

Canada. Laws, Statutes, etc.

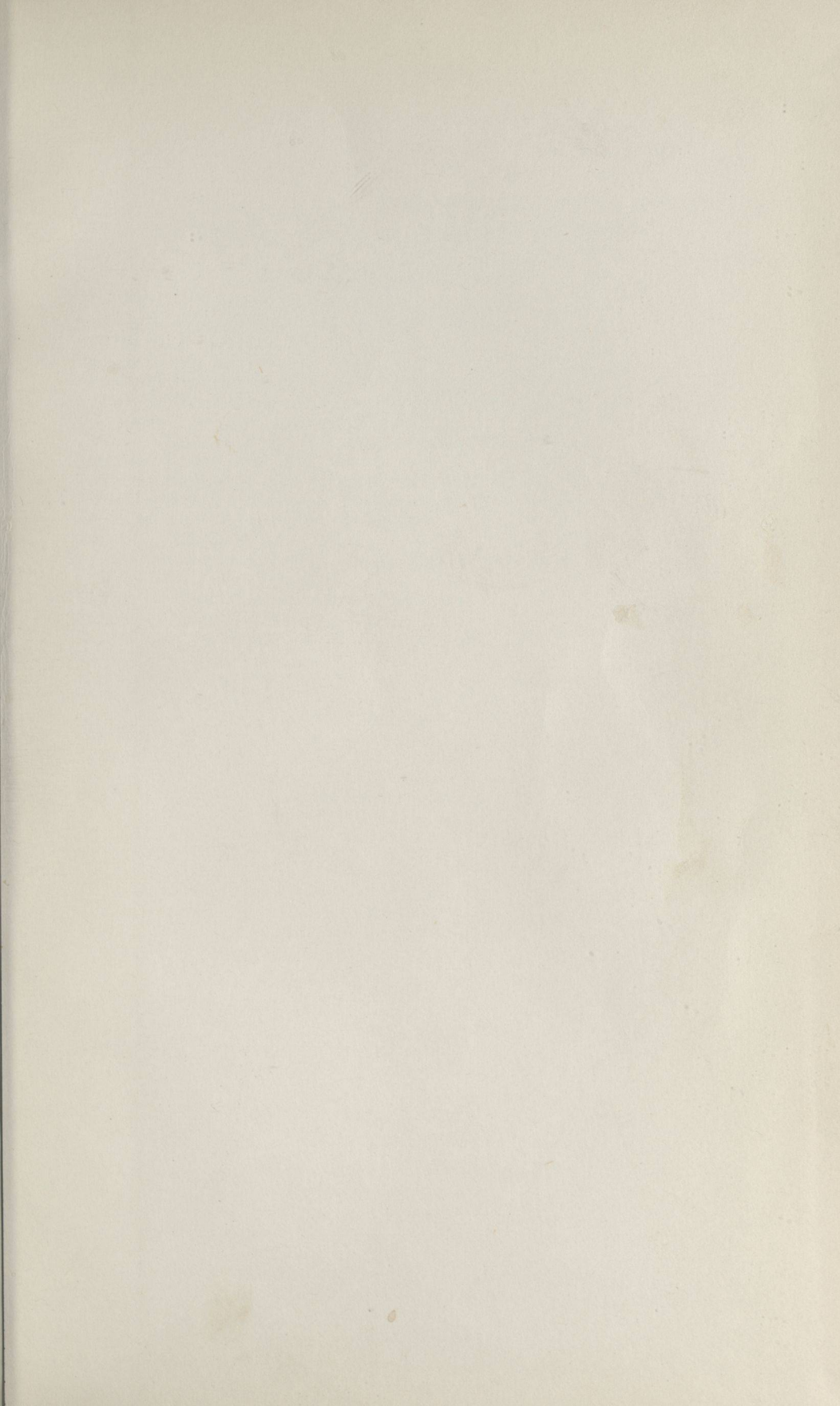
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Bill B -



LIST OF ACTS

SESSION 1951 (Second)

FIFTH SESSION, TWENTY-FIRST PARLIAMENT,
15-16 GEORGE VI, 1951.

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THE SENATE OF CANADA

BILL B.

An Act to implement the International Convention for the
Regulation of Whaling.

Read a first time, Tuesday, 6th November 1951.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY

THE SENATE OF CANADA

BILL B.

An Act to implement the International Convention for the Regulation of Whaling.

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 Whaling Convention Act*. 5
- Definitions.
- “Convention.” **2.** In this Act
(a) “Convention” means the International Convention for the Regulation of Whaling, set out in the Schedule;
- “factory ship.” (b) “factory ship” means a ship in or on which whales are treated whether wholly or in part; 10
- “land station.” (c) “land station” means a place on land at which whales are treated whether wholly or in part;
- “ship.” (d) “ship” means a ship registered in Canada or any ship within the territorial waters of Canada;
- “whale catcher.” (e) “whale catcher” means a ship used for the purpose of hunting, taking, towing, holding onto or scouting for whales; 15
- “whale products.” (f) “whale products” means any part of a whale and blubber, meat, bones, whale oil, sperm oil, spermaceti, meal and baleen; 20
- “whale treating.” (g) “whale treating” means the possession, treatment or processing of whales or of whale products; and
- “whaling.” (h) “whaling” means scouting for, hunting, killing, taking, towing or holding onto whales.
- Licensing of whale catchers and factory ships. **3.** Every person is guilty of an offence who 25
(a) engages in whaling on, from or by means of a ship, the owner or charterer of which does not hold a licence issued under this Act authorizing that ship to be used as a whale catcher, or

EXPLANATORY NOTE.

The purpose of the Bill is to give the Government statutory authority to carry out the obligations assumed by Canada under the International Convention for the Regulation of Whaling signed in Washington on the 2nd December, 1946, and ratified by Parliament on joint resolution of the two Houses during the 1948 session.

(b) engages in whale treating on, from or by means of a ship, the owner or charterer of which does not hold a licence issued under this Act authorizing that ship to be used as a factory ship.

Liability of owner and charterer.

4. (1) The owner and charterer of a ship that is used as a whale catcher are each guilty of an offence unless the owner or charterer holds a licence issued under this Act authorizing that ship to be used as a whale catcher. 5

Idem.

(2) The owner and charterer of a ship that is used as a factory ship are each guilty of an offence unless the owner or charterer holds a licence issued under this Act authorizing that ship to be used as a factory ship. 10

Unlawful possession of whales.

5. Every person who has in his possession any whale, knowing it to have been taken in contravention of the provisions of this Act or the regulations, or the products of any whale, knowing the whale to have been taken in contravention of the provisions of this Act or the regulations, is guilty of an offence. 15

Regulations.

6. The Governor in Council may make regulations for carrying out and giving effect to the provisions of the Convention and any regulations and recommendations of the International Whaling Commission, and without restricting the generality of the foregoing, may make regulations 20

(a) providing for the issue, suspension and cancellation of licences, prescribing their terms, conditions and forms and the fees for the issue of licences; 25

(b) respecting the operation of whale catchers, factory ships and land stations;

(c) for the seizure, forfeiture and disposition of any whales or whale products by means of or in relation to which any of the provisions of this Act or the regulations have been contravened; 30

(d) prescribing the powers and duties of persons engaged or employed in the administration or enforcement of this Act; 35

(e) for the conservation and protection of whale resources;

(f) exempting any whales or species of whales from the application of the whole or any part of this Act;

(g) permitting Indians and Eskimos to engage in whaling or whale treating notwithstanding anything in this Act or the regulations, under such conditions and at such times and places as the regulations may prescribe; and 40

(h) prescribing the penalties that may be imposed, either on summary conviction or on conviction on indictment, 45

The following is a list of the names of the persons who have been appointed to the various positions in the office of the Secretary of the State of New York, and who have taken the oath of office and qualification.

1. The Secretary of the State of New York is a public officer, and his office is a public office. He is appointed by the Governor, and he holds office for a term of four years, and is eligible for re-appointment.

2. The Secretary of the State of New York is a public officer, and his office is a public office. He is appointed by the Governor, and he holds office for a term of four years, and is eligible for re-appointment.

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6. The Secretary of the State of New York is a public officer, and his office is a public office. He is appointed by the Governor, and he holds office for a term of four years, and is eligible for re-appointment.

not exceeding a fine of ten thousand dollars or imprisonment for a term of two years or both such fine and such imprisonment, for violation of any regulation by any person in Canada or on, from or by means of any ship.

Penalty.

7. (1) Every person who is guilty of an offence under section three or five is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of one year or to both fine and imprisonment. 5

Idem.

(2) Every person who is guilty of an offence under section four is liable on summary conviction or on conviction on indictment to a fine of ten thousand dollars or to imprisonment for a term of two years or to both fine and imprisonment. 10

Jurisdiction of courts.

8. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections six hundred and eighty-one to six hundred and eighty-four of the *Canada Shipping Act, 1934*, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act, 1934*. 15 20

1934, c. 44.

Adminis-
tration of
Act.

9. This Act shall be administered by the Minister of Fisheries.

Repeal.
1932, c. 42.

10. Section nine of *The Fisheries Act, 1932*, is repealed. 25

Coming into
force and
duration.

11. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council, and shall continue in force until a day to be fixed by further proclamation of the Governor in Council and no longer.

INTERNATIONAL COVENANT FOR THE
REGULATION OF WHALING

Section repealed deals with

- (a) Licences for whale fishery
 - (b) Protection of other vessels engaged in the whale fishery.
 - (c) Prohibits ^{use of} Certain Antiviviscous
 - (d) Fees for licences for whaling in Hudson Bay and Northern waters.
- So 4 of the repealed section declares Hudson Bay to be wholly territorial waters of Canada

SCHEDULE
INTERNATIONAL CONVENTION FOR THE
REGULATION OF WHALING

The Governments whose duly authorized representatives have subscribed hereto,

Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

Considering that the history of whaling has seen over-fishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further overfishing;

Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the numbers of whales which may be captured without endangering these natural resources;

Recognizing that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing wide-spread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whaling signed in London on June 8, 1937, and the protocols to that Agreement signed in London on June 24, 1938, and November 26, 1945; and

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:

ARTICLE I

1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article V.

2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments, and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

ARTICLE II

As used in this Convention

1. "factory ship" means a ship in which or on which whales are treated whether wholly or in part;
2. "land station" means a factory on the land at which whales are treated whether wholly or in part;
3. "whale catcher" means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;
4. "Contracting Government" means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention.

ARTICLE III

1. The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisers.
2. The Commission shall elect from its own members a Chairman and Vice-Chairman and shall determine its own Rules of Procedure. Decisions of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article V. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.
3. The Commission may appoint its own Secretary and staff.
4. The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.
5. The expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own Government.
6. Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the Contracting Governments will consult among themselves within two years after the coming into force of this Convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations.
7. In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall arrange, in consultation with

the other (including Government), to prevent the first meeting of the Commission, and shall include the Commission referred to in paragraph 2 above.

2. The Commission shall be composed of the following members:

(a) The Commission may determine

Article IV

The Commission may either in collaboration with or through independent agencies of the Government, Government or other public or private bodies, establishments, organizations or individuals, or through persons, companies, or other necessary, organize studies and investigations relating to wages and working conditions and other matters and may, in the whole or in part, employ the services of persons and other necessary, independent agencies and other persons.

3. The Commission shall prepare for the publication of reports of its activities and its work, and it may, in collaboration with the International Labour Office, the United Nations or other agencies, and other organizations, and other persons, prepare reports as well as studies, articles, and other publications relating to wages and working conditions.

Article V

1. The Commission may, and shall, have the right to call on the services of the services of scientific organizations with respect to the collection and publication of statistical data, (b) to collect and publish data, (c) to collect and publish data, (d) to collect and publish data, (e) to collect and publish data, (f) to collect and publish data, (g) to collect and publish data, (h) to collect and publish data, (i) to collect and publish data, (j) to collect and publish data, (k) to collect and publish data, (l) to collect and publish data, (m) to collect and publish data, (n) to collect and publish data, (o) to collect and publish data, (p) to collect and publish data, (q) to collect and publish data, (r) to collect and publish data, (s) to collect and publish data, (t) to collect and publish data, (u) to collect and publish data, (v) to collect and publish data, (w) to collect and publish data, (x) to collect and publish data, (y) to collect and publish data, (z) to collect and publish data.

2. Upon establishment of the Commission, (a) shall be such as may be necessary to carry out the objectives and purposes of the Commission and to provide for the collection, development and dissemination of the data referred to in paragraph 1; (b) shall be such as may be necessary to carry out the objectives and purposes of the Commission and to provide for the collection, development and dissemination of the data referred to in paragraph 1; (c) shall be such as may be necessary to carry out the objectives and purposes of the Commission and to provide for the collection, development and dissemination of the data referred to in paragraph 1; (d) shall be such as may be necessary to carry out the objectives and purposes of the Commission and to provide for the collection, development and dissemination of the data referred to in paragraph 1; (e) shall be such as may be necessary to carry out the objectives and purposes of the Commission and to provide for the collection, development and dissemination of the data referred to in paragraph 1; 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(k) shall be such as may be necessary to carry out the objectives and purposes of the Commission and to provide for the collection, development and dissemination of the data referred to in paragraph 1; (l) shall be such as may be necessary to carry out the objectives and purposes of the Commission and to provide for the collection, development and dissemination of the data referred to in paragraph 1; (m) shall be such as may be necessary to carry out the objectives and purposes of the Commission and to provide for the collection, development and dissemination of the data referred to in paragraph 1; (n) shall be such as may be necessary to carry out the objectives and purposes of the Commission and to provide for the collection, development and dissemination of the data referred to in paragraph 1; (o) shall be such as may be necessary to carry out the objectives and purposes of the Commission and to provide for the collection, development and dissemination of the data referred to in paragraph 1; 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(z) shall be such as may be necessary to carry out the objectives and purposes of the Commission and to provide for the collection, development and dissemination of the data referred to in paragraph 1.

the other Contracting Governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph 6 above.

8. Subsequent meetings of the Commission shall be convened as the Commission may determine.

ARTICLE IV

1. The Commission may either in collaboration with or through independent agencies of the Contracting Governments or other public or private agencies, establishments, or organizations, or independently

- (a) encourage, recommend, or if necessary, organize studies and investigations relating to whales and whaling;
- (b) collect and analyse statistical information concerning the current condition and trend of the whale stocks and the effects of whaling activities thereon;
- (c) study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks.

2. The Commission shall arrange for the publication of reports of its activities, and it may publish independently or in collaboration with the International Bureau for Whaling Statistics at Sandefjord in Norway and other organizations and agencies such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.

ARTICLE V

1. The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources, fixing (a) protected and unprotected species; (b) open and closed seasons; (c) open and closed waters, including the designation of sanctuary areas; (d) size limits for each species; (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season); (f) types and specifications of gear and apparatus and appliances which may be used; (g) methods of measurement; and (h) catch returns and other statistical and biological records.

2. These amendments of the Schedule (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilization of the whale resources; (b) shall be based on scientific findings; (c) shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory ship or land station or to any group of factory ships or land stations; and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry.

3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days; (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be the later; and (c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections, and withdrawals

4. No amendments shall become effective before July 1, 1949.

ARTICLE VI

The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention.

ARTICLE VII

The Contracting Governments shall ensure prompt transmission to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

ARTICLE VIII

1. Notwithstanding anything contained in this Convention, any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take, and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.

1. Any... shall be... of... shall be... of... shall be...

2. The... shall be... of... shall be... of... shall be...

3. The... shall be... of... shall be... of... shall be...

Article IX

1. The... shall be... of... shall be... of... shall be...

2. No... shall be... of... shall be... of... shall be...

3. The... shall be... of... shall be... of... shall be...

4. The... shall be... of... shall be... of... shall be...

Article X

1. The... shall be... of... shall be... of... shall be...

2. Any... shall be... of... shall be... of... shall be...

3. The... shall be... of... shall be... of... shall be...

2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.

3. Each Contracting Government shall transmit to such body as may be designated by the Commission, insofar as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article IV.

4. Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

ARTICLE IX

1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.

2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention.

3. Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offence.

4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

ARTICLE X

1. This Convention shall be ratified and the instruments of ratification shall be deposited with the Government of the United States of America.

2. Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America.

3. The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

The Convention shall, when necessary, advise the Government of the United States of Great Britain and Northern Ireland and the United States of Canada and shall refer to those Governments and shall refer to those Governments in any Convention which may be entered into by the Government of the United States of Great Britain and Northern Ireland and the United States of Canada and shall refer to those Governments in any Convention which may be entered into by the Government of the United States of Great Britain and Northern Ireland and the United States of Canada.

The Convention shall not apply to any of the territories to which the Convention is applied by the Government of the United States of Great Britain and Northern Ireland and the United States of Canada.

ARTICLE VI

The Convention shall be subject to ratification by the Government of the United States of Great Britain and Northern Ireland and the United States of Canada and shall be subject to ratification by the Government of the United States of Great Britain and Northern Ireland and the United States of Canada.

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ARTICLE VII

The Convention shall be subject to ratification by the Government of the United States of Great Britain and Northern Ireland and the United States of Canada and shall be subject to ratification by the Government of the United States of Great Britain and Northern Ireland and the United States of Canada.

4. This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of the Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.

5. The provisions of the Schedule shall not apply prior to July 1, 1948. Amendments to the Schedule adopted pursuant to Article V shall not apply prior to July 1, 1949.

ARTICLE XI

Any Contracting Government may withdraw from this Convention on June thirtieth of any year by giving notice on or before January first of the same year to the depositary Government, which upon receipt of such a notice shall at once communicate it to the other Contracting Governments. Any other Contracting Government may, in like manner, within one month of the receipt of a copy of such a notice from the depositary Government, give notice of withdrawal, so that the Convention shall cease to be in force on June thirtieth of the same year with respect to the Government giving such notice of withdrawal.

This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Convention.

DONE in Washington this second day of December, 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

(Here follow the names of the representatives of Argentina, Australia, Brazil, Canada, Chile, Denmark, France, the Netherlands, New Zealand, Norway, Peru, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Union of South Africa.)

SCHEDULE

1. (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

(b) A person who is not a citizen of the United States shall be deemed to be a citizen of the United States if he is a citizen of any other country and has the domicile of a citizen of the United States at the time of his entry into the United States.

(c) It is the duty of every citizen of the United States to support the Government in the manner and to the extent of his ability.

(d) It is the duty of every citizen of the United States to pay the taxes imposed by law.

(e) It is the duty of every citizen of the United States to serve in the military or naval service of the United States when so ordered by the President or the Congress.

(f) It is the duty of every citizen of the United States to support the Government in the manner and to the extent of his ability.

(g) It is the duty of every citizen of the United States to pay the taxes imposed by law.

(h) It is the duty of every citizen of the United States to serve in the military or naval service of the United States when so ordered by the President or the Congress.

(i) It is the duty of every citizen of the United States to support the Government in the manner and to the extent of his ability.

(j) It is the duty of every citizen of the United States to pay the taxes imposed by law.

(k) It is the duty of every citizen of the United States to serve in the military or naval service of the United States when so ordered by the President or the Congress.

(l) It is the duty of every citizen of the United States to support the Government in the manner and to the extent of his ability.

(m) It is the duty of every citizen of the United States to pay the taxes imposed by law.

(n) It is the duty of every citizen of the United States to serve in the military or naval service of the United States when so ordered by the President or the Congress.

(o) It is the duty of every citizen of the United States to support the Government in the manner and to the extent of his ability.

(p) It is the duty of every citizen of the United States to pay the taxes imposed by law.

- (b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.
2. It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.
3. It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.
4. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any of the following areas:
- (a) in the waters north of 66° North Latitude except that from 150° East Longitude eastward as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;
 - (b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;
 - (c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;
 - (d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;
 - (e) in the Indian Ocean and its dependent waters north of 40° South Latitude.
5. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude.
6. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating humpback whales in any waters south of 40° South Latitude.
7. (a) It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any waters south of 40° South Latitude, except during the period from December 15 to April 1 following, both days inclusive.
- (b) Notwithstanding the above prohibition of treatment during a closed season, the treatment of whales which have been taken during the open season may be completed after the end of the open season.
8. (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale

catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed sixteen thousand blue-whale units.

- (b) For the purposes of subparagraph (a) of this paragraph, blue-whale units shall be calculated on the basis that one blue whale equals:
- (1) two fin whales or
 - (2) two and a half humpback whales or
 - (3) six sei whales.
- (c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government.
- (d) If it should appear that the maximum catch of whales permitted by sub-paragraph (a) of this paragraph may be reached before April 1 of any year, the Commission, or such other body as the Commission may designate, shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify each Contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after the date so determined.
- (e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

9. It is forbidden to take or kill any blue, fin, sei, humpback, or sperm whales below the following lengths:

- | | |
|--------------------------|-----------------------|
| (a) blue whales..... | 70 feet (21.3 meters) |
| (b) fin whales..... | 55 feet (16.8 meters) |
| (c) sei whales..... | 40 feet (12.2 meters) |
| (d) humpback whales..... | 35 feet (10.7 meters) |
| (e) sperm whales..... | 35 feet (10.7 meters) |

except that blue whales of not less than 65 feet (19.8 meters), fin whales of not less than 50 feet (15.2 meters), and sei whales of not less than 35 feet (10.7 meters) in length may be taken for delivery to land stations provided that the meat of such whales is to be used for local consumption as human or animal food.

Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched

at a regular interval with the water, and will remain in
 water and of the water. The water of the whole for measurement
 purposes shall be the water in the upper part and the water in
 the lower part. Measurements after the water has been
 taken shall be taken in the same manner as in any other
 case. The water shall be taken at 10' and any other
 depth between 10' and 17' shall be taken at 17'. The measurement of
 any water which falls on an area shall be taken at the
 end of the 17' measurement, shall be taken at 17'.

16. It is forbidden to use a bathtub or a whole in the
 vicinity of the furnace or heating system which in any way
 or in any water for more than six months in any period of twelve
 months shall be prohibited.

17. It is forbidden to use a factory ship which has been used
 during a year in any water except of the same furnace for the
 purpose of heating water or any other use for the same
 period within a period of one year from the termination of that season.

18. All water taken shall be delivered at the factory ship
 or boat station and all parts of such water shall be
 consumed by boiling or otherwise except the natural
 water which has and pipes of all sizes, the heat of
 steam which and of parts of water intended for human
 food or feeding animals.

19. The water treatment of the engines of "Dredger" and
 of water used as fuel will not be required in any
 other case or form of such water in any condition.

20. The taking of water for delivery to a factory ship shall be so
 regulated in relation to the meter or person in charge of the factory
 ship that no water shall be taken of a whole ship at a factory ship
 within a year for a longer period than once from the
 time of taking to the time when it is taken up on the deck of the
 factory ship for treatment. All water taken except in taking
 water shall be taken to the factory ship the same when such
 water is taken.

21. The water and form of water shall be taken and water
 shall be taken in such a manner that their measurement shall
 depend on a watermeter which shall be taken at the meter and
 shall work in water, and not merely upon the water of the
 water meter. No part of such measurement shall be paid to the
 meter or any of such meters in respect of the taking of water
 for feeding animals.

22. The water of an engine and regulation thereof for water
 and water and changes in such law and regulation shall be taken
 under the same conditions.

23. Regulations shall be given in accordance with the provisions
 of Article VII of the Convention and regard to all factory ships and
 all stations of industrial navigation for securing the meter of

in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure shall be logged to the nearest foot: that is to say, any whale between 75' 6" and 76' 6" shall be logged as 76', and any whale between 76' 6" and 77' 6" shall be logged as 77'. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g. 76' 6" " precisely, shall be logged as 77'.

10. It is forbidden to use a land station or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any area or in any waters for more than six months in any period of twelve months, such period of six months to be continuous.

11. It is forbidden to use a factory ship, which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season.

12. (a) All whales taken shall be delivered at the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(b) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

13. The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is taken up on to the deck of the factory ship for treatment. All whale catchers engaged in taking whales must report by radio to the factory ship the time when each whale is caught.

14. Gunners and crews of factory ships, land stations, and whale catchers shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size, and yield of whales taken, and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

16. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (a) concerning the number of

whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

In communicating this information there shall be specified:

- (a) the name and gross tonnage of each factory ship;
- (b) the number and aggregate gross tonnage of the whale catchers;
- (c) a list of the land stations which were in operation during the period concerned.

17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

- (a) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;
- (b) on the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

18. The following expressions have the meanings respectively assigned to them, that is to say:

- "baleen whale" means any whale other than a toothed whale;
- "blue whale" means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom;
- "fin whale" means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale;
- "sei whale" means any whale known by the name of *Balaenoptera borealis*, sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale, and shall be taken to include *Balaenoptera brydei*, Bryde's whale;
- "gray whale" means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back, rip sack;

“humpback whale” means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale, or hunchbacked whale;

“right whale” means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bow-head, great polar whale, Greenland rightwhale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale;

“sperm whale” means any whale known by the name of sperm whale, spermacet whale, cachalot, or pot whale;

“Dauhval” means any unclaimed dead whale found floating.

THE SENATE OF CANADA

BILL C.

An Act respecting the General Synod of the Church
of England in Canada.

Read a first time, Monday, 10th December, 1951.

Honourable Senator HUGESSEN.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY

THE SENATE OF CANADA

BILL C.

An Act respecting the General Synod of the Church of England in Canada.

Preamble.
1921, c. 82.

WHEREAS the General Synod of the Church of England in Canada, a corporation incorporated by chapter eighty-two of the statutes of 1921, has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section three of an Act to incorporate the General Synod of the Church of England in Canada, chapter eighty-two of the statutes of 1921, is repealed and the following substituted therefor:—

Power to acquire, hold and dispose of property.

“3. (1) The Synod may purchase, take, have, hold, receive, possess, retain and enjoy property, real or personal, corporeal or incorporeal, and any or every estate or interest whatsoever, given, granted, devised or bequeathed to it, or appropriated, purchased or acquired, by it in any manner or way whatsoever, to, for, or in favour of the uses and purposes of the Synod or to, for, or in favour of any religious, educational, eleemosynary or other institution established or intended to be established by, under the management of, or in connection with, the uses or purposes of the Synod.

Synod may hold property mortgaged to it.

(2) The Synod may also hold such real property or estate therein as is *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered.

Statement to Secretary of State.

(3) The Synod shall give the Secretary of State, when required, a full and correct statement of all lands, at the date of such statement, held by the Synod, or in trust for it.

Application of mortmain laws.

(4) In regard to any real property, which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a licence in mortmain

EXPLANATORY NOTE.

The General Synod of the Church of England in Canada Bill is for the purpose of bringing up to date and conferring powers to hold, purchase, retain and enjoy real or personal property; to borrow money on the credit of the Synod; to mortgage any property of the Synod; to issue bonds and debentures or other securities of the Synod, to remedy the situation regarding investment of their funds made without power to do so; and to invest in first mortgages on freehold property in Canada and in investments such as Canadian insurance companies are authorized to invest; and further, to take over and maintain the present pension fund of the General Synod and to set up and maintain a fund for the benefit of lay employees of the Synod. This Bill has been unanimously approved by the executive authority of the General Synod of the Church of England in Canada.

shall not be necessary for the exercise of the powers granted by this Act, but otherwise, the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, in so far as such laws apply to the Synod. 5

Authority for transfer of property held in trust.

(5) In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real or personal, is held in trust or otherwise, for the use and purposes of the Synod, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property, or any part thereof, to the Synod. 10

Execution of documents.

(6) Any deed or other instrument relating to real estate vested in the Synod or to any interest in such real estate shall, if executed within the jurisdiction of the Parliament of Canada, be deemed to be duly executed if there is affixed thereto the seal of the Synod and there is thereon the signature of any officer of the Synod duly authorized for such purposes, or of his lawful attorney. 20

Disposition of property by gift or loan.

(7) The Synod may make a gift of or lend any of its property, whether real or personal, for or to assist in the erection or maintenance of any building or buildings deemed necessary for any church, college, institution, rectory, school or hospital or for any other religious, charitable, educational, congregational, social or administrative purposes upon such terms and conditions as it may deem expedient. 25

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

Borrowing powers.

“**6.** (1) The Synod may, from time to time, for the purposes of the Synod—

- (a) borrow money upon the credit of the Synod;
- (b) limit or increase the amount to be borrowed; 35
- (c) make, draw, accept, endorse, or become party to promissory notes and bills of exchange and every such note or bill made, drawn, accepted or endorsed by the party thereto, authorized by the by-laws of the Synod, and countersigned by the proper party thereto, authorized by the by-laws of the Synod, shall be binding upon the Synod and shall be presumed to have been made, drawn, accepted or endorsed with proper authority until the contrary is shown, and it shall not be necessary in any case to have the seal of the Synod affixed to any such note or bill; 45
- (d) mortgage, hypothecate, or pledge any property of the Synod, real or personal, to secure the repayment of any money borrowed for the purposes of the Synod;

(v) loans, bonds, debentures or other securities of the
of bond; and

(vi) pledge of real estate, mortgages or other
securities for such sums and at such prices as may be
deemed expedient.

(3) Nothing in the preceding subsection shall be con-
strued to authorize the Syndic to issue any note or
bill payable to bearer or to any person's order
intended to be circulated as money or as the note or
bill of a bank or to engage in the business of banking
or insurance.

2. The said Act is further amended by adding thereto
the following sections:—

15. "4. The Syndic may also invest and reinvest any of
its funds including any funds held in trust—

(a) in any bonds or debentures of any municipality or
public school corporation or district in Canada or in
securities of or guaranteed by the Government of
Canada or of any province;

(b) in first mortgages or first-class mortgages
and for the purpose of the same may take mortgages
or assignments thereof whether such mortgages or
assignments be made directly to the Syndic or to any
intermediate person or to any company or person in
whom the Syndic may have confidence;

(c) in any securities in which the Finance Commission
has recommended investment.

(d) in any other investments subject to the limitation on
investments in stocks, bonds and debentures set out in
the Finance and British Columbia Commission Act, 1934.

30. The Syndic may take over and maintain the present
Finance Board of the General Syndic for the relief or
disposal of the Church, their widows, children and
dependants and may set up, establish and maintain a fund
or funds for the benefit of any employees of the Syndic or
any diocesan parish, mission, school, hospital,
institution or society or for any religious, educational,
charitable, administrative, congregational or social
purpose, upon such terms and conditions as the Syndic may
deem expedient and may by canon or regulations provide
for the constitution of any board or committee for the
management of said fund or funds and may define the
powers and duties of such board or committee and the
regulation of the fund under its control."

THE FINANCE AND BRITISH COLUMBIA COMMISSION ACT, 1934
CHAPTER 10
FINANCE AND BRITISH COLUMBIA COMMISSION ACT, 1934
FINANCE AND BRITISH COLUMBIA COMMISSION ACT, 1934

(e) issue bonds, debentures or other securities of the Synod; and

(f) pledge or sell such bonds, debentures or other securities for such sums and at such prices as may be deemed expedient.

Limitation.

(2) Nothing in the preceding subsection shall be construed to authorize the Synod to issue any note or bill payable to bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance." 5

3. The said Act is further amended by adding thereto the following sections:—

Investment of funds.

"**6A.** The Synod may also invest and reinvest any of its funds, including any funds held in trust— 15

(a) in any bonds or debentures of any municipality or public school corporation or district in Canada, or in securities of or guaranteed by the Government of Canada or of any province thereof;

(b) in first mortgages on freehold property in Canada and for the purposes of the same may take mortgages or assignments thereof whether such mortgages or assignments be made directly to the Synod in its own corporate name or to some company or person in trust for it, and may sell and assign the same; and 20 25

(c) in any securities in which life insurance companies are authorized from time to time by the Parliament of Canada to invest funds, subject to the limitation on investments in stocks, bonds and debentures set out in the *Canadian and British Insurance Companies Act, 1932.* 30

1932, c. 46.

Pension funds.

"**6B.** The Synod may take over and maintain the present Pension Fund of the General Synod for the retired or disabled clergy of the Church, their widows, children and dependents, and may set up, establish and maintain a fund or funds for the benefit of lay employees of the Synod or any diocese, parish, mission, college, school, hospital, institution or society or for any religious, educational, eleemosynary, administrative, congregational or social purpose, upon such terms and conditions as the Synod may deem expedient, and may by canon or regulations provide for the constitution of any board or committee for the management of said fund or funds and may define the powers and duties of such board or committee and the regulation of the fund under its control." 40 45

THE SENATE OF CANADA

BILL D.

An Act respecting the General Synod of the Church of England in Canada and the Missionary Society of the Church of England in Canada.

Read a first time, Monday, 10th December, 1951.

Honourable Senator HUGESSEN.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY

THE SENATE OF CANADA

BILL D.

An Act respecting the General Synod of the Church of England in Canada and the Missionary Society of the Church of England in Canada.

Preamble.

1903, c. 155;
1921, c. 82.

WHEREAS The General Synod of the Church of England in Canada and the Missionary Society of the Church of England in Canada have by petition represented that they are bodies corporate and politic under statutes of the Parliament of Canada, each having its head office in the city of Toronto and province of Ontario; and whereas the said corporations have by petition prayed for an Act authorizing them to consolidate, manage and invest the trust funds under the control of the said petitioners respectively as one fund; and whereas it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as the *Church of England Consolidated Trust Fund Act, 1952.* 15

General Synod and the Missionary Society of the Church of England may establish a general trust fund.

2. The General Synod of the Church of England in Canada and the Missionary Society of the Church of England in Canada and each of them may declare and enact by canon or by-law that all or part of the personal property, securities and moneys which now are or which may hereafter become vested in or held by the said corporations respectively shall be held, managed and invested as one general trust fund to be known as the Church of England Consolidated Trust Fund, and may make such lawful investments of the same in such sums and at such rates of interest as the Board of Finance of the General Synod (hereinafter referred to as "the Board of Finance") may from time to time determine, but nothing herein contained shall authorize the said Board, to vary or alter the trusts upon which the said personal property, securities or moneys are now held, except as herein or heretofore authorized. 20 25 30

EXPLANATORY NOTE.

The General Synod and the Missionary Society of the Church of England in Canada Bill is for the purpose of regularizing the method of dealing with the consolidated resources of both these Canadian corporate bodies by the Board of Finance of the General Synod set up by their joint action and consent. The power of this Board of Finance is questioned by the Trustees of the Consolidated Fund, as at present it is only authorized by Ontario legislation purporting to deal with all the liquid assets of the two companies incorporated under the laws of Canada, whereas it is felt that this power should be authorized by federal legislation. This Bill has been unanimously approved by the executive authorities of the General Synod and Missionary Society of the Church of England in Canada.

Board to
manage
the fund.

3. The Board of Finance of the General Synod shall have the management, administration and control of the said fund.

Separate
trust
accounts
to be kept.

4. Separate and distinct accounts of each and every trust respecting the funds thereof vested in the said corporations respectively, showing the capital of the same, shall be kept by the said corporations respectively and by the said Board of Finance, and the interest and accretions received or accruing from the several investments so made of the whole of the said consolidated trust fund shall be divided between the two corporations in the proportion of the capital contributed by each, and the amount received by each corporation shall be divided among the several trusts represented by it *pro rata* to the proportion contributed by each separate trust fund to the whole trust fund vested in each corporation respectively after deducting from such receipts the expenses of management, investment and administration, and provision for adequate reserve against loss, and the payment of such *pro rata* sums shall be a full discharge of the said corporations respectively in respect of the trusts on which the said funds are held by them.

Investment
of trust
funds.

5. The Board of Finance may receive and hold for investment any trust funds or any other securities or moneys vested in or held by any department, board, council or committee of the General Synod or of the Missionary Society of the Church of England in Canada, or vested in or held by any Provincial or Diocesan Synod in Canada or any board or committee thereof, which trust funds or other securities or moneys when received shall form part of the said consolidated trust Fund, on such terms as the Board of Finance shall decide.

Powers
of Board
of Finance.

6. The Board of Finance is authorized and empowered—
(a) to determine, fix and declare each year the amount of interest earned or deemed to be earned and accretions and the rate of interest which shall thereby be paid on the securities of the said consolidated trust fund; and
(b) in the event at any time of any default in payment of the principal or the interest on any security, or if at any time in the opinion of the Board of Finance there has been a depreciation in the value of any security, to deduct from time to time the amount of such default or depreciation from the total of the interest and accretions of that year or to direct that it be spread over a period of years.

7. (1) The Church of England Consolidated Trust Fund may acquire the whole or any part of the real and personal property of the Church of England Trust Fund as established by chapter 146 of the Acts of 1927 of the province of Ontario, and chapter 100 of the Acts of 1928 of the province of Ontario and may assume all the obligations and liabilities of the Church of England Trust Fund so established and shall perform and discharge all of the obligations and liabilities of the said Church of England Trust Fund so assumed when at the time of such acquisition and assumption shall not have been performed and discharged by the said Church of England Trust Fund.

(2) All acts performed under the provisions of the said Chapter of England Trust Fund Acts of the province of Ontario are confirmed and declared to be legal, valid and binding to the same extent as they would be binding if performed under the provisions of the Act.

Chapter of
England
Consolidated
Trust Fund
may acquire
property

Confirmation
of
Act

Whereas the said Chapter of England Trust Fund Acts of the province of Ontario are confirmed and declared to be legal, valid and binding to the same extent as they would be binding if performed under the provisions of the Act.

And whereas the said Chapter of England Trust Fund Acts of the province of Ontario are confirmed and declared to be legal, valid and binding to the same extent as they would be binding if performed under the provisions of the Act.

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And whereas the said Chapter of England Trust Fund Acts of the province of Ontario are confirmed and declared to be legal, valid and binding to the same extent as they would be binding if performed under the provisions of the Act.

Church of
England
Consolidated
Trust Fund
may acquire
certain
property.

7. (1) The Church of England Consolidated Trust Fund may acquire the whole or any part of the rights and property of the Church of England Trust Fund as established by chapter 145, of the Acts of 1927 of the province of Ontario, and chapter 100, of the Acts of 1928 of the province of Ontario and may assume all the obligations and liabilities of the Church of England Trust Fund so established and shall perform and discharge all of the obligations and liabilities of the said Church of England Trust Fund so assumed which at the time of such acquisition and assumption shall not have been performed and discharged by the said Church of England Trust Fund. 5 10

Confirmation
of certain
acts.

(2) All acts performed under the provisions of the said Church of England Trust Fund Acts of the province of Ontario are confirmed and declared to be legal, valid and binding to the same extent as they would be binding if performed under the provisions of this Act. 15

THE SENATE OF CANADA

BILL E.

An Act to incorporate the Evangelical Mennonite
Brethren of Canada.

Read a first time, Monday, 10th December, 1951.

Honourable Senator ASELTINE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY

THE SENATE OF CANADA

BILL E.

An Act to incorporate the Evangelical Mennonite Brethren of Canada.

Preamble.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

5

Incorporation.

1. (1) Edward G. Wheeler, Peter P. Peters and Abram Boldt, all of Langham, in the province of Saskatchewan, together with such other persons as are now or may hereafter become members of the Board of Trustees of the religious body hereby incorporated and such congregations of Mennonites as become corporate members of the religious body hereby incorporated, are constituted a body politic and corporate under the name of "Evangelical Mennonite Brethren of Canada", hereinafter called "the Corporation".

Directors.

(2) The persons named in subsection one shall be the first directors of the Corporation and constitute the first board of trustees.

Head office.

2. (1) The head office of the Corporation shall be at Steinbach, in the province of Manitoba, or at such other place in Canada as may be decided by the Corporation.

(2) Notice in writing shall be given to the Secretary of State by the Corporation concerning any change of the head office and a copy of such notice shall be published forthwith in the *Canada Gazette*.

Powers.

3. The Corporation may

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Acquisition of property.

(a) acquire by gift or purchase, have, hold, receive, possess, retain and enjoy, lands, tenements, hereditaments, rents, annuities and other property movable and immovable, real and personal, corporeal or

- incorporeal and any and every estate and interest whatsoever given, granted, devised or bequeathed to it, or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favour of, the Corporation; 5
- Mortgages. (b) hold such real property or estate therein as is bona fide mortgaged to it by way of security or conveyed to it in satisfaction of debts or judgments recovered; 5
- Disposal of property. (c) sell, transfer, alienate, exchange, hypothecate, mortgage, let, lease, demise or otherwise deal with, or dispose of, any part of its real or personal property or any estate or interest therein or part thereof and with the proceeds thereof acquire other real and personal property to such extent as may be deemed advisable or desirable or use such proceeds in the carrying on of its ordinary activities; 10 15
- Investments. (d) invest all or any sums of money belonging to the Corporation in any property or security whatsoever for the use and purposes of the Corporation; 15
- Borrowing. (e) borrow from any person, firm or corporation such sum or sums of money as may be found necessary for the purposes of the Corporation and secure any loan to the lender by bonds, debentures, bills of exchange, promissory notes, mortgages or any other instrument that may be deemed advisable; 20 25
- Promissory notes, bills of exchange. (f) make, draw, accept, endorse, execute and issue promissory notes, bills of exchange and other negotiable instruments; provided that nothing herein shall be construed to authorize the Corporation to issue any note or bill payable to bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank or to engage in the business of banking or insurance; 30 35
- Buildings, etc. (g) acquire by gift, purchase or otherwise or build erect or enlarge and manage and conduct all such halls, houses, churches, schools, colleges, hospitals, parsonages, missions, orphanages, homes for the aged, and any other buildings as may be found or deemed necessary for the objects and purposes of the Corporation; 35 40
- Corporate seal. (h) adopt a corporate seal and change it at will; 40
- Publishing house. (i) establish, maintain and support a publishing house for the purpose of printing and disseminating gospel literature for the objects of the Corporation; and 40
- General. (j) do any and all other things as are incidental or conducive to the attainment of the objects for which the Corporation is established. 45

Property not required by Corporation.

4. (1) No parcel of land or interest therein, at any time acquired by the Corporation and not required for its actual use and occupation or for the actual use and occupation of

one of its member churches or organizations and not held by way of security shall be held by the Corporation or by any trustee on its behalf for a longer period than ten years after it shall have ceased to be required for the actual use and occupation by the Corporation or one of its corporate members, or for a longer period than ten years after the acquisition thereof whichever shall be the longer period, but shall, at or before the expiration of such period, be absolutely sold and disposed of, so that the Corporation shall no longer retain any interest or estate therein except by way of security. 5 10

Extension of time.

(2) The Secretary of State may direct that the time for the sale and disposal of any such parcel of land or any estate or interest therein shall be extended for a further period or periods not to exceed five years. 15

Fifteen year limit.

(3) The whole period during which the Corporation may hold any such parcel of land, or any estate or interest therein, under the foregoing provisions of this section, shall not exceed fifteen years after the date of the acquisition thereof, or after it shall have ceased to be required for the actual use or occupation by the Corporation, whichever shall be the later date. 20

Forfeiture of property held beyond the time limit.

(4) Any such parcel of land or any estate or interest therein which has been held by the Corporation for a period longer than authorized by the foregoing provisions of this section without being disposed of, shall be forfeited to His Majesty for the use of Canada. 25

Statement.

(5) The Corporation shall give the Secretary of State, when required, a full and correct statement of all the lands at the date of such statement held by the Corporation or in trust for it and subject to the provisions of this section. 30

Objects.

5. The objects of the Corporation shall be—

Admission of members.

(a) to admit as a corporate member of such Corporation any congregation of Mennonites in Canada which complies with, and qualifies under, the by-laws of the Corporation in that behalf; 35

Release of members.

(b) to release any member desiring to withdraw from the Corporation;

Expulsion of members.

(c) to expel any corporate member failing to conform to, abide by, or comply with, the by-laws of the Corporation; 40

Hospitals, schools, homes, etc.

(d) to organize, maintain, carry on and assist, in all parts of Canada, for itself or for and on behalf of any corporate member of the Corporation, churches, parsonages, missions, schools, colleges, hospitals, orphanages, homes for the aged, and any other institutions for religious, educational, congregational or social purposes or any of them; 45

- Publishing house. (e) to establish, maintain and support a publishing house for the purpose of printing and disseminating gospel literature for the objects of the Corporation; and
- General. (f) to administer the property, business and other temporal affairs of the Corporation in Canada. 5
- By-laws. **6.** The Corporation may from time to time, make by-laws, not contrary to law, for—
- Qualifications of members. (a) the prerequisites of admission and qualifications respecting any congregation of Mennonites in Canada desiring to become a corporate member of the Corporation and the release or expulsion of any corporate member of the Corporation; 10
- Management of property. (b) the administration, management and control of the property business, and other temporal affairs of the Corporation; 15
- Officers and servants. (c) the election, appointment, functions, duties and remuneration of all the directors and other officers, agents and servants of the Corporation;
- Committees. (d) the creation of any special committee or board for the purposes of the Corporation and the appointment or election of the members thereof; 20
- Meetings. (e) the calling of regular or special meetings of the Corporation or of any committee or board thereof and fixing the necessary quorum of and procedure to be followed at all meetings of the Corporation and of any committee or board thereof; 25
- (f) the prerequisites of admission and qualifications respecting any person desiring to become a member of any congregation of Mennonites which is a corporate member of the Corporation; 30
- Delegates. (g) the designation of who shall be eligible to be official delegates to the annual meetings and conferences of the Corporation; and
- General. (h) the general performance of the objects and purposes of the Corporation. 35

Application of mortmain laws.

7. In regard to any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a licence in mortmain shall not be necessary for the exercise of the powers granted by this Act, but otherwise, the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, in so far as such laws apply to the Corporation. 40 45

Transfer of property held in trust.

8. In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real or personal, is held in trust or

otherwise, for the uses and purposes aforesaid, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property, or any part thereof to the Corporation. 5

Execution of documents.

9. Any deed or other instrument relating to real property, or any interest therein, shall be deemed to be duly executed if there is affixed thereto the seal of the Corporation and the signature of the president and secretary treasurer of the Corporation duly authorized for such purpose. 10

Board of trustees.

10. (1) The affairs of the Corporation shall be managed by a board of trustees consisting of seven members who shall be assisted by such other officers and agents as the Corporation may appoint.

Vacancies on Board.

(2) If a member of the board of trustees resigns his office or refuses or neglects to act or becomes mentally incompetent he shall be deemed to have vacated his office as a member of the board of trustees of the Corporation. 15

Filling vacancies on trustee board.

(3) In the case of a vacancy or vacancies occurring in the membership of the board of trustees at any time the annual meeting or conference of the Corporation may fill any or all such vacancies; and the conference may at any time by resolution remove any member of the board of trustees and appoint some other person as a member of the board of trustees in his stead. 20 25

Attorneys.

11. The Corporation may appoint one or more attorneys for the transaction of its business.

Use of revenue.

12. The revenues, issues and profits of all property held by the Corporation shall be applied to the maintenance and conduct of the institutions carried on by it or its corporate members, to the construction and repair of buildings and the acquisition of property requisite for its purposes, and to the furtherance of its objects and the promotion of charity and benevolence. 30 35

THE SENATE OF CANADA

BILL F.

An Act to incorporate the Sisters of Charity of the
House of Providence.

Read a first time, Monday 10th, December, 1951.

Honourable Senator DUFFUS.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY

THE SENATE OF CANADA

BILL

An Act to incorporate The Sisters of Charity of the House of Providence.

Preamble.

WHEREAS The Sisters of Charity of the House of Providence at Kingston, a corporation incorporated under the provisions of An Act respecting Benevolent, Providence and other Societies, statutes of Ontario, 1874, has by its petition represented that it is a religious order in communion with the Holy See of Rome and has for many years carried on in several provinces of Canada various hospitals, charitable and religious works; and 5

WHEREAS the said corporation has by its petition prayed that it be enacted as hereinafter set out, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 10

Incorporation.

1. The members of the said corporation, together with such other persons as hereafter become members of the religious order or association hereby incorporated, are incorporated under the name of "The Sisters of Charity of the house of Providence", hereinafter called "the Corporation". 15

Head office.

2. The head office of the Corporation shall be at the city of Kingston, in the province of Ontario, or at such other place in Canada as may, from time to time, be determined by its by-laws. 20

Objects.

3. The objects of the Corporation, which it is hereby empowered to execute in and throughout Canada, shall be to operate and maintain religious communities, hospitals, schools, hostels, nurses' homes and training schools, houses for the aged, orphanages, homes for incurables, and all branches of social service, and to invest and deal with 25

...of the Corporation not immediately required for the purpose of the Corporation as herein set forth shall be determined, and no other thing shall be deemed to be necessary to the attainment of the objects of the Corporation.

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2. Only members of the Order known as The Sisters of Charity of the House of Providence shall be eligible for membership in the Corporation.

Members of the Corporation

3. Only such members of the Corporation as have paid to the rules of the Order prescribed their full vote shall have their names entered in the books of the Corporation and have their names entered in the books of the Corporation and be entitled to vote at meetings of, or to hold office or otherwise to take part in the government of, the Corporation.

Eligibility of members

4. The Corporation may from time to time establish and maintain in and throughout Canada any number of branches and may appoint in connection therewith such subordinate officers with such powers and terms of office, as may be deemed advisable.

Established branches

5. The Corporation may from time to time engage in and conduct any industry in connection with its hospital, refectory or charitable work for the promotion of the objects of the Corporation or any of them.

Industry of the Corporation

6. The revenues, lands and profits of all property, real and personal, held by the Corporation shall be applied and applied to the maintenance of the Corporation, and to the furtherance of the objects thereof.

Application of revenues and profits

7. No member admitted to the Order, whether as postulant, novice or otherwise, and whether she has or has not taken her final vows and made her religious profession, shall be entitled, upon or after coming to be a member of the Order, to any compensation for any work done for the Order while a candidate therefor.

Members of the Order

8. The Corporation shall not be legally liable or responsible for any damages or undertakings of any kind which may be incurred by any member who has been admitted by the Corporation.

Liability of the Corporation

9. The Corporation may amalgamate with, absorb and take over the principal corporations which were previously incorporated under the various Companies Acts of the various provinces of Canada and by private acts of the legislatures of the various provinces and without restricting

Amalgamation of corporations

moneys of the Corporation not immediately required for the purposes of the Corporation in such manner as from time to time may be determined, and to do all other things that are conducive or incidental to the attainment of the above objects.

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Membership
in the
Corporation.

4. Only members of the Order known as The Sisters of Charity of the house of Providence shall be eligible for membership in the Corporation.

Privileges
of
membership.

5. Only such members of the Corporation as have pursuant to the rules of the Order pronounced their final vows and have thus become professed members thereof shall be entitled to vote at meetings of, or to hold office or otherwise to take part in the government of, the Corporation. 10

Establish
branches.

6. The Corporation may, from time to time, establish and maintain in and throughout Canada any number of branches and may appoint in connection therewith such subordinate officers with such powers and tenure of office, as may be deemed advisable. 15

Engage
in
industries,
etc.

7. The Corporation may, from time to time, engage in and conduct any industry in connection with its hospital, religious or charitable works for the promotion of the objects of the Corporation or any of them. 20

Apportion-
ment and
application
of revenues.

8. The revenues, issues and profits of all property, real and personal, held by the Corporation, shall be appropriated and applied to the maintenance of the Corporation, and to the furtherance of the objects thereof. 25

Member
leaving
the
Order.

9. No member admitted to the Order, whether as postulate or novice or otherwise, and whether she has or has not pronounced her final vows and made her religious profession, shall be entitled, upon or after ceasing to be a member of the Order, to any compensation for any works done for the Order while a member thereof. 30

No
liability
for un-
authorized
acts.

10. The Corporation shall not be legally liable or responsible for anything done or undertaken by an individual member unless such action was duly authorized by the by-laws of the Corporation. 35

Provincial
corporations.

11. The Corporation may amalgamate with, absorb and take over the provincial corporations, which were heretofore incorporated under the various Companies' Acts of the various provinces of Canada and by private acts of the legislatures of the various provinces and without restricting 40

the generality of the foregoing, in particular the Sisters of Charity of the Providence General Hospital incorporated by chapter 31 of the statutes of Alberta 1909, the Sisters of Charity Providence Hospital incorporated by chapter 72 of the statutes of Saskatchewan 1913, the Sisters of Providence of Kingston in Manitoba incorporated by Letters Patent under the *Companies Act* at Manitoba, dated the 20th day of July, 1938, and Sisters of Providence, Holy Family Hospital, Vancouver, British Columbia, incorporated 26th April, 1951, as per certificate of incorporation number 3920 under the *Societies Act* of the province of British Columbia. 5 10

Estate of the order vested in the Corporation.

12. All and every estate and property, real and personal, belonging to or hereafter acquired by the members of the Order as such and all debts, claims and rights whatsoever due to them in that capacity, shall be and are hereby vested in the Corporation. 15

Acquisition of property of provincial corporations.

13. The Corporation may acquire all lands, tenements, hereditaments and property, real or personal, situate within Canada, belonging to and used, held, occupied, possessed, or enjoyed by any provincial corporation and order. 20

Real and personal property.

14. The Corporation may purchase, or otherwise acquire and hold any property, real or personal, corporeal or incorporeal, whatsoever, given, granted, devised or bequeathed to it, or appropriated, purchased or acquired by it in any manner or way whatsoever, for the uses and purposes of the Corporation. 25

Investments.

15. The Corporation may sell, convey, exchange, alienate, mortgage, lease or demise any property, real or personal, held by it by way of investment for the uses and purposes of the Corporation, and may also from time to time invest its funds or moneys, and any funds or moneys invested in or acquired by it, for the uses and purposes aforesaid, in and upon any securities by way of mortgage, hypothec or charge upon real property in any part of Canada, and for the purposes of such investment may take, receive or accept mortgages, or assignments thereof, whether made or executed directly to the Corporation or to any corporation, body, company or person in trust for it, and may sell, grant, assign and transfer such mortgages or assignments and may release and discharge such mortgages and assignments either wholly or in part. 30 35 40

Borrowing powers.

16. (1) The Corporation may from time to time, for the purposes of the Corporation
(a) borrow money at such rate of interest and upon such terms as it may deem expedient, and for such 45

purpose of the corporation to the extent of the assets of the corporation or other assets held for the use of the corporation;

(b) make, draw, accept, endorse, issue and issue, provisionally, notes, bills of exchange, bills of lading, warrants and other negotiable or transferable instruments.

(X) Nothing in this section shall be construed to authorize the issue of any note or bill payable to bearer, the issue of any promissory note intended to be circulated as money, or as the note of a bank or to serve in the place of banking or insurance.

17. (1) The Corporation may, from time to time, make and publish, not contrary to law, as it may deem necessary for the government of the affairs of the Corporation.

(2) The rules and regulations for the management and government of the Order in force immediately before the coming into force of this Act shall be and continue to be the by-laws of the Corporation, until amended or replaced.

18. Nothing herein contained shall say or be construed to have the effect of rendering any of the members of the Corporation or any other person now a member or who may hereafter become a member of the Order, personally liable or accountable for any debts incurred or any engagements or liabilities contracted by the Corporation, but the Corporation shall alone be liable and accountable therefor.

Continued

By-Laws

By-Laws

By-Laws

purposes make and execute mortgages, bonds, hypothecs, debentures or other instruments under the seal of the Corporation; and

(b) make, draw, accept, endorse, execute and issue promissory notes, bills of exchange, bills of lading, warrants and other negotiable or transferable instruments. 5

Limitation.

(2) Nothing in this section shall be construed to authorize the issue of any note or bill payable to bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank or to engage in the business of banking or insurance. 10

By-laws.

17. (1) The Corporation may, from time to time, make such by-laws, not contrary to law, as it may deem necessary for the government of the affairs of the Corporation. 15

Present by-laws.

(2) The rules and regulations for the management and governance of the Order in force immediately before the coming into force of this Act shall be and continue to be the by-laws of the Corporation, until amended or repealed.

No personal liability.

18. Nothing herein contained shall have, or be construed to have, the effect of rendering any of the members of the Corporation or any other person now a member or who may hereafter become a member of the Order, personally liable or accountable for any debts incurred or any engagement or liability contracted by the Corporation, but the Corporation shall alone be liable and accountable therefor. 20-25

