturers of synthetic resin glues, for use only in the manufacture of such glues in their own factories	Free	Free	Free
232e	Cereal or starch products which require only to be ground in order to form, when mixed with cold water, an adhesive paste.....per pound	3/5 ct.	1¼ cts.	2 cts.

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
236c	Surgical bandages and slabs composed of textile fabrics specially coated with Plaster of Paris compound	10 p.c.	10 p.c.	35 p.c.
246b	Stains and oxides, valued at not less than 20 cents per pound for use exclusively as colouring constituents in the manufacture of vitreous enamels and pottery glazes	Free	20 p.c.	22½ p.c.
246c	Finely divided metals or compounds of metals, whether dry, or suspended or dissoved in a liquid, for use exclusively in the manufacture of glassware and of tableware of china, porcelain or semi-porcelain	Free	Free	22½ p.c.
263b	Methyl ethyl ketone, furfural, methyl normal propyl ketone and methyl isobutyl ketone, when imported for use only in the refining of oils	Free	Free	25 p.c.
263c	Materials of a kind not produced in Canada for use only as catalysts in the refining of petroleum	Free	Free	25 p.c.
269	Products of petroleum, n.o.p.:—			
	(i) Lighter than ·8236 specific gravity (40·3 A.P.I.) at 60 degrees Fahrenheit per gallon	¾ ct.	1 ct.	2 cts.
	(ii) ·8236 specific gravity (40·3 A.P.I.) or heavier at 60 degrees Fahrenheit per gallon	½ ct.	½ ct.	1 ct.
271	Lubricating oils composed wholly or in part of petroleum:—			
	(a) Valued at less than 25 cents per gallon .....per gallon	1½ cts.	2¼ cts.	2½ cts.
	(b) N.o.p.	10 p.c.	12½ p.c.	20 p.c.
274	Petroleum coke, ground or unground	Free	Free	Free
275	Liquefied petroleum gases for heating, cooking or illuminating purposes, when imported in containers	10 p.c.	12½ p.c.	25 p.c.
295b	Vermiculite, crude, or not further processed than ground and screened	Free	Free	25 p.c.
296b	(i) Magnesite, dead-burned, sintered, caustic calcined or plastic magnesia	15 p.c.	15 p.c.	30 p.c.
	(ii) Magnesium carbonate, basic or otherwise, excepting crude rock, n.o.p.	20 p.c.	20 p.c.	30 p.c.
296e	Magnesite, calcined, and magnesium carbonate, not further manufactured than ground, when imported by manufacturers of insulating materials for use exclusively in the manufacture of such insulating materials, in their own factories	Free	Free	Free
309a	Granules, whether or not coloured or coated, for use in the manufacture of roofing, including shingles and siding	Free	Free	25 p.c.
326c	Blanks of uncoloured clear glass, when imported by manufacturers to be used exclusively in the manufacture of silvered mirror reflectors or acid-etched reflectors or refractors, for lighting systems	Free	9 p.c.	10 p.c.

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
328	Spectacle and eyeglass frames and parts thereof, n.o.p.	15 p.c.	17½ p.c.	20 p.c.
348f	Copper covered steel wire not less than one-quarter inch in diameter and rods, when imported by manufacturers of trolley, telegraph and telephone wires, electric wires and electric cables, for use only in the manufacture of such articles in their own factories.	Free	10 p.c.	10 p.c.
349b	Alloys of magnesium, viz.: ingots, pigs, sheets, plates, strips, bars, rods and tubes	5 p.c.	10 p.c.	25 p.c.
354c	Aluminum capsules for bottles	Free	7½ p.c.	30 p.c.
	On and after March 31, 1950	15 p.c.	22½ p.c.	30 p.c.
359	Gold and silver, in ingots, blocks, bars, drops, sheets or plates, unmanufactured; gold and silver sweepings; bullion fringe or gold fringe; scrap jewellery, fit only to be remelted, under such regulations as the Minister may prescribe	Free	Free	Free
364	Diamond dust or bort and black diamonds, for borers; diamond dust mixed with a carrier, in cartridges, the component material of chief value being diamond dust	Free	Free	Free
376b	Materials imported by manufacturers of sintered hard metal compounds of the tungsten carbide type, for use in the manufacture of such compounds in their own factories	Free	Free	10 p.c.
386	*(d)* Sheets, hoop, band or strip, coated or not, polished or not, when imported by manufacturers of saddlery hardware and saddles for use exclusively in the manufacture of such articles, in their own factories	Free	Free	Free
	(p) Sheets or strip, of iron or steel, hot or cold rolled, with silicon content of ·075 per centum or more, when imported by manufacturers of electrical apparatus, for use in the manufacture of electrical apparatus in their own factories	Free	12½ p.c.	12½ p.c.
392a	Forgings of iron or steel, in any degree of manufacture, hollow, machined or not, not less than 12 inches in internal diameter; and all other forgings, solid or otherwise, in any degree of manufacture, rough turned or rough machined or not, of a weight of 20 tons or over	Free	15 p.c.	30 p.c.
403	Wire, of steel:—			
	(a) Spring, not less than ·40 per centum, by weight, of carbon, when imported for use exclusively in the manufacture of springs for mattresses, cushions or upholstery:—			
	(i) ·128, ·116, ·104 and ·092 inch in diameter, with a tolerance not to exceed ·003 inch	Free	5 p.c.	7½ p.c.
	(ii) ·144, ·080, ·072, ·064, ·056 and ·048 inch in diameter, with a tolerance not to exceed ·003 inch	5 p.c.	5 p.c.	7½ p.c.

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
409q	Auxiliary internal combustion engines incorporated in or attached to agricultural implements or agricultural machinery	Free	Free	Free
409r	Milk evaporators for dairying purposes and complete parts thereof	Free	10 p.c.	25 p.c.
410a	(i) Loading machines; shaker trough, belt trough, chain or elevating conveyors; air engines; flame-proof enclosed driving motors; of a class or kind not made in Canada, and parts of all motive power or machinery mentioned in this item, for use exclusively in mining operations	Free	Free	35 p.c.
	(ii) Trucks or tractors, self-propelled, mounted on wheels or on endless tracks, including motive power, when of a class or kind not made in Canada, for use exclusively underground in mining operations; parts of the foregoing	Free	Free	27½ p.c.
	(iii) Diesel-powered self-propelled trucks, mounted on rubber-tired wheels, side or rear dump, having a rated capacity, by struck volume, of not less than 9½ cubic yards and, by payload weight, of not less than 15 tons, and complete parts thereof, for off-highway use in carrying minerals, ores, rock, stone, sand, gravel and other excavated materials in open-pit mines, quarries, gravel and sand pits or at construction sites	Free	10 p.c.	27½ p.c.
410h	Equipment and integral parts thereof for distributing stone dust in mines	Free	Free	10 p.c.
410m	Diamond drills and core drills, not including motive power, electrically operated rotary coal drills, and coal cutting machines, of a class or kind not made in Canada, and parts of the foregoing, for use exclusively in mining operations	Free	Free	Free
410n	Diamond drills and core drills, not including motive power, and electrically operated rotary coal drills, n.o.p., and parts of the foregoing, for use exclusively in mining operations	Free	10 p.c.	10 p.c.
410o	(i) Coal heading machines; electric or magnetic machines for concentrating or separating iron ores; automatic scales for use with conveyers; and integral parts of all the foregoing, for use exclusively in mining or metallurgical operations	Free	Free	Free
	(ii) Chock release apparatus, for use in coal mines to facilitate the safe removal of chocks forming the roof support	Free	Free	10 p.c.
410q	Pumps and vacuum pumps, and complete parts thereof, for use exclusively in the extraction of precious metals by the chlorination or cyanide processes	15 p.c.	15 p.c.	20 p.c.

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
410w	Machinery, n.o.p., for the concentration or separation or ores, metals or minerals, viz.: flotation machines, flotation cells, oil feeders and reagent feeders for flotation machines and flotation cells, pumps, vibrating and impact screens, jigs, magnetic separators, magnetic pulleys and filters, for use in the concentration or separation of ores, metals or minerals, and integral parts of all the foregoing	5 p.c.	7½ p.c.	20 p.c.
410y	Heavy duty mine hoists, of a size and capacity not made in Canada	Free	Free	10 p.c.
412	Machinery, being presses for use in the printing of newspapers and telephone directories, of not less value by retail than fifteen hundred dollars each, of a class or kind not made in Canada, and complete parts thereof, not to include saws, knives and motive power; mechanical deliveries or conveyors for use with newspaper printing presses	Free	Free	Free
412e	Articles and materials which enter into the construction and form part of the machines and apparatus provided for in tariff item 412a, when imported by manufacturers of such machines, apparatus and parts thereof, for use exclusively in the manufacture of such goods in their own factories under such regulations as the Minister may prescribe	Free	Free	Free
413	(i) Machinery and apparatus, of a class or kind not made in Canada, and parts thereof, specially constructed for preparing, manufacturing, testing or finishing yarns, cordage, and fabrics made from textile fibres or from paper, imported for use exclusively by manufacturers and scholastic or charitable institutions in such processes only	Free	5 p.c.	10 p.c.
	(ii) Materials for use in the manufacture of the goods specified in tariff item 413(i)	Free	5 p.c.	10 p.c.
427c	Machinery and apparatus for dairying purposes, viz.:—Power churns, power milk coolers, power fillers and cappers, power ice cream mixers, power butter printers, power cream savers, power bottle sterilizers, power brine tanks, power milk bottle washers, power milk can washers; ice-breaking machines, valveless or centrifugal milk pumps, sanitary milk and cream vats; none of the foregoing machinery to include motive power	Free	15 p.c.	35 p.c.
427f	Machines for the manufacture of veneers and plywoods, viz.:—Veneer clippers; veneer clipper knife jointers; veneer glue spreaders; veneer jointers; veneer lathes; automatic veneer reelers with supporting trays and hoists; automatic veneer unreelers; veneer conveyors specially designed for use with automatic veneer reelers and unreelers; veneer taping machines; complete parts of all the foregoing	Free	10 p.c.	35 p.c.

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
431c	Machinists' or metal workers' precision tools and measuring instruments, viz.:—Calipers, micrometers, metal protractors and squares, bevels, verniers, gauges, gauge blocks, parallels, buttons, mercury plumb bobs, dividers, trammels, scribers, automatic center punches, hand speed indicators, straight edges, key seat clamps and other clamps and vises used by toolmakers for precision work, precision tools and measuring instruments, n.o.p.; parts of all the foregoing, finished or not.....	Free....	9 p.c.	10 p.c.
431d	Engineers', surveyors' and draftsmen's precision instruments and apparatus, viz.:—Alidades, altazimuth surveying instruments; aneroid barometers, engineering, military and surveying; angle prisms; boards, military sketching; box sextants, clinometers; compasses; cross staff heads; curves, adjustable, irregular, railroad and ship; curvimeters; drafting instruments of all kinds, including fitted cases containing the same; dipping needles; drafting machines; heliographs; integrators; levels, tripod and hand or pocket types; levelling rods; liners, section; meters, portable for hydraulic engineering; pantographs; planimeters; protractors; parallel rulers; parallel ruling attachments; poles, ranging; pedometers and pace-ometers; plane tables, military and topographic; scales, flat and triangular; slide rules; splines; straight edges, steel and wooden; tacheometers; tallying machines, pocket; tee squares, steel and wooden; telemeters; theodolites; transits, tripod and hand or pocket types; triangles of all types; tripods for use with any of the foregoing instruments; parts of all the foregoing, finished or not....	Free	9 p.c.	10 p.c.
431g	Fixed or stationary meters, of a size or capacity not made in Canada, for hydraulic engineering; gauges, indicators and recorders for water or other liquid levels, volume or flow, of a class or kind not made in Canada.....	Free	17½ p.c.	20 p.c
431h	Geophysical surveying precision instruments and equipment for use exclusively in prospecting for, or in the exploration and development of, petroleum, natural gas, water wells and minerals, or for geophysical studies for engineering projects, including the following: magnetometers; gravity meters and other instruments designed to measure the elements, variations and distortions of the natural gravitational force; field potentiometers, meggers, non-polarizing electrodes, and electrical equipment for making measurements in drill holes; instruments and equipment for seismic prospecting; geiger muller counters and other instruments for radioactive methods of geophysical prospecting; electrical and electronic amplifying devices and electrical thermostats designed to be			

SCHEDULE A—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	used with any of the foregoing; all the foregoing of a class or kind not made in Canada, and repair parts, tripods and fitted carrying cases for any of the foregoing.....	Free	Free	30 p.c.
437	Locomotives, cars and coaches and repair equipment, belonging to railroads, brought temporarily into Canada for the purpose of clearing obstructions, fighting fires or making emergency repairs on railway lines within Canada; detector cars when imported to test rail in tracks in Canada.....	.....	Free	Free
438b	Bearings, clutch release; bearings, graphite; bearings, steel or bronze backed, with non-ferrous metal lining; bearings, steering knuckle thrust; bushings, graphited or oil impregnated; ceramic insulator spark plug cores, not further manufactured than burned and glazed, printed or decorated or not, without fittings; collars, crankshaft thrust; compressors, air; commutator copper segments; commutator insulating end rings; tapered discs of hot rolled steel, with or without centre hole, for disc wheels; distributor rotors and cam assemblies; door bumper shoes; electric wiring terminals, sockets, fittings and connectors and parts and combinations thereof, not to include battery terminals; gaskets of any material except cork or felt, composite or not, parts and materials therefor; ignition contact points; keys for shafting; auxiliary driving control kits, designed for attachment to motor vehicles to facilitate their operation by physically disabled persons and parts thereof; lenses of glass for motor vehicle lamps and for light reflectors; lock washers; magnetic plugs; piston ring castings in the rough, with or without gates and fins removed; propeller shaft tubes of steel bonded by rubber; rails of lock seam section, corners, locks and catches, unplated ventilators and parts thereof, the foregoing being of metal other than aluminum, for the manufacture of window sashes for bus bodies; steel bolts, studs, plugs, rivets or nuts, capped with stainless steel, and parts thereof; switches, relays, circuit breakers and solenoids and combinations and parts therof; vacuum control assemblies and parts thereof; vulcanized fibre in sheets, rods, strips and tubings; all of the foregoing when of a class or kind not made in Canada and for use in the manufacture or the repair of the goods enumerated in tariff items 424 and 438a, or for use in the manufacture of parts therefor..	Free	Free	30 p.c.
438c	Ammeters; arm rests and wheel housing lining of indurated fibre, pressed to shape; axle housings, one piece welded, machined or not, including parts welded thereto; carburetors; chassis frames and steel shapes for the manufacture thereof; cigar and cigarette lighters, whether in combination with a cigarette holder or not, including base; control ventilator gear box; cylinder lock barrels, with or without sleeves and keys thereof; dash			

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	heat indicators; engine speed governor units; external ornaments unplated, not including finish or decorative moulding; fluid couplings with or without drive plate assemblies; front, axle cross channel king pin support section assembly of steel, in the rough; fuel pumps, vacuum pumps and combinations thereof; gasoline gauges; grilles not plated, polished or not before assembly, and parts thereof not plated or polished, not to include added finish or decorative moulding; hinges, finished or not, for bodies; horns; instrument bezel assemblies; instrument board lamps; instrument panel, glove compartment, luggage compartment, hood compartment and door step lamps and wire assemblies; locks, electric ignition, steering gear, transmission, or combinations of such locks; mouldings of metal, with nails set in position, lead filled or not; oil filters; oil gauges; pipe lines of tubing, rigid or flexible, covered or not, with or without fittings and tubing therefor for oil, fuel, air, or liquid for actuating hydraulic brakes; purifiers for air; purifiers for oil or gasoline, including brackets and fittings therefor; radiator shutter assemblies, automatic; radiator water gauges; radiator shells not plated nor metal finished in any degree; shackles, bearing spring; speedometers; spring covers of metal and closing strips or shapes therefor: stampings, body, cowl, fender, hood, instrument board, of metal in the rough, trimmed or not, but not metal finished in any degree; starter switch assemblies; steering wheels, rims and spiders therefor; sun visor blanks of gypsum weatherboard; thermostatic controls; throttle, spark, choke, and hood lock release assemblies, including buttons therefor; tire clamping rings of steel, plated or not; universal joint ball assemblies; voltage control regulators; windshield and window wipers; parts of all the foregoing; all of the foregoing when of a class or kind not made in Canada and for use in the manufacture or repair of the goods enumerated in tariff items 410a (iii), 424 and 438a or for use in the manufacture of parts therefor.....	Free	20 p.c.	30 p.c.
	(1) Provided, that if the above articles are imported for use as original equipment by a manufacturer of automobiles, motor vehicles, electric trackless trolley buses or chassis enumerated in tariff items 438a, 424 and 410a (iii) whose total factory output during the year in which importation is sought does not exceed ten thousand complete automobiles, motor vehicles, electric trackless trolley buses or chassis, and provided that not less than forty per centum of the factory cost of production of such automobiles, motor vehlicles, electric trackless trolley buses or chassis, not to include duties and taxes, is incurred in the British Empire, the rates of duty under this item shall be.....	Free	Free	25 p.c.
	(2) Provided, that if the above articles are imported for use as original equipment by a manufacturer of automobiles, motor vehi-			

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	cles, electric trackless trolley buses or chassis enumerated in tariff items 438a, 424 and 410a (iii) whose total factory output during the year in which importation is sought exceeds ten thousand automobiles, motor vehicles, electric trackless trolley buses or chassis, and provided that not less than sixty-five per centum of the factory cost of production of such automobiles, motor vehicles, electric trackless trolley buses or chassis, not to include duties and taxes, is incurred in the British Empire, the rates of duty under this item shall be.....	Free	Free	25 p.c.
	(3) Provided that the Governor in Council may make such regulations, if any, as are deemed necessary for carrying out the provisions of this item.			
438d	Front and rear axles; brakes; clutches; drums; hubs; internal combustion engines; steering gears; magnetos; rims for pneumatic tires larger than thirty inches by five inches; transmission assemblies; hydraulic or fluid couplings and torque convertors; drive shafts; universal joint; steel road wheels; power dividers or transfer cases; and parts of the foregoing, when of a class or kind not made in Canada, and imported by manufacturers of the goods enumerated in tariff items 410a (iii), 424 and 438a for use only in the manufacture of motor trucks, motor buses and electric trackless trolley buses, or for the manufacture of chassis for the same...	Free	17½ p.c.	27½ p.c.
	(1) Provided that if the above articles are imported for use as original equipment for motor trucks, motor buses and electric trackless trolley buses, or for chassis for the same, by a manufacturer of the goods enumerated in tariff items 410a (iii), 424 and 438a, and provided also that during the year during which importation is sought, not less than forty per centum of the factory cost of production of such motor vehicles and chassis therefor, not to include duties and taxes, is incurred in the British Empire, the rates of duty under this item shall be.....	Free	7½ p.c.	27½ p.c.
	(2) Provided that the Governor in Council may make such regulations, if any, as are deemed necessary for carrying out the provisions of this item.			
438e	Parts, n.o.p., for automobiles, motor vehicles, electric trackless trolley buses or chassis enumerated in tariff items 438a and 424, not to include wireless receiving sets, die castings of zinc, electric storage batteries, parts of wood, tires and tubes or parts of which the component material of chief value is rubber:–			
	(1) Brake linings, and clutch facings whether or not including metallic wires or threads:—			
	(a) When made from crude asbestos of British Commonwealth origin .	Free	25 p.c.	35 p.c.
	(b) When made from crude asbestos, n.o.p.....	15 p.c.	25 p.c.	35 p.c.
	(2) Automobile and motor vehicle engines, stripped, n.o.p., and complete parts thereof, n.o.p.....	Free	25 p.c.	35 p.c.

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	(3) Parts, n.o.p., electro-plated or not, whether finished or not	Free	30 p.c.	40 p.c.
	Provided, that parts in chief value of iron or steel which were classified for duty purposes under tariff items 427 or 446a, as of January 1, 1936, shall be dutiable at	Free	25 p.c.	40 p.c.
	(4) Parts, n.o.p., of brass or copper, whether finished or not	Free	27 p.c.	40 p.c.
439c	Farm wagons, including four-wheeled farm wagons equipped to be tractor-drawn; farm sleds; logging wagons; logging sleds; and complete parts of all the foregoing	Free	15 p.c.	25 p.c.
442d	Materials, including all parts, wholly or in chief part of metal, of a class or kind not made in Canada, when imported by manufacturers of goods entitled to entry under tariff items 410g, 410l, 410n, 410o, 410p, 410q, 410u, 410w, 410z, 411, 411a, 411b, 427b, 427c, 427f, 428c, 428e, 428h, 440k and 447a, for use in the manufacture of such goods in their own factories, under such regulations as the Minister may prescribe	Free	5 p.c.	10 p.c.
	Provided that materials and parts which are entitled to free entry or to a lower rate of duty than is specified in this item shall not be dutiable under this item.			
445m	(i) Flameproof electric switchgear, for use underground in coal mines, and complete parts thereof	Free	20 p.c.	30 p.c.
	(ii) Flameproof electric transformers, rectifiers, cable-connecting devices, trailing cable extensions with couplers moulded on, junction boxes, and complete parts of the foregoing, when of a class or kind not made in Canada and for use underground in coal mines	Free	10 p.c.	37½ p.c.
445n	Electrical instruments and apparatus of precision of a class or kind not made in Canada, viz.:—Meters or gauges for indicating and/or recording altitude, amperes, comparisons, capacity, density, depth, distance, electrolysis, flux, force, frequency, humidity, inductance, liquid levels, ohms, operation, power factor, pressure, space, speed, stress, thrust, synchronism, temperature, time, volts, volume, watts, weight; complete parts thereof	Free	15 p.c.	30 p.c.
445o	(i) Acid-free capacitor tissue and paper, plain and gummed; metal cans, extruded, plated or unplated; automatic record changers; parts for pickups; bias cells and holders; frames, yokes, brackets, pole-pieces, gaskets and field covers, separate or assembled for use in speakers with mounting diameter not exceeding 6⅜ inches; cones, spiders, spider suspensions, voice coils and voice coil dust covers, separate or assembled; magnetic structures and parts thereof for permanent magnet speakers; glass dial crystals and scales and metal dials or scales made by the silk-screen process; metal cabinet escut-			

SCHEDULE—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	cheons without crystals, plain or finished; high frequency circuit switches and essential components thereof; high frequency iron cores with or without inserts moulded therein; motors and gears for automatic tuning; radio frequency ceramics; raw low loss mica; sheets and punchings of low loss mica; tube shields and parts thereof; vibrators; vulcanized fibre in sheets, rods, strips or tubing; high frequency coil forms and tubing having an outside diameter not exceeding one inch; for use in the manufacture or the repair of the goods enumerated in tariff items 445d, 597a, and other apparatus using radio tubes, or for use in the manufacture of parts therefor.....	Free	Free	30 p.c.
	(ii) Metal powders; etched aluminum foil; alloy resistance wire having a diameter of less than ·005 inch; spring-drive motors for record turntables; automatic record-centering mechanisms with tone arm, not including motors or turntables; metal cabinet escutcheons with crystals, plain or finished; when of a class or kind not made in Canada and for use in the manufacture or the repair of the goods enumerated in tariff items 445d, 597a, and other apparatus using radio tubes, or for use in the manufacture of parts therefor.....	Free	Free	30 p.c.
	(iii) Materials and parts, not including motors, for use by manufacturers of apparatus using radio tubes, or of parts therefor, in the manufacture, in their own factories, of the goods enumerated in tariff items 445o(i) and 445o(ii).....	Free	Free	30 p.c.
476	Surgical and dental instruments of any material; surgical needles; clinical thermometers and cases therefor; X-ray apparatus; microscopes valued at not less than fifty dollars each, retail; complete parts of all the foregoing.....	Free	Free	Free
480a	Invalid wheel chairs, with or without motive power, and parts thereof.....	Free	10 p.c.	15 p.c.
499a	Walnut shell flour, wood flour, and bark flour..	Free	5 p.c.	20 p.c.
504a	Ponderosa pine lumber (pinus ponderosa) and California sugar pine lumber (pinus Lambertiana), not further manufactured than planed, dressed, or jointed.....	Free	Free	Free
523n	Seamless cotton bags.....	15 p.c.	22½ p.c.	25 p.c.
	and, per pound.....	.....	.....	4 cts.
539	Cordage, exceeding one inch in circumference, wholly of vegetable fibres, n.o.p.....	7½ p.c.	12½ p.c.	25 p.c.
	On and after July 31, 1949.....	17½ p.c.	22½ p.c.	25 p.c.
585a	Tall oil, tall oil pitch and blended tall oil and tall oil pitch.....	Free	Free	Free
587	Coke, n.o.p.....	Free	Free	Free
654a	Pins or pegs of synthetic resin used as bristles in the manufacture of brushes.....	Free	5 p.c.	20 p.c.

SCHEDULE—*Concluded*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
657	Mouthpieces in the rough, screws, aluminum pipe fitments, pipe bowls moulded from briarwood dust, bowls of wood not further processed than frazed, corn cobs and corn cob bowls not further processed than shaped, when imported by manufacturers of tabacco pipes for use in the mznufacture of such pipes, in their own factories	Free	Free	25 p.c.
682a	Net floats of any material except wood, for use exclusively in commercial fishing	Free	Free	Free
692	Collections of coins and/or medals; postage stamps; medals of metal and other metallic articles, which have been bestowed as trophies or prizes and received and accepted as honorary distinctions, or which have been donated by persons or organizations abroad for such purposes; trophy cups of metal and other metallic prizes (not usual merchantable commodities) won abroad in bona fide competitions, or donated by persons or organizations abroad, for such purposes in Canada. The foregoing not to include medals, trophies or prizes which are regularly presented by organizations or business companies to their members, employees or representatives	Free	Free	Free
393	(iii) Antiquities (other than spirits or wines) produced prior to January 1, 1847, under such regulations, including proof of antiquity, as may be prescribed by the Minister	Free	Free	Free
396b	Films produced by or issued under the authority of government tourist bureaux, railway authorities, airway authorities or steamship companies; subject to such regulations as the Minister may prescribe	Free	Free	Free
696c	Phonograph records for bona fide libraries, and being the property of the organized authorities of such libraries and not in any case the property of individuals or business concerns, under such regulations as the Minister may prescribe	Free	Free	Free
848	All machinery and apparatus and parts thereof (including motive power) and drilling mud, for use exclusively in exploratory or discovery work in connection with, and development, depletion and production of petroleum or natural gas wells; seamless, lapwelded and electric welded iron or steel casing, tubing and drill pipe for use in connection with natural gas or oil wells	Free	Free	Free

337.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 337.

An Act to amend the Criminal Code.

First reading, June 7, 1948.

THE MINISTER OF JUSTICE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
5134 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 337.

An Act to amend the Criminal Code.

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.

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 *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is amended by inserting immediately after paragraph nine thereof the following:

"disorderly house."

"(9a) 'disorderly house' means a common bawdy-house, a common gaming-house or a common betting-house."

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

"military law."

"(21) "military law" includes all laws, regulations or orders governing or in respect of the Army, the Navy or the Air Force;"

"public officer."

"(33) "public officer" includes any excise or customs officer, officers of the army, navy or air force, marine, militia, Royal Canadian Mounted Police, or other officer engaged in enforcing the laws relating to the revenue, customs, trade or navigation of Canada;"

3. Section eight of the said Act is repealed and the following substituted therefor:

This Act not to affect H.M. forces.

"**8.** Nothing in this Act shall affect any of the laws relating to the government of His Majesty's land, naval or air forces."

Explanatory Notes.

1. The purpose of this amendment is to define a disorderly house.

2. The purpose of these amendments is to include the Air Force in the definition.

Subsection (21) presently reads:

"(21) "military law" includes the Militia Act and any orders, rules and regulations made thereunder, the King's Regulations and Orders for the Army; any Act of the United Kingdom or other law applying to His Majesty's troops in Canada and all other orders, rules and regulations of whatsoever nature or kind to which His Majesty's troops in Canada are subject;"

3. Section eight now reads as follows:

"8. Nothing in this Act shall affect any of the laws relating to the government of His Majesty's land or naval forces."

The purpose of the amendment is to include the air forces.

4. Subsection one of section one hundred and twenty-nine of the said Act, as enacted by section one of chapter twenty-five of the statutes of 1932-33, is repealed and the following substituted therefor:

Air Forces, members added to those who may carry weapons.

"**129.** (1) Nothing in the fifteen last preceding sections shall apply to the having upon his person or the carrying by any member of His Majesty's Naval, Military or Air Forces, or by any peace officer or immigration officer of any weapon, device or contrivance which he is by law permitted or authorized so to have or carry, or to any *bona fide* sale made by any manufacturer of or person trading wholesale in such weapons, devices or contrivances to any person *bona fide* dealing in such articles and having an established and fixed place of business."

5. Paragraph *(c)* of subsection four of section two hundred and forty-two of the said Act is repealed and the following substituted therefor:

What shall be *prima facie* evidence of neglect to supply necessaries.

"*(c)* evidence that a man has left his wife, and has failed, for a period of any one month subsequent to the date of his so leaving, to make provision for her maintenance or for the maintenance of any child of his under the age of sixteen years, shall be *prima facie* evidence that he has omitted or neglected or refused without lawful excuse to provide necessaries."

6. Subsection three of section two hundred and fifty-two of the said Act is repealed and the following substituted therefor:

Offence.

Culpable homicide.

"(3) Culpable homicide is either murder or manslaughter or infanticide."

7. Section two hundred and sixty-two of the said Act is repealed and the following substituted therefor:

Man-slaughter.

"**262.** (1) Culpable homicide, not being infanticide and not amounting to murder, is manslaughter.

Infanticide defined.

(2) A woman who by wilful act or omission causes the death of her newly born child shall be deemed not to have committed murder or manslaughter if at the time of the act or omission she had not fully recovered from the effect of giving birth to such child and by reason thereof the balance of her mind was then disturbed, but shall be deemed to have committed an indictable offence, namely, infanticide."

4. The purpose of this amendment is to include the air forces.

5. Paragraph *(c)* of subsection four of section two hundred and forty-two of the *Criminal Code* reads as follows:

> *"(c) evidence that a man has, without lawful cause or excuse, left his wife without making provision for her maintenance for a period of at least one month from the date of his so leaving, or for the maintenance for the same period of any child of his under the age of sixteen years, shall be prima facie evidence of neglect to provide necessaries under this section."*

The purposes of this amendment are twofold. First, to provide that if there is evidence of desertion and failure to provide necessaries, the onus is then on the defendant to establish that he acted with lawful excuse. Secondly, to provide that proof of failure to provide for any month is sufficient.

6. The purpose of this amendment is to provide for the crime of infanticide.

7. The purpose of this amendment is to provide for the crime of infanticide.

Section two hundred and sixty-two now reads:

> "**262.** Culpable homicide, not amounting to murder, is manslaughter."

8. The said Act is further amended by adding thereto, immediately after section two hundred and sixty-eight thereof, the following section:

Punishment for infanticide.

"**268A.** Every one who commits infanticide is guilty of an indictable offence and liable to imprisonment for three years."

9. Subsection three of section two hundred and eighty-five of the said Act, as enacted by section nine of chapter fifty-five of the statutes of 1947, is repealed and the following substituted therefor:

Unlawfully taking motor vehicle.

"(3) Every one who takes or causes to be taken from a garage, stable, stand, or other building or street, road, highway or other place, any motor vehicle with intent to operate or drive or use or cause or permit the same to be operated or driven or used without the consent of the owner is liable, on summary conviction, to a fine not exceeding five hundred dollars and costs or to imprisonment for any term not exceeding twelve months or to both fine and imprisonment."

10. That part of section three hundred and sixty-four of the said Act, as enacted by section one of chapter thirty-five of the statutes of 1944-45, that precedes paragraph *(a)* thereof is repealed and the following substituted therefor:

Penalty.

"**364.** Every one is guilty of an indictable offence and liable to imprisonment for life, or for any term not less than one year, who steals,"

11. That part of section three hundred and sixty-five of the said Act, as enacted by section two of chapter thirty-five of the statutes of 1944-45, that precedes paragraph *(a)* thereof is repealed and the following substituted therefor:

Penalty.

"**365.** Every one is guilty of an indictable offence and liable to imprisonment for any term not exceeding seven years, and not less than one year, who steals,"

12. Section four hundred and fourteen of the said Act is repealed and the following substituted therefor:

False prospectus, statement or account by directors or officers.

"**414.** Every one is guilty of an indictable offence and liable to five years' imprisonment who, being a promoter, director, officer or manager of any body corporate or company, either existing or intended to be formed, makes, circulates, or publishes, or concurs in making, circulating or publishing any prospectus, statement or account, whether written or oral, which he knows to be false in any material particular, with intent to induce persons whether ascertained or not to become shareholders or partners, or with intent

8. The purpose of this amendment is to provide for the crime of infanticide.

9. Subsection three of section two hundred and eighty-five now reads as follows:

"(3) Everyone who takes or causes to be taken from a garage, stable, stand, or other building or street, road, highway or other place, any motor vehicle with intent to operate or drive or use or cause to permit the same to be operated or driven or used without the consent of the owner is liable, on summary conviction, to a fine not exceeding five hundred dollars and costs or to imprisonment for any term not exceeding twelve months or to both fine and imprisonment."

The purpose of this admendment is to correct a printing error.

10. The purpose of this amendment is to provide a minimum penalty of one year for this offence.

Section three hundred and sixty-four reads as follows:

"**364.** Every one is guilty of an indictable offence and liable to imprisonment for life who steals,

(a) a post letter bag; or

(b) a post letter from a post letter bag or from any post office, or from any officer or person employed in any business of the post office of Canada, or from a mail; or

(c) a post letter containing any chattel, money or valuable security; or

(d) any chattel, money or valuable security from or out of a post letter."

11. The purpose of this amendment is to provide a minimum penalty of one year for this offence.

Section three hundred and sixty-five now reads as follows:

"**365.** Every one is guilty of an indictable offence and liable to imprisonment for any term not exceeding seven years who steals,

(a) any post letter, other than post letters referred to in the last preceding section;

(b) any parcel sent by parcel post, or any article contained in any such parcel; or

(c) any key suited to any lock adopted for use by the Post Office Department, and in use on any Canada mail bag."

12. This amendment arises out of a judgment in the case of Rex vs. Morgan and Dempsey, 1947 O.L.R. 805, in which it was held that if the statements referred to in the said section were made orally they did not constitute an offence thereunder.

to deceive or defraud the members, shareholders or creditors, or any of them, whether ascertained or not, of such body corporate or company, or with intent to induce any person to entrust or advance any property to such body corporate or company, or to enter into any security for the benefit thereof."

13. Section four hundred and forty-four of the said Act is repealed and the following substituted therefor:

Defrauding the public.

"**444.** Every one is guilty of an indictable offence and liable to five years' imprisonment who, by deceit or falsehood or other fraudulent means, defrauds the public or any person, ascertained or unascertained, or affects the public market price of stocks, shares, merchandise, or anything else publicly sold, whether such deceit or falsehood or other fraudulent means would or would not amount to a false pretense as hereinbefore defined."

14. The said Act is further amended by adding thereto, immediately after section four hundred and forty-four thereof, the following section:

Fraudulent manipulations of stock exchange.

"**444A.** Every one is guilty of an indictable offence and liable to five years' imprisonment who, through the facility of any stock exchange or curb market, or other market, with the intent of creating a false or misleading appearance of active public trading in any security, or with the intent of creating a false or misleading appearance with respect to the market price of any security:—

(a) effects any transaction in such security which involves no change in the beneficial ownership thereof; or

(b) enters an order for the purchase of such security with the knowledge that an order of substantially the same size at substantially the same time and at substantially the same price for the sale of any such security has been or will be entered by or for the same or different persons: or

(c) enters an order for the sale of any such security with the knowledge that an order of substantially the same size at substantially the same time and at substantially the same price for the purchase of any such security has been or will be entered by or for the same or different persons."

15. Paragraph *(b)* of section five hundred and one of the said Act is repealed and the following substituted therefor:

By threats.

"*(b)* intimidates or attempts to intimidate such other person or the wife, child, parent or other relation of such other person by threats that, in Canada or elsewhere, violence or other injury will be done to, or punishment inflicted upon him, her, or any of them or that the property of any of them will be damaged."

13. The purpose of this amendment is to remove the necessity of establishing conspiracy in connection with any fraudulent scheme operated through the machinery of the stock market. The words "conspires with any other person", after the word "who" in the second line have been deleted.

The penalty for conspiracy was seven years. "Five" is now substituted for "seven".

14. This amendment is designed to prevent the fraudulent manipulation of transactions on the stock exchanges.

15. The purpose of this amendment is to make it an offence to intimidate any person by threats of injury to any relation of that person either in Canada or elsewhere.

16. Subsection two of section five hundred and forty-three of the said Act, is repealed and the following substituted therefor:

Confiscation and destruction.

"(2) All cocks found in any such cock-pit, or on the premises wherein such cock-pit is, shall be confiscated and shall be ordered to be destroyed."

17. Subsection one of section six hundred and forty-one of the said Act is repealed and the following substituted therefor:

Search in gaming houses.

"**641.** (1) If a constable or other peace officer of any city, town, incorporated village, or other municipality or district, organized or unorganized, or place, reports in writing to the mayor or chief magistrate, recorder or to a judge of the Sessions of the Peace, or to the police, stipendiary or district magistrate of such city, town, incorporated village or other municipality, district, or place, or to any police or stipendiary magistrate having jurisdiction there, or to any justice having such jurisdiction, that there

Grounds for search.

are good grounds for believing, and that he does believe, that any house, room or place within the said city or town, incorporated village or other municipality, district or place is kept or used as a disorderly house, or for betting, wagering or pool selling contrary to the provisions of section two hundred and thirty-five, or for the purpose of carrying on a lottery or for the sale of lottery tickets, or for the purpose of conducting or carrying on of any scheme, contrivance or operation for the purpose of determining the winners in any lottery contrary to the provisions of section two hundred

Orders for search.

and thirty-six, whether admission thereto is limited to those possessed of entrance keys or otherwise; such mayor, chief magistrate, recorder, police, stipendiary or district magistrate or justice, may, by order in writing, authorize the constable or other peace officer to enter and search any such house, room or place with such other constables or peace officers as are deemed requisite by him, and such peace officer or peace officers may thereupon enter and search all parts of such house, room or place and if necessary may use force for the purpose of effecting such entry, whether by breaking open doors, or otherwise, and may take into

Arrest of persons and seizuer of gaming instruments.

custody all persons who are found therein, and may seize all tables and instruments of gaming, wagering, or betting and all moneys and securities for money and all instruments or devices for the carrying on of a lottery, or of any scheme, contrivance or operation for determining the winners in any lottery, and all lottery tickets and all intoxicating liquors

16. This subsection reads as follows:

"**543.** (2) All cocks found in any such cock-pit, or on the premises wherein such cock-pit is, shall be confiscated and sold for the benefit of the municipality in which such cock-pit is situated."

17. This section is amended by striking out the words "as defined by section two hundred and twenty-nine" because the definition of "disorderly house" is moved to the definition section.

and all circulars, advertisements, printed matter, stationery and things which may be found in such house or premises which appear to have been used or to be intended for use for any illegal purpose or business, and shall bring the same before the person issuing such order or any justice, to be by him dealt with according to law."

18. Subsection one of section six hundred and ninety-eight of the said Act, as enacted by section twenty-one of chapter fifty-five of the statutes of 1947, is repealed and the following substituted therefor:

Bail after commital.

"**698.** (1) In case of any offence other than treason or an offence punishable with death, or an offence under any of the sections seventy-six to eighty-six, inclusive, where the accused has been finally committed as herein provided, any judge of any superior or county court or a magistrate as defined by section seven hundred and seventy-one, having jurisdiction in the district or county within the limits of which the accused is confined, may, in his discretion, on application made to him for that purpose, order the accused to be admitted to bail on entering into a recognizance with sufficient sureties before a justice in such amount as the judge or magistrate directs, and thereupon the justice shall issue a warrant of deliverance as hereinafter provided, and shall attach thereto the order of the judge or magistrate directing the admitting the accused to bail."

19. Subsection two of section seven hundred and sixteen of the said Act is repealed and the following substituted therefor:

Commission to take evidence outside of Canada in certain cases.

"(2) Whenever it is made to appear to the satisfaction of a judge of any Superior or County Court that any person who resides out of Canada is able to give material information relating to an offence for which a prosecution is pending under this Part, or relating to any person accused of such offence, such judge may by order under his hand, appoint a commissioner or commissioners to take the evidence, upon oath of such person.

Practice and procedure to be in conformity with rules of court.

"(3) Until otherwise provided by rules of court, the practice and procedure in connection with the appointment of commissioners, under this section, the taking of depositions by such commissioners, and the certifying and return thereof, and the use of such depositions as evidence, shall be as nearly as practicable the same as those which prevail in the respective courts in connection with like matters in civil causes.

Depositions may be used as evidence.

"(4) The depositions taken by such commissioners may be used as evidence at the trial."

18. The purpose of this amendment is to correct an obvious error.

Subsection one of section six hundred and ninety-eight now reads as follows:

"**698.** (1) In case of any offence other than treason or an offence punishable with death, or an offence under any of the sections seventy-six to eighty-six, inclusive, where the accused has been finally committed as herein provided, any judge of any superior or county court or a magistrate as defined by section seven hundred and seventy-one, having jurisdiction in the district or county within the limits of which the accused is confined, may, in his discretion, on application made to him for that purpose, order the accused to be admitted to bail on entering into a recognizance with sufficient sureties before a justice *or magistrate* in such amount as the judge directs, and thereupon the justice shall issue a warrant of deliverance as hereinafter provided, and shall attach thereto the order of the judge or magistrate directing the admitting the accused to bail."

19. The purpose of this amendment is to clarify the procedure and to bring it into accord with section nine hundred and ninety-seven. Subsection two of section seven hundred and sixteen now reads:

"**716.** (2) A judge of any superior or county court may appoint a commissioner or commissioners to take the evidence upon oath of any person who resides out of Canada and is stated to be able to give material information relating to an offence for which a prosecution is pending under this Part, or relating to any person accused of such offence, in the circumstances and in the manner, *mutatis mutandis*, in which he might do so under section nine hundred and ninety-seven; and all the provisions of the said section, in respect of matters arising thereunder, shall apply *mutatis mutandis* to matters arising under this section: Provided that no such appointment shall be made without the consent of the Attorney General."

20. Section seven hundred and eighteen of the said Act is repealed and the following substituted therefor:

Non-appearance of accused.

"**718.** In case the accused does not appear at the time and place appointed by any summons issued by a justice on information before him of the commission of an offence punishable on summary conviction then, if it appears to the satisfaction of the justice that the summons was duly served a reasonable time before the time appointed for appearance, such justice may proceed *ex parte* to hear and determine the case in the absence of the defendant, as fully and effectually, to all intents and purposes, as if the defendant had personally appeared in obedience to such summons and had pleaded 'not guilty', or the justice may, if he thinks fit, issue his warrant as provided by sections six hundred and fifty-nine and six hundred and sixty and adjourn the hearing of the complaint or information until the defendant is apprehended."

21. Subsection one of section seven hundred and twenty of the said Act is repealed and the following substituted therefor:

Proceedings when both parties appear.

"**720.** (1) If both parties appear, either personally or by their respective counsel,solicitors or agents, before the justice who is to hear and determine the complaint or information, such justice shall proceed to hear and determine the same, provided however, that if the accused does not appear personally, the justice may require the personal appearance of the accused and may adjourn the hearing and may issue his warrant for the apprehension of the accused."

22. Section seven hundred and twenty-one A of the said Act, as enacted by section fifteen of chapter twenty-three of the statutes of 1943-44, is repealed and the following substituted therefor:

Proceedings in imposing sentences in cases of previous conviction.

"**721A.** (1) Upon the trial of any person for an offence for which a greater punishment may be inflicted by reason of a previous conviction, if the accused is found guilty, the justice shall then, and not before, if requested by the prosecutor, ask the accused whether he was previously convicted, and if he does not admit that he was so previously convicted evidence may be adduced to prove such previous conviction.

Justice may inquire concerning previous conviction.

(2) If upon the hearing of any information for any such offence the justice proceeds *ex parte* to hear and determine the case in the absence of the accused as provided in section seven hundred and eighteen the justice may inquire concerning any previous conviction."

20. This amendment is self-explanatory. Section seven hundred and eighteen now reads:

"**718.** In case the accused does not appear at the time and place appointed by any summons issued by a justice on information before him of the commission of an offence punishable on summary conviction then, if it appears to the satisfaction of the justice that the summons was duly served a reasonable time before the time appointed for appearance, such justice may proceed *ex parte* to hear and determine the case in the absence of the defendant, as fully and effectually, to all intents and purposes, as if the defendant had personally appeared in obedience to such summons, or the justice may, if he thinks fit, issue his warrant as provided by sections six hundred and fifty-nine and six hundred and sixty and adjourn the hearing of the complaint or information until the defendant is apprehended."

21. The purpose of this amendment is to provide that the justice shall have the right to compel the personal attendance of the accused.

Section seven hundred and twenty subsection one now reads:

"**720.** (1) If both parties appear, either personally or by their respective counsel, solicitors, or agents, before the justice who is to hear and determine the complaint or information such justice shall proceed to hear and determine the same."

22. The purpose of this amendment is to clarify the procedure in respect of offences for which a greater punishment is provided for a second offence.

Subsection two is to remove doubt as to whether the justice may in the absence of the accused inquire concerning previous convictions.

23. Subsection one of section seven hundred and twenty-two of the said Act is repealed and the following substituted therefor:

Adjournment.

"**722.** (1) Before or during the hearing of any information or complaint the justice may, in his discretion, adjourn the hearing of the same to a certain time or place to be then appointed and stated in the presence and hearing of the party or parties, or of their respective counsel, solicitors or agents then present, but no such adjournment shall, except with the consent of both parties, be for more than eight days."

24. Section seven hundred and twenty-five of the said Act is repealed and the following substituted therefor:

Information not objectionable on certain grounds.

"**725.** No information, summons, conviction, order or other proceeding shall be held to charge two offences, or shall be held to be uncertain on account of its stating the offence to have been committed in different modes, or in respect of one or other of several articles, either conjunctively or disjunctively."

25. Subsection one of section seven hundred and thirty-one of the said Act is repealed and the following substituted therefor:

Minute of order to be served.

"**731.** (1) Whenever, by any Act or law, authority is given to commit a person to prison, or to levy any sum upon his goods or chattels by distress, for not obeying an order of a justice, the defendent, his counsel, solicitor, or agent, shall be served with a copy of the minute of the order before any warrant of commitment or of distress is issued in that behalf."

26. Section seven hundred and thirty-three of the said Act is repealed and the following substituted therefor:

Dismissal of complaint for assault.

"**733.** If the justice, upon the hearing of any case of assault or battery upon the merits where the information is laid by or on behalf of the person aggrieved, under the last preceding section, deems the offence not to be proved, or finds the assault or battery to have been justified, or so trifling as not to merit any punishment, he shall dismiss the complaint and shall, if requested so to do, forthwith make out a certificate under his hand stating the fact of such dismissal, and shall deliver such certificate to the person against whom the complaint was preferred."

23. The purpose of this amendment is to allow an adjournment of more than eight days with the consent of both parties.

Subsection one of section seven hundred and twenty-two now reads:

"**722.** (1) Before or during the hearing of any information or complaint the justice may, in his discretion, adjourn the hearing of the same to a certain time or place to be then appointed and stated in the presence and hearing of the party or parties, or of their respective counsel, solicitors or agents then present, but no such adjournment shall be for more than eight days."

24. This amendment is self-explanatory. Section seven hundred and twenty-five now reads:

"**725.** No information, summons, conviction, order or other proceeding shall be held to charge two offences, or shall be held to be uncertain on account of its stating the offence to have been committed in different modes, or in respect of one or other of several articles, either conjunctively or disjunctively, for example in charging an offence under section five hundred and thirty-three it may be alleged that 'the defendant unlawfully did cut, break, root up and otherwise destroy or damage a tree, sapling or shrub'; and it shall not be necessary to define more particularly the nature of the act done, or to state whether such act was done in respect of a tree, or a sapling, or a shrub."

25. The purpose of this amendment is to provide the service of a minute of an order to be made on the accused, his solicitor or agent.

Section seven hundred and thirty-one subsection one now reads:

"**731.** (1) Whenever, by any Act or law, authority is given to commit a person to prison, or to levy any sum upon his goods or chattels by distress, for not obeying an order of a justice, the defendant shall be served with a copy of the minute of the order before any warrant of commitment or of distress is issued in that behalf."

26. This amendment provides that a certificate of dismissal of a charge of assault or battery need not issue unless a request for its issue is made to the justice.

Section seven hundred and thirty-three now reads:

"**733.** If the justice, upon the hearing of any case of assault or battery upon the merits where the information is laid by or on behalf of the person aggrieved, under the last preceding section, deems the offence not to be proved, or finds the assault or battery to have been justified, or so trifling as not to merit any punishment, he shall dismiss the complaint and shall forthwith make out a certificate under his hand stating the fact of such dismissal, and shall deliver such certificate to the person against whom the complaint was preferred."

27. Section seven hundred and forty-six of the said Act is repealed and the following substituted therefor:

Commitment when party in prison

"**746.** (1) Whenever a justice, upon any information or complaint, adjudges the defendant to be imprisoned, and the defendant is then in prison undergoing imprisonment upon conviction for any other offence, the warrant of commitment in respect of the subsequent conviction shall be forthwith delivered to the gaoler or other officer to whom it is directed.

Cumulative punishment.

(2) The justice who issued the same, if he thinks fit, may award and order therein that the term of imprisonment in respect of the subsequent conviction shall commence at the expiration of the term of imprisonment to which the defendant was previously sentenced."

28. Subsection two of section seven hundred and forty-seven of the said Act is repealed and the following substituted therefor:

Payment when party in prison to keeper.

"(2) Whenever any person is imprisoned for non-payment of any penalty or other sum, he may pay or cause to be paid to the keeper of the prison in which he is imprisoned, the sum in the warrant of commitment mentioned, together with the amount of the costs and charges therein also mentioned, and the keeper shall receive the same, and shall thereupon discharge the person unless he is in his custody under some other process of law."

29. Subsection two of section seven hundred and forty-eight of the said Act is repealed and the following substituted therefor:

Complainant may be bound over.

"(2) Whenever upon the hearing of any charge mentioned in subsection one the justice is of the opinion that the complainant is likely to commit an offence against the peace unless he is bound over to good behaviour, such justice may require the complainant forthwith to enter into his own recognizance, or to give security to keep the peace and be of good behaviour for any term not exceeding twelve months.

In case of complaint if threats made.

(3) Upon complaint by or on behalf of any person that on account of threats made by some other person or on any other account, he, the complainant, is afraid that such other person will do him, his wife or child some personal injury, or will damage his property, the justice before whom such complaint is made, may, if he is satisfied that the complainant has reasonable grounds for his fears, require such other person to enter into his own recognizance, or to give security, to keep the peace, and to be of good behaviour, for a term not exceeding twelve months."

27. The purpose of this admendment is to clarify the procedure therein and to remove certain doubts which now exist.

Section seven hundred and forty-six now reads:

"**746.** (1) Whenever a justice, upon any information or complaint, adjudges the defendant to be imprisoned, and the defendant is then in prison undergoing imprisonment upon conviction for any other offence, the warrant of commitment for the subsequent offence shall be forthwith delivered to the gaoler or other officer to whom it is directed.

(2) The justice who issued the same, if he thinks fit, may award and order therein that the imprisonment for the subsequent offence shall commence at the expiration of the imprisonment to which the defendant was previously sentenced."

28. The purpose of this amendment is obvious. Subsection two of section seven hundred and forty-seven now reads:

"(2) Whenever any person is imprisoned for non-payment of any penalty or other sum, he may pay or cause to be paid to the keeper of the prison in which he is imprisoned, the sum in the warrant of commitment mentioned, together with the amount of the costs and charges therein also mentioned, and the keeper shall receive the same, and shall thereupon discharge the person, unless he is in his custody for some other matter."

29. The purpose of this amendment is to empower a justice to bind over the complainant as well as the person charged.

Subsection two now reads:

"**748** (2) Upon complaint by or on behalf of any person that on account of threats made by some other person or on any other account, he, the complainant, is afraid that such other persons will do him, his wife or child some personal injury, or will burn or set fire to his property, the justice before whom such complaint is made, may, if he is satisfied that the complainant has reasonable grounds for his fears, require such other person to enter into his own recognizance, or to give security, to keep the peace, and to be of good behaviour, for a term not exceeding twelve months."

Subsections re-numbered.

30. Subsections three, four and five of section seven hundred and forty-eight of the said Act are renumbered subsections four, five and six respectively.

31. Paragraph *(c)* of section seven hundred and fifty of the said Act, as enacted by section twenty-three of chapter fifty-five of the statutes of 1947, is repealed and the following substituted therefor:

Appellant remains in custody or gives recognizance or makes deposit in court.

"*(c)* the appellant, if the appeal is from a conviction or order adjudging imprisonment, or suspending sentence, shall either remain in custody until the holding of the court to which the appeal is given, or shall within the time limited for filing a notice of intention to appeal, enter into a recognizance in form 51 with two sufficient sureties before a county judge, clerk of the peace or justice for the county in which such conviction or order has been made, conditioned personally to appear at the said court and try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as are awarded by the court or enter into a recognizance so conditioned and make such cash deposit in lieu of sureties as the justice may determine; or if the appeal is from a conviction or order whereby a penalty or sum of money is adjudged to be paid, the appellant shall within the time limited for filing the notice of intention to appeal, in cases in which imprisonment upon default of payment is directed either remain in custody until the holding of the court to which the appeal is given, or enter into a recognizance in form 51 with two sufficient sureties as hereinbefore set out, or deposit with the justice making the conviction or order an amount sufficient to cover the sum so adjudged to be paid, together with such further amount as such justice deems sufficient to cover the costs of the appeal; and, in cases in which imprisonment in default of payment is not directed, deposit with such justice an amount sufficient to cover the sum so adjudged to be paid, together with such further amount as such justice deems sufficient to cover the costs of the appeal; and upon such recognizance being entered into or deposit made the justice before whom such recognizance is entered into or deposit made shall liberate such person if in custody;"

31. The purpose of this amendment is to provide for the case where an order suspending sentence is made under section one thousand and eighty-one.

32. Subsection one of section seven hundred and fifty-two of the said Act is repealed and the following substituted therefor:

Judgment on appeal final.

"**752.** (1) When an appeal against any summary conviction or order has been lodged in due form, and in compliance with the requirements of this Part, the court appealed to shall try, and shall be the absolute judge of the facts, in respect to such conviction or order."

Repeal.

33. Section seven hundred and fifty-two A of the said Act, as enacted by section twenty-four of chapter fifty-five of the statutes of 1947, is repealed.

34. Subsection one of section seven hundred and sixty-five of the said Act is repealed and the following substituted therefor:

Hearing of case stated.

"**765.** (1) The court to which a case is transmitted shall hear and determine the question or questions of law arising thereon, and shall thereupon affirm, reverse or modify the conviction, order or determination in respect of which the case has been stated, or remit the matter to the justice with the opinion of the court thereon, and may make such other order in relation to the matter, and such orders as to costs, as to the court seems fit."

35. The said Act is further amended by adding thereto, immediately after section seven hundred and sixty-nine thereof, the following heading and section:

"Appeals to Court of Appeal

Appeal on ground involving question of law.

769A. (1) An appeal to the Court of Appeal, as defined in section one thousand and twelve, against any decision of the court under the provisions of section seven hundred and fifty-two or section seven hundred and sixty-five with leave of the Court of Appeal or a judge thereof may be taken on any ground which involves a question of law alone.

Sections applicable.

(2) The provisions of sections one thousand and twelve to one thousand and twenty-one, inclusive, shall *mutatis mutandis* in so far as the same are applicable, apply to an appeal under this section.

Effect and enforcement of decision.

(3) The decision of the Court of Appeal shall have the same effect and may be enforced in the same manner as if it had been made by a justice at the hearing."

32. Section 752A of the *Criminal Code* authorizes an appeal to the Court of Appeal on a question of law. The present subsection (1) of section 752 reads as follows:

"**752.** When an appeal against any summary conviction or order has been lodged in due form, and in compliance with the requirements of this Part, the court appealed to shall try, and shall be the absolute judge, *as well* of the facts *as of the law*, in respect to such conviction or order."

33. This section is being re-enacted with an amendment by clause 37 of this bill.

34. Section seven hundred and sixty-five now reads as follows:

"**765.** (1) The court to which a case is transmitted shall hear and determine the question or questions of law arising thereon, and shall thereupon affirm, reverse or modify the conviction, order or determination in respect of which the case has been stated, or remit the matter to the justice with the opinion of the court thereon, and may make such other order in relation to the matter, and such orders as to costs, as to the court seems fit; *and all such orders shall be final and conclusive upon all parties.*"

The purpose of this amendment is to bring it into conformity with the amendment to section 752A (now to be 769A), by repealing the words "and all such orders shall be final and conclusive upon all parties".

35. This replaces the present subsection one of section 752A which reads as follows:

"**752A.** (1) Notwithstanding anything to the contrary contained in this Part, an appeal to the Court of Appeal, as defined in section one thousand and twelve, against any decision of the court under the provisions of section seven hundred and fifty-two with leave of the Court of Appeal or a judge thereof may be taken on any ground which involved a question of law alone."

The purpose of this amendment is to permit an appeal from the decision of a judge in a stated case on any question of law.

36. Part XVI of the said Act is repealed and the following substituted therefor:

"PART XVI.

"SUMMARY TRIAL OF CERTAIN INDICTABLE OFFENCES.

Interpretation.

Definition of magistrate.

"**771.** In this part 'magistrate' means any person who under the laws of the province in which he exercises jurisdiction is designated and has the power and authority ordinarily exercised by a police, stipendiary or other magistrate.

Jurisdiction—Trial with Consent

Summary trial in certain cases.

"**772.** Whenever a person is charged before a magistrate with having committed an indictable offence other than an offence mentioned in section five hundred and eighty-three, the magistrate may hear and determine the charge in a summary way but only with the consent of the person so charged.

No trial under this Part in certain cases.

"**773.** (1) Where an offence charged is punishable with imprisonment for a period exceeding five years the Attorney-General may require that the magistrate proceed as upon a preliminary inquiry notwithstanding that the person charged has consented to be tried by a magistrate under this Part, and thereupon the magistrate shall have no jurisdiction to try or sentence such person under this Part.

Part XVIII to apply in case of committal for trial.

(2) Notwithstanding anything in subsection one the provisions of Part XVIII so far as relevant shall be applicable to any case coming within subsection one in which there has been a committal for trial under Part XIV.

Procedure

Proceedings on arraignment.

"**774.** (1) If under this Part the magistrate proposes to dispose of the case, after the charge is reduced to writing, he shall read the same to the person charged and shall state to him that he

Election.

(a) is charged with the offence, describing it;

(b) has the option to be tried by the magistrate without the intervention of a jury, or to remain in custody or under bail, as the court decides, to be tried in the ordinary way by the court having criminal jurisdiction.

36. The purposes of this amendment are the following:

(1) To redefine in concise form a magistrate under this Part.

(2) To remove the restrictions on the jurisdiction of magistrates in small municipalities.

(3) To abolish the absolute jurisdiction of magistrates in certain cases.

(4) To authorize magistrates with consent to try any indictable offence, except those mentioned in section 583.

(5) To remove the restriction on a magistrate in respect of sentence.

(6) To change the procedure where a conviction for a second offence provides a heavier penalty.

(7) To remove certain obsolete parts and clarify the procedure generally.

Trial after consent.

(2) If the person charged consents to be tried by the magistrate, the magistrate shall subject to the provisions of section seven hundred and seventy-eight proceed to try and dispose of the charge in accordance with the provisions of this Act.

Preliminary inquiry if consent not given.

(3) If the person charged does not consent to be tried by the magistrate under this Part the magistrate shall proceed to hold a preliminary inquiry as provided by this Act.

No reference in charge to previous conviction.

"**775.** No charge for an offence for which a greater punishment may be inflicted by reason of a previous conviction shall contain any reference to such previous conviction and no such greater punishment may be inflicted unless at least twenty-four hours before the hearing written notice is given to the person charged that if found guilty it will be alleged against him that he has been previously convicted.

Proceedings in imposing sentences in cases of previous conviction or convictions.

"**776.** Upon the trial of any person for an offence for which a greater punishment may be inflicted by reason of a previous conviction or convictions, if the accused is found guilty, the magistrate shall then, and not before, if requested by the prosecutor, ask the accused whether he was previously convicted, and if he does not admit that he was so previously convicted evidence may be adduced to prove such previous conviction or convictions.

Corporation to appear by attorney.

"**777.** (1) A corporation shall appear by its counsel, solicitor or agent, who shall on its behalf elect, as in this Part provided in respect of a natural person, and thereupon the case shall proceed as if the corporation charged were a natural person.

Preliminary inquiry.

(2) If the corporation does not so appear, or, so appearing does not by its counsel, solicitor or agent elect to be tried summarily, the magistrate may proceed, in the absence of the accused, or upon its counsel, solicitor or agent not so electing to be tried as aforesaid, as upon a preliminary inquiry.

Magistrate may decide not to proceed summarily.

"**778.** If, in any proceeding under this Part, it appears to the magistrate that the offence is one which ought to be made the subject of prosecution by indictment rather than to be disposed of summarily, such magistrate may before the accused person has entered upon his defence decide not to adjudicate summarily upon the case and shall then continue the hearing as a preliminary inquiry.

Dismissal of charge.

"**779.** Whenever the magistrate finds the offence not proved, he shall dismiss the charge, and if requested so to do, make out and deliver to the person charged a certificate under his hand stating the fact of such dismissal.

Material to be transmitted to clerk of peace, etc.

"**780.** The magistrate adjudicating under the provisions of this Part shall transmit the conviction, or a duplicate of the certificate of dismissal, with the written charge, the depositions of witnesses for the prosecution and for the defence, and the statement of the accused, to the clerk of the peace or other proper officer for the district, city, county or place wherein the offence was committed, there to be kept by the proper officer among the records of the general or quarter sessions of the peace or of any court discharging the functions of a court of general or quarter sessions of the peace.

Evidence of conviction or dismissal.

"**781.** A copy of such conviction, or of such certificate of dismissal, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction or dismissal for the offence mentioned therein in any legal proceedings.

Justice or justices may remand to magistrate. Charge to be disposed of under this Part.

"**782.** Whenever any person is before any justice or justices to answer to a charge which may be disposed of under this Part the justice or justices may remand such person to appear before the nearest magistrate in like manner in all respects as a justice or justices are authorized to commit an accused person for trial and thereupon the said charge may be disposed of under this Part.

All other provisions of the Criminal Code to apply *mutatis mutandis*.

"**783.** Except as otherwise specially provided in this Part all other provisions of the Criminal Code in so far as they are relevant and not inconsistent with the provisions of this Part shall apply *mutatis mutandis* to proceedings under this Part.

Forms 55, 56 and 57.

"**784.** A conviction or certificate of dismissal under this Part may be in the Form 55, 56 or 57 applicable to the case or to the like effect."

Repeal.

37. Part XVII of the said Act is repealed.

38. Subsection two of section eight hundred and twenty-six of the said Act is repealed and the following substituted therefor:

Prosecuting officer to be notified to act where judge does not reside in county.

"(2) Where the judge does not reside in the county or district in which the prisoner was committed, the judge having received the notification may forward it to the prosecuting officer with instructions to cause the prisoner to be brought before him instead of the judge, naming as early a day as possible for the trial in case the prisoner shall elect to be tried by the judge, without a jury, and the prosecuting officer shall, in such case, with as little delay as possible cause the prisoner to be brought before him."

37. It is considered that this Part which applies to the "Trial of Juvenile Offenders for indictable offences", is now useless and should be removed from the Code.

38. This amendment arises out of an amendment to section eight hundred and twenty-seven by section twenty-eight of chapter fifty-five of the statutes of 1947 wherein the words "having first obtained the depositions on which the prisoner was so committed, if any" were repealed.

Subsection two of section eight hundred and twenty-six reads as follows:

> "**826.** (2) Where the judge does not reside in the county or district in which the prisoner was committed, the judge having received the notification *and having obtained the depositions on which the prisoner was committed, if any*, may forward *them* to the prosecuting officer with instructions to cause the prisoner to be brought before him instead of the judge, naming as early a day as possible for the trial in case the prisoner shall elect to be tried by the judge. without a jury, and the prosecuting officer shall, in such case, with as little delay as possible cause the prisoner to be brought before him."

39. Section eight hundred and eighty-eight of the said Act is repealed and the following substituted therefor:

Offence committed in one province not triable in another. Exception.

"**888.** Nothing in this Act authorizes any court in one province of Canada to try any person for any offence committed entirely in another province: Provided that every proprietor, publisher, editor or other person charged with the publication in a newspaper of any defamatory libel or with conspiracy to publish in a newspaper any defamatory libel, shall be dealt with, indicted, tried and punished in the province in which he resides, or in which such newspaper is printed.

40. The said Act is further amended by adding thereto, immediately after section nine hundred and twenty-nine thereof, the following section:

When juror dies or is discharged for illness or other cause.

"**929A.** Where in the course of a trial any member of a jury is, in the opinion of the judge, through illness or other cause, unable to continue to act, the judge may discharge him and in such case or where a member of the jury dies the jury shall, subject to consent being given in writing by or on behalf of both the Crown and the accused, and so long as the number of jurors is not reduced below ten, or in the province of Alberta five, be considered as remaining for all the purposes of the trial properly constituted and the trial shall proceed and a verdict may be given accordingly."

41. Subsection four of section nine hundred and forty-five is repealed and the following substituted therefor:

In case of capital offences.

"(4) Such direction shall be given in all cases with the exception of rape in which the accused may upon conviction be sentenced to death."

42. Subsection two of section nine hundred and fifty-one of the said Act is repealed and the following substituted therefor:

Conviction for manslaughter or infanticide on charge of murder.

"(2) On a count charging murder, if the evidence proves manslaughter or infanticide but does not prove murder, the jury may find the accused not guilty of murder but guilty of manslaughter or infanticide, but shall not on that count find the accused guilty of any other offence."

39. The purpose of this amendment is to provide for cases in which a conspiracy to publish in a newspaper a defamatory libel is charged.

40. The purpose of this amendment is to provide for the contingency of a juror becoming discharged during the trial for illness or other cause.

41. The purpose of this amendment is to provide that juries may separate in trials for rape.

42. The purpose of this amendment is to provide for the crime of infanticide.

Subsection two of section nine hundred and fifty-one reads as follows:

> "**951.** (2) On a count charging murder, if the evidence proves manslaughter but does not prove murder, the jury may find the accused not guilty of murder but guilty of manslaughter, but shall not on that count find the accused guilty of any other offence."

43. Subsection one of section one thousand and twenty-five of the said Act is repealed and the following substituted therefor:

Appeal to Supreme Court of Canada on question of law.

"**1025.** (1) Either the Attorney General or any person convicted of an indictable offence may appeal to the Supreme Court of Canada from the judgment of any court of appeal setting aside or affirming a conviction or dismissing an appeal against a judgment or verdict of acquittal in respect of an indictable offence, on any question of law, if leave to appeal is granted by a judge of the Supreme Court of Canada within twenty-one days after the judgment appealed from is pronounced, or within such extended time thereafter as the judge to whom the application is made may for special reasons allow; in an appeal by the Attorney General the judge may impose such terms, if any, as he may see fit."

44. The said Act is further amended by adding thereto, immediately after section one thousand and fifty-four thereof, the following section:

Criminal sexual psychopath.

"**1054**A. (1) When any person is convicted of an offence under sections two hundred and ninety-two, two hundred and ninety-three, two hundred and ninety-nine, three hundred, three hundred and one or three hundred and two, the court, before passing sentence, may hear evidence as to whether the offender is a criminal sexual psychopath.

Evidence of two psychiatrists.

(2) Such evidence shall be given by at least two psychiatrists who, in the opinion of the court, are duly qualified as such and one of whom has been nominated by the Minister of Justice.

Other evidence.

(3) The court may hear such other evidence as it may deem necessary.

Consent of Attorney General required.

Notice.

(4) Such evidence shall not be submitted unless:—

(a) the Attorney General of the province in which the accused is to be tried consents thereto, and

(b) not less than seven days' notice has been given by the proper officer of the court to the offender that such evidence will be submitted.

Court may find accordingly.

(5) The court may find that the convicted person is a criminal sexual psychopath and in such case shall sentence him for the offence for which he has been convicted to a term of imprisonment in a penitentiary of not less than two years and for an indeterminate period thereafter.

43. Section 1025 (1) now reads as follows:

"Either the Attorney General of the province or any person convicted of an indictable offence may appeal to the Supreme Court of Canada from the judgment of any court of appeal setting aside or affirming a conviction of an indictable offence, *if the judgment appealed from conflicts with the judgment of any other court of appeal in a like case, and* if leave to appeal is granted by a judge of the Supreme Court of Canada within twenty-one days after the judgment appealed from is pronounced, or within such extended time thereafter as the judge to whom the application is made may for special reasons allow."

The purpose of this amendment is to provide for an appeal to the Supreme Court of Canada with leave on any question of law, and also to provide for an appeal in respect of a judgment or verdict of acquittal.

44. Section two hundred and ninety-two deals with indecent assault, two hundred and ninety-three with sodomy, two hundred and ninety-nine with rape, three hundred with attempted rape, three hundred and one with carnal knowledge and three hundred and two with attempted carnal knowledge.

The purpose of this amendment is to provide indeterminate sentences in connection with sex offences.

Sentence.

(6) Any person found to be a criminal sexual psychopath and sentenced accordingly shall be subject to such disciplinary and reformative treatment as may be prescribed by penitentiary regulations.

Minister of Justice to review conditions.

(7) The Minister of Justice shall once at least in every three years during which a person is detained in custody for an indeterminate period review the condition, history and circumstances of that person with a view to determining whether he should be placed out on licence and, if so, on what condition.

Criminal sexual psychopath defined.

(8) In this section "criminal sexual psychopath" means a person who by a course of misconduct in sexual matters has evidenced a lack of power to control his sexual impulses and who as a result is likely to attack or otherwise inflict injury, loss, pain or other evil on the object of his uncontrollable desires."

Coming into force.

45. This Act shall come into force on the first day of November, one thousand nine hundred and forty-eight, except section thirty-six thereof which shall come into force on the first day of October, one thousand nine hundred and forty-nine.

45. It is considered advisable that a reasonable time be given between the assent to this Act and the coming into force of same.

43. Section 1025 (1) now reads as follows:

"Either the Attorney General of the province or any person convicted of an indictable offence may appeal to the Supreme Court of Canada from the judgment of any court of appeal setting aside or affirming a conviction of an indictable offence, *if the judgment appealed from conflicts with the judgment of any other court of appeal in a like case, and* if leave to appeal is granted by a judge of the Supreme Court of Canada within twenty-one days after the judgment appealed from is pronounced, or within such extended time thereafter as the judge to whom the application is made may for special reasons allow."

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45. It is considered advisable that a reasonable time be given between the assent to this Act and the coming into force of same.

338.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 338.

An Act respecting Income Taxes.

First reading, June 8, 1948.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

14324

INCOME TAX ACT.

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4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 338.

An Act respecting Income Taxes.

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 Income Tax Act.*

PART I—INCOME TAX.

DIVISION A—LIABILITY FOR TAX.

Residents.

2. (1) An income tax shall be paid as hereinafter required upon the taxable income for each taxation year of every person resident in Canada at any time in the year.

Non-residents employed or carrying on business in Canada.

(2) Where a person who is not taxable under subsection one for a taxation year

(a) was employed in Canada at any time in the year, or

(b) carried on business in Canada at any time in the year,

an income tax shall be paid as hereinafter required upon his taxable income earned in Canada for the year determined in accordance with Division D.

Taxable income.

(3) The taxable income of a taxpayer for a taxation year is his income for the year minus the deductions permitted by Division C.

Cross References to Income War Tax Act.

s. 1.

s. 9 (1) and (2).

Division B—Computation of Income.

General Rules.

World income.

3. The income of a taxpayer for a taxation year for the purposes of this Part is his income for the year from all sources inside or outside Canada and, without restricting the generality of the foregoing, includes income for the year from all

(a) businesses,

(b) property, and

(c) offices and employments.

Income from business or property.

4. Subject to the other provisions of this Part, income for a taxation year from a business or property is the profit therefrom for the year.

Income from office or employment.

5. Income for a taxation year from an office or employment is the salary, wages and other remuneration, including gratuities, received by the taxpayer in the year plus

(a) the value of board, lodging and other benefits (except the benefit he derives from his employer's contributions to or under an approved superannuation fund or plan, group insurance plan or medical services plan) received or enjoyed by him in the year in respect of, in the course of or by virtue of the office or the employment, and

(b) all amounts received by him in the year as an allowance for personal or living expenses or as an allowance for any other purpose except

(i) travelling or other allowances expressly fixed in an Act of the Parliament of Canada,

(ii) travelling and separation allowances received under service regulations as a member of the naval, military or air forces of Canada, or

(iii) representation or other special allowances received in respect of a period of absence from Canada as

(A) an ambassador, minister, high commissioner, officer or servant of Canada or a member of the naval, military or air forces of Canada, or

(B) an agent-general, officer or servant of a province,

minus the deductions permitted by paragraphs *(g)* and *(j)* of subsection (1) of section 11 and by subsections (7) and (8) of section 11 but without any other deductions whatsoever.

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 3.

new.

s. 3 (1) and (4).

Amounts Included in Computing Income.

6. Without restricting the generality of section 3, there shall be included in computing the income of a taxpayer for a taxation year

Dividends, annuities, etc.

(a) amounts received in the year as, on account or in lieu of payment of, or in satisfaction of

(i) dividends,

(ii) director's or other fees,

(iii) annuity payments,

(iv) superannuation or pension benefits, or

(v) retiring allowances,

Interest.

(b) amounts received in the year or receivable in the year (depending upon the method regularly followed by the taxpayer in computing his profit) as interest or on account or in lieu of payment of, or in satisfaction of interest,

Income from partnership or syndicate.

(c) the taxpayer's income from a partnership or syndicate for the year whether or not he has withdrawn it during the year,

Alimony.

(d) amounts received by the taxpayer in the year pursuant to a decree, order or judgment of a competent tribunal in an action or proceeding for divorce or judicial separation or pursuant to a written separation agreement as alimony or other allowance payable on a periodic basis for the maintenance of the recipient thereof, children of the marriage, or both the recipient and children of the marriage, if the recipient is living apart from the spouse or former spouse required to make the payments,

Previous reserve for doubtful debts.

(e) the amount deducted as a reserve for doubtful debts in computing the taxpayer's income for the immediately preceding year,

Bad debts recovered.

(f) amounts received in the year on account of debts in respect of which a deduction for bad debts had been made in computing the taxpayer's income for a previous year whether or not the taxpayer was carrying on the business in the taxation year,

Premiums on redemption of shares.

(g) amounts received by the taxpayer in the year as premiums paid by a corporation on the redemption or acquisition of any of its shares,

Benefits from estates, etc.

(h) amounts in respect of benefits from or under an estate, trust, contract, arrangement or power of appointment as provided by section 58 or 60,

Personal corporation dividends.

(i) amounts deemed to have been received in the year by the taxpayer under section 61 as a shareholder in a personal corporation, and

Payments based on production or use.

(j) amounts received by the taxpayer in the year that were dependent upon use of or production from property whether or not they were instalments of the sale

s. 3 and s. 12 (1).

s. 3.

s. 30.

s. 3 (1) *(h)*.

new.

new.

s. 17.

s. 3 (1) *(a)* and s. 11 (1).

s. 21 (1).

s. 3 (1) *(f)*.

price of the property, but instalments of the sale price of agricultural land shall not be included by virtue of this paragraph.

Income and capital combined.

7. Where a payment under a contract or other arrangement can reasonably be regarded as being in part a payment of interest or other payment of an income nature and in part a payment of a capital nature, the part of the payment that can reasonably be regarded as a payment of interest or other payment of an income nature shall, irrespective of when the contract or arrangement was made or the form or legal effect thereof, be included in computing the recipient's income.

Appropriation of property to shareholders.

8. (1) Where, in a taxation year,

(a) a payment has been made by a corporation to a shareholder otherwise than pursuant to a *bona fide* business transaction,

(b) funds or property of a corporation have been appropriated in any manner whatsoever to, or for the benefit of, a shareholder, or

(c) a benefit or advantage has been conferred on a shareholder by a corporation,

otherwise than on the redemption of shares or on the winding-up, discontinuance or reorganization of its business, the amount or value thereof shall be included in computing the income of the shareholder for the year.

Loan to shareholder.

(2) Where a corporation has, in a taxation year, made a loan to a shareholder, the amount thereof shall be included in computing the income of the shareholder for the year unless the loan was made

(a) in the ordinary course of its business and the lending of money was part of its ordinary business,

(b) to an officer or servant of the corporation to enable or assist him to purchase or erect a dwelling house for his own occupation, or

(c) to an officer or servant of the corporation to enable or assist him to purchase fully paid shares of the corporation to be held by him for his own benefit.

Application.

(3) This section is applicable in computing the income of a shareholder for the purposes of this Part whether or not the corporation was resident or carried on business in Canada.

Winding-up.

9. (1) Where funds or property of a corporation having on hand undistributed income earned since the beginning of 1917 have, in a taxation year, been distributed or otherwise appropriated in any manner whatsoever to or for the benefit of one or more of its shareholders on the winding-up, discontinuance or reorganization of its business, a dividend shall be deemed to have been received by each shareholder equal to the lesser of

Cross References to Income War Tax Act.

s. 3(2).

new.

s. 18.

s. 19 (1).

(a) the amount or value of the funds or property so distributed or appropriated to him, or

(b) the portion of the aforesaid undistributed income that was or would have been payable to him on the winding-up of the business at that time.

Redemption or conversion of common shares.

(2) Where a corporation having on hand undistributed income earned since the beginning of 1917 has

(a) redeemed or acquired any of its common shares or reduced its common stock, or

(b) converted any of its common shares into shares other than common shares or into some obligation of the corporation,

a dividend shall be deemed to have been received by each of the persons who held any of the shares immediately before the transaction was completed equal to the lesser of

(i) the amount received or the value of that which was received by him for or in respect of the shares or the reduction or conversion, or

(ii) the portion of the aforesaid undistributed income that would have been payable to him on the winding-up of the business at that time.

Capitalization.

(3) When, as a result of the reorganization of a corporation or the readjustment of its capital stock, the whole or any part of undistributed income on hand is capitalized, a dividend shall be deemed to have been received by each of the persons who held any of the shares immediately before the reorganization or readjustment was completed equal to the proportion of the undistributed income so capitalized that would have been payable to him on the winding-up of the business at that time.

Interpretation.

(4) Subsection (3) shall not be construed as limiting the amount of any dividend that may, for the purpose of this Act, be considered or deemed to have been paid.

Interest on income bonds.

(5) An annual or other periodic amount paid by a corporation to a taxpayer in respect of an income bond or income debenture shall be deemed to have been received by the taxpayer as a dividend unless the corporation is entitled to deduct the amount so paid in computing its income.

Undistributed income.

(6) Where the Minister has notified a corporation by registered letter that in his opinion the undistributed income of the corporation exceeds what is reasonably required for the purposes of the business by an amount specified therein, a dividend equal to the amount specified in the notice shall be deemed to have been received by its shareholders on the day on which the registered letter was sent unless

(a) it is established that the undistributed income on hand on that day did not exceed what was reasonably required for the purposes of the business in which case a dividend shall not be deemed under this subsection to have been received, or

Cross References to Income War Tax Act.

s. 16.

s. 15.

new.

s. 12 (2).

s. 13.

(b) it is established that the amount by which the undistributed income on hand on that day exceeded what was reasonably required for the purposes of the business is an amount less than that specified in the notice in which case the dividend that shall be deemed to have been received is the lesser amount.

Reduction of undistributed income.

(7) Where, under this section, a dividend has been deemed to have been received, the undistributed income of the corporation shall, for the purposes of this Part, be deemed to have been reduced by the amount deemed to have been received by the shareholders.

Actual payment of dividend.

(8) When a dividend has, under subsection (6), been deemed to have been received by the shareholders of a corporation, dividends actually received by the shareholders from the corporation within 90 days after the time when the dividends were deemed to have been received shall, to the extent of the dividends that were deemed to have been received, not be included in computing the income of the shareholders; and actual payment of dividends by the corporation within the aforesaid period of 90 days shall, to that extent, be deemed not to have reduced the undistributed income of the corporation.

Application.

(9) This section is applicable in computing the income of a shareholder for the purpose of this Part whether or not the corporation was resident or carried on business in Canada.

Amounts not Included in Computing Income.

10. (1) There shall not be included in computing the income of a taxpayer for a taxation year

Statutory exemptions.

(a) an amount that is declared to be exempt from income tax by any other legislation of the Parliament of Canada,

War Saving Certificates.

(b) an amount received under a War Savings Certificate issued by His Majesty in right of Canada,

Ship or aircraft of non-residents.

(c) the income for the year of a non-resident person earned in Canada from the operation of a ship or aircraft owned or operated by him, if the country where that person resided grants substantially similar relief for the year to a person resident in Canada,

Service pension.

R.S., c. 157, 1946, c. 43.

(d) a pension payment that is received under or is subject to the *Pension Act* or *The Civilian War Pensions and Allowances Act*, or compensation received under regulations made under section 5 of the *Aeronautics Act*,

Service pension from another country.

(e) a pension payment received on account of disability or death arising out of war service from a country that was an ally of His Majesty at the time of the war service, if that country grants substantially similar relief for the year to a person receiving a pension referred to in paragraph *(d)*,

Cross References to Income War Tax Act.

s. 20.

new.

new.

new.

s. 4 (j).

s. 4 *(m)*.

s. 4 *(l)*.

s. 4 *(l)*.

Halifax disaster pensions.

(f) a pension payment in respect of death or injury sustained in the explosion at Halifax in 1917 received from the Halifax Relief Commission the incorporation of which was confirmed by chapter 24 of the Statutes of Canada, 1918,

Workmen's compensation.

(g) compensation received under an employees' or workmen's compensation act of Canada or a province in respect of an injury, disability or death, or

Unemployment insurance. 1940 c. 44.

(h) benefits received under *The Unemployment Insurance Act, 1940.*

M.L.A.'s expense allowance.

(2) Where an elected member of a provincial legislative assembly is, under an Act of the provincial legislature, paid an allowance in a taxation year for expenses incident to the discharge of his duties as a member, the allowance shall not be included in computing his income for the year unless it exceeds one-half of the maximum fixed amount provided by law as payable to him by way of salary, indemnity and other remuneration as a member in respect of attendance at a session of the legislature, in which event there shall be included in computing his income for the year only the amount by which the allowance exceeds one-half of that maximum fixed amount.

Deductions Allowed in Computing Income.

11. (1) Notwithstanding any other provision in this Division, the following amounts may, subject to subsections (2) and (3) of section 12, be deducted in computing the income of a taxpayer for a taxation year:

Capital cost of property.

(a) such part of the capital cost to the taxpayer of property, or such amount in respect of the capital cost to the taxpayer of property, if any, as is allowed by regulation,

Allowance re coal mine or oil or gas well.

(b) such amount as an allowance in respect of a coal mine or an oil or gas well, if any, as is allowed to the owner by regulation,

Interest.

(c) an amount paid in the year, or payable in respect of the year (depending upon the method regularly followed by the taxpayer in computing his income), pursuant to a legal obligation to pay interest on borrowed money used for the purpose of earning income from a business or property (other than property the income from which would be exempt), but, if the rate at which the interest was computed was unreasonably high, only such part of the amount so paid or payable as would have been paid or payable if the rate had been reasonable may be deducted,

Reserve for doubtful debts.

(d) a reasonable amount as a reserve for

(i) doubtful debts that have been included in computing the income of the taxpayer for that year or a previous year, and

new.

s. 4 *(u)*.

new.

s. 3 (9).

s. 5 (1) *(a)* and s. 6 (1) *(n)*.

s. 5 (1) *(a)*.

s. 5 (1) *(b)*.

new—but see s. 6 (1) *(d)*.

(ii) doubtful debts arising from loans made in the ordinary course of business by a taxpayer part of whose ordinary business was the lending of money,

Bad debts.

(e) the aggregate of debts owing to the taxpayer

(i) that are established by him to have become bad debts in the year, and

(ii) that have (except in the case of debts arising from loans made in the ordinary course of business by a taxpayer part of whose ordinary business was the lending of money) been included in computing his income for that year or a previous year,

Employer's contributions to pension funds.

(f) an amount not exceeding $900 paid by the taxpayer to or under an approved superannuation fund or plan in respect of services rendered by each employee, officer or director of the taxpayer in the year plus such amount as may be deducted as a special contribution under section 69,

Employee's contributions to pension funds.

(g) amounts contributed by the taxpayer to or under an approved superannuation fund or plan,

(i) not exceeding in the aggregate $900 in the year, if retained by his employer from his remuneration for or under the fund or plan in respect of services rendered in the year or paid into or under the fund or plan by the taxpayer as part of his dues for the year as a member of a trade union, and

(ii) not exceeding in the aggregate $900 paid in the year into or under the fund or plan by the taxpayer in respect of services rendered by him previous to the year while he was not a contributor,

Scientific research.

(h) such amount in respect of expenditures on scientific research as is permitted by section 65,

Capital element in annuities.

(i) the capital element of each annuity payment (other than a superannuation or pension benefit) included in computing income for the year, that is to say,

(i) if the annuity was paid under a contract, an amount equal to that part of the payment determined in prescribed manner to have been a return of capital, and

(ii) if the annuity was paid under a will or trust, such part of the payment as can be established by the recipient not to have been paid out of the income of the estate or trust,

Alimony.

(j) an amount paid by the taxpayer in the year pursuant to a decree, order or judgment of a competent tribunal in an action or proceeding for divorce or judicial separation or pursuant to a written separation agreement as alimony or other allowance payable on a periodic basis for the maintenance of the recipient thereof, children of the marriage, or both the recipient and children of the marriage, if he is living apart from the spouse or former spouse to whom he is required to make the payment,

new—but see s. 6 (1) *(d)*.

s. 5 (1) *(ff)* and s. 5 (1) *(m)*.

s. 5 (1) *(g)*.

s. 5 (1) *(u)*.

s. 3 (1) *(b)* and *(g)*.

s. 5 (1) *(t)*.

Refund of premiums.

(k) where a taxpayer is an insurance corporation other than a life insurance corporation, such amounts in respect of payments made or credits allowed by the taxpayer to its policy holders as are permitted by section 67,

Patronage dividends.

(l) such amounts in respect of payments made by the taxpayer pursuant to allocations in proportion to patronage as are permitted by section 68,

Interest on succession duties.

(m) an amount equal to annual interest accruing within the taxation year in respect of succession duties or inheritance taxes, and

Mining or logging taxes.

(n) such amount as may be allowed by regulation in respect of taxes on income for the year from mining or logging operations.

Shareholder's allowance for capital cost.

(2) Where a deduction is allowed under paragraph *(a)* of subsection (1) in respect of the capital cost of a mine operated by a corporation or under paragraph *(b)* of subsection (1) in respect of an oil or gas well operated by a corporation, there may be deducted in computing the income of a shareholder of the corporation from his shares, such amount in respect of the capital cost of the mine or in respect of the oil or gas well, if any, as is allowed by regulation.

Lessee's share of certain allowances.

(3) Where a deduction is allowed under paragraph *(a)* of subsection (1) in respect of the capital cost of a mine or timber limit operated by a lessee or under paragraph *(b)* of subsection (1) in respect of a gas or oil well operated by a lessee, the lessor and lessee may agree as to what portion of the allowance each may deduct and, in the event that they cannot agree, the Minister may fix the portions.

Capital cost of gifts.

(4) Where property has been acquired by gift, bequest or inheritance by a taxpayer, the capital cost thereof to him shall, for the purpose of paragraph *(a)* of subsection (1), be deemed to have been the fair market value thereof at the time he so acquired it.

Revision of assessments.

(5) Where a deduction has been made in computing the income of a taxpayer for one or more taxation years as permitted by paragraph *(a)* of subsection (1) in respect of property and the regulation by which the deduction was allowed described the allowance as "extra depreciation" or "special depreciation", if the property has been subsequently sold for an amount in excess of

(a) the capital cost of the property

minus

(b) the aggregate of all amounts deducted in respect of the property under paragraph *(a)* of subsection (1) and under paragraph *(n)* of subsection (1) of section 6 of the *Income War Tax Act*,

the Minister may revise the taxpayer's assessment for the taxation years in which amounts so described as "extra depreciation" or "special depreciation" were deducted by

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 5 (7).

s. 5 (8) to (11).

s. 5 (1) *(l)*.

s. 5 (1) *(w)*.

s. 5 (1) *(a)*.

s. 5 (1) *(a)*.

new.

s. 6 (1) *(n)*.

adding to the income for each year such amount as may be prescribed and reassessing the tax payable accordingly.

Banks.

(6) Notwithstanding any other provision in this Division, there may, subject to subsections (2) and (3) of section 12, be deducted in computing the income for a taxation year of a bank to which *The Bank Act* or the *Quebec Savings Bank Act* applies such amount as is set aside or reserved for the year either by way of write-down of the value of assets or appropriation to any contingency reserve or contingent account for the purpose of meeting losses on loans, bad or doubtful debts, depreciation in the value of assets other than bank premises, or other contingencies, and is, in the opinion of the Minister of Finance, having regard to all the circumstances, not in excess of the reasonable requirements of the bank.

Salesmen.

(7) Where a person is employed in connection with the selling of property or negotiating of contracts for his employer, and is

(a) under the contract of employment required to pay his own expenses,

(b) ordinarily required to carry on the duties of his employment away from his employer's place of business, and

(c) remunerated in whole or in part by commissions or other similar amounts fixed by reference to the volume of the sales made or the contracts negotiated,

there may, subject to subsections (2) and (3) of section 12, be deducted in computing his income for a taxation year, notwithstanding any other provision in this Division, amounts expended by him in the year for the purpose of earning the income from the employment not exceeding the commissions or other similar amounts fixed as aforesaid received by him in the year.

Expenses of transport employees.

(8) Notwithstanding any other provision in this Division, where a taxpayer was an employee of a person whose principal business was passenger, goods, or passenger and goods transport and the duties of the employment required him, regularly,

(a) to travel, away from the municipality where the employer's establishment to which he reported for work was located and away from the metropolitan area, if there is one, where it was located, on vehicles used by the employer to transport the goods or passengers, and

(b) while so away from such municipality and metropolitan area, to make disbursements for meals and lodging,

amounts so disbursed by him in a taxation year may, subject to subsections (2) and (3) of section 12, be deducted in computing his income for the taxation year to the extent that he has not been reimbursed and is not entitled to be reimbursed in respect thereof.

new—but see s. (6) (1) (d).

s. 6 (7)—(1949).

s. 6 (6)—(1949).

Deductions Not Allowed in Computing Income.

12. (1) In computing income, no deduction shall be made in respect of

General limitation.

(a) an outlay or expense except to the extent that it was made or incurred by the taxpayer for the purpose of gaining or producing income from property or a business of the taxpayer,

Capital outlay or loss.

(b) an outlay, loss or replacement of capital, a payment on account of capital or an allowance in respect of depreciation, obsolescence or depletion except as expressly permitted by this Part,

Limitation *re* exempt income.

(c) an outlay or expense to the extent that it may reasonably be regarded as having been made or incurred for the purpose of gaining or producing exempt income or in connection with property the income from which would be exempt,

Annual value of property.

(d) the annual value of property except rent for property leased by the taxpayer for use in his business,

Reserves, etc.

(e) an amount transferred or credited to a reserve, contingent account or sinking fund except as expressly permitted by this Part,

Payments on income bonds.

(f) an amount paid by a corporation other than a personal corporation as interest or otherwise to holders of its income bonds or income debentures unless the bonds or debentures have been issued or the income provisions thereof have been adopted since 1930

(i) to afford relief to the debtor from financial difficulties, and

(ii) in place of or as an amendment to bonds or debentures that at the end of 1930 provided unconditionally for a fixed rate of interest,

Corporation tax.

(g) a corporation tax, as defined by regulation, paid to the government of a province or to a municipality, or

Personal or living expenses.

(h) personal or living expenses of the taxpayer except travelling expenses (including the entire amount expended for meals and lodging) incurred by the taxpayer while away from home in the course of carrying on his business.

Unreasonable expenses.

(2) In computing income, no deduction shall be made in respect of an outlay or expense otherwise deductible except to the extent that the outlay or expense was reasonable in the circumstances.

Unpaid amounts.

(3) In computing a taxpayer's income for a taxation year, no deduction shall be made in respect of an otherwise deductible outlay or expense payable by the taxpayer to a person with whom he was not dealing at arms-length if

Cross References to Income War Tax Act.

s. 6 (1) *(a)* and *(e)*.

s. 6 (1) *(b)*.

s. 6 (1) *(e)* and *(h)* and s. 6 (5).

s. 6 (1) *(c)*.

s. 6 (1) *(d)*.

s. 6 (1) *(k)*.

s. 6 (1) *(o)*,

s. 5 (1) *(f)* and s. 6 (1) *(f)*.

s. 6 (2).

new.

the amount thereof has not been paid before the day one year after the end of the taxation year; but, if an amount that was not deductible in computing the income of one taxation year by virtue of this subsection was subsequently paid, it may be deducted in computing the taxpayer's income for the taxation year in which it was paid.

Miscellaneous Rules for Computing Income

Chief source of income.

13. The income of a person for a taxation year shall be deemed to be not less than his income for the year from his chief source of income or from such combination of sources of income as may reasonably be regarded as his chief source of income.

Method for computing income.

14. (1) When a taxpayer has adopted a method for computing income from a business or property for a taxation year and that method has been accepted for the purposes of this Part, income from the business or property for a subsequent year shall, subject to the other provisions of this Part, be computed according to that method unless the taxpayer has, with the concurrence of the Minister, adopted a different method.

Inventories.

(2) For the purpose of computing income, the property described in an inventory shall be valued at its cost to the taxpayer or its fair market value, whichever is lower, or in such other manner as may be permitted by regulation.

Partner or sole proprietor.

15. Where a person is a partner or an individual is a proprietor of a business, his income from the partnership or business for a taxation year shall be deemed to be his income from the partnership or business for the fiscal period or periods that ended in the year.

Indirect payments.

16. (1) A payment or transfer of money, rights or things made pursuant to the direction of, or with the concurrence of, a taxpayer to some other person for the benefit of the taxpayer or as a benefit that the taxpayer desired to have conferred on the other person shall be included in computing the taxpayer's income to the extent that it would be if the payment or transfer had been made to him.

Undistributed payments or profits.

(2) For the purposes of this Part, a payment or transfer in a taxation year of money, rights or things made to the taxpayer or some other person for the benefit of the taxpayer and other persons jointly or a profit made by the taxpayer and other persons jointly in a taxation year shall be deemed to have been received by the taxpayer in the year to the extent of his interest therein notwithstanding that there was no distribution or division thereof in that year.

Cross References to Income War Tax Act.

s. 10.

new.

new.

s. 34 (1).

new.

new.

Inadequate considerations.

17. (1) Where a taxpayer carrying on business in Canada has purchased anything from a person with whom he was not dealing at arms-length at a price in excess of the fair market value, the fair market value thereof shall, for the purpose of computing the taxpayer's income from the business, be deemed to have been paid or to be payable therefor.

Idem.

(2) Where a taxpayer carrying on business in Canada has sold anything to a person with whom he was not dealing at arms-length at a price less than the fair market value, the fair market value thereof shall, for the purpose of computing the taxpayer's income from the business, be deemed to have been received or to be receivable therefor.

Idem.

(3) Where a taxpayer carrying on business in Canada has paid, or agreed to pay, to a non-resident person with whom he was not dealing at arms-length as price, rental, royalty or other payment for use or reproduction of any property an amount computed at a rate higher than that at which similar payments by other persons in the same kind of business are computed, an amount computed at the rate at which similar payments are made by such other persons shall, for the purpose of computing the taxpayer's income from the business, be deemed to have been the amount that was paid or is payable therefor.

Idem.

(4) Where a corporation has directly or indirectly distributed to its shareholders any of its property, either on winding-up or otherwise, for no consideration or for a consideration below the fair market value, if the sale thereof at the fair market value would have increased the corporation's income for a taxation year, for the purpose of determining the corporation's income, it shall be deemed to have sold the property during the year and to have received therefor the fair market value thereof.

Lease-option, hire-purchase, etc.

18. A lease-option agreement, a hire-purchase agreement or other contract or arrangement for the leasing or hiring of movable property by which it is agreed that the property may, on the satisfaction of a condition, vest in the lessee or other person to whom the property is leased or hired shall, for the purpose of computing the income of the lessee or other such person, be deemed to be an agreement for the sale of the property and rent or other consideration paid or given thereunder shall be deemed to be on account of the price of the property and not for its use; and the lessee or other person in whom the property may vest shall, for the purpose of a deduction under paragraph *(a)* of subsection (1) of section 11, be deemed as long as the contract or arrangement is outstanding to be the owner of the property the capital cost of which was the price fixed by the contract or arrangement.

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 23.

s. 23.

s. 23B.

s. 32B.

new.

Loan to non-resident person.

19. (1) Where a corporation resident in Canada has loaned money to a non-resident person and the loan has remained outstanding for one year or longer without interest at a reasonable rate having been included in computing the lender's income, interest thereon, computed at 5% per annum for the taxation year or part of the year during which the loan was outstanding, shall, for the purpose of computing the lender's income, be deemed to have been received by the lender on the last day of each taxation year during all or part of which the loan has been outstanding.

Exception.

(2) Subsection (1) does not apply if a tax has been paid on the amount of the loan under Part II.

Losses in another country not allowed if tax deduction taken in previous year.

20. Where a corporation has been allowed a deduction from tax under this Act for a previous taxation year in respect of taxes paid to the government of a country other than Canada, the corporation's income for a taxation year shall be deemed to be not less than its income for the year from all sources outside that country.

Husband and wife.

21. (1) Where a person has, on or after the first day of August, 1917, transferred property, either directly or indirectly, by means of a trust or by any other means whatsoever, to his spouse, or to a person who has since become his spouse, the income for a taxation year from the property or from property substituted therefor shall be deemed to be income of the transferor and not of the transferee.

Idem.

(2) Where a person has received remuneration as the employee of his spouse, the amount thereof shall not be deducted in computing income from the spouse's business and shall not be included in computing the employee's income.

Idem.

(3) Where, in a taxation year, a person has received remuneration as the employee of a partnership in which his spouse was a partner, the proportion of the remuneration that the spouse's interest in the partnership business was of the interest of all the partners shall be deemed to have been received by the spouse as part of the income from the business for the year and not to have been received by the employee.

Idem.

(4) Where a husband and wife were partners in a business, the income of one spouse from the business for a taxation year may, in the discretion of the Minister, be deemed to belong to the other spouse.

Transfers to minors.

22. (1) Where a taxpayer has, since 1930, transferred property to a person who was under 19 years of age, either directly or indirectly, by means of a trust or by any other means whatsoever, the income for a taxation year from the property or from property substituted therefor shall be deemed to be income of the taxpayer and not of the transferee unless

(a) the transferee has before the end of the year attained the age of 19 years, and

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 23A.

new.

s. 6 (1) *(j)*.

s. 32 (2).

s. 31 (2).

s. 31 (3).

s. 31 (1).

s. 32 (1).

(b) it is established by the transferor that the transfer was not made for the purpose of avoiding income tax.

Trusts.

(2) Where, by a trust created in any manner whatsoever since 1934, property is held on condition

(a) that it or property substituted therefor may

(i) revert to the person from whom the property or property for which it was substituted was directly or indirectly received, or

(ii) pass to persons to be determined by him at a time subsequent to the creation of the trust, or

(b) that, during the lifetime of the person from whom the property or property for which it was substituted was directly or indirectly received, the property shall not be disposed of except with his consent or in accordance with his direction,

income from the property shall be deemed to be income of such person.

Transfers of income.

23. Where a taxpayer has, at any time before the end of a taxation year, whether before or after the commencement of this Act, transferred the right to income from property to a person connected with him by blood relationship, marriage or adoption or to a trust for such a person's benefit, without transferring the property, the income therefrom for the year shall be deemed to be income of the taxpayer.

Securities in satisfaction of income debt.

24. (1) Where a person has received a security or other right or a certificate of indebtedness or other evidence of indebtedness wholly or partially as or in lieu of payment of or in satisfaction of an interest, dividend or other debt that was then payable and the amount of which would be included in computing his income if it had been paid, the value of the security, right or indebtedness or the applicable portion thereof shall, notwithstanding the form or legal effect of the transaction, be included in computing his income for the taxation year in which it was received; and a payment in redemption of the security, satisfaction of the right or discharge of the indebtedness shall not be included in computing the recipient's income.

Idem.

(2) Where a security or other right or a certificate of indebtedness or other evidence of indebtedness has been received by a person wholly or partially as, or in lieu of payment of or in satisfaction of a debt before the debt was payable, but was not itself payable or redeemable before the day on which the debt was payable, it shall, for the purpose of subsection (1), be deemed to have been received when the debt became payable by the person holding it at that time.

Idem.

(3) This section is enacted for greater certainty and shall not be construed as limiting the generality of the other provisions of this Part by which amounts are required to be included in computing income.

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 32 (3).

s. 32 (4).

s. 3 (11).

new.

new.

Division C—Computation of Taxable Income.

25. (1) For the purpose of computing the taxable income of an individual for a taxation year there may be deducted from his income for the year such of the following amounts as are applicable:

Married status.

(a) $1,500 in the case of a taxpayer who, during the year, was

(i) a married person who supported his spouse,

(ii) a person who had a child wholly dependent upon him for support, if the child was, during the year,

(A) under 21 years of age, or

(B) 21 years of age or over and dependent by reason of mental or physical infirmity,

(iii) an unmarried person or a married person not supporting his spouse who maintained a self-contained domestic establishment and actually supported therein a person wholly dependent upon him and connected with him by blood relationship, marriage or adoption, or

(iv) an unmarried minister or clergyman in charge of a diocese, parish or congregation who maintained a self-contained domestic establishment and employed therein a full-time servant;

Single person.

(b) $750 in the case of an individual not entitled to a deduction under paragraph *(a)*;

Children.

(c) for each child or grandchild of the taxpayer who, during the year, was wholly dependent upon him for support and was

(i) under 21 years of age, or

(ii) 21 years of age or over and dependent by reason of mental or physical infirmity,

$100 if the child or grandchild was a child qualified for family allowance and $300 if the child or grandchild was not so qualified;

Other dependents.

(d) an amount expended by the taxpayer during the taxation year for the support of a person who, during the year, was dependent on the taxpayer for support and was

(i) his parent or grandparent and dependent by reason of mental or physical infirmity,

(ii) his brother or sister

(A) under 21 years of age, or

(B) 21 years of age or over and dependent by reason of mental or physical infirmity,

not exceeding $100 if the person was a child qualified for family allowance and $300 if he was not so qualified; and

Cross References to Income War Tax Act.

s. 5 (1) *(c)*.

s. 5 (1) *(c)*.

s. 5 (1) *(d)*.

s. 5 (1) *(e)*.

Over 65.

(e) $500 in the case of a taxpayer who has attained the age of 65 years before the end of the year.

Limitation on deduction of spouse.

(2) Where a married person supported his spouse during a taxation year and the spouse

(a) has income plus exempt income other than family allowances for the year while married exceeding $250 and not exceeding $750, the deduction of $1,500 allowed the married person by paragraph *(a)* of subsection (1) shall be reduced by the amount by which the spouse's income plus exempt income exceeds $250, or

(b) has income plus exempt income other than family allowances for the year while married exceeding $750, each spouse is entitled to the deduction permitted by paragraph *(b)* of subsection (1) and not that permitted by paragraph *(a)* thereof;

and, for the purpose of this subsection, where a man and his wife lived together during the taxation year, he shall be deemed to have supported her during that year.

Dependent child.

(3) For the purpose of the deduction for a child under paragraph *(c)* of subsection (1), it shall be assumed, unless the contrary is established, that an illegitimate child was wholly dependent on his mother and that any other child was wholly dependent on his father.

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 5 (1) *(cc)*—(1949)

s. 5 (3).

s. 5 (4).

Limitation on deductions.

(4) A taxpayer who is entitled to a deduction under paragraph *(a)* of subsection (1) by reason of having a dependent as described therein may not make a deduction under paragraph *(c)* or *(d)* of subsection (1) in respect of the same dependent unless the dependent is a child of the taxpayer and he employs a full-time servant in a self-contained domestic establishment where he supports the child.

Alimony case.

(5) Where a taxpayer is entitled to a deduction in computing his income for a taxation year under paragraph *(j)* of subsection (1) of section 11 in respect of a payment for the maintenance of a spouse or child, the spouse or child shall, for the purposes of this section, be deemed not to be the spouse or child of the taxpayer.

Partial dependency.

(6) Where more than one taxpayer is entitled to deduct an amount under paragraph *(d)* of subsection (1) in respect of the same dependent, no more than $100 or $300, as the case may be, is deductible in respect of the dependent and, where the taxpayers cannot agree as to what portion of the amount each can deduct, the Minister may fix the portions.

26. For the purpose of computing the taxable income of a taxpayer for a taxation year, there may be deducted from the income for the year such of the following amounts as are applicable:

Charitable gifts.

(a) the aggregate of gifts made by the taxpayer in the year to organizations in Canada operated exclusively for charitable purposes not exceeding

(i) in the case of a corporation, 5% of its income for the year, and

(ii) in the case of an individual, 10% of his income for the year,

if payment of the amounts given is proven by filing with the Minister receipts from the organizations;

Medical expenses.

(b) an amount equal to that portion of medical expenses in excess of 4% of the taxpayer's income incurred and paid either by the taxpayer or his legal representatives

(i) within a period of 12 months ending in the year and not included in the calculation of a deduction for medical expenses under this Act for a previous year, or

(ii) in the event of the death of the taxpayer, within a period of 12 months commencing in the year and not included in the calculation of a deduction for medical expenses under this Act for a previous year,

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 5 (4A)—(1949).

s. 5 (6).

new.

s. 5 (1) *(j)* and *(jj)*.

s. 5 (1) *(n)*.

if payment was made

(iii) to a medical practitioner, dentist or nurse qualified to practise under the laws of the place where the expenses were incurred or a public or licensed private hospital in respect of a birth in the family of, illness of or operation on the taxpayer, his spouse or any dependent in respect of whom he may make a deduction from income under section 25 for the year in which the expense was incurred,

(iv) as remuneration for one full-time attendant upon the taxpayer, his spouse or any such dependent who was throughout the whole of the year necessarily confined by reason of illness, injury or affliction to a bed or wheelchair,

(v) as remuneration for one full-time attendant upon the taxpayer, his spouse or any such dependent who was totally blind at any time in the taxation year and required the services of an attendant, or

(vi) for an artificial limb, a spinal brace, a brace for a limb or an aid to hearing for the taxpayer, his spouse or any such dependent,

but not exceeding the aggregate of

(vii) $1,000 in the case of a person who is entitled to a deduction of $1,500 under paragraph *(a)* of subsection (1) of section 25 or would be so entitled if it were not for subsection (2) of the said section and $750 in the case of any other person (but a husband and wife are entitled to only one such deduction of $1,000 between them), and

(viii) $250 for each dependent in respect of whom he may make a deduction from income under section 25 but not exceeding $1,000 in respect of such dependents,

if payment of the expenses is proven by filing receipts with the Minister;

Blind person.

(c) $500 if the taxpayer was totally blind at any time in the year and did not include any amount in respect of remuneration for an attendant by reason of his blindness in calculating a deduction for medical expenses under this section for the year; and

Business losses.

(d) business losses sustained in the three years immediately preceding and the year immediately following the taxation year, but

(i) an amount in respect of a loss is only deductible to the extent that it exceeds the aggregate of amounts previously deductible in respect of that loss under this Act,

(ii) no amount is deductible in respect of the loss of any year until the deductible losses of previous years have been deducted, and

s. 5 (2).

s. 5 *(p)*.

(iii) no amount is deductible in respect of losses from the income of any year except to the extent of the lesser of

(A) the taxpayer's income for the taxation year from the business in which the loss was sustained, or

(B) the taxpayer's income for the taxation year minus all deductions permitted by the provisions of this Division other than this paragraph or section 25.

Dividends received by a corporation.

27. (1) Where a corporation in a taxation year received a dividend from a corporation that

(a) was resident in Canada in the year and was not, by virtue of a statutory provision, exempt from tax under this Part for the year,

(b) was exempt from tax under this Part for the year by virtue of the provision exempting investment companies, or

(c) had never paid tax under this Part by virtue of provisions allowing a deduction or exemption from tax on income derived from the operation of base metal, strategic mineral, metalliferous and industrial mineral mines during the first three years of production,

an amount equal to the dividend minus any amount deducted under subsection (2) of section 11 in computing the receiving corporation's income may be deducted from the income of that corporation for the year for the purpose of determining its taxable income.

Idem.

(2) Where a corporation in a taxation year received a dividend from a corporation that is taxable under subsection (2) of section 2 for the year, an amount equal to the proportion of

(a) the dividend,

minus

(b) any amount deducted under subsection (2) of section 11 in computing the receiving corporation's income,

that the paying corporation's taxable income earned in Canada for the immediately preceding year is of the whole of its taxable income for that year may be deducted from the income of the receiving corporation for the taxation year for the purpose of determining its taxable income.

Dividends not deductible for trading stock.

(3) Where a corporation has, in its return of income under this Part for a taxation year, deducted under this section an amount in respect of a dividend, no loss arising from transactions with reference to the share in respect of which the dividend was received shall be allowed to reduce the income of the taxpayer for that or a subsequent taxation year.

s. 4 *(n)* and *(s)*.

s. 4 *(o)*.

new.

Dividends from certain non-resident subsidiaries.

28. (1) Where a corporation resident in Canada has directly or indirectly received a dividend from a non-resident subsidiary wholly-owned corporation in a taxation year during the whole of which at least 75% of the property (other than inter-company obligations and good will) of the principal corporation and all its subsidiary wholly-owned corporations is outside Canada, an amount equal to the dividend may be deducted from the corporation's income for the year for the purpose of determining its taxable income.

Limitation.

(2) Subsection (1) is not applicable unless the country where the subsidiary corporation resides grants substantially similar relief for the year to corporations resident therein in respect of dividends received by them from wholly-owned subsidiary corporations resident in Canada.

Idem.

(3) Notwithstanding subsection (1), if, in any case, the dividends to which it would otherwise apply exceed the aggregate of the subsidiary corporation's income that was taxable in a country other than Canada in the taxation year when the dividends were declared and the income so taxable in the immediately preceding year, only the amount of the said aggregate may be deducted under this section.

Life insurance corporations.

29. Notwithstanding anything in this Part, the taxable income of a life insurance corporation for a taxation year is the aggregate of the amounts credited to shareholders' account or otherwise appropriated for or on account of shareholders during the year minus the aggregate of

(a) amounts charged in the year to the shareholders as their fair proportion of losses incurred upon investments or other losses of a similar character,

(b) amounts transferred in the year from the shareholders' account to an insurance fund or an investment reserve fund,

(c) in a case where an amount equal to dividends or portions of dividends would be deductible under section 27 or 28, if those sections were applicable, such proportion of the amount credited or appropriated as aforesaid as may reasonably be regarded as having been derived from those dividends or portions of dividends, and

(d) gifts made out of the shareholders' account by the taxpayer in the year to organizations in Canada operated exclusively for charitable purposes not exceeding in the aggregate for the year 5% of the amount so credited or appropriated minus the amounts described by paragraphs *(a)* and *(b)*.

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 4 *(r)*.

s. 4 *(gg)*.

Division D—Taxable Income Earned in Canada by Non-Residents.

General rule.

30. (1) For the purposes of this Act, a non-resident person's taxable income earned in Canada for a taxation year is

(a) the part of his income for the year that may reasonably be attributed to the duties performed by him in Canada or the business carried on by him in Canada,

minus

(b) the aggregate of such of the deductions from income permitted for determining taxable income as may reasonably be considered wholly applicable and of such part of any other of the said deductions as may reasonably be considered applicable.

Non-resident shareholder employees.

(2) Where one or more non-resident persons rendered services in Canada as directors, officers or employees of a corporation carrying on business in Canada the majority of the voting shares of which were owned or controlled by him or them or a trustee acting on his or their behalf, all dividends and interest received by him or them or a trustee on his or their behalf from the corporation or a subsidiary thereof, shall be deemed to have been earned by him or them in Canada.

Division E—Computation of Tax.

Rules Applicable to Individuals.

Rates.

31. (1) The tax payable by an individual under this Part upon his taxable income or taxable income earned in Canada, as the case may be (in this section referred to as the "amount taxable") for a taxation year is

(a) 10% of the amount taxable if the amount taxable does not exceed $100,

(b) $10 plus 12% of the amount by which the amount taxable exceeds $100 if the amount taxable exceeds $100 and does not exceed $200,

(c) $22 plus 14% of the amount by which the amount taxable exceeds $200 if the amount taxable exceeds $200 and does not exceed $300,

(d) $36 plus 16% of the amount by which the amount taxable exceeds $300 if the amount taxable exceeds $300 and does not exceed $400,

(e) $52 plus 18% of the amount by which the amount taxable exceeds $400 if the amount taxable exceeds $400 and does not exceed $500,

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 24 and s. 25 (1).

s. 25A.

First Schedule.

(f) $70 plus 20% of the amount by which the amount taxable exceeds $500 if the amount taxable exceeds $500 and does not exceed $3,500,

(g) $670 plus 22% of the amount by which the amount taxable exceeds $3,500 if the amount taxable exceeds $3,500 and does not exceed $5,000,

(h) $1,000 plus 26% of the amount by which the amount taxable exceeds $5,000 if the amount taxable exceeds $5,000 and does not exceed $6,500,

(i) $1,390 plus 30% of the amount by which the amount taxable exceeds $6,500 if the amount taxable exceeds $6,500 and does not exceed $8,500,

(j) $1,990 plus 35% of the amount by which the amount taxable exceeds $8,500 if the amount taxable exceeds $8,500 and does not exceed $11,500,

(k) $3,040 plus 40% of the amount by which the amount taxable exceeds $11,500 if the amount taxable exceeds $11,500 and does not exceed $14,000,

(l) $4,040 plus 45% of the amount by which the amount taxable exceeds $14,000 if the amount taxable exceeds $14,000 and does not exceed $17,000,

(m) $5,390 plus 50% of the amount by which the amount taxable exceeds $17,000 if the amount taxable exceeds $17,000 and does not exceed $25,000,

(n) $9,390 plus 55% of the amount by which the amount taxable exceeds $25,000 if the amount taxable exceeds $25,000 and does not exceed $50,000,

(o) $23,140 plus 60% of the amount by which the amount taxable exceeds $50,000 if the amount taxable exceeds $50,000 and does not exceed $75,000,

(p) $38,140 plus 65% of the amount by which the amount taxable exceeds $75,000 if the amount taxable exceeds $75,000 and does not exceed $100,000,

(q) $54,390 plus 70% of the amount by which the amount taxable exceeds $100,000 if the amount taxable exceeds $100,000 and does not exceed $150,000,

(r) $89,390 plus 75% of the amount by which the amount taxable exceeds $150,000 if the amount taxable exceeds $150,000 and does not exceed $250,000,

(s) $164,390 plus 80% of the amount by which the amount taxable exceeds $250,000 if the amount taxable exceeds $250,000.

Special tables for incomes not exceeding $3,000.

(2) An individual, other than a trust or estate or an individual whose income for the year is wholly or partly from a business, whose income for a taxation year is $3,000 or less, of which not more than $1,800 is investment income, shall, in lieu of the tax under subsection (1), pay a tax computed in accordance with a prescribed table, which shall be prepared in accordance with the following rules:

s. 9A (2) and (3).

(a) the table shall be divided into ranges of amounts not exceeding $10 each and specify the tax payable on every amount taxable within each range, and

(b) the tax payable on amounts taxable within one of the ranges referred to in paragraph *(a)* shall be the amount in dollars (excluding any fractional part of a dollar) that is nearest the tax otherwise payable under subsection (1) on the average of the highest and lowest amounts in the range.

Tax on investment income.

(3) Where an individual is required to pay tax computed in accordance with subsection (1) for a taxation year, there shall be added thereto an amount equal to 4% of the amount by which the taxpayer's investment income for the year exceeds $1,800.

Definition of investment income.

(4) For the purpose of this section, "investment income" means the income for the taxation year minus the aggregate of the earned income for the year and the amounts deductible from income under paragraphs *(a)*, *(b)* and *(c)* of section 26.

Earned income.

(5) For the purpose of this section, "earned income" means

(a) salary or wages, superannuation or pension benefits, retiring allowances and royalties in respect of a work or invention of which the taxpayer was the author or inventor, and

(b) income from the carrying on of a business either alone or as a partner actively engaged in the business.

Excess over reasonable.

(6) Where a taxpayer's remuneration for a taxation year is in excess of a fair and reasonable remuneration for services rendered by the taxpayer, the excess shall be deemed, for the purpose of this section, to be investment income for the year.

Allocation of expenses.

(7) Where a disbursement or expense was laid out or expended for the purpose of earning both earned income and investment income, it shall, for the purpose of this section, be allocated in reasonable portions to earned income and investment income.

Notch provision.

(8) Where

(a) the tax otherwise payable by a taxpayer for a taxation year under this Part is greater than it would be if the income of a dependent or spouse for the year did not exceed an amount fixed by this Act or a regulation, and

(b) the tax otherwise payable under this Part for the year is greater than the aggregate of

(i) the tax that would be payable if the income of the dependent or spouse were that fixed amount, and

(ii) the amount by which the income of the dependent or spouse is in excess of that fixed amount,

the tax payable under this Part for the year may be reduced to the aggregate of the amounts described by subparagraphs (i) and (ii) of paragraph *(b)*.

First Schedule.

s. 2 (1) *(n)*.

s. 2 (1) *(m)*.

s. 6 (3).

s. 6 (4).

new.

Deduction for provincial tax.

32. (1) Where an individual has paid tax on income for a taxation year to the government of a province in which he resided, was employed or carried on business during the year, there may be deducted from the tax otherwise payable under this Part for the year the lesser of

(a) an amount equal to the tax so paid, or

(b) 5% of the tax otherwise payable under this Part for the year.

(2) For the purpose of this section "tax otherwise payable under this Part" means the tax otherwise payable after making any deduction under section 35 but before making any deduction in respect of taxes paid to the government of a country other than Canada.

Deduction for non-resident tax.

33. There may be deducted from the tax otherwise payable by a non-resident individual under this Part for a taxation year the amount deducted or withheld in the year under Part II from dividends or interest that are deemed by subsection (2) of section 30 to have been earned by him in Canada.

Payments on retirement.

34. In the case of

(a) a single payment

(i) out of or pursuant to a superannuation or pension fund or plan upon the death, withdrawal or retirement from employment of an employee or former employee in full satisfaction of all his rights in or under the fund or plan, or

(ii) upon retirement of an employee in recognition of long service and not made out of or under a superannuation fund or plan, or

(b) a payment or payments made by an employer to an employee or former employee upon or after retirement in respect of loss of office or employment,

the payment or payments made in a taxation year may, at the option of the taxpayer by whom it is or they are received, be deemed not to be income of the taxpayer for the purpose of this Part, in which case the taxpayer shall pay, in addition to any other tax payable for the year, a tax on the payment or aggregate of the payments equal to the proportion thereof that the tax payable under this Part for the last complete taxation year in the employment is of the employee's income for that year.

Resident part of year.

35. (1) An individual who was resident in Canada during part only of a taxation year may deduct from the tax otherwise payable under this Part the portion of that tax that the period in the year during which he did not reside in Canada is of the whole year.

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 7.

s. 25A (2).

s. 9 (7).

s. 7A.

(2) In this section "tax otherwise payable" means the tax payable before making any deduction in respect of taxes payable to a provincial government or in respect of taxes paid to the government of a country other than Canada.

Rules Applicable to Corporations.

Rate.

36. The tax payable by a corporation under this Part for a taxation year is, except where otherwise provided, an amount equal to 30% of its taxable income for the year or its taxable income earned in Canada for the year, as the case may be.

Foreign tax on dividends.

37. (1) A corporation may deduct from the tax otherwise payable under this Part for a taxation year during which it was resident in Canada an amount equal to the income tax deemed to have been paid to the government of a country other than Canada on the income out of which dividends (other than dividends in respect of which amounts are deductible from income under section 28) are paid to it in the year by a non-resident subsidiary controlled corporation, other than a subsidiary wholly-owned non-resident holding corporation, calculated in accordance with the following rules:

(a) the dividends shall be deemed to have been paid out of income of the subsidiary for the year immediately preceding the year in which the dividends were declared; and

(b) the tax paid on the income from which the dividends are deemed to have been paid in a year shall be deemed to be an amount equal to that proportion of the dividends that the income tax paid by the subsidiary to that government for the year is of its income for that year.

Idem.

(2) A corporation may deduct from the tax otherwise payable under this Part for a taxation year during which it was resident in Canada that proportion of the dividends received by it in the year from a subsidiary wholly-owned non-resident holding corporation that the income tax paid by the holding corporation's non-resident subsidiary controlled corporations to countries other than Canada on income for the year preceding the taxation year is of the aggregate of the incomes of the said subsidiary controlled corporations for the said preceding year.

First Schedule.

s. 8 (2A).

s. 8 (2B).

(3) In this section "non-resident holding corporation" means a non-resident corporation that, in the taxation year in respect of which the expression is used, derives more than 75% of its income from dividends from non-resident subsidiary controlled corporations.

(4) Notwithstanding this section and section 38, no more shall be deducted under those sections in respect of tax paid to a country other than Canada on dividends received in a taxation year by a corporation resident in Canada from a non-resident subsidiary corporation than the tax otherwise payable under this Part for the year on the amount of the dividends.

Rules Applicable to All Taxpayers.

Foreign tax deduction.

38. (1) A taxpayer who was resident in Canada at any time in a taxation year may deduct from the tax for the year otherwise payable under this Part an amount equal to the lesser of

(a) the tax paid by him to the government of a country other than Canada on his income from sources therein for the year, or

(b) that proportion of the tax for the year otherwise payable under this Part that

(i) that part of the taxpayer's income for the year from sources in that country that was not exempt from income tax in that country minus amounts that are deductible for the year under section 28,

is of

(ii) the taxpayer's income for the year minus amounts that are deductible for the year under sections 27 and 28.

(2) In this section "tax otherwise payable" means the tax payable before making any deductions under section 37 or in respect of taxes payable to a provincial government but after making the deduction, if any, permitted by section 35.

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 8 (2c).

s. 8 (2e).

s. 8 (1) and (2).

Averaging for farmers and fishermen.

39. (1) Where a taxpayer's chief source of income has been farming or fishing during a taxation year (in this section referred to as the "year of averaging") and the four immediately preceding years (in this section referred to as the "preceding years") and the taxpayer has filed returns of income for the preceding years as required by this Part, if the taxpayer, before the day on or before which he was required to file his return of income for the year of averaging, files with the Minister an election in prescribed form, the tax payable under this Part for the year of averaging is an amount determined by the following rules:

(a) ascertain the amount, if any, remaining after deducting from the income for each year of the averaging period (which, in this section, means the year of averaging and the preceding years) all deductions allowed for that year by the provisions of Division C except the deductions described by section 25 or any amount in respect of a loss sustained in the year immediately following the year of averaging;

(b) determine the amount (in this section referred to as the "average gross income") equal to one-fifth of the aggregate of the amounts determined under paragraph *(a)* for the years in the averaging period;

(c) determine the amount (in this section referred to as the "average net income") for each year in the averaging period equal to the average gross income minus the deductions permitted for that year by section 25;

(d) determine the amount (in this section referred to as the "average tax") for each year in the averaging period equal to the tax that would be payable under this Part for the year if the taxable income for the year were the average net income for the year; and

(e) deduct from the aggregate of the average taxes as determined under paragraph *(d)* for the years in the averaging period the aggregate of the taxes payable under this Part for the preceding years;

and the remainder obtained under paragraph *(e)* is the tax payable under this Part for the year of averaging.

Refunds.

(2) Where this section is applicable to the computation of a taxpayer's tax for a taxation year and the aggregate of the taxes payable under this Part for the preceding years exceeds the aggregate of the average taxes as determined under paragraph *(d)* of subsection (1) for the years in the averaging period, the excess shall be deemed to be an overpayment made when the notice of assessment for the year of averaging was mailed.

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 9 (5) and (6).

Application.

(3) No election may be filed under this section for a year of averaging if the taxpayer has filed an election under this section in respect of any of the four immediately preceding years.

Division F—Returns, Assessments, Payment and Appeals.

Returns.

40. (1) A return of the income for each taxation year in the case of a corporation and for each taxation year for which a tax is payable in the case of an individual shall, without notice or demand therefor, be filed with the Minister in prescribed form and containing prescribed information,

Corporations.

(a) in the case of a corporation, by or on behalf of the corporation within 6 months from the end of the year,

Deceased persons.

(b) in the case of a person who has died without making the return, by his legal representatives, within 6 months from the day of death,

Individuals.

(c) in the case of any other person, on or before April 30, in the next year, by that person or, if he is unable for any reason to file the return, by his guardian, curator, tutor, committee or other legal representative, or

Designated persons.

(d) in a case where no person described by paragraph *(a)*, *(b)* or *(c)* has filed the return, by such person as is required by notice in writing from the Minister to file the return, within such reasonable time as the notice specifies.

Demands for returns.

(2) Every person, whether or not he is liable to pay tax under this Part for a taxation year and whether or not he has filed a return under subsection (1), shall, upon receipt at any time of a demand therefor in writing from the Minister or any person thereunto authorized by the Minister, file forthwith with the Minister a return of his income for the year in prescribed form and containing prescribed information.

Trustees, etc.

(3) Every trustee in bankruptcy, assignee, liquidator, curator, receiver, trustee or committee and every agent or other person administering, managing, winding-up, controlling or otherwise dealing with the property, business, estate or income of a person who has not filed a return for a taxation year as required by this section shall file a return in prescribed form of that person's income for that year.

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 33 (1) and (3), s. 35 (1) and (2) and s. 36.

s. 33 (2).

s. 37 and s. 38.

Death of partner or proprietor.

(4) Where a partner or an individual who is a proprietor of a business died after the close of a fiscal period but before the end of the calendar year in which the fiscal period closed, a separate return of the taxpayer's income from the business after the close of the fiscal period to the time of death shall be filed and the tax under this Part shall be paid thereon as if that income were the income of another person.

Estimate of Tax.

Estimates.

41. Every person required by section 40 to file a return of income shall in the return estimate the amount of tax payable.

Assessment.

Rules *re* assessments.

42. (1) The Minister shall, with all due despatch, examine each return of income and assess the tax for the taxation year and the interest and penalties, if any, payable.

Idem.

(2) After examination of a return, the Minister shall send a notice of assessment to the person by whom the return was filed.

Idem.

(3) Liability for tax under this Part is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.

Idem.

(4) The Minister may at any time assess tax, interest or penalties and may

(a) at any time, if the taxpayer or person filing the return has made any misrepresentation or committed any fraud in filing the return or supplying information under this Act, and

(b) within 6 years from the day of an original assessment in any other case,

re-assess or make additional assessments.

Idem.

(5) The Minister is not bound by a return or information supplied by or on behalf of a taxpayer and, in making an assessment, may, notwithstanding a return or information so supplied or if no return has been filed, assess the tax payable under this Part.

Idem.

(6) An assessment shall, subject to being varied or vacated on an objection or appeal under this Part and subject to a re-assessment, be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

Omission of investment income.

43. (1) Where there has been omitted from a return of income any dividend, rental, interest, royalty or other similar amount the omission of which is, on inquiry by or on behalf of the Minister or on information received from a person other than the taxpayer or person making the return, subsequently discovered, the taxpayer may be deemed to have received double the amount so omitted from the return and the tax may be assessed accordingly.

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 34 (2).

s. 48 (1).

s. 53 (1).

s. 54 (1).

s. 55.

s. 55.

s. 47.

s. 69A (4).

s. 83.

Idem.

(2) This section is applicable in the case of a deceased taxpayer whether the omission is discovered before or after the death of the taxpayer.

Interpretation.

(3) This section shall not be construed as providing for a penalty in substitution for any penalty otherwise provided for in this Act.

Payment of Tax.

Withholding.

44. (1) Every person paying salary or wages or other remuneration to an officer or employee, a superannuation or pension benefit, a retiring allowance, an annuity payment, director's fees or fees, commissions or other amounts for services, at any time in a taxation year shall deduct or withhold therefrom such amount as may be prescribed and shall, within one week of the day when he became liable to make the payment or at such other time as may be prescribed, remit that amount to the Receiver General of Canada on account of the payee's tax for the year under this Part.

Payment of remainder.

(2) Where an amount has been deducted or withheld under this section from the remuneration received by an individual in a taxation year, if the remuneration received by him in the year is equal to or greater than three-quarters of his income for the year, he shall, on or before April 30 in the next year, pay to the Receiver General of Canada the remainder of his tax for the year as estimated under section 41.

Farmers.

45. Every individual whose chief source of income is farming shall pay to the Receiver General of Canada

(a) on or before December 31 in each taxation year, two-thirds of the tax as estimated by him at the rates for the year on his estimated taxable income for the year or on his taxable income for the immediately preceding year, and

(b) on or before April 30 in the next year, the remainder of the tax as estimated under section 41.

Other individuals.

46. Every individual other than one to whom subsection (2) of section 44 or section 45 applies, shall pay to the Receiver General of Canada

(a) on or before March 31, June 30, September 30 and December 31, respectively, in each taxation year, an amount equal to one-quarter of the tax as estimated by him at the rates for the year on his estimated taxable income for the year or on his taxable income for the immediately preceding year, and

(b) on or before April 30 in the next year, the remainder of the tax as estimated under section 41.

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 92 (2) and s. 25 (2).

s. 48 (2).

s. 48 (5).

s. 48 (3).

Corporations.

47. (1) Every corporation shall, during the 12 months period ending 6 months after the close of each taxation year, pay to the Receiver General of Canada

(a) on or before the last day of each of the first 6 months in that period, an amount equal to one-twelfth of the tax as estimated by it at the rate for the taxation year

(i) on its estimated taxable income for the year, or

(ii) on its taxable income for the immediately preceding year,

(b) on or before the last day of each of the next 5 months in the period, an amount equal to one-sixth of the remainder of the tax payable as estimated by it on its taxable income for the year at the rate for the year, and

(c) on or before the last day of the period, the remainder of the tax as estimated under section 41.

Special case.

(2) Where a corporation has held forth the prospect that it will make allocations in proportion to patronage to its customers of a taxation year as described by section 68 and its income for the year is estimated by it to be not more than $3,000, it may, instead of paying the instalments required by subsection one, pay to the Receiver General of Canada at the end of the 12 months period referred to in subsection one the whole of the tax as estimated under section 41.

Payment of remainder.

48. (1) The taxpayer shall, within 30 days from the day of mailing of the notice of assessment, pay to the Receiver General of Canada any part of the assessed tax, interest and penalties then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding.

(2) Where, in the opinion of the Minister, a taxpayer is attempting to avoid payment of taxes, the Minister may direct that all taxes, penalties and interest be paid forthwith upon assessment.

Payments on behalf of others.

49. (1) Every person required by section 40 to file a return of the income of any other person for a taxation year shall, within 30 days from the day of mailing of the notice of assessment, pay all taxes, penalties and interest payable by or in respect of that person to the extent that he has or had, at any time since the taxation year, in his possession or control property belonging to that person or his estate and shall thereupon be deemed to have made that payment on behalf of the taxpayer.

Certificate before distribution.

(2) Every trustee in bankruptcy, assignee, liquidator, administrator, executor and other like person, before distributing any property under his control, shall obtain a

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 48 (4).

s. 48 (10).

s. 54 (2).

new.

s. 50 and s. 52.

s. 51.

certificate from the Minister certifying that there are not outstanding any taxes, interest or penalties that have been assessed under this Act and are chargeable against or payable out of the property.

Liability. (3) Distribution of property without a certificate required by subsection (2) renders the person required to obtain the certificate personally liable for the unpaid taxes, interest and penalties.

Interest.

General. **50.** (1) Where the amount paid on account of tax payable by a taxpayer under this Part for a taxation year before the expiration of the time allowed for filing the return of the taxpayer's income is less than the amount of tax payable for the year under this Part, the person liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for filing the return of income to the day of payment at the rate of

(a) 6% per annum for the part of the period preceding the thirtieth day after the day of mailing of the notice of assessment or the one hundred and twentieth day after the expiration of the time allowed for filing the return of the income, whichever is the later, and

(b) 8% per annum for the remainder, if any, of the period.

Interest on instalments. (2) In addition to the interest payable under subsection (1), where a taxpayer, being required by this Part to pay a part or instalment of tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at 6% per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection (1), whichever is earlier.

Special case. (3) In addition to the interest payable under subsection (1), where a corporation that paid tax under subsection (2) of section 47 had an income for the taxation year of more than $3,000, it shall, forthwith after assessment, pay an amount equal to 3% of the tax payable under this Part for the taxation year.

Limitation. (4) For the purposes of subsection (2), where a taxpayer is required to pay a part or instalment of tax for a taxation year as estimated by him on his taxable income for a preceding year or on his estimated taxable income for the taxation year, he shall be deemed to have been liable to pay a part or instalment computed by reference to the taxable income for

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 51.

s. 48 (2), (3), (4) and (5) and s. 54 (3) and (4).

s. 48 (4) and (6).

s. 48 (10).

s. 48 (6).

(a) the preceding year, or

(b) the taxation year,

whichever is the lesser.

Participation certificates.

(5) Notwithstanding any other provision in this section, no interest is payable in respect of the amount by which the tax payable by a person is increased by a payment made by the Canadian Wheat Board on a participation certificate previously issued to him until 30 days after the payment is made.

Limitation on interest period.

(6) No interest under this section upon the amount by which the unpaid taxes exceeds the amount estimated under section 41 is payable in respect of the period beginning 20 months after the day fixed by this Act for filing the return of the taxpayer's income upon which the taxes are payable or 20 months after the return was actually filed, whichever was later, and ending 30 days from the day of mailing of the notice of the original assessment for the taxation year.

Penalties.

Delay in making return.

51. (1) Every person who has failed to make a return as and when required by subsection (1) of section 40 is liable to a penalty of

(a) $5, if at the time the return was required to be filed tax payable under this Part equal to $100 or less was unpaid,

(b) an amount equal to 5% of the tax that was unpaid when the return was required to be made, if the tax payable under this Part that was unpaid at that time was more than $100 and less than $10,000, and

(c) $500, if at the time the return was required to be filed tax payable under this Part equal to $10,000 or more was unpaid.

Idem.

(2) Every person who has failed to file a return as required by subsection (3) of section 40 is liable to a penalty of $10 for each day of default but not exceeding $50.

Failure to complete information.

(3) Every person who has failed to complete the information on a prescribed form as required by or pursuant to section 40 is, unless in the case of an individual the Minister has waived it, liable to a penalty

(a) of 1% of the tax payable under this Part but, whether he is taxable or not, not less than $25 or more than $100, or

(b) in the case of an individual, of such lesser amount as the Minister may have fixed in respect of the specific failure.

Cross References to Income War Tax Act.

s. 48 (9).

s. 54 (5).

s. 77 (1).

s. 77 (2).

s. 77 (4).

Refund of Overpayment.

Refunds.

52. (1) The Minister may, upon mailing the notice of assessment, refund, without application therefor, any overpayment made on account of the tax and he shall make such a refund after mailing the notice of assessment if application in writing is made therefor by the taxpayer within 12 months from the day the overpayment was made or the day on which the notice of assessment was sent.

Application to other taxes.

(2) Instead of making a refund that might otherwise be made under this section, the Minister may, where the taxpayer is liable or about to become liable to make another payment under this Act, apply the amount of the overpayment to that other liability and notify the taxpayer of that action.

Interest on overpayment.

(3) Where an amount in respect of an overpayment is refunded or applied on other liability under this section, interest shall be paid or applied for the period commencing

(a) on the day when the overpayment arose,

(b) on the day on or before which the return of the income in respect of which the tax was paid was required to be filed, or

(c) on the day that the return of income was actually filed,

whichever was later, and ending with the day of refunding or application aforesaid at the rate of

(i) 2% per annum on the amount of the overpayment or on $5,000, whichever is lesser, and

(ii) ½% per annum on any part of the overpayment in excess of $5,000,

unless the amount of the interest so calculated is less than $1, in which event no interest is payable under this subsection.

Definition.

(4) For the purpose of this section "overpayment" means the aggregate of all amounts paid on account of tax minus all amounts payable under this Act or an amount so paid where no amount is so payable.

Objections to Assessment.

Notice.

53. (1) A taxpayer who objects to an assessment under this Part may, within 60 days from the day of mailing of the notice of assessment, serve on the Minister a notice of objection in duplicate in prescribed form setting out the reasons for the objection and all relevant facts.

Service.

(2) A notice of objection under this section shall be served by being sent by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa.

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 53 (2) and s. 56.

s. 53 (2).

s. 53 (3)—(1949).

new.

s. 69A.

Reconsideration.

(3) Upon receipt of the notice of objection, the Minister shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or re-assess and he shall thereupon notify the taxpayer of his action by registered mail.

Appeals to Income Tax Appeal Board.

Appeal.

54. (1) Where a taxpayer has served notice of objection to an assessment under section 53, he may appeal to the Income Tax Appeal Board constituted by Division I to have the assessment vacated or varied after either

(a) the Minister has confirmed the assessment or re-assessed, or

(b) 180 days have elapsed after service of the notice of objection and the Minister has not notified the taxpayer that he has vacated or confirmed the assessment or re-assessed;

but no appeal under this section may be instituted after the expiration of 90 days from the day notice has been mailed to the taxpayer under section 53 that the Minister has confirmed the assessment or re-assessed.

Division I.

(2) Notice of appeal under this section shall be served and all other matters in connection with an appeal under this section shall be regulated by Division I.

Appeals to the Exchequer Court.

Appeal.

55. (1) The Minister or the taxpayer may, within 120 days from the day on which the Registrar of the Income Tax Appeal Board mails the decision on an appeal under section 54 to the Minister and the taxpayer, appeal to the Exchequer Court of Canada.

Division J.

(2) All matters in connection with an appeal under this section shall be regulated by Division J.

General.

Irregularities.

56. An assessment shall not be vacated or varied on appeal by reason of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act.

s. 69B.

s. 69C.

s. 69D.

Division G—Exemptions.

57. (1) No tax is payable under this Part upon the taxable income of a person for a period when that person was

Governor General.
(a) the Governor General of Canada,

Employees of a country other than Canada.
(b) an officer or servant of the government of a country other than Canada whose duties required him to reside in Canada

(i) if that country grants a similar privilege to an officer or servant of Canada of the same class,

(ii) if he was not, at any time in the period, engaged in a business or performing the duties of an office or employment in Canada other than his position with that government, and

(iii) if he was during that period a subject or citizen of that country,

Municipal authorities.
(c) a municipality or a municipal or public body performing a function of government,

Municipal or provincial corporations.
(d) a corporation, commission or association not less than 90% of the shares or capital of which was owned by His Majesty in right of Canada or a province or by a Canadian municipality,

Charitable organizations.
(e) an organization operated exclusively for charitable purposes or an agricultural organization, a board of trade or a chamber of commerce, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof,

Labour organizations.
(f) a labour organization or society or a benevolent or fraternal benefit society or order,

Non-profit organizations.
(g) a club, society or association organized and operated exclusively for social welfare, civic improvement, pleasure or recreation or for any other purpose except profit, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof,

Mutual insurance corporations.
(h) a mutual insurance corporation that received its premiums wholly from the insurance of churches, schools or other charitable organizations,

Credit unions.
(i) a corporation or association incorporated or organized as a credit union or cooperative credit society if

(i) it was restricted to carrying on business in one province and it derived its revenue primarily from loans made to members residing within that province, or

(ii) the members thereof were corporations or associations incorporated or organized

(A) as credit unions deriving their revenues primarily from loans made to members,

Cross References to Income War Tax Act.

s. 4 *(a)*.
s. 4 *(b)*.

new.

s. 4 *(d)*.

s. 4 *(e)*.

s. 4 *(f)*.

s. 4 *(h)*.

s. 4 *(g)*.

s. 4 *(q)*.

(B) under provincial cooperative legislation, or
(C) for charitable purposes,

or corporations or associations no part of the income of which was payable to, or otherwise benefited personally, any shareholder or member thereof,

Housing corporation.

(j) an institutional housing corporation, an institutional holding company or a limited dividend housing corporation within the meaning of those expressions as defined by *The National Housing Act, 1944*,

Personal corporation.

(k) a corporation exempt by section 61 as a personal corporation,

Investment company.

(l) a corporation exempt by section 62 as an investment company,

Foreign business corporation.

(m) a corporation exempt by section 64 as a foreign business corporation,

Co-operatives.

(n) a co-operative corporation exempt by section 66, or

Superannuation trust or corporation.

(o) a trust or corporation established or incorporated solely in connection with, or for the administration of, an approved superannuation fund or plan.

Apportionment rule.

(2) Where it is necessary for the purpose of this section to ascertain the taxable income of a taxpayer for a period that is a part of a taxation year, the taxable income for the period shall be deemed to be the proportion of the taxable income for the taxation year that the number of days in the period is of the number of days in the taxation year.

Division H—Exceptional Cases and Special Rules

Trusts, Estates and Income of Beneficiaries and Deceased Persons.

Trusts or estate.

58. (1) In this Act, trust or estate means the trustee or the executor, administrator, heir or other legal representative having ownership or control of the trust or estate property.

Taxed as individual.

(2) A trust or estate shall, for the purposes of this Act, and without affecting the liability of the trustee or legal representative for his own income tax, be deemed to be in respect of the trust or estate property an individual; but where there is more than one trust and

(a) substantially all of the property of the various trusts has been received from one person, and

(b) the various trusts are conditioned so that the income thereof accrues or will ultimately accrue to the same beneficiary, or group or class of beneficiaries,

such of the trustees as the Minister may designate shall, for the purposes of this Act, be deemed to be in respect of all

Cross References to Income War Tax Act.

s. 4 *(y)*.

s. 21.

s. 4 *(w)* and s. 9 *(8)*.

s. 4 *(k)*.

s. 4 *(p)*.
s. 4 *(z)*.

new.

new.

s. 11 (2).

the trusts an individual whose property is the property of all the trusts and whose income is the income of all the trusts.

No deductions.

(3) No deduction may be made under section 25 from the income of a trust or estate.

Income of trust or estate.

(4) For the purposes of this Part, there may be deducted in computing the income of a trust or estate for a taxation year such part of the amount that would otherwise be its income for the year as was payable in the year to a beneficiary or other person beneficially interested therein or was included in the income of a beneficiary for the year by virtue of subsection (2) of section 60.

Income of beneficiary.

(5) Such part of the amount that would otherwise be the income of a trust or estate for a taxation year as was payable in the taxation year to a beneficiary or other person beneficially interested therein, shall be included in computing the income of the person to whom it so became payable whether or not it was paid to him in that year and shall not be included in computing his income for a subsequent year in which it was paid.

Payable.

(6) For the purposes of subsections (4) and (5), an amount shall not be considered to have been payable in a taxation year unless it was paid in that year to the person to whom it was payable or he was entitled in that year to enforce payment thereof.

Periodic payments.

59. (1) In computing the income of a taxpayer for the taxation year in which he died, an amount of interest, rent, royalty, annuity, remuneration from an office or employment, or other amount payable periodically, that was not paid before his death, shall be deemed to have accrued in equal daily amounts in the period for or in respect of which the amount was payable and the value of the portion thereof so deemed to have accrued to the day of death shall be included in computing the taxpayer's income for the year in which he died.

Amounts receivable.

(2) Where a taxpayer who has died had at the time of his death rights or things (other than an amount included in computing his income by virtue of subsection (1)), the amount whereof when realized or disposed of would have been included in computing his income, the value thereof at the time of death shall be included in computing the taxpayer's income for the taxation year in which he died, unless his legal representative has, before the tax for the year of death has been assessed, elected that one of the following rules be applicable thereto:

(a) one-fifth of the value shall be included in computing the taxpayer's income for each of his last 5 taxation years including the year of death but the resulting addition in the amount of tax payable for any year

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 11 (4) *(c)*.

s. 11 *(2)* and s. 11 (4) *(a)*.

s. 11 (1).

new.

s. 11 (3).

s. 11 (4) *(b)*.

other than the year in which he died is payable 30 days from the day of mailing of the notice of assessment for the year in which he died; or

(b) a separate return of the value shall be filed and tax thereon shall be paid under this Part for the taxation year in which the taxpayer died as if he had been another person entitled to the deductions to which he was entitled under section 25 for that year,

in which event, the rule so elected is applicable.

Benefits under trust, contract, etc.

60. (1) The value of all benefits (other than a distribution or payment of capital) to a taxpayer during a taxation year from or under a trust, estate, contract, arrangement or power of appointment, irrespective of when made or created, shall, subject to subsection (2), be included in computing his income for the year.

Upkeep, etc.

(2) Such part of an amount paid by a trust or estate for the upkeep, maintenance or taxes of or in respect of property that, under the terms of the trust or will, is required to be maintained for the use of a tenant for life or a beneficiary as is reasonable in the circumstances shall be included in computing the income of the tenant for life or other beneficiary for the taxation year for which it was paid.

Personal Corporations.

Distribution of income.

61. (1) The income of a personal corporation whether actually distributed or not shall be deemed to have been distributed to, and received by, the shareholders as a dividend on the last day of each taxation year of the corporation.

Corporation exempt.

(2) No tax is payable under this Part on the taxable income of a corporation for a taxation year during which it was a personal corporation.

Division of income.

(3) The part of the income of a personal corporation that shall be deemed, under this section, to have been distributed to and received by a shareholder of the corporation, shall be the proportion thereof that the value of all property transferred or loaned to the corporation by the shareholder or any person by whom his share was previously owned is of the value of the property so acquired by the corporation from all its shareholders.

Valuation.

(4) The value of property transferred or loaned to a personal corporation shall be deemed, for the purposes of this section, to be its value at the time when the property was transferred or loaned to the corporation.

Transfers.

(5) For the purposes of this section, where the property of a personal corporation is transferred to or otherwise acquired by another personal corporation, the shareholders of the first corporation shall be deemed to have transferred

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 3 (1) *(e)*.

s. 11 (5).

s. 21 and s. 2 (1) *(i)*.

to the second corporation the property that they or persons who previously owned their shares transferred to the first corporation.

Dividends declared.

(6) Where dividends have, in a taxation year, actually been paid by a personal corporation or a corporation that had previously been a personal corporation, they shall only be included in computing the incomes of the shareholders by whom they were received for the taxation year to the extent that the aggregate of the dividends paid in that year exceeds

(a) the aggregate of the amounts deemed, under this section, to have been distributed by it to its shareholders while it was a personal corporation,

minus

(b) the aggregate of dividends actually paid by the corporation previous to that time and not included, by virtue of this section, in computing the incomes of the shareholders by whom they were received,

and where that excess is less than the aggregate of the dividends so paid, the amount that shall be so included in computing a particular shareholder's income for the year is the proportion of the excess that his dividend is of the aggregate of the dividends so paid.

Returns.

(7) The shareholder by whom a personal corporation is controlled shall file with the return of his income for each taxation year a statement of the assets, liabilities and income of the personal corporation for the year and if he fails to file such a statement for a year there may be included in his income for that year double the amount of the part of the income of the corporation for the year that under this section is deemed to have been received by him.

Definition.

(8) In this Act, a "personal corporation" means a corporation that, during the whole of the taxation year in respect of which the expression is being applied,

(a) was controlled, whether through holding a majority of the shares of the corporation or in any other manner whatsoever, by an individual resident in Canada, by such an individual and one or more members of his family who were resident in Canada or by any other person on his or their behalf,

(b) derived at least one-quarter of its income from

(i) ownership of or trading or dealing in bonds, shares, debentures, mortgages, hypothecs, bills, notes or other similar property or an interest therein,

(ii) lending money with or without securities,

(iii) rents, hire of chattels, charterparty fees or remunerations, annuities, royalties, interest or dividends, or

Cross References to Income War Tax Act.

(iv) estates or trusts, and

(c) did not carry on an active financial, commercial or industrial business.

Idem.

(9) For the purpose of paragraph *(a)* of subsection (8), the members of an individual's family are his spouse, sons and daughters whether or not they live together.

Investment Companies.

Exemption.

62. (1) No tax is payable under this Part on the taxable income of a corporation for a taxation year in which it was an investment company.

Definition.

(2) In this Act, "an investment company" means a corporation that during the whole of the taxation year in respect of which the expression is being applied, complied with the following conditions:

(a) at least 80% of its property was, throughout the year, shares, bonds, marketable securities or cash,

(b) not less than 95% of its income for the year was derived from investments mentioned in paragraph *(a)*,

(c) not more than 10% of its property was, throughout the year, shares, bonds or securities of any one corporation or debtor other than His Majesty in right of Canada or of a province or a Canadian municipality,

(d) its shares were, throughout the year, held by at least 50 or more persons of whom none held more than 25%, and

(e) at least 85% of its taxable income plus exempt income for the year (other than dividends or interest received in the form of shares, bonds or other securities that have not been sold before the end of the taxation year, minus taxes paid to other governments was distributed to the shareholders before the expiration of 120 days after the end of the year.

Non-Resident-Owned Investment Corporations.

Special rules re income.

63. (1) In computing the taxable income of a non-resident-owned investment corporation for a taxation year, notwithstanding Division C, no deduction may be made from its income for the year, except

(a) dividends and interest received in the year from other non-resident-owned investment corporations, and

s. 4 *(w)* and s. 9 (8).

s. 2 (1) *(p)*, s. 9 (4), s. 22A. and First Schedule.

(b) taxes paid to the government of a country other than Canada in respect of any part of the income of the corporation for the year derived from sources therein,

and in computing its income no deduction shall be made in respect of interest on its bonds, debentures, securities or other indebtedness.

Special tax rate.

(2) The tax payable under this Part by a corporation for a taxation year when it was a non-resident-owned investment corporation is an amount equal to 15% of its taxable income for the year.

No deduction for foreign taxes.

(3) No deduction from the tax payable under this Part by a non-resident-owned investment corporation may be made in respect of tax paid to the government of a country other than Canada.

Definition.

(4) In this Act, a "non-resident-owned investment corporation" means a corporation incorporated in Canada that during the whole of the taxation year in respect of which the expression is being applied complied with the following conditions:

(a) at least 95% of the aggregate value of its issued shares and all of its bonds, debentures and other funded indebtedness were

(i) beneficially owned by non-resident persons,

(ii) owned by trustees for the benefit of non-resident persons or their unborn issue, or

(iii) owned by a corporation, whether incorporated in Canada or elsewhere, at least 95% of the aggregate value of the issued shares of which and all of the bonds, debentures and other funded indebtedness of which were beneficially owned by non-resident persons or owned by trustees for the benefit of non-resident persons or their unborn issue or by several such corporations;

(b) its income was derived from

(i) ownership of or trading or dealing in bonds, shares, debentures, mortgages, hypothecs, bills, notes or other similar property or any interest therein,

(ii) lending money with or without security,

(iii) rents, hire of chattels, charterparty fees or remunerations, annuities, royalties, interest or dividends, or

(iv) estates or trusts;

(c) its principal business was not the making of loans of $500 or less;

Cross References to Income War Tax Act.

(d) it has, within 90 days from the commencement of the taxation year, elected in a prescribed manner to be taxed under this section; and

(e) it has not, before the taxation year, revoked in a prescribed manner the elections so made by it.

Foreign Business Corporations.

Exemptions.

64. (1) No tax is payable under this Part upon the taxable income of a corporation for a taxation year when it was a foreign business corporation.

Definition.

(2) In this Part, unless the context otherwise requires, a "foreign business corporation" is a corporation that during the whole of the taxation year in respect of which the expression is being applied

(a) was not a personal corporation,

(b) has filed a return for the year in prescribed form and has paid an annual fee of $100 within 120 days from the end of the year, and

(c) complied with one of the following conditions:

(i) its business operations were of an industrial, mining, commercial, public utility or public service nature and were, except for management and the designing, purchasing, and transportation of goods, carried on entirely outside Canada either directly or through ownership of shares in or control of subsidiary or affiliated corporations and its property, except securities and bank deposits, was situate entirely outside Canada,

(ii) it was the wholly owned subsidiary of a corporation that complied with the conditions in subparagraph (i) and was wholly engaged in carrying on business outside Canada, or

(iii) its business was of an investment or financial nature and was carried on entirely outside Canada, its shares had been offered for public subscription or were listed on a recognized stock exchange in Canada or elsewhere and its property (except bank deposits and shares of other corporations that were entitled to exemption under this section) were situate entirely outside Canada.

Situs.

(3) For the purposes of this section, shares and bonds of corporations incorporated in Canada shall be deemed to be property situate in Canada notwithstanding that they have been transferred on a register outside Canada.

s. 4 *(k)*.

Scientific Research

Deductions from income.

65. (1) There may be deducted in computing the income for a taxation year of a taxpayer who carried on business in Canada and made expenditures in respect of scientific research in the year

(a) all expenditures of a current nature made in Canada in the year

(i) on scientific research related to the business and directly undertaken by or on behalf of the taxpayer,

(ii) by payments to an approved association that undertakes scientific research related to the class of business of the taxpayer,

(iii) by payments to an approved university, college, research institute or other similar institution to be used for scientific research related to the class of business of the taxpayer, and

(b) one-third of expenditures of a capital nature made in Canada in the year and the 2 years immediately preceding that year on scientific research related to the business and directly undertaken by or on behalf of the taxpayer.

Limitation.

(2) Not more than 5% of the taxable income of the taxpayer for the year preceding the taxation year may be deducted under this section unless the research program in respect of which the expenditures were made has been approved.

Idem.

(3) No deduction may be made under this section in respect of an expenditure made to acquire rights in, or arising out of, scientific research or in respect of an amount deducted under this Part from income in respect of a gift to a charitable organization.

Definitions.

(4) In this section, unless the context otherwise requires,

(a) "approved" means approved by the Minister after he has, if he considers it necessary, obtained the advice of the National Research Council, that is, The Honorary Advisory Council for Scientific and Industrial Research as constituted by the Research Council Act,

(b) "scientific research" means any activity in the field of natural or applied science for the extension of knowledge,

(c) references to expenditures on scientific research include all expenditures incurred for the prosecution, or the provision of facilities for the prosecution, of scientific research,

(d) references to scientific research relating to a business or class of business include any scientific research that may lead to or facilitate an extension of that business or, as the case may be, business of that class.

s. 5 (1) *(u)*.

Cooperatives.

3 year exemption.

66. No tax is payable under this Part upon the taxable income for each of the first 3 taxation years after commencement of its business of a corporation that commenced business on or after January 1, 1947, and that was incorporated under provincial legislation respecting the establishment of cooperative corporations for the purpose of marketing (including processing incident to or connected therewith) natural products belonging to or acquired from its members or customers, of purchasing supplies, equipment or household necessaries for or to be sold to its members or customers or of performing services for its members or customers, if, during the taxation year,

(a) the statute under which it was incorporated, its charter, articles of association or by-laws or its contracts with its members or its members and customers held forth the prospect that payments would be made to them in proportion to patronage,

(b) none of its members had more than one vote in the conduct of the affairs of the corporation,

(c) at least 90% of its members are individuals and at least 90% of its shares, if any, are held by individuals,

(d) the rate of interest on capital subscribed by its members or the rate of its dividends on its shares did not exceed 5% per annum,

(e) the value of the products marketed for or acquired from, supplies, equipment and household necessaries purchased for or sold to, and services performed for, its customers other than members did not exceed 20% of the total thereof for all its business, and

(f) the business carried on by the corporation was not a continuation of a previous business in which a substantial number of its members had a substantial interest, either as shareholders of a corporation carrying on the previous business or otherwise.

Refund of Premiums.

Deduction in computing income.

67. In computing the income for a taxation year of an insurance corporation other than a life insurance corporation, whether a mutual corporation or a joint stock company, there may be deducted every amount credited in respect of business for the year to a policyholder of the corporation by way of dividend, refund of premiums or refund of premium deposits if the amount was, during the year or within 12 months thereafter,

(a) paid to the policyholder,

s. 4 *(p)*.

s. 5 (7).

(b) applied in discharge, in whole or in part, of a liability of the policyholder to pay premiums to the corporation, or

(c) credited to the account of the policyholder on terms that he is entitled to payment thereof on or before expiry or termination of the policy.

Patronage Dividends.

Deduction in computing income.

68. (1) Notwithstanding anything in this Part, there may be deducted, in computing income for a taxation year, the aggregate of the payments made, pursuant to allocations in proportion to patronage, by a taxpayer

(a) within the year or within 12 months thereafter to his customers of the year, and

(b) within the year to his customers of a previous year, the deduction of which from income of a previous taxation year was not permitted.

Limitation where non-member customers.

(2) Notwithstanding subsection (1), if the taxpayer has not made allocations in proportion to patronage in respect of all his customers of the year at the same rate, with appropriate differences for different types or classes of goods, products or services, or classes, grades or qualities thereof, the amount that may be deducted under this section is an amount equal to the lesser of

(a) the aggregate of the payments mentioned in subsection (1), or

(b) the aggregate of

(i) the part of the income of the taxpayer for the year attributable to business done with members, and

(ii) the allocations in proportion to patronage made to non-member customers of the year.

Limitation by reference to capital employed.

(3) Where the deduction of an amount under subsection (1) or (2) would result in the taxpayer's taxable income for the taxation year (before deduction of any amount under section 26 in respect of business losses) being less than the amount by which

(a) 3% of the capital employed in the business at the commencement of the year,

exceeds

(b) the interest, if any, paid on borrowed moneys (other than moneys borrowed from a bank incorporated under the *Bank Act* or from a corporation or association described in paragraph *(i)* of subsection (1) of section 57) and deductible in computing his income for the year,

s. 5 (8) to (11) and s. 3 (12).

the amount that may be deducted under this section is such as will leave the taxpayer with a taxable income (before deduction of any amount under section 26 in respect of business losses) equal to the excess.

Definitions.

(4) For the purposes of this section,

(a) "allocation in proportion to patronage" for a taxation year means an amount credited by a taxpayer to a customer of that year on terms that the customer is entitled to or will receive payment thereof, computed at a rate in relation to the quantity, quality or value of the goods or products acquired, marketed, handled, dealt in or sold, or services rendered by the taxpayer from, on behalf of or to the customer, whether as principal or as agent of the customer or otherwise, with appropriate differences in the rate for different classes, grades or qualities thereof, if

(i) the amount was credited

(A) within the year or within 12 months thereafter, and

(B) at the same rate in relation to quantity, quality or value aforesaid as the rate at which amounts were similarly credited to all other customers of that year who were members or to all other customers of that year, as the case may be, with appropriate differences aforesaid for different classes, grades or qualities, and

(ii) the prospect that amounts would be so credited was held forth by the taxpayer to his customers of that year who were members or non-member customers of that year, as the case may be,

(b) "capital employed in the business" shall be computed in accordance with the First Schedule to *The Excess Profits Tax Act, 1940*, except that no deduction shall be made from capital in respect of borrowed moneys (other than moneys borrowed from a bank incorporated under the *Bank Act* or from a corporation or association described in paragraph *(i)* of subsection (1) of section 57),

(c) "customer" means a customer of a taxpayer and includes a person who sells or delivers goods or products to the taxpayer, or for whom the taxpayer renders services,

(d) "income of the taxpayer attributable to business done with members" of any taxation year means that proportion of the income of the taxpayer for the year (before making any deduction under this section) that the value of the goods or products acquired, marketed, handled, dealt in or sold or services rendered by the taxpayer from, on behalf of, or for members, is of the total value of goods or products acquired,

marketed, handled, dealt in or sold or services rendered by the taxpayer from, on behalf of, or for all customers during the year,

(e) "payment" includes the issue of a certificate of indebtedness or shares of the taxpayer or of a corporation of which the taxpayer is a subsidiary wholly-owned corporation if the taxpayer or that corporation has in the year or within 12 months thereafter disbursed an amount of money equal to the aggregate face value of all certificates or shares so issued in the course of redeeming or purchasing certificates of indebtedness or shares of the taxpayer or that corporation previously issued,

(f) "member" means a person who is entitled as a member or shareholder to full voting rights in the conduct of the affairs of the taxpayer (being a corporation) or of a corporation of which the taxpayer is a subsidiary wholly-owned corporation, and

(g) "non-member customer" means a customer who is not a member.

Holding forth prospect of allocations.

(5) For the purpose of this section a taxpayer shall be deemed to have held forth the prospect that amounts would be credited to a customer of a taxation year by way of allocation in proportion to patronage, if

(a) throughout the year the statute under which the taxpayer was incorporated or registered, its charter, articles of association or by-laws or its contract with the customer held forth the prospect that amounts would be so credited to customers who are members or non-member customers, as the case may be, or

(b) prior to the commencement of the year or prior to such other day as may be prescribed for the class of business in which the taxpayer is engaged, the taxpayer has published an advertisement in prescribed form in a newspaper or newspapers of general circulation throughout the greater part of the area in which the taxpayer carried on business holding forth that prospect to customers who are members or non-member customers, as the case may be, and has filed copies of the newspapers with the Minister before the end of the thirtieth day of the taxation year or within 30 days from the prescribed day, as the case may be.

Customer's income.

(6) Where a certificate of indebtedness or a share was issued to a person in respect of an allocation in proportion to patronage, the amount thereof shall be included in computing the recipient's income for the taxation year in which the certificate or share was received and not in computing his income for a year in which the indebtedness was subsequently discharged or the share was redeemed.

Special Contributions by Employers to Superannuation Funds.

Deduction from income.

69. Where a taxpayer is an employer and has made a special payment (or payments) in Canada on account of an employees' superannuation or pension fund or plan in respect of the past services of employees pursuant to a recommendation by a qualified actuary in whose opinion the resources of the fund or plan required to be augmented by the amount of one or more special payments to ensure that all the obligations of the fund or plan to the employees may be discharged in full and has made the payment so that it is irrevocably vested in or for the fund or plan and the payment has been approved by the Minister on the advice of the Superintendent of Insurance, there may be deducted in computing the income for the taxation year the lesser of

(a) 1/10 of the whole amount so recommended to be paid, or

(b) the amount by which the aggregate of the amounts so paid during a period not exceeding 10 years ending with the end of the taxation year exceeds the aggregate of the amounts that were deductible under this section in respect thereof in computing the income of the taxpayer for the previous years.

Exemption of Certain Superannuation or Pension Benefits.

Exemption.

70. There shall be included in computing the income of a taxpayer in respect of a payment received by him out of or under a superannuation or pension fund or plan the investment income of which has at some time been exempt from taxation under the *Income War Tax Act* by reason of an election for such exemption by the trustees or corporation administering the fund or plan, only that part of the payment that remains after deducting the proportion thereof

(a) that the aggregate of the amounts paid by the taxpayer into or under the fund or plan during the period when its income was exempt by reason of such election is of the aggregate of all amounts paid by him into or under the fund or plan, or

(b) that the aggregate of the amounts paid by the taxpayer into or under the fund or plan during the period when its income was exempt by reason of such election together with simple interest on each amount so paid from the end of the year of payment thereof to the commencement of the superannuation allowance or pension at 3% per annum is of the aggregate of all amounts paid by him into or under the fund or plan together with simple interest as aforesaid on each amount so paid,

whichever is the greater.

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 5 (1) *(m)*.

s. 5 (1) *(h)*.

Exception.

(2) This section has no application in respect of a payment received by a taxpayer out of or under a superannuation or pension fund or plan if the taxpayer made no payment into or under the fund or plan.

Limitation.

(3) Where a payment, to which subsection (1) would otherwise be applicable, is received by a taxpayer out of or under a superannuation or pension fund or plan in respect of a period of service for part only of which he made payments into or under the fund or plan, subsection (1) is applicable only to that part of the payment which may reasonably be regarded as having been received in respect of the period for which he made payments into or under the fund or plan and any part of the payment which may reasonably be regarded as having been received in respect of a period for which he made no payments into or under the fund or plan shall be included in computing his income for the year without any deduction whatsoever.

Exemption of Certain Government Annuities and Like Annuities.

Annuities before 1932.

71. (1) In determining the amount that shall be included in computing the income of a taxpayer in respect of payments received by him in a taxation year under contracts entered into before May 26, 1932 with the Government of Canada or annuity contracts like those issued under the *Government Annuities Act* entered into before that day with the Government of a province or a corporation incorporated or licensed to do annuity business in Canada, there may be deducted from the aggregate of the payments received the lesser of

(a) the aggregate of the amounts that would have been so received if the contracts had continued in force as they were immediately before June 25, 1940 without the exercise of any option or contractual right to enlarge the annuity by the payment of additional sums or premiums unless such additional sums or premiums had been paid before that day, or

(b) $5,000.00.

Annuities before 1940.

(2) In determining the amount that shall be included in computing the income of a taxpayer in respect of payments received by him in a taxation year under annuity contracts entered into after May 25, 1932 and before June 25, 1940 with the Government of Canada or annuity contracts like those issued under the *Government Annuities Act* entered into during that period with the Government of a province or a corporation incorporated or licensed to do annuity business in Canada, there may be deducted from the aggregate of the payments received the lesser of

s. 5 (1) *(k)*.

(a) the aggregate of the amounts that would have been received under the contracts if they had continued in force as they were immediately before June 25, 1940 without the exercise of any option or contractual right to enlarge the annuity by the payment of additional sums or premiums unless such additional sums or premiums had been paid before that day, or

(b) $1,200.00.

Limitation.

(3) Where a taxpayer has received annuity payments in respect of which he would otherwise be entitled to make deductions under both subsection (1) and subsection (2),

(a) if the amount deductible under subsection (1) is $1,200.00 or more, he cannot make a deduction under subsection (2), and

(b) if the amount deductible under subsection (1) is less than $1,200.00, he can make one deduction computed as though subsection (2) applied to all contracts entered into before June 25, 1940.

Capital element.

(4) The amount remaining after deducting from the aggregate of the annuity payments to which this section applies received in a taxation year the deductions permitted by subsection (1), (2) or (3) shall be deemed to be the annuity payment in respect of which the capital element is deductible under paragraph (i) of subsection (1) of section 11.

Husband and wife.

(5) Where a husband and wife have each received annuity payments in respect of which they may make a deduction under this section, the amount deductible shall be computed as if their annuities belonged to one person and may be deducted by either of them or apportioned between them in such manner as may be agreed by them or, in case of disagreement, as the Minister may determine.

Superannuation.

(6) This section does not apply to superannuation or pension benefits received out of or under an approved superannuation or pension fund or plan.

Authors.

Allocation of payment.

72. Where the author or joint author of a literary, dramatic, musical or artistic work, having been engaged for a period of more than 12 months in the production thereof, assigns the copyright therein wholly or partially and receives within 12 months of the assignment, in consideration or part consideration therefor, an amount that but for this section would be included in computing his income for the taxation year in which it was received, if he files with the Minister an election in prescribed form before the expiration of the time fixed by this Act for filing a return of his income for that year, the following rules are applicable:

s. 3 (10).

(a) if the period in which he was engaged on the production of the work did not exceed 2 years,

(i) one-half only of the amount shall be included in computing his income for the year in which it was received, and

(ii) one-half of the amount shall be included in computing his income for the year immediately preceding that year, and

(b) if the period in which he was engaged in the production of the work exceeded 2 years,

(i) one-third only of the amount shall be included in computing his income for the year in which it was received, and

(ii) one-third of the amount shall be included when computing his income for each of the 2 years immediately preceding that year.

Oil and Gas Wells, Mining Companies, Etc.

Proceeds of operations vested in trustee.

73. (1) Where an oil or gas well is operated under an arrangement whereby a person other than the operator has an interest in the proceeds of sale of the products thereof or where persons other than the operator of an oil or gas well have an interest in the income from the operation of the well, if the proceeds of sale or income are received or held by a person (in this section referred to as the trustee) for the persons interested therein or for himself and the other persons interested therein,

(a) the trustee shall, for the purposes of this Act and without affecting his liability for his own income tax, be deemed to be a corporation the income of which is the proceeds or income so received or held,

(b) all the interest in the well shall, for the purpose of enforcing payment of the tax imposed by virtue of this section, be deemed to be vested in the trustee,

(c) taxes or other amounts payable by him by virtue of this section may be paid out of the aforesaid proceeds or income before distribution to the persons interested therein, and

(d) an amount paid in the course of distribution of the proceeds or income shall be deemed to be a dividend paid by a corporation to a shareholder as income from a share.

3 years exemption.

(2) This section does not apply to an interest in the proceeds of sale of the products of an oil or gas well which the owner of the mineral rights in the land on which the well is situated may have by reason of his having leased the mineral rights to the trustee or other operator.

(3) For the purpose of subsection (2) of section 11, the trustee shall be deemed to have been operating the well.

74. (1) Where a corporation establishes that a mine was

(a) a metalliferous mine, or

(b) an industrial mineral mine certified by the Minister

s. 3 (3).

s. 4 *(x)*.

of Mines and Resources to have been operating on mineral deposits (other than bedded deposits such as building stone),

that came into production of ore during the calendar years 1946 to 1949, inclusive, income derived from the operation of the mine during the period of 36 months commencing with the day on which the mine came into production (other than any portion thereof in the year 1946) shall, subject to prescribed conditions, not be included in computing the income of the corporation.

(2) In this section, "production" means production in reasonable commercial quantities.

Consolidated Returns.

Election.

75. (1) A corporation that is resident in Canada may elect by notice to the Minister in prescribed manner to file a return in which its taxable income is consolidated with the taxable income of all its subsidiary wholly-owned corporations resident in Canada, carrying on the same general class of business as itself and having the same taxation year as itself.

Application.

(2) An election under this section is effective in respect of the electing corporation and all its subsidiary wholly-owned corporations carrying on in Canada the same general class of business as itself and having the same taxation year as itself (including a corporation that came within that class after the election was filed) for the first complete taxation year commencing after the election and for every taxation year thereafter until the end of the taxation year in which it was revoked in prescribed manner.

5 year disability after revocation.

(3) Where a corporation has revoked an election made under this section, it may not make a further election under this section during the 5-year period commencing on the day the revocation is filed.

Unification.

(4) Where a corporation has elected under this section, it and the subsidiary corporations affected shall, for the purpose of this Act, be deemed, in respect of every taxation year for which the election is effective, to be one corporation that owned all the property of all the corporations and the taxable income of which, for a taxation year, is the consolidated taxable income for the year of all the corporations affected calculated in accordance with subsection (6).

Returns.

(5) A corporation that has elected under this section shall file a return in prescribed form and containing prescribed information of the consolidated taxable income for each taxation year for which the election is effective within 6 months from the end of the year; and a return filed under this section shall be deemed to be a return required by section 40.

Consolidated taxable income.

(6) Where an election under this section is effective for a taxation year, the consolidated taxable income for the taxation year is, subject to the other provisions of this section,

s. 35 (3).

the aggregate of the taxable incomes of the individual corporations for the taxation year minus the aggregate of the losses sustained by the individual corporations in the taxation year.

Loss of individual corporation.

(7) When computing the taxable income of an individual corporation for the purpose of subsection (6), no deduction shall be made from the income of the corporation for the year in respect of any loss sustained by the corporation in a previous or subsequent year.

Deduction of consolidated loss.

(8) From the consolidated taxable income for a taxation year there may be deducted the consolidated loss, if any, in the 3 years immediately preceding and the year immediately following the taxation year, but

(a) an amount in respect of a loss is only deductible to the extent that it exceeds the aggregate of amounts previously deductible in respect of that loss under this Act, and

(b) no amount is deductible in respect of the loss of any year until the deductible losses of previous years have been deducted.

Consolidated loss.

(9) For the purposes of subsection (8), consolidated loss for a taxation year is the aggregate of such losses as any of the individual corporations may have sustained in the year minus the aggregate of the incomes for the year of the other corporations affected by the election to consolidate.

Individual corporation's loss.

(10) Where the loss sustained by a corporation in a taxation year is included in computing the consolidated taxable income or the consolidated loss under this section, the amount thereof shall, for the purpose of paragraph *(d)* of section 26, be deemed to have been deducted under that paragraph in the year in which it was so included.

Rate.

(11) Where a return for a taxation year is required to be filed under this section, the tax payable under this Part is an amount equal to 32% of the consolidated taxable income for the year.

Division I—Income Tax Appeal Board.

Board constituted.

76. There is hereby constituted an Income Tax Appeal Board to be appointed by the Governor in Council, consisting of the following members, namely, a Chairman and not less than 2 or more than 4 other members of whom one may be appointed as Assistant Chairman.

Qualifications.

77. (1) No person shall be appointed Chairman or Assistant Chairman unless he is

(a) a judge of a superior court of Canada or of a superior, county or district court of a province, or

(b) a barrister or advocate of at least 10 years' standing at the bar of a province,

but, if a person who is a judge is appointed Chairman or Assistant Chairman, he shall cease to hold office 90 days after his appointment unless

(c) within that time he has resigned from his office as judge, or

(d) his appointment as Chairman or Assistant Chairman was for a period not exceeding 2 years and he has been granted leave of absence without pay for that period from his office as a judge.

Age limit.

(2) No person who has attained the age of 65 years shall be appointed a member.

Tenure of office.

(3) Every member holds office for a period to be fixed by the Governor in Council not exceeding 10 years from the day of his appointment but may be removed for cause at any time by the Governor in Council upon address of the Senate and House of Commons.

Reappointment.

(4) Upon the expiration of his term of office, a member may, if not disqualified by age, be reappointed.

In case of illness or vacancy.

(5) Where the Chairman, Assistant Chairman or any other member is ill or otherwise unable to act, or where his office is vacant, the Governor in Council may appoint some person qualified to hold the office to act in his stead during his illness or incapacity or until the office is filled as the case may be.

Salaries.

(6) The Chairman shall be paid a salary of $13,333.33 a year, the Assistant Chairman shall be paid a salary of $12,000 a year, and every other member shall be paid a salary of $10,000 a year.

Travelling allowances.

(7) Every member shall for travelling, be paid, allowances calculated in the same way as the allowances paid to judges under *The Judges Act, 1946*.

1946, c. 56.

Residence.

(8) The Chairman shall live in Ottawa or within 5 miles thereof and the other members shall live in such places as may be prescribed by the rules.

Third Schedule.

Hearing officers.

(9) A person having the qualifications set out in subsection (1) for the Chairman or Assistant Chairman may be appointed by the Governor in Council a hearing officer for an appeal or group of appeals and paid, notwithstanding *The Judges Act, 1946*, such remuneration and expenses as may be determined by the Governor in Council.

1946, c. 56.

Board may make rules.

78. (1) The Board may, subject to the approval of the Governor in Council, make rules not inconsistent with this Act governing the carrying on of the business of the Board and practice and procedure in connection with appeals.

When effective.

(2) No rule made under this section has effect until it has been published in the *Canada Gazette*.

Quorum.

79. (1) The Chairman or Assistant Chairman and not less than one-half the other members of the Board are a quorum.

Appeal hearing by two or more members.

(2) The Chairman or the Board may direct that an appeal be heard and determined on behalf of the Board, by the Chairman or Assistant Chairman and one or more other members who shall have for the hearing and determination of the appeal all powers of the Board.

Reference to full Board.

(3) The members nominated to hear and determine an appeal may at any stage refer the appeal to the Board and the Board shall then in its discretion hear and determine the appeal or determine the appeal on the report of the said members if the report was made after hearing the parties.

Taking evidence by hearing officer.

(4) Where an appeal is to be determined by the Board, the Chairman or the Board may direct that evidence relating to the appeal, in whole or in part, be received by a hearing officer, the Chairman or Assistant Chairman, and the Board shall, after

(a) receiving the hearing officer's, Chairman's or Assistant Chairman's report, and

(b) holding a rehearing in whole or in part if in its discretion it deems it advisable so to do,

determine the appeal.

Powers of hearing officer.

(5) A hearing officer, the Chairman or the Assistant Chairman has all the powers of the Board for the purpose of taking evidence pursuant to this section.

APPEALS.

How appeal instituted.

80. (1) An appeal to the Board shall be instituted by serving upon the Minister a notice of appeal in triplicate in such form as may be determined by the rules and the Minister shall forthwith forward a copy of the notice to the Board.

Notice of appeal.

(2) The notice of appeal shall be served upon the Minister by being sent by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa.

Copies of documents.

(3) Immediately after receiving the notice of appeal, the Minister shall forward to the Board copies of all documents relevant to the assessment.

Fee upon filing notice of appeal.

81. (1) An appellant shall pay to the Receiver General of Canada a fee of $15 upon the serving of the notice of appeal and if the appeal is allowed, in whole or in part, the fee shall be returned to the appellant forthwith after disposition of the appeal but not otherwise.

No other fees or costs.

(2) Subject to subsection (1), no costs may be awarded on the disposition of an appeal and no fees may be charged the appellant by the Board.

Disposition of fees.

(3) Subject to subsection (1), fees received under this section shall be retained in the Consolidated Revenue Fund.

Minister and appellant may appear in person or be represented.

82. (1) The Minister and the appellant may appear in person or may be represented at the hearing by counsel or an agent or, with the consent of the Minister and the appellant, the Board or the Chairman may order that written submissions be filed in addition to or in the place of an oral hearing.

Hearing may be in camera.

(2) An appeal may, in the discretion of the Board, the Chairman, the Assistant Chairman or hearing officer, as the case may be, be heard in camera or in public unless the appellant requests that it be heard in camera in which case it shall be so heard.

To be court of record.

(3) The Board is a court of record and may

(a) summon before it any witness and require him to give evidence orally or in writing on oath or otherwise and to produce such documents and things as it deems requisite to the full investigation of the facts in issue, and

(b) enforce the attendance of witnesses and compel them to give evidence.

Procedure.

(4) The Chairman may, subject to the rules and this Division, determine the procedure to be followed on an appeal.

Disposal of appeal.

83. (1) The Board may dispose of an appeal by

(a) dismissing it,

(b) vacating the assessment,

(c) varying the assessment, or

(d) referring the assessment back to the Minister for reconsideration and re-assessment.

Assessment under s. 126.

(2) Where an appeal is from an assessment or re-assessment made pursuant to a direction given under section 126, the Board has no jurisdiction to vacate or vary the assessment insofar as it is made in accordance with that direction; and, if it appears that the only matter at issue in the appeal is whether one of the purposes of the transaction or transactions was the avoidance or reduction of taxes, the Board shall forthwith dismiss the appeal.

Copy of decision to Minister and appellant.

(3) The Registrar shall, upon the disposition of an appeal, forward, by registered mail, a copy of the decision and the reasons therefor to the Minister and the appellant.

ADMINISTRATION.

Registrar and Deputy.

84. (1) The Governor in Council may appoint a Registrar and a Deputy Registrar and fix their salaries.

Officers, clerks and employees.

(2) Such other officers, clerks and employees as may be required to carry on the business of the Board shall be appointed in the manner authorized by law.

Control by Registrar.

(3) The Registrar, or in his absence the Deputy Registrar, shall control and supervise the other persons employed under this section.

Offices.

85. (1) The Registrar, with the approval of the Chairman, shall establish such office or offices as are required for the use of the members and staff of the Board and provide therefor the necessary accommodation, furnishings, stationery, equipment and telephones and shall arrange for the necessary accommodation for the hearing of appeals.

Publication of decisions.

(2) The Registrar shall, under the control and direction of the Chairman, make available for publication all decisions of the Board.

Expenses.

86. (1) The Registrar shall, with the approval of the Chairman, incur all expenses necessary for the carrying on of the business of the Board and the hearing of appeals.

Appropriation.

(2) The salaries of members of the Board shall be paid out of unappropriated moneys in the Consolidated Revenue Fund.

Appropriation.

(3) All expenses and salaries under this Division, other than salaries of members of the Board, shall be paid out of moneys appropriated by Parliament for the purpose.

C.S. Superannuation Act.

R.S., c. 24.

87. (1) Notwithstanding any other statute or law, where a person who is appointed a member was immediately prior to his appointment a contributor under the *Civil Service Superannuation Act*, he continues while he is a member to be a contributor under the said *Superannuation Act*.

Idem.

(2) For the purposes of the *Civil Service Superannuation Act* the service of a member to whom subsection (1) applies, as a member of the Board, shall be counted as service in the Civil Service and he, his widow, children or other dependents, if any, or his legal representatives may be granted the respective allowances or gratuities provided by the said *Superannuation Act*.

Idem.

R.S., c. 24.

(3) The retirement of a member to whom subsection (1) applies upon expiration of his term of office shall, for the purposes of the *Civil Service Superannuation Act*, be deemed to be retirement by reason of abolition of office.

Idem.

R.S., c. 24.

(4) *The Civil Service Superannuation Act* is applicable to a member to whom subsection (1) does not apply as though the Board were listed in Schedule A to that Act.

INTERPRETATION.

Definitions.

88. In this Division,

"assistant chairman".

(a) "Assistant Chairman" means the Assistant Chairman of the Board;

"Board".

(b) "Board" means the Income Tax Appeal Board;

"Chairman".

(c) "Chairman" means the Chairman of the Board;

"member".

(d) "member" means a member of the Board; and

"rule".

(e) "rule" means a rule made under section 78.

Division J.—Appeals to the Exchequer Court of Canada.

Appeals to Exchequer Court, how instituted.

89. (1) An appeal to the Exchequer Court shall be instituted by serving upon the taxpayer or the Minister, as the case may be, a notice of appeal in triplicate in such form as may be determined by the rules and filing a copy thereof with the Registrar of the Income Tax Appeal Board.

Notice of appeal.

(2) A notice of appeal shall be served upon the Minister by being sent by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa and may be served upon the taxpayer either personally or by being sent to him at his last known address by registered mail.

Statement of allegations.

(3) The appellant shall set out in the notice of appeal a statement of the allegations of fact, the statutory provisions and reasons which the appellant intends to submit in support of his appeal.

Security for costs.

(4) An appeal by a taxpayer and all proceedings thereunder are, upon the expiration of 30 days from the day the appeal is instituted, null and void unless security for the costs of the appeal has been, within the said period, given to the satisfaction of the Minister in a sum of not less than $400 and, upon an appeal becoming null and void by virtue of this section, no further appeal can be instituted in respect of the same decision.

Notice of security.

(5) When security has been given under subsection (4), notice thereof in such form as may be determined by the rules shall be filed with the Registrar of the Income Tax Appeal Board.

Reply to notice of appeal.

90. The respondent may, within 60 days from the day the notice of appeal is received, serve on the appellant and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as the respondent intends to rely on.

Transmission of papers with transcript of proceedings.

91. (1) The Registrar of the Income Tax Appeal Board shall

(a) in the case of an appeal by the Minister, upon receipt of the notice of appeal, and

(b) in the case of an appeal by a taxpayer, upon receipt of the notice of appeal and of notice of the giving of security,

cause to be transmitted to the Registrar of the Exchequer Court all papers filed with the Board on the appeal thereto together with a transcript of the record of the proceedings before the Board.

Fourth Schedule.

Matter deemed action in court.

(2) Upon the filing of the material referred to in subsection (1), the matter shall be deemed to be an action in the court and, unless the court orders the parties to file pleadings, ready for hearing.

Facts not set out may be pleaded.

(3) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court may direct.

Disposal of appeal.

(4) The court may dispose of the appeal by

(a) dismissing it;

(b) vacating the assessment;

(c) varying the assessment; or

(d) referring the assessment back to the Minister for reconsideration and re-assessment.

Court may order payment of tax, etc.

92. The court may, in delivering judgment disposing of an appeal, order payment or repayment of tax, interest, penalties or costs by the taxpayer or the Minister.

Proceedings may be held in camera.

93. Proceedings under this Division shall be held in camera upon request made to the court by the taxpayer.

Rules of practice.

94. (1) The Governor in Council may make rules with reference to practice or procedure in appeals under this Division and the rules are binding on the court notwithstanding any rule or practice that would otherwise be applicable.

Publication.

(2) No rule made under this section has effect until it has been published in the *Canada Gazette*.

Definitions.

95. In this Division,

"court".

(a) "court" means the Exchequer Court of Canada; and

"rules".

(b) "rules" means rules made under section 94.

Cross References to Income Wat Tax Act.

PART II—Tax on Income from Canada of Non-Resident Persons

Tax.

96. (1) Every non-resident person shall pay an income tax of 15% on every amount that a person resident in Canada pays or credits, or is deemed by Part I to pay or credit, to him as, on account or in lieu of payment of, or in satisfaction of,

Dividends.

(a) a dividend other than

(i) a dividend in respect of shares in a non-resident-owned investment corporation if the tax paid by the corporation on its income earned between the 1932 taxation year and the first taxation year in which it became taxable as a non-resident-owned investment corporation under Part I plus tax paid by its shareholders under this Part on dividends declared by the corporation in that period is not less than the taxes that would have been payable under this Part if all the corporation's income for each taxation year in that period had been distributed by way of dividends in the year in which it was earned to non-resident shareholders, or

(ii) a dividend that would not be included in computing income under Part I by virtue of subsection (6) of section 61,

Interest.

(b) interest payable

(i) only in Canadian currency, or

(ii) by a subsidiary corporation resident in Canada and wholly-owned by the non-resident person (being the parent corporation) otherwise than under an agreement executed before April 1, 1933 providing for payment in a currency other than Canadian currency,

except interest paid by a non-resident-owned investment corporation or interest paid under bonds of or guaranteed by the Government of Canada,

Estate or trust income.

(c) income of or from an estate or trust,

Reproductions.

(d) a right in or to the use of any work, whether copyrighted or not, that has been or is to be produced or reproduced in Canada by speech, print or mechanical sound on or from paper, composition, films or mechanical devices of any description,

s. 9 B (2), (12) and (14) and s. 27 (1).

Rents, royalties, etc.

(e) rent, royalty or a similar payment for the use in Canada of property, in respect of an invention used in Canada or for any property, trade name, design or other thing whatsoever used or sold in Canada,

Management fees, etc.

(f) management, technical, professional or other services, information or advice, "know-how", "sales rights" or the right to use a patented or unpatented invention, process or formula, discovered or undiscovered (except in a case where the non-resident person is an individual and the payment is for services rendered by him), minus a reasonable amount or the amount paid or payable by the non-resident person, whichever is the lesser, in respect of services actually rendered in Canada by the recipient's officers or servants under or pursuant to the contract or arrangement for the services, information, advice, "know-how", "sales rights" or the use of the invention, process or formula,

Director's fees.

(g) director's fees,

Alimony.

(h) alimony or other payment for the support of a spouse or former spouse, children of the marriage, or both the spouse and children of the marriage,

Patronage dividend.

(i) a patronage dividend, that is, a payment made pursuant to an allocation in proportion to patronage as defined by section 68, or an amount that would, under subsection (6) of section 68, be included in computing the non-resident person's income if he were resident in Canada, or

Copyrights.

(j) copyright in a book, music, an article in a periodical, a newspaper syndicated article, picture, comics or any other newspaper or periodical feature used or to be used in Canada.

Reduction in rate for motion picture films.

(2) Where an amount described by paragraph *(d)* of subsection (1) relates to a right in or to the use of motion picture films, the tax payable under subsection (1) is 10% of the amount.

Idem for provincial bonds and dividends from wholly-owned subsidiaries.

(3) Where an amount described by subsection (1) relates to

(a) interest on bonds or other obligations of or guaranteed by His Majesty in right of a province or interest on bonds or other obligations provision for the payment of which was made by a statute of a provincial legislature, or

(b) a dividend to a non-resident corporation in respect of shares in a subsidiary corporation all of whose shares (except directors' qualifying shares) that have under all circumstances full voting rights are beneficially owned by the non-resident corporation, unless more than one-quarter of the gross revenue of the paying corporation for the taxation year in which the dividend was paid was derived from interest and dividends other than interest or dividends received from a wholly-owned subsidiary corporation,

the tax payable under subsection (1) is 5% of that amount.

s. 9B (2).

s. 18 of c. 18 of the statutes of 1940-41 and s. 9B (11).

Exemption.

(4) No tax is payable under paragraph *(c)* of subsection (1) on an amount paid or credited to a non-resident person as income of or from a trust if it may reasonably be regarded as having been derived from dividends or interest received by the trustee from a non-resident owned investment corporation on which no tax would have been payable under this Part if they had been paid by the non-resident owned investment corporation to the non-resident person instead of to the trustee.

No deductions.

97. (1) The tax payable under section 96 is payable on the amounts described therein without any deduction from those amounts whatsoever.

Inadequate consideration.

(2) Where a lesser amount than that actually paid or credited is deemed, by subsection (3) of section 17, to have been paid, the tax under section 96 on an amount described by paragraph *(d)* or *(j)* of subsection (1) thereof is payable on the amount that is so deemed to have been paid.

Redemption by non-resident-owned corporation.

(3) Where a corporation whose business was of an investment or financial nature and whose shares had not been offered for public subscription or listed on any recognized stock exchange has redeemed any of its stock, shares, bonds, debentures or other securities or discharged a capital obligation, the payment made shall, for the purpose of this Part, be deemed to be the payment of a dividend to the extent of the amount by which

(a) the income earned by the corporation after the 1932 taxation year

exceeds

(b) the portion of the income earned by the corporation after the 1932 taxation year on which the corporation paid tax under Part I plus the dividends paid by the corporation after the 1932 taxation year on which tax under this Part has been paid.

Income and capital combined.

(4) Where section 7 would, if Part I were applicable, require a part of a payment to be included in computing the recipient's income because it can reasonably be regarded as a payment of interest, that part of the payment shall, for the purpose of this Part, be deemed to have been a payment of interest.

Premium on redemption.

(5) Where a corporation has redeemed or acquired any of its stocks at a premium, the premium shall be deemed, for the purpose of this Part, to have been paid as a dividend.

De facto dividends.

(6) Where section 8 would, if Part I were applicable, require an amount to be included in computing a shareholder's income, that amount shall, for the purpose of this Part, be deemed to have been paid to the shareholder as a dividend.

Securities.

(7) Where, if section 24 were applicable in computing a non-resident person's income, that section would require an amount to be included in computing his income, that

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 9B (15).—(1949).

s. 9B (5).

s. 9B (2).

s. 9B (13).

s. 3 (2).

s. 9B (2).

new.

new.

amount shall, for the purpose of this Part, be deemed to have been, at the time he received the security, right, certificate or other evidence of indebtedness, paid to him on account of the debt in respect of which he received it.

Interpretation.

(8) Subsection (7) is enacted for greater certainty and shall not be construed as limiting the generality of the other provisions of this Part defining amounts on which tax is payable.

Discretion re residents.

(9) The Governor in Council may make general or special regulations, for the purposes of this Part, prescribing

(a) who is or has been at any time resident in Canada, and

(b) where a person was resident in Canada as well as in some other place, what amounts are taxable under this Part.

Deduction and payment of tax.

98. (1) When a person pays or credits or is deemed to have paid or credited an amount on which an income tax is payable under this Part, he shall, notwithstanding any agreement or any law to the contrary, deduct or withhold therefrom the amount of the tax and forthwith remit that amount to the Receiver General of Canada on behalf of the non-resident person on account of the tax and shall submit therewith a statement in prescribed form.

Idem.

(2) Where an amount on which an income tax is payable under this Part is paid or credited by an agent or other person on behalf of the debtor either by way of redemption of bearer coupons or warrants or otherwise, the agent or other person by whom the amount was paid or credited shall, notwithstanding any agreement or law to the contrary, deduct or withhold and remit the amount of the tax and shall submit therewith a statement in prescribed form as required by subsection (1) and shall thereupon, for purposes of accounting to or obtaining reimbursement from the debtor, be deemed to have paid or credited the full amount to the person otherwise entitled to payment.

Idem.

(3) Where an amount on which an income tax is payable under this Part was paid or credited to an agent or other person for or on behalf of the person entitled to payment without the tax having been withheld or deducted under subsection (1), the agent or other person shall, notwithstanding any agreement or law to the contrary, forthwith remit the amount of the tax to the Receiver General of Canada on behalf of the person entitled to payment in payment of the tax and shall submit therewith a statement in prescribed form and he shall thereupon, for purposes of accounting to the person entitled to payment, be deemed to have paid or credited that amount to him.

Alternative re rents.

99. (1) Where an amount has been paid during a taxation year to a non-resident person as rent on real property in Canada, he may file a return of income under Part I

new.

s. 9B (7).

s. 9B (4).

s. 9B (3).

s. 9B (8).

s. 27 (7) and (8)

in the form prescribed for a person resident in Canada for the taxation year and he shall, without affecting his liability for tax otherwise payable under Part I, thereupon be liable, in lieu of paying tax under this Part on that amount, to pay tax under Part I as though

(a) he were a person resident in Canada,

(b) the real property were his only source of income, and

(c) he were not entitled to any deduction from income to determine taxable income.

Idem. (2) Where a non-resident person has filed a return under subsection (1), the amount deducted under this Part from rent payments to him and remitted to the Receiver General of Canada shall be deemed to have been paid on account of tax under this section and any portion of the amount so remitted to the Receiver General of Canada in a taxation year in excess of the tax under this section for the year shall be refunded to him.

Application. (3) This section is applicable only in respect of a person resident in a country the government of which grants a similar privilege to persons resident in Canada.

Idem. (4) Part I is applicable *mutatis mutandis* to payment of tax under this section.

Part III.—Gift Tax.

Tax. **100.** (1) A tax shall be paid as hereinafter required upon the gifts made in a taxation year by an individual resident in Canada or a personal corporation.

"gift". (2) For the purpose of this section, "gift" includes a transfer, assignment or other disposition of property (whether situate inside or outside Canada) by way of gift, and, without limiting the generality of the foregoing, includes

(a) the creation of a trust of, or an interest in, property by way of gift, and

(b) a transaction or transactions whereby a person disposes of property directly or indirectly by way of gift.

Aggregate taxable value. **101.** (1) Tax shall be assessed and paid under this Part on the aggregate taxable value of all gifts made by a donor during the taxation year.

"aggregate taxable value". (2) For the purpose of this Part, "aggregate taxable value" is the aggregate value of the gifts made by the donor during the taxation year other than those exempt under subsection (3) or (4) minus either

(a) $4,000, or

(b) one-half the difference between the taxable income of the donor for the immediately preceding taxation year as determined under Part I and the tax that was payable thereon under Part I,

whichever is the greater.

s. 88.

Exemption.

(3) Where the value of all gifts made by a donor to an individual in a taxation year does not exceed $1,000, those gifts are exempt from tax under this Part.

Idem.

(4) The following gifts are exempt from tax under this Part:

(a) a *donatio mortis causa*,

(b) a gift taking effect upon the death of the donor or so given that the donee would not obtain the benefit thereof until the death of the donor, and

(c) a gift to an organization operated in Canada exclusively for charitable purposes, to His Majesty in right of Canada or a province or to a Canadian municipality.

Rates.

102. Tax under this Part shall be computed in accordance with the following rates:—

Where the aggregate taxable value does not exceed $5,000	10%
Where the aggregate taxable value exceeds	
$ 5,000 but does not exceed $ 10,000	11%
$ 10,000 but does not exceed $ 20,000	12%
$ 20,000 but does not exceed $ 30,000	13%
$ 30,000 but does not exceed $ 40,000	14%
$ 40,000 but does not exceed $ 50,000	15%
$ 50,000 but does not exceed $ 75,000	16%
$ 75,000 but does not exceed $ 100,000	17%
$ 100,000 but does not exceed $ 150,000	18%
$ 150,000 but does not exceed $ 200,000	19%
$ 200,000 but does not exceed $ 250,000	20%
$ 250,000 but does not exceed $ 300,000	21%
$ 300,000 but does not exceed $ 400,000	22%
$ 400,000 but does not exceed $ 500,000	23%
$ 500,000 but does not exceed $ 600,000	24%
$ 600,000 but does not exceed $ 700,000	25%
$ 700,000 but does not exceed $ 800,000	26%
$ 800,000 but does not exceed $1,000,000	27%
$1,000,000	28%

Payment.

103. (1) The tax imposed by this Part shall be paid by the donor to the Receiver General of Canada on or before April 30 in the year following the year in which the gifts were made.

Joint and several liability.

(2) If the donor fails to pay the tax under this Part as herein required, the donor and donee shall be jointly and severally liable to pay the tax, together with interest at the rate of 7% per annum from the day on which it should have been so paid.

Discharge.

(3) The Minister may at any time assess the donor or donee or both for the amount of the tax payable under this section but payment by either of them shall to the extent thereof discharge the joint obligation.

Procedure.

104. The provisions of Division F of Part I are applicable *mutatis mutandis* to this Part.

Cross References to Income War Tax Act.

Part IV.—Administration and Enforcement.

Administration.

Minister's duty.

105. (1) The Minister shall administer and enforce this Act and control and supervise all persons employed to carry out or enforce this Act and the Deputy Minister of National Revenue for Taxation may exercise all the powers and perform the duties of the Minister under this Act.

Staff.

(2) The Governor in Council may appoint such officers and servants as are necessary to administer and enforce this Act and may fix their remuneration.

Extensions for returns.

(3) The Minister may at any time extend the time for making a return under this Act.

Security.

(4) The Minister may, if he considers it advisable in a particular case, accept security for payment of taxes by way of mortgage or other charge of any kind whatsoever on property of the taxpayer or any other person or by way of guarantee from other persons.

Regulations.

106. (1) The Governor in Council may make regulations

(a) prescribing anything that, by this Act, is to be prescribed or is to be determined or regulated by regulation,

(b) prescribing the evidence required to establish facts relevant to assessments under this Act,

(c) to facilitate the assessment of tax where deductions or exemptions of a taxpayer have changed in a taxation year,

(d) requiring any class of persons to make information returns respecting any class of information required in connection with assessments under this Act,

(e) authorizing a designated officer or class of officers to exercise powers or perform duties of the Minister under this Act,

(f) assigning the names of office of officers and other persons appointed under this Act,

(g) requiring every person or every member of any group or class of persons making an application under *The Foreign Exchange Control Act* for a determination that he has ceased to be a resident to obtain from the Minister a certificate that there are not outstanding any assessed taxes, interest or penalties payable under this Act and that he is not in default in filing any return by or under this Act and to file the certificate with the Foreign Exchange Control Board as a condition precedent to having his application considered,

(h) defining the classes of persons who may be regarded as dependent for the purposes of this Act, and

(i) generally to carry out the purposes and the provisions of this Act.

Cross References to Income War Tax Act.

s. 75 (1).

s. 76.

s. 40.

new.

s. 75 (2) and (3).

Publication.

(2) No regulation made under this Act has effect until it has been published in the *Canada Gazette* but, when so published, a regulation shall, if it so provides, be effective with reference to a period before it was published.

Collection.

Debts to His Majesty.

107. All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to His Majesty and recoverable as such in the Exchequer Court of Canada or any other court of competent jurisdiction or in any other manner provided by this Act.

Certificates.

108. (1) An amount payable under this Act that has not been paid or such part of an amount payable under this Act as has not been paid may, upon the expiration of 30 days after the default, be certified by the Minister.

Judgments.

(2) On production to the Exchequer Court of Canada, a certificate made under this section shall be registered in the Court and when registered has the same force and effect, and all proceedings may be taken thereon, as if the certificate were a judgment obtained in the said Court for a debt of the amount specified in the certificate plus interest to the day of payment as provided for in this Act.

Costs.

(3) All reasonable costs and charges attendant upon the registration of the certificate are recoverable in like manner as if they had been certified and the certificate had been registered under this section.

Garnishment.

109. (1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment under this Act he may, by registered letter, require him to pay the moneys otherwise payable to that person in whole or in part to the Receiver General of Canada on account of the liability under this Act.

Idem.

(2) The receipt of the Minister for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Idem.

(3) Where the Minister has, under this section, required an employer to pay to the Receiver General of Canada on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Receiver General out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter.

new.

s. 70.

s. 71.

s. 72.

Idem.

(4) Every person who has discharged any liability to a person liable to make a payment under this Act without complying with a requirement under this section is liable to pay to His Majesty an amount equal to the liability discharged or the amount which he was required under this section to pay to the Receiver General of Canada, whichever is the lesser.

Seizure of chattels.

110. (1) Where a person has failed to make a payment as required by this Act, the Minister, on giving 10 days' notice by registered mail addressed to his last known place of residence, may, whether or not there is an objection to or appeal in respect of the assessment not disposed of, issue a certificate of the failure and direct that the goods and chattels of the person in default be seized.

Idem.

(2) Property seized under this section shall be kept for 10 days at the cost and charges of the owner and, if he does not pay the amount due together with the costs and charges within the 10 days, the property seized shall be sold by public auction.

Idem.

(3) Except in the case of perishable goods, notice of the sale setting forth the time and place thereof, together with a general description of the property to be sold shall, a reasonable time before the goods are sold, be published at least once in one or more newspapers of general local circulation.

Idem.

(4) Any surplus resulting from the sale after deduction of the amount owing and all costs and charges shall be paid or returned to the owner of the property seized.

Idem.

(5) Such goods and chattels of any person in default as would be exempt from seizure under a writ of execution issued out of a superior court of the province in which the seizure is made are exempt from seizure under this section.

Taxpayer leaving Canada or defaulting.

111. (1) Where the Minister suspects that a taxpayer is about to leave Canada, he may before the day otherwise fixed for payment, by notice served personally or by registered letter addressed to the taxpayer, demand payment of all taxes, interest and penalties for which the taxpayer is liable or would be liable if the time for payment had arrived, and the same shall be paid forthwith notwithstanding any other provision of this Act.

Idem.

(2) Where a person has failed to pay tax, interest or penalties demanded under this section as required, the Minister may direct that the goods and chattels of the taxpayer be seized and subsections (2) to (5) inclusive of section 110 are, thereupon, applicable *mutatis mutandis*.

Withholding taxes.

112. (1) No action lies against any person for withholding or deducting any sum of money in compliance or intended compliance with this Act.

s. 73.

s. 74.

s. 86 and s. 92 (10).

Idem. (2) Every person whose employer is required to deduct or withhold any amount from his remuneration under section 44 shall, from time to time as prescribed, file a return with his employer in prescribed form.

Idem. (3) Every person failing to file a form as required by subsection (2) is liable to have the deduction or withholding from his salary or wages under section 44 made as though he were an unmarried person without dependents.

Idem. (4) Every person who deducts or withholds any amount under this Act shall be deemed to hold the amount so deducted or withheld in trust for His Majesty.

Idem. (5) All amounts deducted or withheld by a person under this Act shall be kept separate and apart from his own moneys and in the event of any liquidation, assignment or bankruptcy the said amounts shall remain apart and form no part of the estate in liquidation, assignment or bankruptcy.

Idem. (6) Every person who deducts or withholds an amount under this Act is liable to pay to His Majesty on the day fixed by or pursuant to this Act an amount equal to the amount so deducted or withheld and this liability constitutes a first charge on his assets and, notwithstanding the *Bank Act*, the *Bankruptcy Act* or any other statute or law, ranks for payment in priority to all other claims including claims of His Majesty in right of a province or in any other right, of whatsoever kind arising before or after the commencement of this Act, except only the judicial costs, fees and lawful expenses of an assignee or other public officer charged with the administration or distribution of such assets.

Idem. (7) Where a person on whose behalf an amount has been paid to the Receiver General of Canada after having been deducted or withheld under this Act was not liable to pay any tax under this Act or where the amount so paid to the Receiver General of Canada on his behalf is in excess of the tax that he was liable to pay, the Minister shall, upon application in writing made within 2 years from the end of the calendar year in which the amount was paid, pay to him the amount so paid or such part thereof as he was not liable to pay, unless he is otherwise liable or about to become liable to make a payment under this Act, in which case, the Minister may apply the amount otherwise payable under this subsection to that payment and notify him of that fact.

Idem. (8) Any person who has failed to deduct or withhold any amount as required by this Act or a regulation is liable to pay to His Majesty

(a) if the amount should have been deducted or withheld under subsection (1) of section 44, 10% of the amount that should have been deducted or withheld, and

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 92 (4).

s. 92 (5).

s. 92 (6).

s. 92 (7).

s. 92 (7A.).

s. 92 (8).

s. 84 (1) and s. 92 (15).

(b) in any other case, the whole amount that should have been deducted or withheld,

together with interest thereon at the rate of 10% per annum.

Idem. (9) Every person who has failed to remit an amount deducted or withheld as required by this Act or a regulation is liable to a penalty of 10% of that amount or $10, whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate of 10% per annum.

Idem. (10) The Minister may assess any person for any amount that has been deducted or withheld under this Act or a regulation or that is payable under this section and, upon his sending a notice of assessment by registered mail to that person, Division F of Part I is applicable *mutatis mutandis*.

Idem. (11) Provisions of this Act requiring a person to deduct or withhold an amount in respect of taxes from amounts payable to a taxpayer are applicable to His Majesty in right of Canada or a province.

Idem. (12) Where this Act requires an amount to be deducted or withheld, an agreement by the person on whom that obligation is imposed not to deduct or withhold is void.

Idem. (13) The receipt of the Minister for an amount withheld or deducted by any person as required by or under this Act is a good and sufficient discharge of the liability of any debtor to his creditor with respect thereto to the extent of the amount referred to in the receipt.

Receipt of taxes by banks.

113. A chartered bank in Canada shall receive for deposit, without any charge for discount or commission, any cheque made payable to the Receiver General of Canada in payment of tax, interest or penalty imposed by this Act, whether drawn on the bank receiving the cheque or on any other chartered bank in Canada.

General.

Books and records.

114. (1) Every person carrying on business and every person who is required, by or pursuant to this Act, to pay or collect taxes or other amounts shall keep records and books of account (including an annual inventory kept in prescribed manner) at his place of business or residence in Canada or at such other place as may be designated by the Minister, in such form and containing such information as will enable the taxes payable under this Act or the taxes or other amounts that should have been deducted, withheld or collected to be determined.

Idem. (2) Where a person has failed to keep adequate records and books of account for the purposes of this Act, the Minister may require him to keep such records and books of account

s. 84 (2) and s. 92 (16).

s. 84 (3) and s. 92 (17).

s. 92 (11) *(b)*.

s. 9B. (9).

s. 87.

s. 57.

s. 46 and s. 46A.

as he may specify and that person shall thereafter keep records and books of accounts as so required.

Idem. (3) Every person required by this section to keep records and books of account shall, until written permission for their disposal is obtained from the Minister, retain every such record or book of account and every account or voucher necessary to verify the information in any such record or book of account.

Investigations. **115.** (1) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act may, at all reasonable times, enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are, or should be, kept pursuant to this Act, and

(a) audit or examine the books and records and any account, voucher, letter, telegram or other document which relates or may relate to the information that is or should be in the books or records or the amount of tax payable under this Act,

(b) examine property described by an inventory or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act,

(c) require the owner or manager of the property or business and any other person on the premises or place to give him all reasonable assistance with his audit or examination and to answer all proper questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, require the owner or manager to attend at the premises or place with him, and

(d) if, during the course of an audit or examination, it appears to him that there has been a violation of this Act or a regulation, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Idem. (2) The Minister may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person

(a) any information or additional information, including a return of income or a supplementary return, or

s. 41, s. 42, s. 43, s. 44 and s. 45.

(b) production, or production on oath, of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents,

within such reasonable time as may be stipulated therein.

Search.

(3) The Minister may, for any purpose related to the administration or enforcement of this Act, with the approval of a judge of the Exchequer Court of Canada or of a superior or county court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Department of National Revenue, together with such members of the Royal Canadian Mounted Police or other peace officers as he calls on to assist him and such other persons as may be named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things which may afford evidence as to the violation of any provision of this Act or a regulation and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

Inquiry.

(4) The Minister may, for any purpose related to the administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Department of National Revenue, to make such inquiry as he may deem necessary with reference to anything relating to the administration or enforcement of this Act.

Copies.

(5) Where any book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the Department of National Revenue may make, or cause to be made, one or more copies thereof and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

Compliance.

(6) No person shall hinder or molest or interfere with any person doing anything that he is authorized by or pursuant to this section to do or prevent or attempt to prevent any person doing any such thing and, notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by or pursuant to this section to do.

Administration of oaths.

(7) Every person thereunto authorized by the Minister may administer or receive an oath, affirmation or sta-

tutory declaration required to be given by or pursuant to this section.

Powers.

(8) For the purpose of an inquiry authorized under subsection (4), the person authorized to make the inquiry has all the powers and authorities conferred on a commissioner by sections 4 and 5 of the *Inquiries Act* or which may be conferred on a commissioner under section 11 thereof.

Ownership certificates.

116. (1) Before a bearer coupon or warrant representing either interest or dividends payable by any debtor or cheque representing dividends or interest payable by a non-resident debtor, is negotiated by or on behalf of a resident of Canada, there shall be completed by or on behalf of the resident an ownership certificate in prescribed form.

Idem.

(2) An ownership certificate completed pursuant to subsection (1) shall be delivered in such manner, at such time and at such place as may be prescribed and a person who has failed to do so is liable on summary conviction to a fine of not less than $10 and not exceeding $100.

Idem.

(3) The operation of this section may be extended by regulation to bearer coupons or warrants negotiated by or on behalf of non-resident persons.

Idem.

(4) A person who has failed to complete an ownership certificate as required by or under this Act and a debtor or other person who has cashed a coupon or warrant for which an ownership certificate has not been completed, is liable on summary conviction to a fine of not less than $10 and not exceeding $100.

Penalty *re* information returns.

117. Every person who has failed to make a return as and when required by regulation under section 106 or by subsection (2) of section 112 is liable to a penalty of $10 a day for each day of default but not exceeding in all $2,500.

Execution of documents by corporations.

118. A return, certificate or other document made by a corporation pursuant to this Act or a regulation shall be signed on its behalf by the President, Secretary or Treasurer of the corporation or by any other officer or person thereunto duly authorized by the Board of Directors or other governing body of the corporation.

s. 39A. and s. 85.

s. 77 (3) and (4).

s. 35 (1).

Offences.

Offences.

119. (1) Every person who has failed to file a return as and when required by or under this Act or a regulation is guilty of an offence and, in addition to any penalty otherwise provided, liable on summary conviction to a fine of not less than $25 for each day of default.

Idem.

(2) Every person who has failed to comply with or contravened subsection (1) of section 44, subsection (5) of section 112, section 114 or section 115 is guilty of an offence and, in addition to any penalty otherwise provided is liable on summary conviction to

(a) a fine of not less than $200 and not exceeding $10,000, or

(b) both the fine described in paragraph *(a)* and imprisonment for a term not exceeding 6 months.

Idem.

120. (1) Every person who has

(a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation,

(b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer,

(c) made, or assented to or acquiesced in the making of, false or deceptive entries, or omitted, or assented to or acquiesced in the omission, to enter a material particular, in records or books of account of a taxpayer,

(d) wilfully, in any manner, evaded or attempted to evade, compliance with this Act or payment of taxes imposed by this Act, or

(e) conspired with any person to commit an offence described by paragraphs *(a)* to *(d)*,

is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to

(i) a fine of not less than $25 and not exceeding $10,000 plus, in an appropriate case, an amount not exceeding double the amount of the tax that should have been shown to be payable or that was sought to be evaded, or

(ii) both the fine described in paragraph (i) and imprisonment for a term not exceeding 2 years.

Idem.

(2) Every person who is charged with an offence described by subsection (1) may, at the election of the Attorney-General of Canada, be prosecuted upon indictment and, if convicted, is, in addition to any penalty otherwise provided, liable to imprisonment for a term not exceeding 5 years and not less than 2 months.

s. 46A, s. 79 and s. 92 (9).

s. 80 (1), (2) and (3) and s. 92 (14).

Communication of information.

121. Every person who, while employed in the service of His Majesty, has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act or has allowed any such person to inspect or have access to any written statement furnished under this Act is guilty of an offence and liable on summary conviction to a fine not exceeding $200.

Officers, etc. of corporations.

122. Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

Power to decrease punishment.

123. Notwithstanding the *Criminal Code* or any other statute or law in force at the commencement of this Act, the court has, in any prosecution or proceeding under this Act, no power to impose less than the minimum fine or imprisonment fixed by this Act and the court has no power to suspend sentence.

Procedure and Evidence.

Information or complaint.

124. (1) An information or complaint under this Act may be laid or made by any officer of the Department of National Revenue or by any person thereunto authorized by the Minister and, where an information or complaint purports to have been laid or made under this Act, it shall be deemed to have been laid or made by a person thereunto authorized by the Minister and shall not be called in question for lack of authority of the informant or complainant except by the Minister or by some person acting for him or His Majesty.

Two or more offences.

(2) An information or complaint in respect of an offence under this Act may be for one or more offences and no information, complaint, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Territorial jurisdiction.

(3) A complaint or information in respect of an offence under this Act may be heard, tried or determined by any Police or Stipendiary Magistrate or any Justice or Justices of the Peace if the accused is resident, carrying on business, found or apprehended or is in custody within his or their territorial jurisdiction although the matter of the information or complaint did not arise within his or their territorial jurisdiction.

Limitation of prosecutions.

(4) An information or complaint under Part XV of the *Criminal Code* in respect of an offence under this Act may

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 81.

s. 82 (2).

new.

s. 82, s. 80 (4), s. 41 (3) and (4).

be laid or made on or before a day 5 years from the time when the matter of the information or complaint arose or within one year from the day on which evidence, sufficient in the opinion of the Minister to justify a prosecution for the offence, came to his knowledge, and the Minister's certificate as to the day on which such evidence came to his knowledge is conclusive evidence thereof.

Proof of service by mail.

(5) Where, by this Act or a regulation, provision is made for sending by mail a request for information, notice or demand, an affidavit of an officer of the Department of National Revenue sworn before a commissioner or other person authorized to take affidavits setting out that he has charge of the appropriate records, that he has knowledge of the facts in the particular case, that such a request, notice or demand was sent by registered letter on a named day to the person to whom it was addressed (indicating such address) and that he identifies as exhibits attached to the affidavit the post office certificate of registration of the letter or a true copy of the relevant portion thereof and a true copy of the request, notice or demand, shall be received as *prima facie* proof of the sending and of the request, notice or demand.

Proof of failure to comply.

(6) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Department of National Revenue, sworn before a Commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after a careful examination and search of the records he has been unable to find in a given case that the return, statement, answer or certificate, as the case may be, has been made by such person, shall be received as *prima facie* proof that in such case that person did not make the return, statement, answer or certificate, as the case may be.

Proof of time of compliance.

(7) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Department of National Revenue, sworn before a Commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after careful examination of such records he has found that the return, statement, answer or certificate was filed or made on a particular day, shall be received as *prima facie* proof that it was filed or made on that day and not prior thereto.

Proof of documents.

(8) An affidavit of an officer of the Department of National Revenue, sworn before a Commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that a document annexed thereto is a document or true copy of a document made by or on behalf of the Minister or some person exercising the powers of the Minister or by or on behalf of

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a taxpayer, shall be received as *prima facie* proof of the nature and contents of the document and shall be admissible in evidence and have the same probative force as the original document would have if it had been proven in the ordinary way.

Proof of no appeal.

(9) An affidavit of an officer of the Department of National Revenue, sworn before a Commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and has knowledge of the practice of the Department and that an examination of the records shows that a notice of assessment for a particular taxation year was mailed or otherwise communicated to a taxpayer on a particular day pursuant to this Act and that, after careful examination and search of the records, he has been unable to find that a notice of objection or of appeal from the assessment was received within the time allowed therefor, shall be received as *prima facie* proof of the statements contained therein.

Presumption.

(10) Where proof is offered under this section by an affidavit from which it appears that the person making the affidavit is an officer of the Department of National Revenue, it is not necessary to prove his signature or that he is such an officer nor is it necessary to prove the signature or official character of the person before whom the affidavit was sworn.

Judicial notice.

(11) Judicial notice shall be taken of all orders or regulations made under this Act without such orders or regulations being specially pleaded or proven.

PART V.—Tax Evasion.

Artificial transactions.

125. (1) In computing income for the purposes of this Act, no deduction may be made in respect of a disbursement or expense made or incurred in respect of a transaction or operation that, if allowed, would unduly or artificially reduce the income.

Indirect payments or transfers.

(2) Where the result of one or more sales, exchanges, declarations of trust, or other transactions of any kind whatsoever is that a person confers a benefit on a taxpayer, that person shall be deemed to have made a payment to the taxpayer equal to the amount of the benefit conferred notwithstanding the form or legal effect of the transactions or that one or more other persons were also parties thereto; and, whether or not there was an intention to avoid or evade taxes under this Act, the payment shall, depending upon the circumstances, be

(a) included in computing the taxpayer's income for the purpose of Part I,

(b) deemed to be a payment to a non-resident person to which Part II applies, or

(c) deemed to be a disposition by way of gift to which Part III applies.

Cross References to Income War Tax Act.

s. 6 (2).

. new.

Arms length.

(3) Where it is established that a sale, exchange or other transaction was entered into by persons dealing at arms length, *bona fide* and not pursuant to, or as part of, any other transaction and not to effect payment, in whole or in part, of an existing or future obligation, no party thereto shall be regarded, for the purpose of this section, as having conferred a benefit on a party with whom he was so dealing.

Tax avoidance.

126. (1) Where the Treasury Board has decided that one of the purposes for a transaction or transactions effected before or after the coming into force of this Act was avoidance or reduction of taxes that might otherwise have become payable under this Act, the *Income War Tax Act*, or *The Excess Profits Tax Act, 1940*, the Treasury Board may give such directions as it considers appropriate to counteract the avoidance or reduction.

Idem.

(2) A direction under this section may relate to taxes to be paid under one or more Parts of this Act, the *Income War Tax Act* or *The Excess Profits Tax Act, 1940*, by one or more persons for one or more taxation years.

Idem.

(3) Where a direction has been given under this section, tax shall be collected, or assessed or re-assessed and collected, notwithstanding any other provision of this or any other Act, in accordance therewith.

Idem.

(4) The Exchequer Court of Canada has exclusive original jurisdiction in all actions in respect of claims for failure to pay or collect tax under Part II imposed pursuant to this section.

(5) On an appeal from an assessment made pursuant to a direction under this section or in an action for tax under Part II imposed pursuant to this section, the Exchequer Court may

(a) confirm the direction given under this section,

(b) vacate a direction given under this section, if it determines that none of the purposes of the transaction or transactions was the avoidance or reduction of tax, or

(c) vary the direction given by the Treasury Board and refer the matter back to the Minister for collection, or re-assessment and collection.

PART VI.—Interpretation.

127. (1) In this Act,

"amount".

(a) "amount" means money, rights or things expressed in terms of the amount of money or the value in terms of money of the right or thing;

"annuity."

(b) "annuity" includes an amount payable on a periodic basis whether payable at intervals longer or shorter than a year and whether payable under a contract, will or trust or otherwise;

Cross References to Income War Tax Act.

s. 32A.

new.

new.

"superannuation fund or plan".

(c) "approved superannuation fund or plan" means an employees' superannuation or pension fund or plan approved by the Minister in respect of its constitution and operations for the taxation year under consideration;

"assessment".

(d) "assessment" includes a re-assessment;

"business".

(e) "business" includes a profession, calling, trade, manufacture or undertaking of any kind whatsoever and includes an adventure or concern in the nature of trade but does not include an office or employment;

"child qualified for family allowance".

(f) "child qualified for family allowance" means a child who in the last month of the taxation year in respect of which the expression is being applied, was or might have been qualified by registration under *The Family Allowances Act, 1944*, so that an allowance under the said Act was or might have been payable in respect of that child for that month or the immediately following month;

"common share".

(g) "common share" is a share the holder of which is not precluded upon the reduction or redemption of the capital stock from participating in the assets of the corporation beyond the amount paid up thereon plus a fixed premium and a defined rate of dividend;

"corporation"

(h) "corporation" includes an incorporated company;

"country other than Canada".

(i) "country other than Canada" includes any of His Majesty's self-governing dominions or dependencies;

"dividend".

(j) "dividend" includes stock dividend;

"employed".

(k) "employed" means performing the duties of an office or employment;

"emloyment".

"servant".

"employee".

(l) "employment" means the position of an individual in the service of some other person (including His Majesty or a foreign state or sovereign) and "servant" or "employee" means a person holding such a position;

"estate".

(m) "estate" has the meaning given that word by section 58;

"exempt income".

(n) "exempt income" means money, rights or things received or acquired by a person in such circumstances that they are, by reason of any provision in Part I, not included in computing his income and includes amounts deductible under section 27 or 28;

"farming".

(o) "farming" includes tillage of the soil, livestock raising, raising of poultry, fur farming, dairying, fruit growing and the keeping of bees but does not include an office or employment under a person engaged in the business of farming;

"fishing".

(p) "fishing" includes fishing for or catching shell fish, crustaceans and marine animals but does not include an office or employment under a person engaged in the business of fishing;

new.

new.
new.

s. 2 (1) *(a)*

s. 16 (2).

new.
new.

s. 2 (1) *(b)*.
new.

new.

new.

new.

s. 9 (6).

s. 9 (6).

"fiscal period".

(q) "fiscal period" means the period for which the accounts of the business of the taxpayer have been ordinarily made up and accepted for purposes of assessment under this Act and, in the absence of an established practice, the fiscal period is that adopted by the taxpayer: Provided that a fiscal period may not exceed a period of 12 months and that a change in a usual and accepted fiscal period may not be made for the purpose of this Act without the concurrence of the Minister;

"foreign business corporation".

(r) "foreign business corporation" means a corporation defined by section 64 to be a foreign business corporation;

"income bond or debenture".

(s) "income bond" or "income debenture" means a bond or debenture in respect of which interest or dividends are payable only when the debtor company has made a profit before taking into account the interest or dividend obligation;

"individual".

(t) "individual" means a person other than a corporation;

"investment company".

(u) "investment company" means a corporation defined by section 62 to be an investment company;

"inventory".

(v) "inventory" means a description of property the value of which is relevant in computing a taxpayer's income from a business for a taxation year;

"loss".

(w) "loss" means a loss computed by applying the provisions of this Act respecting computation of income from a business *mutatis mutandis* (but not including in the computation a dividend or part of a dividend the amount whereof would be deductible under section 27 or 28 in computing taxable income) minus any amount by which a loss operated to reduce the taxpayer's income from other sources for purpose of income tax for the year in which it was sustained;

"Minister".

(x) "Minister" means the Minister of National Revenue;

"non-resident".

(y) "non-resident" means not resident in Canada;

"non-resident-owned corporation".

(z) "non-resident-owned investment corporation" means a corporation defined by section 63 to be a non-resident-owned investment corporation;

"office".

(aa) "office" means the position of an individual entitling him to a fixed or ascertainable stipend or remuneration and includes a judicial office, the office of a Minister of the Crown, the office of a member of the Senate or House of Commons of Canada, a member of a legislative assembly, senator or member of a legislative or executive council and any other office, the incumbent of which is elected by popular vote or is elected or appointed in a representative capacity but does not include the position of a corporation director; and "officer" means a person holding such an office;

'officer".

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 2 (1) *(s)*.

s. 4 *(k)*.

s. 2 (1)*(o)*.

new.
s. 4 *(w)* and s. 9 (8).

new.

new.

s. 2 (1) *(g)*.
new.
s. 2 (1) *(p)*.

s. 3 (1) *(d)*.

"person". *(ab)* "person" or any word or expression descriptive of a person, includes any body corporate and politic, and the heirs, executors, administrators or other legal representatives of such person, according to the law of that part of Canada to which the context extends;

"personal corporation". *(ac)* "personal corporation" means a corporation defined by section sixty-one to be a personal corporation;

"personal and living expenses". *(ad)* "personal and living expenses" include

(i) the expenses of properties maintained by any person for the use or benefit of the taxpayer or any person connected with the taxpayer by blood relationship, marriage or adoption, and not maintained in connection with a business carried on for profit or with a reasonable expectation of profit,

(ii) the expenses, premiums or other costs of a policy of insurance, annuity contract or other like contract if the proceeds of the policy or contract are payable to or for the benefit of the taxpayer or a person connected with him by blood relationship, marriage or adoption, and

(iii) expenses of properties maintained by a personal corporation, estate or trust for the benefit of the taxpayer as one of its shareholders or beneficiaries;

"prescribed". *(ae)* "prescribed" in the case of a form or the information to be given on a form, means prescribed by order of the Minister, and, in any other case, means prescribed by regulation;

"property". *(af)* "property" means property of any kind whatsoever whether real or personal or corporeal or incorporeal and, without restricting the generality of the foregoing, includes a right of any kind whatsoever, a share or a chose in action;

"province". *(ag)* "province" means a province of Canada;

"regulation". *(ah)* "regulation" means a regulation made by the Governor in Council under this Act;

"retiring allowance". *(ai)* "retiring allowance" means an amount received upon or after retirement from an office or employment in recognition of long service or in respect of loss of office or employment (other than a superannuation or pension benefit), whether the recipient is the officer or employee or a dependent, relation or legal representative;

"salary or eages". *(aj)* "salary or wages", except in section five, means the income of a taxpayer from an office or employment as computed under section 5 and includes all fees (except fees of a corporation director) received for services not rendered in the course of the taxpayer's business but does not include superannuation or pension benefits or retiring allowances;

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 2 (1) *(h)*.

s. 2 (1) *(i)*.

s. 2 (1) *(r)*.

new.

new.

new.
new.

new.

new.

"self-contained domestic establishment".

(ak) "self-contained domestic establishment" means a dwelling house, apartment or other similar place of residence in which place a person as a general rule sleeps and eats;

"separation agreement".

(al) "separation agreement" includes an agreement by which a person agrees to make payments on a periodic basis for the maintenance of a former spouse, children of the marriage, or both the former spouse and children of the marriage, after the marriage has been dissolved by Parliament, whether the agreement was made before or after the marriage was dissolved;

"share".

(am) "share" means a share of capital stock of a corporation;

"shareholder".

(an) "shareholder" includes a member or other person entitled to receive payment of a dividend;

"subsidiary wholly-owned or controlled corporation".

(ao) "subsidiary wholly-owned corporation" means a corporation all the share capital of which (except directors' qualifying shares) belongs to the corporation to which it is subsidiary and "subsidiary controlled corporation" means a corporation more than 50% of the share capital of which (having full voting rights under all circumstances) belongs to the corporation to which it is subsidiary;

"superannuation or pension benefits".

(ap) "superannuation or pension benefits" includes any amount received out of or under a superannuation or pension fund or plan;

"taxable income".

(aq) "taxable income" has the meaning given that expression by subsection (3) of section 2.

"taxpayer".

(ar) "taxpayer" includes any person whether or not liable to pay tax;

"taxable income earned in Canada".

(as) "taxable income earned in Canada" means that part of a taxpayer's taxable income that was earned in Canada determined in accordance with Division D of Part I;

"treasury Board".

(at) "Treasury Board" means the Treasury Board as constituted under the Department of Finance and Treasury Board Act;

"trust".

(au) "trust" has the meaning given that word by section 58;

Income from a source.

(av) a taxpayer's income from a business, employment, property or other source of income or from sources in a particular place means the taxpayer's income computed in accordance with this Act on the assumption that he had during the taxation year no income except from that source or those sources of income and was entitled to no deductions except those related to that source or those sources; and

Tax payable.

(aw) the tax payable by a taxpayer under Part I means the tax payable by him as fixed by assessment or re-assessment subject to variation on objection or appeal, if any, in accordance with the provisions of that Part.

s. 2 (1) *(j)*.

new.

new.

new.

new.

new.

new.

s. 2 (1) *(k)*.

new.

s. 2 (1) *(q)*.

new.

new.

new.

"taxation year".

(2) For the purposes of this Act, the "taxation year" denoted by reference to any year is

(a) in the case of a corporation, the fiscal period or periods ending in that year, and

(b) in the case of an individual, the calendar year.

Extended meaning of resident.

(3) For the purposes of this Act, a person shall be deemed to have been resident in Canada in a taxation year if

(a) he sojourned in Canada in the year for a period of, or periods the aggregate of which is, 183 days or more,

(b) he was, at any time in the year, a member of the naval, military or air forces of Canada, or

(c) he was, at any time in the year,

(i) an ambassador, minister, high commissioner, officer or servant of Canada, or

(ii) an agent-general, officer or servant of a province,

and he was resident in Canada immediately prior to appointment or employment by Canada or the province or received representation allowances in respect of the year.

Ordinarily resident.

(4) In this Act, a reference to a person resident in Canada includes a person who was at the relevant time ordinarily resident in Canada.

Arms length.

(5) For the purposes of this Act,

(a) a corporation and a person or one of several persons by whom it is directly or indirectly controlled,

(b) corporations controlled directly or indirectly by the same person, or

(c) persons connected by blood relationship, marriage or adoption,

shall, without extending the meaning of the expression "to deal with each other at arms length", be deemed not to deal with each other at arms length.

Extended meaning of carrying on business.

(6) Where, in a taxation year, a non-resident person

(a) produced, grew, mined, created, manufactured, fabricated, improved, packed, preserved or constructed, in whole or in part, anything in Canada whether or not he exported that thing without selling it prior to exportation, or

(b) solicited orders or offered anything for sale in Canada through an agent or servant whether the contract or transaction was to be completed inside or outside Canada or partly in and partly outside Canada,

he shall be deemed, for the purposes of this Act, to have been carrying on business in Canada in the year.

Extended meaning of child.

(7) In this Act, words referring to a child of a taxpayer include

(a) an illegitimate child of the taxpayer,

(b) a person who is wholly dependent on the taxpayer for support and of whom the taxpayer has, or immediately before such person attained the age of 21 years did have, in law or in fact, the custody and control, and

(c) a daughter-in-law or son-in-law of the taxpayer.

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 2 (1) *(w)*.

s. 9 (1).

s. 9 (1).

new.

s. 26 (1) and s. 27A. (1).

s. 2 (2).

Parent.

(8) In this Act, words referring to a parent of a taxpayer include a person whose child the taxpayer is, in the taxation year in respect of which the expression is being employed, within the meaning of subsection seven or whose child the taxpayer had previously been within the meaning of paragraph *(b)* of subsection seven, and

"grandparent".

(a) "grandparent" includes grandmother-in-law and grandfather-in-law,

"brother".

(b) "brother" includes brother-in-law, and

"sister".

(c) "sister" includes sister-in-law.

Part VII.—Transitional Provisions.

References to Income War Tax Act.

128. (1) A reference in this Act or a regulation to this Act or any provision thereof shall be construed, as regards any transaction, matter or thing in a year to which the *Income War Tax Act* was applicable, to include a reference to the provisions of the *Income War Tax Act* relating to the same subject matter.

Reference to tax under Part I.

(2) A reference in this Act to the tax payable under Part I shall be construed, as regards a year to which the *Income War Tax Act* was applicable, to include a reference to the tax that was payable under section nine of that Act.

Under Part II.

(3) A reference in this Act to the tax payable under Part II shall be construed, as regards a period to which the Income War Tax Act was applicable, to include a reference to the tax that was payable under subsection two of section nine-B or section twenty-seven of that Act as the circumstances may require.

Reference to income.

(4) A reference in this Act to income shall be construed, as regards a period to which the Income War Tax was applicable, to include a reference to income as defined for the purpose of that Act subject to the deductions from income permitted by that Act except those corresponding to the deductions permitted by Division C of Part I of this Act and a reference to taxable income in this Act shall be construed, as regards such a period, to include a reference to income as so defined subject to all the deductions from income permitted by the *Income War Tax Act.*

S. 3(6) and (8) of I.W.T.Act.

129. (1) Notwithstanding anything in Part I, there shall be included in computing the income of a taxpayer for a taxation year, such amounts as would, if the *Income War Tax Act* were applicable to the year, be deemed to be income of the taxpayer for the year by virtue of subsections six and eight of section three of that Act.

Private Company dividends.

(2) There shall not be included in computing the income of a taxpayer for a taxation year amounts received by the taxpayer in the year as dividends that would, if the *Income*

CROSS REFERENCES TO INCOME WAR TAX ACT.

s. 2 (3).

new.

s. 3 (6) and (8).

s. 9B (6) and s. 95.

War Tax Act were applicable to the taxation year, be exempt from taxation under that Act by virtue of section ninety-five thereof as exempt dividends from a private company and a dividend that would not be taxable under subsection two of section nine B of the *Income War Tax Act* by virtue of subsection six of that section, if that Act were applicable, is not taxable under Part II of this Act.

S. 8(6) to (11) of I.W.T. Act.

(3) A taxpayer may deduct from the tax otherwise payable under Part I for a taxation year, such amount as would, if the *Income War Tax Act* were applicable to the taxation year, be deductible from tax by virtue of subsections six to eleven inclusive of section eight thereof.

S. 16 of 1947 amending Act.

(4) There may be deducted in computing income for a taxation year under Part I, an amount that would be deductible under section sixteen of chapter sixty-three of the statutes of 1947 from income as defined by the *Income War Tax Act* if that Act were applicable to the taxation year.

Idem.

(5) There may be deducted from the tax for a taxation year otherwise payable under Part I an amount that would be deductible under section sixteen of chapter sixty-three of the statutes of 1947 from the aggregate of taxes payable under the *Income War Tax Act* and *The Excess Profits Tax Act, 1940*, if those Acts were applicable to the taxation year.

Retrospection.

(6) Where there is a reference in this Act to any act, matter or thing done or existing before a taxation year, it shall be deemed to include a reference to the act, matter or thing, even though it was done or existing before the commencement of this Act.

1948 reserve for doubtful debts.

(7) For the purpose of computing a taxpayer's income for the 1949 taxation year, the amount outstanding on the taxpayer's books as a reserve for bad debts at the end of the 1948 taxation year, except such part thereof, if any, as the taxpayer establishes can not reasonably be included therein, shall, for the purpose of paragraph *(e)* of section six of this Act, be deemed to be the amount deducted as a reserve for doubtful debts in computing his income for the 1948 taxation year.

S. 5(1) (v) I.W.T. Act.

(8) Where a part of an expenditure made in a taxation year to which this Act is applicable is, by virtue of paragraph *(v)* of subsection one of section five of the *Income War Tax Act*, deductible from income as defined by that Act for a taxation year to which that Act is applicable, there shall not be deducted in computing income under this Act for the taxation year in which the expenditures were made, an amount in respect of maintenance and repairs or underground development exceeding the expenditures made with reference thereto in that taxation year minus the amount so deducted in a previous year or years in respect thereof under the said paragraph *(v)*.

s. 8 (6) to (11).

new.

new.

new.

new.

s. 5 (1) *(v)*.

Method of computing income.

(9) Where, upon the application of a method adopted by a taxpayer for computing his income from a business or property for a taxation year to which this Act is applicable, an amount received in the year would not be included in computing his income for the year because on the application of that method it would have been included in computing his income for the purposes of this Act or the *Income War Tax Act* for a previous year in respect of which it was receivable, if the amount was not included in computing the income for the previous year, it shall be included in computing the income for the year in which it was received.

Investigations, etc.

(10) Section one hundred and fifteen, and section one hundred and twenty-four except subsection four thereof, are applicable *mutatis mutandis* in respect of matters arising under the *Income War Tax Act.*

1949 averaging.

(11) For the 1949 taxation year, section thirty-nine shall be read as though the word "four" in the third line of subsection one thereof were "three" and the word "one-fifth" in paragraph six of subsection one thereof were "one-quarter".

Application of I.W.T. Act.

130. (1) Section nine B, subsection two of section twenty-five and section twenty-seven of the *Income War Tax Act* are applicable to amounts paid or credited on or before the last day of 1948 but are not applicable to amounts paid or credited after 1948.

(2) Subject to subsection one, the provisions of the *Income War Tax Act* other than sections nineteen-A and ninety-seven of that Act are not applicable to taxation years after the 1948 taxation year.

Application of this Act.

131. Part II of this Act is applicable to amounts paid or credited after 1948 and the other provisions of this Act are applicable to the 1949 and subsequent taxation years.

new.

new.

new.

s. 19A and s. 97.

339.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 339.

An Act to amend an Act respecting the National Battlefields at Quebec.

First reading, June 8, 1948

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

14082

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA

BILL 339.

An Act to amend An Act respecting the National Battlefields at Quebec.

1908, cc. 57, 58; 1910, c. 41; 1911, c. 5; 1914, c. 46; 1925, c. 47; 1928, c. 36; 1938, c. 23.

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

1. Section eight of *An Act respecting the National Battlefields at Quebec*, chapter fifty-seven of the statutes of 1908, as enacted by chapter twenty-three of the statutes of 1938, is repealed and the following substituted therefor:—

Payment of $100,000 a year for ten years authorized.

"**8.** (1) The Minister of Finance is hereby authorized to pay out of the Consolidated Revenue Fund of Canada to the Commission the sum of one hundred thousand dollars a year for a period not exceeding ten years from the first day of April, nineteen hundred and forty-eight, to be expended by the Commission for the purposes and subject to the provisions of this Act.

Payments quarterly in each year.

(2) The amount payable to the Commission under this section shall be paid in four equal quarterly instalments on the first day of April, July, October, and January, respectively, in each fiscal year but the first of such quarterly instalments shall be paid forthwith upon the commencement of this section."

Acquisition of certain lands authorized.

2. The National Battlefields Commission may, subject to the approval of the Governor in Council, purchase, acquire, and hold the whole or part of the lands and immovable property hereinafter described, namely:—

A tract of land being part of lot No. 232 of the official cadastre of the parish of St. Colomb de Sillery, County of Quebec, situate at the foot of Gilmour Hill and located between the new Champlain road and the old Champlain road, containing in area 47,750 square feet, more or less, more particularly described as follows:—

Explanatory Notes.

1. Section 8 (as enacted by chapter 23 of the statutes of 1938) now reads:—

"**8.** The Minister of Finance is hereby authorized to pay out of the Consolidated Revenue Fund of Canada to the Commission, the sum of seventy-five thousand dollars a year for a period not exceeding ten years from the first day of April, 1938, to be expended by the Commission for the purposes and subject to the provisions of this Act. Such annual payments shall be made in four equal quarterly instalments payable on the first day of April, July, October, and January, respectively, in each year, the first of such quarterly instalments to be paid on the first day of April, 1938."

It is necessary to make provision for the annual payment to the Commission since this provision has now expired.

2. New. The statute establishing the National Battlefields Commission (chapter 15, statutes of 1908 as amended by chapter 46 statutes of 1914) provides in section 10:—

"**10.** No lands or immovable property shall be purchased or acquired by the Commission except with the previous approval of Parliament."

The effect of section 2 is to authorize the Commission, with the approval of the Governor in Council, to acquire the lands described therein.

Commencing at the point of intersection of the Southerly side of the old Champlain road with the line parallel to and thirty-five feet (35′) distant, North Westerly, from the centre line of the new Champlain road, the said point of intersection being hereinafter referred to as point A; thence in a South Westerly direction along a straight line, distant twenty feet (20′) and parallel to the edge of the pavement of the new Champlain road, a distance of three hundred and forty feet (340′) more or less, to a point hereinafter referred to as point B; thence in a South Easterly direction along a straight line at right angle with the preceding line a distance of seventeen feet (17′), more or less; thence in a South Westerly direction along a straight line, in the same direction as the line joining points A and B hereinbefore mentioned, a distance of one hundred and forty feet, (140′) more or less; thence in a South Westerly direction along a straight line making a deflection angle of 20° 45′ to the left with the preceding line a distance of ninety feet (90′), more or less; thence in a Southerly direction along a straight line parallel to and distant twenty feet (20′) Westerly from the Western edge of pavement of the new Champlain road, a distance of two hundred and twenty feet (220′), more or less, to the Eastern side of the old Champlain road; thence in a general North Easterly direction along the said Eastern side and Southern side of the said old Champlain road to the point of commencement.

A tract of land being part of the old Champlain road in the parish of St. Colomb de Sillery, County of Quebec, containing in area 14,100 square feet, more or less, and more particularly described as follows:—

Commencing at the intersection of the old Champlain road with the new Champlain road and running in a general North Easterly direction to its intersection with the new Champlain road, bounded towards the North by lot No. 230, towards its North Eastern extremity by the new Champlain road, towards the South, the South East and the East by lot No. 232, towards its South Western extremity by the new Champlain road and towards the West by lot No. 231 and towards the North West by lot No. 231, the creek St. Denis, lot No. 229, the Gilmour Hill and lot No. 230.

340.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 340.

An Act respecting the supplying of Electrical Power in the Northwest Territories.

First reading, June 8, 1948.

THE MINISTER OF MINES AND RESOURCES.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

10583

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 340.

An Act respecting the supplying of Electrical Power in the Northwest Territories.

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 Northwest Territories Power Commission Act.*

INTERPRETATION.

Definitions.

2. In this Act,

"Commission".

(a) "Commission" means the Northwest Territories Power Commission;

"local administrative district."

(b) "local administrative district" means a local administrative district established pursuant to the Local Administrative Districts Ordinance of the Northwest Territories;

"member."

(c) "member" means a member of the Commission;

"Minister."

(d) "Minister" means the Minister of Mines and Resources;

"power."

(e) "power" means electric energy produced by hydraulic, electrical, steam, or internal-combustion engine, or by gas, oil, or any other process;

"power plant."

(f) "power plant" includes all land, water, rights to use water, buildings, works, machinery, installations, materials, transmission lines, furnishings and equipment, construction plant, stores and supplies, acquired, constructed or used, or adapted for, or in connection with the generation, supply and transmission of power;

"power-site."

(g) "power-site" includes any land, stream, watercourse, lake or body of water or reservoir, dam, canal, tunnel or aqueduct that is used, or that in the opinion of the Commission might be used for the generation or supply of power; and

Explanatory Notes.

General. The purpose of this Bill is to facilitate the construction and operation of power plants in the Northwest Territories for mining and other interests. Electric power from such plants will be sold at as low a rate as possible, subject to the plants being on a self-sustaining basis from the standpoint of overhead, operation, and maintenance. If power can be made available in mineral areas as soon as its need is definitely established, the development of mining properties will be greatly encouraged and the mining and processing of ore made easier and more economical.

At the present time mining companies may develop individual power sites under the *Dominion Water Power Act* but the smaller mining companies are often unable to finance a hydro-electric power development. There is also the tendency to have scattered water power plants in a mineral area rather than a larger development which would serve the whole area at a cheaper rate. The Bill reduces the danger of smaller power plants prejudicing the development of a large plant on the same river.

The Northwest Territories Power Commission Act will permit the development of more or less central hydro-electric plants in the mining districts of the Territories that can serve all mines within a radius of 100 miles or more depending on the amount of power required. Mining development will also be benefited because with power developed by the Commission available at as low a rate as possible, capital expenditures for individual power plants will not be necessary.

The Bill provides for the proposed Power Commission taking over and operating the hydro-electric development under construction at present by the Department of Mines and Resources on the Snare River, 94 miles northwest of Yellowknife. This project which is scheduled to begin operation late next fall will develop 8,000 horse-power and supply power to mines in the Yellowknife district.

At the present time there are ten well-known mines in this area of which in January 1948 three were producing. The other seven mines are in advanced stages of development and one or two will go into production in 1948.

Except where an explanation is given it is considered the sections in the Bill are self-explanatory.

"power rates."

(h) "power rates" includes charges set or made for the supply of power, including all conditions of supply pertaining thereto.

COMMISSION ESTABLISHED.

Commission established.

3. (1) There is hereby established for the purposes set forth in this Act a corporation to be called the Northwest Territories Power Commission.

Constitution.

(2) The Commission shall consist of one member to be appointed by the Governor in Council to be chairman and not more than two additional members to be appointed by the Governor in Council.

Chairman.

(3) The chairman is the chief executive officer of the Commission.

Tenure.

(4) The members of the Commission hold office during pleasure.

Remuneration.

(5) Each member of the Commission shall be paid such sums for his services as the Governor in Council may determine.

Vacancy.

(6) A vacancy in the membership of the Commission does not impair the right of the remaining members to act.

Quorum.

(7) Where the membership consists of two or three members two members constitute a quorum.

Rules.

(8) The Commission may make rules for the regulation of its proceedings and the performance of its duties and functions under this Act.

Directions.

(9) The Commission shall comply with any directions from time to time given to it by the Governor in Council or the Minister respecting the exercise of its powers.

Agent of His Majesty.

4. (1) The Commission is for all its purposes an agent of His Majesty and its powers may be exercised only as an agent of His Majesty.

Contracts and property.

(2) For the purposes of this Act the Commission may in its own name enter into contracts and acquire or hold real and personal property or any interest therein.

Legal proceedings.

(3) Actions, suits and other legal proceedings in respect of any right or obligation acquired or incurred by the Commission may be brought or taken by or against the Commission in the name of the Commission in the same manner as if the right or obligation had been acquired or incurred on its own behalf.

Employment of officers and servants.

5. (1) The Commission may employ such officers and servants as it deems necessary to carry out this Act, but, subject to subsection two, the rates of remuneration and the terms or conditions of employment shall be such as are approved by the Governor in Council.

When Commission may fix terms of employment and rates of remuneration.

(2) Where it is necessary for the proper operation and maintenance of any power plant or power line the Commission may employ a person for a period not exceeding three months at such rates of remuneration and on such terms or conditions of employment as may be fixed by the Commission.

R.S., c. 22. Employees deemed to be in Civil Service.

(3) For the purposes of Part I of the *Civil Service Superannuation Act* the members of the Commission and every person employed under subsection one are deemed to be employed in the Civil Service within the meaning of that Act.

Commission to pay contributions to C.R.F.

(4) Where an employee of the Commission is a contributor under Part I of the *Civil Service Superannuation Act* the Commission is liable to pay into the Consolidated Revenue Fund on the thirty-first day of March in each year an amount equal to the contributions made by the contributor during that fiscal year and each amount, so paid, shall be credited to the Superannuation Account in the Consolidated Revenue Fund.

POWERS.

Powers.

6. (1) The Commission may construct and operate power plants within the Northwest Territories and for those purposes may

(a) undertake surveys and engineering investigations for the development of power sites;

(b) generate and supply power;

(c) construct, make, or establish every kind of structure, excavation, or installation suitable for or necessary to the development or operation of power-sites, power projects, or power plants, and the control and transmission of power;

(d) purchase and install equipment and facilities for the development or operation of power sites, power projects, or power plants;

(e) construct and maintain dams for storage and power purposes, and flood and overflow land for the storage of water;

(f) raise or lower the levels of rivers, lakes, streams and other bodies of water, and make stream or river diversions;

(g) subject to the approval of the Governor in Council enter upon and erect on, under, or over, any roads, railways, rivers, streams, waterways, or lands, any structure or facility related to the generation and supply of power;

(h) develop, improve, and operate any property of the Commission;

(*i*) purchase or lease power from, or sell power to, any person who operates a power plant within or outside the Northwest Territories;

(*j*) sell, exchange, or otherwise dispose of any personal property of the Commission and, with the approval of the Governor in Council, any real property of the Commission; and

(*k*) do such other things as it deems expedient for or conducive to the attainment of the purposes set forth in this section.

R.S., c. 210.

(2) The Commission shall be entitled to receive upon application any licence or other authority under the *Dominion Water Power Act* necessary to enable the Commission to carry out the provisions of this Act.

Contracts over $50,000 to be approved by the Governor in Council.

(3) The Commission shall not with respect to any project undertake or enter into any contract, other than for maintenance or repairs, for the construction, making, erection, purchase or installation of any works, excavations, undertakings, equipment or facilities, involving a total estimated expenditure exceeding fifty thousand dollars unless the undertaking of the project by the Commission has been approved by the Governor in Council.

Expropriation.

EXPROPRIATION.

R.S., c. 64.

7. (1) With the prior approval of the Governor in Council the Commission may without the consent of the owner take lands for the purposes of this Act and, except as otherwise provided in this section, all the provisions of the *Expropriation Act* are, *mutatis mutandis*, applicable to the taking or abandonment of lands by the Commission.

Plan and description.

(2) For the purposes of section nine of the *Expropriation Act* the plan and description may be signed by the chairman or any other member of the Commission or by a Dominion land surveyor.

Commission to pay compensation.

(3) The Commission shall pay compensation for lands taken under this section or for damage to lands injuriously affected by the construction of any power plant and all claims against the Commission for such compensation may be heard and determined in the Exchequer Court of Canada in accordance with the rules and practice of the said Court and in accordance with sections forty-seven to fifty of the *Exchequer Court Act*.

R.S., c. 34.

Out of funds of Commission.

(4) The Commission shall pay out of the funds administered by it the compensation agreed upon or adjudged by the Exchequer Court to be payable.

"take lands" defined.

(5) In this section the expression "take lands" includes enter upon, take possession of, use and take lands for a limited time or otherwise or for a limited estate or interest.

Release of former owner.

8. Where any power plant is acquired by the Commission with or without the consent of the owner, the Commission may by order release the owner from all his obligations relating to the generation, purchase or supply of power from the plant so acquired and the order is binding on all persons.

Snare River.

Snare River Project transferred to Commission.

9. (1) Upon the commencement of this Act the Snare River Storage and Power Project in the Northwest Territories and the management, charge and direction thereof are vested in the Commission and all rights and obligations acquired or incurred by His Majesty with respect to that project or the supply of power therefrom shall be deemed to have been acquired or incurred by the Commission under this Act.

What transfer includes.

(2) For the purposes of this section the Snare River Storage and Power Project includes all land, buildings, dams, structures, power lines and sub-stations associated with that project and all power equipment, construction equipment, materials and supplies that have been purchased or are under purchase for that project by His Majesty.

Supply of Power.

Supply of power.

10. Power purchased or generated by the Commission may be supplied under agreement to mines, local administrative districts or to such power districts or power areas as may be established by the Commission for convenience of administration and supply of power.

Distribution.

11. Power purchased or generated by the Commission may be distributed by the Commission over its distributing lines to consumers in any district or area.

Power rates.

12. The Commission shall, with the approval of the Governor in Council, establish schedules or ranges of rates for power supplied by it under this Act, but the rates to be charged for power within the said schedules or ranges shall not be less than the estimated cost to the Commission, as determined by it, of supplying the power and which cost shall include:—

(a) payments in respect of the interest on, and in respect of the principal amount of advances made or deemed to have been made to the Commission under this Act in respect of the power plant from which the power was supplied;

(b) the cost of operating, maintaining and repairing that power plant and its transmission lines, and other structures required or constructed for the purpose of supply-

SECTION 11. A large portion of the power generated by plants of the Commission will be sold in large blocks to mining companies. Section 11 provides that the Commission may also sell power on a retail basis through its distributing lines to consumers in any district or area.

ing the power therefrom, the payment of rentals for power and power facilities, the cost of administration by the Commission, and the salaries, travelling expenses and other expenses of the members of the Commission and its staff, including payments required for superannuation purposes and for workmen's compensation as provided by *The Government Employee's Compensation Act, 1947*, and all other expenditures of the Commission properly attributable to the supply of the power;

1947, c. 18.

(c) the establishment and maintenance of a contingency reserve fund in the amount considered necessary by the Commission to meet unforeseen or emergency expenditures.

Agreements to supply power.

13. The Commission may enter into agreements with any person for the supply of power at the rates authorized under section twelve.

Review of rates.

14. The Commission shall annually review and in accordance with section twelve shall adjust, if necessary, the rates charged for power supplied.

Commission to investigate supply of power to local administrative districts.

15. At the request of the Commissioner of the Northwest Territories the Commission may investigate the supplying of power to any local administrative district, company or other person in the Northwest Territories, and advise the Commissioner of the areas that might be served, the estimated amount of capital required, and the proposed rates to the consumers that in the opinion of the Commission would produce revenue equal to the cost of supplying power under the provisions of section twelve.

FINANCING.

Snare River expenditures deemed advances to Commission.

16. (1) There shall be deemed to have been advanced to the Commission at the time of the commencement of this Act for the purpose of capital expenditures an amount determined by the Commission and approved by the Minister of Finance to be equal to the actual expenditures made before the commencement of this Act, in respect of the construction of the Snare River Storage and Power Project in the Northwest Territories transferred to the Commission under section nine.

Minister of Finance may make advances out of 1948-49 appropriations for Snare River Project.

(2) The Minister of Finance may advance to the Commission out of moneys appropriated by Parliament for the construction, operation or maintenance of the Snare River Storage and Power Project for the fiscal year 1948-49 amounts necessary for any expenditure made by the Commission pursuant to obligations deemed to have been

incurred by it under this Act in respect of that project or for the purposes of expenditures for the construction, operation or maintenance thereof that, but for the enactment of this Act, would have been payable out of moneys so appropriated.

Advances for capital expenditures out of moneys appropriated.

17. (1) The Minister of Finance may, on such terms and conditions as may be approved by the Governor in Council, make advances to the Commission for the purpose of capital expenditures under this Act out of moneys appropriated by Parliament for that purpose.

Advances out of C.R.F.

(2) The Minister of Finance may, from time to time, with the approval of, and on such terms and conditions as may be approved by the Governor in Council, make advances to the Commission for the purpose of capital expenditures under this Act from unappropriated money in the Consolidated Revenue Fund of amounts not exceeding at any one time one million dollars, and an amount equal to the expenditures made from such advances in any fiscal year shall be included in the Estimates for the following fiscal year submitted by the Minister to the Governor in Council, but where Parliament appropriates moneys to be advanced to the Commission for the purpose of capital expenditures under this Act after an advance has been made under this subsection, that advance, or an amount thereof equal to the moneys so appropriated, shall thereafter be deemed to have been made out of that appropriation and not under the authority of this subsection.

Capital Account.

18. (1) Moneys advanced to the Commission under this Act shall be deposited in such bank as the Minister of Finance, from time to time, directs and be credited to an account designated the "Northwest Territories Power Commission Capital Account" in this Act called the "Capital Account".

Terms of advances.

(2) An advance made or deemed to have been made to the Commission by the Minister of Finance under this Act shall be made or deemed to have been made on the following terms:—

(a) interest on the amount of the advance at such rate as the Governor in Council may prescribe shall accrue due at the end of each fiscal year until the end of the fiscal year in which the project in respect of which the advance was made is determined by the Minister to have been completed and the amount of the interest then accrued due shall be added to the amount of the advance and the total amount shall be deemed to be the principal amount of the advance for the purposes of paragraph *(b)*; and

Section 17. (2). This section permits the Commission to undertake capital expenditure such as branch transmission lines, sub-stations, and additional installations or works to increase power output of existing plants, without having to wait for the voting of funds at the next Session of Parliament. Due to climatic conditions, construction in the Northwest Territories is highly seasonal, and unless prompt advantage is taken of winter-haul facilities or the short water-transport period, a very advantageous project can be delayed a year.

(b) at the end of each fiscal year thereafter interest at the rate prescribed under paragraph *(a)* shall be payable on the unpaid principal amount of the advance together with such part of the principal amount as will result in payment of the principal amount and interest in equal annual instalments during such period as the Governor in Council may prescribe, such period being referred to in this Act as the "amortization period".

Governor in Council may postpone repayment dates.

(3) Notwithstanding subsection two the Governor in Council may, on the request of the Commission, relieve the Commission from the liability to make the first payment in respect of the principal amount of an advance, or the first two payments in respect of the principal amount of an advance, at the time or times the payment or payments are payable, but in such case the whole principal amount shall be payable during the remainder of the amortization period of that advance so that the principal amount and interest are payable in equal annual instalments during the remainder of the period.

All moneys from sale of capital assets deposited in Capital Account.

19. All moneys realized by the Commission from the sale or other disposition of capital equipment, supplies or material or any other capital assets of the Commission shall be deposited in the Capital Account.

Commission to deliver certificates of indebtedness.

20. The Commission shall execute and deliver to the Minister of Finance, in such form as he may approve, certificates evidencing its indebtedness in respect of any advance made or deemed to have been made to the Commission under this Act and the terms and conditions under which the advance was made.

Capital Account available only for capital expenditures.

21. The Commission may expend moneys deposited in the Capital Account for capital purposes but, except as provided in section twenty-two, no expenditures shall be made by the Commission out of the Capital Account except for capital purposes.

OPERATING.

Collection of revenue.

22. (1) The Commission shall collect and receive all revenue derived from the sale or transmission of power sold or transmitted by it or from the rental of its equipment, land or structures, the sale of supplies, equipment and assets (other than capital supplies, equipment and assets) and the use of water under its control for power purposes or otherwise arising out of its operations under this Act and all moneys so received shall be deposited in such bank as the Minister of Finance, from time to time, directs and

Section 18. (2) *(b)*. No definite amortization period has been prescribed, as the length of such period may vary with conditions that prevail in different areas. The estimated tonnage and value of ore reserves, the possibilities of new mines being developed, and the estimated active life of a mineral area being served with power, are all factors that will affect the amortization period. In new mining areas this period is usually shorter than in areas where the industry is well established and has become stabilized.

Section 18. (3). During the first few years of the operation of any new power development, the amount of power sold or contracted for is often below the installed capacity of the plant. In view of this it might be difficult for the Commission to meet all carrying charges from revenue during the first two years, and this section provides for deferment of payments that might be due for principal for two years, if required.

be credited to a Special Account designated the "Northwest Territories Power Commission Special Account", in this Act called the "Special Account".

Special Account.

(2) The Commission may make payments out of the Special Account for its operations under this Act.

(3) Whenever the amount to the credit of the Special Account is insufficient for payments authorized to be made therefrom under this Act, the Commission may make such payments from the Capital Account as are necessary for those purposes but all payments made from the Capital Account, other than payments made for capital purposes, shall be repaid to the Capital Account from the Special Account as soon as the amount to the credit of the Special Account is sufficient for that purpose.

Payments of Capital Account when revenues insufficient to meet operating costs.

23. The Commission may invest any amount held by it as a contingency reserve fund in bonds of, or guaranteed by, the Government of Canada.

Contingency reserve fund may be invested in Government bonds.

24. Any surplus amount in the Special Account at the end of a fiscal year after providing for the payments and commitments authorized under this Act for that fiscal year shall be held in the Special Account for not less than six months after the close of that fiscal year and after that time may, if recommended by the Commission and approved by the Governor in Council, be applied by the Commission in reduction of the rates to consumers in such manner as may be so recommended and approved.

Surplus funds to be applied in reduction of rates.

GENERAL.

25. (1) The Commission may make such arrangements as may be necessary with the Comptroller of the Treasury for the accounting of the receipts and expenditures of the Commission.

Commission to arrange with Comptroller of Treasury for accounting.

(2) All accounts of the Commission are subject to the audit of the Auditor General.

Audit.

26. The Commission shall, as soon as possible, but within three months after the termination of each fiscal year, submit an annual report to the Minister in such form as he may prescribe, and the Minister shall lay the said report before Parliament within fifteen days or if Parliament is not then in session within fifteen days after the commencement of the next ensuing session thereof.

Annual report.

27. The Commission shall prescribe and collect fees for permits for electrical installations using power supplied by the Commission, and for the inspection, testing and approval of all such works.

Commission to prescribe permits and fees.

Section 23. The contingency reserve fund will be set up from revenue received by the Commission from sale of power, and will be available to meet unforeseen expenditures including repairs to the dams, power machinery, transmission lines, and other structures. A reserve fund is necessary so that the costs of repairs other than ordinary maintenance can be met without disturbing the power rates.

Section 24. At the end of each fiscal year a Financial Statement covering the operations of the Commission will be prepared, and power rates for the ensuing year will be reviewed. This Section provides that in the case of a substantial surplus no rate reduction will be made until six months of the ensuing year have elapsed. This is to protect the Commission in case its revenue is greatly reduced over the first six months of the new fiscal year because of fewer mines operating, or other causes reducing the amount of power sold. After six months the application of surpluses to a reduction in rates is subject to the approval of the Governor in Council.

Commission to repair damaged power plants.

28. In case any power plant of the Commission, or any part thereof, becomes damaged so that the Commission is unable to supply power to any consumer, the Commission shall make repairs as promptly as possible, and pending repairs shall take all reasonable steps to supply power from other sources, if such is available; but in no case shall the Commission be held responsible for any claims for financial losses, or inconvenience caused to any consumer by reason of its failure to supply power.

Rates for use of water.

29. The Commission may set rates for the use of water stored in any of its reservoirs for power purposes that is surplus to the immediate needs of the Commission, and such rates may be charged either on the basis of cubic feet per second, or acre feet.

Supply of surplus power.

30. (1) Where the Commission has surplus power not under contract or otherwise required by the Commission, it may, at its discretion, supply such power if, as and when available, at such rates as the Commission may determine from time to time.

(2) The supply of surplus power under subsection one is in no way obligatory on the part of the Commission, and the Commission is not responsible for any damages or claims arising from the discontinuing of any such power that may have been supplied.

Coming into force.

31. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Fourth Session, Twentieth Parliament, 11 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 341.

An Act to amend the Yukon Act.

First reading, June 8, 1948.

THE MINISTER OF MINES AND RESOURCES.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

9368

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 341.

An Act to amend the Yukon Act.

R.S., c. 215; 1940, c. 45; 1940-41, c. 30.

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

1. Section four of the *Yukon Act*, chapter two hundred and fifteen of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

Commissioner.

"**4.** The Governor in Council may appoint for the Territory a chief executive officer to be styled and known as the Commissioner of the Yukon Territory".

2. Section six of the said Act is repealed and the following substituted therefor:—

Appointment of Administrator.

"**6.** The Governor in Council may from time to time appoint an Administrator to execute the office and functions of the Commissioner during his absence or illness or other inability".

3. Section twenty of the said Act is repealed and the following substituted therefor:—

Sessional indemnity and expenses of councillors.

"**20.** (1) The Commissioner in Council may provide for payment out of the Yukon Consolidated Revenue Fund to each member of the Council of

(a) an amount not exceeding one thousand dollars in respect of each session of the Council at which that member is in attendance;

(b) the actual travelling expenses incurred by that member in travelling from his place of residence to the place where the Council holds its session and returning therefrom, but no such payment shall be made in respect of more than one return trip for each session of the Council; and

(c) an allowance for living expenses, not exceeding five dollars for each day in which the Council is in session, but the amount that is paid to any member of the Council pursuant to this paragraph shall not exceed one hundred dollars in respect of any one session.

Explanatory Notes.

The purposes of the Bill are to:—

(1) Re-establish the positions of Commissioner and Administrator.

(2) Increase the indemnity of members of the Yukon Council and provide for their travelling and living expenses.

(3) Delete the provision requiring the Public Administrator to be of five years standing at the bar of a Province.

(4) Provide for holograph wills.

(5) Repeal section one hundred and eighteen.

(6) Authorize the Commissioner to issue permission for the importation of liquor into Yukon Territory instead of the Governor in Council.

1 and **2.** In 1918 the positions of Commissioner and Administrator were abolished pursuant to an Order in Council made under section 132 of the *Yukon Act* and their powers vested in the Comptroller subsequently changed to Controller. It is desired to re-establish the positions and this is proposed to be done by re-enacting sections four and six of the Act.

3. This section provides for increased indemnity and expenses for the members of the Yukon Council.

Section 20 presently reads:—

"**20.** The Commissioner in Council may provide for the payment to each member in attendance in each session of the Council a sum not to exceed four hundred dollars together with his actual travelling expenses, which allowance shall be payable out of the Yukon Consolidated Revenue Fund".

Living expense allowance not subject to income tax.

(2) An allowance that is paid to a member of the Council pursuant to paragraph *(c)* of subsection one is not income of that member for the purposes of the *Income War Tax Act*".

4. Subsection one of section twenty-three of the said Act is repealed and the following substituted therefor:—

Appointment of public administrator and official guardian.

"**23.** (1) The Governor in Council may appoint a fit and proper person, being a barrister or advocate at the bar of any of the provinces of Canada, to be public administrator and official guardian in and for the Territory, under the name of 'Public Administrator', to hold office during pleasure".

5. The said Act is further amended by adding thereto, immediately after section forty-three thereof, the following section:—

Holograph will to be valid.

"**43A.** A holograph will written and signed by the testator himself, though not witnessed, is valid".

6. Subsection four of section sixty-nine A, as enacted by chapter thirty of the statutes of 1940-41, is repealed and the following substituted therefor:—

Commissioner to administer oaths.

"(4) Such oath shall be administered by the Commissioner".

Section repealed.

7. Section one hundred and eighteen of the said Act is repealed.

8. Section one hundred and twenty-nine of the said Act is repealed and the following substituted therefor:—

Manufacture or importation of intoxicants.

"**129.** No intoxicating liquor or other intoxicant shall be manufactured, compounded, or made in the Territory; and no intoxicating liquor or other intoxicant shall be imported or brought into the Territory from any province or territory in Canada or elsewhere, except by permission of the Commissioner".

4. The section as amended removes the provision that a Public Administrator must be of five years standing at the bar of a province.

Subsection one of section twenty-three presently reads:—

"**23.** (1) The Governor in Council may appoint a fit and proper person being a barrister or advocate of at least five years standing at the bar of any of the Provinces of Canada to be Public Administrator and official guardian in and for the Territory under the name of 'Public Administrator' and to hold this office during pleasure".

The underlined words have been deleted in the Bill. It has been extremely difficult to get any barrister or advocate for this position let alone one of five years standing.

5. This section follows section twenty-seven of the *Northwest Territories Act* which makes provision for holograph wills.

6. This section provides that the Commissioner shall administer the oath of office to a stipendiary magistrate.

7. Repeals section one hundred and eighteen of the *Yukon Act* which presently reads:—

"**118.** For the purposes of the Criminal Code relating to procedure by indictment, the Court of Appeal from the verdict or judgment of the Court shall be the Supreme Court of Canada".

This section is in conflict with the provisions of the *Criminal Code* and it is desired to make it clear that an appeal shall lie, as provided in the Code. Section 1012 of the *Criminal Code* reads in part as follows:—

"**1012.** In this section and in the following sections of this Part unless the context otherwise requires:

(b) 'Court of Appeal' means the Court designated by paragraph (7) of section two of this Act as the Court of Appeal for the province in which the conviction or indictment was had".

Paragraph (7) of section two of the Code reads in part as follows:—

"(7) 'Court of Appeal' includes:

(j) in the Yukon Territory, the Court of Appeal for British Columbia;"

8. Section one hundred and twenty-nine presently reads:—

"**129.** No intoxicating liquor or intoxicants shall be manufactured, compounded, or made in the Territory and no intoxicating liquor or intoxicants shall be imported or brought into the Territory from any Province or Territory in Canada, or elsewhere, except by permission of the Governor in Council."

The underlined words have been altered to "Commissioner" in the Bill.

The principal importer of liquor is the Government of the Yukon which now maintains its own liquor stores in the Territory.

342.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 342.

An Act to amend the Criminal Code. (Appeals).

First reading, June 9, 1948.

MR. MCMASTER.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

13636

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.

THE HOUSE OF COMMONS OF CANADA.

BILL 342.

An Act to amend the Criminal Code. (Appeals).

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

1. Section seven hundred and forty-nine of the Criminal Code, chapter thirty-six of the Revised Statutes, 1927, is amended by adding thereto the following subsections:—

Appeals to Appeal Court of Province.

"(3) Any party to an appeal under paragraphs *(a)* or *(b)* of subsection one of this section may, with leave of the Court appealed to, appeal from the judgment of the court referred to in such paragraph to the Court of Appeal for Ontario or the Court of King's Bench, appeal side, as the case may be.

Appeals to Supreme Court of Canada.

(4) Any party to an appeal under subsection three of this section may, with leave of the Court appealed to, appeal from the judgment of a Court referred to in the said sub-section, to the Supreme Court of Canada.

Procedure.

(5) The provisions of sections seven hundred and forty-nine to section seven hundred and fifty-two, inclusive, in so far as the same are applicable, shall apply *mutatis mutandis* to such appeals."

2. The said Act is further amended by adding thereto immediately after section one thousand and seventeen the following section:—

Appeal to the Supreme Court of Canada.

"**1017A.** Any person convicted on indictment whose conviction is affirmed by the Court of Appeal may, with the leave of a Judge of the Supreme Court of Canada, or where such leave is refused with the leave of the Supreme Court of Canada, appeal from the judgment of the Court of Appeal to the Supreme Court of Canada."

Explanatory Notes.

1. Under the Act appeals on Summary Convictions lie, in the Case of Ontario to the County Court and, in the case of Quebec, to the Court of King's Bench, Crown side. In either case the judgment of such appeal court is final. It is proposed to give a right of appeal in either case to the Appeal Court of the Province from the judgment of the County Court or the Court of King's Bench to the Appeal Court of the respective provinces.

2. This proposed amendment will give a right of appeal in the case of a conviction on indictment being affirmed by a provincial Court of Appeal to the Supreme Court of Canada where leave is granted by the Supreme Court.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 343.

An Act to amend the Government Annuities Act.

First reading, June 11, 1948.

THE MINISTER OF LABOUR.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

3821

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 343.

An Act to amend the Government Annuities Act.

R.S., c. 7; 1931, c. 33.

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

1. Section four of the *Government Annuities Act*, chapter seven of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

Annuity contracts authorized.

"**4.** (1) Subject to this Act and the regulations the Minister may on behalf of His Majesty enter into a contract for the payment of an immediate or deferred annuity

(a) to any person resident or domiciled in Canada

(i) for the life of the annuitant;

(ii) for a term of years certain, not exceeding twenty years, or for the life of the annuitant, whichever period is the shorter;

(iii) for a term of years certain, not exceeding twenty years, or for the life of the annuitant, whichever period is the longer;

(b) to any two persons resident or domiciled in Canada during their joint lives with continuation to the survivor for his life.

Minister may agree to amendment or to new contract.

(2) Subject to this Act, the Minister may, in accordance with regulations, agree to the amendment of a contract under this Act or enter into a new contract or contracts in substitution therefor to provide for the payment of another type of annuity or annuities or for payment of the annuity or of annuities on different terms from those contained in the original contract.

Conversion of joint annuity on death of one annuitant.

(3) Where the Minister has entered into a contract for the payment of a deferred annuity to any two persons during their joint lives with continuation to the survivor and one such person dies before the due date of the first instalment of the annuity, the Minister may, at the request of the survivor and in accordance with regulations, convert

Explanatory Notes.

General Purposes of Bill.

The chief purposes of the Bill are to provide greater flexibility in the provisions of the Government Annuities Act relating to the issue, conversion and amendment of annuity contracts and payments thereunder, and to clarify provisions of the Act which have given rise to legal or technical difficulties in the administration thereof.

1. Section four of the Act presently reads as follows:

"**4.** His Majesty, represented and acting by the Minister, may, subject to the provisions of this Act and of any Order in Council made under the authority of this Act, contract with any person for the sale

(a) of an immediate or deferred annuity to any person resident or domiciled in Canada,

(i) for the life of the annuitant;

(ii) for a term of years certain, not exceeding twenty years, provided the annuitant shall so long live;

(iii) for a term of years certain, not exceeding twenty years, or for the life of the annuitant, whichever period shall be the longer;

(b) of an immediate or deferred annuity to any two persons resident or domiciled in Canada during their joint lives, and with or without continuation to the survivor."

Subsection one—no substantial change.

Subsections two to five, inclusive, authorize conversion from one type of annuity contract to another and the amendment of annuity contracts, in accordance with regulations. Annuity contracts excepted under subsection five of the section from conversion pursuant to subsection three of the section are contracts sold at rates assuming the certain forfeiture of the interest of the first life upon death.

the contract into a contract for the payment of an annuity to the survivor of an amount not exceeding the maximum amount that might have been paid under the original contract.

Refund of excess.

(4) Where a contract is converted under subsection three, and the amount of the payments made to His Majesty under the original contract with interest thereon to the day of the death at the rate applicable under that contract, exceeds the payment required as consideration for the maximum annuity payable under the contract as converted, the amount of the excess shall be repaid to the surviving purchaser of the original contract or his legal representatives.

Application of section.

(5) Subsections two, three and four apply to all annuity contracts made under this Act or under any Act for which this Act was substituted except that subsection three does not apply to plan A contracts issued prior to the first day of June, nineteen hundred and twenty, or to plan B contracts issued prior to the first day of February, nineteen hundred and thirty-eight."

2. Section five of the said Act is repealed and the following substituted therefor:

Contract to be in consideration of full payment.

"**5.** (1) The Minister shall not contract for the payment of an annuity under this Act except in consideration of the full payment of the purchase price of the annuity or an agreement by the purchaser to pay at fixed and definite intervals instalments of equal amounts or of amounts calculated in a prescribed manner.

Form.

(2) No contract for the sale or payment of an annuity may be entered into on behalf of His Majesty under this Act unless the contract is in a form approved by regulation or entry into the contract has been approved by the Treasury Board."

3. Section seven of the said Act is repealed and the following substituted therefor:

Mortality tables.

"**7.** All contracts for the payment of annuities under this Act shall be based on interest rates and mortality tables prescribed by regulation and on calculations made in relation thereto, in the manner so prescribed."

4. (1) Subsection one of section eight of the said Act, as enacted by section one of chapter thirty-three of the statutes of 1931, is repealed and the following substituted therefor:

Limitations as to persons and amount.

"**8.** (1) No contract for the payment of an annuity on the life of a person other than the actual annuitant or for an amount of less than sixty dollars a year shall be entered into under this Act and if an annuity of an amount less than sixty dollars a year would be payable under a contract

2. Section 5 of the Act presently reads as follows:

"**5.** The purchaser may, by the payment at any time of a sum of not less than ten dollars, or by the payment of a stipulated sum periodically at fixed and definite intervals, to any agent of the Minister appointed under the provisions of this Act, purchase an annuity under the provisions hereof: Provided, however, that the amount payable by way of the annuity so purchased shall be subject to the terms of section eight."

No substantial change is involved in the new section.

3. Section 7 of the Act presently reads as follows:

"**7.** All contracts for the purchase of annuities shall be entered into in accordance with the values stated in tables prepared under regulations made pursuant to section thirteen, and for the time being in use."

No substantial change is involved. The section has been redrafted for purposes of greater clarity.

4. (1) Subsections 1 and 3 of section 8 of the Act presently read as follows:

"**8.** An annuity shall not be granted or issued on the life of any person other than the actual annuitant, nor for an amount less than ten dollars a year; and the total amount payable by way of an annuity or annuities to any annuitant or to joint annuitants shall not exceed twelve hundred dollars a year.

(3) When a married man who has purchased an annuity payable to himself applies to have a portion thereof converted into an annuity payable to his wife, or when a married woman who has purchased an annuity payable to herself applies to have a portion thereof converted into an annuity payable to her husband, the Minister may make such conversion, if

(a) the application is made within the three months preceding the time when the annuity becomes payable; and

(b) the annuity so made payable to the wife does not exceed one-half of the husband's annuity, or the annuity so made payable to the husband does not exceed one-half of the wife's annuity; and

(c) the provisions of this Act and any regulations made under this Act are complied with."

Subsection one—by the amendments the amount of the minimum annuity which may be sold is increased from ten dollars per year to sixty dollars per year and the amount of the maximum annuity is increased from twelve hundred to fifteen hundred dollars per year.

entered into under this Act the contract is void and the amount of the purchase price shall be refunded in accordance with regulations.

Maximum amount.

(2) The total amount that may be paid by way of annuity or annuities to any annuitant, either alone or jointly with another annuitant or both, under this Act, shall not exceed fifteen hundred dollars a year but, except as provided by regulation, the total amount of the annuity or annuities that may be so paid to an annuitant under any contract or contracts entered into before the commencement of this subsection shall not exceed the maximum amount that might have been paid under this Act under that contract or those contracts before the commencement of this subsection.

Refund of amount in excess.

(3) Where the total amount of annuity or annuities that would be payable to an annuitant under contracts entered into under this Act exceeds the total amount authorized under subsection two, only the total amount mentioned in subsection two is payable, and the amount of any excess purchase price paid therefor shall be refunded in accordance with regulations."

Renumbering, Repeal.

(2) Subsection two of section eight of the said Act is renumbered as subsection four and subsection three thereof is repealed.

5. Section twelve of the said Act is repealed and the following substituted therefor:

Provision for return of moneys or payment of annuity in event of death.

"**12.** (1) Subject to subsection two

(a) where the annuitant, or the last survivor of joint annuitants, under a deferred annuity contract dies before the due date of the first instalment of the annuity and money has been paid or deposited as consideration for the annuity, the money shall be repaid to the surviving purchaser or to his legal representatives with interest thereon at the rate fixed by the contract compounded annually;

(b) where under an immediate annuity contract the annuity is payable for a term of years certain or for the life of the annuitant or surviving annuitant, whichever is the longer, and the annuitant or surviving annuitant dies after the due date of the premium but before the expiration of the term of years, the annuity payments during the unexpired portion of the term of years shall be made to the surviving purchaser or to his legal representatives; and

(c) where under a deferred annuity contract the annuity is payable for a term of years certain or for the life of the annuitant or surviving annuitant, whichever is the longer, and the annuitant or surviving annuitant dies on or after the due date of the first instalment of the

Subsection three—this subsection is repealed as unnecessary in view of other provisions of the Act authorizing conversion of contracts.

5. (1) Subsections 1 and 2 of section 12 of the Act presently read as follows:

"**12.** When the annuitant or last survivor of joint annuitants dies before the annuity becomes payable, and any moneys have been paid or deposited as consideration for the annuity, such moneys shall be repaid to the purchaser or to his legal representatives, with interest thereon at the rate of four per cent per annum, compounded yearly; but if there is an express agreement between the Minister and the purchaser as to dealing with such moneys, then they shall be paid as provided in such agreement.

2. When, under the annuity contract, the annuity is payable for a term of years certain or for the life of the annuitant, whichever period shall be the longer, and the annuitant dies before the expiration of the said term of years certain, the annuity shall, during the unexpired portion of the said term, be paid to the purchaser or to his legal representatives; but if there is an express agreement to the contrary between the Minister and the purchaser, the annuity shall be paid as provided in such agreement."

There is no substantial change involved but the provisions of this section have been redrafted for purposes of greater clarity and certainty and to facilitate the disbursement of moneys payable under this section.

annuity but before the expiration of the term of years, the annuity payments during the unexpired portion of the term of years shall be made to the surviving purchaser or to his legal representatives.

Agreement for assignment, etc.

(2) The purchaser of an annuity or his legal representatives may at any time enter into an agreement with the Minister for the assignment or other disposition of any payment to which the purchaser or his legal representatives are entitled under subsection one, in which case the payments shall be made in accordance with such agreement."

6. Section thirteen of the said Act is repealed and the following substituted therefor:

Regulations.

"**13.** (1) The Governor in Council may, on the recommendation of the Treasury Board, make regulations

(a) as to the rate of interest to be allowed

(i) in respect of payments of the purchase price under a contract in which interest is to be credited in respect of the purchase price before calculating the amount of annuity payable;

(ii) in calculating the amounts of purchase price or of annuities payable under contracts entered into under this Act;

(b) as to the mortality tables to be employed in calculating the amounts of annuities payable under contracts entered into under this Act;

(c) as to the method of calculating, by the establishment of tables for such purpose or otherwise, the purchase prices or the amounts of annuities payable under contracts entered into under this Act;

(d) as to the mode of making, terms or conditions including payment of interest, and forms of contracts for annuities, including all requirements as to applications therefor;

(e) authorizing the surrender of the right to receive an annuity before the due date of the first instalment thereof and repayment of the whole or any part of the purchase price paid therefor, and prescribing the circumstances in which, the person to whom and the conditions, including the payment of interest, if any, under which repayment may be made;

(f) as to the selection of agents of the Minister to assist in executing the provisions of this Act, and the remuneration, if any, to such agents therefor;

(g) as to the modes of proving the age and identity and the existence or death of persons;

(h) as to the modes of paying sums of money payable under this Act;

(i) as to dealing with the application of unclaimed annuities;

6. Section thirteen of the Act presently reads as follows:—

"**13.** The Governor in Council may make regulations not inconsistent with this Act,

(a) as to the rate of interest to be allowed in the computation of values in the tables hereinafter referred to; and as to the rate of interest to be employed in valuing the annuities as provided for in subsection two of section fifteen;

(b) as to the preparation and use of tables for determining the value of annuities; and the revocation of all or any such tables and the preparation and use of other tables;

(c) as to the mode of making, and the forms of, contracts for annuities, including all requirements as to applications therefor;

(d) as to the selection of agents of the Minister to assist in executing the provisions of this Act, and the remuneration, if any, to such agents therefor;

(e) as to the modes of proving the age and identity and the existence or death of persons;

(f) as to the modes of paying sums of money payable under this Act;

(g) as to dealing with an application of unclaimed annuities;

(h) for the doing of anything incidental to the foregoing matters, or necessary for the effectual execution and working of this Act and the attainment of the intention and objects thereof."

The new paragraphs *(a)*, *(b)* and *(c)* of subsection one of section thirteen replace present paragraphs *(a)* and *(b)* of section thirteen and the wording of the new paragraphs conforms to the changes in wording in section 7 of the Act.

The new paragraph *(e)* gives authority to make regulations authorizing the return of premium payments in prescribed circumstances.

(j) for the doing of anything that is to be done in accordance with regulations or incidental to the foregoing matters, or necessary for the effectual execution and working of this Act and the attainment of the intention and objects thereof.

Rates of interest.

(2) The rates of interest fixed by regulation under paragraph *(a)* of subsection one shall be based from time to time as nearly as is practicable on the average rate of interest return that is yielded by bonds of the Government of Canada that will be outstanding for a period of twelve years or more before maturity or before the day that they may be called for payment, whichever is the shorter, or if there be no such bonds outstanding, that would, in the opinion of the Governor in Council, be yielded by such bonds.

Review of mortality tables.

(3) The Minister shall cause a review of the mortality tables used in and the methods of calculation of the purchase price of annuities, including any tables established for that purpose, to be made not less frequently than once in each period of five years with a view to determining whether revision or amendment thereof is necessary, the review to be made in such manner and by such persons as the Minister, with the approval of the Treasury Board, prescribes."

7. Section fifteen of the said Act is repealed and the following substituted therefor:

Government Annuities Account.

"**15.** (1) The Accounts of Canada shall include an account to be called the Government Annuities Account, showing all moneys received and paid out under this Act and all liabilities arising out of annuity contracts entered into under this Act.

Calculation of liability.

(2) The liability for annuity contracts in force at the end of each fiscal year shall be calculated on the basis of such rate or rates of interest and such mortality tables and in such manner as may be approved for that purpose by the Governor in Council.

Consolidated Revenue Fund.

(3) There shall be paid out of the unappropriated moneys in the Consolidated Revenue Fund into the Government Annuities Account an amount required to maintain an adequate reserve to meet all liabilities as established under subsection two, but if a surplus results such surplus shall be returned to the Consolidated Revenue Fund."

Coming into force.

8. This Act shall come into force on a day to be fixed by proclamation.

The new paragraph *(j)* is a rewording of present paragraph *(h)*. No substantial change.

The new subsection two of section thirteen sets out the basis to be followed in establishing interest rates to be allowed in the purchase of annuities. The new subsection three of section thirteen requires a review of mortality tables used in the purchase of annuities to be made at least once every five years.

7. Section 15 of the Act presently reads as follows:—

"**15.** An account shall be kept, to be called the Government Annuities Account, of all moneys received and paid out under the provisions of this Act, and of the assets and liabilities appertaining to the grant of annuities under the said provisions; and among the liabilities included in the said account at the end of each fiscal year shall appear the present value of the prospective annuities contracted for up to the end of such fiscal year.

2. The present value referred to in the preceding subsection shall, as to interest, be calculated upon such rate as is fixed by the Governor in Council, and, as to mortality, upon such rates as are used in preparing the tables approved of by the Governor in Council and for the time being in use, as provided for in paragraph *(b)* of section thirteen."

Subsections one and two have been redrafted for purposes of greater clarity and certainty.

Subsection three sets out the provisions to be observed in respect of reserves. The accounting practice which has heretofore been followed conforms to this provision.

344.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 344.

An Act to amend the Lord's Day Act.

First reading, June 14, 1948.

THE MINISTER OF JUSTICE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5976

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA

BILL 344.

An Act to amend the Lord's Day Act.

R.S.,c.123; 1935, c.14.

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

1. Section sixteen of the Lord's Day Act, chapter one hundred and twenty-three of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

Leave to prosecute.

"**16.** No action or prosecution for a violation of this Act shall be commenced without the leave of the Attorney-General, or his lawful deputy, for the province in which the offence is alleged to have been committed, nor after the expiration of sixty days from the time of the commission of the alleged offence."

Limitation.

Repeal.

2. An Act for preventing certain Abuses and Profanations on the Lord's Day, called Sunday, chapter forty-nine of the statutes of Great Britain, 1781, (21 George III), in so far as the same is part of the law of Ontario, and An Act to Prevent the Profanation of the Lord's Day, in Upper Canada, chapter one hundred and four of the Consolidated Statutes of Upper Canada, 1859, are repealed.

EXPLANATORY NOTES.

1. This amendment authorizes the Deputy Attorney-General to grant leave to prosecute.

2. This clause provides for the repeal of pre-Confederation statutes now in force in the Province of Ontario. These statutes were preserved by s. 15 of the *Lord's Day Act*, which reads as follows:

"**15.** Nothing herein shall be construed to repeal or in any way affect any provisions of any Act or law relating in any way to the observance of the Lord's Day in force in any province of Canada when this Act comes into force; and where any person violates any of the provisions of this Act, and such offence is also a violation of any other Act or law, the offender may be proceeded against either under the provisions of this Act or under the provisions of any other Act or law applicable to the offence charged."

The *Lord's Day Act* contains all the important prohibitions contained in these pre-Confederation statutes and is, in fact, wider in scope. It is considered that the pre-Confederation statutes are unnecessary.

345.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 345.

An Act to amend the Tariff Board Act.

First reading, June 14, 1948.

THE MINISTER OF FINANCE.

OTTAWA
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CONTROLLER OF STATIONERY
1948

14078

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA

BILL 345.

An Act to amend the Tariff Board Act.

R.S., c. 55; 1932-33, c. 51; 1940, c. 42.

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

1. (1) Subsection three of section three of the said Act is repealed and the following substituted therefor:—

Tenure of office.

"(3) Each member holds office during good behaviour for such term not exceeding ten years as may be fixed by the Governor in Council at the time of his appointment but may be removed for cause at any time by the Governor in Council."

(2) Subsection six of section three of the said Act is repealed and the following substituted therefor:—

Temporary member in case of incapacity or absence or vacancy.

"(6) If any member by reason of illness or other incapacity or absence from Canada, is unable at any time to perform the duties of his position, or if the position of a member is at any time vacant, the Governor in Council may make a temporary appointment of a qualified person to act in his place or in such position upon such terms and conditions and for such time as the Governor in Council may prescribe."

(3) Section three of the said Act is further amended by adding thereto the following subsection:—

Two members of Board may hear appeals under *Customs Act* or *Excise Tax Act*.

"(8) With respect to an appeal to the Board under the provisions of the *Customs Act* or the *Excise Tax Act*, two members, including the Chairman, or in his absence the Vice-Chairman, may exercise the powers of the Board."

2. Section seven of the said Act is repealed and the following substituted therefor:—

Officers, clerks, employees.

"**7.** (1) Except as provided in this section, the officers, clerks and employees necessary for the proper conduct of the business of the Board shall be appointed in the manner authorized by law.

Explanatory Notes

The purpose of the amendments are

(a) to meet difficulties that have arisen in the past owing to the absence from Canada of a member of the Tariff Board or a vacancy in the membership of the Board;

(b) to bring the staff of the Board under the provisions of the Civil Service Act;

(c) to repeal the special provisions relating to the payment of pensions to members of the Board since the Civil Service Superannuation Act has now been made applicable to them; and

(d) to repeal a considerable number of obsolete provisions of the Act.

1. (1) Section 3 (3) now reads:—

"Each member shall hold office during good behaviour for a period of ten years from the date of his appointment, but may be removed for cause at any time by the Governor in Council."

(2) Section 3 (6) now reads:—

"If any member by reason of illness or other incapacity is unable at any time to perform the duties of his position, the Governor in Council may make a temporary appointment of a qualified person to act in his place upon such terms and conditions and for such time as the Governor in Council may prescribe."

The present provision is interpreted as applying only in the case of incapacity such as an illness. The effect of the amendment is to avoid the difficulties which have frequently arisen in the past that there are not sufficient members of the Board available to hear appeals under the Customs Act, and delay has resulted.

(3) The proposed subsection (8) replaces section 11 (3) which provides.—

"(3) Two members of the Board shall be competent to transact the business of the Board under this Part at any meeting thereof called by the chairman or in his absence by the vice-chairman."

It is proposed to repeal section 11 (3) by clause 4 of the Bill—see explanatory note to clause 4.

2. Section 7 now reads:—

"**7.** (1) There shall be a secretary to the Board who shall be appointed by the Governor in Council.

(2) The secretary shall cease to hold office upon reaching the age of sixty-five years, and his retirement from office shall be subject to the provisions of the *Civil Service Superannuation Act*.

(3) It shall be the duty of the secretary—

(a) to attend all inquiries at which evidence under oath is taken, and to keep a record of all proceedings thereat;

(b) to have the care and custody of all records, books and documents belonging or appertaining to the work of the Board;

(c) to perform such other duties as may be assigned to him by the Board.

Appointment of technical personnel.

(2) The Governor in Council may, on the recommendation of the Board, appoint one or more persons having technical or special knowledge of any of the matters into which inquiry under this Act may be made, to assist the Board in making such inquiries and may employ shorthand reporters, and the remuneration and period of service of all such persons, shall on like recommendation be as the Governor in Council determines.

Previously appointed persons continued in office.

(3) The Governor in Council may designate persons who were employed under the authority of this Act immediately before the commencement of this section who shall be continued in the employment of the Board and such persons shall thereafter be deemed to have been appointed under the *Civil Service Act.*"

3. (1) Section eight of the said Act is repealed and the following substituted therefor:—

Salaries of Board members.

"**8.** (1) The Chairman of the Board shall be paid an annual salary of fifteen thousand dollars and the other two members shall each be paid an annual salary of ten thousand dollars.

Secretary's salary.

(2) The Secretary shall be paid an annual salary of six thousand dollars."

Annuity rights.

(2) Nothing contained in subsection one shall

(a) affect any annuity granted before the commencement of subsection one to a former member of the Board;

Application of *C.S. Superannuation Act.*

(b) deprive any person who holds office under the authority of the said Act immediately prior to the commencement of this section and who has elected to continue to be a contributor under the *Civil Service Superannuation Act* pursuant to subsection two of section eight repealed by this section, of his eligibility for an appointment to the Civil Service or to receive benefits under the *Civil Service Superannuation Act* and any such person may elect within three months after the commencement of this section to make contributions under the *Civil Service Superannuation Act* in accordance with section five of that Act in respect of the salary received by him while a member of the Board and if he so elects, his salary for the purposes of that Act shall be deemed to be the salary in respect of which he so elects to contribute."

4. Sections nine to fourteen, inclusive, of the said Act are repealed and the following substituted therefor:—

Publication of Board decisions.

"**9.** The Board shall cause its decisions in any case brought before it under the *Customs Act* or *Excise Tax Act* to be published forthwith in the *Canada Gazette.*

Regulations.

"**10.** The Governor in Council may make such regulations not inconsistent with this Act as may be deemed necessary for carrying out the provisions of this Act."

(4) In the absence of the secretary from any case, the Board may appoint an acting secretary from the persons employed by it, who shall perform the duties of the secretary.

(5) There shall be employed in the service of the Board such officers, clerks and other employees as the Board with the approval of the Governor in Council may see fit to appoint, and they shall respectively receive such salaries or remuneration as may be approved by the Governor in Council upon the recommendation of the Board.

(6) The Governor in Council may, on the recommendation of the Board, appoint one or more persons having technical or special knowledge of any of the matters into which inquiry under this Act may be made, to assist the Board in making such inquiries, and may employ shorthand reporters, and the remuneration and period of service of such persons shall, on like recommendation, be as the Governor in Council determines.

(7) The Board may, on its own motion, suspend or dismiss any officer, clerk, employee or other person appointed under the authority of this section."

The amendment will bring employees of the Board under the provisions of the Civil Service Act and protects the status of the present employees of the Board.

3. (1) Section 8 of the Act (as enacted by Chapter 42, Statutes of 1940) now reads:—

"**8.** (1) Every member who has served on the Board for a period of at least ten years may be granted an annuity for the term of his natural life equal to one-fourth of the annual salary received by him during such period, and if he has served for any period less than ten years but more than five years, he may be granted an annuity equal to one-fifth of the annual salary received by him during such period; Provided, however, that if a member who has served for a period of ten years is, on completion of such period, of the age of sixty-four years or over, he may be granted an annuity equal to one-half of the annual salary of such member.

(2) Notwithstanding anything in the *Civil Service Act*, the *Civil Service Superannuation Act* or any other Act of the Parliament of Canada, a civil servant who at the time of his appointment to be a member is a contributor under the provisions of the *Civil Service Superannuation Act* may, within six months from the date of his appointment, by notice in writing to the Minister, elect to continue as from the date of his appointment to be a contributor under the *Civil Service Superannuation Act*. If any member so elects, his service under this Act shall be counted as service in the civil service for the purposes of the *Civil Service Superannuation Act* and he, his widow and children or other dependents, if any, shall be eligible to receive the respective allowances or gratuities provided by the *Civil Service Superannuation Act;* and in the event of his being retired from his office or position under this Act whether by reason of the expiry of his term of office or for any reason other than that of misconduct, he shall be eligible, in accordance with regulations made under the *Civil Service Act*, for appointment to a position in the civil service, or in the alternative, to receive the same benefits under the *Civil Service Superannuation Act* as if his office or position had been abolished. For the purposes of this subsection, the salary of any member who so elects to continue to be a contributor under the *Civil Service Superannuation Act* shall, during the period he is a member, be deemed to be the salary he was receiving immediately before his appointment to be a member.

(3) Subsection one of this section shall not apply to a member who was, at the time of his appointment, a contributor under the provisions of the *Civil Service Superannuation Act* and who elects to continue to be a contributor under the *Civil Service Superannuation Act* in accordance with the provisions of subsection two of this section.

(4) The Chairman of the Board shall be paid an annual salary of twelve thousand dollars, and the other two members shall each be paid an annual salary of ten thousand dollars.

(5) The Secretary shall be paid an annual salary of six thousand dollars.

(6) All salaries and actual and reasonable travelling expenses, and all other expenses incident to the carrying out of the provisions of this Act, shall be payable out of any appropriation granted to His Majesty by Parliament to defray the same."

The amendments to the *Civil Service Superannuation Act* of 1947 make its provisions applicable to members of the Board and the provisions for pensions to members of the Board (Ss 1, 2 and 3) are no longer necessary. Subsection (6) is unnecessary. Subsections (4) and (5) are the two subsections retained.

(2) Subsection two is to preserve the rights of former members of the Board when the amendment comes into force and to amend the anomalous provisions with respect to contributors under the *Civil Service Superannuation Act* who are appointed to the Board, that their salaries while members of the Board may not be counted for superannuation purposes.

4. Sections 9 to 14 now read:—

"**9.** (1) The Board, the secretary and other officers, clerks and employees shall reside in the city of Ottawa, or within five miles therefrom, or such other distance therefrom as the Governor in Council prescribes, and they shall severally devote their whole time to the respective duties imposed under the provisions of this Act, to the exclusion of any other office or employment.

(2) This section shall not apply to persons appointed under subsection six of section seven of this Act.

"**10.** The Governor in Council may make such regulations, not inconsistent with this Act, as he deems proper for the carrying out of the provisions and objects thereof.

PART II.

"Tariff Board Substituted for Board of Customs.

11. (1) From and after a date to be fixed by the Governor in Council, all the powers, functions and duties of the Board of Customs shall be assigned to and be transacted by the Tariff Board constituted by this Act.

(2) Wherever in any Act of the Parliament of Canada, or in any regulations or orders made thereunder, the Board of Customs is mentioned or referred to, the Tariff Board shall in each and every such case be substituted therefor; any right of appeal from decisions of the Board of Customs shall continue as provided by the *Customs Act*.

(3) Two members of the Board shall be competent to transact the business of the Board under this Part at any meeting thereof called by the chairman or in his absence by the vice-chairman.

(4) The Board shall have such powers and perform such duties under this Part as are assigned to it by any Act of the Parliament of Canada or by the Governor in Council.

(5) The Board in the exercise of the powers and duties assigned to it under this Part shall have the right of access to such documents and records, and may require and shall receive such information from any officer, clerk or employee of the public service, as it may deem necessary for its assistance in carrying out its duties.

"**12.** The Board shall cause its decision in any case brought before it under this Part to be published forthwith in the *Canada Gazette*.

"**13.** The Governor in Council may make regulations not inconsistent with this Part or any Act of the Parliament of Canada as may be deemed necessary for carrying out the provisions of this Part.

"**14.** Section three of the *Customs Act*, chapter forty-two of the Revised Statutes of Canada, 1927, shall be deemed to be repealed from and after the date fixed by the Governor in Council for the transfer of the duties and powers of the Customs Board to the Tariff Board, as prescribed in section eleven of this Act."

The provisions of the *Civil Service Act* apply to the employees of the Board. Part II of the Act is now obsolete since the *Customs Act* has been amended to eliminate references to the Board of Customs and to make reference directly to the Tariff Board. The proposed sections 9 and 10 retain the remaining operative parts of the repealed sections, namely sections 12 and 13.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 346.

An Act to authorize the provision of moneys to meet certain capital expenditures made and capital indebtedness incurred by the Canadian National Railways System during the calendar year 1948, and to authorize the guarantee by His Majesty of certain securities to be issued by the Canadian National Railway Company.

First reading, June 14, 1948.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

14086

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 346.

1931, cc.22, 23; 1932, cc. 6, 15, 25, 26; 1932-33, c. 34; 1935, c. 17; 1936, c. 27; 1937, c. 6; 1938, c. 43; 1939, c. 38; 1940, c. 24; 1940-41, c. 12; 1942-43, c. 22; 1943-44, c. 22; 1944-45, c. 14; 1945, c. 14; 1946, c. 42; 1947, c. 29.

An Act to authorize the provision of moneys to meet certain capital expenditures made and capital indebtedness incurred by the Canadian National Railways System during the calendar year 1948, and to authorize the guarantee by His Majesty of certain securities to be issued by the Canadian National Railway Company.

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 *Canadian National Railways Financing and Guarantee Act, 1948.*

Power to issue securities for capital expenditures.

2. Subject to the provisions of this Act and the approval of the Governor in Council, the Canadian National Railway Company (herein called "the National Company") may issue notes, obligations, bonds, debentures or other securities (herein called "securities") bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve, to provide the amounts necessary to meet in whole or in part capital expenditures made or capital indebtedness incurred during the calendar year 1948 by or on behalf of any companies or railways comprised in the National Railway System as defined in *The Canadian National Railways Capital Revision Act, 1937*, on any or all of the following accounts, such expenditures or indebtedness being (herein called "authorized expenditures")—

1937, c. 22.

Additions and Betterments (less retirements)	$ 20,250,000
New Equipment	59,000,000
Barraute Branch line	1,440,000
Acquisition of Securities and retirement of capital obligations	1,007,200
Additional Working Capital	20,000,000
	$101,697,200

Less: Available from Reserves for Depreciation and Debt Discount Amortization..... 15,815,000;

$85,882,200;

Proviso.

Provided, however, that for such purposes the aggregate principal amount at any one time outstanding of the securities which the National Company is authorized by this section to issue from time to time shall not exceed the sum of $85,882,200.

Minister of Finance may make temporary loans for capital expenditures.

3. The Minister of Finance, with the approval of the Governor in Council, may make temporary loans to the National Company out of the Consolidated Revenue Fund for the purpose of meeting authorized expenditures, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may determine and secured by securities which the National Company is authorized to issue from time to time under the provisions of section two of this Act, upon applications for such loans approved by the Minister of Transport, made from time to time by the National Company to the Minister of Finance:

Proviso.

Provided, however, that the aggregate principal amount at any one time outstanding of the loans which the Minister of Finance is hereby authorized to make from time to time to the National Company shall not exceed the sum of $85,882,200.

Issue and guarantee of substituted securities.

4. Should any such temporary loans be made within the limits aforesaid, definitive securities may subsequently be issued and guaranteed under the provisions of this Act to repay such loans or any part thereof.

Power to aid other companies.

5. The National Company may aid and assist, in any manner, not inconsistent with the terms of section two, any other or others of the said companies and railways and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any other or others of the said companies and railways from time to time:—

(a) Apply the proceeds of any issue of securities in meeting authorized expenditures on its own account or on account of any other or others of the said companies and railways;

(b) Make advances for the purpose of meeting authorized expenditures to any other or others of the said companies and railways, upon or without any security, at discretion.

Guarantee.

6. The Governor in Council may authorize the guarantee of the principal and interest of the securities, which the National Company may issue from time to time under the provisions of this Act.

Form and terms of guarantee.

7. (1) The guarantee or guarantees may be in such forms and subject to such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto and may be signed on behalf of His Majesty by the Minister of Finance or the Acting Minister of Finance or by such other person as the Governor in Council may from time to time designate and such signature shall be conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with.

Method of guarantee.

(2) Any such guarantee may be either a general guarantee covering the total amount of the issue or be a separate guarantee endorsed on each obligation.

Temporary guarantees.

(3) With the approval of the Governor in Council temporary guarantees may be made, to be subsequently replaced by permanent guarantees.

Proceeds paid to credit of Minister of Finance in trust.

8. (1) The proceeds of any sale, pledge, or other disposition of any guaranteed securities shall be deposited in the first place either in the Consolidated Revenue Fund or to the credit of the Minister of Finance and Receiver General of Canada, in trust for the National Company in one or more banks designated by him.

Application for the release of any part of the proceeds.

(2) The Board of Directors of the National Company may from time to time authorize application to be made to the Minister of Transport for the release of any part of the proceeds deposited as aforesaid to the National Company for the purpose of meeting specified authorized expenditures within the respective limits, mentioned in section two of this Act, and the Minister of Transport may in his discretion approve the said applications and upon the request of the Minister of Transport, the Minister of Finance may release the amount or amounts of such applications or part thereof accordingly.

When revenue of National Railway System insufficient to meet operating and income charges.

9. If at any time in any year the available revenues of the National Railway System are not sufficient to pay all the operating and income charges of the System as and when due, the Minister of Finance may, from time to time during such year, with the approval of the Governor in Council, upon applications made by the National Company and approved by the Minister of Transport, place at the disposal of the National Company such amounts as may be necessary to enable the National Company to meet all such charges: Provided that all such amounts shall be reimbursed to the Minister of Finance from the annual revenues

Proviso.

of the National Railway System in so far as such revenues are sufficient and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

When revenue of Trans-Canada Air Lines and subsidiaries insufficient to meet operating and income charges.

10. If at any time in any year the available revenues of the Trans-Canada Air Lines and subsidiaries are not sufficient to pay all the operating and income charges thereof as and when due, the Minister of Finance may from time to time during such year, with the approval of the Governor in Council, upon applications made by the Trans-Canada Airlines and approved by the Minister of Transport, place at the disposal of the Trans-Canada Airlines such amounts as may be necessary to enable the Trans-Canada Airlines and subsidiaries to meet all such charges: Provided all such amounts shall be reimbursed to the Minister of Finance from the annual revenues of the Trans-Canada Airlines and subsidiaries in so far as such revenues are sufficient and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

Proviso.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 347.

An Act to amend the Railway Act, the Exchequer Court Act and The Judges Act, 1946.

First reading, June 15, 1948.

THE MINISTER OF JUSTICE.

OTTAWA
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

14532

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA

BILL 347.

An Act to amend the Railway Act, the Exchequer Court Act and The Judges Act, 1946.

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

1. Subsection two of section ten of the *Railway Act*, chapter one hundred and seventy of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

Chief Commissioner.

"(2) Any person may be appointed Chief Commissioner who is a judge of the Exchequer Court, and, notwithstanding anything in this or any other Act but subject to subsection two b, he may continue to be and to exercise the jurisdiction of a judge of the Exchequer Court and may hold and perform the duties of the office of Chief Commissioner.

R.S. c. 34.

(2a) Section seven of the *Exchequer Court Act* does not apply to a judge of the Exchequer Court who holds the office of Chief Commissioner and, notwithstanding anything in the *Civil Service Superannuation Act*, the Chief Commissioner is not a civil servant for the purposes of that Act.

R.S. c. 24.

(2b) The judge of the Exchequer Court who holds the office of Chief Commissioner is disqualified from exercising any jurisdiction conferred upon the Exchequer Court or a judge thereof by this Act or by section twenty-seven of the *Exchequer Court Act.*"

R.S. c. 34.

2. Subsection one of section twenty-six of the said Act, as enacted by section two of chapter seventy of the statutes of 1947, is repealed and the following substituted therefor:—

Commissioners' salaries.

"**26.** (1) The Chief Commissioner shall be paid an annual salary of fifteen thousand dollars, less the salary received by him as a judge of the Exchequer Court, the

Explanatory Notes

1. The present subsection (2) reads as follows:

"**2.** Any person may be appointed Chief Commissioner who is or has been a judge of a superior court of Canada or of any province of Canada, or who is a barrister or advocate of at least ten years' standing at the bar of any such province."

The purpose of the amendment is to require that the office of Chief Commissioner shall be held by a judge of the Exchequer Court.

2. Section 26 (1) now reads as follows:—

"**26.** (1) The Chief Commissioner shall be paid an annual salary of thirteen thousand five hundred dollars, the Assistant Chief Commissioner an annual salary of twelve thousand dollars, and each of the other Commissioners an annual salary of ten thousand dollars."

Assistant Chief Commissioner shall be paid an annual salary of twelve thousand dollars, and each of the other commissioners shall be paid an annual salary of ten thousand dollars."

3. Subsection one of section four of the *Exchequer Court Act*, chapter thirty-four of the Revised Statutes of Canada, 1927, as enacted by chapter twenty-two of the statutes of 1946, is repealed and the following substituted therefor:—

Constitution of Court.

"**4.** (1) The Exchequer Court shall consist of the President and four Puisne Judges, who shall be appointed by the Governor in Council by letters patent under the Great Seal."

Salaries of puisne judge.

4. Paragraph (*b*) of section five of *The Judges Act, 1946*, chapter fifty-six of the statutes of 1946, is repealed and the following substituted therefor:—

"*(b)* Four puisne judges, each.....12,000.00"

3. Section 4 (1) of the *Exchequer Court Act* now reads as follows:—

"**4.** (1) The Exchequer Court shall consist of the President and three Puisne Judges, who shall be appointed by the Governor in Council by letters patent under the Great Seal."

4. Section 5 *(b)* of *The Judges Act, 1946,* now reads as follows:—

"(*b*) Three puisne judges, each.....12,000.00"

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 348.

An Act respecting the Revised Statutes of Canada.

First reading, June 15, 1948.

THE MINISTER OF JUSTICE.

OTTAWA
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
14567 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 348.

An Act respecting the Revised Statutes of Canada.

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

Statute Revision Commission established.

1. (1) There is hereby established a Statute Revision Commission, in this Act called the "Commission", consisting of the Minister of Justice and the Solicitor General as members *ex officio* and five other members to be appointed by the Governor in Council.

Chairman.

(2) The Governor in Council shall designate one of the members appointed by him to be the chairman.

Remuneration.

(3) Each member of the Commission, other than the *ex officio* members, shall be paid such remuneration for his services as the Governor in Council may fix.

Commission to examine, revise, classify and consolidate statutes.

2. (1) The Commission shall examine the Revised Statutes of Canada, 1927, and the public general statutes of Canada enacted since the coming into force of the Revised Statutes of Canada, 1927, and in accordance with the provisions of this Act shall revise, classify and consolidate the said statutes.

Assistants, officers, clerks, employees.

(2) The Commission may, at such remuneration as the Governor in Council may fix, employ professional assistants and such other officers, clerks and employees as it considers necessary for carrying out the provisions of this Act.

Members of the public service.

R.S., c. 22.

(3) The Commission may employ members of the public service of Canada to assist in the revision, classification and consolidation of the said statutes and notwithstanding the *Civil Service Act* such members of the public service may, with the approval of the Minister of Justice, receive payment for their services in addition to their salaries.

Certified roll to be deposited with Clerk of the Parliaments.

3. So soon as the said Commission reports in writing the completion of the said consolidation, including therein such Acts or parts of Acts passed during the present session and subsequent thereto as the Governor General upon the said report may deem advisable so to be included, the Governor General may cause a printed Roll thereof, attested under his signature and that of the Clerk of the Parliaments to be deposited in the office of such Clerk; and such Roll shall be held to be the original of the said statutes so revised, classified and consolidated.

Schedule of repealed, superseded, inconsistent or spent enactments.

4. There shall be appended to the said Roll a Schedule A similar in form to Schedule A appended to the Revised Statutes of Canada of 1927; and the Commission may include in the said Schedule all Acts and parts of Acts which though not expressly repealed, are superseded by the Acts so consolidated, or are inconsistent therewith, and all Acts and parts of Acts which were for a temporary purpose, the force of which is spent.

Powers of Commission as to alterations.

5. (1) The Commission in consolidating the said statutes and in incorporating therewith the Acts or parts of Acts passed subsequent thereto and selected for inclusion therein as provided in this Act, may make such alterations in the language of the statutes as are necessary in order to secure uniformity of style and expression, may rectify apparent errors and reconcile conflicting provisions or enactments and in cases of doubt or ambiguity the Commission may make such amendments as are necessary to resolve such doubt or ambiguity in accordance with what the Commission considers to have been the intention of Parliament.

Marginal notes, references, etc.

(2) The marginal notes thereon, the references to former enactments at the foot of the sections, and the explanatory notes and tables inserted by the Commission, shall not form part of the said statutes, and shall be held to have been inserted for convenience only, and may be corrected or omitted.

Proclamation declaring statutes in force.

6. The Governor in Council, after such deposit of the said last mentioned Roll, may, by proclamation, declare the day on, from and after which the same shall come into force and have effect as law, by the designation of "The Revised Statutes of Canada, 19..".

Effect of proclamation.

7. (1) On, from and after such day, the said Roll shall accordingly come into force and effect as and by the designation of "The Revised Statutes of Canada, 19..," to all intents, as if the same were expressly embodied in and enacted by this Act, to come into force and have effect on, from and after such day.

Repeal of enactments in Schedule A.

(2) On, from and after such day, all the enactments in the several Acts and parts of Acts in Schedule A above mentioned shall stand and be repealed to the extent mentioned in the third column of the said Schedule A.

Repeal not to revive dead law, nor to be retroactive.

8. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them; nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, nor the application of any of the said Acts or parts of Acts, or of any Act or provision of law formerly in force, to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.

Anterior matters not invalidated nor affected.

9. (1) The repeal of the said Acts and parts of Acts shall not defeat, disturb, invalidate nor affect

(a) any penalty, forfeiture or liability, civil or criminal, incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal;

(b) any indictment, information, conviction, sentence or prosecution had, done, completed or pending at the time of such repeal;

(c) any action, suit, judgment, decree, certificate, execution, process, order, rule, or any proceeding, matter or thing whatsoever respecting the same, had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal;

(d) any act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, order in council, proclamation, regulation, contract, lien, charge, status, capacity, immunity, matter or thing, had, done, made, acquired, established or existing at the time of such repeal;

(e) any office, appointment, commission, salary, allowance, security or duty, or any matter or thing appertaining thereto, at the time of such repeal; or

(f) any other matter or thing whatsoever, had, done, completed, existing or pending at the time of such repeal.

Anterior matters remain valid.

(2) Every such

(a) penalty, forfeiture and liability;

(b) indictment, information, conviction, sentence and prosecution;

(c) action, suit, judgment, decree, certificate, execution, process, order, rule, proceeding, matter or thing;

(d) act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, order in council, proclamation, regulation, contract, lien, charge, status, capacity, immunity, matter or thing;

(e) office, appointment, commission, salary, allowance, security and duty; and

(f) matter and thing whatsoever referred to in subsection one;

Continuance thereof under Revised Statutes.

may and shall remain and continue as if no such repeal had taken place, and, so far as necessary, may and shall be continued, prosecuted, enforced and proceeded with under the said Revised Statutes, and the other statutes and laws having force in Canada, and subject to the provisions of the said several statutes and laws, as if no such repeal had taken place.

Revised Statutes not to be deemed new laws.

10. (1) The said Revised Statutes shall not be held to operate as new laws, but shall be construed and have effect as a consolidation and as declaratory of the law as contained in the said Acts and parts of Acts so repealed, and for which the said Revised Statutes are substituted.

Construction where they differ from repealed enactments.

(2) If upon any point the provisions of the said Revised Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the said Revised Statutes take effect, the provisions contained in them shall prevail; but, as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail.

References to repealed Acts in former Acts, etc.

11. Any reference in any former Act remaining in force, or in any proclamation, order in council, instrument or document to any Act or enactment so repealed, shall, after the said Revised Statutes take effect, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactments in the said Revised Statutes, having the same effect as such repealed Act or enactment.

Effect of insertion of an Act in Schedule A.

12. The insertion of any Act in the said Schedule A shall not be considered as a declaration that such Act or any part of it was or was not in force immediately before the coming into force of the said Revised Statutes.

Copies by King's Printer to be evidence.

13. Copies of the said Revised Statutes purporting to be printed by the King's Printer from the amended Roll so deposited, shall be evidence of the said Revised Statutes in all courts and places whatsoever.

Distribution of Revised Statutes.

14. The laws relating to the distribution of the printed copies of the statutes shall not apply to the said Revised Statutes, but the same shall be distributed in such numbers and to such persons only as the Governor in Council directs.

Printing and construction of this Act.

15. This Act shall be printed with the said Revised Statutes, and shall be subject to the same rules of construction as the said Revised Statutes.

Citation of Revised Statutes.

16. Any chapter of the said Revised Statutes may be cited and referred to in any Act or proceedings whatsoever, either by its title as an Act, or by its short title, or by using the expression "The Revised Statute respecting————" adding the remainder of the title given at the beginning of the particular chapter, or by using the expression "The Revised Statutes, 19.." or "The Revised Statutes of Canada, 19.., chapter ," adding the number of the particular chapter in the copies printed by the King's Printer.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 349.

An Act to amend The Diplomatic Service (Special) Superannuation Act.

First reading, June 16, 1948.

THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

14707

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 349.

1947, c. 56.

An Act to amend The Diplomatic Service (Special) Superannuation Act.

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 Diplomatic Service (Special) Superannuation Act*, chapter fifty-six of the statutes of 1947, is amended by adding thereto the following subsection:

Withdrawal allowance to Public Official upon retirement or resignation. R.S., c. 24.

"(5) The Governor in Council, upon the retirement or resignation for any reason other than misconduct of a Public Official who immediately prior to his appointment to a Public Office was not a contributor under the *Civil Service Superannuation Act* and upon whose retirement or resignation the grant of a pension is not authorized by subsection one, may grant to him a withdrawal allowance payable in one sum equal to the total amount of his contributions made under this Act without interest."

2. Subsection three of section six of the said Act is repealed and the following substituted therefor:

Computation of amount of contribution by Public Official in respect of prior service.

"(3) The contribution required under this section in respect of the whole of the prior service of a Public Official shall be an amount equal to that which he would have contributed had he during the said prior service made contributions under this Act upon his actual salary from His Majesty during that period together with simple interest at the rate of four per centum per annum up to the time of his election and the contribution required in respect of any part of the said prior service shall be that proportion of the said amount which the said part is of the whole of the said service."

Explanatory Notes.

Section 1.

Under the *Diplomatic Service (Special) Superannuation Act*, chapter 56, statutes of 1947, if a Public Official retires or resigns before earning a pension, his contributions under the Act are forfeited to the Crown. This section provides for the return of his contributions to a Public Official who resigns or who is retired for any reason other than misconduct and to whom a pension may not be granted under subsection one of section three.

Section 2.

This section is intended to ensure that contributions made under this Act by Public Officials are based on the same salary as those used for determining benefits under the Act.

3. Section eight of the said Act is amended by adding thereto the following subsection:

Gratuity to widow not eligible to pension.

"(6) Where a Public Official, who has made an election under subsection one of this section, dies while holding office as such and the Governor in Council is not authorized to grant to the widow a pension under subsection three, the Governor in Council may grant to the widow a gratuity equal to the total amount of the contributions made by the Public Official under this Act without interest."

4. Subsection one of section ten of the said Act is repealed and the following substituted therefor:

Payments out of Consolidated Revenue Fund.

"**10.** (1) The pensions, withdrawal allowances and gratuities payable under this Act shall be paid out of any moneys forming part of the Consolidated Revenue Fund of Canada."

5. The said Act is further amended by adding thereto, immediately after section ten thereof, the following section:

Election not to contribute under section four.

"**10A.** (1) A Public Official may, with the consent of the Secretary of State for External Affairs, elect in writing on or before the first day of November, nineteen hundred and forty-eight, or within three months after his appointment to a Public Office not to contribute under section four of this Act.

Withdrawal allowance where election.

(2) The Governor in Council may grant to a Public Official who has made an election under this section and who has made contributions under section four a withdrawal allowance payable in one sum equal to the total amount of the contributions, without interest.

Election irrevocable.

(3) An election made under this section is irrevocable.

Where sections 3, 4 and 8 do not apply.

(4) Sections three and four of this Act do not apply to a Public Official who has made an election under this section and section eight does not apply to the wife or widow of a Public Official who has made an election under this section."

Section 3.

The present Act makes no provision for the widow of a Public Official who dies in office before he has earned a pension. The Governor in Council would be empowered, under this section, to return to the widow of a Public Official his contributions, without interest.

Section 4.

This amendment ensures that "withdrawal allowances and gratuities" are paid out of the Consolidated Revenue Fund.

Section 5.

Under the present Act, a Public Official who has already earned a pension under another Act of Parliament, is compelled to make contributions even though the benefits under the present Act may, in his case, be negligible. This new section is intended to permit such an Official to elect not to contribute and thus not to receive benefits under this Act.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 365.

An Act to amend the Salaries Act.

AS PASSED BY THE HOUSE OF COMMONS,
18th JUNE, 1948.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

14943

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 365.

R.S., c. 182; 1930, c. 40; 1931, c. 12; 1939, (2nd Sess.); c.7; 1940, c. 40; 1944-45, c. 24.

An Act to amend the Salaries Act.

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 *Salaries Act*, chapter one hundred and eighty-two of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

Salaries of Lieutenant-Governors.

"**3.** The salaries of the lieutenant-governors of the several provinces shall be as follows, that is to say:—

	Per Annum
The Lieutenant-Governor of Ontario	$10,000
The Lieutenant-Governor of Quebec	10,000
The Lieutenant-Governor of Nova Scotia	9,000
The Lieutenant-Governor of New Brunswick	9,000
The Lieutenant-Governor of Manitoba	9,000
The Lieutenant-Governor of British Columbia	9,000
The Lieutenant-Governor of Prince Edward Island	8,000
The Lieutenant-Governor of Saskatchewan	9,000
The Lieutenant-Governor of Alberta	9,000"

Explanatory Note.

The section repealed is as follows:

"**3.** The salaries of the lieutenant-governors of the several provinces shall be as follows, that is to say:—

	Per Annum
The Lieutenant-Governor of Ontario	$10,000
The Lieutenant-Governor of Quebec	10,000
The Lieutenant-Governor of Nova Scotia	9,000
The Lieutenant-Governor of New Brunswick	9,000
The Lieutenant-Governor of Manitoba	9,000
The Lieutenant-Governor of British Columbia	9,000
The Lieutenant-Governor of Prince Edward Island	7,000
The Lieutenant-Governor of Saskatchewan	9,000
The Lieutenant-Governor of Alberta	9,000"

The effect of the amendment is, therefore, to increase the salary of the Lieutenant-Governor of Prince Edward Island from $7,000 to $8,000.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 392.

An Act to amend The Agricultural Prices Support Act, 1944.

First reading, June 21, 1948.

THE MINISTER OF AGRICULTURE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

11522

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 392.

An Act to amend The Agricultural Prices Support Act, 1944.

1944-45, c. 29.

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

Section nine continued in force.

1. Section nine of *The Agricultural Prices Support Act, 1944*, chapter twenty-nine of the statutes of 1944-45, shall be deemed to have continued in force from the thirty-first day of March, nineteen hundred and forty-eight, until the coming into force of this Act and shall continue in force thereafter for such further period as the Governor in Council may fix by proclamation.

Repeal.

2. Section twelve of the said Act is repealed.

Coming into force.

3. This Act shall come into force on a date to be fixed by proclamation of the Governor in Council.

Explanatory Notes.

The purpose of this Bill is to continue in force section 9 of *The Agricultural Prices Support Act, 1944* ,which, through a technicality, expired on March 31, 1948.

Section 12 of *The Agricultural Prices Support Act, 1944*, provided that section 9 of that Act should come into force on a date to be fixed, and remain in force for such period as may be determined, by proclamation of the Governor in Council published in the *Canada Gazette*.

By proclamation dated the first day of April, 1946, section 9 was brought into force for a period of two years from the first of April, 1946. A further proclamation was authorized by Order in Council dated March 25, 1948, but the Department of Agriculture was then advised that the section could be continued only by Act of Parliament.

393.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 393.

An Act to amend The Civilian War Pensions and Allowances Act.

First reading, June 21, 1948.

THE MINISTER OF VETERANS AFFAIRS.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

15272

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 393.

An Act to amend The Civilian War Pensions and Allowances Act.

1946, c. 43.

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

1. Section nine of *The Civilian War Pensions and Allowances Act*, chapter forty-three of the statutes of 1946, is repealed and the following substituted therefor:

Application for disability pension to be made within one year.

"**9.** (1) Subject to subsection two of this section no pension shall be awarded under this Part unless an application is made therefor within one year after the occurrence of the disability in respect of which the pension is claimed.

Extension of time.

(2) Where it is established to the satisfaction of the Commission that lack of communication facilities prevented a person from making an application within the time limited by subsection one of this section, the Commission may, on special application in that behalf, extend the time within which an application for pension may be made."

Repeal.

2. Subsection two of section sixty-two of the said Act is repealed.

Explanatory Notes.

The purpose of the present Bill is to remove the time limits in which an application for pension in respect of death may be made under Parts I and X of The Civilian War Pensions and Allowances Act.

1. The effect of this amendment is to remove that time limit in so far as it affects such applications in respect of Canadian Merchant Seamen and Salt-Water Fishermen. Section seven of the Act permits awards of pension in respect of death only when death was as a direct result of enemy action, or counter-action taken against the enemy, which includes extraordinary marine hazards occasioned by the war.

There have been a limited number of cases in which the dependents, due to illiteracy, ignorance of their statutory rights, lack of dependency at the time of death, or other reasons, failed to make application within the statutory time limit.

In view of the limitations contained in section seven, the removal of the time limit in respect of death would affect only a small number of cases and would permit of an award being made in certain cases of hardship.

The section to be repealed at present reads as follows:—

"**9.** (1) Subject to subsection two of this section no pension shall be awarded under this Part unless an application is made therefor within one year after the occurrence of the *death or* disability in respect of which the pension is claimed.

(2) Where it is established to the satisfaction of the Commission that

(a) lack of communication facilities prevented a person from making an application within the time limited by subsection one of this section; *or*

(b) a dependent of a person in respect of whose death a pension is claimed did not receive notice of the death in time to enable him to make an application within the time limited by subsection one of this section.

the Commission may, on special application in that behalf, extend the time within which an application for pension may be made."

2. Section 62 at present reads as follows:—

"**62.** (1) No pension shall be awarded under this Part in respect of disability unless application is made therefor within one year after the coming into force of this Act.

(2) No pension shall be awarded under this Part in respect of death unless application is made therefor within one year after the coming into force of this Act or within one year after the death, whichever is the later."

Section fifty-nine of the Act permits of awards to widows of Canadians who served as civilian air crew with the Royal Air Force Transport Command when death occurred during service as a direct result of enemy action or counter-action taken against the enemy, which includes extraordinary aerial or other hazards occasioned by the war, and the dependents are in necessitous circumstances.

The removal of the time limit in respect to death will permit of an award in a few deserving cases where the dependents, at the time of death or within one year after death, were not in necessitous circumstances and who have subsequently fallen into necessitous circumstances.

394.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 394.

An Act to amend the Department of National Defence Act.

First reading, June 22, 1948.

THE MINISTER OF NATIONAL DEFENCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

15312

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 394.

An Act to amend the Department of National Defence Act.

R.S., c. 136; 1940, cc. 1, 9, 21; 1947, c. 5.

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

1. The *Department of National Defence Act*, chapter one hundred and thirty-six of the Revised Statutes of Canada, 1927, is amended by adding thereto immediately after section eight thereof, the following section:—

Moneys to cease to belong to Canada.

"**9.** (1) Any moneys contributed and pay and allowances assigned to or for the benefit of any contingent of the Canadian Officers Training Corps and any securities and other property purchased or derived from such moneys, that immediately prior to the coming into force of this section belonged to Canada, shall cease to belong to Canada on the day that an order of the Governor in Council with reference thereto is made under this section.

Moneys to vest in trustees, etc.

(2) Where the Governor in Council finds that a trust purported to be established for the administration of any such property he may order that the property shall vest in the trustees on the terms of the said trust, and in all other cases such property shall vest in such persons either in trust or otherwise, and if in trust upon such trusts, as the Governor in Council may order."

Explanatory Note.

The purpose of this Bill is to amend the *Department of National Defence Act*, chapter 136 of the Revised Statutes of Canada, 1927, by adding thereto a new section nine.

The effect of the new section is to release from the Consolidated Revenue Fund, certain moneys which were contributed to contingents of the Canadian Officers Training Corps established at various educational institutions throughout Canada by the members thereof by way of assigned pay and otherwise and by other persons and which are under the *Consolidated Revenue and Audit Act*, public moneys. The Governor in Council is empowered by the section to vest such moneys in trustees of any trust which may have been established for the administration of such funds, or if no such trusteeship has been created, to appoint trustees and create trusts, or otherwise dispose of such moneys.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 395.

An Act respecting an Income Tax Agreement between Canada and New Zealand, signed at Ottawa, in Canada, on the Twelfth day of March, 1948.

First reading, June 24, 1948.

THE MINISTER OF NATIONAL REVENUE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

14315

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 395.

An Act respecting an Income Tax Agreement between Canada and New Zealand, signed at Ottawa, in Canada, on the Twelfth day of March, 1948.

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 Canada-New Zealand Income Tax Agreement Act, 1948.*

Agreement approved.

2. The Agreement entered into between Canada and New Zealand, set out in the Schedule to this Act, is approved and declared to have the force of law in Canada.

Inconsistent legislation.

3. In the event of any inconsistency between the provisions of this Act or of the said Agreement and the operation of any other law, the provisions of this Act and the Agreement shall, to the extent of such inconsistency, prevail.

Orders and regulations.

4. (1) The Minister of National Revenue may make such orders and regulations as are, in his opinion, necessary for the purpose of carrying out the said Agreement or for giving effect to any of the provisions thereof.

Published.

Laid before Parliament.

(2) Orders and regulations made under this section shall be published in the *Canada Gazette* and laid before Parliament within fifteen days after they are made, if Parliament is then sitting, and if not, then within fifteen days after the commencement of the next ensuing session thereof.

SCHEDULE

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF NEW ZEALAND FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME.

The Government of Canada and the Government of New Zealand, desiring to conclude an agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, have agreed as follows:—

ARTICLE I

(1) The taxes which are the subject of the present Agreement are—

(a) In Canada:

The income taxes, including surtaxes imposed by the Government of Canada (hereinafter referred to as "Canadian tax").

(b) In New Zealand:

The income tax and the social security charge (hereinafter referred to as "New Zealand tax").

(2) The present Agreement shall also apply to any other taxes of a substantially similar character imposed by either Contracting Government subsequently to the date of signature of the present Agreement or by the Government of any territory to which the present Agreement is extended under Article XV.

ARTICLE II

(1) In the present Agreement, unless the context otherwise requires—

(a) The term "New Zealand" includes all islands and territories within the limits thereof for the time being, including the Cook Islands.

(b) The terms "one of the territories" and "the other territory" mean New Zealand or Canada, as the context requires.

(c) The term "tax" means New Zealand tax or Canadian tax, as the context requires.

(d) The term "person" includes any body of persons, corporate or not corporate.

(e) The term "company" includes any body corporate.

(f) The terms "resident of New Zealand" and "resident of Canada" mean respectively any person who is resident in New Zealand for the purposes of New Zealand tax and not resident in Canada for the purposes of Canadian tax and any person who is resident in Canada for the purposes of Canadian tax and not resident in New Zealand for the purposes of New Zealand tax; and a company shall be regarded as resident in New Zealand

if its business is managed and controlled in New Zealand and as resident in Canada if its business is managed and controlled in Canada.

(g) The terms "resident of one of the territories" and "resident of the other territory" means a person who is a resident of New Zealand or a person who is a resident of Canada, as the context requires.

(h) The terms "New Zealand enterprise" and "Canadian enterprise" mean respectively an industrial or commercial enterprise or undertaking carried on by a resident of New Zealand and an industrial or commercial enterprise or undertaking carried on by a resident of Canada; and the terms "enterprise of one of the territories" and "enterprise of the other territory" mean a New Zealand enterprise or a Canadian enterprise, as the context requires.

(i) The term "permanent establishment", when used with respect to an enterprise of one of the territories, means a branch or other fixed place of business, but does not include an agency unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or has a stock of merchandise from which he regularly fills orders on its behalf.

An enterprise of one of the territories shall not be deemed to have a permanent establishment in the other territory merely because it carries on business dealings in that other territory through a bona fide broker or general commission agent acting in the ordinary course of his business as such.

The fact that an enterprise of one of the territories maintains in the other territory a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute that fixed place of business a permanent establishment of the enterprise.

The fact that a company which is a resident of one of the territories has a subsidiary company which is a resident of the other territory or which is engaged in trade or business in that other territory (whether through a permanent establishment or otherwise) shall not of itself constitute that subsidiary company a permanent establishment of its parent company.

(2) The term "industrial or commercial profits", as used in the present Agreement, includes manufacturing, mercantile, mining, financial and farming profits but does not include income in the form of dividends, interest, rents or royalties, management charges, or remuneration, for labour or personal services.

(3) The terms "New Zealand tax" and "Canadian tax", as used in the present Agreement, do not include any amount payable in New Zealand or Canada which represents a penalty imposed under the law of New Zealand or Canada relating to the taxes which are the subject of the present Agreement.

(4) In the application of the provisions of the present Agreement by one of the Contracting Governments any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting Government relating to the taxes which are the subject of the present Agreement.

Article III

(1) The industrial or commercial profits of a New Zealand enterprise shall not be subject to Canadian tax unless the enterprise is engaged in trade or business in Canada through a permanent establishment situated therein. If it is so engaged, tax may be imposed on those profits by Canada, but only on so much of them as is attributable to that permanent establishment: Provided that nothing in this paragraph shall affect any provisions of the law of Canada regarding the taxation of income from the business of insurance.

(2) The industrial or commercial profits of a Canadian enterprise shall not be subject to New Zealand tax unless the enterprise is engaged in trade or business in New Zealand through a permanent establishment situated therein. If it is so engaged tax may be imposed on those profits by New Zealand, but only on so much of them as is attributable to that permanent establishment: Provided that nothing in this paragraph shall affect any provisions of the law of New Zealand regarding the taxation of income from the business of insurance.

(3) Where an enterprise of one of the territories is engaged in trade or business in the other territory through a permanent establishment situated therein, there shall be attributed to such permanent establishment the industrial or commercial profits which it might be expected to derive if it were an independent enterprise engaged in the same or similar activities and dealing at arm's length with the enterprise of which it is a permanent establishment, and the profits so attributed shall be deemed to be income derived from sources in that other territory.

If the information available to the taxation authority concerned is inadequate to determine the profits to be attributed to the permanent establishment, nothing in this paragraph shall affect the application of the law of either territory in relation to the liability of the permanent establishment to pay tax on an amount determined by the exercise of a discretion or the making of an estimate by the taxation authority of that territory: Provided that such discretion shall be exercised or such estimate shall be made, so far as the information available to the taxation authority permits, in accordance with the principle stated in this paragraph.

(4) Profits derived by an enterprise of one of the territories from sales, under contracts concluded in that territory, of goods or merchandise stocked in a warehouse in the other territory for convenience of delivery and not for the purposes of display shall not be attributed to a permanent establishment of the enterprise in that other territory

notwithstanding that the offers of purchase have been obtained by an agent of the enterprise in that other territory and transmitted by him to the enterprise for acceptance.

(5) No portion of any profits arising from the sale of goods or merchandise by an enterprise of one of the territories shall be deemed to arise in the other territory by reason of the mere purchase of the goods or merchandise within that other territory.

(6) Where a company which is a resident of one of the territories derived profits or income from sources within the other territory, the Government of that other territory shall not impose any form of taxation on dividends paid by the company to persons not resident in that other territory, or any tax in the nature of an undistributed profits tax on undistributed profits of the company, by reason of the fact that those dividends or undistributed profits represent, in whole or in part, profits or income so derived.

Article IV

(1) Where

(a) an enterprise of one of the territories participates directly or indirectly in the management, control or capital of an enterprise of the other territory, or

(b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the territories and an enterprise of the other territory, and

(c) in either case conditions are made or imposed between the two enterprises, in their commercial or financial relations, which differ from those which would be made between independent enterprises,

then any profits which would but for those conditions have accrued to one of the enterprises but by reason of those conditions have not so accrued may be included in the profits of that enterprise and taxed accordingly.

(2) Profits included in the profits of an enterprise of one of the territories under paragraph (1) of this Article shall be deemed to be income derived from sources in that territory and shall be taxed accordingly.

(3) If the information available to the taxation authority concerned is inadequate to determine, for the purposes of paragraph (1) of this Article, the profits which might be expected to accrue to an enterprise, nothing in that paragraph shall affect the application of the law of either territory in relation to the liability of that enterprise to pay tax on an amount determined by the exercise of a discretion or the making of an estimate by the taxation authority of that territory: Provided that such discretion shall be exercised or such estimate shall be made, so far as the information available to the taxation authority permits, in accordance with the principle stated in that paragraph.

Article V

Notwithstanding the provisions of Articles III and IV, profits which a resident of one of the territories derives from operating ships or aircraft shall be exempt from tax in the other territory.

Article VI

Copyright royalties and other like payments made in respect of the production or reproduction of any literary, dramatic, musical or artistic work (but not including rents or royalties in respect of motion picture films) and derived from sources within one of the territories by a resident of the other territory who is liable to tax in that other territory in respect thereof and not engaged in trade or business in the first-mentioned territory through a permanent establishment situated therein, shall be exempt from tax in that first-mentioned territory.

Article VII

(1) Remuneration (other than pensions) paid by one of the Contracting Governments to any individual for services rendered to that Contracting Government in the discharge of governmental functions shall be exempt from tax in the territory of the other Contracting Government if the individual is not ordinarily resident in that territory or is ordinarily resident in that territory solely for the purpose of rendering those services.

(2) The provisions of this Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting Governments for purposes of profit.

Article VIII

(1) An individual who is a resident of New Zealand shall be exempt from Canadian tax on profits or remuneration in respect of personal (including professional) services performed within Canada in any taxation year if—

(a) he is present within Canada for a period or periods not exceeding in the aggregate 183 days during that year; and

(b) the services are performed for or on behalf of a person resident in New Zealand, and

(c) the profits or remuneration are subject to New Zealand tax.

(2) An individual who is a resident of Canada shall be exempt from New Zealand tax on profits or remuneration in respect of personal (including professional) services performed within New Zealand in any income year if—

(a) he is present within New Zealand for a period or periods not exceeding in the aggregate 183 days during that year, and

(b) the services are performed for or on behalf of a person resident in Canada, and

(c) the profits or remuneration are subject to Canadian tax.

(3) The provisions of this Article shall not apply to the profits or remuneration of public entertainers such as stage, motion picture or radio artists, musicians and athletes.

ARTICLE IX

(1) Any pension or annuity, derived from sources within Canada by an individual who is a resident of New Zealand and subject to New Zealand tax in respect thereof, shall be exempt from Canadian tax.

(2) Any pension or annuity, derived from sources within New Zealand by an individual who is a resident of Canada and subject to Canadian tax in respect thereof, shall be exempt from New Zealand tax.

(3) The term "annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in consideration of money paid.

ARTICLE X

A professor or teacher from one of the territories who receives remuneration for teaching, during a period of temporary residence not exceeding two years, at a university, college, school or other educational institution in the other territory, shall be exempt from tax in that other territory in respect of that remuneration.

ARTICLE XI

A student or business or trade apprentice from one of the territories who is receiving full-time education or training in the other territory shall be exempt from tax in that other territory on payments made to him by persons in the first-mentioned territory for the purposes of his maintenance, education or training.

ARTICLE XII

Income of a person who is a resident of Canada (other than dividends paid by a company resident in New Zealand) which is exempt from New Zealand tax under any provision of the present Agreement shall not be included in that person's total income for the purposes of determining the amount of any New Zealand tax payable in respect of income of that person which is assessable to New Zealand tax.

ARTICLE XIII

(1) Subject to any provisions of the law of New Zealand regarding the allowance as a credit against New Zealand tax of tax payable in a territory outside New Zealand, Canadian tax payable in respect of income from sources within Canada shall be allowed as a credit against any New Zealand tax (other than social security charge) payable in respect of that income.

(2) Subject to the provisions of the law of Canada regarding the deduction from tax payable in Canada of tax in a territory outside Canada, New Zealand tax payable in respect of income from sources

within New Zealand shall be deducted from any Canadian tax payable in respect of that income. Where such income is a dividend paid by a company resident in New Zealand to a company resident in Canada which owns 50 per cent or more of the share capital of the New Zealand resident company, the New Zealand tax payable by the New Zealand resident company shall be deducted from any Canadian tax payable in respect of that income.

(3) For the purposes of this Article, profits or remuneration for personal (including professional) services performed in one of the territories shall be deemed to be income from sources within that territory, and the services of an individual whose services are wholly or mainly performed in ships or aircraft operated by a resident of one of the territories shall be deemed to be performed in that territory.

ARTICLE XIV

(1) The taxation authorities of the Contracting Governments shall exchange such information (being information available under the respective taxation laws of the Contracting Governments) as is necessary for carrying out the provisions of the present Agreement or for the prevention of fraud or for the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the present Agreement. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons other than those concerned with the assessment and collection of the taxes which are the subject of the present Agreement. No information shall be exchanged which would disclose any trade secret or trade process.

(2) The taxation authorities of the Contracting Governments may consult together as may be necessary for the purpose of carrying out the provisions of the present Agreement and, in particular, the provisions of Articles III and IV.

(3) As used in this Article, the term "taxation authorities" means, in the case of Canada, the Minister of National Revenue or his authorized representative; in the case of New Zealand, the Commissioner of Taxes or his authorized representative; and, in the case of any territory to which the present Agreement is extended under Article XV, the competent authority for the administration in such territory of the taxes to which the present Agreement applies.

ARTICLE XV

(1) Either of the Contracting Governments may, on the coming into force of the present Agreement or at any time thereafter while it continues in force, by a written notification of extension given to the other Contracting Government, declare its desire that the operation of the present Agreement shall extend, subject to such modification as may be necessary, to all or any of its colonies, overseas territories, protectorates, or territories in respect of which it exercises a mandate or trusteeship, or to all or any of the colonies, overseas territories, protectorates of the other Contracting Government, or territories in respect of which the other Contracting Government exercises a mandate

or trusteeship, which impose taxes substantially similar in character to those which are the subject of the present Agreement. The present Agreement shall, subject to such modifications (if any) as may be specified in the notification apply to the territory or territories named in such notification on the date or dates specified in the notification (not being less than sixty days from the date of the notification) or, if no date is specified in respect of any such territory, on the sixtieth day after the date of the notification, unless, prior to the date on which the Agreement would otherwise become applicable to a particular territory, the Contracting Government to whom notification is given shall have informed the other Contracting Government in writing that it does not accept the notification as to that territory. In the absence of such extension, the present Agreement shall not apply to any such territory.

(2) At any time after the expiration of one year from the entry into force of an extension under paragraph (1) of this Article, either of the Contracting Governments may, by written notice of termination given to the other Contracting Government, terminate the application of the present Agreement to any territory to which it has been extended under paragraph (1), and in that event the present Agreement shall cease to apply, six months after the date of the notice, to the territory or territories named therein, but without affecting its continued application to Canada, New Zealand or to any other territory to which it has been extended under paragraph (1) hereof.

(3) In the application of the present Agreement in relation to any territory to which it is extended by notification by New Zealand or Canada, references to "New Zealand" or, as the case may be, "Canada" shall be construed as reference to that territory.

(4) The termination in respect of Canada or New Zealand of the present Agreement under Article XVIII shall, unless otherwise expressly agreed by both Contracting Governments, terminate the application of the present Agreement to any territory to which the Agreement has been extended by Canada or New Zealand.

Article XVI

The present Agreement shall come into force on the date on which the last of all such things shall have been done in New Zealand and Canada as are necessary to give the Agreement the force of law in New Zealand and Canada respectively, and shall thereupon have effect—

(a) in Canada as respects income taxes, including surtaxes, for the taxation year 1948 and subsequent years;

(b) in New Zealand, as respects income-tax for the year of assessment beginning on the 1st day of April, 1949, and subsequent years; as respects social security charge on salaries and wages as from the first day of April, 1948; and as respects social security charge on income other than salaries and wages for the financial year beginning on the first day of April, 1948, and subsequent years.

ARTICLE XVII

The present Agreement shall be deemed to have superseded the Agreement made on the 3rd day of November, 1945, between the Government of New Zealand and the Government of Canada for reciprocal exemption from income tax in certain cases of profits or gains accruing through an agency, and that Agreement shall cease to have effect—

(a) in Canada, for the taxation year 1948 and subsequent years;

(b) in New Zealand for the year of assessment beginning on the 1st day of April, 1949, and subsequent years.

ARTICLE XVIII

(1) The present Agreement shall continue in effect indefinitely but either of the Contracting Governments may, on or before the 30th day of June in any calendar year after the year 1949, give notice of termination to the other Contracting Government and, in such event, the present Agreement shall cease to be effective—

(a) in Canada, as respects income taxes, including surtaxes, for any taxation year ending in or after the calendar year next following that in which such notice is given;

(b) in New Zealand, for any year of assessment beginning on or after the first day of April in the second calendar year following that in which such notice is given.

(2) The termination of the present Agreement shall not have the effect of reviving any agreement or arrangement abrogated by the present Agreement or by Agreements previously concluded between the Contracting Governments.

IN WITNESS whereof the undersigned, duly authorized thereto, have signed the present Agreement and have affixed thereto their seals.

DONE at Ottawa, in duplicate, on the Twelfth day of March, one thousand nine hundred and forty-eight.

For the Government of Canada:

"D. C. ABBOTT"

[SEAL]

For the Government of New Zealand:

"W. NASH"

[SEAL]

or trusteeship, which impose taxes substantially similar in character to those which are the subject of the present Agreement. The present Agreement shall, subject to such modifications (if any) as may be specified in the notification apply to the territory or territories named in such notification on the date or dates specified in the notification (not being less than sixty days from the date of the notification) or, if no date is specified in respect of any such territory, on the sixtieth day after the date of the notification, unless, prior to the date on which the Agreement would otherwise become applicable to a particular territory, the Contracting Government to whom notification is given shall have informed the other Contracting Government in writing that it does not accept the notification as to that territory. In the absence of such extension, the present Agreement shall not apply to any such territory.

(2) At any time after the expiration of one year from the entry into force of an extension under paragraph (1) of this Article, either of the Contracting Governments may, by written notice of termination given to the other Contracting Government, terminate the application of the present Agreement to any territory to which it has been extended under paragraph (1), and in that event the present Agreement shall cease to apply, six months after the date of the notice, to the territory or territories named therein, but without affecting its continued application to Canada, New Zealand or to any other territory to which it has been extended under paragraph (1) hereof.

(3) In the application of the present Agreement in relation to any territory to which it is extended by notification by New Zealand or Canada, references to "New Zealand" or, as the case may be, "Canada" shall be construed as reference to that territory.

(4) The termination in respect of Canada or New Zealand of the present Agreement under Article XVIII shall, unless otherwise expressly agreed by both Contracting Governments, terminate the application of the present Agreement to any territory to which the Agreement has been extended by Canada or New Zealand.

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(a) in Canada as respects income taxes, including surtaxes, for the taxation year 1948 and subsequent years;

(b) in New Zealand, as respects income-tax for the year of assessment beginning on the 1st day of April, 1949, and subsequent years; as respects social security charge on salaries and wages as from the first day of April, 1948; and as respects social security charge on income other than salaries and wages for the financial year beginning on the first day of April, 1948, and subsequent years.

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(a) in Canada, as respects income taxes, including surtaxes, for any taxation year ending in or after the calendar year next following that in which such notice is given;

(b) in New Zealand, for any year of assessment beginning on or after the first day of April in the second calendar year following that in which such notice is given.

(2) The termination of the present Agreement shall not have the effect of reviving any agreement or arrangement abrogated by the present Agreement or by Agreements previously concluded between the Contracting Governments.

IN WITNESS whereof the undersigned, duly authorized thereto, have signed the present Agreement and have affixed thereto their seals.

DONE at Ottawa, in duplicate, on the Twelfth day of March, one thousand nine hundred and forty-eight.

For the Government of Canada:

"D. C. ABBOTT"

[SEAL]

For the Government of New Zealand:

"W. NASH"

[SEAL]

396.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE HOUSE OF COMMONS OF CANADA.

BILL 396.

An Act to amend The Foreign Exchange Control Act.

First reading, June 24, 1948.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

14937

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 396.

An Act to amend The Foreign Exchange Control Act.

1946, c. 53.

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

1. Subsection one of section twenty-one of *The Foreign Exchange Control Act*, chapter fifty three of the statutes of 1946, is repealed and the following substituted therefor:—

Buy and sell foreign currency only from and to authorized dealers.

"**21.** (1) Except as provided by this Act or a regulation, no person other than an authorized dealer shall, in Canada or elsewhere than in Canada if he is a resident, buy foreign currency from or sell foreign currency to any person who is not an authorized dealer."

2. That part of subsection one of section twenty-two of the said Act that precedes paragraph *(a)* thereof, is repealed and the following substituted therefor:—

Resident required to sell all foreign currency to authorized dealer.

"**22.** (1) Every resident, other than an authorized dealer, who, either in Canada or elsewhere, has or acquires the ownership or possession of foreign currency or is or becomes entitled to a right to payment of foreign currency under a negotiable instrument payable either on demand or otherwise immediately payable, or by reason of a deposit, shall forthwith declare to an authorized dealer that he owns or possesses the said currency or is entitled to the said right, provided that this subsection shall not apply in respect of"

3. That part of subsection one of section twenty-three of the said Act that precedes paragraph *(a)* thereof, is repealed and the following substituted therefor:—

Payments by residents to non-residents.

"**23.** (1) No resident shall, except in accordance with a permit, either in Canada or elsewhere,"

Explanatory Notes.

The purpose of the amendments is to remove doubts that have arisen as to whether sections 21, 22 and 23 of the Act apply to residents within the meaning of the Act, when they are outside of Canada. The only changes are the addition of the underlined words.

1. Section 21 (1) now reads:—

"**21.** (1) Except as provided by this Act or a regulation, no person other than an authorized dealer shall buy foreign currency from or sell foreign currency to any person who is not an authorized dealer."

2. Section 22 (1) now reads:—

"**22.** (1) Every resident, other than an authorized dealer, who has or acquires the ownership or possession of foreign currency or is or becomes entitled to a right to payment of foreign currency under a negotiable instrument payable either on demand or otherwise immediately payable, or by reason of a deposit, shall forthwith declare to an authorized dealer that he owns or possesses the said currency or is entitled to the said right, provided that this subsection shall not apply in respect of

(a) foreign currency having a value not exceeding one hundred dollars in the ownership or possession of a resident, unless otherwise required by regulation; or

(b) foreign currency or any right to payment thereof acquired or held by a resident under a regulation or permit while it is required by the resident for the purpose, and held within the time, specified by the regulation or permit."

3. Section 23 (1) now reads:—

"**23.** (1) No resident shall, except in accordance with a permit,

(a) pay, lend or otherwise dispose of Canadian currency to a non-resident;

(b) draw, issue, make, accept, endorse, assign or transfer or cause to be drawn, issued, made, accepted, endorsed, assigned or transferred any negotiable instrument payable in Canadian currency to or in favour of a non-resident; or

(c) deposit or cause to be deposited Canadian currency with or to the account of a non-resident or assign or transfer to a non-resident any debt owing in Canadian currency by reason of a deposit."

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 397.

An Act to amend The Emergency Exchange Conservation Act.

First reading, June 24, 1948.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
15589 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE HOUSE OF COMMONS OF CANADA.

BILL 397.

An Act to amend The Emergency Exchange Conservation Act.

1947-48, c. 7.

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

Schedule I amended.

1. Schedule I of *The Emergency Exchange Conservation Act*, chapter seven of the statutes of 1947-48, is amended as follows:

(a) by repealing the paragraph immediately following the heading "SCHEDULE I" and substituting therefor the following:

"In this Schedule where a tariff item of Schedule 'A' to the Customs Tariff is listed without being preceded by the word 'ex' all goods included in that tariff item shall be deemed to be included in this Schedule and where a tariff item is listed and preceded by the word 'ex' only the goods described thereafter are deemed to be included in this Schedule, and words and expressions in this Schedule have the same meaning as in the Schedules to the Customs Tariff: Provided that where any goods described in this Schedule are included in a tariff item listed in Schedule II, those goods shall not be deemed to be included in this Schedule but shall be deemed to be included in Schedule II."

(b) by inserting the following item before the item designated as "192b" therein:

"ex 192 ex 312 ex 711 *et al*	Acoustical wallboards, acoustical pads and acoustical tile of all kinds."

Explanatory Notes.

1. *(a)* The underlined words are added to clarify the position where goods that are described in Schedule I may also fall within a Tariff Item in Schedule II. The effect of the amendment is that in such case the goods may be imported subject to quota and the import of the goods is not wholly prohibited.

(b) New.

(c) by repealing the words "gummed paper" where they appear in the item designated as "ex 197, ex 197b, ex 198, ex 199, ex 181, ex 509" therein, and substituting therefor the following:

"gummed paper, printed or not;"

(d) by inserting the following item after the item designated as "235b" therein:

"ex 237c ex 711 *et al*	Synthetic resin soft sheets or strips or similar shapes, and manufactures thereof."

(e) by repealing the item designated as "323" therein and substituting therefor the following:

"323 ex 326a	Mirrors of glass, and silvered glass, bevelled or not and framed or not, n.o.p."

(f) by inserting the following item after the item designated as "ex 689a" therein:

"ex 711 Floor or wall tile having an asphalt base."

(g) by repealing the following words where they appear in the item designated as "ex 711, ex 362c, ex 427, ex 446a *et al*" therein:

"Goods enumerated hereunder, but not including goods entitled to entry under tariff items enumerated in Schedule II:"

Schedule II amended.

2. Schedule II of the said Act is amended as follows:

(a) by inserting the following item after the item designated as "368" in Category 4 thereof:

"ex 415 Vacuum cleaners and attachments therefor."

(b) by inserting the following items after the item designated as "429" in Category 4 thereof:

"ex 438g Motor cycles or side cars therefor.
439 Bicycles and tricycles, n.o.p."

Schedule III amended.

3. (1) Schedule III of the said Act is amended as follows:—

(a) by repealing the items designated as "ex 412, ex 413, ex 427f, 438b, 438c, 438d, 438e, ex 442d," and substituting therefor, repectively, the following:

"ex 412 Machinery, being presses for use in the printing of newspapers and telephone directories, of not less value by retail than fifteen hundred dollars each, of a class or kind not made in Canada, and complete parts thereof for production use, not to include saws, knives and motive power; mechanical deliveries or conveyors for use with newspaper printing presses.

(c) The underlined words are new. To clarify the present provision.

(d) New.

(e) The effect of the amendment is to include mirrors consisting of glass other than silvered glass.

(f) New.

(g) The repealed words are no longer necessary by reason of the addition of the proviso to the note at the beginning of the Schedule.

2. *(a)* The effect of this amendment, taken with paragraph (2) of clause 3 of the Bill, is that the import of complete vacuum cleaners will be controlled under Schedule II instead of as formerly under Schedule III.

(b) Motor cycles were formerly included in Schedule III and are transferred to Schedule II. Item 439 is new.

3. The amendments to Schedule III affect six categories of goods indicated by the numbers in brackets. The purposes of amendment in regard to each of the categories is as follows:

(1) *Category (1):* The substituted wording of the Tariff Items referred to in paragraph *(a)* and the insertion of the Tariff Items referred to in paragraphs *(b)* and *(c)* are necessary in order to correspond with the recent changes in the Customs Tariff.

ex 413 (i) Machinery and apparatus, of a class or kind not made in Canada, and parts thereof for production use, specially constructed for preparing, manufacturing, testing or finishing yarns, cordage, and fabrics made from textile fibres or from paper, imported for use exclusively by manufacturers and scholastic or charitable institutions in such processes only.

(ii) Materials for use in the manufacture of the goods specified in tariff item 413 (i).

ex 427f Machines for the manufacture of veneers and plywoods, viz.:—Veneer clippers; veneer clipper knife jointers; veneer glue spreaders; veneer jointers; veneer lathes; automatic veneer reelers with supporting trays and hoists; automatic veneer unreelers; veneer conveyors specially designed for use with automatic veneer reelers and unreelers; veneer taping machines; complete parts of all the foregoing for production use.

438b Bearings, clutch release; bearings, graphite; bearings, steel or bronze backed, with non-ferrous metal lining; bearings, steering knuckle thrust; bushings, graphited or oil impregnated; ceramic insulator spark plug cores, not further manufactured than burned and glazed, printed or decorated or not, without fittings; collars, crankshaft thrust; compressors, air; commutator copper segments; commutator insulating end rings; tapered discs of hot rolled steel, with or without centre hole, for disc wheels; distributor rotors and cam assemblies; door bumper shoes; electric wiring terminals, sockets, fittings and connectors and parts and combinations thereof, not to include battery terminals; gaskets of any material except cork or felt, composite or not, parts and materials therefor; ignition contact points; keys for shafting; auxiliary driving control kits, designed for attachment to motor vehicles to facilitate their operation by physically disabled persons and parts thereof;

438b (con.) lenses of glass for motor vehicle lamps and for light reflectors; lock washers; magnetic plugs; piston ring castings in the rough, with or without gates and fins removed; propeller shaft tubes of steel bonded by rubber; rails of lock seam section, corners, locks and catches, unplated ventilators and parts thereof, the foregoing being of metal other than aluminum, for the manufacture of window sashes for bus bodies; steel bolts, studs, plugs, rivets or nuts, capped with stainless steel, and parts thereof; switches, relays, circuit breakers and solenoids and combinations and parts thereof; vacuum control assemblies and parts thereof; vulcanized fibre in sheets, rods, strips and tubings; all of the foregoing when of a class or kind not made in Canada and for use in the manufacture or the repair of the goods enumerated in tariff items 424 and 438a, or for use in the manufacture of parts therefor.

438c Ammeters; arm rests and wheel housing lining of indurated fibre, pressed to shape; axle housings, one piece welded, machined or not, including parts welded thereto; carburetors; chassis frames and steel shapes for the manufacture thereof; cigar and cigarette lighters, whether in combination with a cigarette holder or not, including base control ventilator gear box; cylinder lock barrels, with or without sleeves and keys thereof; dash heat indicators; engine speed governor units; external ornaments unplated, not including finish or decorative moulding; fluid couplings, with or without drive plate assemblies; front axle cross channel king pin support section assembly of steel, in the rough; fuel pumps, vacuum pumps and combinations thereof; gasoline gauges; grilles not plated, polished or not before assembly, and parts thereof not plated or polished, not to include added finish or decorative mouldings; hinges, finished or not, for bodies; horns; instrument bezel assemblies; instrument board lamps; instrument panel,

438c (con.) glove compartment, luggage compartment, hood compartment and door step lamps and wire assemblies; locks, electric ignition, steering gear, transmission, or combinations of such locks; mouldings of metal, with nails set in position, lead filled or not; oil filters; oil gauges; pipe lines of tubing, rigid or flexible, covered or not, with or without fittings and tubing therefor for oil, fuel, air, or liquid for actuating hydraulic brakes; purifiers for air; purifiers for oil or gasoline; radiator shutter assemblies, automatic; radiator water gauges; radiator shells not plated nor metal finished in any degree; shackles, bearing spring; speedometers; spring covers of metal and closing strips or shapes therefor; stampings, body, cowl, fender, hood, instrument board, of metal in the rough, trimmed or not, but not metal finished in any degree; starter switch assemblies; steering wheels, rims and spiders therefor; sun visor blanks of gypsum weatherboard; thermostatic controls; throttle, spark, choke, and hood lock release assemblies, including buttons therefor; tire clamping rings of steel, plated or not; universal joint ball assemblies; voltage control regulators; windshield and window wipers; parts of all the foregoing; all of the foregoing when of a class or kind not made in Canada and for use in the manufacture or repair of the goods enumerated in tariff items 410a (iii), 424 and 438a or for use in the manufacture of parts therefor.

438d Front and rear axles; brakes; clutches; drums; hubs; internal combustion engines; steering gears; magnetos; rims for pneumatic tires larger than thirty inches by five inches; transmission assemblies; hydraulic or fluid couplings and torque convertors; drive shafts; universal joints; steel road wheels; power dividers or transfer cases; and parts of the foregoing, when of a class or kind not made in Canada, and imported by manufacturers of the goods enumerated in tariff items 410a (iii), 424 and 438a

438d (con.) for use only in the manufacture of motor trucks, motor buses and electric trackless trolley buses, or for the manufacture of chassis for the same.

438e Parts, n.o.p., for automobiles, motor vehicles, electric trackless trolley buses or chassis enumerated in tariff items 438a and 424, not to include wireless receiving sets, die castings of zinc, electric storage batteries, parts of wood, tires and tubes or parts of which the component material of chief value is rubber:—

(1) Brake linings, and clutch facings whether or not including metallic wires or threads:—

(a) When made from crude asbestos of British Commonwealth origin.

(b) When made from crude asbestos, n.o.p.

(2) Automobile and motor vehicle engines, stripped, n.o.p., and complete parts thereof, n.o.p.

(3) Parts, n.o.p., electro-plated or not, whether finished or not.

(4) Parts, n.o.p., of brass or copper, whether finished or not.

ex 442d Materials, including all parts, wholly or in chief part of metal, of a class or kind not made in Canada, when imported by manufacturers of goods entitled to entry under tariff items 410g, 410l, 410n, 410o, 410p, 410q, 410u, 410w, 410z, 411, 411a, 411b, 427b, 427c, 427f, 428c, 428e, 440k, and 447a, for use in the manufacture of such goods in their own factories, under such regulations as the Minister may prescribe;"

(b) by inserting the following item immediately before the item designated as "ex 238a":

"192g Roofing felt."

(c) by inserting the following item immediately after the item designated as "ex 412d":

"412e Articles and materials which enter into the construction and form part of the machines and apparatus provided for in tariff item 412a, when imported by manufacturers of such machines, apparatus and parts thereof, for use exclu-

"412e (con.) sively in the manufacture of such goods in their own factories under such regulations as the Minister may prescribe;"

Schedule III further amended.

(2) Schedule III of the said Act is further amended by repealing the items designated as "ex 415" and "ex 438g" and substituting therefor, respectively, the following:

"ex 415 Complete parts of electric and hand vacuum cleaners and of attachments therefor for production use."

"ex 438g Complete parts of motor cycles and side cars for production use.";

Idem.

(3) Schedule III of the said Act is further amended by repealing the item designated as "ex 445o" and substituting therefor the following:

"ex 445o (i) Acid-free capacitor tissue and paper, plain and gummed; metal cans, extruded, plated or unplated; automatic record changers; parts for pickups; bias cells and holders; frames, yokes, brackets, pole-pieces, gaskets and field covers, separate or assembled for use in speakers with mounting diameter not exceeding 6-3/8 inches; cones, spiders, spider suspensions, voice coils and voice coil dust covers, separate or assembled; magnetic structures and parts thereof for permanent magnet speakers; glass dial crystals and scales and metal dials or scales made by the silk-screen process; metal cabinet escutcheons without crystals, plain or finished; high frequency circuit switches and essential components thereof; high frequency iron cores with or without inserts moulded therein; motors and gears for automatic tuning; radio frequency ceramics; raw low loss mica; sheets and punchings of low loss mica; tube shields and parts thereof; vibrators; vulcanized fibre in sheets, rods, strips or tubing; high frequency coil forms and tubing having an outside diameter not exceeding one inch; for use in the manufacture or the repairs of the goods enumerated in tariff items 445d, 597a, and other apparatus using radio tubes, or for use in the manufacture of parts therefor.

(ii) Metal powders; etched aluminum foil; alloy resistance wire having a diameter of less than ·005 inch; spring-drive motors for record turn-tables; automatic record-centering mechanisms with tone arm, not including motors or turntables; metal cab-

(2) *Category (2):* The purpose of the changes is to transfer from Schedule III to Schedule II complete electric and hand vacuum cleaners, motor cycles and side-cars, in order to enable quotas to be established.

(3) *Categories (3) and (4):* The changes are necessary in order to correspond with changes in the Customs Tariff and to facilitate administration because, at the time of importation, it is not practicable to segregate parts which will be used for repair purposes and those which will be incorporated into new apparatus.

"ex 445o (con.) inet escutcheons with crystals, plain or finished; when of a class or kind not made in Canada and for use in the manufacture or the repair of goods enumerated in tariff items 445d, 597a, and other apparatus using radio tubes, or for use in the manufacture of parts therefor.

(iii) Materials and parts, not including motors, for use by manufacturers of apparatus using radio tubes, or of parts therefor, in the manufacture, in their own factories, of the goods enumerated in tariff items 445o (i) and 445o (ii)."

Idem. (4) Schedule III of the said Act is further amended by repealing the items designated as "ex 445, ex 445d" and substituting therefor, respectively, the following:

"ex 445 Complete parts of electric light fixtures and appliances, n.o.p.

"ex 445d Complete parts of electric wireless or radio apparatus, n.o.p.";

Idem. (5) Schedule III of the said Act is further amended by repealing the items designated as "ex 427, ex 427a, ex 445k, ex 446a" and substituting therefor, respectively, the following:

"ex 427 All machinery composed wholly or in part of iron or steel, n.o.p.; complete parts thereof for production use.

"ex 427a All machinery composed wholly or in part of iron or steel, n.o.p., of a class or kind not made in Canada; complete parts of the foregoing for production use.

"ex 445k Electric apparatus, n.o.p.; complete parts thereof for production use.";

"446a Manufactures, articles or wares of iron or steel or of which iron or steel or both are the component materials of chief value, n.o.p."

Idem. (6) Schedule III of the said Act is further amended:

(a) by inserting the following item immediately before the hereinbefore mentioned item designated as "192g":

"166 Acetone and amyl acetate.";

(b) by inserting the following items immediately before the item designated as "305";

"208h *et al* } Ethylene glycol.

"ex 216e *et al* } Dioctyl phthalate.

"ex 237 *et al* } Polystyrene moulding powder, compounds made from polyvinyl chloride and co-polymers thereof."

Category (5): Experience has shown that these changes are necessary in order to enable proper administration.

Category (6): The insertion of these additional Tariff Items will provide opportunity to effect substantial saving of foreign exchange in regard to these basic chemicals which are or will be largely obtainable in Canada, and in regard to fibre glass being imported for general insulation when Canadian alternatives are obtainable.

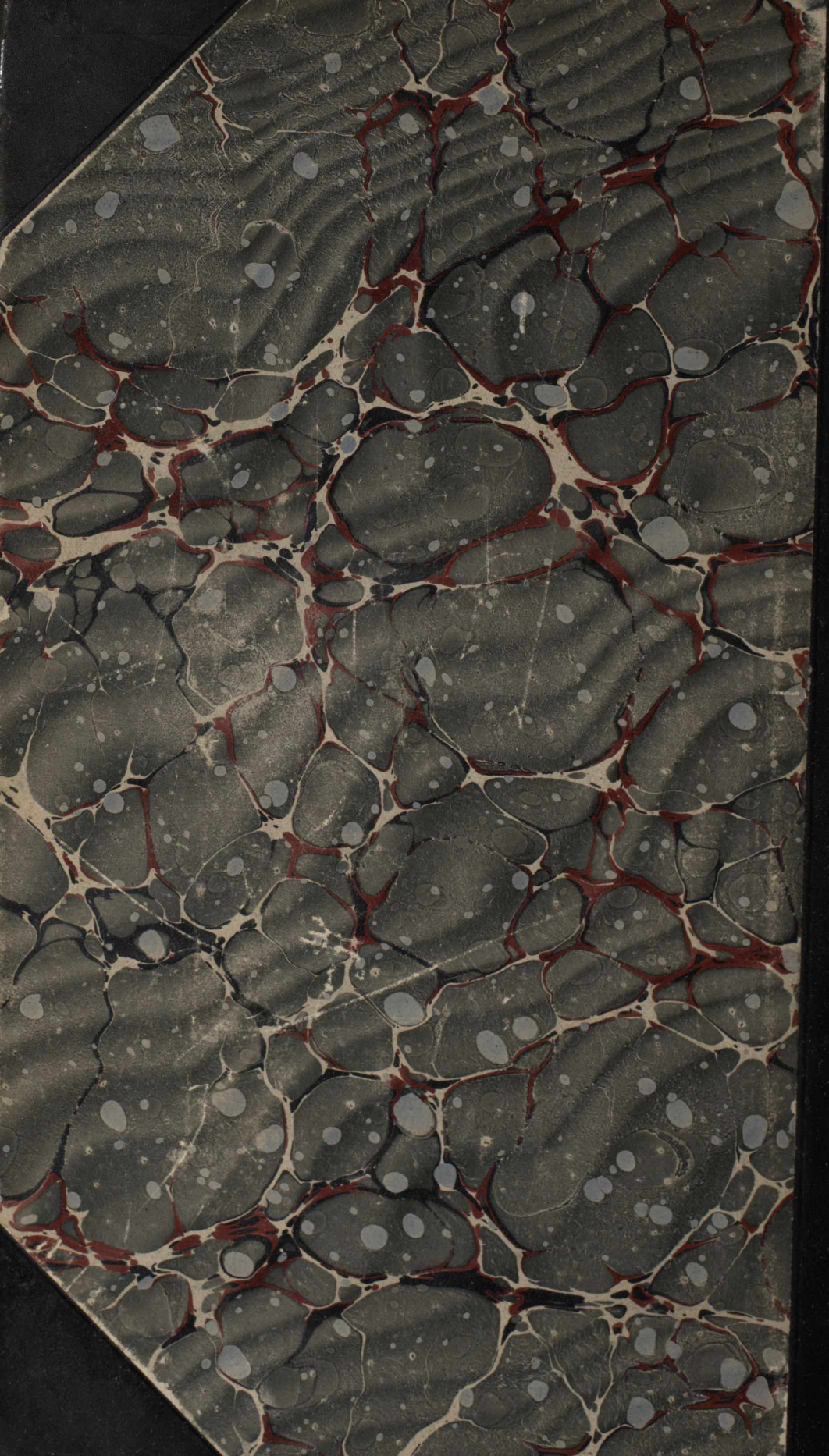
"ex 242 Zinc oxide, such as zinc white.
"272b } Paraffin wax.";
"272c }

(c) by inserting the following items immediately after the item designated as "657a";

"ex 192 } Fibre glass or glass wool in any form.
"ex 689a }
"ex 711 Chlorine liquid; chlorine gas; stirene monomer;
"ex 208t } Tri-sodium phosphate; tetra sodium pyro-
"ex 711 } phosphate; sodium tri-polyphosphate."

Coming into force.

4. This Act shall be deemed to have come into force on the twenty-fifth day of June, nineteen hundred and forty-eight: Provided that the provisions of this Act shall not be deemed to have come into operation with respect to goods mentioned in this Act that were not subject to the provisions of *The Emergency Exchange Conservation Act* before that day,

(i) that had been delivered to and were in the custody or possession of a common carrier before that day and were in the course of continuous and uninterrupted transportation to Canada on the day preceding that day, or

(ii) that may be admitted into Canada free from duty under Tariff Item 703 *(b)* of the Customs Tariff and that are included in the baggage of a resident of Canada who returns to Canada pursuant to a departure from Canada before that day.