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Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B.

An Act to amend The Cheese and Cheese Factory Improvement Act.

Read a first time, Tuesday, 1st February, 1949.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
28431 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B.

An Act to amend The Cheese and Cheese Factory Improvement Act.

1939, c. 13; 1940, c. 26.

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 Section eight of *The Cheese and Cheese Factory Improvement Act*, chapter thirteen of the statutes of 1939, is repealed and the following substituted therefor:

Premium for highest quality cheese.

"**8.** (1) The Governor in Council may grant to cheese factories, for distribution amongst producers in accordance with regulations, out of moneys appropriated by Parliament for the purpose, the sum of one cent per pound on all cheese that scores ninety-three points on grading or scoring by a dairy produce grader, and the sum of two cents per pound on all cheese that scores ninety-four or more points on grading or scoring by a dairy produce grader.

Regulations.

Penalties.

(2) The Governor in Council may make regulations respecting the payment and distribution of grants under subsection one and may prescribe the penalties, not exceeding a fine of two hundred and fifty dollars or imprisonment for a term not exceeding three months or both fine and imprisonment, that may be imposed on summary conviction for violation of any regulation made under this section."

Explanatory Notes.

The words "for distribution amongst producers in accordance with regulations", underlined on the opposite page, have been inserted for purposes of clarification.

Subsection two of section eight is new and has been added to provide for a penalty on any person who fails to distribute premium moneys amongst producers as specified in 8 (1). When the Act was first enacted no penalty was provided. It was later found that a penalty clause was necessary to insure proper distribution of premium money to producers. This was done under authority of the *War Measures Act*, but since this regulation is not now operative, it is necessary to establish authority in the Act to provide for a penalty clause in the regulations.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C.

An Act respecting the Application of a National Trade Mark to Commodities and respecting the True Description of Commodities.

Read a first time, Tuesday, 1st February, 1949.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
28439 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C.

An Act respecting the Application of a National Trade Mark to Commodities and respecting the True Description of Commodities.

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

Short Title.

Short title.

1. This Act may be cited as *The National Trade Mark and True Labelling Act.*

Interpretation.

Definitions.

2. In this Act

"Minister."

(a) "Minister" means the Minister of Trade and Commerce;

"National Research Council."

(b) "National Research Council" means the Honorary Advisory Council for Scientific and Industrial Research;

"national trade mark."

(c) "national trade mark" means the national trade mark established by this Act; and

"prescribed."

(d) "prescribed" means prescribed pursuant to this Act.

Explanatory Notes.

1. This Act is intended to replace sections 16 to 19 of *The Dominion Trade and Industry Commission Act, 1935*, which is repealed by section 9 of this Act. The purposes of the replacement are:

(a) to provide that regulations regarding application of the national trade to commodities are to be made by the Governor in Council instead of by the Minister of Trade and Commerce to whom such regulatory powers of the Dominion Trade and Industry Commission were transferred by Order in Council P.C. 883 of March 13, 1947;

(b) to enable commodities entitled to bear the national trade mark to be designated, being commodities for which standards or specifications will have been established under this Act or other statutory authority;

(c) to confine to commodities bearing the national trade mark the present wide powers of the Governor in Council, under clauses *(a)* and *(b)* of present section 17A (1), to establish mandatory standards and specifications;

(d) to confine to persons who control the qualities of a commodity the right to apply the national trade mark to it, and to provide effective means of withdrawing the privilege of using the mark if the commodity does not conform to the prescribed standards or specifications;

(e) to enable the public to be given a clear understanding that application of the national trade mark to a commodity constitutes a representation that the commodity conforms to specifically cited statutes or regulations.

2. Definitions.

National Trade Mark.

National trade mark.

3. Notwithstanding any other statute or law, the words "Canada Standard" or the initials "C.S." shall be a national trade mark, and the exclusive property in and the right to the use of that trade mark is hereby declared to be vested in His Majesty in right of Canada, subject to the provisions of this Act.

Regulations respecting national trade mark.

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

(a) prescribing the classes and kinds of commodities to which the national trade mark may be applied and the persons who may apply it;

(b) prescribing the terms and conditions on which the national trade mark may be applied to commodities or packages or containers thereof;

(c) prescribing the form and manner in which the national trade mark shall be applied to commodities, packages or containers;

(d) prescribing the standards or specifications to which any commodity shall conform if the national trade mark is applied thereto;

(e) prescribing the implied warranties that application of the national trade mark to any commodity shall represent;

(f) prescribing the circumstances in which the right of any person to apply the national trade mark to any commodity, package or container may be terminated or suspended; and

(g) prohibiting acts inconsistent with anything so prescribed.

Use of national trade mark.

(2) No person shall use the national trade mark except as authorized by the regulations.

True Description of Commodities.

Regulations respecting description of commodities.

5. The Governor in Council may make regulations

(a) prescribing the form and manner in which any commodity designated by him or any package or container thereof shall be marked or labelled, or described in advertising, in order to indicate the material content, quality, size, quantity or properties of such commodity, or to indicate whether or not the commodity conforms to a prescribed standard or prescribed specification;

(b) prescribing the implied warranties that marking or labelling in accordance with a regulation made under this section shall represent; and

(c) prohibiting acts inconsistent with anything so prescribed.

3. This clause re-enacts subsection (1) of section 18 of the present Act, without change except to substitute the word "Canada" for the words "Dominion of Canada".

4. This clause, confined as mentioned in the notes to clause 1 preceding, replaces subsection (1) of section 17A (other than paragraph *(c)* thereof), subsection (2) of section 18 and subsection (1) of section 19 of the present Act. They provide as follows:

"**17A.** (1) In any case where the Commission, after study and investigation pursuant to the powers contained in this Act, reports and advises in favour of the establishment of commodity standards for any commodity or in favour of the establishment of grades for any commodity or in favour of prescribing the words by which the material content of any commodity shall be represented, the Governor in Council may:—

(a) prescribe standards of quality for any commodity in accordance with the terms of a report made pursuant to the provisions of this Act and prescribe the manner in which such commodity shall be sold, offered for sale, or displayed for sale, and if such commodity is sold in packages or containers, the size, kind, and marking, branding or labelling of such packages or containers;

(b) establish grades for any commodity in accordance with the terms of a report made pursuant to this Act and prescribe the manner in which such commodity shall be sold, offered for sale, or displayed for sale, and if such commodity is sold in packages or containers, the size, kind, and marking, branding or labelling of such packages or containers;

(c) prescribe the words by which the material content of any commodity shall be represented by marking on such commodity or on any package in which such commodity is marketed.

"**18.** (2) Such national trade marks, as applied to any commodity pursuant to the provisions of this Act or any other Act of the Parliament of Canada, shall constitute a representation that such commodity conforms to the requirements of a specification of a commodity standard for such commodity or class of commodity established under the provisions of any Act of the Parliament of Canada.

"**19.** (1) Any producer or manufacturer or dealer or merchant in Canada may apply the national trade mark "Canada Standard" or initials "C.S.", to any commodity produced or manufactured or sold by him or to the covering thereof, in such manner as the Commission may by regulation prescribe, under and subject to the following conditions:

(a) Such commodity shall conform to the requirements of a specification of a commodity standard for such commodity or class of commodity established under the provisions of any Act of the Parliament of Canada;

(b) Where grade designations, whether numerical or alphabetical or special, have been established under the provisions of any Act of the Parliament of Canada for various qualities of such commodity, the appropriate grade designation for each quality of such commodity shall be conspicuously applied to the commodity, or on the covering thereof, in association with the words "Canada Standard" or initials "C.S." in such form as the Commission may by regulation prescribe: Provided that the Commission may by regulation prescribe a list of specific commodities to which, in its opinion, it is impossible to apply this paragraph, and this paragraph shall not apply to any commodity appearing in such list."

5. This clause replaces paragraph *(c)* of subsection (1) of section 17A of the present Act (see *ante*), with added provision in order to more effectually and adequately prevent public deception or imposition.

Additional duties of National Research Council.

6. In addition to its powers and duties under any other statute or law, the National Research Council shall, at the request of the Minister,

(a) study, investigate, report and advise upon all matters relating to commodity standards or specifications;

(b) prepare draft standards or specifications for any commodity or for any grade or type thereof and recommend methods of designating the same; and

(c) analyse and report upon any commodity as to its quality, properties and content, and as to whether and to what extent it conforms to the requirements of any prescribed standard or prescribed specification.

Reports on commodities forwarded.

7. (1) The National Research Council shall, in respect of any commodity forwarded to it by the Minister, report

(a) the ingredients of the commodity, in so far as such information may be necessary to the proper use of the commodity;

(b) any adulterants and harmful, injurious or deleterious substances the commodity may be found to contain;

(c) its quality and probable performance and efficiency; and

(d) whether it conforms to any prescribed standard or prescribed specification,

and if adequate information to answer the enquiry is not available, the National Research Council shall analyse or test the commodity.

Reports not to be used commercially.

(2) The report of the National Research Council upon any analysis or test made under this section shall not be used for advertising or commercial purposes in any way; and any person who contravenes the provisions of this section is guilty of an offence and is liable on summary conviction, for each such offence, to a fine not exceeding one hundred dollars.

Reports privileged.

(3) No action or other proceedings may be instituted against the National Research Council or any officer or employee of the Council in respect of any advice, information or report given or made in good faith under this Act or any other Act of the Parliament of Canada.

6. This clause, as amended, re-enacts section 16 of the present Act which provides as follows:

"**16.** In addition to its powers and duties under any other statute or law, the National Research Council shall, on the request of the Commission, from time to time,

(a) study, investigate, report and advise upon all matters relating to commodity standards;

(b) prepare draft specifications of commodity standards for any commodity or grade, and recommend methods of designating such grade;

(c) analyse and report upon any commodity as to its quality, properties and content, and as to whether and to what extent it conforms to the requirements of any recognized or generally accepted standard."

7. Subclause (1) of this clause, as amended, re-enacts subsection (1) of section 17 of the present Act which provides as follows:

"**17.** (1) The National Research Council shall, in respect of any commodity forwarded to it by the Commission or the Director of Public Prosecutions, report

(a) the ingredients of such commodity, in so far as such information may be necessary to the proper use of the commodity;

(b) any adulterants and harmful, injurious or deleterious substance the commodity may be found to contain;

(c) its quality and probable performance and efficiency; and

(d) whether it conforms to any recognized or generally accepted standard and specification;

and if adequate information to answer the inquiry is not already available, the National Research Council shall analyse or test the commodity."

Subclauses (2) and (3) re-enact, without change, subsections (2) and (3) of section 17 of the present Act.

Offences and Penalties.

Offences and penalties.

8. Every person who

(a) applies the national trade mark to any commodity, package or container without authority so to do under the regulations;

(b) applies the national trade mark to any commodity, or to any package or container of a commodity, that does not conform to all of the prescribed requirements;

(c) sells, offers for sale, displays for sale or advertises a commodity to which he has applied the national trade mark and that does not conform to prescribed standards or prescribed specifications;

(d) sells, offers for sale, displays for sale or advertises a commodity to which the national trade mark is applied and that he knows or has reason to believe does not conform to prescribed standards or prescribed specifications;

(e) falsely advertises or otherwise falsely represents any commodity as having the national trade mark lawfully applied thereto;

(f) sells, offers for sale, displays for sale or advertises a commodity that is not marked or labelled in accordance with the regulations;

(g) applies to any commodity, package or container any mark that is similar to the national trade mark; or

(h) otherwise contravenes or fails to observe any regulation;

is guilty of an offence and is liable on summary conviction or conviction upon indictment to a fine, if a corporation, not exceeding five thousand dollars, or, if an individual, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Repeal.

Repeal. 1935, c. 59.

9. *The Dominion Trade and Industry Commission Act, 1935*, is repealed.

8. This clause replaces subsection (2) of section 19 and subsections (3), (4) and (5) of section 17A of the present Act, bringing the penalty provisions into accord with the changed character and purposes of the Act. The present provisions are as follows:

"**19.** (2) Every person who applies the national trade mark "Canada Standard" or initials "C.S.", to any commodity in violation of the conditions hereinbefore provided shall be guilty of an offence and liable upon indictment, or upon summary conviction, to a penalty, for each and every such offence, not exceeding five thousand dollars in the case of a corporation, and not exceeding one thousand dollars in the case of an individual and in addition in the case of an individual to imprisonment for any term not exceeding six months.

"**17**A. (3) In case an Order in Council has been made under the provisions of this section with respect to any commodity, no person shall sell or offer for sale or display for sale such commodity except in accordance with the provisions of such Order in Council.

(4) Any person who sells or offers for sale or displays for sale any commodity contrary to the provisions of this section, or of any Order in Council made under the provisions hereof, shall be guilty of an offence and liable upon indictment, or upon summary conviction to a penalty for each and every such offence not exceeding five thousand dollars in the case of a corporation and not exceeding one thousand dollars in the case of an individual, and in addition in the case of an individual to imprisonment for any term not exceeding six months.

(5) This section shall not apply to any commodity which under any other Act of the Parliament of Canada or under any Order in Council or regulation made thereunder is subject to regulation as to standard of quality or as to grading or marking."

9. Provisions of the present Act not dealt with in this Bill are inoperative or unnecessary.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D.

An Act to amend the Pension Fund Societies Act.

Read a first time, Tuesday, 1st February, 1949.

Honourable Senator ROBERTSON.

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

28443

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D.

An Act to amend the Pension Fund Societies Act.

R.S., c. 155.

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

1. The *Pension Fund Societies Act*, chapter one hundred and fifty-five of the Revised Statutes of Canada, 1927, is amended by adding thereto, immediately after section sixteen thereof, the following section:

Subsidiary corporations.

"**17.** (1) A pension fund society established under this Act may at the request of the parent corporation evidenced by a resolution of its directors admit to membership in the society upon such terms and conditions as the society may determine any officers or employees of a subsidiary corporation of the parent corporation and may

(a) provide for the support and payment of pensions to such officers and employees incapacitated by age or infirmity, and

(b) upon the death of such officers or employees, pay annuities or gratuities to their widows and minor children or other surviving relatives in such manner as by the by-laws of the society may be specified.

Application.

(2) All the provisions of this Act applicable to officers and employees of the parent corporation who are members of the society apply *mutatis mutandis* to officers and employees admitted to membership pursuant to this section.

Power to contribute and vote.

(3) A subsidiary corporation any of the officers or employees of which have been admitted to membership in a pension fund society under this section may and is hereby authorized to contribute annually or otherwise to the funds of the society, by a vote of either its directors or its shareholders, and as such contributory shall have such right to vote at general meetings of the society, on such occasions, subject to such restrictions and on such conditions as are determined by the by-laws of the society.

Explanatory Note.

The Pension Fund Societies Act provides facilities whereby officers and employees "of any Corporation legally transacting business in Canada, under any Act of the Parliament of Canada" may join a Pension Fund Society established in accordance with the Act and enjoy the prescribed benefits therefrom. It has been found that many Canadian Corporations operate or control subsidiary Corporations, officers and employees of which are precluded from participating in the benefits of Pension Fund Societies established by the parent Corporations.

The purpose of the Bill is to afford facility for the establishment of Pension Fund Societies open to officers and employees of such subsidiary Corporations.

"subsidiary corporation".

(4) In this Act, "subsidiary corporation" means a corporation legally transacting business in Canada, under any Act of the Parliament of Canada, the majority of the shares of which that have under all circumstances full voting rights is owned or controlled directly or indirectly by or for the parent corporation."

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E.

An Act respecting the appointment of Auditors for National Railways.

Read a first time, Tuesday, 1st February, 1949.

Honourable Senator ROBERTSON.

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

28350

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

1932-33, c. 33;
1934, c. 3;
1935, c. 1;
1936, c. 21;
1937, c. 3;
1938, c. 3;
1939, c. 2;
1940, c. 4;
1940-41, c. 5;
1942-43, c. 12;
1943-44, c. 18;
1944-45, c. 8;
1945
(2nd Sess.), c. 6;
1946, c. 4;
1947, c. 12;
1947-48, c. 13.

BILL E.

An Act respecting the appointment of Auditors for National Railways.

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

Auditors.

1. Notwithstanding the provisions of section thirteen of *The Canadian National-Canadian Pacific Act, 1933*, chapter thirty-three of the statutes of 1932-33, as enacted by section three of chapter twenty-five of the statutes of 1936, respecting the appointment of auditors by joint resolution of the Senate and House of Commons, George A. Touche and Company, of the cities of Toronto and Montreal, chartered accountants, are appointed as independent auditors for the year 1949, to make a continuous audit under the provisions of the said section, of the accounts of National Railways as defined in the said Act.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F.

An Act to amend The Game Export Act.

Read a first time, Tuesday, 1st February, 1949.

Honourable Senator ROBERTSON.

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

28346

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F.

An Act to amend The Game Export Act.

1940-41, c. 17.

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 section two of *The Game Export Act*, chapter seventeen of the statutes of 1940-41, is repealed and the following substituted therefor:

"game officer".

"*(c)* 'game officer' means a person declared by this Act to be *ex officio* a game officer;"

Repeal.

2. Section five of the said Act is repealed.

Explanatory Notes.

As *The Game Export Act* (chapter 17 of the statutes of 1940-41) was originally drafted, it contained a section providing for its enforcement by Dominion Game Officers specially appointed under the Act as well as the present section 6 which provides for the enforcement of the Act by Provincial Game Officers, Provincial Police, members of the Royal Canadian Mounted Police, and Customs Officers. The section providing for the appointment of Dominion Game Officers was deleted from the bill by Parliament, but a reference to Dominion Game Officers in the definitions section (section 2 *(c)*) and a form of oath for Dominion Game Officers and a provision as to their powers was left in the Act (section 5). The purpose of this bill is to remove from section 2 *(c)* the reference to Dominion Game Officers and to repeal section 5 which is unnecessary and has caused confusion.

1. The present subsection is as follows:

"2 *(c)* 'game officer' means any person appointed to enforce the provisions of this Act and includes any person by this Act declared to be *ex officio* a game officer."

The proposed amendment makes it clear that there is no authority to appoint Dominion Game Officers under this Act, thus leaving the enforcement of the Act to Provincial Game Officers, Provincial Police, members of the Royal Canadian Mounted Police and Customs Officers, all of whom are given necessary authority by section 6.

2. The present subsection (1) of section 5 prescribes the form of oath of office to be taken by Game Officers. This form of oath is unnecessary as the only Game Officers under the Act are those appointed under section 6, who are Game Officers *ex officio* and take a sufficient oath in respect of their original appointments as Provincial Game Officers, members of the Royal Canadian Mounted Police, Provincial Police or Customs Officers.

The present subsection (2) of section 5 is as follows:

"(2) Every game officer shall for all the purposes of this Act have anywhere in Canada all the powers of a peace officer or a police constable."

The only Game Officers enforcing the Act are those appointed under section 6 and these exercise authority under *The Game Export Act* within the territory covered by their respective appointments as Provincial Officers or as members of the Royal Canadian Mounted Police or Customs Officers.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G.

An Act to repeal the Cullers Act.

Read a first time, Thursday, 3rd February, 1949.

Honourable Senator ROBERTSON.

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

28427

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G.

An Act to repeal the Cullers Act.

R.S., c. 39.

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

Act repealed.

1. The *Cullers Act*, chapter thirty-nine of the Revised Statutes of Canada, 1927, is repealed.

Explanatory Notes.

The *Cullers Act* has not been operative for many years and should be repealed.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H.

An Act respecting the Globe Printing Company.

Read a first time, Tuesday, 8th February, 1949.

Honourable Senator CAMPBELL.

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

28314

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H.

An Act respecting the Globe Printing Company.

Preamble. 1866, c. 123; 1877, c. 84; 1892, c. 75; 1911, c. 78; 1938, c. 58.

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

1. The proviso to section one of chapter one hundred and twenty-three of the statutes of 1866 of the late Province of Canada, as amended by section one of chapter seventy-five of the statutes of 1892, is repealed and the following substituted therefor:

Real estate limited.

"Provided always that the real estate held by the said corporation at any time shall not exceed, in annual value, the sum of one hundred thousand dollars."

Explanatory Note.

This amendment increases the annual value of real estate which may be held by the corporation from $30,000 annual value to $100,000 annual value.

The increase is necessary for the carrying on of the business of the corporation.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I.

An Act to incorporate Canadian Home Assurance Company.

Read a first time, Tuesday, 8th February, 1949.

Honourable Senator BISHOP.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
28936 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I.

An Act to incorporate Canadian Home Assurance Company.

Preamble.

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

Incorporation.

1. J. Gordon Hutchison, chartered accountant, of the city of Westmount, Owen Lobley, real estate agent, of the town of Mount Royal, John G. Porteous, one of His Majesty's Counsel, of the city of Montreal, all in the province of Quebec, and Max Wollner, insurance manager, of the city of New York, state of New York, together with such persons as become shareholders in the company, are incorporated under the name of Canadian Home Assurance Company, hereinafter called "the Company".

Provisional directors.

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

Capital stock

3. The capital stock of the Company shall be one million five hundred thousand dollars, divided into shares of one hundred dollars each.

Subscription before general meeting.

4. The amount to be subscribed before the general meeting for the election of directors is called shall be three hundred thousand dollars.

Head office.

5. The head office of the Company shall be in the city of Montreal, in the province of Quebec.

Classes of insurance authorized.

6. The Company may undertake, transact and make contracts of insurance for all or any of the following classes of insurance:

(*a*) fire insurance;
(*b*) accident insurance;
(*c*) aircraft insurance;
(*d*) automobile insurance;
(*e*) boiler insurance;
(*f*) earthquake insurance;
(*g*) explosion insurance;
(*h*) falling aircraft insurance;
(*i*) forgery insurance;
(*j*) guarantee insurance;
(*k*) hail insurance;
(*l*) impact by vehicles insurance;
(*m*) inland transportation insurance;
(*n*) marine insurance;
(*o*) personal property insurance;
(*p*) plate glass insurance;
(*q*) real property insurance;
(*r*) sickness insurance;
(*s*) sprinkler leakage insurance;
(*t*) theft insurance;
(*u*) water damage insurance;
(*v*) windstorm insurance.

Subscription and payment of capital before commencing business.

7. (1) The Company shall not commence any business of insurance until at least three hundred thousand dollars of its capital stock has been bona fide subscribed and at least two hundred and forty thousand dollars paid thereon. It may then transact the business of fire insurance, accident insurance, automobile insurance, civil commotion insurance, earthquake insurance, limited or inherent explosion insurance, marine insurance, impact by vehicles insurance, plate glass insurance, sprinkler leakage insurance, theft insurance, water damage insurance, windstorm insurance, falling aircraft insurance and limited hail insurance.

Additional amounts for certain classes of business.

(2) The Company shall not commence any of the other classes of business authorized by section six of this Act until the paid capital, or the paid capital together with the surplus has been increased by an amount or amounts depending upon the nature of the additional class or classes of business as follows, that is to say:—for aircraft insurance, the said increase shall not be less than twenty thousand dollars; for boiler insurance, not less than forty thousand dollars; for explosion insurance, not less than twenty thousand dollars; for forgery insurance, not less than twenty thousand dollars; for hail insurance, not less than twenty-five thousand dollars; for inland transportation insurance, not

less than ten thousand dollars; for guarantee insurance, not less than fifty thousand dollars; for personal property insurance, not less than ten thousand dollars; for real property insurance, not less than twenty thousand dollars; and for sickness insurance, not less than ten thousand dollars.

Periodic increase of paid capital and surplus.

(3) The Company shall, during the five years next after the date of its being registered for the transaction of fire insurance, increase its paid-up capital and surplus so that at the end of the first year it will be at least fifteen thousand dollars more than is required under the foregoing subsections of this section, and at the end of the second year at least thirty thousand dollars more than so required, and at the end of the third year at least forty-five thousand dollars more than so required, and at the end of the fourth year at least sixty thousand dollars more than so required and at the end of the fifth year at least seventy-five thousand dollars more than so required.

When Company may transact any or all classes of insurance business.

(4) Notwithstanding anything to the contrary contained in this section the Company may transact all or any of the classes of insurance business authorized by section six of this Act when the amount of capital subscribed amounts to at least five hundred thousand dollars and the amount paid on its subscribed capital, together with the surplus amounts to at least five hundred thousand dollars.

"Surplus" defined.

(5) In this section the word "surplus" means excess of assets over liabilities, including the amount paid on account of capital stock and the reserve of unearned premiums calculated *pro rata* for the unexpired term of all policies of the Company in force.

Power to acquire rights, etc. of a certain insurance company.

8. (1) The Company may acquire by agreement to insure or otherwise the whole or any part of the rights and property within Canada, and may assume the obligations and liabilities of Canadian Home Assurance Company, incorporated in the year 1928 pursuant to the provisions of the Quebec Insurance Act, chapter two hundred and forty-three of the Revised Statutes of Quebec, 1925, hereinafter called the "provincial company" and in the event of such acquisition and assumption the Company shall perform and discharge all such duties, obligations and liabilities of the provincial company in respect to the rights and property acquired as are not performed and discharged by the provincial company.

Duties in such event.

Approval of Treasury Board.

(2) No agreement between the Company and the provincial company providing for such acquisition and assumption shall become effective until it has been submitted to and approved by the Treasury Board of Canada.

Coming into force.

9. This Act shall come into force on a date to be specified by the Superintendent of Insurance in a notice in the *Canada Gazette*.

1932, c. 46, to apply.

10. *The Canadian and British Insurance Companies Act, 1932*, shall apply to the Company.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J.

An Act respecting Chartered Trust and Executor Company.

Read a first time, Tuesday, 8th February, 1949.

Honourable Senator CAMPBELL.

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

28246

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J.

An Act respecting Chartered Trust and Executor Company.

Preamble.

1905, c. 162; 1915, c. 70; 1929, c. 75.

WHEREAS Chartered Trust and Executor Company, formerly The Title and Trust Company, has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name changed.

1. The name of Chartered Trust and Executor Company, hereinafter called "the Company", is changed to "Chartered Trust Company", but such change in name shall not in any way impair, alter, or affect the rights or liabilities of the Company, nor in anywise affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Rights saved.

Coming into force.

2. This Act shall come into force upon the first day of July, one thousand nine hundred and forty-nine.

Explanatory Notes.

The purpose of this Bill is to change the name of the Company to "Chartered Trust Company". Its present name, "Chartered Trust and Executor Company", is too long and, as a result, it has become generally known under the name which is now proposed. The words to be deleted, namely "and Executor" are not necessary to describe the nature of the Company's business since at the present time trust companies ordinarily act as executors of wills and administrators of estates.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K.

An Act to amend The Industrial Development Bank Act.

Read a first time, Tuesday, 8th February, 1949.

Honourable Senator ROBERTSON.

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

29046

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K.

An Act to amend The Industrial Development Bank Act.

1944-45, c. 44.

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 fifteen of *The Industrial Development Bank Act*, chapter forty-four of the statutes of 1944-45, is repealed and the following substituted therefor:

Aggregate amount of loans, liabilities and expenditures.

"(2) Notwithstanding anything contained in subsection one of this section, the aggregate of the amounts of the loans or liabilities of the Bank, and of the expenditures by the Bank for securities held by it, specified in the next succeeding subsection, shall not at any time exceed twenty-five million dollars."

Explanatory Notes.

Subsection two of section fifteen at present reads as follows:

> "(2) Notwithstanding anything contained in subsection one of this section, the aggregate of the amounts of the loans or liabilities of the Bank, and of the expenditures by the Bank for securities held by it, specified in the next succeeding subsection, shall not at any time exceed *fifteen* million dollars."

The only change consists in substituting the words "twenty-five" underlined on the opposite page for the word "fifteen" in italics above.

Room 120

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L.

An Act respecting The Corporation of the City of Ottawa, Ottawa Transportation Commission and The Ottawa Electric Railway Company.

Read a first time, Thursday, 10th February, 1949.

Honourable Senator LAMBERT.

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

29031

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L.

An Act respecting The Corporation of the City of Ottawa, Ottawa Transportation Commission and The Ottawa Electric Railway Company.

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:—

Agreement ratified and confirmed.

1. The agreement set out in the schedule to this Act, dated the eleventh day of May, 1948, between The Ottawa Electric Railway Company and The Corporation of the City of Ottawa and the matters and things done in pursuance thereof are ratified and confirmed and declared to be legal, valid and binding upon the parties thereto and the parties thereto are hereby empowered and authorized to carry out their respective obligations and to exercise their respective privileges thereunder.

City authorized to hold, run and operate transportation system.

2. The Corporation of the City of Ottawa is authorized to hold the transportation system and the property used in connection therewith purchased by it from The Ottawa Electric Railway Company on the twelfth day of August, 1948, pursuant to the provisions of the agreement referred to in section one and, by its statutory agent, Ottawa Transportation Commission, to run and operate the said transportation system and property.

Rights, etc., of Company under statutes of Canada vested in City.

3. All the rights, franchises and privileges relating to the transportation system and property referred to in section two, held or exercised by The Ottawa Electric Railway Company under or pursuant to the statutes of Canada on the twelfth day of August, 1948, shall be deemed to have been vested in The Corporation of the City of Ottawa from and after the said date.

Explanatory Notes.

General:

The Corporation of the City of Ottawa purchased the entire transportation system of The Ottawa Electric Railway Company on August 12, 1948, under the terms of an agreement for sale dated May 11, 1948. The Legislature of Ontario so far as it could lawfully do so, authorized the City to purchase and hold the transportation system and to operate it by a statutory agent, Ottawa Transportation Commission, but the railway is a work for the general advantage of Canada and accordingly, authority from the Parliament of Canada is necessary to enable the transportation system to continue in operation. An order dated June 30, 1948, was obtained under section 150 of the Railway Act from the Minister of Transport authorizing the City "to run and operate the railway purchased until the end of the then next session of the Parliament of Canada".

Subsection 5 of section 150 of the Railway Act provides that "the purchaser shall apply to the Parliament of Canada at the next following session thereof after the granting of such order by the Minister for an Act of incorporation, or other legislative authority, to hold, run and operate the railway".

If the transportation system is to continue in operation, it is essential that an Act be passed at the present session of Parliament.

1. The confirmation of the agreement for sale dated May 11, 1948, is necessary in order to resolve any doubt concerning the power of the Company to sell and of the City to purchase the transportation system.

2. The necessity for this section is explained in the general note above.

3. The agreement for sale of May 11, 1948, provided for the transfer by the Company to the City of all rights, franchises and privileges relating to the transportation system but some of the rights, franchises and privileges held by the Company under the statutes of Canada cannot be transferred to the City except by an Act of Parliament.

R.S.C. 1927, c. 170, not to apply to transportation system but provincial statutes to apply.

4. Notwithstanding anything therein contained, the *Railway Act* shall not apply to the transportation system and property referred to in section two, but so much of the said transportation system and property as may be within the province of Ontario shall be subject to the statutes of Ontario in force from time to time in relation to transportation systems generally or to the said transportation system in particular, and so much of the said transportation system and property as may be within the province of Quebec shall be subject to the statutes of Quebec in force from time to time in relation to transportation systems generally or to the said transportation system in particular.

R.S.C. 1927, c. 213, to apply to winding-up of Company.

5. Notwithstanding anything therein contained, the *Winding-up Act* shall apply to the winding-up of The Ottawa Electric Railway Company.

4. The Ottawa City Transportation Act (chapter 132 of the statutes of Ontario of 1920) as amended by The City of Ottawa Act, 1948 (chapter 117 of the statutes of Ontario of 1948) contains special legislation providing for the setting up of a commission to be known as Ottawa Transportation Commission to operate the transportation system, and this legislation together with the Railway Act of Ontario, which is incorporated with it, contains adequate provision for the operation of the transportation system in the province of Ontario.

The railway extends into the province of Quebec several hundred yards for the purpose of providing a terminus in the city of Hull. There is no special legislation of the province of Quebec relating to the transportation system. That part of the system in the province of Quebec will be subject to general legislation of the province of Quebec.

5. Section 7 of the Winding-up Act provides as follows: "This Act does not apply to building societies which have a capital stock or to railway or telegraph companies".

The Ottawa Electric Railway, although it has disposed of its transportation assets, is still a railway company. It appears desirable to wind-up the company and distribute its assets amongst its shareholders. In the absence of the proposed section, there is no legislative authority under which the company could be wound-up.

SCHEDULE.

AN AGREEMENT made in duplicate the 11th day of May, 1948.

BETWEEN

THE OTTAWA ELECTRIC RAILWAY COMPANY, a body corporate having its head office at the City of Ottawa, in the Province of Ontario, hereinafter called the "Company",

OF THE FIRST PART

AND

THE CORPORATION OF THE CITY OF OTTAWA, hereinafter called the "Corporation",

OF THE SECOND PART

WHEREAS the Company operates a transportation system in the City of Ottawa certain lines of which extend into adjacent municipalities in the Province of Ontario and into the City of Hull, in the Province of Quebec under the authority of the following statutes:

(1) 29–30 Victoria (1866) Chapter 106 (Province of Canada)—An Act to incorporate the "Ottawa City Passenger Railway Company."

(2) 31 Victoria (1868) Chapter 45 (Ontario)—An Act to amend the Act entitled "An Act to incorporate the Ottawa City Passenger Railway Company."

(3) 55–56 Victoria (1892) Chapter 53 (Canada)—An Act respecting the Ottawa City Passenger Railway Company.

(4) 57–58 Victoria (1894) Chapter 86 (Canada)—An Act to confirm an agreement between the Ottawa City Passenger Railway Company and the Ottawa Electric Street Railway Company, and an agreement between the said Companies and the Corporation of the City of Ottawa, and to unite the said Companies under the name of "The Ottawa Electric Railway Company."

(5) 57 Victoria (1894) Chapter 76 (Ontario)—An Act to confirm an agreement between the City of Ottawa and the Ottawa City Passenger Railway Company and the Ottawa Electric Street Railway Company (Limited).

(6) 62-63 Victoria (1899) Chapter 82 (Canada)—An Act respecting The Ottawa Electric Railway Company.

(7) 14 George V (1924) Chapter 143 (Ontario)—An Act respecting The Ottawa Electric Railway Company.

(8) 14–15 George V (1924) Chapter 84 (Canada)—An Act to confirm an agreement between The Ottawa Electric Railway Company and the City of Ottawa.

AND WHEREAS the Company is by section 11 of the Act first above recited, section 4 of the Act secondly above recited, section 9 of the Railway Act (chapter 66 of the Consolidated Statutes of the Province of Canada, 1859) referred to in said section 4, and section 6 of the Act thirdly above recited, empowered to sell the property and assets hereinafter referred to;

AND WHEREAS on the 16th day of February, 1948, the electors of the City of Ottawa qualified to vote on money by-laws voted in favour (8068 for and 1907 against) of the Corporation purchasing the property and assets hereinafter referred to;

AND WHEREAS the Corporation and the Company are, by section 16 of The Ottawa City Transportation Act, as enacted by section 10 of the City of Ottawa Act, 1948, authorized to enter into an agreement for the sale and purchase hereinafter set forth;

AND WHEREAS the Corporation and the Company, desire to take advantage of such authority and have agreed as hereinafter set forth.

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. Subject to all the terms and conditions hereinafter set forth, the Company shall sell and the Corporation shall purchase all the real and personal property, undertaking, rights, franchises, privileges and assets which the Company owned or to which it was entitled or which the Company held or used in connection with its transportation system on the 1st day of November, 1947, save and except the following property and assets:

(a) cash (including changes) on hand and in the bank;
(b) accounts and moneys receivable;
(c) bonds, shares and other securities for money;
(d) the refundable portion of excess profits tax standing to the credit of the Company;
(e) certain property located on the Russell Road in the Township of Gloucester, in the County of Carleton, acquired by the Company in 1947;
(f) property known for municipal purposes as number 248 Albert Street in the City of Ottawa;
(g) property known for municipal purposes as number 60 Queen Street in the City of Ottawa;
(h) property known for municipal purposes as number 113 Holmwood Avenue in the City of Ottawa;
(i) property known for municipal purposes as number 53-55 Sussex Street in the City of Ottawa;
(j) lots numbers 223 and 224 on the south side of Grove Avenue in the City of Ottawa;
(k) houses known for municipal purposes as numbers 136, 138 and 140 Nelson Street, in the City of Ottawa, subject to a right-of-way in favour of the Corporation in, over, along and upon a strip of land approximately 12 feet in width running in a westerly direction from Nelson Street between said houses numbers 138 and 140.
(l) a certain triangular parcel of land at the end of Buena Vista Road in the Village of Rockcliffe Park, in the County of Carleton, containing approximately 2,009 square feet;
(m) a certain corner lot on the easterly side of Cloverdale Avenue, in the Village of Rockcliffe Park, in the County of Carleton, containing approximately 14,500 square feet;

(n) any contracts, agreements or commitments which the Corporation does not desire to assume and in respect of which it shall have given written notice to that effect to the Company at least seven days prior to the date of closing of the sale and purchase;

(o) choses in action, except such as relate to any of the said property, undertaking, rights, franchises, privileges and assets intended to be conveyed and transferred to the Corporation;

(p) any other property not in any way held or used in connection with the operation of the transportation system of the Company or, in the case of real estate, in any way appurtenant thereto, and not shown in the property ledgers of the Company on the 1st day of November, 1947.

2. The Company shall also sell and the Corporation shall also purchase all capital additions made to the transportation system of the Company between the 1st day of November, 1947, and the time of closing.

3. Without limiting the generality of the foregoing, the property, undertaking, rights, franchises, privileges and assets of the Company agreed to be sold, shall, subject to the specific exceptions set out in paragraph 1, include all real and immovable properties, tenements, hereditaments, and rights (whether in fee simple or of lesser estate), all leasehold properties and rights, all licences, concessions, agreements, servitudes, easements, franchises, privileges, benefits, immunities and rights, including flooding rights, rights-of-way and rights to occupy any part of any public street or highway (whether conferred by statute, deed, agreement or otherwise howsoever), all water powers, all buildings, erections, plants, factories and shops, all bridges, sidings, trestles and culverts, all dams, power houses, generating stations, canals, pipelines and conduits, all roads, piers and wharves, all furniture and office equipment, all railways, tramways, tracks, ties, rails, rail fastenings, poles, wires, electrical systems, transmission lines and works, all cars, buses, vehicles and rolling stock, all fixed and loose machinery, plant, equipment, tools (including roadway machinery and tools), engines, appliances and fixtures, all merchandise, stock in trade, raw materials, supplies, stores and parts.

4. The Company shall sell and transfer all its property, undertaking, rights, franchises, privileges, and assets (other than the specific exceptions set out in paragraph 1), free from all claims, liabilities and encumbrances, and the Company shall indemnify and save harmless the Corporation from and against all such claims, liabilities and encumbrances.

5. The Company shall execute and deliver, or cause to be executed and delivered all such documents and instruments, including, without limiting the generality of the foregoing, specific conveyances, assignments, transfers and bills of sale of the property, undertaking, rights, franchises, privileges and assets agreed to be sold, and releases and discharges of mortgages and other encumbrances as may be reasonably required for the purpose of transferring to and vesting in the Corporation a good title to the said property, undertaking, rights, franchises,

privileges and assets, free from all claims, liabilities and encumbrances, or for the purpose of registration or otherwise, and all such documents and instruments shall be drawn by and at the expense of the Corporation and shall be in the usual form and contain all the usual covenants.

6. The Corporation shall not assume any debts, liabilities or obligations of the Company except as herein specifically provided.

7. The Company shall redeem all car and bus tickets issued by the Company which are presented to the Corporation or the Ottawa Transportation Commission for the payment of fares after the time of closing and until the 31st day of December, 1948, or such later date as may be agreed upon between the Company and the Corporation. The Company shall have the right to place such notices in the passenger vehicles or upon the premises acquired by the Corporation hereunder as may be reasonably necessary to inform the public regarding the termination of the period during which the said tickets may be used for the payment of fares, and regarding the method of encashment of any tickets which may remain outstanding in the hands of the public after such date, provided that such notices shall be placed only at such times and in such locations as may be approved by the Ottawa Transportation Commission.

8. The Ottawa Transportation Commission may assume the obligations of the Company under any contracts for advertising in or on vehicles operated by the Company which are outstanding at the time of closing.

9. The Corporation will pay the Company for the property, undertaking, rights, franchises, privileges and assets referred to in paragraphs 1 and 3 above (other than the specific exceptions set out in paragraph 1) the sum of $6,000,000.00 subject to the adjustments and allowances hereinafter provided.

10. (1) The Corporation shall also pay the Company the cost of all capital additions made to the transportation system of the Company between the 1st day of November, 1947, and the time of closing, less the value of capital retirements made during the same period.

(2) The book value of the stores of the Company shall be taken at the 1st day of November, 1947, and any increase in the overall book value of such stores at the time of closing shall be treated as a capital addition and any decrease in the overall book value of the said stores at the time of closing shall be treated as a capital retirement, and in calculating book value there shall be excluded any stores to which the Company has no title, or a defective title, which it is unable or unwilling to cure.

11. (1) The cost of the capital additions, less the value of the capital retirements, referred to in the next preceding paragraph shall be determined jointly by an auditor or accountant appointed for such purpose by the Company and the Treasurer of the Corporation or an auditor or accountant appointed for such purpose by the Corporation.

(2) In the event of such persons being unable to agree on the cost of the capital additions less the value of the capital retirements the matter shall be referred to and determined by an independent auditor or accountant selected by such persons, whose decision shall be final and binding upon the Company and the Corporation.

(3) The Company and the Corporation shall each bear their own expenses incurred in making the determination referred to in this paragraph and the expenses incurred in connection with the independent auditor or accountant (if any) shall be borne equally by the Company and the Corporation.

12. (1) An allowance or rebate from the purchase price referred to in paragraphs 9 and 10 above shall be made by the Company to the Corporation in respect of—

(a) any and all property and asssets (other than the specific exceptions set out in paragraph 1) owned by the Company or to which the Company was entitled on the 1st day of November, 1947, and any and all capital additions made to the transportation system of the Company between the 1st day of November, 1947, and the time of closing, not transferred to the Corporation in good order and condition (reasonable wear and tear excepted) at the time of closing and not replaced by other property and assets transferred to the Corporation at the time of closing having a value in the operation of the transportation system of the Company at least equal to the value which the property and assets so replaced would have had if the same had been transferred in good order and condition.

(b) any and all property and assets (other than stores referred to in paragraph 10 (2)) shown in the plant ledgers or other books of the Company on the 1st day of November, 1947, as being held or used by the Company in absolute ownership or by way of leasehold interest, licence or otherwise, and any and all capital additions made to the transportation system of the Company between the 1st day of November, 1947, and the time of closing, to which the Company has no title or claim or a defective title or claim at the time of closing, whether such lack of or defect in title or claim shall be asserted or established at or before the time of closing or thereafter and before the 1st day of November, 1948.

(2) The amount of such allowance or rebate shall be determined by the persons and in the manner referred to in paragraph 11 and, where such property or assets are referred to in the appraisal made by Francis S. Haberly, as of the 1st day of November, 1947, the cost less depreciation figures set forth in such appraisal shall form the basis of such allowance or rebate and where such property and assets are not referred to in such appraisal the value thereof as shown in the records of the Company shall form the basis of such allowance or rebate.

(3) The certificate in writing of the Comptroller of the Company or, after the time of closing, the Comptroller of the Ottawa Transportation Commission, as to the transfer of specific items of property, other than real property, at the time of closing shall be binding upon the persons referred to in sub-paragraph (2) above and upon the Company and the Corporation.

(4) Nothing in the foregoing provisions of this paragraph shall affect the obligations of the Company or the rights of the Corporation under any other provision of this agreement.

13. (1) The sale and purchase shall be closed at the City of Ottawa on the 13th day of August, 1948, or on such earlier or later date in 1948 as may be mutually agreed upon by the Company and the Corporation, and, all taxes, rates, rentals, franchise or other similar fees, insurance premiums, revenues and expenditures shall be adjusted as of midnight (daylight saving time) on the preceding day, which time is referred to in this agreement as the time of closing.

(2) In case of dispute such adjustments shall be determined by the persons and in the manner referred to in paragraph 11.

14. When the sale and purchase is closed by the delivery of the title documents and instruments, title to all the property, undertaking, rights, franchises, privileges and assets agreed to be sold shall be deemed to have passed to the Corporation at the time of closing hereinbefore defined.

15. The Company shall operate the transportation system until the time of closing free from interference by the Corporation.

16. All property and assets referred to in paragraphs 1, 2 and 3 above shall remain at the risk of the Company until the time of closing.

17. (1) On the 13th day of August, 1948, or on such other date as may be agreed upon in accordance with paragraph 13, the Corporation shall, upon delivery to it of the documents and instruments referred to in paragraph 5 and not otherwise, pay to the Company in cash the amount of the purchase price referred to in paragraphs 9 and 10 as adjusted in accordance with paragraphs 11, 12 and 13, so far as the adjustments may be determined on such date.

(2) If all such adjustments shall not have been determined on such date they shall be determined as soon as reasonably may be thereafter and any amount found to be payable by either party to the other party shall, within ten days after receipt of notification in writing of the amount found to be payable, be paid by the party found liable to pay, to the other party, together with interest at the rate of three per centum per annum from the date on which the principal amount of the purchase price is paid.

(3) The Company shall reserve from distribution to its shareholders until the 1st day of November, 1948, the sum of $300,000.00.

18. The Company shall not contract for the acquisition of any capital additions to the transportation system of the Company except such as may be essential to its operation without the consent of the Corporation or of the Ottawa Transportation Commission.

19. The Company shall carry on and conduct or cause to be carried on and conducted its business in a proper and efficient manner so as to preserve and protect all the property, undertaking, rights, franchises, privileges and assets agreed to be sold and the earnings, incomes, rents, issues and profits thereof and shall keep proper books of account and make therein true and faithful entries of all dealings and transactions in relation to its business until the time of closing.

20. The Company shall pay or cause to be paid all taxes, rates, levies and assessments, whether ordinary or extraordinary, and Government fees and dues levied, assessed or imposed upon it or upon the property agreed to be sold or any part thereof as and when the same become due and payable.

21. The Company shall procure or cause to be procured renewals of all leases and licences under which property or property rights forming part of the property, undertaking, rights, franchises, privileges and assets to be sold and which are renewable either by the terms thereof or by law, so long as the same are considered by the Company to be of commercial value, and shall obtain or cause to be obtained such new leases and licences for the longest time or times, if advantageous, and upon the most favourable terms obtainable, including all rights of further renewals, and shall pay all charges and fees in connection with such renewals, but nothing herein contained shall prevent the Company, with the consent of the Corporation, from terminating or agreeing to any alteration or modification of the terms and provisions of any leases, licences, contracts or agreements forming part of the property, undertaking, rights, franchises, privileges and assets agreed to be sold or the substitution of any new leases, licences, contracts or agreements for any lease, licence, contract or agreement, and the Corporation shall consent thereto provided that in the opinion of the Corporation or of the Ottawa Transportation Commission such termination, alteration, modification or substitution shall not be detrimental to the interests of the Corporation or of the Ottawa Transportation Commission.

22. The Company shall at all times, until this agreement is fully executed, maintain its corporate existence and, subject to all the provisions herein contained, shall diligently preserve all the rights, powers, privileges, franchises and goodwill owned by it.

23. The Company shall diligently maintain, use and operate or cause to be diligently maintained, used and operated all the property, undertaking, rights, franchises, privileges and assets agreed to be sold and at all times repair and keep the same in repair and in good order and condition up to a modern standard of usage consistently with the best practice of other companies working similar undertakings and renew, or replace or cause to be renewed, or replaced all and any of the same which may become so worn or dilapidated as to be unserviceable or which may be destroyed for any reason; provided, however, that instead of renewing, or replacing as aforesaid, the Company may elect to adjust the purchase price as herein otherwise provided.

24. The Company shall not, without the previous consent in writing of the Corporation, remove or destroy or permit to be removed or destroyed any of the buildings, machinery or structures forming part of the property to be sold unless the same are worn out or are unfit for use or such removal or destruction is with a view to replacing the same with reasonable despatch by other property of a more useful and convenient character and at least equal value, or to replace or re-erect the same at any situation equally advantageous to the purpose of the Company's business.

25. Paragraphs 18 to 24 inclusive shall be deemed to have been binding upon the Company since the 1st day of November, 1947, save and except as to anything done in good faith by the Company in the ordinary course of business prior to the date of this agreement.

26. All officials, employees, representatives and agents of the Corporation and of the Ottawa Transportation Commission shall have full and free access at all times to all the books, records, property and premises of the Company, and they shall be furnished with such information as they may require in respect of the property, undertaking, rights, privileges, assets, business and corporate proceedings of the Company.

27. Notwithstanding anything herein contained, the obligations of the Corporation to complete the purchase of the above mentioned property, undertaking, rights, franchises, privileges and assets shall be subject to the following conditions and the Company agrees to do or cause to be done all such acts and things as may be necessary to cause such conditions to be fulfilled and complied with in so far as the same relate to matters to be done by or which are in the control of the Company:

(a) that before the time of closing the sale by the Company shall have been authorized and approved at a special general meeting of the shareholders of the Company;

(b) that before the time of closing the deed of trust and mortgage, dated April 1st, 1947, from the Company to the Royal Trust Company and all other similar encumbrances upon the property and assets of the Company and all obligations and liabilities of the Company thereunder shall have been completely discharged and cancelled by and at the expense of the Company;

(c) that at the time of closing the Company shall deliver to the Corporation an operating transportation system with no substantial defect in title and in substantially the same condition (reasonable wear and tear excepted) as it was on the 1st day of November, 1947.

28. In the event of non-fulfilment or non-compliance with any of the terms and conditions set forth in the next preceding paragraph, the Corporation may terminate this agreement by notice in writing to the Company and thereupon all further rights and obligations of either party herein shall be at an end, provided, however, that the Corporation may at its option waive or extend the time for compliance with any of the said terms and conditions without alteration in respect of any of the other said terms and conditions which shall not have been so waived, or the time for compliance with which shall not have been so extended.

29. The Company covenants and agrees that it lawfully owns and is lawfully possessed of the property, undertaking, rights, franchises, privileges and assets referred to in paragraphs 1, 2 and 3 and has full power and authority to sell the same to the Corporation, and will warrant and defend its title thereto and every part thereof to the Corporation against the claims and demands of all persons whomsoever.

30. The Company further covenants and agrees that it will from time to time as may be required by the Corporation, following the closing of the sale and purchase herein provided for execute and deliver all such further deeds, documents and instruments and do such further

acts and things as the Corporation may reasonably require for the purpose of carrying out the intent of this agreement or for the purpose of more completely or effectually vesting in the Corporation the property, undertaking, rights, franchises, privileges and assets herein agreed to be sold or of evidencing the title of the Corporation thereto or for the purpose of registration or otherwise.

31. The Corporation shall from and after the time of closing assume all the obligations of the Company under any agreement, lease, or similar document under which property or rights are transferred to the Corporation at the time of closing, and the Corporation shall indemnify and save harmless the Company against all claims rising from the failure of the Corporation or the Ottawa Transportation Commission to fulfill such obligations.

32. The Corporation shall be allowed until the 12th day of July, 1948, to investigate the title and to furnish requisitions with regard thereto. The Company shall not be required to furnish any abstracts, documents evidencing title or any copies of deeds or papers not in its possession.

33. Time shall be of the essence of this agreement.

34. The Company shall co-operate with the Corporation in applying to the Minister of Transport of Canada for an order pursuant to Section 150 of the Railway Act (R.S.C. 1927, Chapter 170) authorizing the Corporation and the Ottawa Transportation Commission or either of them to run and operate the transportation system purchased by the Corporation from the Company until the end of the then next session of the Parliament of Canada.

35. The Company shall support the Corporation in applying to the Parliament of Canada for legislation confirming and ratifying this agreement and the matters and things done in pursuance thereof and declaring the same to be valid, legal and binding upon the Company and the Corporation, and shall pay one-half of all fees payable to Parliament in connection with such application.

IN WITNESS WHEREOF the Company has hereunto affixed its corporate seal under the hands of its President and Secretary-Treasurer, and the Corporation has hereunto affixed its corporate seal under the hands of its Mayor and Clerk.

SIGNED, SEALED and DELIVERED

THE OTTAWA ELECTRIC RAILWAY COMPANY

(Signed) ALLAN T. LEWIS,
President.

(Signed) E. M. BARON,
Secretary-Treasurer.

THE CORPORATION OF THE CITY OF OTTAWA

(Signed) J. E. S. LEWIS,
Mayor.

(Signed) N. R. OGILVIE,
Clerk.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M.

An Act respecting The Dominion Atlantic Railway Company.

Read a first time, Thursday, 10th February, 1949.

Honourable Senator McDONALD.

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

26785

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M.

Preamble.
1894, c. 69;
1895, cc. 47, 69;
1898, c. 8;
1900, c. 59;
1903, c. 57;
1905, c. 85;
1906-7, c. 40;
1908, c. 101;
1910, cc. 51, 88;
1911, c. 72;
1912, c. 86;
1914, c. 84.

An Act respecting The Dominion Atlantic Railway Company.

WHEREAS The Dominion Atlantic Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Board of directors.

1. There shall be a board of directors of The Dominion Atlantic Railway Company, hereinafter called "the Company", consisting of not less than three nor more than ten directors, the number to be fixed from time to time by by-law.

Annual meeting.

2. The annual meeting of the shareholders of the Company shall be held upon the second Tuesday in April, or upon such other day as may be fixed from time to time by by-law.

Repeal.

3. Sections seven, eight and nine of chapter one hundred and one of the statutes of 1908 are repealed.

Explanatory Note.

The purpose of the Bill is threefold: First to extend the limitation of the number of directors that may be appointed by by-law from five to ten to permit of representation on the board of local businessmen; secondly, to permit the annual general meeting of shareholders to be held at a date more closely following the end of the Company's financial year, December 31st; thirdly, to have the directors' term of office coincide with the general provisions in that regard in the *Railway Act* instead of the three year term as presently provided by section 8 of chapter 101 of the statutes of 1908.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N.

An Act respecting Bankruptcy.

Read a first time, Monday, 14th February, 1949.

Honourable Senator Robertson

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

29220

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA.

BILL N.

An Act respecting Bankruptcy.

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

Short title.

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

INTERPRETATION.

Definitions.

2. In this Act,

"affidavit".

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

"assignment".

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

"bankrupt".

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

"bankruptcy".

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

"claim provable in bankruptcy".

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

"corporation".

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

"court".

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

2. *(a)* No change.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"special resolution".

(t) "special resolution" means a resolution decided by a majority in number and three-fourths in value of the creditors with proven claims present, personally or by proxy, at a meeting of creditors and voting on the resolution;

"Superintendent".

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

"trustee". "licensed trustee".

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

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

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

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

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

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

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

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

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

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

> "*(x)* 'local newspaper' means a newspaper published in and having a circulation throughout the bankruptcy district or division which includes the locality of the debtor;"
>
> "*(z)* 'oath' includes affirmation and statutory declaration;"
>
> "*(aa)* 'Official Receiver' means the person having authority in the locality of the debtor to exercise the functions of the official receiver for the time being;"
>
> "*(dd)* 'petition' means petition in bankruptcy;"
>
> "*(gg)* 'registrar' includes any other officer who performs duties like to those of a registrar;"

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

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

PART I.

Administrative Officials.

Superintendent.

Appointment.

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

Extent of supervision.

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

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

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

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

(3) The Superintendent shall

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

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

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

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

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

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

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

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

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

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

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

Duties of Superintendent.

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

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

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

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

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

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

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

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

Superintendent may intervene.

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

Outside investigations.

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

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

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

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

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

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

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

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

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

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

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

Superintendent may examine bank account.

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

Superintendent may examine private records and documents.

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

Report to Minister.

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

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

(9) Where an estate is left without a trustee by death, removal or incapacity or by non-renewal of the trustee's licence, the Superintendent for the protection of the estate may require the funds to the credit of the estate on deposit in a bank or elsewhere to be remitted to the Superintendent for deposit with the Receiver General to the credit of the estate pending the appointment of a trustee.

Appointment of employees.

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

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

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

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

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

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

Official Receivers.

Bankruptcy districts and divisions.

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

Official receivers.

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

Report to Superintendent.

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

Registrar to act for official receiver.

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

Trustees.

Licensing of Trustees.

Application for licence.

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

Investigation and report.

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

Licence.

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

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

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

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

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

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

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

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

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

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

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

Form of licence.

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

Appointment and Substitution of Trustees.

Appointment of trustee by creditors.

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

Suspension or cancellation of licence.

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

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

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

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

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

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

These subsections read as follows:

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

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

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

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

6. Formerly section 37 which read as follows:

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

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

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

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

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

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

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

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

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

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

By official receiver.

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

By court.

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

Locality in which there is no licensed trustee, etc.

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

No trustee bound to act.

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

Effect of defect or irregularity in appointment.

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

Official Name.

Official name of trustee in bankruptcy proceedings.

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

In proposal proceedings prior to bankruptcy.

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

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

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

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

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

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

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

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

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

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

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

Duties and Powers of Trustees.

Security to be furnished by trustee.

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

Duties of trustee.

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

Trustee to be receiver.

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

Right of trustee to books of account, etc.

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

Property to be delivered to trustee.

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

Power to act anywhere.

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

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

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

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

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

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

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

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

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

Conservatory measures.

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

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

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

May obtain legal advice or take action before first meeting.

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

How trustee may proceed in case of emergency.

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

Trustee to verify bankrupt's statement.

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

Divesting of property by trustee.

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

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

When trustee may initiate criminal proceedings.

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

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

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

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

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

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

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

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

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

Duties of trustee regarding returns.

(14) The trustee may not be required to make any returns which the bankrupt is required to make and has failed to make, notwithstanding any Act to the contrary.

Trustee to permit inspection of records.

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

(14) and (15) Many statutes require the trustee to make out and file returns which it was the duty of the bankrupt to do. This has often imposed an onerous duty on the trustee in no way concerned with the administration of the estate. In some instances, the preparation of such returns has occupied several weeks and has involved the estate in substantial costs. Moreover, in some cases, the returns are so far in arrears that the trustee is unable to secure the required information and the winding up of the estate is delayed accordingly. It is submitted that where the bankrupt has been required to file returns, the responsibility should continue with the bankrupt and not be shifted to the trustee.

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

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

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

"8. Notwithstanding anything in this Part appearing, no act or omission of a debtor in respect of any debt which
(a) was contracted or existed before the first day of July one thousand nine hundred and twenty; or
(b) is or is evidenced by any judgment or negotiable or renewable instrument the cause or consideration whereof existed before the first day of July, one thousand nine hundred and twenty, whether or not such judgment or instrument is a renewal or one of several renewals, proceeding from the same cause or consideration;
shall be deemed an available act of bankruptcy, nor shall any such debt be deemed sufficient to found the presentation of a bankruptcy petition, but it shall be provable in any proceedings otherwise founded under this Part, and otherwise."

Trustee shall insure property.

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

Losses payable to trustee.

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

Moneys to be deposited in bank.

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

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

Not into private account.

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

Books to be kept by trustee.

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

Trustee's records to be property of estate.

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

Records may be inspected.

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

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

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

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

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

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

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

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

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

(7) and (8) These are new subsections.

Reports by trustee.

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

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

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

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

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

Charge for disbursements only.

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

Documents to be forwarded to Superintendent and Statistician.

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

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

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

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

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

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

Notices, etc., to be forwarded to Superintendent.

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

Duty of trustee on expiration of licence or removal.

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

Trustee to file report before discharge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Powers exercisable by trustee with permission of inspectors.

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

(a) sell all or any part of the property of the bankrupt, including the goodwill of the business, if any, and the book debts due or growing due to the bankrupt, by tender, public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;

(b) lease any real or immovable property;

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

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

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

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

(g) borrow money or incur obligations and give security therefor on the property of the bankrupt by mortgage, hypothec, charge, assignment, pledge or otherwise;

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

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

(a) The word "tender" has been inserted.

(b) Formerly paragraph *(aa)*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Permission limited to particular thing or class.

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

Borrowing powers with permission of court.

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

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

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

(j) No change.

(k) The words deleted are unnecessary.

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

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

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

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

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

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

Security under *Bank Act*.

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

Limit of obligations and carrying on of business.

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

Debts deemed to be debts of estate.

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

Trustee not obliged to carry on business.

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

Reimbursement of trustee's advances.

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

Court may vest property in trustee.

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

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

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

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

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

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

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

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

Trustee may apply to court for directions.

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

To report to court after three years.

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

Redirection of bankrupt's mail.

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

Duty of former trustee on substitution.

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

Duty of substituted trustee.

(2) The substituted trustee shall

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

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

(c) notify the Superintendent of his appointment;

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

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

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

(2) This is new.

13. Formerly section 140. No material change.

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

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

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

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

Appeals from Decisions of Trustees.

Appeal to court against trustee.

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

Proceeding by creditor when trustee refuses to act.

16. (1) Where a creditor requests the trustee to take any proceeding that in his opinion would be for the benefit of the estate and the trustee refuses or neglects to take the proceeding, the creditor may obtain from the court an order authorizing him to take the proceeding in the name of the trustee, but at his own expense and risk and upon such terms and conditions as to indemnity to the trustee as the court may direct.

Benefits belong to creditor.

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

Trustee may institute proceeding.

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

Remuneration of Trustee.

To be voted by creditors.

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

Not to exceed 7½ per cent.

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

15. This was formerly section 84. No change.

16. No material change. This was formerly section 69 and read as follows:

"**69.** (1) If at any time a creditor desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the bankrupt's or authorized assignor's estate, and the trustee, under the direction of the creditors or inspectors, refuses or neglects to take such proceedings after being duly required to do so, the creditor may, as of right, obtain from the court an order authorizing him to take proceedings in the name of the trustee, but at his own expense and risk, upon such terms and conditions as to indemnity to the trustee as the court may prescribe.

(2) Any benefit derived from the proceedings shall to the extent of his claim and full costs, belong exclusively to the creditor instituting the same.

(3) If, before such order is granted, the trustee shall, with the approval of the inspectors, signify to the court his readiness to institute the proceedings for the benefit of the creditors the order shall prescribe the time within which he shall do so, and in that case the advantage derived from the proceedings, if instituted within such time, shall belong to the estate."

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

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

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

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

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

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

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

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

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

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

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

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

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

Successive trustees.

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

Court may increase or reduce.

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

Discharge of Trustee.

Disposal of unrealizable property.

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

Final disposition of property of the estate.

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

Application to court.

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

Discharge of trustee.

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

Discharge when another trustee has been appointed and accounts satisfactory.

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

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

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

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

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

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

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

When estate deemed fully administered.

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

Objections to be filed with court and trustee.

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

Court may grant discharge.

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

Fraud or breach of trust.

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

Effect of discharge of trustee.

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

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

(b) in relation to his conduct as trustee,

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

Security released.

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

Trustee on discharge remains *de facto* trustee.

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

Appointment of trustee by court to complete administration.

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

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

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

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

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

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

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

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

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

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

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

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

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

PART II.

Receiving Orders and Assignments.

Acts of Bankruptcy.

Acts of bankruptcy.

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

Assignment.

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

Fraudulent conveyance.

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

Fraudulent preference.

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

Absconding.

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

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

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

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

(b) No change.

(c) No substantial change.

(d) No substantial change.

(e) No material change.

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

Exhibits statement showing insolvency.

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

Fraudulent disposition of property.

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

Notice of suspension of payment.

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

Default in proposal.

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

Ceasing to meet liabilities.

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

(f) No change.

(g) No material change.

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

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

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

(j) No change.

Petition for Receiving Order.

Bankruptcy petition.

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

Conditions on which creditor may petition.

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

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

If petitioning creditor is a secured creditor.

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

Affidavit.

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

Consolidation of petitions.

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

Where petition may be filed.

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

Proof of facts, etc.

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

Dismiss petition.

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

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

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

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

(2) Formerly subsection (4).

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

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

(5) No material change.

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

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

(7) This formerly read as follows:

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

Power to dismiss petition against some respondents only.

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

Appointment of trustee.

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

Stay of proceedings where facts alleged in petition denied.

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

Stay of proceedings for other reasons.

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

Security for costs.

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

Receiving order on another petition.

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

Petition withdrawn only by leave.

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

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

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

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

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

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

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

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

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

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

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

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

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

Power to present petition against one partner.

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

Court may consolidate proceedings.

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

Continuance of proceedings on death of debtor.

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

Petition against estate of deceased debtor.

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

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

Costs of petition.

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

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

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

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

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

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

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

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

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

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

Interim Receiver.

Appointment of interim receiver.

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

Powers of interim receiver.

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

Application of sections twenty-one et seq.

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

Assignments.

Assignment for general benefit of creditors.

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

Sworn statement.

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

Filing of assigment.

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

Effect thereof.

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

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

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

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

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

26. This was formerly section 9.

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

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

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

(3) No material change.

Appointment of trustee.

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

Cancellation of assignment.

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

Procedure in small estates.

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

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

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

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

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

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

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

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

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

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

PART III.

Proposals.

By an insolvent person.
By a bankrupt.

27. (1) A proposal may be made by

(a) an insolvent person, and

(b) a bankrupt.

Documents to be filed.

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

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

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

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

Approval of inspectors.

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

Proposal, etc., not to be withdrawn.

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

Duties of trustee.

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

Trustee to report.

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

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

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

This was formerly section 11 which read as follows:

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

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

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

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

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

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

Trustee shall call meeting of creditors.

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

Documents to be mailed to creditors with notice of meeting.

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

In case of a prior meeting.

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

Adjournment of meeting for further investigation and examination.

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

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

Creditor may assent or dissent by letter.

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

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

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

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

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

(c) a list of his creditors; and

(d) a copy of his proposal.

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

(2) No change.

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

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

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

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

Subsection (3) is unnecessary and has been deleted.

30. Formerly section 14. No substantial change.

The former section 30 has been deleted. It read:

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

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

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

When proposal deemed to be accepted.

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

Creditors may provide for supervision of debtor's affairs.

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

Application for approval.

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

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

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

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

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

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

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

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

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

The former section 33 has been deleted. It read:

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

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

Court to hear report of trustee, etc.

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

Court may refuse to approve the proposal.

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

Reasonable security.

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

Priority of claims.

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

Power of court.

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

Annulment of bankruptcy and revesting of property.

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

Costs when proposal refused.

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

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

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

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

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

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

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

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

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

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

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

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

Effective date of proposal.

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

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

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

Certain persons not released.

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

Proceedings in case of default.

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

Not to invalidate things done.

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

Proposal may be annulled.

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

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

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

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

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

(3) Formerly section 18 (3).

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

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

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

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

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

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

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

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

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

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

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

Where proposal is conditional on purchase of new securities.

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

Provisions of Act to apply to all proposals.

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

Companies' Creditors Arrangement Act not affected.

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

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

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

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

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

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

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

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

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

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

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

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

PART IV

Property of the Bankrupt.

Property of bankrupt.

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

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

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

but it shall comprise

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

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

Stay of Proceedings.

Stay of proceedings.

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

Secured creditors.

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

Proviso as to rights of secured creditor.

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

39. No material change. Formerly section 23.

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

(d) This has been simplified.

40. (1) Formerly section 24 (1). The words "On the making of a receiving order or authorized assignment" have been replaced by the words underlined at the beginning of the subsection and the words "until the trustee has been discharged or until the proposal has been refused" have been added at the end to remove different practices following conflicting decisions of the courts as in certain provinces the courts have held that a creditor is at liberty without leave to proceed against a bankrupt after the trustee has been discharged.

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

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

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

General Provisions.

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

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

Exceptions.

Costs.

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

Application of Act to married women.

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

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

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

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

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

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

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

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

Commencement of bankruptcy.

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

Vesting of property in trustee.

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

Application of other substantive law.

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

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

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

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

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

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

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

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

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

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

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

(7) No material change. Formerly section 27.

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

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

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

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

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

Purchaser in good faith at sale protected.

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

Sheriff to deliver property of bankrupt to trustee.

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

In case of sheriff's sale.

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

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

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

Registration of receiving order or assignment.

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

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

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

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

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

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

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

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

Effect of registration under a Land Titles Act.

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

Caveat may be filed.

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

Duty of officials to register documents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44. No material change. Formerly section 32.

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

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

Contributory shareholders.

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

Liability of contributory an asset.

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

Bank must notify trustee.

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

Inspection of property held in pledge.

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

Protection of trustee from personal liability in certain cases.

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

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

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

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

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

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

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

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

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

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

How claim disposed of.

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

Onus on claimant to establish claim.

(3) The onus of establishing a claim to or in property under this section is on the claimant.

Trustee may require proof of claim.

(4) The trustee may give notice in writing to any person to prove his claim to or in property under this section, and, unless that person files with the trustee a proof of claim in the prescribed form within thirty days after the mailing of the notice, the trustee may thereupon with the leave of the court sell or dispose of the property free of any lien, right, title or interest of that person thereon or therein.

No other proceeding to be instituted.

(5) No proceedings shall be instituted to establish a claim to, or to recover any right or interest in, any property in the possession of a bankrupt at the time of the bankruptcy, except as provided in this section.

Rights of others not extended.

(6) Nothing in this section shall be construed as extending the rights of any person other than the trustee.

50. (1) This section is a revision of the former section 54 (1). So many applications to the court were made to recover such property thereunder, the costs of which were directed to be paid out of estate funds, that subsequently Rule 139A was added to avoid the necessity of such applications. Rule 139A made it necessary for proof of claim to be filed giving the trustee an opportunity to admit or reject the claim thereby eliminating practically all such applications and saving the estate much costs. It has been deemed desirable accordingly to incorporate the requirement of a proof of claim being filed in lieu of a notice of intention to remove. The subsection formerly read as follows:

> "**54.** (1) Where any goods in the charge or possession of a debtor at the time when a receiving order or an authorized assignment is made are alleged to be in his charge or possession subject to the ownership or a special or general property right, or right of possession in another person, and whether or not such goods are held by the debtor under or subject to the terms of any lien, consignment, agreement, hire receipt, or order, or any agreement providing or implying that the ownership of, property in, or right to possession of such goods, or other or like goods in exchange or substitution, shall vest in or pass to the debtor only upon payment of defined or undefined moneys, or upon performance or abstention from performance of any acts or conditions, the person alleged or claiming to own such goods or such special or general property or right of possession therein or thereof shall not, by himself or his agents or servants, nor shall his agents or servants, remove or attempt to remove such goods or any thereof out of the charge or possession of the debtor, or of the trustee or any actual custodian thereof, until the elapse of fifteen days after delivering notice in writing to the trustee of intention so to remove."

(2) This is a redraft of the former Rule 139A with certain provisions added in regard to the effect of no appeal being made. Rule 139A read as follows:

> "*Rule* **139A**. Where a claimant desires to recover goods referred to in section 54, he shall file with the custodian or trustee, as the case may be, a notice of his claim verified by affidavit, giving the grounds on which the claim is based and sufficient particulars to enable the goods to be identified, and the trustee when appointed shall after investigating the claim either return the said goods or give notice that the right of the claimant thereof is disputed, whereupon the claimant may within ten days thereafter appeal therefrom in the manner provided for in Rule 139. The trustee shall in no case be liable for the costs of such appeal, or any loss occasioned by such dispute made in good faith."

(3) This is a new subsection the purpose of which is to make it clear that the owner of any such property must look after his own interests in such cases.

(4) This is a new subsection the purpose of which is to establish a procedure whereby the trustee may on his own initiative have the disposition of any such property dealt with.

(5) This is a new subsection. Its purpose is to bring within the purview of the Bankruptcy Court the disposition of all such property coming into the hands of the trustee.

(6) This was formerly section 54(2). No substantial change.

Trustee to have right to sell patented articles.

51. (1) Where any property of the bankrupt vesting in a trustee consists of patented articles that were sold to the bankrupt subject to any restrictions or limitations, the trustee is not bound by such restrictions or limitations but may sell and dispose of the patented articles free and clear of such restrictions or limitations.

Right of manufacturer.

(2) Where the manufacturer or vendor of such patented articles objects to the disposition of them by the trustee as provided by this section and gives to the trustee notice in writing of such objection before the sale or disposition thereof such manufacturer or vendor has the right to purchase such patented articles at the invoice prices thereof, subject to any reasonable deduction for depreciation or deterioration.

Copyright.

52. Where the property of a bankrupt comprises the copyright in any work or any interest in such copyright, and he is liable to pay to the author of the work royalties or a share of the profits in respect thereof, the trustee is not entitled to sell, or authorize the sale of, any copies of the work, or to perform or authorize the performance of the work, except on the terms of paying to the author such sums by way of royalty or share of the profits as would have been payable by the bankrupt, nor is he, without the consent of the author or of the court, entitled to assign the right or transfer the interest or to grant any interest in the right by licence, except upon terms which will secure to the author payments by way of royalty or share of the profits at a rate not less than that which the bankrupt was liable to pay.

Effect of sales of property by trustee.

53. All sales of property made by the trustee shall vest in the purchaser all the legal and equitable estate of the bankrupt therein.

Partnership Property.

Application to limited partnerships.

54. (1) This Act applies to limited partnerships in like manner as if limited partnerships were ordinary partnerships, and, on all the general partners of a limited partnership becoming bankrupt, the property of the limited partnership shall vest in the trustee.

Actions by trustee and bankrupt's partner.

Release to be void.

(2) Where a member of a partnership becomes bankrupt, the court may authorize the trustee to commence and prosecute any action in the names of the trustee and of the bankrupt's partner, and any release by the partner of the debt or demand to which the action relates is void.

51. (1) This was formerly section 47 (1). No material change.

(2) This was formerly section 47 (2). The words "before the sale or disposition thereof" have been substituted for the words "within five days after the date of his appointment".

52. This was formerly section 48. No change.

53. This was formerly section 44. No change.

54. (1) This section was formerly section 176. The words "Subject to such modifications as may be made by General Rules" have been deleted from the first line.

(2) No material change. Formerly section 167 (1) and (2).

Notice to partner.

(3) Notice of the application for authority to commence the action shall be given to the bankrupt's partner, and he may show cause against it, and on his application the court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the action, and, if he does not claim any benefit therefrom, he shall be indemnified against costs in respect thereof as the court directs.

Sales in Quebec.

Sales in the province of Quebec. Sales of hypothecated immovable property.

55. (1) In the province of Quebec no immovable property whereon exists a hypothec or a privilege shall be sold by the trustee without the permission in writing of the inspectors and the authorization of the judge and after notice has been given to each hypothecary or privileged creditor whose name is entered in the register of addresses that the registrars of the registration divisions are obliged to keep according to the laws of the province.

Method of sale of hypothecated property.

(2) The sale of immovable property under subsection one, unless a written consent to the contrary is obtained from each hypothecary or privileged creditor whose claim has been duly registered, or unless the sale is made subject to hypothec or privilege of any such creditor not so consenting, shall be made at public auction and after advertisement as required for the sale of immovable property by the sheriff in the district or place where such immovable property is situate, but where the property is situate in more than one district or place the court may direct a sale of all such property as an entirety at one place, to be specified in the order, and after such notice as the court may direct.

Effect of sale at public auction.

(3) Any sale at public auction under this section has the same effect as a sheriff's sale in the province of Quebec, and is subject to the contribution to the Public Buildings and Jury Fund provided for in the case of sheriff's sale.

False bidding.

(4) In case of false bidding, the same recourse as in case of sheriff's sale may be exercised against the false bidder in the manner provided by the laws of the province.

Security unaffected.

(5) This section shall not be interpreted as affecting the right of a secured creditor to realize or otherwise deal with his security as provided by this Act.

Duties imposed by Civil Code.

56. Upon making a sale under section fifty-five, the trustee shall fulfil all the duties imposed on the sheriff by articles two thousand one hundred and sixty-one *(d)* to two thousand one hundred and sixty-one *(k)*, inclusive, of the Civil Code of the province of Quebec, and the registrars of the different registration divisions of that province shall also fulfil all the duties imposed upon them by the said

(3) No change. Formerly section 167 (3).

55. (1) This was formerly section 45 (1). No change.

(2) This was formerly section 45 (2). No material change.

(3) This was formerly section 45 (3). No change.

(4) This was formerly section 45 (4). No material change.

(5) This was formerly section 45 (5). No change.

56. This was formerly section 45 (6). No change.

articles and shall be deemed to be officers of the court having jurisdiction in bankruptcy for the carrying out of the provisions of this section.

Resale.

57. (1) Where the purchaser has not paid the whole of the purchase price or given security when he may lawfully do so under the provisions of the Code of Civil Procedure for the province of Quebec, the trustee may obtain from the court an order for the resale of the property.

(2) The purchaser may prevent the resale for false bidding by paying to the trustee, before the resale, the amount of his bid with the interest accrued by reason of his default and all costs incurred thereby.

(3) Where a resale is made and the price obtained is less than the bid of the false bidder, he is liable to the trustee for the difference between the bid and the price obtained, and the court may on application of the trustee make an order against the false bidder for payment of the difference; and where the price obtained is greater than the bid the difference shall be paid to the trustee.

Effect of omission.

58. Failure to comply with any of the provisions of the articles referred to in section fifty-six does not invalidate any proceedings of the sale but the officer in default is responsible for all damages that may result therefrom.

Disposal of property so sold by sheriff.

59. When an immovable property affected by a hypothec or privilege is sold by the sheriff, the moneys realized from the sale shall remain in his hands to be paid by him to the privileged and hypothecary creditors in accordance with the report of distribution made by the prothonotary of the Superior Court and the surplus shall be remitted to the trustee upon an order of the judge for its distribution among the ordinary creditors in accordance with the provisions of this Act.

Settlements and Preferences.

Avoidance of certain settlements.

60. (1) Any settlement of property, if the settlor becomes bankrupt within one year after the date of the settlement, is void against the trustee.

If bankrupt within five years.

(2) Any settlement of property, if the settlor becomes bankrupt within five years after the date of the settlement, is void against the trustee, unless the parties claiming under the settlement can prove that the settlor was, at the time of making the settlement, able to pay all his debts without the aid of the property comprised in the settlement and that the interest of the settlor in the property passed on the execution thereof.

57. These provisions were formerly contained in Rule 129.

58. This was formerly section 45 (7). No change.

59. This was formerly section 45 (8). No change.

60. (1) The changes are self-explanatory.

(2) The changes are self-explanatory.

The former subsection (3) has been deleted. It read as follows:

"**60.** (3) This section shall not extend to any settlement made
(a) before and in consideration of marriage, or
(b) in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or
(c) on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife."

Certain marriage contracts void as against trustee.

61. Any covenant or contract made by any person (hereinafter called "the settlor") in consideration of his or her marriage, either for the future payment of money for the benefit of the settlor's wife or husband or children, or for the future settlement on or for the settlor's wife or husband or children, of property wherein the settlor had not at the date of the marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property in right of the settlor's wife or husband, if the settlor becomes bankrupt and the covenant or contract has not been executed at the date of the bankruptcy, is void against the trustee except so far as it enables the persons entitled under the covenant or contract to claim for dividend in the settlor's bankruptcy proceedings under or in respect of the covenant or contract, but any such claim to dividend shall be postponed until all claims of the other creditors have been satisfied.

Payments and transfers void, subject to proof of certain facts.

62. (1) Any payment of money, not being payment of premiums on a policy of life insurance in favour of the husband, wife, child or children of the settlor, or any transfer of property made by the settlor in pursuance of a covenant or contract mentioned in section sixty-one, is void against the trustee unless the person to whom the payment or transfer was made prove

(a) that the payment or transfer was made more than six months before the date of the bankruptcy; or

(b) that at the date of the payment or transfer the settlor was able to pay all his debts without the aid of the money so paid or the property so transferred; or

(c) that the payment or transfer was made in pursuance of a covenant or contract to pay or transfer money or property expected to come to the settlor from or on the death of a particular person named in the covenant or contract and was made within three months after the money or property came into the possession or under the control of the settlor.

If declared void.

(2) Where any payment or transfer mentioned in subsection one is declared void, the persons to whom it was made shall be entitled to claim for dividend under or in respect of the covenant or contract in like manner as if it had not been executed at the date of the bankruptcy.

Avoidance of general assignment of book debts.

63. (1) Where a person engaged in any trade or business makes an assignment of his existing or future book debts or any class or part thereof and subsequently becomes bankrupt, the assignment of book debts is void against the trustee as regards any book debts that have not been paid at the date of the bankruptcy.

61. The changes are self-explanatory.

62. (1) The changes are self-explanatory.

(2) No material change.

The former subsection (3) is unnecessary and has been deleted. It read as follows:

"**62.** (3) For the purpose of this section and sections sixty and sixty-one "settlement" shall include any conveyance or transfer of property."

63. The section formerly read as follows:

"**63.** (1) Where a person engaged in any trade or business makes an assignment of his existing or future book debts or any class or part thereof, and is subsequently adjudicated bankrupt or makes an authorized assignment, the assignment of book debts shall be void against the trustee in the bankruptcy or under the authorized assignment, as regards any book debts which have not been paid at the date of the presentation of the petition in bankruptcy or of the making of the authorized assignment.

(2) This section shall not apply if, in the province where the assignor has his principal place of business, there is a statute providing for the registration of such assignment, and if the assignment is registered in compliance therewith.

(3) Nothing in this section shall have effect so as to render void any assignment of book debts, due at the date of the assignment from specified debtors, or of debts growing due under specified contracts, or any assignment of book debts included in a transfer of a business made *bona fide* and for value, or in any authorized assignment.

(4) For the purpose of this section "assignment" includes assignment by way of security and other charges on book debts."

(1) The changes are self explanatory.

Foregoing provisions not to apply in some cases.

(2) This section does not apply to an assignment of book debts which is registered pursuant to any statute of any province providing for the registration thereof if the assignment is valid in accordance with the laws of the province.

Further cases where this section not to void assignments.

(3) Nothing in this section renders void any assignment of book debts due at the date of the assignment from specified debtors, or of debts growing due under specified contracts, or any assignment of book debts included in a transfer of a business made *bona fide* and for adequate valuable consideration.

"Assignment" defined.

(4) For the purposes of this section, "assignment" includes assignment by way of security and other charges on book debts.

Avoidance of preference in certain cases.

64. (1) Every transaction, whether or not entered into voluntarily or under pressure, by an insolvent person who becomes bankrupt within three months thereafter and resulting in any person or any creditor or any person in trust for such creditor or any surety or guarantor for the debt due to such creditor obtaining a preference, advantage or benefit over the creditors or any of them, is void as against the trustee.

Void or voidable transactions.

(2) Every transaction entered into by a person who subsequently becomes bankrupt which would be void or voidable as against a creditor is void or voidable, as the case may be, as against the trustee.

Transactions deemed unlawful.

(3) Any transaction entered into between a bankrupt and any person the result of which is to obtain a benefit or advantage to which the bankrupt or such person would not be entitled is void as against the trustee, and any property or consideration given is recoverable by the trustee.

Transactions re undisclosed property.

(4) Any transaction entered into after the bankruptcy of any person between the bankrupt and any other person relating to any of the property of the bankrupt not disclosed to the trustee at the date of the bankruptcy is void as against the trustee.

(2) This subsection has been redrafted. The change in subsection (2) has been recommended by the Conference of Commissioners on Uniformity of Laws for Canada at its session at Ottawa in August, 1933. It has also been recommended by the Canadian Bankers' Association. It formerly read as follows:

"(2) This section shall not apply if, in the province where the assignor has his principal place of business, there is a statute providing for the registration of such assignment, and if the assignment is registered in compliance therewith."

(3) The changes are self-explanatory.

(4) No change.

64. This is an entirely new redraft of section 64 which formerly read as follows:

"**64.** (1) Every conveyance or transfer of property or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any insolvent person in favour of any creditor or of any person in trust for any creditor with a view of giving such creditor a preference over the other creditors shall, if the person making, incurring, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, incurring, taking, paying or suffering the same, or if he makes an authorized assignment, within three months after the date of the making, incurring, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy or under the authorized assignment.

(2) If any such conveyance, transfer, payment, obligation or judicial proceeding has the effect of giving any creditor a preference over other creditors, or over any one or more of them, it shall be presumed *prima facie* to have been made, incurred, taken, paid or suffered with such view as aforesaid whether or not it was made voluntarily or under pressure and evidence of pressure shall not be receivable or avail to support such transaction.

(3) For the purpose of this section, the expression "creditor" shall include a surety or guarantor for the debt due to such creditor."

(1) Former sections 64 and 65 have been the *cause celebre* of more litigation and uncertainty than any other sections in the Act. Even the courts have not been able to agree on the proper interpretation thereof. For instance the words "with a view of" in the fourth line of section 64 have been the cause of many diverse opinions and inferences regarding the intent of the parties to the transaction. It has given rise to the doctrine of concurrent intent in some provinces which is a product of former decisions of the courts on the interpretation of similar phrases in the *Assignments and Preferences Act* in force therein. In other provinces it has been held to mean only unilateral intent on the part of either a bankrupt or a creditor. The result has been that there has been much confusion of thought and no unanimity not only as to the interpretation of the section but also as to the inter-relating effect with section 65.

(2) The new subsection has a wider application than the former section 64 which limited the types of transactions which could be attacked thereunder.

(3) This is a new subsection inserted to get at a certain type of transaction more usually entered into after the bankruptcy for quite an unlawful purpose.

(4) This subsection is new and is deemed necessary to complete the circle of transactions which are prohibited.

Protected transactions.

65. (1) Except as provided in sections sixty to sixty-four, nothing in this Act shall be construed to invalidate, in the event of bankruptcy, any settlement, preference or transaction made or granted before bankruptcy in good faith and for adequate valuable consideration between the bankrupt and any other person without notice or knowledge of or reason to suspect the insolvency of the bankrupt or of his having committed an act of bankruptcy.

Law of set-off to apply.

(2) The law of set-off applies to all claims made against the estate and also to all actions instituted by the trustee for the recovery of debts due to the bankrupt in the same manner and to the same extent as if the bankrupt were plaintiff or defendant, as the case may be, except in so far as any claim for set-off is affected by the provisions of this Act respecting frauds or fraudulent preferences.

Recovering proceeds if reconveyed.

66. (1) Where a person has acquired property of the bankrupt under a transaction that is void or under a voidable transaction that is set aside and has sold, disposed of, realized or collected the property or any part thereof, the money or other proceeds, whether further disposed of or not, shall be deemed the property of the trustee.

Trustee may recover.

(2) The trustee may recover the property or the value thereof or the money or proceeds therefrom from the person who acquired it from the bankrupt or from any other person to whom he may have resold, transferred or paid over the proceeds of the property as fully and effectually as the trustee could have recovered the property if it had not been so sold, disposed of, realized or collected.

65. (1) This is a simplified redraft of the former section 65 which read as follows:

"**65.** (1) Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy or of an authorized assignment on an execution, attachment or other process against property, and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate, in the case of a receiving order or an authorized assignment,

(a) any payment by the bankrupt or assignor to any of his creditors;

(b) any payment or delivery to the bankrupt or assignor;

(c) any conveyance or transfer by the bankrupt or assignor for adequate valuable consideration;

(d) any contract, dealing, or transaction by or with the bankrupt or assignor for adequate valuable consideration;

Provided that both the following conditions are complied with, namely:—

(i) That the payment, delivery, conveyance, assignment, transfer, contract, dealing, or transaction, as the case may be, is in good faith and takes place before the date of the receiving order or authorized assignment; and

(ii) That the person, other than the debtor, to, by, or with whom the payment, delivery, conveyance, assignment, transfer, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, transfer, contract, dealing or transaction, notice of any available act of bankruptcy committed by the bankrupt or assignor.

(2) The expression "adequate valuable consideration" in paragraph *(c)* of this section means a consideration of fair and reasonable money value with relation to that of the property conveyed, assigned or transferred, and in paragraph *(d)* hereof means a consideration of fair and reasonable money value with relation to the known or reasonably to be anticipated benefits of the contract, dealing or transaction."

(2) Formerly section 58. No change.

66. The phraseology of this section has been slightly changed. Section 66 (1), (2) and (3) read as follows:

"**66.** (1) If a person in whose favour any settlement of property, conveyance or transfer which is void under this Act has been made, shall have sold, disposed of, realized on or collected the property so conveyed or transferred, or any part thereof, the money or other proceeds, whether further disposed of or not, shall be deemed the property of the trustee as such.

(2) The trustee may recover such property or the value thereof from the person in whose favour such settlement of property, conveyance or transfer was made or from any other person, to whom the person in whose favour such settlement of property, conveyance or transfer was made may have resold, redisposed of or paid over the proceeds of such property as fully and effectually as the trustee could have recovered the same if it had not been so sold, disposed of, realized on or collected.

(3) Notwithstanding the provisions of subsection one of this section, where any person to whom such property has been sold or disposed of shall have paid or given therefor in good faith fair and reasonable consideration he shall not be subject to the operation of this section but the trustee's recourse shall be solely against the person in whose favour such settlement was made for recovery of the consideration so paid or given or the value thereof."

Operation of section.

(3) Notwithstanding subsection one, where any person to whom the property has been sold or disposed of has paid or given therefor in good faith adequate valuable consideration he is not subject to the operation of this section but the trustee's recourse shall be solely against the person entering into the transaction with the bankrupt for recovery of the consideration so paid or given or the value thereof.

Trustee subrogated.

(4) Where the consideration payable for or upon any sale or resale of such property or any part thereof remains unsatisfied the trustee is subrogated to the rights of the vendor to compel payment or satisfaction.

Dealings with undischarged bankrupt.

67. (1) All transactions by a bankrupt with any person dealing with him *bona fide* and for value in respect of property acquired by the bankrupt after the bankruptcy, if completed before any intervention by the trustee, are valid against the trustee, and any estate or interest in such property that by virtue of this Act is vested in the trustee shall determine and pass in such manner and to such extent as may be required for giving effect to any such transaction.

Receipt of money by banker.

(2) For the purposes of this section, the receipt of any money, security or negotiable instrument from or by the order or direction of a bankrupt by his banker, and any payment and any delivery of any security or negotiable instrument made to or by the order or direction of a bankrupt by his banker shall be deemed to be a transaction by the bankrupt with such a banker dealing with him for value.

(3) The words "entering into such transaction with the bankrupt" have been substituted for the words "in whose favour such settlement was made".

(4) No change.

67. The changes are self-explanatory.

PART V.

Administration of Estates.

Meetings of Creditors.

First meeting of creditors.

68. (1) It shall be the duty of the trustee to inform himself of the names and addresses of the creditors and, within five days from the date of his appointment, to send by registered mail to the bankrupt, to every known creditor and to the Superintendent a notice in the prescribed form of the first meeting of creditors, to be held on a date not later than fifteen days from the mailing thereof at the office of the official receiver in the locality of the bankrupt, but the official receiver may, when he deems it expedient, authorize the meeting to be held at the office of any other official receiver or at such place as the official receiver may fix.

Documents to accompany notice.

(2) The trustee shall include with such notice a list of the creditors with claims amounting to twenty-five dollars or more and the amounts of their claims together with a proof of claim and proxy in the prescribed form but no name shall be inserted in the proxy before it is so sent.

Notice to be gazetted by trustee.

(3) Notice of the bankruptcy and of the first meeting shall, as soon as may be done, be published in the prescribed form by the trustee in the *Canada Gazette*.

Publication in local paper by trustee.

(4) The notice referred to in subsection one shall, as soon as possible after the bankruptcy and not later than six days prior to the first meeting, be published in a local newspaper by the trustee.

Purpose of meeting.

(5) The purpose of such meeting shall be to consider the affairs of the bankrupt, to affirm the appointment of the trustee or substitute another in place thereof, to appoint inspectors, and to give such directions to the trustee as the creditors may see fit with reference to the administration of the estate.

68. Formerly section 88.

(1) The provisions of subsections (1) and (2) have now been combined in subsection (1), the word "trustee" being substituted for "custodian".

Subsection (1) is the same with new phrases added and subsection (2) which read "Such first meeting shall be called for a date not later than fifteen days after the mailing of such notice" is merely incorporated therein. The concluding part is added to meet a certain type of situation where it may be more desirable that the meeting of creditors be held elsewhere to serve the convenience of all concerned.

(2) Formerly subsection (3).

(3) and (4) These provisions were formerly contained in subsection (1) of section 28. The word "trustee" has been substituted for "custodian". Section 28 (1) read as follows:

> "28. (1) A notice in the prescribed form of the receiving order or assignment and of the first meeting of creditors required to be called pursuant to this Act shall, as soon as possible after the making or executing of such receiving order or assignment, be gazetted by the custodian, and not less than six days prior to said meeting be published in a local newspaper."

(5) This was formerly section 88 (4). The word "administration" has been substituted for "disposal", and the additional clause added to widen the application of the section. It read as follows:

> "88. (4) The purpose of such meeting shall be to consider the affairs of the debtor and to appoint a trustee and inspectors and give directions to the trustee with reference to the disposal of the estate."

Meetings during administration.

69. (1) The trustee may at any time call a meeting of creditors and he shall do so when directed by the court and whenever requested in writing by a majority of the inspectors or by twenty-five per cent in number of the creditors holding twenty-five per cent in value of the proved claims.

Meetings convened by inspectors.

(2) A meeting of the creditors may be convened by a majority of the inspectors at any time when a trustee is not available to call a meeting or has neglected or failed to do so when so directed by the inspectors.

Notice of subsequent meetings.

70. (1) Meetings other than the first shall be called by mailing notice of the time and place thereof not less than four days before the time of such meeting to each creditor at the address given in his proof of claim.

Notice to creditors with proved claims.

(2) After the first meeting notice of any meeting or of any proceeding need not be given to any creditors other than those who have proved their claims.

Procedure at Meetings.

Chairman of first meeting.

71. (1) The official receiver or his nominee shall be the chairman at the first meeting of creditors and shall decide any questions or disputes arising at the meeting and from any such decision any creditor may appeal to the court.

Trustee to be chairman of subsequent meetings.

(2) At all other meetings the trustee shall be the chairman unless by resolution at the meeting some other person is appointed.

Chairman shall have casting vote.

(3) The chairman of any meeting of creditors shall, in the case of a tie, have a second or casting vote.

Minutes of meeting.

(4) The chairman shall cause minutes of the proceedings at the meeting to be drawn up and entered in a book kept for that purpose, and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

69. (1) Formerly section 89. It is necessary to provide for meetings to be called when ordered by the court and when required by the inspectors.

(2) This is a new subsection.

70. (1) Formerly section 90 (1). The reason for the additional clause is obvious.

(2) Formerly section 90 (2). The subsection has been revised in view of the provisions of subsection (2) of section 71.

71. (1) Formerly section 91 (1). The changes are self-explanatory. It read as follows:

> "**91.** (1) The Official Receiver or his nominee shall be the chairman at the first meeting of creditors, and shall decide any questions arising in connection with the appointment of the trustee by creditors, and from any such decision any creditor may appeal to the court."

(2) Formerly section 91 (2) which read as follows:

> "(2) At all other meetings the chairman shall be such person as the meeting by resolution appoints."

(3) This subsection is new.

(4) This was formerly section 93. No change.

Non-reception of notice by creditor.

(5) Where a meeting of creditors is called, the proceedings had and resolutions passed at such meeting, unless the court otherwise orders, are valid, notwithstanding that some creditors shall not have received notice.

Quorum.

72. (1) A meeting shall not be competent to act for any purpose except the election of a chairman and the adjournment of the meeting, unless there are present or represented at least three creditors, or all the creditors when their number does not exceed three.

Adjournment if no quorum.

(2) Where, within half an hour after the time appointed for the meeting, a quorum of creditors is not present or represented, the meeting shall be adjourned by the chairman to such time and place as the chairman may appoint, not being less than seven nor more than twenty-one days from the day of the adjourned meeting.

Adjournment with consent of meeting.

(3) The chairman of any meeting may with the consent of the meeting adjourn the meeting from time to time.

How creditors shall vote.

73. Every class of creditors may express its views and wishes separately from every other class and the effect to be given to such views and wishes shall, in case of any dispute and subject to the provisions of the Act, be in the discretion of the court.

(5) This is taken from former Rule 133 (1) which read as follows:

"*Rule* **133.** (1) Where a meeting of creditors is called by notice, the proceedings had and resolutions passed at such meeting shall, unless the Court otherwise orders, be valid, notwithstanding that some creditors shall not have received the notice sent to them and notwithstanding the inadvertent omission to send such notice to one or more creditors."

The former section 71 has been deleted. It read:

"**71.** (1) The trustee may from time to time make demand on any contributory requiring him to pay to the trustee within thirty days from and after the date of the service of such demand, the amount for which such person is so liable to contribute or such portion thereof as the trustee deems necessary or expedient.

(2) Any such demand shall be deemed to have been properly served if delivered personally to the contributory or if a copy of the same is mailed in a registered prepaid letter addressed to the contributory at his last known address or at the address shown in or by the stock register or other books of the corporation.

(3) If the contributory disputes liability, either in whole or in part, he shall within fifteen days from the service of such demand give notice in writing to the trustee stating therein what portion of the demand is disputed and setting out his grounds of defence and he shall not thereafter, unless by leave of the court be permitted to plead in any action or proceeding brought against him by the trustee any grounds of defence of which he has not notified the trustee within said fifteen days.

(4) If at the expiration of thirty days from the date of the service of such demand the contributory has not paid to the trustee the required amount, the trustee may take proceedings against the contributory for the recovery thereof in the manner provided by General Rules.

(5) If the contributory considers the demand excessive or unjust he may apply to the court to reduce or disallow it.

(6) If the court considers the demand to be grossly excessive or unjust it may order the trustee to pay personally the costs of any such application."

72. (1) Formerly section 92 (1). No change.

(2) Formerly section 92 (2). The words "to such time and place" have been substituted for the words "to the same day in the following week at the same time and place, or to such other day."

(3) Formerly section 91 (3). No material change.

The former section 72 has been deleted. It read as follows:

"**72.** (1) The court shall, on the application of any contributory, adjust the rights of the contributories among themselves, and, for the purpose of facilitating such adjustment may direct the trustee to intervene, carry the proceedings, employ legal or other assistance and make such investigations, do such acts and furnish such information as to the court may seem necessary or advisable.

(2) The court shall allow to the trustee and to any solicitor, advocate or counsel or other assistant employed by him under the provisions, of the immediately preceding subsection, as against the contributories or any of them such remuneration, expenses and costs as the court shall deem just, and such remuneration, expenses and costs shall be paid out of such moneys as shall be collected from contributories under the order or direction of the court for the purposes of the adjustment or out of moneys payable to the contributories by the estate of the debtor, as the court shall order, but such remuneration, expenses and costs shall not be payable in any event out of the general estate of the debtor.

(3) The court, before proceeding to adjust the rights of contributories among themselves, as by subsection one of this section provided, may order that the contributory applying shall provide security, in form and amount satisfactory to the court, for the payment of such remuneration, expenses and costs as will be incident to such adjustment, and, in default of such security being provided as and when ordered, the court may refuse to proceed with such adjustment."

73. This was formerly Rule 136 which has been slightly amended.

The former section 73 has been deleted. It was as follows:

"**73.** (1) The provisions of sections seventy, seventy-one and seventy-two shall apply only to corporations which have become bankrupt or authorized assignors under this Act.

(2) The word 'contributory' as used in the three last preceding sections means such shareholder or member of a corporation as is referred to in subsection one of section seventy."

Power of chairman to admit or reject proof.

74. (1) The chairman of the meeting has power to admit or reject a proof of claim for the purpose of voting but his decision is subject to appeal to the court.

Accept proof by telegraph.

(2) Notwithstanding anything in this Act, the chairman may, for the purpose of voting, accept telegraphic or cable communication as proof of the claim of a creditor who is resident out of Canada.

In case of doubt.

(3) Where the chairman is in doubt whether the proof of claim should be admitted or rejected he shall mark the proof as objected to and allow the creditor to vote subject to the vote being declared invalid in the event of the objection being sustained.

Right of creditor to vote.

75. (1) A person is not entitled to vote as a creditor at any meeting of creditors unless he has duly proved a claim provable in bankruptcy and the proof of claim has been duly lodged with the trustee before the time appointed for the meeting.

Voting by proxy.

(2) A creditor may vote either in person or by proxy.

Form of proxy.

(3) A proxy is not invalid merely because it is in the form of a letter, telegram or cable.

Debtor may not be proxy.

(4) A debtor may not be appointed a proxy to vote at any meeting of his creditors.

Corporation.

(5) A corporation may vote by an authorized agent at meetings of creditors.

Claims acquired after bankruptcy.

76. (1) No person is entitled to vote on a claim acquired after the bankruptcy unless the entire claim is acquired.

(2) Subsection one does not apply to persons acquiring notes, bills or other securities upon which they are liable.

74. (1) This was formerly section 100 (1). No material change.

(2) This was formerly section 100 (2) which read as follows:

"**100.** (2) Notwithstanding anything in this Act, the chairman may, for the same purpose, accept telegraphic or cable communication as proof of the debt of a creditor who carries on business out of Canada and likewise as to the authority of any one claiming to represent and vote on behalf of such creditor."

(3) No material change. This was formerly section 100 (3).

75. (1) This was formerly section 94. No material change.

(2) This was formerly section 101 (1) which read as follows:

"**101.** (1) A creditor may vote either in person or by proxy deposited with the custodian or trustee at or before the meeting at which it is to be used."

(3) This was formerly section 101(2). No change.

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

(5) This was formerly section 99 (1). No material change. Subsection (2) of section 99 has been deleted. It read as follows:

"**99.** (2) The bondholders, debenture holders, shareholders and members of the corporation and each class thereof may at such meeting express their views or wishes in manner prescribed by General Rules."

76. No material change. Formerly section 97.

Creditor secured by bill or note.

77. A creditor shall not vote in respect of any claim on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability of every person thereon as a security in his hands and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend, to deduct it from his claim.

Voting by secured creditor.

78. For the purpose of voting, a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and he is entitled to vote only in respect of the balance, if any, due to him, after deducting the value of his security.

Trustee may vote.

79. (1) Where the trustee is a creditor or a proxy for a creditor, he may vote as a creditor at any meeting of creditors.

Trustee may not vote on remuneration.

(2) The vote of the trustee or of his partner, clerk, solicitor, or solicitor's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the trustee.

Persons not entitled to vote.

(3) The following persons are not entitled to vote on the appointment of a trustee or inspectors, namely:

(a) the father, mother, son, daughter, sister, brother, uncle or aunt by blood or marriage, wife or husband of the bankrupt;

(b) where the bankrupt is a corporation, any officer, director or employee thereof.

77. This was formerly section 96 and read as follows:

"**96.** A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, or by whom an authorized assignment has not been made, as a security in his hands, and to estimate the value thereof, and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof."

78. This was formerly section 95 (1). No change.

Former section 95(2) is a mere repetition of subsection (1). It read as follows:

"**95.** (2) A secured creditor shall not be entitled to vote at any meeting of creditors until he has proved his claim and valued his security as hereinafter provided."

79. (1) This was formerly section 98(1). The provision giving the trustee a casting vote in the case of a tie has been deleted. Subsection (3) of section 71 gives a casting vote to the *chairman* of the meeting.

Section 98 read as follows:

"**98.** (1) The trustee, if a creditor or a proxy for a creditor, may vote, as a creditor at any meeting of creditors, and, in addition, in case of a tie, shall have a casting vote, personally, as if he were a creditor holding a proved claim of twenty-five dollars.

(2) The vote of the trustee, or of his partner, clerk solicitor, or solicitor's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the trustee.

(3) The following persons shall not be entitled to vote on the appointment of a trustee namely:

(i) the father, mother, son, daughter, sister, brother, uncle or aunt by blood or marriage, wife or husband of the bankrupt or authorized assignor;

(ii) if the bankrupt or authorized assignor is an incorporated company, any officer, director or employee thereof."

(2) Formerly section 98(2). The comma is inserted after "clerk" in the first line as in the English Act in the first schedule 28 it apparently has been inadvertently omitted.

(3) Formerly section 98(3). The words "or inspectors" have been added as the choice of the inspectors is as important to the administration of an estate as that of the trustee.

The former section 79 is deemed unnecessary and has been deleted. It read:

"**79.** Notwithstanding the declaration of a final dividend if any assets reserved for contingent claims, or assets subsequently received, become available for the payment of a further dividend and the necessary expenses of declaring the same, the trustee shall declare and pay such further dividend."

Evidence of proceedings at meetings of creditors.

80. (1) A minute of proceedings at a meeting of creditors under this Act signed at the same or the next ensuing meeting by a person describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

Evidence of regularity.

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been signed by the chairman shall be deemed to have been duly convened and held and all resolutions passed or proceedings thereat to have been duly passed or had.

Scale of votes.

81. Subject to this Act, all questions at meetings of creditors shall be decided by resolution carried by the majority of votes, and for such purpose the votes of creditors shall be calculated as follows:—

For every claim of or over twenty-five dollars and not exceeding two hundred dollars—one vote;

For every claim of over two hundred dollars and not exceeding five hundred dollars—two votes;

For every claim of over five hundred dollars and not exceeding one thousand dollars—three votes;

For every claim of one thousand dollars three votes and one additional vote for each additional one thousand dollars or fraction thereof.

Inspectors.

Appointment of inspectors.

82. (1) At the first or a subsequent meeting, the creditors shall appoint one or more, but not exceeding five, inspectors of the estate of the bankrupt.

Certain persons not eligible.

(2) No person is eligible to be appointed or to act as an inspector who is a party to any contested action or proceedings by or against the estate.

Powers of inspectors.

(3) The powers of the inspectors may be exercised by a majority of them.

Filling vacancy on board.

(4) The creditors or the inspectors at any meeting may fill any vacancy on the board of inspectors.

80. This was formerly section 177 (1) and (2). No material change.

The provisions of the former section 80 are duplicated in section 101 and have therefore been deleted. Section 80 read:

> "**80.** Where one partner of a firm is adjudged bankrupt, or makes an authorized assignment, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt or authorized assignor until all the separate creditors have received the full amount of their respective debts."

81. No material change. Formerly section 102.

82. (1) Formerly section 103(1). No material change.

(2) This was formerly section 103(7). No substantial change.

(3) This was formerly section 103(2). No change.

(4) This is a new subsection. While it is the natural right of the creditors to appoint inspectors as may be necessary yet often it is not practical and in many cases futile to call a meeting for such purpose alone. It is customary on practically all boards of directors for them to have the power to fill any vacancy on the board and so that inspectors can have a full board it is deemed desirable to grant them the power to fill a vacancy. Any such appointments are always subject to removal as provided in the next subsection.

Revocation and replacement.

(5) The creditors may at any meeting and the court may on the application of the trustee or any creditor revoke the appointment of any inspector and appoint another in his stead.

Meetings of inspectors.

(6) The trustee may call a meeting of inspectors when he deems it advisable and he shall do so when requested in writing by a majority of the inspectors.

Trustee votes in case of tie.

(7) In the event of an equal division of opinion at a meeting of inspectors, the opinion of any absent inspector shall be sought in order to resolve the difference, and in the case of a difference that cannot be so resolved it shall be resolved by the trustee, unless it concerns his personal conduct or interest in which case it shall be resolved by the creditors or the court.

If no inspectors appointed.

(8) Where there are no inspectors or where the inspectors fail to exercise the powers conferred on them, the trustee shall call a meeting of the creditors for the purpose of appointing inspectors or substituting other inspectors, taking such action or giving such directions as may be necessary.

Creditors may override directions of inspectors.

(9) Subject to this Act, the trustee shall in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors have regard to any directions that may be given by resolution of the creditors at any general meeting or by the inspectors, and any directions so given by the creditors shall in case of conflict be deemed to override any directions given by the inspectors.

Decisions of inspectors subject to review by court.

(10) The decisions and actions of the inspectors are subject to review by the court at the instance of the trustee or any interested person and the court may revoke or vary any act or decision of the inspectors and it may give such directions, permission or authority as it deems proper in substitution thereof or may refer any matter back to the inspectors for reconsideration.

Inspector may not acquire property.

(11) No inspector is, directly or indirectly, capable of purchasing or acquiring for himself or for another any of the property of the estate for which he is an inspector, unless with the prior approval of the court.

(5) This was formerly section 103(3). It is deemed desirable that the court also have the authority to remove an inspector acting improperly and to avoid the delay and expense of calling a meeting to appoint new inspectors so that the administration may be expedited. The subsection formerly read as follows:

> "(3) The creditors may, at any meeting, revoke the appointment of any inspector and in such event or in case of the death, resignation, or absence from the province of an inspector, may appoint another in his stead."

(6) This is a new subsection.

(7) This was formerly section 103(5). There is no material change except to meet the contingency therein expressed.

(8) This is a new subsection, which has been inserted to provide for the eventualities mentioned therein so that the administration of an estate may not be prejudiced as a result of the absence of inspectors or of their failure to act.

(9) This is a new subsection. The right of the creditors to override the inspectors seemingly has just been assumed by implication, as there does not appear to be any express authority therefor other than a decision of the court to that effect. The English Act, section 79(1), makes express provision therefor.

(10) This is a new subsection. It removes any doubt as to the authority of the court to overrule the decisions of the inspectors.

(11) This was formerly section 103(6). No change.

Acts of inspectors not invalidated by formal defects.

(12) No defect or irregularity in the appointment of an inspector vitiates any act done by him in good faith.

Duty of inspectors.

(13) The inspectors shall from time to time verify the bank balance, audit the trustee's accounts and inquire into the adequacy of the security filed by the trustee and, subject to subsection fourteen, shall approve the trustee's final statement of receipts and disbursements, dividend sheet and disposition of unrealized property.

Approval of trustee's final statement by inspectors.

(14) Before approving the final statement of receipts and disbursements, the inspectors shall satisfy themselves that all the property has been accounted for and that the administration of the estate has been completed as far as can reasonably be done and shall determine whether or not the disbursements and expenses incurred are proper and have been duly authorized, and the fees and remuneration just and reasonable in the circumstances.

Inspectors' fees.

(15) Each inspector may be repaid his actual and necessary travelling expenses incurred in and about the performance of his duties and may also be paid the following fees to be computed on the net receipts as determined by the amount realized by the trustee less payments to secured creditors:—

Estates with net receipts	below	$	10,000.....	a fee of	$3.00	per	meeting.
"	"	from	10,000 to 50,000	"	5.00	"	
"	"	"	50,000 to 100,000	"	7.50	"	
"	"	"	100,000 and over...	"	10.00	"	

Special services.

(16) An inspector duly authorized by the creditors or by the other inspectors to perform special services for the estate may be allowed a special fee for such services, subject to approval of the court which may vary such fee as it deems proper having regard to the nature of the services rendered in relation to the fiduciary obligations of the inspector to the estate.

(12) This was formerly section 186(2). It is a more logical place for this provision.

(13) This is a new subsection. While conferring certain powers on the inspectors, the present Act is silent as to the duties of inspectors. The duties referred to herein have in the past been more or less left to the court or to the Superintendent to perform as occasion arose. It is felt that the inspectors, being more familiar with the affairs of the estate, are better qualified to exercise control in such matters. Under the English Act a trustee must submit his cash book and vouchers to the inspectors whenever required, but not less than once every three months and in the case of a trading account not less than once a month, and the inspectors are required at such times to audit and certify the accounts. Similar provisions are contained in the Scottish Act.

(14) This is a new subsection. The present Act does not provide for the inspectors' approval of the trustee's final statement of receipts and disbursements though in actual practice such approval is usually required. The new subsection remedies this omission and specifies more particularly the duty of inspectors in this regard.

(15) This was formerly section 103(4). The words inserted are to state the basis on which the fees are to be computed. See in *In re* John Perkins (15 C.B.R. 192).

(16) Occasions may arise when an inspector may render services to the estate which are beyond those which he might reasonably be expected to perform on behalf of the estate in his fiduciary capacity.

Claims Provable.

Claims provable.

83. (1) All debts and liabilities, present or future, to which the bankrupt is subject at the date of the bankruptcy or to which he may become subject before his discharge by reason of any obligation incurred before the date of the bankruptcy shall be deemed to be claims provable in proceedings under this Act.

Contingent and unliquidated claims.

(2) The court shall, on the application of the trustee, determine whether any contingent claim or any unliquidated claim is a provable claim, and, if a provable claim, it shall value such claim, and such claim shall after, but not before, such valuation be deemed a proved claim to the amount of its valuation.

Debts payable at a future time.

(3) A creditor may prove for a debt not payable at the date of the bankruptcy and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per cent per annum computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted.

Proposals prior to bankruptcy.

(4) Where a proposal is made before bankruptcy the claims provable shall be determined as of the date of the filing of the proposal.

Claims provable in bankruptcy following proposal.

(5) The claims of creditors under a proposal shall, in the event of the debtor subsequently becoming bankrupt, be provable in the bankruptcy for the full amount of the claims less any dividends paid thereon pursuant to the proposal.

Interest.

(6) Where interest on any debt or sum certain is provable under this Act but the rate of interest has not been agreed upon, the creditor may prove for interest at a rate not exceeding five per cent per annum to the date of the bankruptcy from the time the debt or sum was payable, if evidenced by a written instrument, or, if not so evidenced, from the time notice has been given the debtor of the interest claimed.

83. Formerly section 104 which read as follows:

"**104.** (1) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise, or breach of trust, shall not be provable in bankruptcy or in proceedings under an authorized assignment.

(2) Save as aforesaid, all debts and liabilities, present or future, to which the debtor is subject at the date of the receiving order or the making of the authorized assignment or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order or of the making of the authorized assignment shall be deemed to be debts provable in bankruptcy or in proceedings under an authorized assignment.

(3) The court shall value, at the time and in the summary manner prescribed by General Rules, all contingent claims and all such claims for unliquidated damages as are provable by this section, and after, but not before, such valuation, every such claim shall for all purposes of this Act, be deemed a proved debt to the amount of its valuation."

This section provides that unliquidated claims arising from a contract, promise, or breach of trust are the only unliquidated claims provable under the Act. Unliquidated claims for tort are excluded and this would appear to be most unfair especially where the bankrupt is a corporation and would ordinarily pass out of existence. Moreover, it would seem unfair that a claim would not be provable for the sole reason that a judgment had not been obtained at the date of the bankruptcy. The main purpose of *The Bankruptcy Act* is to relieve a debtor of his liabilities and to re-establish him. It is, therefore, considered that a bankrupt should be discharged from all liabilities except those provided in section 135.

(1) Formerly section 104(2).

(2) This is a revision of former section 104(3) and Rule 141.

(3) This was formerly section 120. The rate of interest has been changed from six per cent to five per cent in accord with the *Interest Act*, R.S.C. 1927, c. 102, section 2.

(4) This is a new subsection and has been added to cover the proposed new procedure respecting proposals prior to bankruptcy.

(5) This is a new subsection. It has been inserted to clarify the position of the creditors where a debtor becomes bankrupt after having previously submitted a proposal which has been duly ratified.

(6) This was formerly section 119 which has been redrafted and simplified. It read as follows:

"**119.** On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order or authorized assignment and provable under this Act, the creditor may prove for interest at a rate not exceeding six per centum per annum to the date of the receiving order or authorized assignment from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment."

Proof in respect of distinct contracts.

84. Where a bankrupt was, at the date of the bankruptcy, liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof, in respect of the contracts, against the properties respectively liable on the contracts.

Proof of Claims.

Creditors shall prove claims.

85. (1) Every creditor shall prove his claim, and a creditor who does not prove his claim is not entitled to share in any distribution that may be made.

Proof by delivery.

(2) A claim shall be proved by delivering to the trustee a proof of claim in the prescribed form.

Who may make proof of claim.

(3) The proof of claim may be made by the creditor himself or by some person authorized by him on behalf of the creditor, and, if made by a person so authorized, it shall state his authority and means of knowledge.

Shall refer to account.

(4) The proof of claim shall contain or refer to a statement of account showing the particulars of the claim and any counter-claim which the bankrupt may have to the knowledge of the creditor and shall specify the vouchers or other evidence, if any, by which it can be substantiated.

Shall state whether secured or preferred.

(5) The proof of claim shall state whether the creditor is or is not a secured or preferred creditor.

Penalty for filing false claim.

(6) Where a creditor or other person in any proceedings under this Act files with the trustee a proof of claim containing any false statement or wilful misrepresentation, the court may, in addition to any other penalty provided in this Act, disallow the claim in whole or in part as it in its discretion may see fit.

Who may examine proofs.

(7) Every creditor who has lodged a proof of claim is entitled to see and examine the proofs of other creditors.

Workmen's wage claims.

(8) Proofs of claims for wages of workmen and others employed by the bankrupt may be made in one proof by the bankrupt or someone on his behalf by attaching thereto a schedule setting forth the names and addresses of the workmen and others and the amounts severally due to them, but such proof does not disentitle any workman or other wage-earner to file a separate proof on his own behalf.

84. No material change. Formerly section. 114

85. (1) Formerly section 105 (1). This subsection is slightly changed to comply with the new procedure. The added clause is intended to indicate with certainty the result of failure to file a claim.

(2) Formerly section 105 (2). The words "proof of claim" have been substituted for "affidavit" in this subsection as well as in the following subsections.

(3) No material change. Formerly section 105 (3).

(4) Formerly section 105 (4). The present form of proof of debt does not require a creditor to disclose any mutual credit to which a bankrupt may be entitled. The added clause is inserted to provide therefor. The concluding part has been deleted as unnecessary. It read: "and the trustee may at any time call for the production of invoices, acceptances, bills of lading, receipts, cheques, notes, bank pass-books, or books of accounts, or such further or other evidence as the trustee or inspectors may require in order to deal with the claim."

(5) Formerly section 105 (5). The subsection has been amended to include preferred as well as secured claims.

(6) This is a new subsection. It is deemed desirable that a greater penalty be imposed on a creditor for filing claims with false statements therein than the ordinary result of having the false item struck out. The possibility of having a claim disallowed in its entirety for the insertion of such false items will, it is believed, go far to ensure that proofs of claim are prepared more carefully, accurately and honestly. While the section may seem severe, yet it does not in any way affect an honest creditor.

(7) No substantial change. Formerly section 105 (6).

(8) These provisions were formerly contained in Rule 137, which has been considerably condensed. It read as follows:

> "*Rule* **137.** In any case in which it shall appear from the debtor's statement of affairs that there are numerous claims for wages by workmen and others employed by the debtor, it shall be sufficient if one proof for all such claims is made either by the debtor, or his foreman, or the bookkeeper of the debtor, or some other person on behalf of all such creditors. Such proof shall have annexed thereto, as forming part thereof, a schedule setting forth the names of the workmen and others, and the amounts severally due to them. Any proof made in compliance with this Rule shall have the same effect as if separate proofs had been made by each of the said workmen and others."

Proof by Secured Creditors.

Proof by secured creditor.

86. (1) Where a secured creditor realizes his security, he may prove for the balance due to him after deducting the net amount realized.

May prove whole claim on surrender.

(2) Where a secured creditor surrenders his security to the trustee for the general benefit of the creditors, he may prove for his whole claim.

Secured creditor to value securities.

87. (1) Where a secured creditor does not either realize or surrender his security he shall within thirty days after demand in writing made upon him by the trustee or, within such further time as may be allowed by the court, file with the trustee an affidavit stating therein full particulars of his security or securities, the date when each security was given and the value at which he assesses each.

Dividend on balance.

(2) A creditor is entitled to receive a dividend in respect only of the balance due to him after deducting the assessed value of his security.

Trustee may redeem security.

(3) The trustee may redeem a security on payment to the secured creditor of the debt or the value of the security as assessed by the secured creditor.

May order security to be sold.

88. (1) Where the trustee is dissatisfied with the value at which a security is assessed, or where a secured creditor who has neither realized nor surrendered his security fails to assess said security within the period mentioned in section eighty-seven, the trustee may require that the property comprised in the security be offered for sale at such time and on such terms and conditions as may be agreed on between the creditor and the trustee or as, in default of such agreement, the court may direct.

Sale by public auction.

(2) Where the sale is by public auction the creditor or the trustee on behalf of the estate may bid or purchase.

Securities in Quebec.

(3) Where the security consists of a hypothec or privilege upon immovable property in the province of Quebec, the sale, when directed by the court, shall be made in accordance with sections fifty-five to fifty-nine, and the sale has the effect mentioned in those sections.

Costs of sale.

(4) The costs and expenses of a sale made under this section are in the discretion of the court.

86. Formerly section 106. No material change.

87. (1) Formerly section 107 (1).

(2) No change. Formerly section 107 (2).

(3) The provisions of former section 107 (3) have been extended to give the trustee the power to redeem any security. It formerly read as follows:

"**107.** (3) Where a security is so valued the trustee may at any time redeem it on payment to the creditor of the assessed value."

The former section 87 is unnecessary and has been deleted. It read as follows:

"**87.** The trustee shall finally dispose of all books and papers of the estate of the bankrupt or authorized assignor in manner prescribed by general rules."

88. Formerly section 108. No change.

Creditor may require trustee to elect to exercise power.

89. Notwithstanding subsection three of section eighty-seven and section eighty-eight, the creditor may, by notice in writing, require the trustee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the trustee does not, within one month after receiving the notice or such further time or times as the court may allow, signify in writing to the creditor his election to exercise the power, he is not entitled to exercise it; and the equity of redemption or any other interest in the property comprised in the security that is vested in the trustee shall vest in the creditor, and the amount of his claim shall be reduced by the amount at which the security has been valued.

Amended valuation by creditor.

90. Where a creditor after having valued his security subsequently realizes it, or it is realized under the provisions of section eighty-eight, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor and shall be treated in all respects as an amended valuation made by the creditor.

Secured creditor may amend.

91. (1) Where the trustee has not elected to acquire the security as provided in this Act, a creditor may at any time amend the valuation and proof on showing to the satisfaction of the trustee or the court that the valuation and proof were made *bona fide* on a mistaken estimate or that the security has diminished or increased in value since its previous valuation.

Amendment at cost of creditor.

(2) An amendment pursuant to subsection one shall be made at the cost of the creditor and upon such terms as the court orders, unless the trustee allows the amendment without application to the court.

Rights and liabilities of creditor where valuation amended.

(3) Where a valuation has been amended pursuant to this section, the creditor

(a) shall forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or

(b) is entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend that he may have failed to receive by reason of the amount of the original valuation before that money is made applicable to the payment of any future dividend, but he is not entitled to disturb the distribution of any dividend declared before the amendment is filed with the trustee.

89. Formerly section 109. No material change.

90. No change. Formerly section 110.

91. No material change. Formerly section 111.

Exclusion for non-compliance.

92. Where a secured creditor does not comply with sections eighty-six to ninety-one, he shall be excluded from any dividend.

No creditor to receive more than 100 cents on dollar.

93. Subject to the provisions of section eighty-nine, a creditor shall in no case receive more than one hundred cents in the dollar and interest as provided by this Act.

Admission and Disallowance of Proof of Claims.

Trustee shall examine proof of claim.

94. (1) The trustee shall examine every proof and the grounds of the claim, and may require further evidence in support of it.

(2) Where he considers the claimant is not entitled to rank on the estate, or is not entitled to rank for the full amount of his claim, or if directed by a resolution passed at any meeting of creditors or inspectors, he may disallow the claim in whole or in part, and in such case shall give to the claimant a notice of disallowance, and such notice shall contain the reasons for disallowance.

(3) The notice may be given either by serving the claimant with a copy thereof personally or by mailing the copy in a registered letter, addressed to the claimant at his last-known address, or at the address shown in or by the claimant's proof.

(4) The disallowance is final and conclusive unless, within thirty days after the service or mailing of the notice or such further time as the court may on application made within the same thirty days allow, the claimant appeals to the court in accordance with General Rules from the trustee's decision.

(5) The court may also expunge or reduce a proof upon the application of a creditor or of the debtor, if the trustee declines to interfere in the matter.

92. No change. Formerly section 112.

93. Formerly section 113.

94. Formerly section 127 with no change except as indicated in subsection (2).

Scheme of Distribution.

Priority of claims.

95. (1) Subject to the rights of secured creditors, the proceeds realized from the property of a bankrupt shall be applied in priority of payment as follows:—

(a) in the case of a deceased bankrupt, the reasonable funeral and testamentary expenses incurred by the legal personal representative of the deceased bankrupt;

(b) the costs of administration, in the following order,
(i) the expenses and fees of the trustee;
(ii) legal costs;

(c) the levy payable under section one hundred and six;

(d) wages, salaries, commissions or compensation of any clerk, servant, travelling salesman, labourer or workman for services rendered during three months next preceding the bankruptcy to the extent of five hundred dollars in each case; and for the purposes of this paragraph commissions payable when goods are shipped, delivered or paid for, if shipped, delivered or paid for within the three-month period shall be deemed to have been earned therein;

95. Formerly section 121. See separate memorandum *re* priorities generally. In the present revision consideration has been given to the manner in which priorities take rank under the English, Australian and United States Bankruptcy Acts. It is to be noted that the scheme of distribution provides for all creditors other than secured creditors. Section 121(1) formerly read as follows:

> "**121.** (1) Subject to the provisions of section one hundred and twenty-six as to rent, in the distribution of the property of the bankrupt or authorized assignor, there shall be paid, in the following order of priority:—
>
> First, the costs and expenses of the custodian and the fees and expenses of the trustee;
>
> Secondly, the costs of the garnishing, attaching, execution or judgment creditor (including sheriff's fees and disbursements) coming within the provisions of subsection one of section twenty-five and subsection three of section twenty-nine and subsection two of section 29A.
>
> Thirdly, all indebtedness of the bankrupt or authorized assignor under any Workmen's Compensation Act and all wages, salaries, commissions or compensation of any clerk, servant, travelling salesman, labourer or workman, in respect of services rendered to the bankrupt or assignor during three months before the date of the receiving order or assignment: Provided that any commissions earned more than three months before the date of a receiving order or assignment, but not payable (by the terms of the creditor's agreement) until the shipment, delivery or payment of the goods sold, shall be deemed to have been earned within three months of the date of the receiving order or assignment, when the said goods have been shipped, delivered or paid for within three months of the receiving order or assignment; and provided, moreover, that any advances made on account of such commissions shall be deemed to have been legally paid on account thereof;
>
> Fourthly, claims resulting from injuries to employees of the insolvent debtor to which the provisions of any Workmen's Compensation Act do not apply, but only upon moneys paid or payable to the insolvent estate by persons or companies guaranteeing the insolvent debtor against damages resulting from such injuries."

(a) Funeral and testamentary expenses. This was formerly section 125B, which read as follows:

> "**125B.** In the administration of the property of a deceased insolvent debtor, the trustee shall have regard to any claim by the legal personal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in or about the estate and such claim shall be preferred and shall notwithstanding anything to the contrary in this Act, be payable out of the debtor's estate in priority to all other debts."

(b) Costs of administration. These are costs incurred in the interests of all classes of creditors. They constitute a first charge on the assets under section 84 of the Australian and section 64 of the United States Bankruptcy Acts.

(c) This provision is inserted here merely to make the entire scheme of distribution complete. See section 106.

(d) The claims of wage-earners for arrears of wages rank in this order under section 84 *(e)* of the Australian Act and section 64 of the United States Act which limits such priority to $600. The effect of the change is to give them priority for three months' arrears over municipal taxes, the landlord and government claims. With this added advantage it is considered not unreasonable that such claims be limited to $500.

(e) municipal taxes assessed or levied against the bankrupt within two years next preceding his bankruptcy and which do not constitute a preferential lien or charge against the real property of the bankrupt;

(f) the landlord for arrears of rent for a period of three months next preceding the bankruptcy and accelerated rent for a period not exceeding three months following the bankruptcy if entitled thereto under the lease, but the total amount so payable shall not exceed the realization from the property on the premises under lease, and any payment made on account of accelerated rent shall be credited against the amount payable by the trustee for occupation rent;

(g) the fees and costs referred to in subsection two of section forty-one but only to the extent of the realization from the property exigible thereunder;

(h) all indebtedness of the bankrupt under any Workmen's Compensation Act and under any Unemployment Insurance Act *pari passu;*

(i) claims resulting from injuries to employees of the bankrupt to which the provisions of any Workmen's Compensation Act do not apply, but only to the extent of moneys received from persons or companies guaranteeing the bankrupt against damages resulting from such injuries;

(j) claims of the Crown in right of Canada or of any province *pari passu* notwithstanding any statutory preference to the contrary.

To be discharged as funds available.

(2) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, payment in accordance with subsection one shall be made as soon as funds are available for the purpose.

(e) This is the order in which the claims of municipalities rank under section 84*(h)* of the Australian Act, except that in Australia the preference is for one year only. In England also under section 33 the priority is limited to one year. This paragraph replaces former section 125, which was as follows:

"**125.** Nothing in the four last preceding sections shall interfere with the collection of any taxes, rates or assessments payable by or levied or imposed upon the debtor or upon any property of the debtor under any law of the Dominion, or of the province wherein such property is situate, or in which the debtor resides, nor prejudice or affect any lien or charge in respect of such property created by any such laws."

(f) This is the rank given to the claim of the landlord under section 33(4) of the English Act and under section 84 *(i)* of the Australian Act. It corresponds with the priority given in some but not all of our own provinces. The important change is that the landlord is restricted to payment out of the realization of the property on the premises. This paragraph is a revision of section 126 which formerly read as follows:

"**126.** When a receiving order or an assignment is made against or by any lessee under this Act, the same consequences shall ensue as to the rights and priorities of his landlord as would have ensued under the laws of the province in which the demised premises are situate if the lessee at the time of such receiving order or assignment had been a person entitled to make and has made an abandonment or a voluntary assignment of his property for the benefit of his creditors pursuant to the laws of the province; and nothing in this Act shall be deemed to suspend, limit or affect the legislative authority of any province to enact any law providing for or regulating the rights and priorities of landlords consequent upon any such abandonment or voluntary assignment; nor shall anything in this Act be deemed to interfere or conflict with the operation of any such provincial law heretofore or hereafter enacted in so far as it provides for or regulates the rights and priorities of landlords in such an event."

(g) The last clause is added to get over the decision in *In re* Ferguson (16 C.B.R. 261) where it was held that such preference was payable whether or not any property was exigible thereunder.

(h) Under the Australian system, claims of Workmen's Compensation Boards rank before municipal taxes and the landlord. Claims under the *Unemployment Insurance Act* are a new development in Canada.

(i) This was formerly section 121 (fourthly). No material change.

(j) All government claims, federal and provincial, take equal rank immediately before trade and other unsecured creditors.

(2) The changes are self-explanatory. Formerly section 121(2) which read as follows:

"**121** (2). Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the foregoing debts shall be discharged forthwith so far as the property of the debtor is sufficient to meet them."

Balance of claim.

(3) A creditor whose rights are restricted by this section is entitled to rank as an unsecured creditor for any balance of claim due him.

Preferential lien or charge for taxes against realty not affected.

(4) Nothing in this section shall be deemed to prejudice any preferential lien or charge against any real property of the bankrupt for taxes assessed and levied against the property by any municipality, school board or other local taxing authority, but any other preferential lien or charge against the property of the bankrupt created by statute is null and void and is entitled to rank only as provided by this Act.

(3) This is a new subsection. It speaks for itself.

(4) This is also a new subsection. Its purpose is evident.

Memorandum re Priorities.

The *Bankruptcy Act* recognizes the rights of secured creditors. It has also recognized the right of municipalities to be preferred for taxes and landlords for rent under their statutory liens. However, it cannot have been the intention that preferences should be accorded the large variety of claims which, because of the preferences they have received, now rank in priority before the claims of trade creditors and even, in some instances, before the costs of realizing the assets and administering the estate. The fact remains that, under the provisions of section 125 of the *Bankruptcy Act*, various taxing authorities in the provinces have succeeded in obtaining by provincial legislation priority rankings in respect of their respective taxes to an extent that the situation concerning priorities has become chaotic, difficulty being experienced in many cases in determining the order in which the many conflicting priorities should rank without having to submit such matters to the courts for decision. In the province of Ontario, for instance, the following claims have priority over the claims of ordinary creditors. It will be noted that the list is exclusive of the claims of mortgagees, lienholders, banks under section 88 of the *Bank Act*, and other secured creditors.

Provincial (Preferred by Statute):

1. Debtor's exemptions—actually excluded from assets of estate by section 23 of the *Bankruptcy Act*.
2. Income Taxes—R.S.O. 1937, c. 25, s. 50, 51.
3. Stock Transfer Taxes—R.S.O. 1937, c. 29, s. 22.
4. Corporation Taxes and Filing Fees on annual returns. Ditto.
5. Power Commission Act—R.S.O. 1937, c. 62, s. 59.
6. Crown Timber Act stumpage dues and licence fees—R.S.O. 1937, c. 36, s. 32, 33.
7. Provincial Land Tax—R.S.O. 1937, c. 30, s. 19.

Municipal (Preferred by Statute):

8. Real property taxes.
9. Business taxes.
10. Municipal Hydro-Electric Commission—light and power rates.
11. Other Municipal Public Utilities Rates, water, etc.

Postponement of claims of wife and husband.

96. The wife or husband, as the case may be, of a bankrupt is not entitled to claim a dividend as a creditor in respect of any property lent or entrusted by the wife to the husband or by the husband to the wife for the purposes of the trade or business of the bankrupt, or in respect of wages, salary, commission or compensation for work done or services rendered in connection with the trade or business until all claims of the other creditors of the bankrupt have been satisfied.

Postponement of wage claims of relatives.

97. A father, son, daughter, mother, brother, sister, uncle or aunt by blood or marriage of a bankrupt is not entitled to have his claim preferred as provided by section ninety-five, in respect of wages, salary, commission or compensation for work done or services rendered to the bankrupt.

Preferred:

12. Accrued and accelerated rent not exceeding 3 months each.
13. Court fees and official receiver's fees.
14. Custodian's and trustee's fees and expenses.
15. First execution creditor's costs.
16. Wages and Workmen's Compensation Board. Unemployment Insurance rates.

Federal:

17. Income taxes.
18. Sales taxes.
19. Stock transfer taxes.
20. Duty on importations.
21. Unemployment Insurance.

The Income Tax Act also establishes a special priority with respect to moneys collected at the source (section 112(6)). It is submitted that if a bankrupt has misappropriated trust funds he should be punished accordingly but that the creditors should not be penalized for his default. The ordinary law with respect to trust funds should apply; otherwise it should be provided for in this Act and not in some other Act and similar provisions should be made for moneys collected with respect to unemployment insurance, gasoline tax, amusement tax, etc.

The situation respecting the existing preferences has become so inequitable, particularly as it concerns trade creditors whose goods usually furnish the proceeds from which such claims are paid, and so confused, that it is most desirable that the whole field be reviewed and that an entirely new, comprehensive and equitable scheme of priorities be established under the sole authority of the *Bankruptcy Act*.

96. Formerly sections 115 and 116 which have been combined to eliminate unnecessary phraseology. They formerly read as follows:

> "**115.** Where a married woman has been adjudged bankrupt or has made an authorized assignment, her husband shall not be entitled to claim any dividend as a creditor in respect of any money or other estate lent or entrusted by him to his wife for the purposes of her trade or business, or claim any wages, salary or compensation for work done or services rendered after that date in connection with her trade or business, until all claims of the other creditors of his wife for valuable consideration in money or money's worth have been satisfied."
>
> "**116.** Where a married man has been adjudged bankrupt or has made an authorized assignment his wife shall not be entitled to claim any dividend as a creditor in respect of any money or other estate lent or entrusted by her to her husband for the purpose of his trade or business, or claim any wages, salary or compensation for work done or services rendered in connection with his trade or business, until all claims of the other creditors of her husband for valuable consideration in money or money's worth have been satisfied."

97. Formerly section 117 which read as follows:

> "**117.** Where any person or firm has been adjudged bankrupt or has made an authorized assignment, a father, son, daughter, mother, brother, sister, uncle or aunt by blood or marriage of any such person or of any member of the said firm shall not be entitled to have his claim preferred as provided by section 121 of this Act, in respect of any wages, salary or compensation for work done or services rendered to the said person or firm."

Postponement of claims of silent partners.

98. Where a lender advances money to a borrower engaged or about to engage in trade or business under a contract with the borrower that the lender shall receive a rate of interest varying with the profits or shall receive a share of the profits arising from carrying on the trade or business, and the borrower subsequently becomes bankrupt, the lender of the money is not entitled to recover anything in respect of the loan until the claims of all other creditors of the borrower have been satisfied.

Postponement of wage claims of officers and directors of corporations.

99. Where a corporation becomes bankrupt, no officer or director thereof is entitled to have his claim preferred as provided by section ninety-five in respect of wages, salary, commission or compensation for work done or services rendered to the corporation.

Claims generally payable *pari passu*.

100. Subject to this Act, all claims proved in the bankruptcy shall be paid *pari passu*.

Partners and separate properties.

101. (1) In the case of partners the joint property shall be applicable in the first instance in payment of their joint debts, and the separate property of each partner shall be applicable in the first instance in payment of his separate debts.

Surplus of separate properties.

(2) Where there is a surplus of the separate properties it shall be dealt with as part of the joint property.

Surplus of joint properties.

(3) Where there is a surplus of the joint property, it shall be dealt with as part of the respective separate properties in proportion to the right and interest of each partner in the joint property.

Different properties.

(4) Where a bankrupt owes or owed debts both individually and as a member of one or more different co-partnerships, the claims shall rank first upon the property by which the debts they represent were contracted and shall only rank upon the other or others after all the creditors of such other estate or estates have been paid in full.

Costs out of joint and separate properties.

(5) Where the joint property of any bankrupt partnership is insufficient to defray any costs properly incurred, the trustee may pay such costs as cannot be paid out of the joint property out of the separate property of the bankrupts or one or more of them in such proportion as he may determine, with the consent of the inspectors of the estates out of which the payment is intended to be made, or, if such inspectors withhold or refuse their consent, with the approval of the court.

98. This is a new section. It is based upon The Partnership Act of the statutes of New Brunswick.

99. No substantial change. Formerly section 118.

100. No material change. Formerly section 123.

101. (1) No material change. Formerly section 122(1).

(2) No material change. Formerly section 122(2).

(3) No material change. Formerly section 122(3).

(4) This was formerly section 59. It was much out of place in its former location. No material change.

(5) This was formerly Rule 60. No material change.

Interest from date of bankruptcy.

102. Where there is a surplus after payment of the claims as provided in sections ninety-five to one hundred and one, it shall be applied in payment of interest from the date of the bankruptcy at the rate of five per cent per annum on all claims proved in the bankruptcy and according to their priority.

Right of bankrupt to surplus.

103. The bankrupt or the legal personal representative of a deceased bankrupt is entitled to any surplus remaining after payment in full of his creditors with interest as by this Act provided and of the costs, charges and expenses of the bankruptcy proceedings.

Proceeds of liability insurance policy on motor vehicles applied to claims against bankrupt.

104. Nothing contained in this Act affects the right afforded by provincial statute of any person who has a claim against the bankrupt for damages on account of injury to or death of any person, or injury to property, occasioned by a motor vehicle, or on account of injury to property being carried in or upon a motor vehicle, to have the proceeds of any liability insurance policy applied in or towards the satisfaction of such claim.

Application of provincial law to landlords' rights.

105. Except as to priority of ranking as provided by section ninety-five, the rights of landlords shall be determined according to the laws of the province in which the leased premises are situate.

Levy payable out of dividends for supervision by Superintendent.

106. For the purpose of defraying the expenses of the supervision by the Superintendent, there shall be payable to the Superintendent for deposit with the Receiver General a levy on all payments excepting the costs referred to in subsection two of section forty-one made by the trustee by way of dividend or otherwise on account of the claims of creditors, whether unsecured, preferred or secured creditors, and including His Majesty in right of Canada or a province claiming in respect of taxes or otherwise; the levy shall be at a rate to be fixed by the Governor in Council from time to time and shall be charged proportionately against all payments and deducted therefrom by the trustee before payment is made.

102. The changes are self-explanatory. Formerly section 124.

103. Formerly section 83. The changes are self-explanatory.

104. This was formerly section 125A. No material change.

105. This replaces the former section 126 which has been inserted as revised in section 95 (1) *(f)*. In other respects, except as to priority of ranking, the law of the province where the premises are situate shall apply.

106. This was formerly section 126A. No material change is made except to delete unnecessary verbiage.

Section 126A read as follows:

> "126A. Notwithstanding anything contained in sections one hundred and twenty-one to one hundred and twenty-six, both inclusive, there shall be payable to the Receiver General for the purpose of defraying the expenses of the supervision by the Superintendent, a levy on all payments made by the trustee, excepting the costs and expenses of the custodian or interim receiver, and the fees and expenses of the trustee, and the costs of the garnishing, attaching, execution or judgment creditor mentioned in section one hundred and twenty-one, and excepting payments made on account of liabilities incurred after the receiving order or assignment. The payments subject to the said levy shall include all payments made by way of dividend or otherwise," etc.

Dividends.

Trustee to pay dividends as required.

107. (1) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the trustee shall, from time to time as required by the inspectors, declare and distribute dividends amongst the unsecured creditors entitled thereto.

Disputed claims.

(2) Where the validity of any claim has not been determined the trustee shall retain sufficient funds to provide for payment thereof in the event that the claim is admitted.

No action for dividend.

(3) No action for a dividend lies against the trustee, but, if the trustee refuses or fails to pay any dividend after having been directed to do so by the inspectors, the court may, on the application of any creditor, order him to pay it, and also to pay personally interest thereon for the time that it is withheld and the costs of the application.

Notice that if claim not proved within 30 days final dividend will be made.

108. (1) The trustee may, after the first meeting of the creditors, give notice by registered mail to every person with a claim of which the trustee has notice or knowledge but whose claim has not been proved that if such person does not prove his claim within a period of thirty days after the mailing of the notice the trustee will proceed to declare a dividend or final dividend without regard to such person's claim.

Court may extend time.

(2) Where a person notified under subsection one does not prove his claim within the time limit or within such further time as the court, upon proof of merits and satisfactory explanation of the delay in making proof, may allow, the claim of such person shall, notwithstanding anything in this Act, be excluded from all share in any dividend; but a taxing authority may notify the trustee within the thirty days referred to in subsection one that it proposes to file a claim as soon as the amount has been ascertained, and the time for filing the claim shall thereupon be extended to ninety days or such further time as the court may allow.

Right of creditor who has not proved claim before declaration of dividend.

109. A creditor who has not proved his claim before the declaration of any dividend is entitled upon proof of his claim to be paid out of any money for the time being in the hands of the trustee any dividend or dividends he may have failed to receive, before that money is applied to the payment of any future dividend, but he is not entitled to disturb the distribution of any dividend declared before his claim was proved by reason that he has not participated therein, except on such terms and conditions as may be ordered by the court.

107. Formerly section 74. The provisions of this section have been revised to bring it abreast of current practice and requirements. The section formerly read as follows:

> "74. (1) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the trustee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.
>
> (2) Such dividend as can be paid shall be so paid within six months from the date of the receiving order or assignment, and earlier, if required by the inspectors.
>
> (3) A further dividend shall be paid whenever the trustee has sufficient moneys on hand to pay to the creditors ten per cent, and more frequently if required by the inspectors, until the estate is wound up and disposed of.
>
> (4) No action for a dividend shall lie against the trustee, but if the trustee refuses to pay any dividend, the court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld and the costs of the application."

The former subsection (3) has been deleted as unnecessary.

108. Formerly section 75.

109. Formerly section 76. The exception which has been added provides for the case which occasionally arises where a creditor has had no factual notice of the bankruptcy and allows him to participate in the dividend on payment of the additional costs thus incurred by the trustee. This gives statutory acknowledgment to the practice followed in such cases.

Final dividend and division of estate.

110. When the trustee has realized all the property of the bankrupt or all thereof that can, in the joint opinion of himself and of the inspectors, be realized without needlessly protracting the administration, and settled or determined or caused to be settled or determined the claims of all creditors to rank against the estate of the bankrupt, he shall prepare a final statement of receipts and disbursements and dividend sheet and, subject to the provisions of this Act, divide the property of the bankrupt among the creditors who have proved their claims.

Statement of receipts and disbursements.

111. (1) The trustee's final statement of receipts and disbursements shall contain a complete account of all moneys received by the trustee out of the property of the bankrupt or otherwise, the amount of interest received by the trustee, all moneys disbursed and expenses incurred and the remuneration claimed by the trustee, together with full particulars, description and value of all property of the bankrupt that has not been sold or realized, setting out the reason why such property has not been sold or realized and the disposition made thereof.

Prescribed form.

(2) The statement shall be prepared in the prescribed form or as near thereto as the circumstances of the case will permit and together with the dividend sheet shall be submitted to the inspectors for their approval.

Copy to be sent to Superintendent thirty days before issue.

(3) The trustee shall then forward a copy of the statement and of the dividend sheet to the Superintendent after they have been approved by the inspectors and at least thirty days before mailing these documents to the creditors.

Superintendent may comment.

(4) The Superintendent may comment as he sees fit and his comments shall be placed by the trustee before the taxing officer for his consideration on the taxation of the trustee's accounts.

Notice of final dividend, etc.

(5) After the trustee's accounts have been taxed and after the expiration of the time provided in subsection three, the trustee shall forward by registered mail to every creditor whose claim has been proved, to the registrar, to the Superintendent and to the bankrupt

(a) a copy of the final statement of receipts and disbursements,

(b) a copy of the dividend sheet, and

(c) a notice in the prescribed form of his intention to pay a final dividend after the expiration of fifteen days from the mailing of the notice, statement and dividend sheet and to apply to the court for his discharge on a subsequent date not less than thirty days after the payment of the dividend.

Objections.

(6) No interested person is entitled to object to the final statement and the dividend sheet unless, prior to the expiration of the fifteen days referred to in paragraph *(c)* of subsection five, he files notice of his objection with the registrar setting out his reasons therefor and serves a copy of the notice on the trustee.

110. Formerly section 77. No material change. Section 77 read as follows:

"77. When sections twenty-eight and eighty-eight have been complied with as to gazetting, publishing and mailing notices to creditors, the trustee, having realized all the property of the bankrupt or authorized assignor or all thereof that can, in the joint opinion of himself and of the inspectors, be realized without needlessly protracting the trusteeship, and settled or determined or caused to be settled or determined the claims of all creditors to rank against the estate of the debtor, shall make a final dividend and be at liberty subject to the various provisions of this Act, to divide the property of the debtor among the creditors who have proved their debts without regard to the claims of any other claimants."

111. This is a new section. Although many of its provisions had previously been followed in actual practice they have now been inserted to establish a uniform procedure for completing the administration of estates.

(1) This is taken from the former Rule 124 which read as follows:

"Rule 124. The application of a trustee for grant of discharge (whether full or partial) shall be made in the prescribed form to the Registrar and shall be verified by the affidavit of such trustee. Such application shall contain or have attached thereto a complete and itemized statement showing all moneys realized by such trustee from and out of the property of the bankrupt or assignor and of all moneys disbursed and expenses incurred and the remuneration claimed by such trustee; and full particulars, description and value of all property belonging to the estate which has not been sold or realized upon, setting out the reasons why such property has not been sold or realized upon; and full particulars and information with regard to any unsettled disputes, actions or proceedings between such trustee and either the debtor or any creditor or creditors or any other person connected with the estate."

(2) A specimen form has been in use for some time. For uniformity and ease of reference it is recommended that such form as shall hereafter be prescribed be used in so far as possible.

(3) and (4). The inspectors are the representatives of the creditors and it is for this reason that the duty has been imposed upon them of verifying the trustee's statement of receipts and disbursements. The intention is that the Superintendent shall then have the opportunity of reviewing the trustee's administration and commenting on his final statement before the statement is taxed by the taxing officer and before it is mailed to the creditors.

(5) Formerly section 78 which read as follows:

"78. (1) So soon as a final dividend sheet is prepared, the trustee shall send by registered mail to every creditor, to the Registrar and to the Superintendent

(a) a notice of the fact,

(b) an abstract of his receipts and expenditures as trustee which abstract shall indicate what amount of interest has been received by the trustee for moneys in his hands, and

(c) a copy of the dividend sheet with notice thereon

(i) of the claims objected to and

(ii) whether any reservation has been made therefor and

(d) notice that he will apply to the court on a day named therein for his discharge.

(2) After the expiry of fifteen days from the date of the mailing of the last of said notices, abstracts and dividend sheets, dividends on all debts not objected to up to the time of the payment shall be paid."

(6) It is deemed advisable that all objections be disposed of before the final dividend is paid.

Dividends on joint and separate properties.

112. Where joint and separate properties are being administered, the dividends may be declared together, and the expenses thereof shall be apportioned by the trustee.

Unclaimed dividends and undistributed funds.

113. (1) Before proceeding to his discharge, the trustee shall forward to the Superintendent for deposit with the Receiver General of Canada all unclaimed dividends and undistributed funds remaining in his hands and shall provide a list of the names and the post office addresses so far as known of the creditors entitled to the unclaimed dividends, showing the amount payable to each creditor.

Receiver General to pay claims.

(2) The Receiver General shall thereafter, upon application, pay to any creditor his proper dividend as shown on this list, and such payment shall have effect as if made by the trustee.

Summary Administration.

Summary administration.

114. The following provisions apply to the summary administration of estates under this Act, namely,

(a) all proceedings under this section shall be entitled "Summary Administration";

(b) the security to be deposited by a trustee under section eight shall not be required;

(c) the trustee shall apply to the court to fix a date for the hearing of the application for the discharge of the bankrupt and shall include notice thereof in the notice of the first meeting;

(d) notice of the bankruptcy shall be published in the *Canada Gazette* in the prescribed form but shall not be published in a local newspaper unless deemed expedient by the trustee or ordered by the court;

(e) all notices, statements and other documents shall be sent by ordinary mail and, other than notices of the first meeting, shall be sent to such creditors only who have proved claims amounting to twenty-five dollars or more;

(f) the bankrupt may submit a proposal at the first meeting of the creditors;

112. No material change. Formerly section 81.

113. This was formerly section 82.
(1) The changes are self-explanatory.

(2) No material change.

114. Sections 114 to 116 are new. The purpose is to provide a method by which a person with few assets, other than a corporation, may obtain the benefits of this Act. Summary administration of estates is provided for in England and Australia, and somewhat similar provisions are contained in the United States Bankruptcy Act.

The only section of this Act directing summary administration of estates is subsection (6) of section 26.

(g) there shall be no inspectors but the trustee in the absence of directions from the creditors may do all things that may ordinarily be done by the trustee with the permission of inspectors;

(h) the examination of the bankrupt referred to in section one hundred and seventeen shall be held at the first meeting and any of the creditors or their representatives or solicitors may take part therein;

(i) the bankrupt shall prepare and execute a statement of affairs in the prescribed form;

(j) when the trustee has recovered all that reasonably can be realized out of the property of the bankrupt, he shall, after approval of his final statement by the court, send a notice in the prescribed form to each creditor who has proved his claim, with the dividend to which he is entitled, if any, and proceed to his discharge; and

(k) the creditors at the first meeting may authorize the trustee to apply for his discharge without further notice if the bankrupt has not made a proposal and if his examination discloses that there are no assets.

Fees and disbursement of trustee.

115. The trustee shall receive such fees and disbursements as may be prescribed and, if the fees and disbursements are not paid, he may, after giving the bankrupt seven days' notice of his intention, apply to the court to cancel the assignment.

All other provisions of Act to apply.

116. Except as provided in section one hundred and fourteen, all the provisions of the Act, in so far as they are applicable, apply *mutatis mutandis* to summary administration.

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PART VI.

BANKRUPTS.

Duties of Bankrupts.

Discovery and delivery of property.

117. The bankrupt shall

(a) make discovery of and deliver all his property that is under his possession or control to the trustee or to any person authorized by the trustee to take possession of it or any part thereof;

Delivery of books, records, etc.

(b) deliver to the trustee all books, records, documents, title deeds, writings, papers or insurance policies relating to his property or affairs;

Attend official receiver for examination.

(c) at such time and place as may be fixed by the official receiver attend before the official receiver or before any other official receiver delegated by the official receiver for examination under oath as to his conduct, the causes of his bankruptcy and the disposition of his property;

Statement of affairs.

(d) within seven days following his bankruptcy, unless the time is extended by the official receiver, prepare and submit to the trustee in quadruplicate a statement of his affairs in the prescribed form verified by affidavit and showing the particulars of his assets and liabilities, the names and addresses of his creditors, the securities held by them respectively, the dates when the securities were respectively given and such further or other information as may be required, but where the affairs of the bankrupt are so involved or complicated that he cannot himself reasonably prepare a proper statement of his affairs, the official receiver may, as an expense of the administration, authorize the employment of some qualified person to assist in the preparation of the statement;

Aid in making inventory.

(e) make or give all the assistance within his power to the trustee in making an inventory of his assets;

Disposition of property within previous year.

(f) make disclosure to the trustee of all property disposed of within one year preceding his bankruptcy, or for such further antecedent period as the court may direct, and how and to whom and for what consideration any part thereof was disposed of except such part as had been disposed of in the ordinary manner of trade or used for reasonable personal expenses;

117. This section is a revision of former sections 128 to 131, inclusive, to indicate the duties of the bankrupt more explicitly. These sections are quoted below.

(a) This is a new paragraph.

(b) This is a new paragraph.

(c) This paragraph is a revision of former section 128 (1).

(d) This was formerly section 129 (1) and (2). The added part has been taken from section 16 (2) of the Australian Act which reads as follows:

> "When the bankrupt cannot himself prepare a proper statement of affairs, the official receiver may, subject to any prescribed conditions, and at the expense of the estate, employ some qualified person to assist in the preparation of the statement."

A similar provision is contained in section 74 of the English Act.

(e) This was formerly part of section 131 (2) which is quoted below.

(f) This is a new paragraph. The Act at present does not impose upon the bankrupt the duty of disclosing past alienations of property which in many cases have a direct relation to the bankruptcy. Unless the trustee or a creditor, from outside information, has some inkling thereof, such transactions may well be concealed altogether.

Gifts and settlements.

(g) make disclosure to the trustee of all property disposed of by gift or settlement without adequate valuable consideration within five years preceding his bankruptcy or since any of his present debts were incurred;

Attend first meeting of creditors.

(h) attend the first meeting of his creditors unless prevented by sickness or other sufficient cause and submit thereat to examination;

Attend other meetings.

(i) when required, attend other meetings of his creditors or of the inspectors, or attend upon the trustee;

Submit to other examinations.

(j) submit to such other examinations under oath with respect to his property or affairs as required;

Aid in administration.

(k) aid to the utmost of his power in the realization of his property and the distribution of the proceeds among his creditors;

Execute documents.

(l) execute such powers of attorney, conveyances, deeds and instruments as may be required;

Examine proofs of claims.

(m) examine the correctness of all proofs of claims filed, if required by the trustee;

Advise trustee of false claims.

(n) in case any person has to his knowledge filed a false claim, disclose the fact immediately to the trustee;

Duties generally.

(o) generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors as may be reasonably required by the trustee, or may be prescribed by General Rules, or may be directed by the court by any special order made with reference to any particular case or made on the occasion of any special application by the trustee, or any creditor or person interested; and

Keep trustee advised of address.

(p) until his application for discharge has been disposed of and the administration of the estate completed, keep the trustee advised at all times of his place of residence or address.

(g) This paragraph is new and in line with the preceding paragraph. It has the same purpose.

(h) This was formerly part of section 131 (1).

(i) This was formerly part of section 131 (2).

(j) This paragraph is new.

(k) This was formerly section 131 (3). No change.

(l) This was formerly a part of section 131(2).

(m) This paragraph is taken from section 7 (3) of the Bankruptcy Act of the United States as being deemed desirable. The phraseology is the same as in the United States Act.

(n) This provision is taken from section 7 (7) of the Bankruptcy Act of the United States as being deemed desirable. The wording is adopted exactly as in the United States Act.

(o) This was formerly part of section 131 (2).

(p) This is a new paragraph. It is deemed necessary to have some statutory sanction imposed on a bankrupt to make himself available to the trustee when required.

Sections 128, 129, 130 and 131 read as follows:

"**128.** (1) Where a receiving order or an authorized assignment is made, the bankrupt or assignor shall present himself before the Official Receiver who shall examine him as to the causes of his insolvency and the disposition of his assets, and shall put to him the questions provided by the General Rules or questions to the like effect.

(2) The Official Receiver shall make notes of such examination and shall communicate them to the creditors at their first meeting.

(3) If the bankrupt or assignor fails to present himself for such examination within three days from the making of the receiving order or the filing of the assignment, the court may by warrant cause him to be apprehended and brought up for examination, and may order him to be committed to the common gaol of the judicial district in which he resides for a term not exceeding twelve months."

"**129.** (1) The bankrupt or assignor shall make out and submit to the Official Receiver a statement of and in relation to his affairs in the prescribed form, verified by affidavit and showing the particulars of the debtor's assets, and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed by the court.

(2) Such statement shall be submitted within seven days from the date of the receiving order or assignment, but the court may for special reasons extend the time."

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

(2) Any person stating himself in writing to be a creditor of the bankrupt or assignor, may personally or by agent inspect the statement at all reasonable times and take any copy thereof or extract therefrom, but any person untruthfully so stating himself to be a creditor shall be guilty of a contempt of court, and shall be punishable accordingly on the application of the trustee."

"**131.** (1) Every debtor against whom a receiving order is made and every assignor who makes an authorized assignment shall, unless prevented by sickness or other sufficient cause, attend the first meeting of his creditors, and shall submit to such examination and give such information as the meeting may require.

(2) The debtor shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend such other meetings of his creditors, wait at such times on the trustee, execute such powers of attorney, conveyances, deeds, and instruments, and, generally, do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the trustee, or may be prescribed by General Rules, or may be directed by the court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the trustee, or any creditor or person interested.

(3) The debtor shall aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds among his creditors."

Where bankrupt is a corporation.

118. Where the bankrupt is a corporation, the officer executing the assignment, or such other officer or officers as the official receiver may direct, shall attend before the official receiver for examination and shall perform all the duties imposed upon a bankrupt by section one hundred and seventeen, and, in case of failure to do so, such officer or officers are punishable as if he or they were the bankrupt.

Performance of duties by imprisoned bankrupt.

119. Where a bankrupt is undergoing imprisonment, the court may, in order to enable the bankrupt to attend in court in bankruptcy proceedings at which his personal presence is required or to attend the first meeting of creditors or to perform the duties required of him under this Act, direct that the bankrupt be produced in the protective custody of a sheriff or other duly authorized officer at such time and place as may be designated, or it may make such other order as it deems proper and requisite in the circumstances.

Examination of Bankrupts and Others.

Examination of bankrupt by official receiver.

120. (1) The official receiver shall on the attendance of the bankrupt examine the bankrupt under oath as to his conduct, the causes of his bankruptcy and the disposition of his property and shall put to him the prescribed questions or questions to the like effect and such other questions as he may see fit; the official receiver shall make notes of the examination and a report of any facts or circumstances that in his opinion require special consideration or further explanation or investigation and shall forward a copy of his notes and the report to the Superintendent, to the trustee and to the court for deposit therein, and shall communicate the contents thereof to the creditors at their first meeting.

Examination before another official receiver.

(2) When the official receiver deems it expedient he may authorize an examination to be held before any other official receiver who shall remit his notes of the examination and a report thereon to the official receiver in charge of the proceedings.

118. Formerly section 133 which read as follows:

"**133.** Whenever the bankrupt or authorized assignor is a corporation, the officer executing the assignment or such other officer or officers as the Official Receiver shall direct, shall present himself before the Official Receiver for examination under section one hundred and twenty-eight, and, in case of failure to perform such duty, such officer shall be punishable as if he were the debtor."

119. This section is new. It has been taken substantively from Order XXX of the general order promulgated under the United States Act. No clear procedure for this purpose has heretofore existed and other than to produce a prisoner in court as a witness or for an examination under ordinary civil process the Act is silent on provisions in regard to the performance of a bankrupt's duties. In many instances, the lack of some provision has proven a very great handicap.

120. This section is a redraft of the relevant part of section 128(1) and (2), as previously quoted, but has been amended by requiring the official receiver to make a report of his observations on the examination.

Official receiver to report failure to attend.

(3) Where a bankrupt fails to present himself for examination by the official receiver, the official receiver shall so report to the first meeting.

Examination of bankrupt and others by trustee.

121. (1) The trustee, upon ordinary resolution passed by the creditors or upon the written request or resolution of a majority of the inspectors, may, without an order, examine under oath before the registrar of the court or other authorized person, the bankrupt, any person reasonably thought to have knowledge of the affairs of the bankrupt or any person who is or has been an agent, clerk, servant, officer, director or employee of the bankrupt, respecting the bankrupt, his dealings or property.

Examination of bankrupt, trustee and others by a creditor.

(2) Upon the application of any creditor or other interested person to the court, and upon sufficient cause being shown, an order may be made for the examination under oath, before the registrar or other authorized person, of the trustee, the bankrupt, an inspector or a creditor, or any other person named in the order, for the purpose of investigating the administration of the estate of any bankrupt, and the court may further order any person liable to be so examined to produce any books, documents, correspondence or papers in his possession or power relating in all or in part to the bankrupt, the trustee or any creditor, the costs of such examination and investigation to be in the discretion of the court.

Examination to be filed.

(3) The evidence of any person examined under this section shall, if transcribed, be filed in the court and may be read in any proceedings before the court under this Act to which the person examined is a party.

121. (1) Formerly section 134 (1). The words at the beginning "Where a receiving order or an authorized assignment has been made" have been deleted.

(2) This was formerly section 134 (2). No material change other than the insertion of a provision whereby an interested person may also apply to the court.

(3) This is a new subsection and is partly taken from the first line of the former section 141 (5) which read as follows: "If the bankrupt or assignor has been examined the trustee shall file such examination," etc. The object of the new subsection is to widen the use that may be made of all examinations.

Trustee may require books and property of bankrupt to be produced.

122. (1) Where a person has, or is believed or suspected to have, in his possession or power any of the property of the bankrupt, or any book, document or paper of any kind relating in whole or in part to the bankrupt, his dealings or property, or showing that he is indebted to the bankrupt, he may be required by the trustee to produce the book, document or paper for the information of the trustee, or to deliver to him any property of the bankrupt in his possession.

Examination on failure to produce.

(2) Where a person fails to produce a book, document or other paper or to deliver property as required by this section within four days of his being required so to do, the trustee may, without an order, examine the person before the registrar of the court or other authorized person touching any such property, book, document or other paper that he is supposed to have in his possession.

Compelling attendance.

(3) Any person referred to in subsection one may be compelled to attend and testify, and to produce upon his examination any book, document or paper that under this section he is liable to produce, in the same manner and subject to the same rules of examination, and the same consequences of neglecting to attend or refusing to disclose the matters in respect of which he may be examined, as would apply to a bankrupt.

Admission of debt.

123. (1) Where a person on examination admits that he is indebted to the bankrupt, the court may, on the application of the trustee, order him to pay to the trustee, at such time and in such manner as to the court seems expedient, the amount admitted or any part thereof either in full discharge of the whole amount in question or not, as the court thinks fit, with or without costs of the examination.

Admission of having bankrupt's property.

(2) Where any person on such examination admits that he has in his possession any property belonging to the bankrupt, the court may, on the application of the trustee, order him to deliver to the trustee such property or any part thereof, at such time, and in such manner, and on such terms, as to the court may seem just.

Penalty for failure to attend for examination.

124. Where the bankrupt fails to present himself for examination before the official receiver as required by paragraph *(c)* of section one hundred and seventeen or where he or any other person is served with an appointment or summons to attend for examination and is paid or tendered the proper conduct money and witness fees as fixed by General Rules but refuses or neglects to attend as required by such appointment or summons, the court may, on the application of the trustee, by warrant cause the bankrupt or other person so in default to be apprehended and brought up for examination.

122. (1) This was formerly section 136 (1). The words "upon ordinary resolution passed by the creditors present or represented at a regularly called meeting, exclusive of such person if he is a creditor, or upon the written request or resolution of the majority of the inspectors of the estate" have been deleted.

(2) No substantial change. Formerly section 136 (2).

(3) Formerly section 136 (3). The words "as would apply to a bankrupt" have been substituted for the words "as is provided by section one hundred and thirty-five".

123. This was formerly section 137. No material change other than the deletion from subsection (1) of the words "provided for in section one hundred and thirty-four".

124. The former sections 128 (3) and 135 have been combined and redrafted for greater precision. Section 135 at present is illogical as, for instance, where a bankrupt being examined refuses to answer, the penal clause states that he may be apprehended and brought up for examination. The words "as fixed by General Rules" take the place of the former section 135 (2). Sections 128 (3) and 135 read as follows:

"**128.** (3) If the bankrupt or assignor fails to present himself for such examination within three days from the making of the receiving order or the filing of the assignment, the court may by warrant cause him to be apprehended and brought up for examination, and may order him to be committed to the common gaol of the judicial district in which he resides for a term not exceeding twelve months."

"**135.** (1) If the debtor, or any person liable to be examined as provided by the preceding section, is served with an appointment or summons to attend for examination and is paid or tendered the proper conduct money and witness fees, but refuses or neglects to attend as required by such appointment or summons, or, if attending, refuses to make satisfactory answers to any questions asked him or refuses to produce any book, document or other paper, having no lawful impediment made known to the examiner at the time of his sitting for such examination and allowed by him, the court may, by warrant, cause the debtor or other person so in default to be apprehended and brought up for examination, and may order him to be committed to the common gaol of the judicial district in which he resides for any term not exceeding twelve months.

(2) The amount of conduct money and witness fee shall be fixed by General Rules."

Questions must be answered.

125. Any person being examined is bound to answer all questions relating to the business or property of the bankrupt, to the causes of his bankruptcy and the disposition of his property.

Arrest of Bankrupts.

Arrest of bankrupts under certain circumstances.

126. (1) The court may, by warrant addressed to any constable or officer of the court, cause a bankrupt to be arrested, and any books, papers and property in his possession to be seized, and him and them to be safely kept as directed until such time as the court may order, under the following circumstances:—

(a) if, after the filing of a bankruptcy petition against him, it appears to the court that there are gounds for believing that he has absconded or is about to abscond from Canada with a view of avoiding payment of the debt in respect of which the bankruptcy petition was filed, or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarrassing proceedings in bankruptcy against him;

(b) if, after making an assignment, it appears to the court that there are grounds for believing that he has absconded or is about to abscond from Canada with a view of avoiding payment of his debts or of avoiding examination in respect of his affairs;

(c) if, after the filing of a bankruptcy petition or of an assignment, it appears to the court that there is probable cause for believing that he is about to remove his property with a view of preventing or delaying possession being taken thereof by the trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings that might be of use to the trustee or to his creditors in the course of the bankruptcy proceedings;

(d) if he removes any property in his possession above the value of twenty-five dollars without leave of the court after service of a bankruptcy petition, or without leave of the trustee after an assignment has been made; or

(e) if, after the commencement of proceedings under this Act, he has failed to obey an order of the court.

Payments after arrest.

(2) No payment or proposal made or security given after arrest made under this section is exempt from the provisions of this Act relating to fraudulent preferences.

125. Formerly section 138 which read as follows:

"**138.** Any person liable to be examined under the provisions of the ten last preceding sections shall be bound to answer all questions relating to the business or property of the debtor, and as to the causes of his insolvency and the disposition of his assets, and shall not be excused from answering any question on the ground that the answer may tend to criminate the person so examined or to establish his liability in any civil action, and all or any of the questions and answers upon any examination under the four next preceding sections may be given in evidence against the person so examined on any charge of an offence against this Act and in any civil action or proceeding brought by, or on behalf of, the trustee or of any creditor or creditors entitled to take such action or proceedings."

126. (1) *(a)* and *(b)*. Formerly section 139 (1) *(a)* whose provisions have been extended to cover the case of an assignment.

(c) This was formerly section 139 (1) *(b)*. No material change.

(d) Formerly section 139 (1) *(c)*. The changes are self-explanatory.

(e) This is a new paragraph. It speaks for itself.

(2) No material change. Formerly section 139 (2).

Discharge of Bankrupt.

Bankruptcy to operate as application for discharge.

127. (1) The making of a receiving order against, or an assignment by, any person except a corporation operates as an application for discharge, unless the bankrupt, by notice in writing, files in the court and serves upon the trustee a waiver of application before being served by the trustee with a notice of his intention to apply to the court for an appointment for the hearing of the application as provided in this section.

Appointment to be obtained by trustee.

(2) The trustee, before proceeding to his discharge and in any case not earlier than three months and not later than twelve months following the bankruptcy of any person who has not served a notice of waiver upon him, shall on four days' notice to the bankrupt apply to the court for an appointment for a hearing of the application on a date not more than thirty days after the date of the appointment or at such other time as may be fixed by the court at the request of the bankrupt or the trustee.

Application by corporation.

(3) A corporation and any bankrupt who has given a notice of waiver as provided in subsection one may at any time at his own expense apply for a discharge by obtaining from the court an appointment for a hearing which shall be served on the trustee not less than twenty days before the date fixed for the hearing of the application, and the trustee on being served therewith shall proceed as provided in this section.

Fees and disbursements of trustee.

(4) The court may, before issuing an appointment, if requested by the trustee, require such funds to be deposited with, or such guarantee to be given to, the trustee, as it deems proper, for the payment of his fees and disbursements incurred in respect of the application.

Notice to creditors.

(5) The trustee, on obtaining or being served with an appointment, shall, not less than fourteen days before the day appointed for the hearing of the application, send out a notice thereof in the prescribed form to the Superintendent, the bankrupt and every creditor who has proved his claim, at his last known address.

Procedure when trustee not available.

(6) Where the trustee is not available to perform the duties required of a trustee on the application of a bankrupt for a discharge, the court may authorize any other person to perform such duties and may give such directions as it deems necessary to enable the application of the bankrupt to be brought before the court.

127. (1) This subsection is new. It establishes a new principle in regard to the discharge of a bankrupt. The operation of the Act has indicated that only a few bankrupts apply for a discharge, largely for two reasons, firstly, that many bankrupts are not aware of their legal status and believe that their debts are determined by the bankruptcy, and secondly, because of the financial inability of many others to meet the expense of an application. From the beginning of bankruptcy legislation there has been a gradual evolution in the attitude of the public towards bankrupts until at the present time creditors are held more or less equally responsible with bankrupts for their debts. If the *Bankruptcy Act* is to serve its intended purpose to give bankrupts an opportunity to rehabilitate themselves as useful citizens, more responsibility must be accepted to create that opportunity for the bankrupt by providing an automatic procedure for his discharge. This procedure has been incorporated in the Bankruptcy Act of the United States—Section 14 of the Amendment to the Bankruptcy Act of the United States as approved on the 22nd of June, 1938. The said section reads as follows:

> "Sec. 14. U.S. Act as amended 22 June, 1938. Discharges, When Granted.—a. The adjudication of any person, except a corporation, shall operate as an application for a discharge: Provided, That the bankrupt may, before the hearing on such application, waive by writing, filed with the court, his right to a discharge. A corporation may, within six months after its adjudication, file an application for a discharge in the court in which the proceedings are pending."

(2) This is the procedural subsection by which the trustee is impounded with the duty of initiating the bankrupt's application for discharge.

(3) This subsection permits a corporation and a bankrupt who previously waived his right for a discharge to apply at its or his own expense. Ordinarily corporations do not apply for discharges, but a provision is inserted for the rare case that may arise.

(4) This subsection has been inserted for the protection of the trustee in view of previous experience.

(5) This is merely the procedural subsection to provide for notice of the application.

(6) This subsection is to meet the contingency which so often arises and for which there is no provision whatsoever in the Act. The availability of a trustee should not affect the legal right of a bankrupt to have his application brought before the court and heard. The courts have attempted to deal with this problem merely on the basis of removing an injustice which might be inflicted on a bankrupt, but there has always been some doubt as to whether or not the court had such authority.

Trustee to prepare report.

128. (1) The trustee shall prepare a report in the prescribed form as to the affairs of the bankrupt, the causes of his bankruptcy, the manner in which the bankrupt has performed the duties imposed on him under this Act or obeyed the orders of the court, and as to his conduct both before and after the bankruptcy, and whether he has been convicted of any offence under this Act, together with any other fact, matter or circumstance that would justify the court in refusing an unconditional order of discharge, and the report shall be accompanied by a resolution of the inspectors declaring whether or not they approve or disapprove of the report, and in the latter case the reasons of such disapproval shall be given.

Filing and service of report.

(2) When an application is pending, the trustee shall file the report in the court not less than three days, and forward a copy thereof to the Superintendent not less than ten days, before the day appointed for hearing the application, and in all other cases the trustee, before proceeding to his discharge, shall file the report in the court and forward a copy to the Superintendent.

Superintendent may file report.

(3) The Superintendent may make such further or other report to the court as he deems expedient or as in his opinion ought to be before the court on the application.

Representation by counsel.

(4) The trustee or any creditor may attend and be heard in person or by counsel.

Evidence at hearing.

(5) For the purposes of the application the report of the trustee shall be *prima facie* evidence of the statements therein contained.

This new section 127 replaces former section 141 (1), (2) and (3) which read as follows:

"**141.** (1) Any debtor may, at any time after being adjudged bankrupt or making an authorized assignment, apply to the court for an order of discharge, to become effective not sooner than three months next after the date of his being adjudged bankrupt or of his making such assignment, and the court shall appoint a day for hearing the application.

(2) A bankrupt or authorized assignor intending to apply for his discharge shall produce to the registrar of the court a certificate from the trustee specifying the names and addresses of his creditors of whom the trustee has notice (whether they have proved or not) and it shall be the duty of the trustee to furnish such certificate upon request therefor by the bankrupt or authorized assignor.

(3) The registrar shall, not less than twenty-eight days before the day appointed for hearing the application, give to the trustee notice of the application and of the time and place of hearing of it, and the trustee shall not less than fourteen days before the day appointed for hearing the application give to the Superintendent and to each creditor who has proved his debt like notice."

128. (1) This is a revision of former section 141 (4) and (5) incorporating in one subsection what is to be included in the report. Section 141 (4) and (5) read as follows:

"(4) The trustee shall file with the registrar, at least three days before the day appointed for hearing the application, his report as to the conduct and affairs of the bankrupt or assignor (including a report as to the conduct of the bankrupt or assignor during the proceedings under his bankruptcy or assignment). In cases where the final dividend has not been paid, this report shall be accompanied by a resolution of inspectors declaring whether they approve or disapprove the said report, and in the latter case the reasons of this disapproval must be given.

(5) If the bankrupt or assignor has been examined, the trustee shall also file such examination, and shall report to the court any fact, matter or circumstance which would, under this Act, justify the court in refusing an unconditional order of discharge."

(2) This subsection is partly taken from subsection (4). In addition it is deemed necessary that the report should be in the hands of the Superintendent in sufficient time to enable him to make any supplementary report which he may desire.

(3) This subsection is new. Its purpose is to try to ensure that all of the relevant facts are before the court at the hearing.

(4) This was formerly section 141 (7). No change except that the words "the debtor" have been struck out.

(5) This is former section 141 (8) slightly revised. It read as follows:

"**141.** (8) For the purposes of this and the next five succeeding sections the report of the trustee shall be *prima facie* evidence of the statements therein contained."

The former subsections (6) and (9) have been deleted. Subsection (6) is unnecessary. The revised procedure on the application of a bankrupt for his discharge, and particularly section 128 (2), renders subsection (9) obsolete. Subsections (6) and (9) read as follows:

"**141.** (6) At the hearing of the application, the court may read the examination of the bankrupt or assignor, and may put such further questions to him and receive such evidence as it may think fit."

"(9) The duties imposed upon the trustee under this section shall be carried out by him notwithstanding that he may have been discharged as trustee by the court."

Right of bankrupt to oppose statements in report.

(6) When a bankrupt intends to dispute any statement contained in the trustee's report he shall at or before the time appointed for hearing the application for discharge give notice in writing to the trustee specifying the statements in the report which he proposes at the hearing to dispute.

Right of creditors to oppose.

(7) A creditor who intends to oppose the discharge of a bankrupt on grounds other than those mentioned in the trustee's report shall give notice of the intended opposition, stating the grounds thereof, to the trustee and to the bankrupt at or before the time appointed for the hearing of the application.

Court may grant or refuse discharge.

129. (1) On the hearing of the application, the court may either grant or refuse an absolute order of discharge or suspend the operation of the order for a specified time, or grant an order of discharge subject to any terms or conditions with respect to any earnings or income that may afterwards become due to the bankrupt or with respect to his after-acquired property.

Powers of court to refuse or suspend discharge or grant conditional discharge.

(2) The court shall on proof of any of the facts mentioned in section one hundred and thirty

(a) refuse the discharge;

(b) suspend the discharge for such period as the court thinks proper; or

(c) require the bankrupt, as a condition of his discharge, to perform such acts, pay such moneys, consent to such judgments, or comply with such other terms, as the court may direct.

(6) and (7) Formerly Rule 159. No substantial change. It is deemed more logical to have these provisions inserted in the Act as part of the scheme of rights and procedure therein set up.

129. (1) Formerly section 142 (1). The material that may be heard on the hearing has been referred to in the preceding section.

Section 142 (1) and (2) formerly read as follows:

"**142.** (1) On the hearing of the application, the court shall take into consideration the report of the trustee, and the resolution of the inspectors, and may either grant or refuse an absolute order of discharge or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt or authorized assignor, or with respect to his after-acquired property.

(2) The court shall refuse the discharge in all cases where the bankrupt or authorized assignor has committed any offence under this Act or any offence connected with his bankruptcy or assignment or the proceedings thereunder, and shall on proof of any of the facts mentioned in the next succeeding section, either

(a) refuse the discharge; or

(b) suspend the discharge for a period of not less than two years: provided that the period may be less than two years if the only fact proved of those hereinafter mentioned is that his assets are not of a value equal to fifty cents in the dollar on the amount of his unsecured liabilities; or

(c) suspend the discharge until a dividend of not less than fifty cents in the dollar has been paid to the creditors; or

(d) require the bankrupt or assignor, as a condition of his discharge, to consent to judgment being entered against him by the trustee for any balance or part of any balance of the debts provable under the bankruptcy or assignment which is not satisfied at the date of the discharge, such balance or part of any balance of the debts to be paid out of the future earnings or after-acquired property of the bankrupt or assignor in such manner and subject to such conditions as the court may direct; but execution shall not be issued on the judgment without leave of the court, which leave may be given on proof that the bankrupt or assignor has, since his discharge, acquired property or income available towards payment of his debts."

(2) Formerly section 142 (2). The words deleted are considered altogether too drastic, being an absolute prohibition of a discharge being obtained by a bankrupt under any such circumstances, and it is felt that the matter should be left to the discretion of the court by transferring the restrictions therein imposed to subsection (1) of section 130.

(b) It is deemed advisable that the period of suspension be left to the discretion of the court.

(c) Similarly, former paragraphs *(c)* and *(d)* have been redrafted and combined in one paragraph which has been greatly simplified.

Court may modify after year.

(3) Where at any time after the expiration of one year from the date of any order made under this section the bankrupt satisfies the court that there is no reasonable probability of his being in a position to comply with the terms of the order the court may modify the terms of the order or of any substituted order, in such manner and upon such conditions as it may think fit.

Power to suspend.

(4) The powers of suspending and of attaching conditions to the discharge of a bankrupt may be exercised concurrently.

Facts for which discharge may be refused, suspended or granted conditionally.

130. (1) The facts referred to in section one hundred and twenty-nine are

(a) the assets of the bankrupt are not of a value equal to fifty cents in the dollar on the amount of his unsecured liabilities, unless he satisfies the court that the fact that the assets are not of a value equal to fifty cents in the dollar on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held responsible;

(b) the bankrupt has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy;

(c) the bankrupt has continued to trade after knowing himself to be insolvent;

(d) the bankrupt has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities;

(e) the bankrupt has brought on, or contributed to, his bankruptcy by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling or by culpable neglect of his business affairs;

(f) the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action properly brought against him;

(g) the bankrupt has, within the three months preceding the date of his bankruptcy, incurred unjustifiable expense by bringing a frivolous or vexatious action;

(h) the bankrupt has, within the three months preceding the date of his bankruptcy, when unable to pay his debts as they became due, given an undue preference to any of his creditors;

(i) the bankrupt has, within the three months preceding the date of his bankruptcy, incurred liabilities with a view of making his assets equal to fifty cents in the dollar on the amount of his unsecured liabilities;

(3) No material change. Formerly section 142 (3).

(4) No material change. Formerly section 142 (4).

130. (1) *(a)* to *(k)*. No change materially. Formerly section 143 (1) *(a)* to *(k)*.

(j) the bankrupt has on any previous occasion been bankrupt or made a proposal to his creditors;

(k) the bankrupt has been guilty of any fraud or fraudulent breach of trust;

(l) the bankrupt has committed any offence under this Act or any other statute in connection with his property, his bankruptcy or the proceedings thereunder;

(m) the bankrupt has failed to perform the duties imposed on him under this Act or to comply with any order of the court.

Application of farmers.

(2) Paragraphs *(b)* and *(c)* of subsection one do not apply in the case of an application for discharge by a bankrupt who at the time of his bankruptcy was engaged solely in farming or the tillage of the soil.

Assets of bankrupt when deemed equal to fifty cents in dollar.

131. For the purposes of section one hundred and thirty the assets of a bankrupt shall be deemed of a value equal to fifty cents in the dollar on the amount of his unsecured liabilities when the court is satisfied that the property of the bankrupt has realized or is likely to realize or, with due care in realization, might have realized an amount equal to fifty cents in the dollar on his unsecured liabilities.

Court may grant certificate.

132. (1) A statutory disqualification on account of bankruptcy ceases when the bankrupt obtains from the court his discharge with a certificate to the effect that the bankruptcy was caused by misfortune without any misconduct on his part.

Appeal.

(2) The court may, if it thinks fit, grant a certificate mentioned in subsection one, and a refusal to grant such a certificate is subject to appeal.

Duty of bankrupt on conditional discharge.

133. (1) Where an order is granted on terms or conditions or on the bankrupt consenting to judgment, the bankrupt shall, until such terms, conditions or judgment are satisfied, give the trustee such information as he may require with respect to his earnings and after-acquired property and income and, not less than once a year, file in the court and with the trustee a statement verified under oath showing the particulars of any property or income he may have acquired subsequent to the order for his discharge, and the trustee or any creditor may require the bankrupt to attend for examination under oath with reference to the facts contained in the statement, or as to his earnings, income, after-acquired property or dealings.

(l) This is a new paragraph containing substantively the prohibition deleted from former section 142(2) giving the court discretion in dealing therewith. A similar discretion is exercised in section 26(2) of the English Act which is as follows:

"Provided that where the bankrupt has committed any misdemeanour under this Act, or any enactment repealed by this Act, or any misdemeanour connected with his bankruptcy, or any felony connected with his bankruptcy, or where in any case any of the facts hereinafter mentioned are proved, the court shall either:—

(i)
(ii)
(iii)
(iv)
} Exactly the same as Section 142 *(a)*, *(b)*, *(c)* and *(d)*.

(m) This is a new paragraph. Its purpose is obvious.

(2) No material change. Formerly section 143 (2).

131. Formerly section 144 (1). No material change. The former section 144 (2) has been deleted as it is merely a reassertion of former section 141 (8) and is not required. It read as follows:

"**144.** (2) A report by the trustee shall be *prima facie* evidence of the amount of such liabilities."

132. (1) No material change. Formerly section 145 (1).

(2) No change. Formerly section 145 (2).

133. (1) This is a new subsection and is a redraft of former Rules 161, 164 and 165. While partly procedural in nature it is more substantive in effect in setting up further duties imposed on the bankrupt in the event of an order of discharge being granted on terms or conditions or subject to consent to judgment as a condition precedent to a discharge. Rules 161, 164 and 165 formerly read as follows:

"*Rule* **161.** (1) While the Court grants an order of discharge conditionally upon the debtor consenting to judgment being entered against him by the trustee for the balance or any part of the balance of the debts provable under the bankruptcy or authorized assignment which is not satisfied at the date of his discharge, the order of discharge shall not be signed, completed or delivered out until the debtor has given the required consent. The judgment shall be entered in the Court having jurisdiction in bankruptcy in the district or division in which the order of discharge is granted.

(2) If the debtor does not give the required consent within ten days of the making of the conditional order the Court may, on the application of the trustee, revoke the order or make such other order as the Court may think fit."

"**164.** Where a debtor is discharged subject to the condition that judgment shall be entered against him, or subject to any other condition as to his future earnings or after-acquired property, it shall be his duty until such judgment or condition is satisfied, from time to time, to give the trustee such information as he may require with respect to his earnings and after-acquired property and income, and not less than once a year to file in the Court and with the trustee a statement showing the particulars of any property or income he may have acquired subsequent to his discharge."

"**165.** Any statement of after-acquired property or income filed by a debtor whose discharge has been granted subject to conditions, shall be verified by affidavit, and the trustee may require the debtor to attend before an examiner to be examined on oath with reference to the statements contained in such affidavit, or as to his earnings, income, after-acquired property, or dealings. Where a debtor neglects to file such affidavit or to attend for examination when required so to do, or properly to answer all such questions as the Court may decide to be proper, the Court may, on the application of the trustee, rescind the order of discharge."

Penalty for failure to comply.

(2) Where the bankrupt fails to give information or to file a statement as required by subsection one, or to attend for examination when required so to do, or to answer all questions fully and accurately with respect to his earnings, income, after-acquired property or dealings, the court may on the application of the trustee or of any creditor revoke the order of discharge.

Trustee to distribute funds payable under conditional discharge.

(3) Where a conditional order of discharge of a bankrupt is made providing for payment of a further dividend or sum of money by the bankrupt all payments on account thereof shall be made to the trustee for distribution to the creditors.

Fraudulent settlements.

134. In either of the following cases, that is to say:—

(a) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement; or

(b) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any property wherein he had not at the date of his marriage any estate or interest, not being property of or in right of his wife;

if the settlor becomes bankrupt, and it appears to the court that such settlement, covenant or contract was made in order to defeat or delay his creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the court may refuse or suspend an order of discharge or grant an order subject to conditions in like manner as in cases where the bankrupt has been guilty of fraud.

Debts not released by order of discharge.

135. (1) An order of discharge does not release the bankrupt from

(a) any fine or penalty imposed by a court or any debt arising out of a recognizance or bail bond;

(b) any debt or liability for alimony;

(c) any debt or liability for maintenance and support of his wife and children;

(d) any debt or liability arising out of fraud, embezzlement, misappropriation or defalcation while acting in a fiduciary capacity;

(e) any debt or liability for obtaining property by false pretences or fraudulent misrepresentation; or

(2) This is merely a penalty clause in case of failure of the bankrupt to perform the special obligations imposed on him in this section. It is taken from former Rule 165 but extended to bring it into line with the penalty clauses in section 124 for similar offences.

(3) This is a new subsection. In many instances, where an order is made conditional on the payment of further dividends, the bankrupt will proceed to pay the creditors direct and, by bargaining, will not make payments on an equal basis.

134. Formerly section 146. The words deleted are unnecessary.

135. (1) The corresponding provisions of the Bankruptcy Act of the United States have been adopted in part. This was formerly section 147 (1) and read as follows:

"**147.** (1) An order of discharge shall not release the bankrupt or authorized assignor

(a) from any debt on a recognizance nor from any debt with which the bankrupt or assignor may be chargeable at the suit of the Crown or of any person for any offence against a statute relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence and he shall not be discharged in respect of any such excepted debts unless an order in council proceeding from the Crown in the proper right is filed in court consenting to his being discharged therefrom; or

(b) from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, nor from any debt or liability in respect of which he has obtained forbearance by any fraud to which he was a party; or

(c) from any liability under a judgment against him in an action for seduction, or under an affiliation order, or for alimony or under a judgment against him as a co-respondent in a matrimonial case, except to such an extent and under such conditions as the court expressly orders in respect of such liability; or

(d) from any debt or liability for necessaries of life, and the court may make such order for payment thereof as it deems just or expedient."

(*f*) liability for the dividend that a creditor would have been entitled to receive on any provable claim not disclosed to the trustee, unless such creditor had notice or knowledge of the bankruptcy and failed to take reasonable action to prove his claim.

Claims released.

(2) An order of discharge releases the bankrupt from all other claims provable in bankruptcy.

Partner or co-trustee not released.

136. An order of discharge does not release a person who at the date of the bankruptcy was a partner or co-trustee with the bankrupt or was jointly bound or had made a joint contract with him, or a person who was surety or in the nature of a surety for him.

Court may annul discharge.

137. (1) Where a bankrupt after his discharge fails to perform the duties imposed on him by the Act, the court may, on application, annul his discharge.

Annulment of discharge obtained by fraud.

(2) Where it appears to the court that the discharge of the bankrupt was obtained by fraud, the court may, on application, annul his discharge.

Effect of annulment of discharge.

(3) An order revoking or annulling the discharge of a bankrupt does not prejudice the validity of a sale, disposition of property, payment made or thing duly done before revocation or annulment.

Power of court to annul bankruptcy.

138. (1) Where, in the opinion of the court, a receiving order ought not to have been made or an assignment ought not to have been filed, the court may by order annul the bankruptcy.

Effect of annulment of bankruptcy.

(2) Where an order is made under subsection one, all sales, dispositions of property, payments duly made and acts done theretofore by the trustee or other person acting under his authority, or by the court, are valid, but the property of the bankrupt shall vest in such person as the court may appoint, or, in default of any appointment, revert to the bankrupt for all the estate or interest of the trustee therein on such terms and subject to such conditions, if any, as the court may order.

(2) No material change. Formerly section 147 (2).

136. No material change. Formerly section 148.

137. (1) This replaces the former section 132. The duties referred to therein are now included in section 117. The former section 132 read as follows:

> "**132.** If a debtor wilfully fails to perform the duties imposed on him by the four last preceding sections, or to deliver up possession of any part of his property which is divisible amongst his creditors under this Act and which is for the time being in his possession or under his control, to the trustee, or to any person, authorized by the court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of court, and may be punished accordingly."

(2) This is a new subsection similar to section 144 of the Scottish Act. A like provision was formerly contained in *The Canadian Insolvent Act* of 1864 and *The Insolvent Act* of 1875.

(3) This is a new subsection. Its purpose is evident.

138. (1) This was previously section 151 (1). It has been changed to provide for annulment in the case of assignments as well as receiving orders. The fact was overlooked formerly that the same reasons might apply for the annulment of an assignment as applied to a receiving order. The amended phraseology provides for such a contingency. There has also been deleted the clause "or where it is proved to the satisfaction of the court that the debts of the bankrupt are paid in full."

(2) Formerly section 151 (2). No material change except the words "order is made" have been substituted for "adjudication is annulled" in the first line.

The former section 151 (4) has been deleted in view of the revised wording of subsection (1). It read:

> "**151.** (4) For the purposes of this section any debt disputed by a debtor shall be considered as paid in full if the debtor enters into a bond, in such sum and with such sureties as the court approves, to pay the amount to be recovered in any proceedings for the recovery of or concerning the debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into court."

Stay on issue of order.

139. (1) The order of discharge or annulment shall be dated on the day on which it is made, but it shall not be issued or be delivered out until the expiration of the time allowed for an appeal, and, if an appeal be entered, not until the appeal has been finally disposed of.

Order not effective until published.

(2) Notice of an order of discharge or annulment shall be published in the *Canada Gazette* by the bankrupt, and the order shall not become effective until so published.

PART VII.

COURTS AND PROCEDURE.

Jurisdiction of Courts.

Courts vested with jurisdiction.

140. (1) The following named courts are invested with such jurisdiction at law and in equity as will enable them to exercise original, auxiliary and ancillary jurisdiction in bankruptcy and in other proceedings authorized by this Act during their respective terms, as they are now, or may be hereafter, held, and in vacation and in chambers:—

(a) in the province of Alberta, the Trial Division of the Supreme Court of the province;

(b) in the provinces of British Columbia, Nova Scotia and Newfoundland, the Supreme Court of the province;

(c) in the province of Prince Edward Island, the Supreme Court of Judicature of the province;

(d) in the provinces of Manitoba and Saskatchewan, the Court of King's Bench of the province;

(e) in the province of Ontario, the High Court of Justice for the province;

(f) in the province of New Brunswick, the King's Bench Division of the Supreme Court of the province;

(g) in the province of Quebec, the Superior Court of the province;

(h) in the Yukon Territory, the Territorial Court of the Yukon Territory; and

(i) in the Northwest Territories, a stipendiary magistrate.

Courts of appeal.

(2) The several courts of appeal throughout Canada, within their respective jurisdictions, are invested with power and jurisdiction at law and in equity, according to their ordinary procedures, except as varied by this Act or General Rules, to hear and determine appeals from the courts vested with original jurisdiction under this Act.

Supreme Court of Canada.

(3) The Supreme Court of Canada has jurisdiction to hear and to decide according to its ordinary procedure any appeal so permitted and to award costs.

139. This is a new section. It completes the procedure on the application for an order of discharge or annulment. Subsection (2) combines the former sections 150 and 151 (3) which read as follows:

"**150.** Notice of the order of discharge of a bankrupt, or authorized assignor, shall be forthwith gazetted."

"**151.** (3) Notice of the order annulling an adjudication shall be forthwith gazetted and published in the local paper."

140. (1) Formerly section 152 (1) which read as follows:

"**152.** (1) The following named courts are invested with such jurisdiction at law and in equity as will enable them to exercise original, auxiliary and ancillary jurisdiction in bankruptcy and in other proceedings authorized by this Act during their respective terms, as they are now, or may be hereafter, held, and in vacation and in chambers,—

(a) In the provinces of Alberta, British Columbia, Nova Scotia, Ontario and Prince Edward Island, the Supreme Court of the province;

(b) In the provinces of Manitoba and Saskatchewan, the Court of King's Bench of the province;

(c) In the province of New Brunswick, the King's Bench Division of the Supreme Court of the province;

(d) In the province of Quebec, the Superior Court of the province; and

(e) In the Yukon Territory, the Territorial Court of the Yukon Territory."

(2) This was formerly section 152(3) and (4), which read as follows:

"**152.** (3) The courts in the next subsection named are subject to the provisions of this Act with respect to appeals, invested with power and jurisdiction to make or render on appeal asserted, heard and decided according to their ordinary procedure, except as varied by General Rules, the order or decision which ought to have been made or rendered by the court appealed from.

(4) All appeals asserted under authority of this Act shall be made,

(a) in the provinces of Nova Scotia and Prince Edward Island, to the Supreme Court *en banc* of the province;

(b) in the provinces of British Columbia, Manitoba and Saskatchewan, to the Court of Appeal of the province;

(c) in the provinces of Ontario and Alberta, to the Appellate Division of the Supreme Court of the province;

(d) in the province of New Brunswick, to the Appeal Division of the Supreme Court of the province;

(e) in the province of Quebec, to the Appeal side of the Court of King's Bench;

(f) in the Yukon Territory, to the Court of Appeal of the province of British Columbia."

This has been revised and simplified to avoid unnecessary verbiage.

(3) This subsection was formerly section 174(3). No change.

Appointment of registrars, clerks, etc.

141. Each of the following persons, namely,

(a) the Chief Justice of the court;

(b) in the province of Quebec, the Chief Justice or the Associate Chief Justice in the district to which he was appointed;

(c) in the Yukon Territory, the Commissioner of the Yukon Territory; and

(d) in the Northwest Territories, the Commissioner of the Northwest Territories;

shall from time to time appoint and assign such registrars, clerks and other officers in bankruptcy as he deems necessary or expedient for the transaction or disposal of matters in respect of which power or jurisdiction is given by this Act and may specify or limit the territorial jurisdiction of any such registrar, clerk or other officer.

Assignment of judges to bankruptcy work by Chief Justice.

142. (1) The Chief Justice of the court, and in the province of Quebec the Chief Justice or the Associate Chief Justice in the district to which he was appointed, may, if in his opinion it be advisable or necessary for the good administration of this Act, nominate or assign one or more of the judges of the court to exercise the judicial powers and jurisdiction conferred by this Act that may be exercised by a single judge, and the judgment, decision or order of a judge so nominated or assigned shall be deemed to be the judgment, decision or order of the court, and a reference in this Act to the court applies to any judge so exercising the powers and jurisdiction of the court.

(2) Nothing in this section diminishes or affects the powers or jurisdiction of the court or of any of the judges thereof not so specially nominated or assigned.

Exercise of power by judges of other courts on appointment by Minister.

143. The Minister may, if in his opinion it is advisable or necessary for the proper administration of this Act, authorize any district, county or other judge to exercise any or all of the powers and jurisdiction of the court or of a judge or registrar thereof, subject to any limitation or condition, and any judge so authorized shall be deemed a judge or registrar as the case may be of the court having jurisdiction in bankruptcy, and references to the court or to the judge of the court or to the registrar apply to such district, county or other judge according to the terms of his authority.

Authority of the Courts.

Seal of court.

144. (1) Every court shall have a seal describing the court, and judicial notice shall be taken of the seal and of the signature of the judge or registrar of any such court in all legal proceedings.

141. Formerly section 157 (1). The changes are self-explanatory.

142. Formerly section 156. This section has been slightly amended. It formerly read in part as follows:

> "**156.** The Chief Justice of the court, and in the province of Ontario the Chief Justice of Ontario, and in the province of Quebec, the Chief Justice or the Acting Chief Justice in the district of appeal in which he has been appointed," etc.

143. This was formerly section 158. No change.

144. (1) This was formerly section 182. No change.

Court not subject to be restrained.

(2) The courts are not subject to be restrained in the execution of their powers under this Act by the order of any other court.

Power of judge in chambers.

(3) Subject to this Act and to General Rules, the judge of a court may exercise in chambers the whole or any part of his jurisdiction.

Periodical sittings.

(4) Periodical sittings for the transaction of the business of courts shall be held at such times and places and at such intervals as the court directs.

Court may review, etc.

(5) Every court may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

Enforcement of orders.

(6) Every order of a court may be enforced as if it were a judgment of the court.

Transfer of proceedings to another division.

(7) The court, upon satisfactory proof that the affairs of the bankrupt can be more economically administered within another bankruptcy district or division, or for other sufficient cause, may by order transfer any proceedings under this Act that are pending before it to another bankruptcy district or division.

Trial of issue, etc.

(8) The court may direct any issue to be tried or inquiry to be made by any judge or officer of any of the courts of the province, and the decision of such judge or officer is subject to appeal to a judge in bankruptcy, unless the judge is a judge of a superior court when the appeal shall, subject to section one hundred and fifty, be to the court of appeal.

Formal defect not to invalidate proceedings.

(9) No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity, unless the court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity and that the injustice cannot be remedied by any order of that court.

Proceedings taken in wrong court.

(10) Nothing in this section invalidates any proceedings by reason of their having been commenced, taken or carried on in the wrong court, but the court may at any time transfer to the proper court the petition, application or proceedings, as the case may be.

Enforcement of orders of other courts.

145. (1) An order made by a court under this Act and an order made by a court having jurisdiction in bankruptcy in a British country that has reciprocal legislation providing for the enforcement by the courts of such country of orders in bankruptcy matters made under any law of Canada may be enforced in any court having jurisdiction in bankruptcy in Canada in the same manner in all respects as if the order had been made by that court in Canada.

(2) This was formerly section 154. No change.

(3) This was formerly section 152 (2). No material change.

(4) This was formerly section 155. No material change.

(5) This was formerly section 164. No change.

(6) This was formerly Rule 53. No change.

(7) This was formerly section 6 (2). It read in part as follows:

"**6.** (2) The court, upon the application of the trustee or of a creditor proceeding under authority of any ordinary resolution carried by the votes of a majority in number of the known creditors, and upon satisfactory proof that the affairs of the debtor can be more economically administered," etc.

(8) This was formerly section 171. No material change. The words "Subject to section one hundred and fifty, be to the court of appeal" have been substituted for the words "under section one hundred and seventy-four."

(9) This was formerly section 186 (1). No material change.

(10) This was formerly section 4 (12). No change.

145. (1) Formerly section 170 (1) which read as follows:

"**170.** (1) Any order made by a court exercising jurisdiction in bankruptcy under this Act shall be enforced in the courts having jurisdiction in bankruptcy elsewhere in Canada in the same manner in all respects as if the order had been made by the court hereby required to enforce it."

It has been revised to bring it in line with the English and Australian Acts which provide for reciprocal administration in any British country.

Courts to be auxiliary to each other.

(2) All courts and the officers of all courts respectively shall severally act in aid of and be auxiliary to each other in all matters of bankruptcy, and an order of one court seeking aid, with a request to another court, shall be deemed sufficient to enable the latter court to exercise, in regard to the matters directed by the order, such jurisdiction as either the court that made the request or the court to which the request is made could exercise in regard to similar matters within its respective jurisdiction.

Enforcement of warrants.

(3) Any warrant of a court may be enforced in any part of Canada in the same manner and subject to the same privileges as a warrant issued by a justice of the peace under or in pursuance of the *Criminal Code* may be executed against a person charged with an indictable offence.

Search warrants.

146. (1) The court may by warrant direct the seizure or search on behalf of the trustee or interim receiver of or for any part of the property of the bankrupt, whether in possession of the bankrupt or of any other person, and for that purpose may order the breaking open of any building or place where the bankrupt or any part of his property is believed to be.

Commitment to prison.

(2) Where the court commits any person to prison, the commitment may be to such convenient prison as the court thinks expedient.

Evidence of proceedings in bankruptcy.

147. (1) Any document made or used in the course of any bankruptcy proceedings or other proceedings had under this Act shall, if it appears to be sealed with the seal of any court having jurisdiction in bankruptcy, or purports to be signed by any judge thereof, or is certified as a true copy by any registrar thereof, be receivable in evidence in all legal proceedings.

Documentary evidence as proof.

(2) The production of an original document relating to any bankruptcy proceeding or a copy certified by the person making it as a true copy thereof or by a successor in office of such person as a true copy of a document found among the records in his control or possession shall be *prima facie* evidence of the contents of such documents.

Death of bankrupt or witness.

148. In case of the death of the bankrupt or the wife or husband of a bankrupt or of a witness, whose evidence has been received by any court in any proceedings under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

(2) This was formerly section 170 (2). No material change.

(3) This was formerly section 170 (3). No material change.

146. (1) This was formerly section 172. The reference to the custodian has been deleted.

(2) This was formerly section 173. The concluding clause has been deleted. It read as follows: "and if the gaoler of any prison refuses to receive any prisoner so committed he shall be liable for every such refusal to a fine not exceeding five hundred dollars."

147. (1) Formerly section 180. The changes therein will be self-explanatory. It read in part:

> "**180.** Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate, made by any court having jurisdiction in bankruptcy, any instrument or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings," etc.

(2) This is a new subsection. Its purpose is to simplify the method of proving documents in bankruptcy proceedings.

148. This was formerly section 183. It read as follows:

> "**183.** In case of the death of the debtor or his wife, or of a witness whose evidence has been received by any court in any proceedings under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the court or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to."

Powers of Registrar.

Powers of registrar.

149. (1) The registrars of the courts have power and jurisdiction, without limiting the powers otherwise conferred by this Act or General Rules,

(a) to hear bankruptcy petitions and to make receiving orders where they are not opposed;

(b) to hold examinations of bankrupts or other persons;

(c) to grant orders of discharge where the applications are not opposed;

(d) to approve proposals where they are not opposed;

(e) to make interim orders in cases of urgency;

(f) to hear and determine any unopposed or *ex parte* application;

(g) to summon and examine the bankrupt or any person known or suspected to have in his possession property of the bankrupt, or to be indebted to him, or capable of giving information respecting the bankrupt, his dealings or property;

(h) to hear and determine matters relating to proofs of claims whether or not opposed;

(i) to tax or fix costs and to pass accounts;

(j) to hear and determine any matter with the consent of all parties;

(k) to hear and determine any matter relating to practice and procedure in the courts;

(l) to settle and sign all orders and judgments of the courts not settled or signed by a judge and to issue all orders, judgments, warrants or other processes of the courts; and

(m) to perform all necessary administrative duties relating to the practice and procedure in the courts.

149. (1) Formerly section 159 (1). Certain additional powers have been added to the powers already conferred upon the registrars in bankruptcy matters. The limitation of the last line has been deleted as it is neither logical nor consistent to have an express intention of Parliament limited or restricted by a rule. Section 159 (1) read as follows:

"**159.** (1) The Registrars of the several courts exercising bankruptcy jurisdiction under this Act shall have power and jurisdiction subject to General Rules, limiting the powers conferred by this section."

(f) This was formerly paragraph *(g)*. No change. The former *(f)* is unnecessary and has been deleted. It read:

"*(f)* to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers."

(g) Formerly *(h)*. No material change.

(h) Formerly paragraph *(i)* which read as follows:

"*(i)* to hear and determine appeals from the decision of a trustee allowing or disallowing a creditor's claim where such claim does not exceed five hundred dollars."

(i) Ordinarily the power to tax costs and pass accounts is exercised by registrars in any event so that there would appear to be no special reason why this authority should not be conferred upon the registrar as well. Heretofore it has been necessary for the Chief Justice to appoint the registrar to be a taxing officer practically in every case.

(j) This paragraph is new and is inserted to expedite the determination of proceedings before the court. The privilege of appeal to a judge removes any possibility of injustice.

(k) This is a new paragraph and is included to set out more clearly the authority to be exercised by the registrar in hearing and determining matters relating to the practice and procedure in the courts. Heretofore only paragraph *(f)* might be inferred as dealing therewith but no rule had been promulgated explicitly setting up any authority in this respect.

(l) This is a new paragraph added to complete the mechanics by which orders and judgments of the court are made effective.

(m) This is a new paragraph and vests the registrar with authority to perform the necessary administrative duties in connection with the operation of the courts. No express provision had been in effect heretofore and such authority was assumed only by inference.

May be exercised by judge.

(2) The powers and jurisdiction by this section or otherwise conferred upon a registrar may at any time be exercised by a judge.

Registrar may not commit.

(3) A registrar has no power to commit for contempt of court.

Appeal from registrar.

(4) A person dissatisfied with an order or decision of the registrar may appeal therefrom to a judge.

Order of registrar deemed order of court.

(5) An order made or act done by a registrar in the exercise of his powers and jurisdiction shall be deemed the order or act of the court.

Reference to judge.

(6) A registrar may refer any matter ordinarily within his jurisdiction to a judge for disposition.

Judge may hear.

(7) A judge may direct that any matter before a registrar be brought before the judge for hearing and determination.

Registrars to act for each other.

(8) Any registrar in bankruptcy may act for any other registrar.

Appeals.

Court of Appeal.

150. Unless otherwise provided in this Act, an appeal lies from an order or decision of a judge of the court to the Court of Appeal, with leave of a judge thereof.

Supreme Court of Canada.

151. The decision of the Court of Appeal upon any appeal is final and conclusive unless special leave to appeal therefrom to the Supreme Court of Canada is obtained from a judge of that court.

Stay of proceedings on filing of appeal.

152. Where a judge has granted leave to appeal, all proceedings under the order or judgment appealed from shall be stayed until the appeal is disposed of, but the Court of Appeal or a judge thereof may cancel and determine the stay if it appears that the appeal is not being prosecuted diligently, or for such other reason as it may deem proper.

(2) This is intended to remove any doubt as to the authority of a judge to perform the judicial functions of a registrar. The provisions of the Act formerly giving the registrar certain specific jurisdiction might well have been interpreted to exclude a judge from exercising such jurisdiction.

(3) No change. Formerly section 159 (2).

(4) No material change. Formerly section 159 (3).

(5) No change. Formerly section 159 (4).

(6) This is a new subsection. Heretofore it has been assumed that the registrar had authority to refer the matter to a judge. Some doubt on the point has often been expressed. This subsection is intended to remove the doubt.

(7) This is a new subsection. The same comments apply. It has always been more or less inferred that such authority did exist, but the subsection specifically removes that doubt.

(8) This was formerly Rule 64. No change.

The former section 149 has been deleted. It read as follows:

"**149.** An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein, and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge."

150. This was formerly section 174 (1) and read as follows:

"**174.** (1) Any person dissatisfied with an order or decision of the court or a judge in any proceedings under this Act may appeal to the Appeal Court if the

(a) question to be raised on the appeal involves future rights; or

(b) order or decision is likely to affect other cases of a similar nature in the bankruptcy or authorized assignment proceedings; or

(c) amount involved in the appeal exceeds five hundred dollars; or

(d) appeal is from the grant or refusal to grant a discharge and the aggregate of the unpaid claims of creditors exceeds five hundred dollars."

151. This was formerly section 174 (2). No change.

152. This is a new section. The discretion granted to the Court of Appeal or a judge thereof to cancel or determine a stay of proceedings while an appeal is pending is considered necessary and advisable to prevent abuses of the right of appeal.

No stay of proceedings unless ordered.

153. An appeal to the Supreme Court of Canada shall not operate as a stay of proceedings, unless the judge who grants leave to appeal so orders.

Decision final.

154. The decision of the Supreme Court of Canada is final and conclusive.

Legal Costs.

Costs in discretion of court.

155. (1) Subject to this Act and to General Rules, the costs of and incidental to any proceedings in court under this Act are in the discretion of the court.

How costs awarded.

(2) The court in awarding costs may direct that the costs shall be taxed and paid as between party and party or as between solicitor and client, or the court may fix a sum to be paid in lieu of taxation or of taxed costs, but in the absence of any express direction costs shall follow the event and shall be taxed as between party and party.

Personal liability of trustee for costs.

(3) Where an action or proceeding is brought by or against a trustee, or where a trustee is made a party to any action or proceeding on his application or on the application of any other party thereto, he is not personally liable for costs unless the court otherwise directs.

When costs payable.

(4) No costs shall be paid out of the estate of the bankrupt, excepting the costs of persons whose services have been authorized by the trustee in writing and such costs as have been awarded against the trustee or the estate of the bankrupt by the court.

Application of tariff.

(5) Legal costs shall be paid according to the tariff provided by General Rules or according to the item in the tariff most nearly analogous or comparable to the services rendered, or, where no provision may be found therein applicable to the particular services rendered or disbursements made, according to the tariff in effect in other civil matters.

153. This was formerly section 174 (4). It read as follows:

"**174.** (4) No such appeal to the Supreme Court of Canada shall operate as a stay of proceedings unless the judge who permits such appeal shall so order, and to the extent to which he shall order, and the appellant shall not be required to provide any security for costs, but unless he provides security for costs, in an amount to be fixed by the judge permitting the appeal, he shall not be awarded costs in the event of his success upon such appeal."

The former section 153 has been deleted. It read as follows:

"**153.** (1) Where the debtor is a corporation, as defined by this Act, the Winding-up Act shall not, except by leave of the court, extend or apply to it notwithstanding anything in that Act contained, but all proceedings instituted under that Act before this Act comes into force or afterwards, by leave of the court, may and shall be as lawfully and effectually continued under that Act as if the provisions of this section had not been made.

(2) An order of the court, granting leave to extend or apply to any such corporation the Winding-up Act shall not be invalid or subject to any objection by reason only that the corporation had previously made an assignment under the provisions of this Act, or that proceedings in bankruptcy under this Act were at the time pending against the corporation, and in any such case the provisions of the Winding-up Act shall apply and prevail, and the bankruptcy proceedings shall abate subject to such disposition of the costs thereof to be made in the winding-up proceedings as the justice of the case may require."

154. This was formerly section 174 (5).

155. (1) This was formerly section 163 (2). No change.

(2) This is a redraft of former Rules 54 (1) and 54 (2) which have been combined for simplification. This is included as being more in the nature of establishing substantive rights. Rule 54 (1) and (2) formerly read as follows:

"*Rule* **54.** (1) The Court in awarding costs may direct that the same shall be taxed and paid as between party and party or as between solicitor and client, or the Court may fix a sum to be paid in lieu of taxed costs.

(2) In the absence of any express direction costs of an opposed motion shall follow the event, and shall be taxed as between party and party."

(3) This was formerly Rule 54 (3) and it has been transferred for the same reason. It has been slightly redrafted for simplification and formerly read as follows:

"*Rule* **54.** (3) Where an action is brought by or against a custodian or trustee as representing the estate of the debtor, or where a custodian or trustee is made a party to a cause or matter, on his application or on the application of any other party thereto, he shall not be personally liable for costs unless the judge before whom the action, cause or matter is tried for some special reason otherwise directs."

(4) This was formerly Rule 61 and has been transferred for the same reason. It has been redrafted and combined with former section 162 (2) which has also been rephrased to give it a more logical sequence. Rule 61 formerly read as follows:

"*Rule* **61.** Subject to the provisions of the Act, no costs shall be paid out of the estate or assets of the debtor, excepting the costs of the solicitor or solicitors employed by the trustee and such costs as have been awarded against the trustee or the estate of the debtor by order of the Court in any action or proceeding under the Act or these Rules."

(5) This is an adaptation of former Rule 57 (1) transferred for the same reason as indicated above. It also is intended to provide for taxation of bills of costs for such services as are not covered by the bankruptcy tariff, such as conveyancing costs, which have been held as not being included in the limitations of the present tariff. Rule 57(1) formerly read as follows:

"*Rule* **57.** (1) The tariff of costs set forth in the Appendix and the regulations contained in such tariff, shall, subject to these Rules, apply to the taxation and allowance of costs and charges in all proceedings."

Priority of payment of legal costs.

(6) Legal costs shall be payable according to the following priorities:

(a) commissions on collections, which shall be a first charge on any sums collected;

(b) when duly authorized by the court or approved by the creditors or the inspectors, costs incurred by the trustee after the bankruptcy and prior to the first meeting of creditors;

(c) the costs on an assignment or costs incurred by a petitioning creditor up to the issue of a receiving order;

(d) costs awarded against the trustee or the estate of the bankrupt;

(e) costs for legal services otherwise rendered to the trustee or the estate.

Limitation of costs.

(7) Notwithstanding anything in this section, the total legal costs exclusive of disbursements for all legal services specified in paragraph *(e)* of subsection six shall not exceed ten per cent of the gross receipts less amounts paid to secured creditors, except with the approval of the inspectors and the court, and, where the amount thereby available or authorized for payment of such legal fees is insufficient, the fees shall be abated proportionately.

Limitation of costs in smaller estates.

(8) Where the gross receipts, less amounts paid to secured creditors, are certified by the trustee to be not more than one thousand dollars, or more than one thousand dollars but not more than two thousand dollars, the legal costs payable, other than disbursements, shall be reduced by one-half and one-third respectively.

(6) This is a completely new subsection for the purpose of clarifying the priority of payment of legal costs.

(a) This is merely in line with ordinary legal practice.

(b) On his appointment, certain duties are imposed on a trustee to take possession of and to conserve the assets. He should be protected as to any costs thus necessarily incurred.

(c) Costs of an assignment have previously been recognized only as a matter of equitable practice by the courts although there was no express provision therefor in the Act or Rules. This paragraph gives a legal sanction for payment.

(d) Costs awarded against the trustee or the estate must necessarily take precedence of other legal costs of the trustee.

(e) This paragraph provides for all other costs payable by a trustee.

(7) This is a revision of the former section 162(3) and (4) on which there have been conflicting decisions of the courts as to the interpretation thereof. It is also felt that the previous limitations were hardly equitable, and the limitations herein provided for would be more in line with other civil costs.

Section 162(3) and (4) formerly read as follows:

"**162.** (3) Notwithstanding anything contained herein, in estates whereof the gross proceeds do not exceed five thousand dollars, the costs or fees payable may, by unanimous vote of the inspectors, be increased to any amount not to exceed ten per centum of the gross proceeds of such estate.

(4) Except as herein otherwise provided, the aggregate amount of such costs and fees so payable out of the assets of estates whereof the gross proceeds exceed five thousand dollars shall not exceed five per centum of such gross proceeds except with the approval of the court."

(8) This was formerly Rule 57 (2). It has been revised and changed to reduce legal costs in similar estates more in line with other civil costs. Rule 57 (2) formerly read as follows:

"*Rule* **57.** (2) Where the value of the assets of the debtor estimated or realized as the case may be is according to the certificate of the trustee less than fifteen hundred dollars, the scale of fees, other than disbursements, payable in all proceedings under the Act shall be reduced by one-third."

Subsections (1), (5) and (6) of the former section 162 have been deleted. They read as follows:

"**162.** (1) All attorneys, solicitors and counsel acting for the trustee or for the estate of a debtor in respect of proceedings under this Act, shall be paid out of the assets of such estate their reasonable costs and fees as fixed in a tariff provided by General Rules."

"(5) The tariff hereinbefore mentioned shall also fix the fees to be paid to the officers of the court and shall direct by whom and in what manner such costs and fees are to be collected and accounted for and to what account they shall be paid."

"(6) The fees payable to the officers of the court shall belong to the Crown in the right of the province, but the Lieutenant-Governor in Council may allow the same in whole or in part to such officers."

PART VIII.

Bankruptcy Offences.

Bankruptcy offences.

156. Any bankrupt who

(a) fails, refuses or neglects to do any of the things required of him under section one hundred and seventeen;

(b) makes any fraudulent disposition of his property before or after bankruptcy;

(c) refuses or neglects to answer fully and truthfully all proper questions put to him at any examination held pursuant to this Act;

(d) makes a false entry or a material omission in a statement or accounting;

(e) after or within six months next preceding his bankruptcy conceals, destroys, mutilates, falsifies or disposes of or is privy to the concealment, destruction, mutilation, falsification or disposition of a book or document affecting or relating to his property or affairs unless he proves that he had no intent to conceal the state of his affairs;

(f) after or within six months next preceding his bankruptcy obtains any credit or any property by false representations made by him or made by some other person to his knowledge; or

(g) has within the two years preceding his bankruptcy materially contributed to or increased the extent of his insolvency by gambling or by rash or hazardous speculations not connected with his trade or business, in determining which the financial position of the bankrupt at the time when such events occurred shall be taken into consideration;

is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding one year or on conviction under indictment to imprisonment for a term not exceeding three years.

156. Formerly section 191, which has been greatly condensed and simplified. Section 191 read as follows:

"**191.** Any person who has been adjudged bankrupt or in respect of whose estate a receiving order has been made, or who has made an authorized assignment under this Act, shall in each of the cases following be guilty of an indictable offence and liable to a fine not exceeding one thousand dollars or to a term not exceeding two years' imprisonment or to both such fine and such imprisonment:—

(a) If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee, custodian or interim receiver, all his property, real and personal, and how and to whom and for what consideration and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any) or laid out in the ordinary expense of his family, unless he proves that he had no intent to defraud;

(b) If he does not deliver up to the trustee, custodian or interim receiver, or as he directs, all such part of his real and personal property as is in his custody or under his control, and which he is required by law to deliver up, unless he proves that he had no intent to defraud;

(c) If he does not deliver up to the trustee, custodian or interim receiver, or as he directs, all books, documents, papers and writings in his custody, or under his control, relating to his property or affairs, unless he proves that he had no intent to defraud;

(d) If after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after making an authorized assignment or within six months next before the date of making thereof, he conceals any part of his property to the value of fifty dollars or upwards or conceals any debt due to or from him, unless he proves that he had no intent to defraud;

(e) If after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after making an authorized assignment or within six months next before the date of making thereof, he fraudulently removes any part of his property to the value of fifty dollars or upwards;

(f) If he makes any material omission in any statement relating to his affairs, unless he proves that he had no intent to defraud;

(g) If, knowing or believing that a false debt has been proved by any person under the bankruptcy or authorized assignment, he fails for the period of a month to inform the trustee thereof;

(h) If, after the presentation of a bankruptcy petition against him or after he makes an authorized assignment, he prevents the production of any book, document, paper or writing, affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs or to defeat the law;

(i) If, after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after making an authorized assignment or within six months next before the date of making thereof, he conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation or falsification of any book or document affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs or to defeat the law;

(j) If, after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after making an authorized assignment or within six months next before the date of making thereof, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs or to defeat the law;

(k) If, after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after the making of an authorized assignment by him or within six months next before the date of making thereof, he fraudulently parts with, alters or makes any omission in, or is privy to the fraudulently parting with, altering or making any omission in, any document affecting or relating to his property or affairs;

(l) If, after the presentation of a bankruptcy petition against him or after the making of an authorized assignment by him or at any meeting of his creditors within six months next before such presentation or assignment, he attempts to account for any part of his property by fictitious losses or expenses;

(m) If, within six months next before the presentation of a bankruptcy petition against him or next before the date of the making of an authorized assignment by him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same;

(n) If, within six months next before the presentation of a bankruptcy petition against him or next before the date of the making of an authorized assignment by him he obtains, under the false pretence of carrying on business and, if a trader, of dealing in the ordinary way of his trade. any property on credit and has not paid for the same, unless he proves that he had no intent to defraud;

(o) If, within six months next before the presentation of a bankruptcy petition against him, or next before the date of the making of an authorized assignment by him or after the presentation of a bankruptcy petition against him or the making of an authorized assignment by him he pawns, pledges or disposes of any property which he has obtained on credit and has not paid for, unless in the case of a trader such pawning, pledging or disposing is in the ordinary way of his trade and unless in any case he proves that he had no intent to defraud;

(p) If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to an agreement with reference to his affairs or to his bankruptcy;

(q) If he knowingly makes or causes to be made, either directly or indirectly, or through any agency whatsoever, any false statement in writing, with intent that it shall be relied upon respecting the financial condition or means or ability to pay of himself or any other person, firm or corporation in whom or in which he is interested, or for whom or for which he is acting, for the purpose of procuring in any form whatsoever, either the delivery of personal property, the payment of cash, the making of a loan, or credit, the extension of a credit, the discount of any account receivable, or the making, acceptance, discount or endorsement of a bill of exchange, cheque, draft or promissory note, either for the benefit of himself or such person, firm or corporation;

(r) If he, knowing that a false statement in writing has been made respecting the financial condition or means or ability to pay of himself or any other person, firm or corporation in whom or in which he is interested or for whom or for which he is acting, procures upon the faith thereof, either for the benefit of himself or such person, firm or corporation, any of the benefits mentioned in the preceding paragraph."

(g) This is a new paragraph partly taken from section 157(1) of the English Act which had not been carried into the Canadian Act and which reads as follows:

"**157.** (1) Any person who has been adjudged bankrupt, or in respect of whose estate a receiving order has been made, shall be guilty of a misdemeanour, if, having been engaged in any trade or business, and having outstanding at the date of the receiving order any debts contracted in the course and for the purposes of such trade or business,—

(a) he has, within two years prior to the presentation of the bankruptcy petition, materially contributed to or increased the extent of his insolvency by gambling or by rash and hazardous speculations, and such gambling or speculations are unconnected with his trade or business; or

(b) he has, between the date of the presentation of the petition and the date of the receiving order, lost any part of his estate by such gambling or rash and hazardous speculations as aforesaid; or

(c) on being required by the Official Receiver at any time, or in the course of his public examination by the court, to account for the loss of any substantial part of his estate incurred within a period of a year next preceding the date of the presentation of the bankruptcy petition, or between that date and the date of the receiving order, he fails to give a satisfactory explanation of the manner in which such loss was incurred;

Provided that, in determining for the purposes of this section whether any speculations were rash and hazardous, the financial position of the accused person at the time when he entered into the speculations shall be taken into consideration."

Failure to disclose fact of being undischarged.

157. Where an undischarged bankrupt

(a) engages in any trade or business without disclosing to all persons with whom he enters into any business transaction that he is an undischarged bankrupt; or

(b) obtains credit for a purpose other than the supply of necessaries for himself and family to the extent of five hundred dollars or more from any person without informing that person that he is an undischarged bankrupt;

he is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding one year.

Bankrupt failing to keep proper books of account.

158. (1) Any person becoming bankrupt or making a proposal who has on any previous occasion been bankrupt or made a proposal to his creditors is guilty of an offence and is liable on summary conviction to a fine of one thousand dollars and to one year's imprisonment if

(a) being engaged in any trade or business, he has not kept proper books of account during the two years immediately preceding his bankruptcy;

(b) he has not preserved all such books of account if still so engaged at the date of his bankruptcy; or

(c) after or within the two year period mentioned in paragraph *(a)* he conceals, destroys, mutilates, falsifies or disposes of, or is privy to the concealment, destruction, mutilation, falsification or disposition of any book or document affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs.

Proper books of account defined.

(2) For the purposes of this section, a debtor shall be deemed not to have kept proper books of account if he has not kept such books or accounts as are necessary to exhibit or explain his transactions and financial position in his trade or business, including a book or books containing entries from day to day in sufficient detail of all cash received and cash paid, and, where the trade or business has involved dealings in goods, also accounts of all goods sold and purchased, and statements of annual and other stock-takings.

157. Formerly section 192. The courts have held that the section does not apply to necessaries of life for the bankrupt and his family and is intended to cover only trading transactions. Section 192 formerly read as follows:

"**192.** Where an undischarged bankrupt or an undischarged authorized assignor,

(a) either alone or jointly with any other person, obtains credit to the extent of five hundred dollars or upwards from any person without informing that person that he is an undischarged bankrupt or an undischarged authorized assignor; or

(b) engages in any trade or business under a name other than that under which he was adjudicated bankrupt or made such authorized assignment without disclosing to all persons with whom he enters into any business transaction the name under which he was adjudicated bankrupt or made such authorized assignment;

he shall be guilty of an indictable offence and liable to a fine not exceeding five hundred dollars, or to a term not exceeding one year's imprisonment, or to both such fine and such imprisonment."

158. Formerly section 193. The exception previously contained in (2) has not been retained. Subsection (4) has been deleted as such and a redraft thereof embodied in subsection (1) as revised. Section 193 read as follows:

"**193.** (1) If any person, who has on any previous occasion been adjudged bankrupt or made an authorized assignment or extension or arrangement with his creditors, is adjudged bankrupt, makes an authorized assignment or secures or asks for a composition, extension or arrangement with his creditors, he shall be guilty of an indictable offence and liable to a fine of one thousand dollars and to one year's imprisonment if having, during the whole or any part of the two years immediately preceding the date of the presentation of the bankruptcy petition or of the making of the authorized assignment or of the securing or asking for the composition, extension or arrangement, been engaged in any trade or business, he has not kept proper books of account throughout those two years or such part thereof, as aforesaid, and if so engaged at the date of presentation of the petition or the making of the assignment or the securing or asking for the composition, extension or arrangement, thereafter, whilst so engaged, up to the date of the receiving order, or the making of the assignment or the securing or asking for the composition, extension or arrangement, or has not preserved all books of account so kept.

(2) A person who has not kept or has not preserved such books of account shall not be convicted of an offence under this section if his unsecured liabilities at the date of the making of the receiving order, or the assignment or of the securing or asking for the composition, extension or arrangement did not exceed five hundred dollars or if he proves that in the circumstances in which he traded or carried on business the omission was honest and excusable.

(3) For the purposes of this section, a person shall be deemed not to have kept proper books of account if he has not kept such books or accounts as are necessary to exhibit or explain his transactions and financial position in his trade or business, including a book or books containing entries from day to day in sufficient detail of all cash received and cash paid, and, where the trade or business has involved dealings in goods, also accounts of all goods sold and purchased, and statements of annual and other stock-takings.

(4) Paragraphs *(i)*, *(j)* and *(k)* of section one hundred and ninety-one of this Act shall, in their application to the books mentioned therein, as aforesaid, have effect as if 'two years next before the presentation of the bankruptcy petition' and 'two years next before the date of the making of an authorized assignment' were substituted for the time mentioned in those paragraphs as the time prior to such presentation or making within which the acts or omissions specified in those paragraphs constitute an offence."

False claim, etc.

159. (1) Where a creditor, or a person claiming to be a creditor, in any proceedings under this Act, wilfully and with intent to defraud, makes any false claim or any proof, declaration or statement of account, that is untrue in any material particular, he is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

Inspectors accepting unlawful fee.

(2) Where an inspector accepts from the bankrupt or from any person, firm or corporation on his behalf or from the trustee, any fee, commission or emolument of any kind other than or in addition to the regular fees provided for by this Act, he is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

Unlawful transactions.

(3) Where the bankrupt enters into any transaction with any person for the purpose of obtaining a benefit or advantage to which either of them would not be entitled, he is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding one year.

Pretending to be trustee.

160. A person who,

(a) not being a licensed trustee, does any act as, or represents himself to be, a licensed trustee;

Trustee acting without bond.

(b) being a trustee, either before providing the bond required by subsection one of section eight or after providing the bond but at any time while the bond is not in force, acts as or exercises any of the powers of trustee;

Failing to follow orders of court.

(c) having been appointed a trustee, with intent to defraud, fails to observe or to comply with any of the provisions of this Act, or fails duly to do, observe or perform any act or duty that he may be ordered to do, observe or perform by the court pursuant to this Act;

Failing to observe provisions of Act.

(d) having been appointed a trustee, without reasonable excuse, fails to observe or to comply with any of the provisions of this Act, or fails duly to do, observe or perform any act or duty that he may be ordered to do, observe or perform by the court pursuant to this Act;

Failure to perform duties when authority expired.

(e) having been appointed a trustee to any estate and another trustee having been appointed in his stead, does not deliver to the substituted trustee on demand all unadministered property of the estate, together with the books, records and documents of the estate and of his administration;

159. (1) and (2) Formerly section 194 (1) and (2) which read as follows:

"**194.** (1) If any creditor, or any person claiming to be a creditor, in any bankruptcy proceedings, or in any proceedings pursuant to the provisions of Part II of this Act for obtaining a composition, extension or arrangement of a debtor's debts or of his affairs, or in any proceedings under an authorized assignment, wilfully and with intent to defraud makes any false claim, or any proof, declaration or statement of account, which is untrue in any material particular, shall be guilty of an indictable offence, and shall on conviction on indictment be liable to imprisonment with or without hard labour for a term not exceeding one year.

(2) If any inspector accepts from the bankrupt or authorized assignor or from any person, firm, or corporation on his behalf or from the trustee, any fee, commission or emolument of any kind other than, or in addition to the regular fees provided for by this Act, he shall be guilty of an indictable offence and shall on conviction be liable to a fine, not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both said fine and imprisonment."

(3) This subsection is new. It is intended to curb dishonest attempts to obtain an unlawful advantage such as an offer by a bankrupt to pay a creditor's claim in full or in part to obtain his approval to a proposal or a discharge, or to have him refrain from filing objections to a proposal or a discharge. While this practice is perhaps less common in recent years yet it was notorious years ago and may again be indulged in with a recurrence of more bankruptcies in the future.

160. *(a)* to *(d)* No change. Formerly section 199 *(a)* to *(d)*.

(e) This is a new paragraph imposing a penalty to enforce compliance with the requirements of section 14 (1). Heretofore the lack of an express penalty permitted trustees to ignore their duties almost with impunity and made it much more difficult for a substituted trustee to take over the administration of an estate.

Soliciting assignment.

Soliciting proxies.

(f) being a trustee, solicits or canvasses a person to make an assignment under this Act; or

(g) being a trustee, solicits proxies to vote at a meeting of creditors;

is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

Penalty for removal of bankrupt's property without notice.

161. A person, except the trustee, who, within thirty days after delivery to the trustee of the proof of claim mentioned in section fifty-one, or who, in case no such proof has been delivered, removes or attempts to remove the property or any part thereof mentioned in such section out of the charge or possession of the bankrupt, the trustee or other custodian of such property, unless with the written permission of the trustee, is guilty of an offence and is liable on summary conviction to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding two years, or to both fine and imprisonment.

Penal liability of officer, director or agent of corporation.

162. Where an offence against this Act has been committed by a corporation, every officer, director or agent of the corporation who directed, authorized, condoned or participated in the commission of the offence is liable to the like penalties as the corporation and as if he had committed the like offence personally.

Report on offences to be made by trustee.

163. (1) Whenever an official receiver or trustee has grounds for believing that an offence under this Act or under any other statute, whether of Canada or a province, has been committed with respect to any bankrupt estate in connection with which he has been acting under this Act, or that for some special reason an investigation should be had in connection with such estate, it shall be the duty of such official receiver or trustee to report such matter to the court, including in such report a statement of all the facts or circumstances of the case within his knowledge and the names of the witnesses who should in his opinion be examined and a statement as to the offence or offences believed to have been committed, and to forward a copy of such report forthwith to the Superintendent.

(f) Formerly section 199 *(e)*.

(g) This is a new paragraph. Its purpose is evident.

The concluding portion of former section 199 read as ollows: "shall be guilty of an indictable offence and liable to a fine not exceeding one thousand dollars or to a term not exceeding two years' imprisonment or to both such fine and such imprisonment".

161. Formerly section 200 which read as follows:

"**200.** Any person, except the trustee hereinafter mentioned, who, before the elapse of fifteen days after delivery to the trustee of the notice in writing mentioned in section fifty-four of this Act, or in case no such notice has been delivered, shall remove or attempt to remove the goods or any thereof mentioned in such section out of the charge or possession of the debtor or of the trustee or other actual custodian of such goods, unless with the written permission of the trustee, shall be guilty of an indictable offence and liable to a fine not exceeding five thousand dollars, or to a term not exceeding two years' imprisonment, or to both such fine and such imprisonment".

162. Formerly section 201. The final clause has been deleted. It read "and he shall be so liable cumulatively with the company and with such officers, directors or agents of the company as may likewise be liable hereunder."

163. (1) This was formerly section 195(2). The reference to the custodian has been deleted.

The former section 163 read as follows:

"**163.** (1) All proceedings in bankruptcy or under authorized assignments subsequent to the presentation of a bankruptcy petition or the making of an authorized assignment shall be entitled 'In the matter of the Bankruptcy' of the debtor, or 'In the matter of the Authorized Assignment' of the debtor, as the case may be.

(2) Subject to the provisions of this Act and to General Rules, the costs of and incidental to any proceedings in court under this Act shall be in the discretion of the court.

(3) The court may at any time adjourn any proceedings before it upon such terms, if any, as it may think fit to impose.

(4) The court may at any time amend any written process or proceedings under this Act upon such terms, if any, as it may think fit to impose.

(5) Where by this Act, or by General Rules, the time for doing any act or thing is limited, the court may extend the time either before or after the expiration thereof, upon such terms, if any, as the court may think fit to impose.

(6) Subject to General Rules, the court may in any matter take the whole or any part of the evidence either *viva voce*, or by interrogatories, or upon affidavit, or, out of the Dominion of Canada, by commission.

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

(8) Where the petitioner does not proceed with due diligence on his bankruptcy petition, the court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of the petitioning creditor, or may dismiss the petition.

(9) If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the court otherwise orders, be continued as if he were alive.

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

Subsection (1) has been deleted. Subsection (2) is now section 155 (1). Subsections (3), (4), (5) and (6) have been deleted. Subsections (7), (8), (9) and (10) are respectively subsections (4), (13), (17) and (11) of section 21.

Report by inspectors and others.

(2) The Superintendent or a creditor, inspector or other interested person who has reasonable grounds for believing that a person is guilty of an offence under this Act or under any other statute, whether of Canada or a province, in connection with a bankrupt, his property or his transactions, may file a report with the court of the facts on which such beliefs are based, or he may make such further representations supplementary to the report of the official receiver or trustee as he may deem proper.

Court may authorize criminal proceedings.

(3) Whenever the court is satisfied, upon the representation of the Superintendent or any one on his behalf, or of the official receiver or the trustee, or of any creditor, inspector, or other interested person, that there is ground to believe that any person is guilty of an offence under this Act or under any other statute, whether of Canada or a province, in connection with the bankrupt, his property or transactions, the court may authorize the trustee to initiate proceedings for the prosecution of such person for such offence.

Initiation of criminal proceedings by the trustee.

(4) Where a trustee is authorized or directed by the creditors, the inspectors or the court to initiate proceedings against any person believed to have committed an offence, the trustee shall send or cause to be sent a copy of the resolution or order, duly certified as a true copy thereof, together with a copy of all reports or statements of the facts on which such order or resolution was based, to the Crown Attorney or the agent of the Crown duly authorized to represent the Crown in the prosecution of criminal offences in the district where the alleged offence was committed.

Substance of offence charged in indictment.

164. In an information, complaint or indictment for an offence under this Act it is sufficient to set forth the substance of the offence charged in the words of this Act, specifying the offence or as near thereto as circumstances admit, without alleging or setting forth any debt, act of bankruptcy, trading, adjudication, or any proceedings in, or order, warrant or document of, any court acting under this Act.

(2) This is a new subsection to make provision for the report of a trustee being supplemented by any other facts known to the Superintendent or the creditors.

(3) This was formerly section 195(1) and has been changed to permit the court to authorize the trustee to initiate criminal proceedings instead of having the court make an order for the prosecution of an offender.

(4) This is a new subsection and sets up the procedure to initiate criminal proceedings.

164. This was formerly section 198(3). **No change.**

Former subsections (1) and (2) have been deleted. They were taken from section 163 of the English Act of 1914, which section was repealed in England by section 9 of the Act of 1926. So far as is known no prosecution has ever taken place under this section and it would appear that its usefulness is therefore questionable. Subsection (4) has also been deleted. Section 198(1), (2) and (4) read as follows:

"**198.** (1) Where there is, in the opinion of the court, ground to believe that the bankrupt or any other person has been guilty of an offence under this Act, the court may commit the bankrupt or such other person for trial."

"(2) For the purpose of committing the bankrupt or such other person for trial, the court shall have power to take depositions, bind over witnesses to appear, admit the accused to bail, or otherwise."

"(4) Where any person is prosecuted for an offence under this Act no other prosecution shall be instituted against him for the same offence under any other Act."

Time within which prosecutions to be commenced.

165. A prosecution by indictment under this Act shall be commenced within five years from the time of the commission of the offence and in the case of an offence punishable on summary conviction the complaint shall be made or the information laid within three years from the time when the matter of the complaint or information arose.

PART IX.

Miscellaneous Provisions.

General Rules.

166. (1) The Governor in Council may make, alter or revoke, and may delegate to the judges of the several courts exercising bankruptcy jurisdiction under this Act the power to make, alter or revoke, General Rules not inconsistent with the terms of this Act for carrying into effect the object thereof.

Rules to be tabled.

(2) All General Rules, as from time to time made, shall be laid before Parliament within three weeks after being made or, if Parliament is not then sitting, within three weeks after the beginning of the next session.

To include forms.

(3) General Rules include forms.

To be judicially noticed.

(4) General Rules shall be judicially noticed.

Canada Gazette to be kept on file by registrars and official receivers.

167. (1) The registrars of the courts and official receivers shall keep on file for public reference a copy of each issue of the *Canada Gazette* that contains a notice referring to bankrupts, and shall also keep an index book wherein they shall enter alphabetically the name of each bankrupt in respect of whose estate a notice may at any time appear in the *Canada Gazette*.

Index book.

Creditor may make search.

(2) Any person is entitled to make a search of the *Canada Gazette* and the index book, and, when required, the registrar or official receiver shall issue a certificate of any facts contained therein relating to bankruptcy matters, on payment of the prescribed fee.

Canada Gazette to be supplied.

(3) The King's Printer, upon request of any person who is by this Act required to keep on file for public reference a copy of the *Canada Gazette*, shall regularly supply to such person, free of charge, two copies of every issue of the *Canada Gazette*.

165. This is a new section limiting the time within which prosecutions under this Act may be commenced.

166. (1) No change. Formerly section 161 (1).

(2) Formerly section 161 (3) part of which has been made into a new subsection (4). The concluding words "and shall have effect as if enacted by this Act" have been deleted. The former subsection (2) has been deleted. It read as follows:

> "**161.** (2) Such rules shall not extend the jurisdiction of the court, save and except that, for the purpose of enabling the provision of rules having application to corporations, but for such purpose only, the Winding-up Act shall be deemed part of this Act."

(3) This subsection has been included to give validity to the prescribed forms. This was formerly section 2 *(s)*. No change.

(4) Formerly part of section 161 (3).

167. Formerly section 28. The former section 28 (1) has been deleted. It read as follows:

> "**28.** (1) A notice in the prescribed form of the receiving order or assignment and of the first meeting of creditors required to be called pursuant to this Act shall, as soon as possible after the making or executing of such receiving order or assignment, be gazetted by the custodian, and not less than six days prior to said meeting be published in a local newspaper."

The provision *re* publication in a local newspaper has been transferred to section 68 (4). Section 68 (3) deals with publication in the *Canada Gazette*.

(1) Subsection (1) was formerly subsection (2) and subsection (3) of section 28.

(2) These provisions appear to have been inadvertently omitted from the Act when it was passed.

(3) No change. Formerly subsection (5).

Evidence of facts in notice.

168. A copy of the *Canada Gazette* containing any notice inserted therein in pursuance of this Act shall be *prima facie* evidence in any court or elsewhere of the facts stated in the notice.

No action against Superintendent, etc., without leave of Court.

169. Except by leave of the court no action shall lie against the Superintendent, an official receiver or a trustee with respect to any report made under, or any action taken pursuant to, the provisions of this Act.

Provisions bind Crown.

170. The provisions of this Act bind the Crown in right of Canada or a province.

Repeal.

171. The enactments mentioned in the Schedule to this Act are repealed.

Coming into force.

172. This Act shall come into force on the first day of January, 1950.

SCHEDULE.

Enactments Repealed.

Title	Session	Chapter
The Bankruptcy Act.....	R.S., 1927	11
An Act to amend The Bankruptcy Act...	1931	17
An Act to amend The Bankruptcy Act...	1931	18
An Act to amend The Bankruptcy Act...	1932	39

168. Formerly section 178. The changes are self-explanatory.

The former section 168 has been deleted. It read as follows:

"**168.** Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm, but in such case the court may, on application by any person interested, order the names of the persons who are partners in such firm or the name of such person to be disclosed in such manner, and verified on oath or otherwise, as the court may direct."

169. Formerly section 195 (3).

The former section 169 has been deleted. It read as follows:

"**169.** Where a bankrupt or authorized assignor is a contractor in respect of any contract jointly with any person or persons, such person or persons may sue or be sued in respect of the contract without the joinder of the bankrupt or authorized assignor."

170. Formerly section 188. This section has been simplified. It formerly read as follows:

"**188.** Save as provided in this Act, the provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge, shall bind the Crown."

The former section 179 has been deleted as it is substantially contained in section 168. Section 179 read as follows:

"**179.** The production of a copy of the *Canada Gazette* containing any notice of a receiving order adjudging a debtor bankrupt, shall be conclusive evidence in all legal proceedings of the order having been duly made, and of its date."

Former sections 181, 184, 185 and 187 are unnecessary and have been deleted. They read as follows:

"**181.** Subject to General Rules, any affidavit to be used in a court exercising jurisdiction in bankruptcy under this Act may be sworn before any person authorized to administer oaths in the court having jurisdiction or before any registrar of the court or before any officer of a court having jurisdiction in bankruptcy authorized in writing in that behalf by the court, or before a justice of the peace for the province, county or place where it is sworn, or, in the case of a person who is out of Canada, before a notary public, a magistrate or justice of the peace or other person qualified to administer oaths in the country where he resides, he being certified to be a magistrate or justice of the peace or qualified as aforesaid by a British consul or vice-consul or by a notary public."

"**184.** (1) Where by this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a Sunday or a statutory holiday throughout the province where the act or proceeding is to be done or taken on a day on which the court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards which is not one of the days in this section specified.

(2) Where by this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be one of the days in this section specified, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards which shall not be one of the days in this section specified."

"**185.** All notices and other documents for the service of which no special mode is directed may be sent by registered and prepaid post to the last known address of the person to be served therewith."

"**187.** For all or any of the purposes of this Act, an incorporated company may act by any of its officers or employees authorized in that behalf, a firm may act by any of its members, and a lunatic may act by his committee or curator or by the guardian or curator of his property."

The former sections 189, 190, 196 (1) and 197 have also been deleted. They were as follows:

"**189.** Nothing in the provisions of this Act shall interfere with, or restrict the rights and privileges conferred on banks and banking corporations by the *Bank Act*."

"**190.** Where by this Act any body of persons is given power or authority to permit, consent or approve, and the court is given like power or authority alternatively, or otherwise than on appeal, and such body of persons has been constituted or convened, the court shall not act except upon satisfactory proof of prior application to such body of persons and its refusal of such application or its omission to announce its conclusion thereon within what the Court shall deem, according to the circumstances, a reasonable time."

"**196.** (1) Where a debtor has been guilty of any criminal offence, he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition, extension or scheme of arrangement has been accepted or approved."

"**197.** Any registrar or other officer, who upon tender of any receiving order or assignment or a copy thereof, certified as aforesaid, with the proper fees, and with the request that such document be registered or filed as aforesaid, shall refuse or omit to forthwith register or file the same in manner hereinbefore indicated or who shall omit or refuse to comply with the provisions of subsection two of section twenty-eight in so far as they are applicable to him, shall be guilty of an indictable offence punishable upon indictment or summary conviction by a fine not exceeding one thousand dollars or by imprisonment for a term not exceeding one year or to both such fine and such imprisonment."

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O.

An Act for the relief of Francis Thomas Joseph Cleevely.

Read a first time, Wednesday, 16th February, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

29910

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O.

An Act for the relief of Francis Thomas Joseph Cleevely.

Preamble.

WHEREAS Francis Thomas Joseph Cleevely, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, aircraft inspector, has by his petition alleged that on the seventh day of December, A.D. 1940, at the said city, he and Winnifred Power, who was then of the city of Verdun, in the said province, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Francis Thomas Joseph Cleevely and Winnifred Power, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Francis Thomas Joseph Cleevely may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Winnifred Power had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P.

An Act for the relief of Jack William Corber.

Read a first time, Wednesday, 16th February, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

29288

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P.

An Act for the relief of Jack William Corber.

Preamble.

WHEREAS Jack William Corber, domiciled in Canada and residing at the city of Westmount, in the province of Quebec, chartered accountant, has by his petition alleged that on the twenty-fourth day of March, A.D. 1940, at the city of Montreal, in the said province, he and Riva Miriam Margolick, who was then of the said city of Montreal, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jack William Corber and Riva Miriam Margolick, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jack William Corber may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Riva Miriam Margolick had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q.

An Act for the relief of Mildred Ida Acres Wells.

Read a first time, Wednesday, 16th February, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

29874

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q.

An Act for the relief of Mildred Ida Acres Wells.

Preamble.

WHEREAS Mildred Ida Acres Wells, residing at the city of Montreal, in the province of Quebec, secretary, wife of John Corning Wells, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the nineteenth day of June, A.D. 1937, at the village of Vernon, in the province of Ontario, she then being Mildred Ida Acres, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mildred Ida Acres and John Corning Wells, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mildred Ida Acres may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Corning Wells had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R.

An Act for the relief of Wilhelmina Doris Guenette Parkes.

Read a first time, Wednesday, 16th February, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

29406

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R.

An Act for the relief of Wilhelmina Doris Guenette Parkes.

Preamble.

WHEREAS Wilhelmina Doris Guenette Parkes, residing at the city of Outremont, in the province of Quebec, clerk, wife of Gerald Max Parkes, who is domiciled in Canada and residing at the town of Deep River, in the province of Ontario, has by her petition alleged that they were married on the twenty-fourth day of February, A.D. 1934, at the city of Montreal, in the said province of Quebec, she then being Wilhelmina Doris Guenette, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Wilhelmina Doris Guenette and Gerald Max Parkes, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Wilhelmina Doris Guenette may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Gerald Max Parkes had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S.

An Act for the relief of Anita Phyllis Ticktin Sacks.

Read a first time, Wednesday, 16th February, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

29626

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S.

An Act for the relief of Anita Phyllis Ticktin Sacks.

Preamble.

WHEREAS Anita Phyllis Ticktin Sacks, residing at the city of Montreal, in the province of Quebec, clerk, wife of Louis Sacks, who is domiciled in Canada and residing at the city of Outremont, in the said province, has by her petition alleged that they were married on the seventh day of September, A.D. 1941, at the said city of Montreal, she then being Anita Phyllis Ticktin, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Anita Phyllis Ticktin and Louis Sacks, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Anita Phyllis Ticktin may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Louis Sacks had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T.

An Act for the relief of Sylvia Feldman Blant.

Read a first time, Wednesday, 16th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

28944

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T.

An Act for the relief of Sylvia Feldman Blant.

Preamble.

WHEREAS Sylvia Feldman Blant, residing at the city of Montreal, in the province of Quebec, clerk, wife of Samuel Blant, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the tenth day of March, A.D. 1948, at the said city, she then being Sylvia Feldman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Sylvia Feldman and Samuel Blant, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Sylvia Feldman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Samuel Blant had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U.

An Act for the relief of Doris Arvilla Jackson Legassick.

Read a first time, Wednesday, 16th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

29755

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U.

An Act for the relief of Doris Arvilla Jackson Legassick.

Preamble.

WHEREAS Doris Arvilla Jackson Legassick, residing at the city of Montreal, in the province of Quebec, stenographer, wife of John Stuart Benjamin Legassick, who is domiciled in Canada and residing at the town of Chicoutimi, in the said province, has by her petition alleged that they were married on the twenty-second day of January, A.D. 1944, at the said city, she then being Doris Arvilla Jackson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Doris Arvilla Jackson and John Stuart Benjamin Legassick, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Doris Arvilla Jackson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Stuart Benjamin Legassick had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V.

An Act for the relief of Rose Klein Levin.

Read a first time, Wednesday, 16th February, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

29906

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V.

An Act for the relief of Rose Klein Levin.

Preamble.

WHEREAS Rose Klein Levin, residing at the city of Montreal, in the province of Quebec, wife of Louis Levin, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the second day of April, A.D. 1935, at the said city, she then being Rose Klein, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Rose Klein and Louis Levin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Rose Klein may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Louis Levin had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W.

An Act for the relief of Thelma Wilhelmina Wintonyk Colter.

Read a first time, Wednesday, 16th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

29747

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W.

An Act for the relief of Thelma Wilhelmina Wintonyk Colter.

Preamble.

WHEREAS Thelma Wilhelmina Wintonyk Colter, residing at the city of Westmount, in the province of Quebec, stenographer, wife of John Sparby Colter, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the seventh day of July, A.D. 1945, at the town of Ste. Anne de Bellevue, in the said province, she then being Thelma Wilhelmina Wintonyk, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Thelma Wilhelmina Wintonyk and John Sparby Colter, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Thelma Wilhelmina Wintonyk may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Sparby Colter had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X.

An Act for the relief of Doris MacArthur Richards Arnold.

Read a first time, Wednesday, 16th February, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

28757

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X.

An Act for the relief of Doris MacArthur Richards Arnold.

Preamble.

WHEREAS Doris MacArthur Richards Arnold, residing at the city of Outremont, in the province of Quebec, book-keeper, wife of Hector Winston Arnold, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the thirtieth day of June, A.D. 1934, at the said city of Outremont, she then being Doris MacArthur Richards, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Doris MacArthur Richards and Hector Winston Arnold, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Doris MacArthur Richards may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Hector Winston Arnold had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y.

An Act for the relief of Mary Matheson Baker.

Read a first time, Wednesday, 16th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

29410

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y.

An Act for the relief of Mary Matheson Baker.

Preamble.

WHEREAS Mary Matheson Baker, residing at the city of Montreal, in the province of Quebec, waitress, wife of Charles Henry Baker, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-ninth day of January, A.D. 1921, at the said city, she then being Mary Matheson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Matheson and Charles Henry Baker, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Matheson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Henry Baker had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z.

An Act for the relief of Vivian Pauline Davies White.

Read a first time, Wednesday, 16th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
29751 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z.

An Act for the relief of Vivian Pauline Davies White.

Preamble.

WHEREAS Vivian Pauline Davies White, residing at the city of Verdun, in the province of Quebec, wife of George Edward White, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighth day of March, A.D. 1940, at the city of Montreal, in the said province, she then being Vivian Pauline Davies, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Vivian Pauline Davies and George Edward White, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Vivian Pauline Davies may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Edward White had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A[1].

An Act for the relief of Helen Hawthorne Kuhn Ellis.

Read a first time, Wednesday, 16th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

29878

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A[1].

An Act for the relief of Helen Hawthorne Kuhn Ellis.

Preamble.

WHEREAS Helen Hawthorne Kuhn Ellis, residing at the city of Montreal, in the province of Quebec, secretary, wife of Robert Malcolm Ellis, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the ninth day of August, A.D. 1929, at North Sydney, in the province of Nova Scotia, she then being Helen Hawthorne Kuhn, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Helen Hawthorne Kuhn and Robert Malcolm Ellis, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Helen Hawthorne Kuhn may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Robert Malcolm Ellis had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[1].

An Act for the relief of Joseph Octave Jules Lapointe.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
29942 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[1].

An Act for the relief of Joseph Octave Jules Lapointe.

Preamble.

WHEREAS Joseph Octave Jules Lapointe, domiciled in Canada and residing at the city of Halifax, in the province of Nova Scotia, petty officer, Royal Canadian Navy has by his petition alleged that on the fifteenth day of November, A.D. 1939, at the said city, he and Helen Marjorie Hilton, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Octave Jules Lapointe and Helen Marjorie Hilton, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Octave Jules Lapointe may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Helen Marjorie Hilton had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C[1].

An Act for the relief of Nena Ruthen Teitelbaum.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
29958 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C[1].

An Act for the relief of Nena Ruthen Teitelbaum.

Preamble.

WHEREAS Nena Ruthen Teitelbaum, residing at the city of Montreal, in the province of Quebec, bookkeeper, wife of Harry Teitelbaum, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twentieth day of May, A.D. 1945, at the said city, she then being Nena Ruthen, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Nena Ruthen and Harry Teitelbaum, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Nena Ruthen may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Harry Teitelbaum had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[1].

An Act for the relief of Annie Gwendoline Mabel Gammon Noble.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

29922

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[1].

An Act for the relief of Annie Gwendoline Mabel Gammon Noble.

Preamble.

WHEREAS Annie Gwendoline Mabel Gammon Noble, residing at the city of Verdun, in the province of Quebec, secretary, wife of Frederick Charles Noble, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirty-first day of October, A.D. 1942, at the said city, she then being Annie Gwendoline Mabel Gammon, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Annie Gwendoline Mabel Gammon and Frederick Charles Noble, her husband, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Annie Gwendoline Mabel Gammon may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frederick Charles Noble had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E[1].

An Act for the relief of Margaret Catherine McDonald White.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
29930 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E[1].

An Act for the relief of Margaret Catherine McDonald White.

Preamble.

WHEREAS Margaret Catherine McDonald White, residing at the town of Chateauguay Heights, in the province of Quebec, cashier, wife of Walter James White, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the fourteenth day of May, A.D. 1928, at the said town, she then being Margaret Catherine McDonald, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Catherine McDonald and Walter James White, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Catherine McDonald may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Walter James White had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F[1].

An Act for the relief of Howard Vincent Jones.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

29950

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F[1].

An Act for the relief of Howard Vincent Jones.

Preamble.

WHEREAS Howard Vincent Jones, domiciled in Canada and residing at the city of Arvida, in the province of Quebec, inspector, has by his petition alleged that on the sixteenth day of February, A.D. 1928, at the town of McAdam, in the province of New Brunswick, he and Ruth May Cole, who was then of the said town, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Howard Vincent Jones and Ruth May Cole, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Howard Vincent Jones may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Ruth May Cole had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G[1].

An Act for the relief of Matilda Schneider Hutter.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
29946 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G[1].

An Act for the relief of Matilda Schneider Hutter.

Preamble.

WHEREAS Matilda Schneider Hutter, residing at the city of Montreal, in the province of Quebec, wife of Samuil Hutter, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-fourth day of June, A.D. 1928, at the city of Liebling, in the province of Banat, Roumania, she then being Matilda Schneider, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Matilda Schneider and Samuil Hutter, her husband, is hereby dissolved, and shall be henceforth null and void to all intends and purposes whatsoever.

Right to marry again.

2. The said Matilda Schneider may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Samuil Hutter had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[1].

An Act for the relief of Robert William Phillips.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
29926 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[1].

An Act for the relief of Robert William Phillips.

Preamble.

WHEREAS Robert William Phillips, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, assistant manager, has by his petition alleged that on the twenty-third day of December, A.D. 1943, at the town of Pointe Claire, in the said province, he and Norma Kathleen Higginbotham, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Robert William Phillips and Norma Kathleen Higginbotham, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Robert William Phillips may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Norma Kathleen Higginbotham had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[1].

An Act for the relief of Ethel Rose Katz Cohen.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

29962

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[1].

An Act for the relief of Ethel Rose Katz Cohen.

Preamble.

WHEREAS Ethel Rose Katz Cohen, residing at the city of Montreal, in the province of Quebec, school teacher, wife of Abraham Isaac Cohen, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-seventh day of December, A.D. 1938, at the said city, she then being Ethel Rose Katz, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ethel Rose Katz and Abraham Isaac Cohen, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ethel Rose Katz may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Abraham Isaac Cohen had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[1].

An Act for the relief of Edith Cecelia Cole Williams.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

29934

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[1].

An Act for the relief of Edith Cecelia Cole Williams.

Preamble.

WHEREAS Edith Cecelia Cole Williams, residing at the city of Montreal, in the province of Quebec, hairdresser, wife of Francis Donald Snell Williams, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-first day of October, A.D. 1942, at the city of Halifax, in the province of Nova Scotia, she then being Edith Cecelia Cole, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Edith Cecelia Cole and Francis Donald Snell Williams, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Edith Cecelia Cole may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Francis Donald Snell Williams had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K[1].

An Act for the relief of Agnes Mathieson Metsos.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
29954 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K[1].

An Act for the relief of Agnes Mathieson Metsos.

Preamble.

WHEREAS Agnes Mathieson Metsos, residing at the city of Montreal, in the province of Quebec, wife of Denis Metsos, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighteenth day of October, A.D. 1941, at the said city, she then being Agnes Mathieson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Agnes Mathieson and Denis Metsos, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Agnes Mathieson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Denis Metsos had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[1].

An Act for the relief of Dorothy Fern Brown Lacoste.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

29938

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[1].

An Act for the relief of Dorothy Fern Brown Lacoste.

Preamble.

WHEREAS Dorothy Fern Brown Lacoste, residing at the city of Montreal, in the province of Quebec, wife of Louis Alexandre Joseph Lacoste, who is domiciled in Canada and residing at the city of Westmount, in the said province, has by her petition alleged that they were married on the eighth day of October A.D. 1926, at the said city of Montreal, she then being Dorothy Fern Brown, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy Fern Brown and Louis Alexandre Joseph Lacoste, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy Fern Brown may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Louis Alexandre Joseph Lacoste had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M[1].

An Act for the relief of Sylvia Barnett Shane.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

29918

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M[1].

An Act for the relief of Sylvia Barnett Shane.

Preamble.

WHEREAS Sylvia Barnett Shane, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Harry Shane, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the ninth day of February, A.D. 1947, at the said city, she then being Sylvia Barnett, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Sylvia Barnett and Harry Shane, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Sylvia Barnett may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Harry Shane had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N[1].

An Act for the relief of Louise Soltanoff Rudy.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
29886 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N[1].

An Act for the relief of Louise Soltanoff Rudy.

Preamble.

WHEREAS Louise Soltanoff Rudy, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Henry Rudy, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eleventh day of January, A.D. 1948, at the said city, she then being Louise Soltanoff, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Louise Soltanoff and Henry Rudy, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Louise Soltanoff may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Henry Rudy had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O[1].

An Act for the relief of Armand Boisclair.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

29898

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O[1].

An Act for the relief of Armand Boisclair.

Preamble.

WHEREAS Armand Boisclair, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, executive, has by his petition alleged that on the sixteenth day of July, A.D. 1927, at the said city, he and Eva Lalonde, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Armand Boisclair and Eva Lalonde, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Armand Boisclair may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Eva Lalonde had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P[1].

An Act for the relief of Mary Robertson Pangman Elder.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

29914

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P[1].

An Act for the relief of Mary Robertson Pangman Elder.

Preamble.

WHEREAS Mary Robertson Pangman Elder, residing at the city of Westmount, in the province of Quebec, wife of Herbert Munro Elder, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the seventh day of September, A.D. 1921, at the city of Montreal, in the said province, she then being Mary Robertson Pangman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it it expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Robertson Pangman and Herbert Munro Elder, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Robertson Pangman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Herbert Munro Elder had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[1].

An Act for the relief of Merilda Normand Maury.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

29890

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[1].

An Act for the relief of Merilda Normand Maury.

Preamble.

WHEREAS Merilda Normand Maury, residing at the city of Montreal, in the province of Quebec, hairdresser, wife of Auguste Maury, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-fifth day of May, A.D. 1942, at the said city, she then being Merilda Normand, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Merilda Normand and Auguste Maury, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Merilda Normand may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Auguste Maury had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[1].

An Act for the relief of Janet Stevenson Ivory Stein.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

29418

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[1].

An Act for the relief of Janet Stevenson Ivory Stein.

Preamble.

WHEREAS Janet Stevenson Ivory Stein, residing at the city of Montreal, in the province of Quebec, stenographer, wife of James Henderson Stein, who is domiciled in Canada and residing at the city of Drummondville, in the said province, has by her petition alleged that they were married on the seventh day of June, A.D. 1941, at the said city of Montreal, she then being Janet Stevenson Ivory, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Janet Stevenson Ivory and James Henderson Stein, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Janet Stevenson Ivory may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Henderson Stein had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[1].

An Act for the relief of Reba Schulman Schecter.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

29902

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[1].

An Act for the relief of Reba Schulman Schecter.

Preamble.

WHEREAS Reba Schulman Schecter, residing at the city of Montreal, in the province of Quebec, wife of Joseph Schecter, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-eighth day of December, A.D. 1930, at the said city, she then being Reba Schulman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Reba Schulman and Joseph Schecter, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Reba Schulman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Schecter had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T[1].

An Act for the relief of Helen Fulton Burns Clark.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
29882 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T[1].

An Act for the relief of Helen Fulton Burns Clark.

Preamble.

WHEREAS Helen Fulton Burns Clark, residing at the city of Montreal, in the province of Quebec, tailoress, wife of John Wilson Clark, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-first day of June, A.D. 1947, at Tollcross, Scotland, she then being Helen Fulton Burns, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Helen Fulton Burns and John Wilson Clark, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Helen Fulton Burns may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Wilson Clark had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U[1].

An Act for the relief of Lyford Homer George.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
29894 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U[1].

An Act for the relief of Lyford Homer George.

Preamble.

WHEREAS Lyford Homer George, domiciled in Canada and residing at the town of Bishopton, in the province of Quebec, farmer, has by his petition alleged that on the eighteenth day of October, A.D. 1937, at the city of Lebannon, in the state of New Hampshire, one of the United States of America, he and Mary Vera Harling, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lyford Homer George and Mary Vera Harling, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lyford Homer George may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Mary Vera Harling had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V[1].

An Act for the relief of Joan Winnifred Lewis Hawkins.

Read a first time, Thursday, 17th February, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

29638

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V[1].

An Act for the relief of Joan Winnifred Lewis Hawkins.

Preamble.

WHEREAS Joan Winnifred Lewis Hawkins, residing at the city of Montreal, in the province of Quebec, clerk, wife of Wallace William Hawkins, who is domiciled in Canada and residing at St. Eustache-sur-le-Lac, in the said province, has by her petition alleged that they were married on the twenty-first day of October, A.D. 1944, at the town of Mount Royal, in the said province, she then being Joan Winnifred Lewis, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joan Winnifred Lewis and Wallace William Hawkins, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joan Winnifred Lewis may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Wallace William Hawkins had not been solemnized.

65

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W[1].

An Act for the relief of Frances Lenore Roe Robinson.

AS PASSED BY THE SENATE, 18th FEBRUARY, 1949.

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

29424

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W[1].

An Act for the relief of Frances Lenore Roe Robinson.

Preamble.

WHEREAS Frances Lenore Roe Robinson, residing at the city of Winnipeg, in the province of Manitoba, wife of Ross Lundy Robinson, who is domiciled in Canada and residing at the town of Mount Royal, in the province of Quebec, has by her petition alleged that they were married on the thirteenth day of September, A.D. 1941, at the said city, she then being Frances Lenore Roe, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Frances Lenore Roe and Ross Lundy Robinson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Frances Lenore Roe may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ross Lundy Robinson had not been solemnized.

66

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[1].

An Act for the relief of Philip Victor Thomas Rodbourn.

AS PASSED BY THE SENATE, 18th FEBRUARY, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
30061 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[1].

An Act for the relief of Philip Victor Thomas Rodbourn.

Preamble.

WHEREAS Philip Victor Thomas Rodbourn, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, clerk, has by his petition alleged that on the thirty-first day of August, A.D. 1929, at the said city he and Dorothy May Choiniere, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Philip Victor Thomas Rodbourn and Dorothy May Choiniere, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Philip Victor Thomas Rodbourn may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Dorothy May Choiniere had not been solemnized.

67

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y[1].

An Act for the relief of Dorothy Edith Entwistle Lorimer.

AS PASSED BY THE SENATE, 18th FEBRUARY, 1949.

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

29546

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y[1].

An Act for the relief of Dorothy Edith Entwistle Lorimer.

Preamble.

WHEREAS Dorothy Edith Entwistle Lorimer, residing at the city of Montreal, in the province of Quebec, draughtsman, wife of Harold Lorimer, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-sixth day of February, A.D. 1935, at the said city, she then being Dorothy Edith Entwistle, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy Edith Entwistle and Harold Lorimer, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy Edith Entwistle may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Harold Lorimer had not been solemnized.

68

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[1].

An Act for the relief of William Christie.

AS PASSED BY THE SENATE, 18th FEBRUARY, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
30081 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[1].

An Act for the relief of William Christie.

Preamble.

WHEREAS William Christie, domiciled in Canada and residing at the town of Buckingham, in the province of Quebec, rigger, has by his petition alleged that on the sixth day of November, A.D. 1933, at the said town, he and Sarah French, who was then of the said town, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between William Christie and Sarah French, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said William Christie may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Sarah French had not been solemnized.

69

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A2.

An Act for the relief of Priscilla Benning Peart.

AS PASSED BY THE SENATE, 18th FEBRUARY, 1949.

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

30097

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A[2].

An Act for the relief of Priscilla Benning Peart.

Preamble.

WHEREAS Priscilla Benning Peart, residing at the city of Montreal, in the province of Quebec, nurse, wife of Allan Wilfred Miller Peart, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourth day of July, A.D. 1936, at the said city, she then being Priscilla Benning, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Priscilla Benning and Allan Wilfred Miller Peart, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Priscilla Benning may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Allan Wilfred Miller Peart had not been solemnized.

70

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[2].

An Act for the relief of Margaret Nelson Smith Calvert.

AS PASSED BY THE SENATE, 18th FEBRUARY, 1949.

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

30069

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[2].

An Act for the relief of Margaret Nelson Smith Calvert.

Preamble.

WHEREAS Margaret Nelson Smith Calvert, residing at the city of Montreal, in the province of Quebec, student, wife of James Calvert, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twelfth day of June, A.D. 1929, at Chateauguay Basin, in the said province, she then being Margaret Nelson Smith, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Nelson Smith and James Calvert, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Nelson Smith may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Calvert had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C2.

An Act for the relief of Shirley Pearl Claman.

AS PASSED BY THE SENATE, 18th FEBRUARY, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
29294 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C[2].

An Act for the relief of Shirley Pearl Claman.

Preamble.

WHEREAS Shirley Pearl Claman, residing at the city of Hamilton, in the province of Ontario, stenographer, wife of Abraham Moses Claman, who is domiciled in Canada and residing at the town of Bedford, in the province of Quebec, has by her petition alleged that they were married on the nineteenth day of April, A.D. 1947, at the city of Montreal, in the said province of Quebec, she then being Shirley Pearl, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Shirley Pearl and Abraham Moses Claman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Shirley Pearl may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Abraham Moses Claman had not been solemnized.

72

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[2].

An Act for the relief of Lillian Helena Cross Page.

AS PASSED BY THE SENATE, 18th FEBRUARY, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
30085 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[2].

An Act for the relief of Lillian Helena Cross Page.

Preamble.

WHEREAS Lillian Helena Cross Page, residing at the city of Montreal, in the province of Quebec, bookkeeper, wife of Reginald Alfred George Page, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twelfth day of November, A.D. 1934, at the town of St. Lambert, in the said province, she then being Lillian Helena Cross, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lillian Helena Cross and Reginald Alfred George Page, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lillian Helena Cross may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Reginald Alfred George Page had not been solemnized.

73

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E2.

An Act for the relief of Rosario Proulx.

AS PASSED BY THE SENATE, 18th FEBRUARY, 1949.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
30073 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E[2].

An Act for the relief of Rosario Proulx.

Preamble.

WHEREAS Rosario Proulx, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, mechanic, has by his petition alleged that on the twenty-second day of June, A.D. 1940, at the said city, he and Gabrielle Seyer, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Rosario Proulx and Gabrielle Seyer, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Rosario Proulx may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Gabrielle Seyer had not been solemnized.

74

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F2.

An Act for the relief of Micheline Lefebvre Simpson.

AS PASSED BY THE SENATE, 18th FEBRUARY, 1949.

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

29624

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F[2].

An Act for the relief of Micheline Lefebvre Simpson.

Preamble.

WHEREAS Micheline Lefebvre Simpson, residing at the city of Montreal, in the province of Quebec, wife of Marcel Simpson, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirty-first day of December, A.D. 1941, at the said city, she then being Micheline Lefebvre, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Micheline Lefebvre and Marcel Simpson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Micheline Lefebvre may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Marcel Simpson had not been solemnized.

75

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G2.

An Act for the relief of Catherina Koszak Tymczuk.

AS PASSED BY THE SENATE, 18th FEBRUARY, 1949.

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

30089

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G[2].

An Act for the relief of Catherina Koszak Tymczuk.

Preamble.

WHEREAS Catherina Koszak Tymczuk, residing at the city of Montreal, in the province of Quebec, waitress, wife of Petrus Tymczuk, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourteenth day of November, A.D. 1922, in the parish of Moskaliwka, in the province of Stanislawow, Poland, she then being Catherina Koszak, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Catherina Koszak and Petrus Tymczuk, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Catherina Koszak may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Petrus Tymczuk had not been solemnized.

76

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H².

An Act for the relief of Anne Warnes Rice.

AS PASSED BY THE SENATE, 18th FEBRUARY, 1949.

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

30077

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H².

An Act for the relief of Anne Warnes Rice.

Preamble.

WHEREAS Anne Warnes Rice, residing at the city of Montreal, in the province of Quebec, model, wife of Frank Rice, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirtieth day of September, A.D. 1932, at the said city, she then being Anne Warnes, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Anne Warnes and Frank Rice, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Anne Warnes may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frank Rice had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[2].

An Act for the relief of Joseph Edmond Tremblay.

AS PASSED BY THE SENATE, 18th FEBRUARY, 1949.

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

30093

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[2].

An Act for the relief of Joseph Edmond Tremblay.

Preamble.

WHEREAS Joseph Edmond Tremblay, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, printer, has by his petition alleged that on the twenty-first day of November, A.D. 1933, at the said city, he and Marie Rose Alexina Huberdeau, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Edmond Tremblay and Marie Rose Alexina Huberdeau, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Edmond Tremblay may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Rose Alexina Huberdeau had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[2].

An Act respecting The Pension Fund Society of the Bank of Montreal.

Read a first time, Tuesday, 8th March, 1949.

Honourable Senator HUGESSEN.

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

25831

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L².

An Act respecting The Pension Fund Society of the Bank of Montreal.

Preamble. 1885, c. 13; 1936, c. 59.

WHEREAS The Pension Fund Society of the Bank of Montreal, hereinafter called "the Corporation", was incorporated by chapter thirteen of the statutes of 1885, for the purposes and with capacities, rights and powers in and by that Act provided, and by its petition the Corporation prays that its said capacities, rights and powers, in so far as they relate to the investment and safeguarding of the Pension Fund of the Corporation, be more precisely defined, 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:—

Capacity of Corporation to invest funds.

1. Without restricting or limiting the application of any of the terms or provisions of section one of chapter thirteen of the statutes of 1885, the capacity, right and power granted the Corporation by that section shall be deemed to include capacity, right and power to invest by way of loan or otherwise the Pension Fund of the Corporation or any part thereof in any security of a kind in which insurance companies registered under *The Canadian and British Insurance Companies Act, 1932,* may invest their funds.

1932, c. 46.

Repeal.

2. Paragraph *(b)* of section one of chapter fifty-nine of the statutes of 1936 is repealed.

Explanatory Notes.

In 1936 the question arose as to the power of the Society under its Act of incorporation to acquire immovable properties on which the Society held hypothecary or privileged claims and the Society applied to Parliament for a declaratory act in which its capacity in that regard would be clarified. As a result Parliament enacted the Act 1 Edward VIII, chapter 59.

In addition to clarifying the Society's capacity to acquire immovable property the Act of 1936 also declared (section 1, paragraph *(b)*) that the Corporation had the capacity, right and power—

> "*(b)* To invest by way of loan or otherwise the Pension Fund or any part thereof in any security of a kind in which a trustee may now invest under *The Trust Companies Act;*"

In the explanatory notes to the 1936 Bill it was stated that the reference in the Bill to securities of the kind in which a trustee may invest under *The Trust Companies Act* had been merely inserted in order to take advantage of a convenient enumeration of certain specific investments, thus making clear that it was not the intention of the Corporation in seeking the declaratory Act that its capacity to invest its fund should be limited to securities in which a trustee must invest under *The Trust Companies Act.*

However, doubts have now arisen as to whether by reason of the provisions of section 1, paragraph *(b)* of the 1936 Act the capacity of the Society to invest its funds has not been limited to investments in which a trustee may invest under *The Trust Companies Act.*

In order to remove all doubt and to provide the flexibility which the Society requires for the maintenance of its fund and the fulfilment of its obligations to its pensioners, their widows and children, the Society desires to have section 1 *(b)* of the 1936 statute repealed and to have it declared that it has the capacity, right and power to invest

its funds in those investments in which insurance companies registered under *The Canadian and British Insurance Companies Act, 1932*, may invest their funds.

To that end the present Bill has been drawn.

It is to be noted that the Department of National Revenue, whose approval must be obtained of pension plans organized by corporations for the benefit of their officers and employees in order that contributions thereto may be allowed as deductions for income tax purposes, lays down as a condition of approval that the investment of funds of pension plans of the funded pension trust type, within which classification the pension fund of the Corporation would fall, must be restricted to investments in which insurance companies are permitted to invest under *The Canadian and British Insurance Companies, Act, 1932.*

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M².

An Act to incorporate The North West Commercial Travellers' Association of Canada.

Read a first time, Tuesday, 8th March, 1949.

Honourable Senator HAIG.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
29731 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M².

An Act to incorporate The North West Commercial Travellers' Association of Canada.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that they may be incorporated as a fraternal benefit society, under the name of The North West Commercial Travellers' Association of Canada, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. John Herbert Roe, managing director, Garry Thornton Nix, commercial traveller, Frank Hay Masson, commercial traveller, John Parke Minhinnick, retired manager, David Robertson, commercial traveller, Ashmore Victor Adams, wholesale buyer, Veer George Hammond, commercial traveller, Kempton Keeble, wholesale buyer, Richard Russell Trick, commercial traveller, and Byron Leo Gibbs, commercial traveller, all of the city of Winnipeg, in the province of Manitoba, together with such other persons as become members of the society hereby incorporated, are incorporated under the name of "The North West Commercial Travellers' Association of Canada", hereinafter called "the Association".

Head office.

2. The head office of the Association shall be at the city of Winnipeg, in the province of Manitoba.

Fraternal benefit society.

3. The Association shall be a fraternal benefit society carrying on its activities and its insurance work solely for the benefit and protection of its members, their families and beneficiaries, and not for profit.

Powers of the Association.

4. (1) The Association shall have power:

(a) to organize, establish and carry on branches of the Association;

(b) to promote and develop among the members of the Association a spirit of mutual co-operation and friendship and generally to assist its members;

(c) to advance and protect the interests of all commercial travellers, and in particular, the members of the Association, and for such purpose to negotiate agreements and co-operate with any government, corporation, society, person or persons, whenever such agreements and co-operation may be calculated either directly or indirectly to assist or promote the welfare or convenience of commercial travellers.

(2) The Association may establish, maintain and administer:

(a) a mortuary insurance fund for providing death, endowment and other benefits for its members within the powers in that behalf conferred on fraternal benefit societies under *The Canadian and British Insurance Companies Act, 1932;*

(b) a personal accident and sickness insurance fund for providing benefits in the event of the death of, or injury to, a member by accident, and for providing indemnity during the incapacity of a member arising out of accident or sickness.

(3) The Association may secure for its members such other advantages, and establish, maintain and administer such other fund or funds, as may be provided by the by-laws of the Association and as may be necessary to the attainment of the foregoing objects and, generally, to act as a fraternal, charitable and benevolent society.

(4) Subject to section thirteen of this Act, the Association may acquire the whole or any part of the rights and property, and, in the event of such acquisition, shall assume the obligations and the liabilities of The Northwest Commercial Travellers' Association of Canada, incorporated by chapter fifty of the statutes of Manitoba, 1887, being an Act entitled "An Act to Incorporate The Northwest Commercial Travellers' Association of Canada", as amended by chapter fifty of the statutes of Manitoba, 1899, and by chapter fifty-seven of the statutes of Manitoba, 1907, and by chapter one hundred and sixteen of the statutes of Manitoba, 1923, and by chapter ninety-seven of the statutes of Manitoba, 1932, hereinafter called "the provincial association".

Qualifications for membership.

5. Any male person over the age of eighteen years may, subject to the terms of the duly enacted by-laws of the Association from time to time in effect, become a member of the Association: Provided that the Association shall, upon the acquisition of the affairs of the provincial association, admit all persons who at the time of such acquisition are members in good standing of the provincial association as then constituted.

Proviso.

Governing body.

6. (1) The Association shall be composed of its members who shall own and control all its property and affairs as hereinafter provided and who in annual or general meeting, regularly called and duly constituted, shall exercise the final legislative and governing authority of the Association.

Voting.

(2) Each member, during the continuance of his membership, shall be entitled to one vote at such meetings in person or by proxy.

Executive committee.

7. (1) The affairs and business of the Association shall be managed by an executive committee consisting of such officers and members as shall from time to time be provided for under the by-laws of the Association.

(2) Vacancies occurring between annual meetings in the executive committee may be filled by the remaining officers and members.

Temporary executive committee.

8. The persons named in section one of this Act shall constitute the executive committee of the Association until their successors are elected or appointed pursuant to the provisions of this Act and the by-laws of the Association.

By-laws.

9. (1) The Association shall have power from time to time to make, amend and repeal by-laws and regulations for governing the election of officers and members of the executive committee and the prescribing and defining of their duties and powers, the holding of meetings, the admission of members and the termination of membership, the fixing of the amounts of premiums, dues and assessments to be paid by the members, and generally, all matters relating to the activities, business or affairs of the Association.

(2) The executive committee of the Association may, in an emergency or to meet special circumstances, amend and repeal the by-laws of the Association: Provided that every such amendment or repeal shall not be effective beyond the next annual meeting of the Association unless confirmed at that meeting or in the meantime at any general or special meeting of the Association duly called for that purpose.

Proviso.

General fund.

10. The Association may maintain a general fund, to which shall be credited all dues and other sums intended, according to the by-laws, to be used for the payment of the expenses of administration, and all expenses of the Association, including the expenses arising from the exercise of the powers conferred by section four of this Act, shall be payable out of such fund.

Disposition of surplus.

11. The Association may make provision in its by-laws whereby such portion of the surplus above all liabilities in any benefit fund, as shall be approved by the actuary of the Association, may be applied to grant new or additional benefits to the members of the Association, or to the remission of premiums, or portions thereof, or to the allotment of bonuses.

Ownership and control of property.

12. All property held by or purchased with the funds of the Association shall be the property of and shall be vested in the Association, and shall be managed and controlled by the executive committee.

Acquisition of provincial association.

13. (1) The Association, by agreement with the provincial association, may acquire the whole or any part of the rights and property of any kind whatsoever belonging to the provincial association, and, in the event of such acquisition, the Association shall assume, perform and discharge all unperformed obligations and undischarged liabilities of the provincial association in respect to the rights and property acquired and may give any receipt or discharge in connection with any right, obligation or liability thereof.

Approval of Treasury Board.

(2) No agreement between the Association and the provincial association providing for such acquisition and assumption shall become effective until such agreement has been submitted to and approved by the Treasury Board of Canada, and such Board shall not approve the agreement if it appears to the Board that more than one-third of the members of the provincial association, present in person or represented by proxy and voting at a meeting called for the purpose of considering such agreement, are opposed to it.

Coming into force.

14. This Act shall come into force on a date to be specified by the Superintendent of Insurance in a notice published in the *Canada Gazette*, and such notice shall not be given until this Act has been approved by a resolution adopted by at least two-thirds of the votes of the members of the provincial association, present in person or represented by proxy and voting at a meeting called for the purpose of considering such resolution, nor until the

Superintendent of Insurance has been satisfied, by such evidence as he may require, that such approval has been given and that the provincial association has ceased to do business, or will cease to do business forthwith upon a certificate of registry being issued to the Association, except such business as is necessary for the fulfilment of the terms of any agreement made under the provisions of section thirteen of this Act.

1932, c. 46 to apply.

15. *The Canadian and British Insurance Companies Act, 1932*, shall apply to the Association.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N[2].

An Act to amend the Exchequer Court Act.

Read a first time, Tuesday, 8th March, 1949.

Honourable Senator ROBERTSON.

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

28435

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N².

An Act to amend the Exchequer Court Act.

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

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

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

Exclusive original jurisdiction of the Court.

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

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

Appeals to Supreme Court of Canada.

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

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

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

pronounced by the Exchequer Court in an action, suit, cause, matter or other judicial proceeding where the amount or value of the matter in controversy in the appeal exceeds five hundred dollars.

Notice of appeal and deposit of security.

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

Explanatory Notes.

1. The present section 18 reads as follows:

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

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

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

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

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

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

Time for service.

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

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

Crown not obliged to make deposit.

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

Practice and procedure.

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

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

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

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

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

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

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

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

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

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

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P2.

An Act respecting the Incorporation of Pure-bred Live Stock Record Associations.

Read a first time, Thursday, 10th March, 1949.

Honourable Senator ROBERTSON.

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

31035

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P[2].

An Act respecting the Incorporation of Pure-bred Live Stock Record Associations.

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

Short Title.

Short title.

1. This Act may be cited as *The Live Stock Pedigree Act, 1949.*

Interpretation.

Definitions.

2. In this Act,

"animal".

(a) "animal" includes a bird;

"association".

(b) "association" means an association incorporated under *An Act respecting the incorporation of Live Stock Record Associations*, chapter thirty-three of the statutes of Canada, 1900, under the *Live Stock Pedigree Act*, chapter one hundred and thirty-one of the Revised Statutes of Canada, 1906, under the *Live Stock Pedigree Act*, chapter thirty-one of the statutes of Canada, 1912, under the *Live Stock Pedigree Act*, chapter one hundred and twenty-one of the Revised Statutes of Canada, 1927, under *The Live Stock Pedigree Act, 1932*, chapter forty-nine of the statutes of Canada, 1932, or under this Act;

"certificate of registration".

(c) "certificate of registration" means a certificate issued by an association setting forth the name, registration number, date of birth, sex, identification, sire and dam of a registered animal registered in the records of the association, and the name of the owner of the animal, and such additional particulars as may from time to time be prescribed by the association;

"Minister".

(d) "Minister" means the Minister of Agriculture;

Explanatory Notes.

The purpose of this Bill in to substitute a new Act for *The Live Stock Pedigree Act, 1932*. It is intended in the new Act to simplify procedure for incorporation and affiliation of associations, to clarify the authority of affiliated associations in their relationship with the Canadian National Live Stock Records, and to improve the general form and arrangement of the statute which is to be repealed.

2. The definitions are new except "Minister" and "pure-bred". The definition of "association" now makes it clear that the provisions of the Act respecting affiliation apply to associations incorporated under previous Acts.

"pedigree". *(e)* "pedigree" means a genealogical table showing the ancestral line of descent of a registered animal;

"pure-bred". *(f)* "pure-bred" means registered in, or eligible for registration in, the records of an association.

ASSOCIATIONS.

Application for association.

3. (1) Subject to this Act, any number of persons, not less than five, who desire to form an association for the purpose of keeping a record of pure-bred domestic live stock of a distinct breed, or several records each of a distinct breed of the same species of animal, may make an application for that purpose to the Minister.

Qualifications of applicants.

(2) The applicants shall be Canadian citizens, of the full age of twenty-one years, and shall satisfy the Minister that they represent the breeders throughout Canada of the breed or species in respect of which the application is made.

Form of application.

(3) The application shall be made in triplicate in the form set out in Form A in the Schedule.

Attestation.

(4) Each copy of the application shall be signed by each of the applicants, and the signatures shall be verified by the affidavit of a subscribing witness.

Certificate of approval.

(5) Upon approving the application, the Minister shall endorse all copies with a certificate of approval in Form B in the Schedule and cause one copy thereof to be registered in the Department of Agriculture and the other two to be returned to the applicants, or one of them.

Incorporation.

(6) From the date of the Minister's certificate, the applicants and such other persons as become members of the association are a body corporate and politic under the name approved by the Minister.

By-laws to be submitted to Minister.

(7) Within one year from the date of incorporation, an association shall submit to the Minister in triplicate the by-laws of the association.

Approval of by-laws.

(8) Upon approving the by-laws of an association the Minister shall endorse all copies with a certificate of approval in Form B in the Schedule and cause one copy thereof to be registered in the Department of Agriculture and the other two to be returned to the secretary of the association.

Effect of failure to submit by-laws.

(9) If an association fails to comply with subsection seven the Minister may declare the corporate powers of the association to be at an end and thereupon the association shall cease to be an association within the meaning of this Act.

Limitation.

4. Not more than one association for each distinct breed, or for a number of breeds of the same species, shall be incorporated under this Act.

3. This is substantially the same as the present section 3. Sub-clauses (7), (8) and (9) are new. Under the Bill associations are not required to submit their by-laws at the time of incorporation but they must do so within one year.

4. This is section 4 (1) of the present Act. Subsection (2) appears as clause 16 of the Bill.

By-laws.

5. (1) The by-laws of an association shall set forth or provide for

Membership.

(a) the admission, resignation, suspension and expulsion of members, ordinary or life, and the annual fee to be paid by ordinary members, and the fee, if any, to be paid by life members;

Head office.

(b) the place within Canada where the head office of the association and the branch offices, if any, are to be situated;

Officers.

(c) the officers of the association, their election, the duties of each and the filling of vacancies;

Meetings.

(d) the convening of general, annual and special meetings of the association;

Fiscal year.

(e) the fiscal year of the association;

Audit.

(f) the audit of the accounts of the association;

Rules of eligibility.

(g) the establishment of rules of eligibility for registration of animals that the association is authorized to register;

Rules of entry.

(h) the establishment of rules of entry for registration;

Certificates of registration.

(i) the issuance of certificates of registration and the amendment or cancellation of certificates of registration;

Pedigrees.

(j) the issuance of pedigrees and the amendment or cancellation of pedigrees;

Transfers.

(k) the issuance of certificates of transfer of ownership of registered animals and the amendment or cancellation of such certificates;

Annual report.

(l) the annual report of the officers, and a detailed statement, duly audited, of receipts and expenditures for the preceding year and of the assets and liabilities;

Books.

(m) the keeping of a book by the secretary at the head office of the association, and by the proper officer at each branch office, wherein shall be written or printed a copy of the by-laws of the association, with all amendments thereof, which books shall at all reasonable times be open to the inspection of members of the association who may make copies thereof;

Seal.

(n) a corporate seal;

Private breeding records.

(o) the keeping by its members of private breeding records, and the manner in which these shall be kept;

Identification.

(p) a practical and effective system of identification;

Inspection of records and systems of identification.

(q) authority to conduct an inspection, on behalf of the association, of private breeding records, of the adequacy of the system of identification prescribed by the association and of the manner in which such system of identification is being practised;

Unsatisfactory practices.

(r) the manner in which unsatisfactory practices in respect of identification shall be dealt with;

5. This is the same as the present section 5. No material changes.

Standard of individual inspection.

(s) where the principle of individual inspection to determine eligibility by inspection is approved by the association, the standard that shall apply in connection with such inspection and the manner in which such inspection shall be carried on;

Standards of performance.

(t) where the principle of applying performance to determine eligibility for advanced registration is approved by the association, the standards of performance that shall apply and the manner in which inspection of the application of such standards shall be carried on;

Fees for registration.

(u) the fees to be charged for registration;

Fees for certificates.

(v) the fees to be charged for certificates of registration, pedigrees, certificates of transfer of ownership, and for any other service; and

General.

(w) the governing of the affairs of the association generally.

No by-law effective until approved.

6. (1) No by-law of an association and no amendment or repeal thereof has any force or effect until it is approved by the Minister and registered in the Department of Agriculture.

Application for approval.

(2) An application for approval of a by-law or an amendment or repeal of a by-law shall be accompanied by three copies of each proposed by-law, amendment or repeal.

Evidence Minister may require.

(3) The Minister, before approving a by-law or an amendment or repeal of a by-law, may require evidence by affidavit or statutory declaration that all formalities and requirements under the by-laws have been complied with.

Certificate of approval.

(4) Upon approving a by-law or an amendment or repeal of a by-law, the Minister shall endorse all copies with a certificate of approval in Form B in the Schedule and shall cause one copy thereof to be registered in the Department of Agriculture and the other two copies to be returned to the association.

Registration and transfer rights.

(5) Notwithstanding anything in the by-laws of an association incorporated under this or any other Act mentioned in paragraph *(b)* of section two, no person shall be deprived of the right to register or transfer pure-bred live stock unless he has violated or is reasonably suspected by an association to have violated

(a) a by-law of an association relating to eligibility for registration, establishment of production credentials or payment of fees,

(b) section sixteen or section seventeen of this Act, or

R.S., c. 6.

(c) any provision of the *Animal Contagious Diseases Act* or the regulations thereunder relating to the identification, marking or testing of animals.

Binding effect of by-laws.

7. The by-laws of an association bind each member thereof as fully as though he had subscribed his name and affixed his seal thereto.

6. This is the present section 6 with no change in substance except sub-clause (5). This provision is intended to restrict the right of associations to deprive persons of registration privileges.

7. This is the same as the present section 7.

Financial liability of members limited.

8. The financial liability of a member of an association to the creditors of an association is limited to the amount due from him in respect of membership and registration fees.

Powers.

9. An association may

Property.

(a) acquire, hold and dispose of real and personal property necessary for the carrying out of the objects of the association;

Bills and notes.

(b) draw, make, accept, endorse and execute promissory notes, bills of exchange and other negotiable instruments necessary for the carrying out of the objects of the association, but nothing in this paragraph authorizes an association to issue a note payable to bearer or intended to be circulated as money, or to engage in the business of banking; and

Funds.

(c) use the funds of the association for any purpose calculated to benefit the particular breed or species of live stock mentioned in the application, including grants to exhibitions.

Approval of certificates.

10. (1) The Minister may examine, and when satisfied that it is correct, may approve under seal a certificate of registration issued by an association that is affiliated with other associations pursuant to this Act.

Notice of errors.

(2) When it appears to the association that issued it that a certificate of registration approved by the Minister is incorrect, notice of that fact shall forthwith be given to the Minister by the association.

Inspection of private breeding records.

(3) The Minister may at any time conduct an inspection of private breeding records, of the adequacy of the system of identification practised by an association and of the manner in which the system of identification is being practised.

Chief Registration Officer.

(4) The Minister may authorize an officer in the Department of Agriculture, who shall be known as the Chief Registration Officer, to approve certificates of registration under this section on behalf of the Minister.

Notice of meetings and annual report.

11. An association shall send to the Minister

(a) in the same manner as to members, notices of meetings setting out proposed amendments to the by-laws, and

(b) immediately after each annual meeting, a copy of the annual report, including a statement of the receipts and disbursements of the association for the preceding fiscal year and of its assets and liabilities, together with a list of the officers of the association, and where the association is affiliated with other associations pursuant to this Act, a list of its representatives elected to the Canadian National Live Stock Record Board.

8. This is the same as the present section 9.

9. This is the same as the present section 8.

10. This is the same as the present section 10 except sub-clauses (3) and (4) which are new. Under the present Act an association may authorize the Minister to conduct these inspections but under the proposed amendment the Minister may do it independently.

11. This is substantially the same as the present section 11.

Inquiries.

12. (1) The Minister may appoint a person to hold an inquiry into the manner in which an association is or has been conducting its business, and every person so appointed, for the purposes of the inquiry, has all the powers of a commissioner under the *Inquiries Act*.

Powers of Minister.

(2) Upon the conclusion of an inquiry held under this section the Minister may require the association to take, or he may take, such action as he considers necessary to provide for the proper conduct of the business of the association.

Directions to associations in default.

(3) The Minister at any time, upon being satisfied that an association has failed for a period of twelve months to carry on business or for any period has failed to conduct its business in accordance with the provisions of its by-laws and this Act, may make such direction to the association as to him seems proper in the interest of the purposes for which the association was incorporated.

When association fails to comply.

(4) Where an association fails within the period prescribed by the Minister to carry out any direction given by the Minister under subsection three, the Minister may

Business taken over.

(a) authorize his representative on the Canadian National Live Stock Record Board to take over and carry on the property and business of the association, and for such purposes the representative has all the powers of the association, and may authorize the Canadian National Live Stock Record Committee to keep live stock records, issue and record certificates of registration, and perform related functions, or

Corporate powers cancelled.

(b) declare the corporate powers of the association at an end, and thereupon the association shall cease to be an association within the meaning of this Act.

Property and business may be returned and rights resumed.

(5) The representative of the Minister on the Canadian National Live Stock Record Board shall, at any time when he is thereunto directed by the Minister, hand over to the association the property and business of the association taken over by him under this section, together with a statement of receipts and expenditures covering the period during which he had control of the same, and in such case the association shall fully resume the powers given it by this Act.

Winding-up.

(6) In the event of the Minister declaring the corporate powers of an association to be at an end, the affairs of the association shall be wound-up in accordance with such regulations as may from time to time in that behalf be made by the Governor in Council.

12. This is substantially the same as the present section 12.

CANADIAN NATIONAL LIVE STOCK RECORDS.

Affiliated associations.

13. (1) Associations may, by executing articles of affiliation and having them registered as provided in this section, affiliate with each other for keeping live stock records, issuing certificates of registration and of transfer, and performing such other services on behalf of the affiliated associations as are authorized by the articles of affiliation.

Name.

(2) The affiliation shall be known as the Canadian National Live Stock Records, and shall be the successor to the Canadian National Live Stock Records as constituted immediately prior to the commencement of this Act.

Articles of affiliation.

(3) The articles of affiliation shall be in a form prescribed by the Governor in Council and shall

Governing body.

(a) provide for a governing body to be known as the Canadian National Live Stock Record Board and which shall be representative of the affiliated associations;

Administrative committee.

(b) provide for an administrative committee to be known as the Canadian National Live Stock Record Committee;

Director.

(c) provide for the appointment of an officer to be known as the Director, Canadian National Live Stock Records;

Basis of representation.

(d) provide the basis of representation upon and set out the method of appointment of representatives from the various affiliated breed associations to the Canadian National Live Stock Record Board;

Chairman.

(e) provide for election of a chairman and a vice-chairman;

Power and authority.

(f) prescribe the power and authority of the Canadian National Live Stock Records on behalf of, and as agents of, the affiliated associations;

Business.

(g) describe the manner in which the business of the Board shall be conducted; and

Elections.

(h) set forth the method of election of members of the Committee.

Execution of articles of affiliation.

(4) An association desiring to affiliate under this section shall execute in triplicate the articles of affiliation under its corporate seal duly attested by the signatures of its proper officers in that behalf, and shall forward the executed articles of affiliation to the Minister.

Approval.

(5) When the Minister is satisfied that the articles of affiliation are properly executed, he shall endorse all copies with a certificate of approval in Form B in the Schedule, and cause one copy to be registered in the Department of Agriculture and the other two copies to be returned to the association, and from the date of the certificate of approval the association is affiliated with all other associations that have executed and registered articles of affiliation under this section.

13. This corresponds to section 13 of the present Act. There was some doubt whether associations incorporated under previous enactments are entitled to affiliate under the present Act. The new definition of "association" in the Bill now makes it clear that they can. The new clause also simplifies the procedure for affiliation.

Amendment.

(6) Executed articles of affiliation may, with the approval of at least two-thirds of the associations that have executed articles of affiliation under this section, be amended in such form as the Governor in Council may prescribe.

Associations previously affiliated.

(7) All associations affiliated under the name of Canadian National Live Stock Records immediately prior to the commencement of this Act shall be deemed, for a period of not more than one year after the commencement of this Act, to be affiliated under this section.

Chief Registration Officer to represent unincorporated associations.

14. (1) The Chief Registration Officer, or such other officer in the Department of Agriculture as the Minister may designate, shall represent the Minister on, and be a member of, the Canadian National Live Stock Record Board, and such representative shall represent the interest of breeds for which no record association has been incorporated and may authorize the Canadian National Live Stock Record Committee to keep live stock records, issue and record certificates of registration and perform related functions in respect of such breeds.

Transfer of funds when association incorporated.

(2) Upon the incorporation of an association representing any breed, records for which have been kept under subsection one, the Canadian National Live Stock Record Committee at the request of the representative of the Minister on the Canadian National Live Stock Record Board shall hand over to the association any property and funds pertaining to the breed in the custody of the Committee.

OFFICERS.

Officers.

15. There may be appointed, in the manner authorized by law, such officers, clerks and employees as are necessary for carrying out the provisions of this Act.

OFFENCES AND PENALTIES.

No other person to keep records.

16. (1) Except as authorized by this Act, where an association for a specified breed exists, no person shall in respect of that breed conduct a book of record or issue a certificate of registration or any document purporting to be a certificate of breeding.

Penalty.

(2) Every person who violates this section is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars and not less than one hundred dollars, or to imprisonment for a term not exceeding two months.

14. This is new and is designed to provide for registrations by unincorporated associations.

15. This is the same as the present section 16.

16. This was previously subsection (2) of section 4.

False statements.

17. (1) Every person who

(a) knowingly signs or presents, or causes or procures to be signed or presented, to the recording officer of an association or to the person in charge of the Canadian National Live Stock Records, any declaration or any application for registration or any transfer of ownership respecting any animal, containing any material false statement or representation;

Misuse of certificate.

(b) knowingly represents that a certificate of registration applies to an animal other than the one in respect of which it was issued;

Alteration of certificate.

(c) falsifies or alters a certificate of registration or of a transfer or of any document of or pertaining to a pure-bred animal registered in the records of an association;

Sale of unidentified animal as pure-bred.

(d) sells as pure-bred an animal that is not identified as prescribed by the by-laws of any association;

Sale of pure-bred animal without furnishing certificate.

(e) sells as pure-bred or contracts to sell as pure-bred any animal of a class or breed in respect of which an association has been incorporated, without furnishing, or agreeing as an integral part of the contract of sale to furnish, the certificate of registration, together with the duly recorded transfer of ownership thereof, to the actual buyer; or

Sale of animal as pure-bred when no association established for the breed.

(f) sells as pure-bred or contracts to sell as pure-bred any animal of a class or breed in respect of which an association has been incorporated, that is not registered or eligible for registration as pure-bred by the association;

Penalties.

is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars and not less than fifty dollars or to imprisonment for a term not exceeding two months.

Animals registered in foreign books deemed pure-bred.

(2) Any animal owned in Canada of a class or breed for which no record exists in Canada, and duly registered in a foreign book of record recognized as authentic by the Minister shall, for the purposes of this section, be deemed to be pure-bred.

Unlawful use of names.

18. Every person who uses without authority the name of the Canadian National Live Stock Records, Canadian National Live Stock Record Board, Canadian National Live Stock Record Committee, or of any association, or any name so nearly resembling any of those names that it is likely to deceive the public, is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars and not less than one hundred dollars, or to imprisonment for a term not exceeding two months.

Penalty.

17. This is a revision of sections 17 and 18 of the present Act.

18. This is substantially the same as the present section 19.

Penalty when not otherwise provided for.

19. Every person who violates any provision of this Act in respect of which no penalty is elsewhere provided in this Act is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

Time for complaint.

20. Section eleven hundred and forty-two of the *Criminal Code* does not apply to proceedings in respect of an offence under this Act.

REPEAL.

Repeal.

21. *The Live Stock Pedigree Act, 1932*, chapter forty-nine of the statutes of 1932, is repealed.

20. This is the present section 22.

SCHEDULE.

Form A.

Application for Incorporation.

1. We, the undersigned (set out the names in full, places of residence and occupations) hereby apply for incorporation as an association under "The Live Stock Pedigree Act, 1949".

2. The name of the association is to be, (name of association).

3. The objects for which the association is to be formed are:—

(a) To keep a record of the pedigrees of pure-bred (name of breed and species of animal).

(b) (Here insert clearly any special or additional objects).

4. The names, in full, places of residence and occupations of the first officers of the association are:—(Set out in full, no initials).

Dated at.....this.....

day of.....19.....

Witness:

(Signatures of witnesses) } (Signatures of applicants)

Affidavit of Execution.

I, (name in full, place of residence and occupation) make oath and say:—

1. That I know (name of applicants in full) named in the foregoing (or annexed) application.

2. That I was personally present and did see the said application, and duplicate thereof, executed by each of the said applicants.

3. That I am a subscribing witness to the said application and duplicate.

Sworn before me at.....

this.....day of.....19....

.....

(Signature of witness)

.....

A notary public,
(or a commissioner, etc.)

(Note: If all the applicants do not sign before the one witness, insert in the affidavit the names only of those whom the witness saw sign, and so on for each witness.)

Form B.

CERTIFICATE.

Pursuant to The Live Stock Pedigree Act, 1949, I certify that the within (application, by-laws, articles of affiliation, as the case may be) is (are) hereby approved this.....

day of.....19.....

.....

Minister of Agriculture.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[2].

An Act to incorporate The Sisters of Saint Elizabeth Hospital.

Read a first time, Tuesday, 15th March, 1949.

HONOURABLE SENATOR ASELTINE.

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

32283

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[2].

An Act to incorporate The Sisters of Saint Elizabeth Hospital.

Preamble.

WHEREAS "The Sisters of Saint Elizabeth Hospital," a corporation incorporated by chapter forty-seven of the statutes of Saskatchewan, 1915, 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 the province of Saskatchewan various hospitals, charitable and religious works; and

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

Incorporation.

1. 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 Saint Elizabeth Hospital", hereinafter called "the Corporation".

Head office.

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

Objects.

3. The objects of the Corporation, which it is hereby empowered to execute in and throughout Canada, shall be the care of the sick in hospitals, the maintenance of missions, congregations for ladies, orphanages, working places, housekeeping schools, agricultural orphanages, industrial schools, nursing schools, deaf and dumb institutions,

dispensatories, boarding houses for lame and aged persons, and to impart education and moral training to pupils in convents and schools, to instruct prisoners and to visit the sick and poor, together with such educational, charitable or religious works as the Corporation may, from time to time, determine and the doing of all things reasonably and ancillary or incidental to all and any of the things above expressed.

Membership in the Corporation.

4. Only members of the Order known as Sisters of Saint Elizabeth (of the Third Order of Saint Francis), hereinafter called "the Order", 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.

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.

Engage in, etc., industries.

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.

Apportionment 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.

Member leaving the Order.

9. No member admitted to the Order, whether as postulante 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 work done for the Order while a member thereof.

No liability for unauthorized 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.

Provincial corporation.

11. The Corporation may amalgamate with, absorb and take over the provincial corporation, namely, The Sisters of Saint Elizabeth Hospital, Humboldt, Saskatchewan, incorporated by chapter forty-seven of the statutes of Saskatchewan, 1915.

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.

Acquisition of property now held, etc., by provincial corporation.

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 the provincial corporation and Order.

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.

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.

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 may for such 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.

Limitation.

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

Power to make 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.

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 debt incurred or any engagement or liability contracted by the Corporation, but the Corporation shall alone be liable and accountable therefor.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[2].

An Act for the relief of Gordon Aylmer Thistle Shirres.

Read a first time, Thursday, 17th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

31111

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[2].

An Act for the relief of Gordon Aylmer Thistle Shirres.

Preamble.

WHEREAS Gordon Aylmer Thistle Shirres, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, salesman, has by his petition alleged that on the twenty-ninth day of November, A.D. 1921, at the city of London, England, he and Phyllis Kathleen Sullivan, who was then of the said city of London, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Gordon Aylmer Thistle Shirres and Phyllis Kathleen Sullivan, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whoatsoever.

Right to marry again.

2. The said Gordon Aylmer Thistle Shirres may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Phyllis Kathleen Sullivan had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[2].

An Act for the relief of Walter Jasper Blake.

Read a first time, Thursday, 17th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

31440

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[2].

An Act for the relief of Walter Jasper Blake.

Preamble.

WHEREAS Walter Jasper Blake, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, sheet-metal worker, has by his petition alleged that on the thirty-first day of May, A.D. 1932, at the said city, he and Ida Louise Wilken, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Walter Jasper Blake and Ida Louise Wilken, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Walter Jasper Blake may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Ida Louise Wilken had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T2.

An Act for the relief of Margaret Murray McKinnon Trenholm.

Read a first time, Thursday, 17th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

31580

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T[2].

An Act for the relief of Margaret Murray McKinnon Trenholm.

Preamble.

WHEREAS Margaret Murray McKinnon Trenholm, residing at the city of Drummondville, in the province of Quebec, accountant, wife of Charles Lindsay Trenholm, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the third day of April, A.D. 1943, at the city of Montreal, in the said province, she then being Margaret Murray McKinnon, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Murray McKinnon and Charles Lindsay Trenholm, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Murray McKinnon may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Lindsay Trenholm had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U[2].

An Act for the relief of Walter Wilson McBroom.

Read a first time, Thursday, 17th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

31067

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U[2].

An Act for the relief of Walter Wilson McBroom.

Preamble.

WHEREAS Walter Wilson McBroom, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, school teacher, has by his petition alleged that on the twenty-fourth day of August, A.D. 1937, at the city of Outremont, in the said province, he and Sheila Elizabeth Jean Sherriff-Scott, who was then of the said city of Montreal, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Walter Wilson McBroom and Sheila Elizabeth Jean Sherriff-Scott, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Walter Wilson McBroom may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Sheila Elizabeth Jean Sheriff-Scott had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V2.

An Act for the relief of Mabel Florence Dunk Wright.

Read a first time, Thursday, 17th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

29414

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V[2].

An Act for the relief of Mabel Florence Dunk Wright.

Preamble.

WHEREAS Mabel Florence Dunk Wright, residing at the city of Montreal, in the province of Quebec, wife of George Frederick James Wright, who is domiciled in Canada and residing at the town of Ste. Dorothee, in the said province, has by her petition alleged that they were married on the thirtieth day of June, A.D. 1926, at the said city, she then being Mabel Florence Dunk, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mabel Florence Dunk and George Frederick James Wright, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mabel Florence Dunk may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Frederick James Wright had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W2.

An Act for the relief of Thomas Somerville.

Read a first time, Thursday, 17th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

31528

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W2.

An Act for the relief of Thomas Somerville.

Preamble.

WHEREAS Thomas Somerville, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, pensioner, has by his petition alleged that on the seventh day of August, A.D. 1943, at the said city, he and Agnes Johnson Fraser Nimmo, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Thomas Somerville and Agnes Johnson Fraser Nimmo, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Thomas Somerville may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Agnes Johnson Fraser Nimmo had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[2].

An Act for the relief of Joseph Wilfrid Leon Desrosiers.

Read a first time, Thursday, 17th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

31290

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X².

An Act for the relief of Joseph Wilfrid Leon Desrosiers.

Preamble.

WHEREAS Joseph Wilfrid Leon Desrosiers, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, hairdresser, has by his petition alleged that on the twenty-eighth day of July, A.D. 1926, at St. Jerome de Matane, in the said province, he and Marie Juliette Cote, who was then of St. Jerome de Matane aforesaid, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Wilfrid Leon Desrosiers and Marie Juliette Cote, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Wilfrid Leon Desrosiers may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Juliette Cote had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y2.

An Act for the relief of June Lucille Odell Woolnough.

Read a first time, Thursday, 17th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

30943

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y².

An Act for the relief of June Lucille Odell Woolnough.

Preamble.

WHEREAS June Lucille Odell Woolnough, residing at the city of Montreal, in the province of Quebec, wife of Geoffrey Norman Woolnough, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the third day of June, A.D. 1944, at the said city, she then being June Lucille Odell, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between June Lucille Odell and Geoffrey Norman Woolnough, her husband, is hereby dissolved, and shall be henceforth null and void to intents and purposes whatsoever.

Right to marry again.

2. The said June Lucille Odell may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Geoffrey Norman Woolnough had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[2].

An Act for the relief of Christopher Edmond Cobham.

Read a first time, Thursday, 17th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

30931

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z².

An Act for the relief of Christopher Edmond Cobham.

Preamble.

WHEREAS Christopher Edmond Cobham, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, inspector, has by his petition alleged that on the twentieth day of January, A.D. 1944, at Bushey Heath, in the county of Hertford, England, he and Pauline Iris Gregory, who was then of Bushey Heath aforesaid, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Christopher Edmond Cobham and Pauline Iris Gregory, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Christopher Edmond Cobham may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Pauline Iris Gregory had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A3.

An Act for the relief of Jack Zelinsky.

Read a first time, Thursday, 17th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

29540

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A[3].

An Act for the relief of Jack Zelinsky.

Preamble.

WHEREAS Jack Zelinsky, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, milliner, has by his petition alleged that on the sixteenth day of September, A.D. 1935, at the said city, he and Louise Horrie, otherwise known as Ruth Horrie, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jack Zelinsky and Louise Horrie, otherwise known as Ruth Horrie, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jack Zelinsky may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Louise Horrie, otherwise known as Ruth Horrie, had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[3].

An Act for the relief of Morna Elsa Kott.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

31725

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[3].

An Act for the relief of Morna Elsa Kott.

Preamble.

WHEREAS Morna Elsa Kott, residing at the village of Mayo, in the province of Quebec, waitress, wife of Leo Joseph Kott, who is domiciled in Canada and residing at the city of St. Catharines, in the province of Ontario, has by her petition alleged that they were married on the twenty-sixth day of August, A.D. 1945, at Inlet, in the said province of Quebec, she then being Morna Elsa Yank, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Morna Elsa Yank and Leo Joseph Kott, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Morna Elsa Yank may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Leo Joseph Kott had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C3.

An Act for the relief of Doris Christina Meldrum Franklin.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

32005

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C[3].

An Act for the relief of Doris Christina Meldrum Franklin.

Preamble.

WHEREAS Doris Christina Meldrum Franklin, residing at the town of Mount Royal, in the province of Quebec, wife of Stephen Franklin, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the fifteenth day of February, A.D. 1941, at the said city, she then being Doris Christina Meldrum, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Doris Christina Meldrum and Stephen Franklin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Doris Christina Meldrum may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Stephen Franklin had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[3].

An Act for the relief of Francis Thomas Lariviere.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

31234

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[3].

An Act for the relief of Francis Thomas Lariviere.

Preamble.

WHEREAS Francis Thomas Lariviere, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, truck driver, has by his petition alleged that on the second day of December, A.D. 1939, at the said city, he and Nora Catherine Mott, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Francis Thomas Lariviere and Nora Catherine Mott, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Francis Thomas Lariviere may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Nora Catherine Mott had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E3.

An Act for the relief of Maurice Abraham Rodier.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

30099

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E[3].

An Act for the relief of Maurice Abraham Rodier.

Preamble.

WHEREAS Maurice Abraham Rodier, domiciled in Canada and residing at the city of Outremont, in the province of Quebec, accountant, has by his petition alleged that on the thirtieth day of March, A.D. 1924, at the city of Montreal, in the said province, he and Anne Helen Kirke, who was then of the city of New York, in the state of New York, one of the United States of America, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Maurice Abraham Rodier and Anne Helen Kirke, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Maurice Abraham Rodier may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Anne Helen Kirke had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F[3].

An Act for the relief of Liselotte Karola Roer Goode.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

31242

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F[3].

An Act for the relief of Liselotte Karola Roer Goode.

Preamble.

WHEREAS Liselotte Karola Roer Goode, residing at the village of Milby, in the province of Quebec, wife of Patrick Niven Goode, who is domiciled in Canada and residing at the city of Sherbrooke, in the said province, has by her petition alleged that they were married on the sixteenth day of October, A.D. 1937, at Harrow, in the county of Middlesex, England, she then being Liselotte Karola Roer, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Liselotte Karola Roer and Patrick Niven Goode, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Liselotte Karola Roer may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Patrick Niven Goode had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G3.

An Act for the relief of Albert Labreche.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

29618

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G[3].

An Act for the relief of Albert Labreche.

Preamble.

WHEREAS Albert Labreche, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, machinist, has by his petition alleged that on the eighteenth day of April, A.D. 1931, at the said city, he and Liliane Chartier, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Albert Labreche and Liliane Chartier, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Albert Labreche may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Liliane Chartier had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[3].

An Act for the relief of Bessie Drinkwater Jackson.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

31548

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[3].

An Act for the relief of Bessie Drinkwater Jackson.

Preamble.

WHEREAS Bessie Drinkwater Jackson, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Albert Jackson, who is domiciled in Canada and residing at the town of Aylmer, in the said province, has by her petition alleged that they were married on the twentieth day of August, A.D. 1937, at the said city, she then being Bessie Drinkwater, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Bessie Drinkwater and Albert Jackson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Bessie Drinkwater may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Albert Jackson had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[3].

An Act for the relief of Bessie Shafer Cohen.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

31408

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[3].

An Act for the relief of Bessie Shafer Cohen.

Preamble.

WHEREAS Bessie Shafer Cohen, residing at the city of Montreal, in the province of Quebec, tailoress, wife of Harry Louis Cohen, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-third day of January, A.D. 1924, at the city of New York, in the state of New York, one of the United States of America, she then being Bessie Shafer, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Bessie Shafer and Harry Louis Cohen, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Bessie Shafer may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Harry Louis Cohen had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[3].

An Act for the relief of Ludmila Mach Morawetz.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
30636 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[3].

An Act for the relief of Ludmila Mach Morawetz.

Preamble.

WHEREAS Ludmila Mach Morawetz, residing at the city of Montreal, in the province of Quebec, wife of Frantisek Morawetz, who is domiciled in Canada and residing at the city of Westmount, in the said province, has by her petition alleged that they were married on the fifth day of May, A.D. 1938, at the city of Prague, Czechoslovakia, she then being Ludmila Mach, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ludmila Mach and Frantisek Morawetz, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ludmila Mach may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frantisek Morawetz had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K3.

An Act for the relief of Ernest Cecil George Thackway.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

31412

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K[3].

An Act for the relief of Ernest Cecil George Thackway.

Preamble.

WHEREAS Ernest Cecil George Thackway, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, salesman, has by his petition alleged that on the twenty-fourth day of June, A.D. 1925, at the said city, he and Mary Elizabeth Birchenough, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidenced adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ernest Cecil George Thackway and Mary Elizabeth Birchenough, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ernest Cecil George Thackway may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Mary Elizabeth Birchenough had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[3].

An Act for the relief of May Garnet Greene Lofting.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

31540

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[3].

An Act for the relief of May Garnet Greene Lofting.

Preamble.

WHEREAS May Garnet Greene Lofting, residing at the city of St. Lambert, in the province of Quebec, clerk, wife of Everard Mervyn Lofting, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the fifteenth day of September, A.D. 1945, at the said city of St. Lambert, she then being May Garnet Greene, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between May Garnet Greene and Everard Mervyn Lofting, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said May Garnet Greene may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Everard Mervyn Lofting had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M[3].

An Act for the relief of Henry John Bobinski.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

31576

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M[3].

An Act for the relief of Henry John Bobinski.

Preamble.

WHEREAS Henry John Bobinski, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, taxi owner, has by his petition alleged that on the fifth day of February, A.D. 1940, at the said city, he and Kathleen May Anderson, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Henry John Bobinski and Kathleen May Anderson, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Henry John Bobinski may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Kathleen May Anderson had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N3.

An Act for the relief of Mary Eileen Birks Moorhouse.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

31250

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N[3].

An Act for the relief of Mary Eileen Birks Moorhouse.

Preamble.

WHEREAS Mary Eileen Birks Moorhouse, residing at the city of Montreal, in the province of Quebec, wife of Philip Ronald Moorhouse, who is domiciled in Canada and residing at the city of Toronto, in the province of Ontario, has by her petition alleged that they were married on the twenty-third day of September, A.D. 1944, at the said city of Montreal, she then being Mary Eileen Birks, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Eileen Birks and Philip Ronald Moorhouse, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Eileen Birks may at any time hereafter marry any man whom whe might lawfully marry if the said marriage with the said Philip Ronald Moorhouse had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O[3].

An Act for the relief of Florence Ruby Robbins Cumby.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

31047

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O[3].

An Act for the relief of Florence Ruby Robbins Cumby.

Preamble.

WHEREAS Florence Ruby Robbins Cumby, residing at the city of Montreal, in the province of Quebec, real estate agent, wife of Thomas Lorne Cumby, who is domiciled in Canada and residing at the city of Westmount, in the said province, has by her petition alleged that they were married on the fourth day of November, A.D. 1920, at the town of Basingstoke, in the county of Southampton, England, she then being Florence Ruby Robbins, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Florence Ruby Robbins and Thomas Lorne Cumby, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Florence Ruby Robbins may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Thomas Lorne Cumby had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P3.

An Act for the relief of Kathleen Elizabeth Flookes Kerr.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
31282 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P[3].

An Act for the relief of Kathleen Elizabeth Flookes Kerr.

Preamble.

WHEREAS Kathleen Elizabeth Flookes Kerr, residing at the city of Montreal, in the province of Quebec, comptometer operator, wife of William Norman Kerr, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-fifth day of November, A.D. 1939, at the said city, she then being Kathleen Elizabeth Flookes, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Kathleen Elizabeth Flookes and William Norman Kerr, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Kathleen Elizabeth Flookes may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Norman Kerr had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[3].

An Act for the relief of Berthe Marie Madeleine Brunet Egar.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

30210

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[3].

An Act for the relief of Berthe Marie Madeleine Brunet Egar.

Preamble.

WHEREAS Berthe Marie Madeleine Brunet Egar, residing at the city of Montreal, in the province of Quebec, model, wife of Frederick John Egar, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-eighth day of January, A.D. 1944, at the said city, she then being Berthe Marie Madeleine Brunet, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Berthe Marie Madeleine Brunet and Frederick John Egar, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Berthe Marie Madeleine Brunet may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frederick John Egar had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[3].

An Act for the relief of Mary Alice Eva Rivard Sharkey.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

31055

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[3].

An Act for the relief of Mary Alice Eva Rivard Sharkey.

Preamble.

WHEREAS Mary Alice Eva Rivard Sharkey, residing at the city of Montreal, in the province of Quebec, cook, wife of James Joseph Sharkey, who is domiciled in Canada and residing at the town of Rawdon, in the said province, has by her petition alleged that they were married on the twenty-second day of February, A.D. 1936, at the said city, she then being Mary Alice Eva Rivard, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Alice Eva Rivard and James Joseph Sharkey, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Alice Eva Rivard may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Joseph Sharkey had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[3].

An Act for the relief of Evelyn Florence Brigden Piper.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

31059

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[3].

An Act for the relief of Evelyn Florence Brigden Piper.

Preamble.

WHEREAS Evelyn Florence Brigden Piper, residing at the city of Verdun, in the province of Quebec, clerk, wife of Samuel Henry Piper, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the seventh day of March, A.D. 1942, at the city of Halifax, in the province of Nova Scotia, she then being Evelyn Florence Brigden, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Common of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Evelyn Florence Bridgen and Samuel Henry Piper, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Evelyn Florence Bridgen may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Samuel Henry Piper had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T[3].

An Act for the relief of Beatrice Violet Hudson Hineson.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

31063

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T[3].

An Act for the relief of Beatrice Violet Hudson Hineson.

Preamble.

WHEREAS Beatrice Violet Hudson Hineson, residing at the city of Lachine, in the province of Quebec, inspector, wife of Norman James Hineson, who is domiciled in Canada and residing at the city of Westmount, in the said province, has by her petition alleged that they were married on the fifteenth day of August, A.D. 1931, at the said city of Lachine, she then being Beatrice Violet Hudson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Beatrice Violet Hudson and Norman James Hineson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Beatrice Violet Hudson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Norman James Hineson had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U[3].

An Act for the relief of Fernand Dupuis.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

31051

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U[3].

An Act for the relief of Fernand Dupuis.

Preamble.

WHEREAS Fernand Dupuis, domiciled in Canada and residing at the city of Hull, in the province of Quebec, truck driver, has by his petition alleged that on the ninth day of November, A.D. 1935, at the said city, he and Colombe Laurin, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Fernand Dupuis and Colombe Laurin, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Fernand Dupuis may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Colombe Laurin had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V[3].

An Act for the relief of Frances Strakosch Alexander.

Read a first time, Friday, 18 March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

31436

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V[3].

An Act for the relief of Frances Strakosch Alexander.

Preamble.

WHEREAS Frances Strakosch Alexander, residing at the city of Westmount, in the province of Quebec, consulting psychologist, wife of Benjamin Alexander, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-sixth day of September, A.D. 1936, at the city of New York, in the state of New York, one of the United States of America, she then being Frances Strakosch, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage berween Frances Strakosch and Benjamin Alexander, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Frances Strakosch may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Benjamin Alexander had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W3.

An Act for the relief of Peonie Taub Joseph.

Read a first time, Friday, 18 March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

31103

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W3.

An Act for the relief of Peonie Taub Joseph.

Preamble.

WHEREAS Peonie Taub Joseph, residing at the city of Montreal, in the province of Quebec, wife of Rowan Joseph, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the nineteenth day of December, A.D. 1928, at the said city, she then being Peonie Taub, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Peonie Taub and Rowan Joseph, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Peonie Taub may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Rowan Joseph had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[3].

An Act for the relief of Doris Mabel Garwood Cunningham Watt.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

29300

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[3].

An Act for the relief of Doris Mabel Garwood Cunningham Watt.

Preamble.

WHEREAS Doris Mabel Garwood Cunningham Watt, residing at the city of Verdun, in the province of Quebec, switchboard operator, wife of Will Paice Watt, who is domiciled in Canada and residing at the city of London, England, has by her petition alleged that they were married on the twenty-first day of May, A.D. 1938, at the said city of Verdun, she then being Doris Mabel Garwood Cunningham, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Doris Mabel Garwood Cunningham and Will Paice Watt, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Doris Mabel Garwood Cunningham may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Will Paice Watt had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y3.

An Act for the relief of Marion Dorothy Hill Parker Jeffryes.

Read a first time, Friday, 18th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

30111

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y[3].

An Act for the relief of Marion Dorothy Hill Parker Jeffryes.

Preamble

WHEREAS Marion Dorothy Hill Parker Jeffryes, residing at the city of Granby, in the province of Quebec, secretary, wife of Horace Dawson Jeffryes, who is domiciled in Canada and residing at the town of South Roxton, in the said province, has by her petition alleged that they were married on the thirty-first day of December, A.D. 1940, at the said city, she then being Marion Dorothy Hill Parker, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marion Dorothy Hill Parker and Horace Dawson Jeffryes, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marion Dorothy Hill Parker may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Horace Dawson Jeffryes had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z^3.

An Act respecting Oil or Gas Pipe Lines.

Read a first time, Monday, 21st March, 1949.

Honourable Senator ROBERTSON.

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

33258

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[3].

An Act respecting Oil or Gas Pipe Lines.

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 Pipe Lines Act.*

Interpretation.

Definitions.

2. (1) In this Act and in any Special Act, unless the context otherwise requires,

"Board".

(a) "Board" means The Board of Transport Commissioners for Canada;

"company".

(b) "company" means a person having authority under a Special Act to construct or operate pipe lines for the transportation of oil or gas;

"company pipe line" or "line".

(c) "company pipe line" or "line" means a pipe line for the transportation of oil or gas that a company is under a Special Act authorized to construct or operate or that is owned by or leased to a company and is subject to the legislative authority of the Parliament of Canada, and includes all branches, extensions, tanks, reservoirs, pumps, racks, loading facilities, interstation systems of communication by telephone, telegraph or radio, and property real and personal and works connected therewith;

"gas".

(d) "gas" means natural gas;

"lands".

(e) "lands" means the lands, the acquiring, taking or using of which is authorized by this or the Special Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure, and any easement, servitude, right, privilege or interest in, to, upon, under, over or in respect of the same;

Explanatory Note.

The purpose of the Bill is to provide for the control of interprovincial and international oil and gas pipe lines.

"oil". *(f)* "oil" means any liquid hydrocarbon;

"pipe line" *(g)* "pipe line" means every kind of pipe line and includes a company pipe line;

"Special Act". *(h)* "Special Act" means an Act of the Parliament of Canada that authorizes a person named in the Act to construct or operate pipe lines for the transportation of gas or oil or that is enacted with special reference to such pipe lines; and

"toll" or "rate". *(i)* "toll" or "rate" includes any toll, rate, charge or allowance charged or made for the shipment, transportation, care, handling or delivery of oil or gas, or for storage or demurrage or the like.

Application of Railway Act. (2) Unless it is otherwise provided, or the context otherwise requires, words and phrases in this Act or in a Special Act have the same meaning as in the *Railway Act*.

R.S., c. 170.

Construing with Special Acts.

General rules as to construing. **3.** Except as in this Act otherwise provided,

(a) this Act shall be construed as incorporate with a Special Act; and

(b) where the provisions of this Act and a Special Act relate to the same subject-matter, the provisions of the Special Act shall, in so far as is neccesary to give effect to the Special Act, be taken to override the provisions of this Act.

Board.

Railway Act procedure to apply. **4.** The provisions of the *Railway Act* relating to sittings of the Board and the disposal of business, witnesses and evidence, practice and procedure, orders and decisions of the Board and appeal therefrom to the Supreme Court of Canada are applicable with respect to every inquiry, complaint, application or other proceeding under this Act, and the Board shall exercise and enjoy the same jurisdiction, powers and authority in matters under this Act as are vested in the Board by the *Railway Act*.

Board may order inspection or inquiry. **5.** (1) The Board may appoint and direct any person to inspect a company pipe line or part thereof, whether constructed or in the course of construction, or to make an inquiry or report upon any application pending before the Board or upon any matter or thing over which the Board has jurisdiction under this or a Special Act.

Powers. (2) The Board, or a person appointed under this Act to inspect or to make an inquiry or report, may

Entry. *(a)* enter upon and inspect any building, works or property of a company;

Production. *(b)* require the production of all books, records, vouchers, accounts, plans, specifications, drawings and papers of a company and inspect and examine them;

Attendance and returns. *(c)* require the attendance of all such persons as it or he thinks fit to summon and examine, and require answers or returns to such inquiries as it or he thinks fit to make; and

Oaths. *(d)* adminster oaths, affirmations or declarations.

Like power as court. (3) The Board, or a person appointed under this Act to inspect or to make an inquiry or report shall have the like power in summoning witnesses and enforcing their attendance, and compelling them to give evidence and produce books, papers or things that they are required to produce, as is vested in any court in civil cases.

Board may review, etc. **6.** The Board may review, rescind, change, alter or vary any order or decision made by it, or may rehear any application before deciding it.

Powers of a Company.

Powers of company. **7.** A company may, for the purposes of its undertaking, subject to the provisions of this Act and the Special Act,

Entry upon and surveys of lands. *(a)* enter into and upon any Crown land without previous license therefor, or into or upon the land of any person, lying in the intended route of its line, and make surveys, examinations or other necessary arrangements on such land for fixing the site of the line, and set out and ascertain such parts of the land as are necessary and proper for the line;

Acquisition and disposal of property. *(b)* purchase, take and hold of and from any person any land or other property necessary for the construction, maintenance and operation of its line and alienate, sell or dispose of any of its land or property that for any reason has become unnecessary for the purpose of the line;

Placing of line. *(c)* construct, lay, carry or place its line across, upon or under the land of any person on the located line of the company pipe line;

Join with other lines. *(d)* join its line with the pipe line of any other person at any point on its route;

Buildings, equipment, etc. *(e)* construct, erect and maintain all necessary and convenient roads, buildings, stations, depots, wharves, docks and other structures, and construct, purchase and acquire machinery and other apparatus necessary for the construction, maintenance and operation of its line;

Branch lines.

(f) construct, maintain and operate branch lines, and for that purpose exercise all the powers, privileges and authority necessary therefor, in as full and ample a manner as for a company pipe line;

Alter and substitute other works.

(g) from time to time alter, repair or discontinue the works or any of them, mentioned in this section, and substitute others in their stead;

Transport oil or gas.

(h) transport oil or gas by company pipe line and regulate the time and manner in which oil or gas shall be transported, and the tolls to be charged therefor; and

Other necessary acts.

(i) do all other acts necessary for the construction, maintenance and operation of its line.

Damage and compensation.

8. A company shall, in the exercise of the powers granted by this Act or a Special Act, do as little damage as possible, and shall make full compensation in the manner provided in this Act and in a Special Act, to all persons interested, for all damage sustained by them by reason of the exercise of such powers.

Exercise of powers in United States.

9. A company operating a company pipe line from a place in Canada to a place on the international boundary line may exercise, beyond such boundary, in so far as permitted by the laws there in force, the powers that it may exercise in Canada.

Limitations.

10. A company shall not, without the leave of the Board,

Sale, etc.

(a) sell, convey or lease to any person its company pipe line, in whole or in part;

Purchase, etc.

(b) purchase or lease from any person any pipe line for the transportation of oil or gas;

Amalgamation.

(c) enter into an agreement for amalgamation with any other company; or

Abandonment.

(d) abandon the operation of a company pipe line.

Part I—Oil or Gas Lines.

Location of Line.

Board's approval required.

11. A company shall not, except as in this Act otherwise provided, begin the construction of a section or part of a company pipe line, until,

Board order.

(a) the Board has by order granted the company leave to construct the line;

Plan, profile, and book of reference.

(b) the plan, profile and book of reference of the section or part of the proposed line have been approved by the Board; and

Registration of certified copies.

(c) copies of the plan, profile and book of reference so approved, duly certified as such by the Secretary of the Board, have been deposited in the offices of the registrars of deeds for the districts or counties through which such section or part of the company pipe line is to pass.

Leave to construct.

Map.

12. (1) Upon an application for an order granting leave to construct a line, the company shall file with the Board a map showing the general location of the proposed line, the termini, and all cities, towns, villages, railways and navigable waters through, under or across which the line is to pass.

Application for leave.

(2) Upon the application, the Board shall have regard to all considerations that appear to it to be relevant and in particular to the objection of any party interested, to a public interest that in the Board's opinion may be affected by the granting or the refusing of the application, and to the financial responsibility of the applicant.

Notice of application.

(3) The Board may require notice of the application to be given by publication in newspapers or otherwise.

Decision as to party interested.

(4) The decision of the Board as to whether a person is or is not a party interested within the meaning of this section is binding and conclusive.

Terms and conditions.

(5) Where the Board grants leave to construct a line, it may impose such terms and conditions as it considers proper and may limit the time within which the company shall construct and complete the line.

Plan, profile and book of reference.

13. (1) When the Board has made an order granting a company leave to construct a pipe line, the company shall prepare and submit to the Board a plan, profile and book of reference.

Detail in plan and profile.

(2) The plan and profile shall be drawn with such detail as the Board may require.

Contents of book of reference.

(3) The book of reference shall describe the portion of land proposed to be taken in each parcel of land to be traversed, giving the numbers of the parcels, and the area, length and width of the portion of each parcel to be taken, and the names of the owners and occupiers so far as they can be ascertained.

Further information.

(4) The plan, profile and book of reference shall be prepared to the satisfaction of the Board, and the Board may require the Company to furnish any further or other information that the Board considers necessary.

Effect of approval.

14. The Board shall not, by making an order granting a company leave to construct a line or by approving a plan, profile and book of reference, be deemed to have relieved the Company from otherwise complying with this Act.

Board may fix time for acquiring lands.

15. At the time the Board approves a plan, profile and book of reference, or gives leave under this Act to take lands without the consent of the owner, or at any time thereafter, the Board may fix a period within which a company shall acquire the lands or take the necessary steps for such purpose.

Errors.

Errors.

16. A company pipe line may be made, carried or placed across upon or under the lands of a person on the located line, although, through error or any other cause, the name of that person has not been entered in the book of reference, or although some other person is erroneously mentioned as the owner of or entitled to convey or as interested in the lands.

Application for correction.

17. (1) Where any omission, misstatement or error is made in a plan, profile or book of reference so registered, a company may apply to the Board for a certificate to correct the omission, misstatement or error.

Certificate.

(2) The Board may in its discretion grant a certificate setting forth the nature of the omission, misstatement or error and the correction allowed.

Registration.

(3) Upon the deposit of copies of the certificate, certified as such by the Secretary of the Board, with the registrars of deeds of the districts or counties, respectively, in which such lands are situate, the plan, profile or book of reference shall be taken to be corrected in accordance therewith, and the company may, thereupon, subject to this Act, construct its line in accordance with the correction.

Duties of Registrars of Deeds.

Receipt, preservation and entry.

18. (1) Every registrar of deeds shall receive and preserve in his office all plans, profiles, books of reference, certified copies thereof and other documents, required by this Act to be deposited with him, and shall endorse thereon the day, hour and minute when they were so deposited.

Copies and extracts.

(2) All persons may resort to such plans, profiles, books of reference, copies and documents so deposited, and may make extracts therefrom and copies thereof, as occasion requires.

Registrar to furnish certified copies.

(3) A registrar of deeds shall, at the request of any person, certify copies of any plan, profile, book of reference, certified copy thereof or other document, deposited in his office under the provisions of this Act, or of such portions thereof as may be required, on being paid therefor at the rate of twenty cents for each hundred words copied, and such

additional sum for any copy of plan or profile furnished by him as is reasonable and customary in like cases, together with one dollar for each certificate given by him.

Certificate of registrar.

(4) The certificate of the registrar of deeds shall set forth that the plan, profile or document, a copy of which, or of any portion of which, is certified by him, is deposited in his office, and shall state the time when it was so deposited, and that he has carefully compared the copy certified with the document on file, and that it is a true copy of the original.

Evidence.

(5) The certified copy is *prima facie* evidence of the original so deposited and is *prima facie* evidence that the original was so deposited at the time stated and certified, and that it was signed, certified, attested or otherwise executed by the persons by whom and in the manner in which the original purports to be signed, certified, attested or executed, as shown or appearing by the certified copy; and in the case of a plan, that the plan is prepared according to a scale and in a manner and form sanctioned by the Board.

Further Plans.

Further plans etc., as Board requires.

19. In addition to the plans, profiles and books of reference elsewhere provided for in this Act, a company shall, with all reasonable expedition, prepare and deposit with the Board any other or further plans, profiles or books of reference with respect to any portion of its company pipe line or works, that the Board may, from time to time, order or require.

Deviations.

Plan, etc., to be submitted to Board.

20. (1) When a deviation, change or alteration is required by a company to be made in its line, or any portion thereof, as already constructed, or as merely located and approved, a plan, profile and book of reference of the portion of such line proposed to be changed, showing the deviation, change or alteration proposed to be made, shall be submitted for the approval of the Board.

Company may execute works after approval and deposit.

(2) When the plan, profile and book of reference of the portion of the line so proposed to be changed have been approved by the Board, and copies thereof have been deposited as provided in this Act with respect to the original plan, profile and book of reference, the company may make such deviation, change or alteration, and all the provisions of this Act are applicable to the portion of the line, at any time so changed or proposed to be changed, in the same manner as they are applicable to the original line.

Board may dispense with submissions of plans, etc.

(3) The Board may, either by general regulation or in a particular case, exempt a company from submitting the plan, profile and book of reference, as in this section provided, where the deviation, change or alteration is made or to be made for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting a company pipe line, or for any other purpose of public advantage, as may seem to the Board expedient, if such deviation, change or alteration does not exceed three hundred yards from the centre line of the company pipe line, located or constructed in accordance with the plans, profiles and books of reference approved by the Board under this Act.

Branch Lines.

Power to construct.

21. (1) Subject to the approval of the Board, a company may, for the purposes of its undertaking, construct, maintain and operate branch company pipe lines.

Procedure.

(2) A company shall not begin the construction of a branch line until the Board has, by order, approved its construction and the plan, profile and book of reference thereof, nor until copies of the plan, profile and book of reference so approved, duly certified as such by the Secretary of the Board, have been deposited in the offices of the registrars of deeds for the districts or counties through which the branch line is to pass.

Time for construction.

(3) In an order approving the construction of a branch line, the Board may limit the time within which a company shall construct and complete the branch line.

Taking and Using of Lands.

Crown lands.

22. (1) No company shall take possession of, use or occupy lands vested in the Crown, without the consent of the Governor in Council.

Crown lands along route of line and crown lands covered by water.

(2) A company may, with the consent of the Governor in Council and upon such terms as the Governor in Council may prescribe, take and appropriate, for the use of its company pipe line and works, so much of the lands of the Crown lying on the route of the line that have not been granted or sold, as is necessary for the line, and also so much of the public beach, or bed of a lake, river or stream, or of the land so vested covered with the waters of such lake, river or stream as is necessary for making, completing and using its line and works.

Compensation where Crown lands held in trust.

(3) Where lands are vested in the Crown for a special purpose, or subject to a trust, the compensation money that a company pays therefor shall be held and applied by the Governor in Council for the like purpose or trust.

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Indian lands.

23. (1) No company shall take possession of or occupy a portion of an Indian reserve or lands, without the consent of the Governor in Council.

Compensation.

(2) Where, with the consent of the Governor in Council, a portion of an Indian reserve or lands is taken possession of, used or occupied by a company, or where the same is injuriously affected by the construction of a company pipe line, compensation shall be made therefor as in the case of lands taken without the consent of the owner.

Mines and Minerals.

Mines to be protected.

24. No company shall, without the authority of the Board, locate the line of its proposed company pipe line, or construct the company pipe line or portion thereof, so as to obstruct or interfere with or injuriously affect the working of or the access or adit to a mine then open, or for the opening of which preparations are, at the time of such location, being lawfully and openly made.

Company not entitled to minerals.

25. A company is not entitled to mines, ores, metals, coal, slate, oil, gas or other minerals in or under lands purchased by it, or taken by it under compulsory powers given to it by this Act, except only the parts thereof that are necessary to be dug, carried away or used in the construction of the works, and except as provided in this section, all such mines and minerals shall be deemed to be excepted from the conveyance of such lands.

Mining under or within forty yards of any line.

26. (1) No owner, lessee or occupier of mines or minerals lying under a company pipe line or any of the works connected therewith, or within forty yards therefrom, shall work the mines or minerals until leave therefor has been obtained from the Board.

Application to Board for leave.

(2) Upon an application to the Board for leave to work mines or minerals, the applicant shall submit a plan and profile of the portion of the company pipe line to be affected thereby, and of the mining works or plant affecting the line, proposed to be constructed or operated, giving all reasonable and necessary information and details as to the extent and character of the same.

Protection and safety of the public.

(3) The Board may grant the application upon such terms and conditions for the protection and safety of the public as to the Board seems expedient, and may order that such other works be executed, or measures taken, as under the circumstances appear to the Board best adapted to remove or diminish the danger arising or likely to arise from mining operations.

Board may order compensation in certain cases.

27. A company shall, from time to time, pay to the owner, lessee or occupier of any mines such compensation as the Board shall fix and order to be paid for or by reason of any severance by a company pipe line of the land lying over such mines, or because of the working of the mines being prevented, stopped or interrupted, or because of the mines having to be worked in such manner and under such restrictions as not to injure or be detrimental to the line, and also for any minerals not purchased by the company that cannot be obtained by reason of the construction and operation of its line.

Examination of mine workings.

28. If necessary in order to ascertain whether mines are being worked, or have been worked, so as to injure or be detrimental to a company pipe line or its safety or the safety of the public, a company may, with the written permission of the Board and after giving twenty-four hours' notice in writing, enter upon any lands through or near which its line passes wherein any mines are being worked, and enter into and return from the mines or works connected therewith; and for such purposes the company may make use of any apparatus of the mines and use all necessary means for discovering the distance from its line to the parts of the mines that are being worked.

Extent of Lands that may be Taken.

Lands taken without consent.

29. Subject to section thirty, the lands that may, without the consent of the owner, be taken for the right of way of a company pipe line shall not exceed sixty feet in breadth.

Leave to Take Additional Lands.

Where more ample space required.

30. (1) Where a company at any time requires more ample space than it possesses or may take under section twenty-nine, for the efficient construction, maintenance or operation of a company pipe line or for constructing or taking any works or measures ordered by the Board, it may apply to the Board for authority to take, without the consent of the owner, the additional lands required for such purposes.

Notice to owners.

(2) The company shall give to the owner or possessor of the additional lands required, ten days' notice of its application to the Board, and shall, upon such application, furnish to the Board copies of such notices, with affidavits of the service thereof.

Plans, etc., to be furnished to Board.

(3) The company, upon the application, shall also furnish to the Board such plans, profiles and books of reference and additional information as the Board may require.

Authority from Board.

(4) After the time stated in such notices, and the hearing of such parties interested as may appear, the Board may, in its discretion and upon such terms and conditions as it deems expedient, authorize in writing the taking for the said purposes of the whole or any portion of the lands applied for.

Deposit with registrars of deeds.

(5) Copies of the authorization of the Board and of the plan, profile and book of reference, certified as such by the Secretary of the Board, shall be deposited with the registrars of deeds of the districts or counties in which the lands are situate.

CERTAIN SECTIONS OF THE RAILWAY ACT TO APPLY.

Application of Railway Act.

R.S., c. 170.

31. Sections two hundred and four to two hundred and forty-three, two hundred and forty-five and two hundred and forty-eight of the *Railway Act*, in so far as they are reasonably applicable and not inconsistent with this Act, apply *mutatis mutandis* to companies and their works and undertaking.

CROSSINGS.

Board may grant leave to construct across, etc., highways, etc.

32. (1) The company pipe line of a company may, if leave therefor is first obtained from the Board, be constructed upon, along, under or across any highway, railway, irrigation ditch, underground telegraph, telephone or electric power line, or pipe line.

Plans etc., to be submitted to Board.

(2) Upon any application for such leave, a company shall submit to the Board such plans and profiles and other information as the Board may require.

Board's power.

(3) The Board may, by order, grant the application in whole or in part and upon such terms and conditions as the Board considers proper.

Board may permit certain construction without leave.

(4) The Board may, with reference to any mode of construction mentioned in subsection one, provide by order that leave of the Board is not necessary, if the company pipe line is constructed in accordance with the orders, regulations, plans and specifications made, adopted or approved by the Board for such purposes.

Leave required in most cases.

(5) Except as provided in subsection four, a company pipe line shall not be constructed in any of the modes mentioned in subsection one without leave of the Board under this section.

Leave to construct highways, etc., across line.

33. (1) A highway, private road, railway, irrigation ditch, drain, telegraph, telephone or electric power line, or any pipe line may, by leave of the Board, be constructed upon, along, under or across a company pipe line.

Board's powers.

(2) Upon application for leave, the Board may grant the application in whole or in part and upon such terms and conditions as the Board considers proper.

Diversion of Line.

Board may order diversion.

34. The Board may, upon such terms and conditions as it considers proper, direct a company to divert or relocate its company pipe line if the Board is of the opinion that the diversion or relocation is necessary to facilitate the construction, reconstruction or relocation of a highway or a railway or any other work affecting a public interest.

Operation of Line.

Leave of Board for opening line.

35. No company pipe line and no section thereof shall be opened for the transportation of oil or gas until leave therefor has been obtained from the Board.

Board may order repairs, etc.

36. (1) To promote safety of operation of a company pipe line, the Board may order the company to repair, reconstruct or alter part of the line and may direct that, until the work has been done, such part of the line shall not be used.

Board may regulate respecting safety.

(2) The Board may make orders and regulations providing for the protection of property and the safety of the public and of the company's employees in the operation of a company pipe line.

Weeds.

Company to cut weeds, etc.

37. A company shall cut thistles and all noxious weeds growing on the right of way, and upon the land of the company adjoining its company pipe line, and shall cut down or root out and destroy such thistles and weeds each year before they have sufficiently matured to seed.

Exemptions.

Exemptions.

38. The Board may, either by general regulation or in a particular case, exempt lines within or contiguous to the premises of a refinery, a terminal, including a marine terminal, or a storage depot from any or all of the provisions of this Part relating to location or operation of lines.

Part II—Oil Lines.

Common Carriers.

Part applies to oil lines.

39. This Part applies in respect of company pipe lines for the transportation of oil and to companies operating such lines.

Board may declare companies to be common carriers.

40. The Board may, by order, declare a company to be a common carrier whether the company has or has not acted or held itself out as a common carrier, and the expression "common carrier" in the following sections of this Part means a company that has been declared by the Board to be a common carrier.

Traffic, Tolls and Tariffs.

Board may regulate tolls, etc.

41. The Board may make orders and regulations with respect to all matters relating to traffic, tolls or tariffs.

Duty of common carrier.

42. (1) Subject to such exceptions, conditions or regulations as the Board may prescribe or approve, a common carrier shall, according to its powers, without delay and with due care and diligence, receive, transport and deliver all oil offered for transportation by means of its company pipe line.

Board may order company to provide facilities.

(2) The Board may require a common carrier to provide adequate and suitable facilities for the receiving, transporting and delivering of all oil offered for transportation by means of its company pipe line and adequate and suitable facilities for the storage of oil and the junction of its line with other pipe lines.

Tolls must be approved.

43. A common carrier shall not charge any tolls except tolls specified in a tariff that has been filed with the Board and is in effect.

Equal tolls to be charged.

44. All tolls shall be just and reasonable, and shall always, under substantially similar circumstances and conditions with respect to all traffic of the same description carried over the same route, be charged equally to all persons at the same rate.

Board may disallow and substitute.

45. The Board may disallow any tariff or any portion thereof that it considers to be contrary to any of the provisions of this Act or to any order or regulation of the Board, and may require a company, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed.

Board may suspend.

46. The Board may suspend any tariff or any portion thereof before or after the tariff goes into effect.

Unjust Discrimination.

No discrimination.

47. A common carrier shall not make any unjust discrimination in rates, service or facilities against any person or locality.

Burden of proof.

48. Where it is shown that a common carrier makes any discrimination in rates, service or facilities against any person or locality, the burden of proving that the discrimination is not unjust lies upon the common carrier.

Offence and penalty.

49. (1) A common carrier or shipper or an officer, employee or agent of the common carrier or shipper who,

(a) offers, grants, gives, solicits, accepts or receives a rebate, concession or discrimination, or

(b) knowingly is party or privy to a false billing, false classification, false report or other device,

whereby a person obtains transportation of oil by a common carrier at a less rate than that named in the tariffs then in force, is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

Prosecution by leave.

(2) No prosecution shall be had or instituted for an offence under this section without leave of the Board.

Contracts Limiting Liability.

Contracts, etc., impairing carriers' liability.

50. (1) Except as provided in this section, no contract, condition or notice made or given by a common carrier impairing, restricting or limiting its liability in respect of the transportation of oil shall relieve the common carrier from its liability, unless such class of contract, condition or notice has been first authorized or approved by order or regulation of the Board.

Board may determine limits.

(2) The Board may, in any case or by regulation, determine the extent to which the liability of a common carrier may be so impaired, restricted or limited.

Board may prescribe terms.

(3) The Board may prescribe the terms and conditions under which oil may be carried by a common carrier.

Part III—Gas Lines.

Part applies to gas lines.

51. This Part applies in respect of company pipe lines for the transportation of gas and to companies operating such lines.

Power of Board to order extension of services.

52. Where the Board finds such action necessary or desirable in the public interest, it may direct a company to extend or improve its transportation facilities to provide facilities for the junction of its company pipe line with any pipe line of, and sell gas to, any person or municipality engaged or legally authorized to engage in the local distribution of gas to the public, and for such purposes to construct branch lines to communities immediately adjacent to its company pipe line, if the Board finds that no undue burden will be placed upon the company thereby, but the Board shall have no power to compel a company to sell gas to additional customers if to do so would impair its ability to render adequate service to its existing customers.

Part IV—Accounts

Regulations by Board.

53. The Board may prescribe or make regulations with respect to,

Manner of keeping accounts.

(a) the manner in which the accounts of a company shall be kept;

Depreciation charges.

(b) the classes of property for which depreciation charges may properly be included under operating expenses, and the rate or rates of depreciation that shall be charged with respect to each of such classes of property; and

Uniform system.

(c) a uniform system of accounts applicable to any class of company.

Statistics.

Returns.

54. (1) Every person constructing or operating a pipe line for the transportation of oil or gas shall prepare and furnish to the Board returns of its capital, traffic, revenues, expenses and all other information required by the Board.

Attestation, etc.

(2) The returns required by subsection one shall be signed and attested by such person or persons and shall be made for such periods as the Board may direct.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A4.

An Act respecting Guaranty Trust Company of Canada.

Read a first time, Tuesday, 22nd March, 1949.

Honourable Senator ROEBUCK.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
30799 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A[4].

An Act respecting Guaranty Trust Company of Canada.

Preamble.

1925, c. 65; 1947, c. 90.

WHEREAS Guaranty Trust Company of Canada, a company incorporated by chapter sixty-five of the statutes of 1925, as amended by chapter ninety of the statutes of 1947, has prayed by its petition 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 chapter sixty-five of the statutes of 1925 as amended by section one of chapter ninety of the statutes of 1947 is repealed and the following is substituted therefor:

Capital stock.

"**3.** The capital stock of the Company shall be five million dollars."

Explanatory Notes.

The purpose of the Bill is to authorize an increase in the capital stock of the Company from one million to five million dollars.

Section three of chapter sixty-five of the statutes of 1925, as amended by section one of chapter ninety of the statutes of 1947, reads as follows:—

"**3.** The capital stock of the Company shall be one million dollars."

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[4].

An Act for the relief of Ada Bailen Dubman.

Read a first time, Wednesday, 23rd March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

31278

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[4].

An Act for the relief of Ada Bailen Dubman.

Preamble.

WHEREAS Ada Bailen Dubman, residing at the city of Montreal, in the province of Quebec, manufacturer, wife of Hyman Dubman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twelfth day of December, A.D. 1945, at the city of Westmount, in the said province, she then being Ada Bailen, a widow; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ada Bailen and Hyman Dubman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ada Bailen may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Hyman Dubman had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C4.

An Act for the relief of Sarah Patricia Crowley King.

Read a first time, Wednesday, 23rd March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

31552

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C[4].

An Act for the relief of Sarah Patricia Crowley King.

Preamble.

WHEREAS Sarah Patricia Crowley King, residing at the city of Ottawa, in the province of Ontario, charwoman, wife of Patrick John King, who is domiciled in Canada and residing at the city of Verdun, in the province of Quebec, has by her petition alleged that they were married on the twenty-third day of January, A.D. 1931, at the said city of Ottawa, she then being Sarah Patricia Crowley, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Sarah Patricia Crowley and Patrick John King, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Sarah Patricia Crowley may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Patrick John King had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[4].

An Act for the relief of Lola Dulcenia Hill Morton.

Read a first time, Wednesday, 23rd March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

30951

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[4].

An Act for the relief of Lola Dulcenia Hill Morton.

Preamble.

WHEREAS Lola Dulcenia Hill Morton, residing at the city of Ottawa, in the province of Ontario, wife of William Morrison Morton, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the seventh day of September, A.D. 1936, at the city of Vancouver, in the province of British Columbia, she then being Lola Dulcenia Hill, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lola Dulcenia Hill and William Morrison Morton, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lola Dulcenia Hill may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Morrison Morton had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E4.

An Act for the relief of Hilda Hodgkinson Connolly.

Read a first time, Wednesday, 23rd March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

30628

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E[4].

An Act for the relief of Hilda Hodgkinson Connolly.

Preamble.

WHEREAS Hilda Hodgkinson Connolly, residing at the city of Montreal, in the province of Quebec, secretary, wife of Albert Patrick Connolly, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the ninth day of April, A.D. 1930, at the said city, she then being Hilda Hodgkinson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Hilda Hodgkinson and Albert Patrick Connolly, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Hilda Hodgkinson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Albert Patrick Connolly had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F[4].

An Act for the relief of Norma Thompson Farrell.

Read a first time, Wednesday, 23rd March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

31107

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F[4].

An Act for the relief of Norma Thompson Farrell.

Preamble.

WHEREAS Norma Thompson Farrell, residing at the city of Montreal, in the province of Quebec, secretary, wife of Thomas Philip Farrell, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the first day of September, A.D. 1945, at the said city, she then being Norma Thompson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Norma Thompson and Thomas Philip Farrell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Norma Thompson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Thomas Philip Farrell had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G[4].

An Act for the relief of Harold Charles Boyes.

Read a first time, Wednesday, 23rd March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

31424

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G[4].

An Act for the relief of Harold Charles Boyes.

Preamble.

WHEREAS Harold Charles Boyes, domiciled in Canada and residing at the city of Outremont, in the province of Quebec, accountant, has by his petition alleged that on the eighteenth day of June, A.D. 1938, at the city of Montreal, in the said province, he and Elizabeth Doris Whelan, who was then of the said city of Outremont, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Harold Charles Boyes and Elizabeth Doris Whelan, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Harold Charles Boyes may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Elizabeth Doris Whelan had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[4].

An Act for the relief of Sophie Goldenberg Kovacs Feldheim.

Read a first time, Wednesday, 23rd March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

31099

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[4].

An Act for the relief of Sophie Goldenberg Kovacs Feldheim.

Preamble.

WHEREAS Sophie Goldenberg Kovacs Feldheim, residing at the city of Montreal, in the province of Quebec, operator, wife of Sandor Kovacs Feldheim, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirteenth day of August, A.D. 1947, at the said city, she then being Sophie Goldenberg, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Sophie Goldenberg and Sandor Kovacs Feldheim, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Sophie Goldenberg may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Sandor Kovacs Feldheim had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[4].

An Act for the relief of Eva Brolofsky Richman.

Read a first time, Wednesday, 23rd March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

30923

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[4].

An Act for the relief of Eva Brolofsky Richman.

Preamble.

WHEREAS Eva Brolofsky Richman, residing at the city of Montreal, in the province of Quebec, waitress, wife of Archibald Jacob Richman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-sixth day of May, A.D. 1934, at the said city, she then being Eva Brolofsky, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eva Brolofsky and Archibald Jacob Richman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eva Brolofsky may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Archibald Jacob Richman had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[4].

An Act for the relief of Arland Farmer Webster.

Read a first time, Wednesday, 23rd March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

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

31532

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[4].

An Act for the relief of Arland Farmer Webster.

Preamble.

WHEREAS Arland Farmer Webster, domiciled in Canada and residing at the village of Sutton, in the province of Quebec, electrician, has by his petition alleged that on the sixteenth day of April, A.D. 1938, at Brome, in the said province, he and Glenna Annie Wilson, who was then of Sutton Junction, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Arland Farmer Webster and Glenna Annie Wilson, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Arland Farmer Webster may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Glenna Annie Wilson had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K[4].

An Act for the relief of Wynifred Guinevere Withrow Couch.

Read a first time, Wednesday, 23rd March, 1949.

The Honourable the Chairman of the Committee on Divorce.

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

30955

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K[4].

An Act for the relief of Wynifred Guinevere Withrow Couch.

Preamble.

WHEREAS Wynifred Guinevere Withrow Couch, residing at the village of Bronte, in the province of Ontario, wife of Dixon Browning Couch, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the thirteenth day of September, A.D. 1932, at the said city, she then being Wynifred Guinevere Withrow, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Wynifred Guinevere Withrow and Dixon Browning Couch, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Wynifred Guinevere Withrow may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Dixon Browning Couch had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[4].

An Act for the relief of Dorothy Ruth Ogilvie.

Read a first time, Wednesday, 23rd March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

30947

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[4].

An Act for the relief of Dorothy Ruth Ogilvie.

Preamble.

WHEREAS Dorothy Ruth Ogilvie, residing at the city of Ottawa, in the province of Ontario, sales clerk, wife of James Wallace Ogilvie, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the twenty-second day of July, A.D. 1939, at the town of Kirkland Lake, in the said province of Ontario, she then being Dorothy Ruth Short, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy Ruth Short and James Wallace Ogilvie, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy Ruth Short may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Wallace Ogilvie had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M4.

An Act for the relief of Dorothy Edith Croft Douglas.

Read a first time, Wednesday, 23rd March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31544

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M[4].

An Act for the relief of Dorothy Edith Croft Douglas.

Preamble.

WHEREAS Dorothy Edith Croft Douglas, residing at the city of Ottawa, in the province of Ontario, stenographer, wife of William Lancelot Douglas, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the tenth day of September, A.D. 1943, at the said city of Ottawa, she then being Dorothy Edith Croft, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy Edith Croft and William Lancelot Douglas, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy Edith Croft may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Lancelot Douglas had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N4.

An Act for the relief of Corinne Schlein Gottlieb.

Read a first time, Wednesday, 23rd March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

29426

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N[4].

An Act for the relief of Corinne Schlein Gottlieb.

Preamble.

WHEREAS Corinne Schlein Gottlieb, residing at the city of Montreal, in the province of Quebec, wife of Rudolf Gottlieb, who is domiciled in Canada and residing at the city of London, England, has by her petition alleged that they were married on the eleventh day of June, A.D. 1925, at the said city of Montreal, she then being Corinne Schlein, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Corinne Schlein and Rudolf Gottlieb, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Corinne Schlein may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Rudolf Gottlieb had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O[4].

An Act for the relief of Zelma Alexander Singer.

Read a first time, Wednesday, 23rd March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

28761

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O[4].

An Act for the relief of Zelma Alexander Singer.

Preamble.

WHEREAS Zelma Alexander Singer, residing at the city of Montreal, in the province of Quebec, secretary, wife of Charles Carl Singer, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-fifth day of June, A.D. 1944, at the city of Toronto, in the province of Ontario, she then being Zelma Alexander, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Zelma Alexander and Charles Carl Singer, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Zelma Alexander may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Carl Singer had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P4.

An Act for the relief of Katherine Adamakos Koussaya.

Read a first time, Wednesday, 23rd March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
30632 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P[4].

An Act for the relief of Katherine Adamakos Koussaya.

Preamble.

WHEREAS Katherine Adamakos Koussaya, residing at the city of Montreal, in the province of Quebec, cashier, wife of Edmond Gabriel Koussaya, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the tenth day of June, A.D. 1947, at the said city, she then being Katherine Adamakos, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Katherine Adamakos and Edmond Gabriel Koussaya, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Katherine Adamkos may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edmond Gabriel Koussaya had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[4].

An Act for the relief of Margaret Hyams Boldovitch.

Read a first time, Thursday, 24th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31258

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[4].

An Act for the relief of Margaret Hyams Boldovitch.

Preamble.

WHEREAS Margaret Hyams Boldovitch, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Louis Boldovitch, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the tenth day of April, A.D. 1938, at the said city, she then being Margaret Hyams, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Hyams and Louis Boldovitch, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Hyams may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Louis Boldovitch had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R4.

An Act for the relief of Frederick Cecil Carratt.

Read a first time, Thursday, 24th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31572

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[4].

An Act for the relief of Frederick Cecil Carratt.

Preamble.

WHEREAS Frederick Cecil Carratt, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, superintendent, has by his petition alleged that on the eighth day of October, A.D. 1930, at the city of Verdun, in the said province, he and Mary Ann Kidd, who was then of the said city of Montreal, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Frederick Cecil Carratt and Mary Ann Kidd, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Frederick Cecil Carratt may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Mary Ann Kidd had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S4.

An Act for the relief of Anne Harris Shefler.

Read a first time, Thursday, 24th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

32429

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[4].

An Act for the relief of Anne Harris Shefler.

Preamble.

WHEREAS Anne Harris Shefler, residing at the city of Montreal, in the province of Quebec, wife of George William Shefler, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twelfth day of March, A.D. 1931, at the said city, she then being Anne Harris, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Anne Harris and George William Shefler, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Anne Harris may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George William Shefler had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T4.

An Act for the relief of Virginia Therese Scott Gillespie.

Read a first time, Thursday, 24th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31298

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T[4].

An Act for the relief of Virginia Therese Scott Gillespie.

Preamble.

WHEREAS Virginia Therese Scott Gillespie, residing at the city of Montreal, in the province of Quebec, copy writer, wife of Howard Evans Gillespie, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirtieth day of September, A.D. 1939, at the city of Calgary, in the province of Alberta, she then being Virginia Therese Scott, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Virginia Therese Scott and Howard Evans Gillespie, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Virginia Therese Scott may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Howard Evans Gillespie had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U[4].

An Act for the relief of Ruth Ellen Jones Palamar.

Read a first time, Thursday, 24th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

30640

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U[4].

An Act for the relief of Ruth Ellen Jones Palamar.

Preamble.

WHEREAS Ruth Ellen Jones Palamar, residing at the city of Montreal, in the province of Quebec, cashier, wife of Maurice Palamar, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirty-first day of August, A.D. 1940, at the said city, she then being Ruth Ellen Jones, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ruth Ellen Jones and Maurice Palamar, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ruth Ellen Jones may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Maurice Palamar had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V4.

An Act for the relief of Ida Ker Davies Kinnon.

Read a first time, Thursday, 24th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

30379

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V[4].

An Act for the relief of Ida Ker Davies Kinnon.

Preamble.

WHEREAS Ida Ker Davies Kinnon, residing at the city of Montreal, in the province of Quebec, clerk, wife of William Harold Robert Kinnon, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighth day of July, A.D. 1944, at the said city, she then being Ida Ker Davies, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ida Ker Davies and William Harold Robert Kinnon, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ida Ker Davies may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Harold Robert Kinnon had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W4.

An Act for the relief of Arthur Filteau.

Read a first time, Thursday, 24th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31596

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W[4].

An Act for the relief of Arthur Filteau.

Preamble.

WHEREAS Arthur Filteau, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, constable, has by his petition alleged that on the twelfth day of January, A.D. 1931, at the said city, he and Yvette Fecteau, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Arthur Filteau and Yvette Fecteau, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Arthur Filteau may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Yvette Fecteau had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[4].

An Act for the relief of Karl Kastner.

Read a first time, Thursday, 24th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31306

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[4].

An Act for the relief of Karl Kastner.

Preamble.

WHEREAS Karl Kastner, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, manager, has by his petition alleged that on the second day of April, A.D. 1944, at the said city, he and Claire Katz, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Karl Kastner and Claire Katz, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Karl Kastner may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Claire Katz had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y4.

An Act for the relief of Mary Elizabeth Wilson Taylor.

Read a first time, Thursday, 24th Marsh, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STMTIONERY
1949

31937

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y4.

An Act for the relief of Mary Elizabeth Wilson Taylor.

Preamble.

WHEREAS Mary Elizabeth Wilson Taylor, residing at the city of Montreal, in the province of Quebec, model, wife of William Graeme Taylor, who is domiciled in Canada and residing at the town of Foster, in the said province, has by her petition alleged that they were married on the eighteenth day of February, A.D. 1941, at the village of Knowlton, in the said province, she then being Mary Elizabeth Wilson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Elizabeth Wilson and William Graeme Taylor, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Elizabeth Wilson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Graeme Taylor had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z4.

An Act for the relief of Jean Martha Spiller Little.

Read a first time, Thursday, 24th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

28948

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[4].

An Act for the relief of Jean Martha Spiller Little.

Preamble.

WHEREAS Jean Martha Spiller Little, residing at the city of Montreal, in the province of Quebec, receptionist, wife of Joseph Gerald Edgar Little, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirty-first day of October, A.D. 1947, at the said city, she then being Jean Martha Spiller, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jean Martha Spiller and Joseph Gerald Edgar Little, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jean Martha Spiller may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Gerald Edgar Little had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A5.

An Act for the relief of Violette Blanche Heuff McKenna.

Read a first time, Thursday, 24th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31294

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A5.

An Act for the relief of Violette Blanche Heuff McKenna.

Preamble.

WHEREAS Violette Blanche Heuff McKenna, residing at the city of Montreal, in the province of Quebec, sales clerk, wife of Harold Emmett McKenna, who is domiciled in Canada and residing at the city of Sherbrooke, in the said province, has by her petition alleged that they were married on the twentieth day of June, A.D. 1942, at the said city of Sherbrooke, she then being Violette Blanche Heuff, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Violette Blanche Heuff and Harold Emmett McKenna, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Violette Blanche Heuff may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Harold Emmett McKenna had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B5.

An Act for the relief of Dorothy Elizabeth Amos Nicol.

Read a first time, Thursday, 24th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
33250 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[5].

An Act for the relief of Dorothy Elizabeth Amos Nicol.

Preamble.

WHEREAS Dorothy Elizabeth Amos Nicol, residing at the city of Vancouver, in the province of British Columbia, wife of Cecil James Nicol, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the eighteenth day of August, A.D. 1934, at the city of Toronto, in the province of Ontario, she then being Dorothy Elizabeth Amos, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy Elizabeth Amos and Cecil James Nicol, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy Elizabeth Amos may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Cecil James Nicol had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C5.

An Act for the relief of George Henry Burney.

Read a first time, Thursday, 24th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
32453 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C5.

An Act for the relief of George Henry Burney.

Preamble.

WHEREAS George Henry Burney, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, fitter, has by his petition alleged that on the thirteenth day of November, A.D. 1926, at the said city, he and Rita Gertrude Verge, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between George Henry Burney and Rita Gertrude Verge, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said George Henry Burney may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Rita Gertrude Verge had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D5.

An Act for the relief of Leonne Dufresne Patenaude.

Read a first time, Thursday, 24th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

33254

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[5].

An Act for the relief of Leonne Dufresne Patenaude.

Preamble.

WHEREAS Leonne Dufresne Patenaude, residing at the city of Montreal, in the province of Quebec, wife of Rene Patenaude, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-first day of October, A.D. 1929, at the parish of St. Lambert, in the said province, she then being Leonne Dufresne, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Leonne Dufresne and Rene Patenaude, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Leonne Dufresne may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Rene Patenaude had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E5.

An Act for the relief of Audrey Blanche Duncan Myers.

Read a first time, Thursday, 24th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31689

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E[5].

An Act for the relief of Audrey Blanche Duncan Myers.

Preamble.

WHEREAS Audrey Blanche Duncan Myers, residing at the city of Montreal, in the province of Quebec, secretary, wife of Richard Myers, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twentieth day of March, A.D. 1943, at the said city, she then being Audrey Blanche Duncan, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Audrey Blanche Duncan and Richard Myers, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Audrey Blanche Duncan may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Richard Myers had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F5.

An Act for the relief of Brenda Denise Fuller Martin.

Read a first time, Friday, 25th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31230

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F5.

An Act for the relief of Brenda Denise Fuller Martin.

Preamble.

WHEREAS Brenda Denise Fuller Martin, residing at the city of Montreal, in the province of Quebec, demonstrator, wife of Warren Graydon Martin, who is domiciled in Canada and residing at the city of Drummondville, in the said province, has by her petition alleged that they were married on the twenty-eighth day of October, A.D. 1944, at the city of Westminster, England, she then being Brenda Denise Fuller Slater, a widow; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Brenda Denise Fuller Slater and Warren Graydon Martin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Brenda Denise Fuller Slater may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Warren Graydon Martin had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G5.

An Act for the relief of Suzanne Gundermann Wallis.

Read a first time, Friday, 25th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31693

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G[5].

An Act for the relief of Suzanne Gundermann Wallis.

Preamble.

WHEREAS Suzanne Gundermann Wallis, residing at the city of Montreal, in the province of Quebec, sales supervisor, wife of Bernard Val Clifford Wallis, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the sixth day of September, A.D. 1944, at the said city, she then being Suzanne Gundermann, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Suzanne Gundermann and Bernard Val Clifford Wallis, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Suzanne Gundermann may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Bernard Val Clifford Wallis had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[5].

An Act for the relief of Margaret Ellen Joan Clayton Dullege.

Read a first time, Friday, 25th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

30648

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[5].

An Act for the relief of Margaret Ellen Joan Clayton Dullege.

Preamble.

WHEREAS Margaret Ellen Joan Clayton Dullege, residing at the city of Aldershot, England, wife of Forest Frederick Dullege, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the fifth day of April, A.D. 1941, at the said city of Aldershot, she then being Margaret Ellen Joan Clayton, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Ellen Joan Clayton and Forest Frederick Dullege, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Ellen Joan Clayton may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Forest Frederick Dullege had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[5].

An Act for the relief of Laura Goldstein Rosen.

Read a first time Friday, 25th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

30214

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[5].

An Act for the relief of Laura Goldstein Rosen.

Preamble.

WHEREAS Laura Goldstein Rosen, residing at the city of Montreal, in the province of Quebec, button sewer, wife of Solly Rosen, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twentieth day of June, A.D. 1944, at the said city, she then being Laura Goldstein, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Laura Goldstein and Solly Rosen, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Laura Goldstein may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Solly Rosen had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J5.

An Act for the relief of Doris Mazer Goldsmith.

Read a first time, Friday, 25th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

30226

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[5].

An Act for the relief of Doris Mazer Goldsmith.

Preamble.

WHEREAS Doris Mazer Goldsmith, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Edward Sol Goldsmith, who is domiciled in Canada and residing at the city of Outremont, in the said province, has by her petition alleged that they were married on the fifth day of January, A.D. 1946, at the said city of Montreal, she then being Doris Mazer, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Doris Mazer and Edward Sol Goldsmith, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Doris Mazer may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edward Sol Goldsmith had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K5.

An Act for the relief of Marjorie Violet Schratwiser Cadham.

Read a first time, Friday, 25th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

29630

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K[5].

An Act for the relief of Marjorie Violet Schratwiser Cadham.

Preamble.

WHEREAS Marjorie Violet Schratwiser Cadham, residing at the city of Montreal, in the province of Quebec, hairdresser, wife of Joseph Gibbons Cadham, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the seventeenth day of February, A.D. 1934, at the said city, she then being Marjorie Violet Schratwiser, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marjorie Violet Schratwiser and Joseph Gibbons Cadham, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marjorie Violet Schratwiser may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Gibbons Cadham had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L5.

An Act for the relief of Ross Robert Baskin.

Read a first time, Friday, 25th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

30935

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[5].

An Act for the relief of Ross Robert Baskin.

Preamble.

WHEREAS Ross Robert Baskin, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, mechanic, has by his petition alleged that on the twenty-second day of January, A.D. 1945, at the said city, he and Elizabeth Loreta Memory, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ross Robert Baskin and Elizabeth Loreta Memory, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ross Robert Baskin may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Elizabeth Loreta Memory had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M5.

An Act for the relief of Ann Frances Gray Hirst.

Read a first time, Friday, 25th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31697

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M[5].

An Act for the relief of Ann Frances Gray Hirst.

Preamble.

WHEREAS Ann Frances Gray Hirst, residing at the town of Dartmouth, in the province of Nova Scotia, packer, wife of William Bernard Hirst, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the eighth day of May, A.D. 1943, at the said town, she then being Ann Frances Gray, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ann Frances Gray and William Bernard Hirst, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ann Frances Gray may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Bernard Hirst had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N5.

An Act for the relief of Effie Violet Mugford Knox.

Read a first time, Friday, 25th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

30103

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N5.

An Act for the relief of Effie Violet Mugford Knox.

Preamble.

WHEREAS Effie Violet Mugford Knox, residing at the town of East Greenfield Park, in the province of Quebec, typist, wife of William Irwin Clifford Knox, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-third day of May, A.D. 1943, at Chambly Canton, in the said province, she then being Effie Violet Mugford, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Effie Violet Mugford and William Irwin Clifford Knox, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Effie Violet Mugford may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Irwin Clifford Knox had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O[5].

An Act for the relief of Freda Hersch Nishmas.

Read a first time, Friday, 25th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31071

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O[5].

An Act for the relief of Freda Hersch Nishmas.

Preamble.

WHEREAS Freda Hersch Nishmas, residing at the city of Montreal, in the province of Quebec, surgical helper, wife of Morris Nishmas, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-ninth day of March, A.D. 1925, at the said city, she then being Freda Hersch, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Freda Hersch and Morris Nishmas, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Freda Hersch may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Morris Nishmas had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P5.

An Act for the relief of Mildred Davidon Liberman.

Read a first time, Friday, 25th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31115

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P5.

An Act for the relief of Mildred Davidon Liberman.

Preamble.

WHEREAS Mildred Davidon Liberman, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Max Liberman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighth day of February, A.D. 1942, at the said city, she then being Mildred Davidon, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mildred Davidon and Max Liberman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mildred Davidon may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Max Liberman had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q5.

An Act for the relief of Raymond Joseph Louis Guay.

Read a first time, Friday, 25th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31600

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[5].

An Act for the relief of Raymond Joseph Louis Guay.

Preamble.

WHEREAS Raymond Joseph Louis Guay, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, bus driver, has by his petition alleged that on the sixth day of July, A.D. 1940, at the said city, he and Margaret Nellie Irene Smith, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Raymond Joseph Louis Guay and Margaret Nellie Irene Smith, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Raymond Joseph Louis Guay may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Margaret Nellie Irene Smith had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R5.

An Act for the relief of Hyman Herbert Schwartz.

Read a first time, Friday, 25th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31274

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[5].

An Act for the relief of Hyman Herbert Schwartz.

Preamble.

WHEREAS Hyman Herbert Schwartz, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, surgeon dentist, has by his petition alleged that on the thirty-first day of December, A.D. 1944, at the city of Westmount, in the said province, he and Eileen Margaret Tobias, who was then of the said city of Montreal, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Hyman Herbert Schwartz and Eileen Margaret Tobias, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Hyman Herbert Schwartz may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Eileen Margaret Tobias had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[5].

An Act for the relief of Dorothy Mary Ward Bryant.

Read a first time, Friday, 25th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31119

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[5].

An Act for the relief of Dorothy Mary Ward Bryant.

Preamble.

WHEREAS Dorothy Mary Ward Bryant, residing at the city of Montreal, in the province of Quebec, typist, wife of Thomas Gerald Bryant, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the sixth day of September, A.D. 1941, at the said city, she then being Dorothy Mary Ward, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy Mary Ward and Thomas Gerald Bryant, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy Mary Ward may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Thomas Gerald Bryant had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T5.

An Act for the relief of Audrey Frances Stokes Lambert.

Read a first time, Friday, 25th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31568

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T[5].

An Act for the relief of Audrey Frances Stokes Lambert.

Preamble.

WHEREAS Audrey Frances Stokes Lambert, residing at the city of Montreal, in the province of Quebec, salesclerk, wife of Victor Todd Joseph Lambert, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twelfth day of July, A.D. 1941, at Sutton, in the district of Surrey Mid-Eastern, in the county of Surrey, England, she then being Audrey Frances Stokes, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Audrey Frances Stokes and Victor Todd Joseph Lambert, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Audrey Frances Stokes may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Victor Todd Joseph Lambert had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U5.

An Act for the relief of Marie Katherine O'Connell Ball.

Read a first time, Friday, 25th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
29304 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U[5].

An Act for the relief of Marie Katherine O'Connell Ball.

Preamble.

WHEREAS Marie Katherine O'Connell Ball, residing at the city of Verdun, in the province of Quebec, clerk, wife of Leonard James Ball, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twentieth day of June, A.D. 1935, at the city of Moncton, in the province of New Brunswick, she then being Marie Katherine O'Connell, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marie Katherine O'Connell and Leonard James Ball, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marie Katherine O'Connell may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Leonard James Ball had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V5.

An Act for the relief of Stephen Henry Jones.

Read a first time, Friday, 25th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

29548

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V[5].

An Act for the relief of Stephen Henry Jones.

Preamble.

WHEREAS Stephen Henry Jones, domiciled in Canada and residing at the village of Sabrevois, in the province of Quebec, industrialist, has by his petition alleged that on the ninth day of July, A.D. 1937, at the city of Montreal, in the said province, he and Edris Gloria Bruneau, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Stephen Henry Jones and Edris Gloria Bruneau, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Stephen Henry Jones may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Edris Gloria Bruneau had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W5.

An Act for the relief of Diane Grossman Botner.

Read a first time, Monday, 28th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31709

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W5.

An Act for the relief of Diane Grossman Botner.

Preamble.

WHEREAS Diane Grossman Botner, residing at the city of Montreal, in the province of Quebec, wife of Morris Botner, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-sixth day of March, A.D. 1939, at the city of Westmount, in the said province, she then being Diane Grossman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Diane Grossman and Morris Botner, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Diane Grossman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Morris Botner had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[5].

An Act for the relief of Rosina Templeton McIndoe Corliss.

Read a first time, Monday, 28th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31087

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[5].

An Act for the relief of Rosina Templeton McIndoe Corliss.

Preamble.

WHEREAS Rosina Templeton McIndoe Corliss, residing at the city of Ottawa, in the province of Ontario, registered nurse, wife of Reginald Corliss, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the seventeenth day of September, A.D. 1943, at the city of Westmount, in the said province of Quebec, she then being Rosina Templeton McIndoe, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Rosina Templeton McIndoe and Reginald Corliss, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Rosina Templeton McIndoe may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Reginald Corliss had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y5.

An Act for the relief of Lily Tansky Dratofsky.

Read a first time, Monday, 28th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31588

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y[5].

An Act for the relief of Lily Tansky Dratofsky.

Preamble.

WHEREAS Lily Tansky Dratofsky, residing at the city of Montreal, in the province of Quebec, wife of Max Dratofsky, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the sixth day of August, A.D. 1933, at the said city, she then being Lily Tansky, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lily Tansky and Max Dratofsky, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lily Tanksy may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Max Dratofsky had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z5.

An Act for the relief of Anna Rosemarin Barsuk.

Read a first time, Monday, 28th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

29634

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[5].

An Act for the relief of Anna Rosemarin Barsuk.

Preamble.

WHEREAS Anna Rosemarin Barsuk, residing at the city of Montreal, in the province of Quebec, wife of Samuel Barsuk, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourteenth day of March, A.D. 1922, at the city of Luck, Poland, she then being Anna Rosemarin, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Anna Rosemarin and Samuel Barsuk, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Anna Rosemarin may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Samuel Barsuk had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A6.

An Act for the relief of Christy Margaret Chisholm Cook.

Read a first time, Monday, 28th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
32449 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL A[6].

An Act for the relief of Christy Margaret Chisholm Cook.

Preamble.

WHEREAS Christy Margaret Chisholm Cook, residing at the city of Montreal, in the province of Quebec, school teacher, wife of George Elliott Whitman Cook, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-fifth day of June, A.D. 1928, at the town of Lachute, in the said province, she then being Christy Margaret Chisholm, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Christy Margaret Chisholm and George Elliott Whitman Cook, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Christy Margaret Chisholm may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Elliott Whitman Cook had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B6.

An Act for the relief of Maud Ross Travers.

Read a first time, Monday, 28th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31083

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[6].

An Act for the relief of Maud Ross Travers.

Preamble.

WHEREAS Maud Ross Travers, residing at the town of Amherst, in the province of Nova Scotia, wife of Harry (Henry) Willington Travers, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the fifteenth day of August, A.D. 1927, at the village of Hopetown, in the said province of Quebec, she then being Maud Ross, a spinster; and where as by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Maud Ross and Harry (Henry) Willington Travers, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Maud Ross may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Harry (Henry) Willington Travers had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C6.

An Act for the relief of Mary McDowell Hyslop Forbes Cahill.

Read a first time, Monday, 28th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
31262 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C6.

An Act for the relief of Mary McDowell Hyslop Forbes Cahill.

Preamble.

WHEREAS Mary McDowell Hyslop Forbes Cahill, residing at the city of Verdun, in the province of Quebec, wife of James Joseph Cahill, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the seventh day of November, A.D. 1930, at the said city, she then being Mary McDowell Hyslop Forbes, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary McDowell Hyslop Forbes and James Joseph Cahill, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary McDowell Hyslop Forbes may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Joseph Cahill had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[6].

An Act for the relief of William Jackson.

Read a first time, Monday, 28th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

30371

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[6].

An Act for the relief of William Jackson.

Preamble.

WHEREAS William Jackson, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, marine engineer, has by his petition alleged that on the sixth day of February, A.D. 1937, at the said city, he and Jean Manning, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between William Jackson and Jean Manning, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said William Jackson may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Jean Manning had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E6.

An Act for the relief of Vera Mildred Holley Martel.

Read a first time, Monday, 28th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
33363 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E[6].

An Act for the relief of Vera Mildred Holley Martel.

Preamble.

WHEREAS Vera Mildred Holley Martel, residing at the city of Toronto, in the province of Ontario, dietitian, wife of Paul Napoleon Martel, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the eleventh day of July, A.D. 1918, in the district of Elham, in the county of Kent, England, she then being Vera Mildred Holley, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Vera Mildred Holley and Paul Napoleon Martel, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Vera Mildred Holley may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Paul Napoleon Martel had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F6.

An Act for the relief of Ruth Gorofsky Hall.

Read a first time, Monday, 28th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

33367

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F[6].

An Act for the relief of Ruth Gorofsky Hall.

Preamble.

WHEREAS Ruth Gorofsky Hall, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Issie Hall, who is domiciled in Canada and residing at the the said city, has by her petition alleged that they were married on the eighth day of October, A.D. 1939, at the said city, she then being Ruth Gorofsky, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ruth Gorofsky and Issie Hall, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ruth Gorofsky may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Issie Hall had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G6.

An Act for the relief of Rita Latour Shugar.

Read a first time, Monday, 28th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31420

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G[6].

An Act for the relief of Rita Latour Shugar.

Preamble.

WHEREAS Rita Latour Shugar, residing at the city of Montreal, in the province of Quebec, waitress, wife of Morris Shugar, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the sixteenth day of September, A.D. 1943, at the said city, she then being Rita Latour, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Rita Latour and Morris Shugar, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Rita Latour may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Morris Shugar had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[6].

An Act for the relief of Margaret Martin Stewart Scofield.

Read a first time, Monday, 28th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

30218

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[6].

An Act for the relief of Margaret Martin Stewart Scofield.

Preamble.

WHEREAS Margaret Martin Stewart Scofield, residing at the city of Montreal, in the province of Quebec, assembler, wife of Leonard James Scofield, who is domiciled in Canada and residing at the town of Montreal North, in the said province, has by her petition alleged that they were married on the twenty-second day of March, A.D. 1941, at the said city, she then being Margaret Martin Stewart, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Martin Stewart and Leonard James Scofield, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Martin Stewart may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Leonard James Scofield had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[6].

An Act for the relief of Robert William Goudie.

Read a first time, Wednesday, 30th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

30915

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL I[6].

An Act for the relief of Robert William Goudie.

Preamble.

WHEREAS Robert William Goudie, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, truck driver, has by his petition alleged that on the seventeenth day of June, A.D. 1939, at the said city, he and Pearl Helen Rakes, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Robert William Goudie and Pearl Helen Rakes, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Robert William Goudie may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Pearl Helen Rakes had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J6.

An Act for the relief of Nancy Catherine Harrison Moore.

Read a first time, Wednesday, 30th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

32441

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL J[6].

An Act for the relief of Nancy Catherine Harrison Moore.

Preamble.

WHEREAS Nancy Catherine Harrison Moore, residing at the city of Verdun, in the province of Quebec, clerk, wife of Edward William Moore, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the first day of February, A.D. 1944, at the city of Montreal, in the said province, she then being Nancy Catherine Harrison, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Nancy Catherine Harrison and Edward William Moore, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Nancy Catherine Harrison may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edward William Moore had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K6.

An Act for the relief of Claire Wiseman Grynberg.

Read a first time Wednesday, 30th March, 1949.

The Honorable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

28952

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL K[6].

An Act for the relief of Claire Wiseman Grynberg.

Preamble.

WHEREAS Claire Wiseman Grynberg, residing at the city of Montreal, in the province of Quebec, bookkeeper, wife of Mojzesz Grynberg, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the first day of November, A.D. 1945, at the city of Westminster, England, she then being Claire Wiseman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Claire Wiseman and Mojzesz Grynberg, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Claire Wiseman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Mojzesz Grynberg had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[6].

An Act for the relief of Claire Breitman Elias.

Read a first time, Wednesday, 30th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

33628

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL L[6].

An Act for the relief of Claire Breitman Elias.

Preamble.

WHEREAS Claire Breitman Elias, residing at the city of Montreal, in the province of Quebec, wife of Abraham Elias, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-first day of June, A.D. 1942, at the said city, she then being Claire Breitman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Claire Breitman and Abraham Elias, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Claire Breitman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Abraham Elias had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M6.

An Act for the relief of Lillian Florence Katherine Kaye Kulik.

Read a first time, Wednesday, 30th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

32725

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL M[6].

An Act for the relief of Lillian Florence Katherine Kaye Kulik.

Preamble.

WHEREAS Lillian Florence Katherine Kaye Kulik, residing at the city of Montreal, in the province of Quebec, typist, wife of Ananias Kulik, who is domiciled in Canada and residing at the city of Verdun, in the said province, has by her petition alleged that they were married on the fourteenth day of November, A.D. 1942, at the said city of Montreal, she then being Lillian Florence Katherine Kaye, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lillian Florence Katherine Kaye and Ananias Kulik, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lillian Florence Katherine Kaye may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ananias Kulik had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N6.

An Act for the relief of Freda Siminovitch Mosessohn.

Read a first time, Wednesday, 30th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31945

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL N^{6}.

An Act for the relief of Freda Siminovitch Mosessohn.

Preamble.

WHEREAS Freda Siminovitch Mosessohn, residing at the city of Outremont, in the province of Quebec, hairdresser, wife of Samuel Mosessohn, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the tenth day of April, A.D. 1927, at the said city of Montreal, she then being Freda Siminovitch, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Freda Siminovitch and Samuel Mosessohn, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Freda Siminovitch may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Samuel Mosessohn had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O⁶.

An Act for the relief of Agathe Groulx Grenier.

Read a first time, Wednesday, 30th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31705

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL O⁶.

An Act for the relief of Agathe Groulx Grenier.

Preamble.

WHEREAS Agathe Groulx Grenier, residing at the city of Montreal, in the province of Quebec, wife of Edgar Grenier, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifteenth day of May, A.D. 1929, at the said city, she then being Agathe Groulx, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Agathe Groulx and Edgar Grenier, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Agathe Groulx may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edgar Grenier had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P6.

An Act for the relief of Pamela Mabel Mackrory Cameron.

Read a first time, Wednesday, 30th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

32550

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL P[6].

An Act for the relief of Pamela Mabel Mackrory Cameron.

Preamble.

WHEREAS Pamela Mabel Mackrory Cameron, residing at the borough of Slough, in the county of Buckingham, England, wife of Ian George Cameron, who is domiciled in Canada and residing at the city of Verdun, in the province of Quebec, has by her petition alleged that they were married on the twenty-eighth day of August, A.D. 1943, at the parish of Farnham Royal, in the said county, she then being Pamela Mabel Mackrory, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Pamela Mabel Mackrory and Ian George Cameron, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Pamela Mabel Mackrory may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ian George Cameron had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[6].

An Act for the relief of Muriel Fishman Schmelz.

Read a first time, Wednesday, 30th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

30115

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Q[6].

An Act for the relief of Muriel Fishman Schmelz.

Preamble.

WHEREAS Muriel Fishman Schmelz, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Herbert Felix Schmelz, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twelfth day of November, A.D. 1946, at the said city, she then being Muriel Fishman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Muriel Fishman and Herbert Felix Schmelz, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Muriel Fishman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Herbert Felix Schmelz had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[6].

An Act for the relief of Virgile Zenor Joseph Poncelet.

Read a first time, Wednesday, 30th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

29528

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL R[6].

An Act for the relief of Virgile Zenor Joseph Poncelet.

Preamble.

WHEREAS Virgile Zenor Joseph Poncelet, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, restaurateur, has by his petition alleged that on the twenty-fourth day of April, A.D. 1933, at the said city, he and Marie Graziella Theodora Vaillancourt, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Virgile Zenor Joseph Poncelet and Marie Graziella Theodora Vaillancourt, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Virgile Zenor Joseph Poncelet may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Graziella Theodora Vaillancourt had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S6.

An Act for the relief of Mary Besner Bray.

Read a first time, Wednesday, 30th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

30123

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL S[6].

An Act for the relief of Mary Besner Bray.

Preamble.

WHEREAS Mary Besner Bray, residing at the city of Lachine, in the province of Quebec, waitress, wife of Leslie William Bray, who is domiciled in Canada and residing at the city of Verdun, in the said province, has by her petition alleged that they were married on the thirty-first day of August, A.D. 1931, at the said city of Lachine, she then being Mary Besner, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Besner and Leslie William Bray, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Besner may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Leslie William Bray had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T6.

An Act for the relief of Philip Wanton Engs.

Read a first time, Wednesday, 30th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
32009 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL T[6].

An Act for the relief of Philip Wanton Engs.

Preamble.

WHEREAS Philip Wanton Engs, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, supervisor, has by his petition alleged that on the fifth day of July, A.D. 1941, at New Richmond, in the said province, he and Jeanne Isobel Kerr, who was then of New Richmond aforesaid, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Philip Wanton Engs and Jeanne Isobel Kerr, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Philip Wanton Engs may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Jeanne Isobel Kerr had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U6.

An Act for the relief of Blanche Marie Yvonne Boissonneau Dunlop.

Read a first time, Wednesday, 30th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31266

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL U[6].

An Act for the relief of Blanche Marie Yvonne Boissonneau Dunlop.

Preamble.

WHEREAS Blanche Marie Yvonne Boissonneau Dunlop, residing at the city of Montreal, in the province of Quebec, wife of William Patterson Dunlop, who is domiciled in Canada and residing at the city of Westmount, in the said province, has by her petition alleged that they were married on the twenty-second day of April, A.D. 1939, at the said city of Montreal, she then being Blanche Marie Yvonne Boissonneau, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Blanche Marie Yvonne Boissonneau and William Patterson Dunlop, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Blanche Marie Yvonne Boissonneau may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Patterson Dunlop had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V6.

An Act for the relief of Najla Tabah Ayoup.

Read a first time, Wednesday, 30th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

32159

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL V⁶.

An Act for the relief of Najla Tabah Ayoup.

Preamble.

WHEREAS Najla Tabah Ayoup, residing at the city of Outremont, in the province of Quebec, wife of Najeep Ayoup, who is domiciled in Canada and residing at the city of Shawinigan Falls, in the said province, has by her petition alleged that they were married on the tenth day of September, A.D. 1944, at the city of Montreal, in the said province, she then being Najla Tabah, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Najla Tabah and Najeep Ayoup, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Najla Tabah may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Najeep Ayoup had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W6.

An Act for the relief of Betsy Bruce Anderson Furlong.

Read a first time, Wednesday, 30th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31701

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL W[6].

An Act for the relief of Betsy Bruce Anderson Furlong.

Preamble.

WHEREAS Betsy Bruce Anderson Furlong, residing at the city of Westmount, in the province of Quebec, cook, wife of Richard Edmund Ernie Eric Furlong, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the eleventh day of December, A.D. 1928, at the said city of Montreal, she then being Betsy Bruce Anderson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Betsy Bruce Anderson and Richard Edmund Ernie Eric Furlong, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Betsy Bruce Anderson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Richard Edmund Ernie Eric Furlong had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[6].

An Act for the relief of Doris Mary Marjorie Evans Champagne.

Read a first time, Wednesday, 30th March, 1949.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31564

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL X[6].

An Act for the relief of Doris Mary Marjorie Evans Champagne.

Preamble.

WHEREAS Doris Mary Marjorie Evans Champagne, residing at the town of St. Lambert, in the province of Quebec, clerk, wife of Richard Champagne, who is domiciled in Canada and residing at the town of Arundel, in the said province, has by her petition alleged that they were married on the twenty-fourth day of February, A.D. 1934, at the, city of Montreal, in the said province, she then being Doris Mary Marjorie Evans, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Doris Mary Marjorie Evans and Richard Champagne, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Doris Mary Marjorie Evans may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Richard Champagne had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y6.

An Act for the relief of David Anderson Guthrie.

Read a first time, Wednesday, 30th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

32421

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y[6].

An Act for the relief of David Anderson Guthrie.

Preamble.

WHEREAS David Anderson Guthrie, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, mechanical engineer, has by his petition alleged that on the twenty-first day of September, A.D. 1942, at the city of Toronto, in the province of Ontario, he and Grace Elizabeth Lowell, who was then of the city of Hamilton, in the said province of Ontario, a widow, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between David Anderson Guthrie and Grace Elizabeth Lowell, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said David Anderson Guthrie may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Grace Elizabeth Lowell had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z6.

An Act for the relief of Frieda Stubina Lobe.

Read a first time, Wednesday, 30th March, 1949.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

31957

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z⁶.

An Act for the relief of Frieda Stubina Lobe.

Preamble.

WHEREAS Frieda Stubina Lobe, residing at the city of Montreal, in the province of Quebec, wife of Barney Lobe, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the second day of January, A.D. 1938, at the said city, she then being Frieda Stubina, a spinster; that on the nineteenth day of June, A.D. 1938, at the said city, they were married again; and whereas by her petition she has prayed that, because of his adultery since then, their marriages be dissolved; and whereas the said marriages and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriages dissolved.

1. The said marriages between Frieda Stubina and Barney Lobe, her husband, are, respectively, hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Frieda Stubina may at any time hereafter marry any man whom she might lawfully marry if the said marriages with the said Barney Lobe had not been solemnized.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y7.

An Act respecting a certain patent application of Walter Oliver Beyer.

Read a first time, Friday, 1st April, 1949.

HONOURABLE SENATOR HAYDEN.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

33935

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Y7.

An Act respecting a certain patent application of Walter Oliver Beyer.

Preamble.

WHEREAS Walter Oliver Beyer, of the city of Pittsburgh, in the state of Pennsylvania, one of the United States of America, consulting engineer, hereinafter called "the Petitioner" has by his petition represented that an application for a patent of invention for new and novel improvements in "Coupling Units" was filed by him in the Patent Office of Canada on the eighteenth day of July, 1947, under Serial Number 561,848; that the fee of twenty-five dollars payable under the provisions of section seventy-three of *The Patent Act* on filing of the application was duly paid; that through inadvertence the application did not contain a specific request for extension as required by the proviso to paragraph *(a)* of subsection one of section twenty-eight A of *The Patent Act;* that the Commissioner of Patents on the twenty-third day of June A.D. 1948 refused to consider the said application under section twenty-eight A of *The Patent Act* because it did not contain such specific request for extension; that the decision of the Commissioner of Patents was confirmed by the Exchequer Court of Canada on the twenty-sixth day of January, 1949; and whereas by his petition the Petitioner has prayed that it may 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:—

1935, c. 32.

Application deemed to have contained request for extension.

1. Application for Patent Serial Number 561,848 filed in the Patent Office of Canada on the eighteenth day of July, 1947 by Walter Oliver Beyer shall be deemed to contain a request for extension as required by paragraph *(a)* of subsection one of section twenty-eight A of *The Patent Act.*

1935, c. 32.

Explanatory Note.

An applicant for patent under section 28 A of the Patent Act, 1947, inadvertently neglected to include a request for extension of time as provided in the section. The time for making such requests having expired, the purpose of the bill is to remedy the omission, so that the application may thereafter be proceeded with on its merits.

Section 28A follows:

"28A. (1) Subject as hereinafter provided, the Commissioner shall extend to the fifteenth day of November 1947, in favour of a patentee or applicant, such of the time limits fixed by this Act for the filing or prosecution of applications for patents, for appeals from the Commissioner or for the payment of fees, as expired after the second day of September, 1939: Provided

(a) a request for such extension is made by or on behalf of such patentee not later than the fifteenth day of November 1947, or by or on behalf of such applicant for patent before the fifteenth day of May, 1948; and

(b) such request specifies the date of the first application in any country for a patent for the same invention by such applicant or patentee or any one through whom he claims; and

(c) such patentee or applicant is a Canadian citizen or a national of a country which gives substantially reciprocal privileges to Canadian citizens.

(2) Every patent in respect of which, or in respect of the application for which, a time limit has been extended under the provisions of subsection one of this section shall expire at the date specified in the grant of such patent or at the end of twenty-two years from the date of the first application in any country for a patent for the same invention by the patentee or anyone through whom he claims, whichever date is the earlier.

(3) No claim for the infringement of any patent in respect of which, or in respect of the application for which, a time limit has been extended under the provisions of subsection one of this section, shall be made against any person or the successor in business of any person who, before the coming into force of this section had, in Canada, made, constructed, used or vended to others to be used the invention protected by such patent or against any person deriving through such person or such successor his title to any article, machine, manufacture or composition of matters so protected." 1947, c. 23, s. 7.

Commissioner of Patents directed to act on application.

2. The Commissioner of Patents is directed to consider and act on the said application as if it had contained a request for extension as required by section twenty-eight A of *The Patent Act* at the time of its filing on the eighteenth day of July, 1947.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z7.

An Act to amend the Criminal Code.

Read a first time, Thursday, 7th April, 1949.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

34725

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[7].

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; 1947-48, cc. 38, 40.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. (1) Paragraph (1) of subsection one of section two of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

"any Act", "any other Act".

"(1) 'any Act,' or 'any other Act,' includes any Act passed or to be passed by the Parliament of Canada, or any Act passed by the legislature of the late province of Canada, or passed or to be passed by the legislature of any province of Canada, or passed by the legislature of any province of Canada before it was included therein;"

(2) Paragraph (7) of subsection one of section two of the said Act, as amended by section one of chapter twenty-eight of the statutes of 1931 and by section one of chapter twenty-three of the statutes of 1943-44, is further amended by adding thereto immediately after subparagraph *(i)* the following:

"*(ii)* in the province of Newfoundland, the Supreme Court of Newfoundland constituted by any two or by the three Judges thereof;"

(3) Subparagraph *(c)* of paragraph thirty-eight of subsection one of section two of the said Act is repealed and the following substituted therefor:

"*(c)* in the provinces of Nova Scotia, New Brunswick, Alberta and Newfoundland, the Supreme Courts of the said provinces respectively,"

Paragraph repealed.

(4) Paragraph (46) of subsection one of section two of the said Act is repealed.

EXPLANATORY NOTES.

1. These amendments to section two are made necessary on account of the admission of Newfoundland into Confederation.

The amendment to par. (1) of ss. (1) of s. 2 is the deletion of the words "now a part" after the word "province" in the fifth line thereof.

The repeal of paragraph (46) is consequential to the repeal of Part III. Paragraph (46) of subsection one of section 2 now reads as follows:

> "(46) in Part XII and in Parts XXII, XXIII and XXIV of this Act "Part III" means such section or sections of the said Part as are in force by virtue of any proclamation in the place or places with reference to which the Part is to be construed and applied; and "a commissioner" means a commissioner under Part III."

Paragraph repealed.

2. Paragraph *(b)* of subsection one of section one hundred and nineteen of the said Act, as enacted by section two of chapter forty-four of the statutes of 1938, is repealed.

Subsection repealed.

3. Subsection three of section one hundred and twenty-one A of the said Act, as enacted by section four of chapter twenty-three of the statutes of 1943-44, is repealed.

Section repealed.

4. Section one hundred and twenty-two of the said Act is repealed.

Part and sections repealed.

5. Part III and sections six hundred and eight to six hundred and eighteen, inclusive, of the said Act are repealed.

2. It has been found that this paragraph is of little value and has caused considerable inconvenience and should be repealed.

Paragraph *(b)* of subsection one of section one hundred and nineteen at present reads as follows:

> *"(b) being an alien, has in his possession any pistol, revolver, shot gun, rifle or other such firearm or any ammunition for any such firearm without having a permit in Form 76B: Provided however that any* bona fide *sportsman and hunter shall be permitted to enter or pass through Canada having in his possession any shot gun, rifle or other such firearm, or any ammunition therefor, on condition that he pass continuously through and out of Canada, or if not that he apply for a permit in Form 76B without undue delay after entering Canada. For the purpose of this paragraph, the burden of proof that the accused is not an alien shall be upon him;"*

3. It is considered unnecessary to require the re-registration of pistols and revolvers every five years as required by this subsection.

Subsection three of section one hundred and twenty-one A reads as follows:

> *"(3) In addition to the registration provided for in subsection two of this section there shall be, similarly, a general registration of all revolvers and pistols during the period between the first day of March and the first day of July in 1945, and during the same period every five years thereafter."*

4. The Supreme Court of Canada and the Supreme Court of Ontario have criticized this section adversely in the case of Rex vs. Peter Quon, 90 C.C.C. 28, and it is considered that it should be repealed.

Section one hundred and twenty-two at present reads as follows:

> **"122.** *(1) Every one who has upon his person a rifle, shotgun, pistol, revolver or any firearm capable of being concealed upon the person while committing any criminal offence is guilty of an offence against this section and liable to imprisonment for a term not less than two years in addition to any penalty to which he may be sentenced for the first mentioned offence, and an offence against this section shall be punishable either on indictment or summary conviction in the same manner as the first mentioned offence.*
>
> *(2) Such imprisonment and any term of imprisonment to which such person may be sentenced for the first mentioned offence shall be served one after the other."*

5. Part III comes into force by proclamation and is intended to preserve peace in the vicinity of public works while under construction. The last time this Part was used was the 11th of June, 1928, in connection with the construction of the Hudson Bay Railway. Apparently this Part has been used almost entirely in connection with railway construction.

Sections six hundred and eight to six hundred and eighteen are ancillary to Part III.

6. Sections three hundred and fifty-eight to three hundred and eighty-eight, inclusive, of the said Act are repealed and the following substituted therefor:

Theft of mail or motor car.

"**358.** Every one who steals

(a) any post letter or parcel or anything contained therein or any other article or thing from the mail, or

(b) any motor car,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years and not less than one year and the provisions of section one thousand and eighty-one shall not extend to such person.

Penalty for theft.

"**359.** Where no other punishment is specifically provided every one who commits theft is guilty of an indictable offence and liable to imprisonment for fourteen years."

6. Sections three hundred and fifty-eight to three hundred and eighty-eight, inclusive, provide various penalties for various types of theft, and it is submitted that this is unnecessary and cumbersome. This amendment purports to repeal these sections and to substitute therefor a general section providing punishment for theft. It reserves a minimum penalty in respect of theft from the post office and for theft of an automobile.

7. Sections four hundred and fifty-seven and four hundred and fifty-eight, and four hundred and fifty-nine, as amended by section twenty-five of chapter forty-four of the statutes of 1938, of the said Act are repealed and the following substituted therefor:

Penalty.

"**457.** (1) Every one is guilty of an indictable offence and liable to imprisonment for life who

Entering dwelling by night.

(a) enters a dwelling house with intent to commit any indictable offence therein; or

Breaking out of dwelling by night.

(b) departs out of or breaks out of any dwelling house, either after committing an indictable offence therein or after having entered such dwelling house with intent to commit an indictable offence therein.

Committing the offence when armed.

(2) Every one convicted of an offence under this section who when arrested, or when he committed such offence, had upon his person any offensive weapon, shall, in addition to the imprisonment above prescribed, be liable to be whipped.

Burden of proof.

(3) The unlawful entering of a dwelling house or the breaking out of a dwelling house shall be *prima facie* evidence of an intent to commit an indictable offence therein."

8. Sections four hundred and sixty-eight, four hundred and sixty-nine and four hundred and seventy of the said Act are repealed and the following substituted therefor:

Forgery and penalty.

"**468.** Every one who commits forgery is guilty of an indictable offence and liable to fourteen years' imprisonment."

9. All that part of section four hundred and ninety-eight preceding paragraph *(a)* of the said Act is repealed and the following substituted therefor:

Penalty for conspiracy.

"**498.** Every one is guilty of an indictable offence and liable to five years' imprisonment who conspires, combines, agrees or arranges with any other person,"

10. Paragraph *(e)* of section five hundred and ten of the said Act is repealed and the following substituted therefor:

Penalty.

Any other property.

"*(e)* To two years' imprisonment if the object damaged is any property, real or personal, corporeal or incorporeal, for damage to which no special punishment is by law prescribed, damaged to a value in excess of twenty dollars."

7. One purpose of this amendment is to remove the distinction between burglarizing by day and by night. In many cases, it is not known whether the offence was committed before nine p.m., or after nine p.m. (See Rex v. Haggerty—1948 O.W.N. 577).

Another purpose of this amendment is to remove certain difficulties arising out of the interpretation of the expression "break and enter".

8. It is considered that sections four hundred and sixty-eight, four hundred and sixty-nine and four hundred and seventy specifying various types of forgery are unnecessary and should be repealed.

9. The seven first lines of section four hundred and ninety-eight at present read as follows:

> "**498.** Every one is guilty of an indictable offence and liable to a penalty not exceeding four thousand dollars and not less than two hundred dollars, or to two years' imprisonment, or, if a corporation, is liable to a penalty not exceeding ten thousand dollars, and not less than one thousand dollars, who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company,"

The purpose of this amendment is to increase the penalty for violation thereof. The words "or with any railway, steamship, steamboat or transportation company" would appear to be unnecessary and are repealed.

10. There would appear to be some uncertainty as to the meaning of the words "to the value of twenty dollars" when read in conjunction with section 539. This amendment purports to clarify the meaning of this expression.

11. Subsection one of section five hundred and thirty-nine of the said Act is repealed and the following substituted therefor:

Injuries to other property.

"**539.** (1) Every one who wilfully commits any damage, injury or spoil to or upon any real or personal property, either corporeal or incorporeal, and either of a public or private nature, for which no punishment is hereinbefore provided, to a value not exceeding twenty dollars, is guilty

Penalty.

of an offence and liable, on summary conviction, to a penalty not exceeding twenty dollars, and such further sum, not exceeding twenty dollars, as appears to the justice to be a

Damage.

reasonable compensation for the damage, injury or spoil so committed, to be paid in the case of private property to the person aggrieved."

12. Paragraph *(b)* of subsection four of section five hundred and seventy-five c of the said Act, as enacted by section eighteen of chapter fifty-five of the statutes of 1947, is repealed and the following substituted therefor:

Notice.

"*(b)* not less than seven days' notice has been given to the clerk, registrar, prothonotary or other proper officer of the court and to the offender and such notice shall specify the previous convictions and the grounds upon which it is intended to found a charge."

13. Section six hundred and forty-one of the said Act, as enacted by section nineteen of chapter eleven of the statutes of 1930 and as amended by section nineteen of chapter fifty-five of the statutes of 1947 and by section seventeen of chapter thirty-nine of the statutes of 1947-48, is further amended by adding thereto the following subsection:

Telephones exempt from seizure.

"(4) Nothing in this section contained shall be construed to authorize the seizure, forfeiture or destruction of any telephone, telegraph or communication instrument, facilities or equipment found in any such house, room or place and owned by any telephone or telegraph company, or any government telephone or telegraph system, engaged in furnishing telephone, telegraph or communication service to the public, or forming part of the service or system of any such company or government system."

11. This amendment is consequential upon the amendment of section 510 *(e)*.

12. The purpose of this amendment is to designate more clearly what constitutes a "proper officer".

Paragraph *(b)* of subsection (4) of section five hundred and seventy-five c now reads as follows:

> "*(b)* not less than seven days' notice has been given by the proper officer of the court by which the offender is to be tried and the notice to the offender shall specify the previous convictions and the other grounds upon which it is intended to found the charge."

13. The purpose of this amendment is to obviate the destruction of telephones when a gaming joint is raided. It is considered that the evidence of the presence of telephones may be supplied without such destruction.

14. (1) Paragraph *(c)* of subsection one of section six hundred and seventy-nine of the said Act, as enacted by section thirteen of chapter twenty-three of the statutes of 1943-44, is repealed and the following substituted therefor:

Adjournment of hearing.

"*(c)* adjourn the hearing of the matter from time to time, and change the place of hearing, if from the absence of witnesses, the inability of a witness who is ill to attend at the place where the justice usually sits, or from any other reasonable cause, it appears desirable to do so, and may remand the accused, if required, by warrant in form 17: Provided that no such remand shall be for more than eight clear days, the day following that on which the remand is made being counted as the first day, but nothing herein contained shall be construed as prohibiting an adjournment for more than eight clear days in any case where the accused is on bail, and he and his surety or sureties and the prosecutor or complainant consent, or when the accused is remanded for observation under paragraph *(f)*;"

Proviso.

(2) Subsection one of section six hundred and seventy-nine is further amended by adding thereto the following paragraph:

May remand for observation.

"*(f)* where in the opinion of a justice there is reason to believe that the accused person is mentally ill such justice may order that the accused be remanded in custody for observation for a period not exceeding thirty days."

15. Section six hundred and ninety-five of the said Act is amended by adding thereto the following subsections:

Judge may order release of exhibit.

"(3) Any judge of the court before whom the accused is to be tried, may, on summary application on behalf of the accused or the Crown, after three days' notice to the accused or counsel acting for the Crown, as the case may be, order the release of any exhibit for the purpose of any scientific or other test or examination, subject to such terms as appear necessary or desirable to ensure the safeguarding of the exhibit and its preservation for use at the trial.

Disobeying order.

(4) Any person failing to comply with the terms of any such order is guilty of contempt of court and may be dealt with summarily by the judge before whom the trial of the accused person takes place."

14. The purpose of this amendment is to provide a method by which a justice may remand any person appearing before him for mental examination. At present this is done by virtue of various provincial acts but it is felt that there should be something in the Code to supplement the procedure.

15. The purpose of the amendment is to provide that a judge may by order allow exhibits which have been filed in a preliminary hearing to be taken out of court for examination.

16. Sections seven hundred and forty-nine, seven hundred and fifty, seven hundred and fifty-one, seven hundred and fifty-two and seven hundred and fifty-four of the said Act are repealed and the following substituted therefor:

Appeal authorized.

"**749.** (1) Unless otherwise provided in any Act under which a conviction takes place, the prosecutor, complainant or defendant may appeal from any conviction, acquittal, sentence or order to an appeal court.

Judge and appeal court defined.

(2) In this section 'judge' means a judge of the appeal court and 'appeal court' means the following courts having jurisdiction in the county or district where the trial was held:

(a) in the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick and Nova Scotia, the County or District Court;

(b) in the province of Quebec, the Superior Court;

(c) in the provinces of Prince Edward Island and Newfoundland, the Supreme Court;

(d) in the Northwest Territories, a stipendiary magistrate;

(e) in the Yukon Territory, the Territorial Court.

Notice of appeal.

(3) The appellant shall serve a notice in writing setting forth his grounds of appeal upon the justice who tried the case and upon the respondent either personally or in such manner as the judge may direct and shall thereafter file a copy thereof with the clerk of the appeal court together with proof of service and such service and filing shall be within thirty days of the conviction, acquittal, sentence or order complained of, or in the Northwest Territories within such further time, not exceeding an additional thirty days, as the judge may fix.

On plea of guilty.

(4) A defendant who has pleaded guilty before a justice may appeal against a conviction or order with leave of a judge upon any ground which appears to the judge to be a sufficient ground of appeal but leave shall not be necessary if his appeal is against sentence only.

Hearing.

(5) The appeal shall be inscribed for hearing at the first sitting of the appeal court after the service and filing of the notice of appeal or at such other sitting as the judge may direct.

Bail.

(6) The defendant may be admitted to bail by the justice or judge pending the determination of the appeal on such terms and conditions as he may prescribe.

Trial *de novo*.

(7) The appeal shall be by trial *de novo* unless the appeal is against sentence only.

Evidence may be used.

(8) Any evidence taken before the justice at the hearing below, certified by the justice, may, if the judge considers it proper, be read on such appeal, and shall have the like force and effect as if the witness was there examined.

16. The purpose of this amendment is to revise the appeal procedure under Part XV and is further made necessary on account of the admission of Newfoundland into Confederation.

Powers of appeal court.

(9) The appeal court may dismiss the appeal or may allow the appeal in whole or in part or may make such conviction or order as it thinks just and exercise any power which the justice, whose decision is appealed from, might have exercised and may make such order as to costs to be paid by either party as it thinks fit.

Effect of order.

(10) Such conviction or order shall have the same effect and may be enforced in the same manner as if it had been made by a justice and may also be enforced by process of the appeal court.

Endorsement of order.

(11) Whenever any conviction or order is quashed on appeal the clerk of the appeal court or other proper officer shall forthwith endorse on the conviction or order a memorandum that the same has been quashed."

17. Subsection one of section seven hundred and forty-nine of the said Act is amended by adding after paragraph *(h)* thereof the following:

(i) in the province of Newfoundland, to the Supreme Court;

18. Items three and five of Schedule (B) of section seven hundred and seventy are repealed and the following substituted therefor:

Constables' Fees.

"3. Mileage to serve summons, subpoena or to make an arrest, one way, per mile (if no public conveyance is available reasonable livery charges to be allowed).....$ 0.20

5. Returning with prisoner after arrest to bring same before a magistrate or justice for preliminary hearing or trial per mile.....$ 0.20"

19. Paragraph *(a)* of section eight hundred and twenty-three of the said Act, as amended by section twenty-four of chapter eleven of the statutes of 1930, is amended by adding thereto, immediately after subparagraph (vi) thereof, the following subparagraph:

"(vii) in the province of Newfoundland, any judge of the Supreme Court;"

20. Subsection one of section nine hundred and seventy-seven of the said Act is repealed and the following substituted therefor:

Procuring attendance of witness who is a prisoner. Order.

"**977.** (1) When the attendance of any person confined in any prison in Canada, or upon the limits of any gaol, is required in any court of criminal jurisdiction, the court before whom such person is required to attend, or any judge or magistrate thereof, may make an order upon the warden or gaoler of the prison or upon the sheriff or other person having the custody of such prisoner,

(a) to deliver such prisoner to the person named in such order to receive him; or

(b) to himself convey such prisoner to such place."

17. The purpose of this amendment is consequential upon the admission of Newfoundland into Confederation. It is proposed that it shall come into operation immediately on assent being given but it will be automatically repealed when section sixteen comes into operation on the first of September, one thousand nine hundred and forty-nine.

18. Items three and five of Schedule (B) of section seven hundred and seventy of the Criminal Code now read as follows:

"3. Mileage to serve summons, subpoena or to make an arrest, going and returning, per mile (if no public conveyance is available reasonable livery charges to be allowed)..... 0.20

5. Returning with prisoner after arrest to bring same before a magistrate or justice for preliminary hearing or trial where the magistrate or justice is not at place where warrant was handed constable, and where the journey is of necessity over a different route than that travelled to make the arrest, per mile one way..... 0.20"

The purpose of this amendment is to remove the ambiguity existing as to the fees payable.

19. This amendment is necessary on account of the admission of Newfoundland into Confederation.

20. The purpose of this amendment is to extend the power to magistrates to require the attendance of any person confined in prison.

Subsection one of section nine hundred and seventy-seven now reads as follows:

"977. (1) When the attendance of any person confined in any prison in Canada, or upon the limits of any gaol, is required in any court of criminal jurisdiction *in any case cognizable therein by indictment*, the court before whom such *prisoner* is required to attend, or any judge *of such court or of any superior court or county court, or any chairman of general sessions*, may, *before or during any such term or sittings at which the attendance of such person is required*, make an order upon the warden or gaoler of the prison, or upon the sheriff or other person having the custody of such prisoner,

(a) to deliver such prisoner to the person named in such order to receive him; or

(b) to himself convey such prisoner to such place."

Subsection repealed.

21. Subsection two of section one thousand and nineteen of the said Act, as enacted by section sixteen of chapter fifty-three of the statutes of 1932-33, is repealed.

Sections repealed.

22. Sections one thousand and forty-one and one thousand and forty-two, and one thousand and forty-three, as enacted by section fifty-one of chapter forty-four of the statutes of 1938, of the said Act are repealed.

Notice to the offender and proper officer.

23. Subsection four of section one thousand and fifty-four A of the said Act, as enacted by section forty-three of chapter thirty-nine of the statutes of 1947-48, is repealed and the following substituted therefor:

"(4) Evidence as to whether the offender is a criminal sexual psychopath shall not be submitted unless seven days' notice has been given to the clerk, registrar, prothonotary or other proper officer of the court and to the offender that such evidence will be submitted."

24. The said Act is further amended by adding thereto, immediately after section one thousand and fifty-four A thereof, the following section:

Commencement of sentence.

"**1054B.** (1) Subject to any provision made by statute or to any order made by the court, all sentences shall commence from the date of sentence.

Time pending appeal.

(2) The time during which a person convicted is admitted to bail pending the determination of any appeal and, subject to any directions which the court appealed to may give to the contrary on any appeal, the time during which such person is detained in gaol or other place of confinement pending the determination of an appeal by him shall not count as part of any term of imprisonment under his sentence; and any imprisonment under the sentence of the appellant, whether it is the sentence passed by the trial court or the sentence passed by the court appealed to, shall, subject to any directions which may be given by the court appealed to, be deemed to be resumed or to begin to run, as the case requires, if the appellant is in custody, as from the day on which the appeal is determined, and, if he is not in custody, as from the day on which he is received into prison under the sentence.

21. This is consequential upon amendment twenty-four respecting commencement of sentence.

22. It is considered that the sections providing for the payment of moieties should be repealed. They now read as follows:

"**1041.** A moiety of any of the penalties imposed under sections five hundred and sixty-seven, six hundred and twenty-four, six hundred and twenty-five and six hundred and twenty-six, shall belong to the informer or person who sues for the same, and the other moiety shall belong to His Majesty for the public uses of Canada.

1042. One moiety of the amount of any penalty recovered under sections eighty-two, eighty-three, four hundred and thirty-nine or six hundred and fifty-seven, shall be paid over to the prosecutor or person by whose means the offender has been convicted, and the other moiety shall belong to the Crown.

1043. One moiety of every pecuniary penalty recovered with respect to any offence under sections five hundred and thirty-seven, five hundred and forty-two or five hundred and forty-three shall be paid over to the corporation of the city, town, village, township, parish, or place in which the offence was committed, and the other moiety, with full costs, to the person who informed and prosecuted for the same or to such other person as to the justices seems proper."

23. Subsection four of section one thousand and fifty-four A now reads as follows:

"(4) Evidence as to whether the offender is a criminal sexual psychopath shall not be submitted unless seven days' notice has been given by the proper officer of the court to the offender that such evidence will be submitted."

The purpose of the amendment is to designate who is the proper officer and also require that notice be given to the proper officer and to the offender.

24. Provisions in connection with the Commencement of Sentences are now found in the *Criminal Code*, *The Penitentiary Act* and the *Prisons and Reformatories Act*. These provisions have resulted in a considerable amount of doubt in respect of the commencement of sentences. It is submitted that provision should be made in the *Criminal Code* covering this matter and that the provisions in *The Penitentiary Act* and the *Prisons and Reformatories Act* should be repealed.

Where fine is imposed.

(3) Where the sentence is a fine with a term of imprisonment in default of payment, no time prior to the execution of the Warrant of Commitment shall count as part of the term of imprisonment.

Where sentenced to penitentiary.

(4) Where a person is sentenced to imprisonment in a penitentiary, no time spent in gaol or other place of confinement prior to the expiration of the time limited for appeal, shall count as part of any term of imprisonment under his sentence, but if he gives to the committing magistrate or other proper officer a written notice of his election not to appeal, any time spent in custody thereafter shall count as part of the term of imprisonment under his sentence.

Application for leave to appeal.

(5) An application for leave to appeal is an appeal for the purposes of this section."

25. Section one thousand and eighty-one of the said Act, as amended by section thirty-four of chapter fifty-five of the statutes of 1947, is repealed and the following substituted therefor:

Court may suspend sentence.

"**1081.** (1) In any case in which a person is convicted before any court of any offence, and no previous conviction is proved against him, if it appears to the court before which he is so convicted or to the court by which an appeal from such conviction is heard, that, regard being had to the age, character and antecedents of the offender, to the trivial nature of the offence, and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance with or without sureties, and during such period as the court directs, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behaviour.

May prescribe conditions.

(2) The court in suspending sentence may prescribe as conditions of the said recognizance that the offender shall pay the costs of the prosecution, or some portion of the same within such period and by such instalments as it may direct, that he make restitution and reparation to a person or persons aggrieved or injured by the offence for which he was convicted for the actual loss or damage thereby caused; and the court may impose such further conditions as it deems applicable to the circumstances of a particular case and may from time to time change the conditions and increase or decrease the period of the recognizance provided that such period shall not be longer than two years.

25. The purpose of this amendment is, first, that of clarification and, secondly, to remove certain limitations to the power to suspend sentence.

Further conditions.

(3) The court in suspending sentence may require as a condition of the said recognizance that the offender shall report from time to time as it may prescribe to any officer that the court may designate, and the offender shall be under the supervision of such officer during the said period, and the officer shall report to the court if the offender is not carrying out the terms on which the sentence is suspended, and thereupon the offender shall be brought again before the court for sentence.

Where previous conviction.

(4) Where a previous conviction is proved against the person so convicted, and such conviction took place more than ten years before that for the offence in question, or was for an offence not related in character to the offence in question, the court shall have the same power as aforesaid."

Sections repealed.

26. Sections eleven hundred and thirty-two, eleven hundred and thirty-six and eleven hundred and forty-nine of the said Act are repealed.

Repeal of subsections of the Penitentiary Act.

27. Subsection two of section forty-seven and subsection four of section forty-nine of *The Penitentiary Act, 1939*, chapter six of the statutes of 1939, are repealed.

Repeal of section 3 of Prisons and Reformatories Act.

28. Section three of the *Prisons and Reformatories Act*, chapter one hundred and sixty-three of the Revised Statutes of Canada 1927, is repealed.

29. Section forty-four of chapter thirty-nine of the statutes of 1947-48 is repealed and the following substituted therefor:

Coming into force.

"**44.** This Act shall come into force on the first day of November, one thousand nine hundred and forty-eight, except section thirty-five thereof which shall come into force on the first day of October, one thousand nine hundred and fifty."

Coming into force.

30. This Act shall come into force on the first day of September, one thousand nine hundred and forty-nine, except sections one, seventeen and nineteen which shall come into force on the day assent is given to this Act.

26. This amendment is consequential upon the repeal of Part III.

27. This is consequential upon amendment twenty-four respecting commencement of sentence.

28. This is consequential upon amendment twenty-four respecting commencement of sentence.

29. The purpose of this revision is to postpone the coming into force of Part XVI as revised until October first, one thousand nine hundred and fifty.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z[7].

An Act to amend the Criminal Code.

Read a first time, Thursday, 7th April, 1949.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

34725

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL Z7.

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; 1947-48, cc. 38, 40.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. (1) Paragraph (1) of subsection one of section two of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

"any Act", "any other Act".

"(1) 'any Act,' or 'any other Act,' includes any Act passed or to be passed by the Parliament of Canada, or any Act passed by the legislature of the late province of Canada, or passed or to be passed by the legislature of any province of Canada, or passed by the legislature of any province of Canada before it was included therein;"

(2) Paragraph (7) of subsection one of section two of the said Act, as amended by section one of chapter twenty-eight of the statutes of 1931 and by section one of chapter twenty-three of the statutes of 1943-44, is further amended by adding thereto immediately after subparagraph *(i)* the following:

"*(ii)* in the province of Newfoundland, the Supreme Court of Newfoundland constituted by any two or by the three Judges thereof;"

(3) Subparagraph *(c)* of paragraph thirty-eight of subsection one of section two of the said Act is repealed and the following substituted therefor:

"*(c)* in the provinces of Nova Scotia, New Brunswick, Alberta and Newfoundland, the Supreme Courts of the said provinces respectively,"

Paragraph repealed.

(4) Paragraph (46) of subsection one of section two of the said Act is repealed.

Explanatory Notes.

1. These amendments to section two are made necessary on account of the admission of Newfoundland into Confederation.

The amendment to par. (1) of ss. (1) of s. 2 is the deletion of the words "now a part" after the word "province" in the fifth line thereof.

The repeal of paragraph (46) is consequential to the repeal of Part III. Paragraph (46) of subsection one of section 2 now reads as follows:

> "(46) in Part XII and in Parts XXII, XXIII and XXIV of this Act "Part III" means such section or sections of the said Part as are in force by virtue of any proclamation in the place or places with reference to which the Part is to be construed and applied; and "a commissioner" means a commissioner under Part III."

Paragraph repealed.

2. Paragraph *(b)* of subsection one of section one hundred and nineteen of the said Act, as enacted by section two of chapter forty-four of the statutes of 1938, is repealed.

Subsection repealed.

3. Subsection three of section one hundred and twenty-one A of the said Act, as enacted by section four of chapter twenty-three of the statutes of 1943-44, is repealed.

Section repealed.

4. Section one hundred and twenty-two of the said Act is repealed.

Part and sections repealed.

5. Part III and sections six hundred and eight to six hundred and eighteen, inclusive, of the said Act are repealed.

2. It has been found that this paragraph is of little value and has caused considerable inconvenience and should be repealed.

Paragraph *(b)* of subsection one of section one hundred and nineteen at present reads as follows:

> *"(b) being an alien, has in his possession any pistol, revolver, shot gun, rifle or other such firearm or any ammunition for any such firearm without having a permit in Form 76B: Provided however that any* bona fide *sportsman and hunter shall be permitted to enter or pass through Canada having in his possession any shot gun, rifle or other such firearm, or any ammunition therefor, on condition that he pass continuously through and out of Canada, or if not that he apply for a permit in Form 76B without undue delay after entering Canada. For the purpose of this paragraph, the burden of proof that the accused is not an alien shall be upon him;"*

3. It is considered unnecessary to require the re-registration of pistols and revolvers every five years as required by this subsection.

Subsection three of section one hundred and twenty-one A reads as follows:

> *"(3) In addition to the registration provided for in subsection two of this section there shall be, similarly, a general registration of all revolvers and pistols during the period between the first day of March and the first day of July in 1945, and during the same period every five years thereafter."*

4. The Supreme Court of Canada and the Supreme Court of Ontario have criticized this section adversely in the case of Rex vs. Peter Quon, 90 C.C.C. 28, and it is considered that it should be repealed.

Section one hundred and twenty-two at present reads as follows:

> **122.** *(1) Every one who has upon his person a rifle, shotgun, pistol, revolver or any firearm capable of being concealed upon the person while committing any criminal offence is guilty of an offence against this section and liable to imprisonment for a term not less than two years in addition to any penalty to which he may be sentenced for the first mentioned offence, and an offence against this section shall be punishable either on indictment or summary conviction in the same manner as the first mentioned offence.*
>
> *(2) Such imprisonment and any term of imprisonment to which such person may be sentenced for the first mentioned offence shall be served one after the other."*

5. Part III comes into force by proclamation and is intended to preserve peace in the vicinity of public works while under construction. The last time this Part was used was the 11th of June, 1928, in connection with the construction of the Hudson Bay Railway. Apparently this Part has been used almost entirely in connection with railway construction.

Sections six hundred and eight to six hundred and eighteen are ancillary to Part III.

6. Sections three hundred and fifty-eight to three hundred and eighty-eight, inclusive, of the said Act are repealed and the following substituted therefor:

Theft of mail or motor car.

"**358.** Every one who steals

(a) any post letter or parcel or anything contained therein or any other article or thing from the mail, or

(b) any motor car,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years and not less than one year and the provisions of section one thousand and eighty-one shall not extend to such person.

Penalty for theft.

"**359.** Where no other punishment is specifically provided every one who commits theft is guilty of an indictable offence and liable to imprisonment for fourteen years."

6. Sections three hundred and fifty-eight to three hundred and eighty-eight, inclusive, provide various penalties for various types of theft, and it is submitted that this is unnecessary and cumbersome. This amendment purports to repeal these sections and to substitute therefor a general section providing punishment for theft. It reserves a minimum penalty in respect of theft from the post office and for theft of an automobile.

7. Sections four hundred and fifty-seven and four hundred and fifty-eight, and four hundred and fifty-nine, as amended by section twenty-five of chapter forty-four of the statutes of 1938, of the said Act are repealed and the following substituted therefor:

Penalty.

"**457.** (1) Every one is guilty of an indictable offence and liable to imprisonment for life who

Entering dwelling by night.

(a) enters a dwelling house with intent to commit any indictable offence therein; or

Breaking out of dwelling by night.

(b) departs out of or breaks out of any dwelling house, either after committing an indictable offence therein or after having entered such dwelling house with intent to commit an indictable offence therein.

Committing the offence when armed.

(2) Every one convicted of an offence under this section who when arrested, or when he committed such offence, had upon his person any offensive weapon, shall, in addition to the imprisonment above prescribed, be liable to be whipped.

Burden of proof.

(3) The unlawful entering of a dwelling house or the breaking out of a dwelling house shall be *prima facie* evidence of an intent to commit an indictable offence therein."

8. Sections four hundred and sixty-eight, four hundred and sixty-nine and four hundred and seventy of the said Act are repealed and the following substituted therefor:

Forgery and penalty.

"**468.** Every one who commits forgery is guilty of an indictable offence and liable to fourteen years' imprisonment."

9. All that part of section four hundred and ninety-eight preceding paragraph *(a)* of the said Act is repealed and the following substituted therefor:

Penalty for conspiracy.

"**498.** Every one is guilty of an indictable offence and liable to five years' imprisonment who conspires, combines, agrees or arranges with any other person,"

10. Paragraph *(e)* of section five hundred and ten of the said Act is repealed and the following substituted therefor:

Penalty.

Any other property.

"*(e)* To two years' imprisonment if the object damaged is any property, real or personal, corporeal or incorporeal, for damage to which no special punishment is by law prescribed, damaged to a value in excess of twenty dollars."

7. One purpose of this amendment is to remove the distinction between burglarizing by day and by night. In many cases, it is not known whether the offence was committed before nine p.m., or after nine p.m. (See Rex v. Haggerty—1948 O.W.N. 577).

Another purpose of this amendment is to remove certain difficulties arising out of the interpretation of the expression "break and enter".

8. It is considered that sections four hundred and sixty-eight, four hundred and sixty-nine and four hundred and seventy specifying various types of forgery are unnecessary and should be repealed.

9. The seven first lines of section four hundred and ninety-eight at present read as follows:

> "**498.** Every one is guilty of an indictable offence and liable to a penalty not exceeding four thousand dollars and not less than two hundred dollars, or to two years' imprisonment, or, if a corporation, is liable to a penalty not exceeding ten thousand dollars, and not less than one thousand dollars, who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company,"

The purpose of this amendment is to increase the penalty for violation thereof. The words "or with any railway, steamship, steamboat or transportation company" would appear to be unnecessary and are repealed.

10. There would appear to be some uncertainty as to the meaning of the words "to the value of twenty dollars" when read in conjunction with section 539. This amendment purports to clarify the meaning of this expression.

11. Subsection one of section five hundred and thirty-nine of the said Act is repealed and the following substituted therefor:

Injuries to other property.

"**539.** (1) Every one who wilfully commits any damage, injury or spoil to or upon any real or personal property, either corporeal or incorporeal, and either of a public or private nature, for which no punishment is hereinbefore provided, to a value not exceeding twenty dollars, is guilty

Penalty.

of an offence and liable, on summary conviction, to a penalty not exceeding twenty dollars, and such further sum, not exceeding twenty dollars, as appears to the justice to be a

Damage.

reasonable compensation for the damage, injury or spoil so committed, to be paid in the case of private property to the person aggrieved."

12. Paragraph *(b)* of subsection four of section five hundred and seventy-five c of the said Act, as enacted by section eighteen of chapter fifty-five of the statutes of 1947, is repealed and the following substituted therefor:

Notice.

"*(b)* not less than seven days' notice has been given to the clerk, registrar, prothonotary or other proper officer of the court and to the offender and such notice shall specify the previous convictions and the grounds upon which it is intended to found a charge."

13. Section six hundred and forty-one of the said Act, as enacted by section nineteen of chapter eleven of the statutes of 1930 and as amended by section nineteen of chapter fifty-five of the statutes of 1947 and by section seventeen of chapter thirty-nine of the statutes of 1947-48, is further amended by adding thereto the following subsection:

Telephones exempt from seizure.

"(4) Nothing in this section contained shall be construed to authorize the seizure, forfeiture or destruction of any telephone, telegraph or communication instrument, facilities or equipment found in any such house, room or place and owned by any telephone or telegraph company, or any government telephone or telegraph system, engaged in furnishing telephone, telegraph or communication service to the public, or forming part of the service or system of any such company or government system."

11. This amendment is consequential upon the amendment of section 510 *(e)*.

12. The purpose of this amendment is to designate more clearly what constitutes a "proper officer".

Paragraph *(b)* of subsection (4) of section five hundred and seventy-five c now reads as follows:

> "*(b)* not less than seven days' notice has been given by the proper officer of the court by which the offender is to be tried and the notice to the offender shall specify the previous convictions and the other grounds upon which it is intended to found the charge."

13. The purpose of this amendment is to obviate the destruction of telephones when a gaming joint is raided. It is considered that the evidence of the presence of telephones may be supplied without such destruction.

14. (1) Paragraph *(c)* of subsection one of section six hundred and seventy-nine of the said Act, as enacted by section thirteen of chapter twenty-three of the statutes of 1943-44, is repealed and the following substituted therefor:

Adjournment of hearing.

"*(c)* adjourn the hearing of the matter from time to time, and change the place of hearing, if from the absence of witnesses, the inability of a witness who is ill to attend at the place where the justice usually sits, or from any other reasonable cause, it appears desirable to do so, and may remand the accused, if required, by warrant in form 17: Provided that no such remand shall be for more than eight clear days, the day following that on which the remand is made being counted as the first day, but nothing herein contained shall be construed as prohibiting an adjournment for more than eight clear days in any case where the accused is on bail, and he and his surety or sureties and the prosecutor or complainant consent, or when the accused is remanded for observation under paragraph *(f)*;"

Proviso.

(2) Subsection one of section six hundred and seventy-nine is further amended by adding thereto the following paragraph:

May remand for observation.

"*(f)* where in the opinion of a justice there is reason to believe that the accused person is mentally ill such justice may order that the accused be remanded in custody for observation for a period not exceeding thirty days."

15. Section six hundred and ninety-five of the said Act is amended by adding thereto the following subsections:

Judge may order release of exhibit.

"(3) Any judge of the court before whom the accused is to be tried, may, on summary application on behalf of the accused or the Crown, after three days' notice to the accused or counsel acting for the Crown, as the case may be, order the release of any exhibit for the purpose of any scientific or other test or examination, subject to such terms as appear necessary or desirable to ensure the safeguarding of the exhibit and its preservation for use at the trial.

Disobeying order.

(4) Any person failing to comply with the terms of any such order is guilty of contempt of court and may be dealt with summarily by the judge before whom the trial of the accused person takes place."

14. The purpose of this amendment is to provide a method by which a justice may remand any person appearing before him for mental examination. At present this is done by virtue of various provincial acts but it is felt that there should be something in the Code to supplement the procedure.

15. The purpose of the amendment is to provide that a judge may by order allow exhibits which have been filed in a preliminary hearing to be taken out of court for examination.

16. Sections seven hundred and forty-nine, seven hundred and fifty, seven hundred and fifty-one, seven hundred and fifty-two and seven hundred and fifty-four of the said Act are repealed and the following substituted therefor:

Appeal authorized.

"**749.** (1) Unless otherwise provided in any Act under which a conviction takes place, the prosecutor, complainant or defendant may appeal from any conviction, acquittal, sentence or order to an appeal court.

Judge and appeal court defined.

(2) In this section 'judge' means a judge of the appeal court and 'appeal court' means the following courts having jurisdiction in the county or district where the trial was held:

(a) in the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick and Nova Scotia, the County or District Court;

(b) in the province of Quebec, the Superior Court;

(c) in the provinces of Prince Edward Island and Newfoundland, the Supreme Court;

(d) in the Northwest Territories, a stipendiary magistrate;

(e) in the Yukon Territory, the Territorial Court.

Notice of appeal.

(3) The appellant shall serve a notice in writing setting forth his grounds of appeal upon the justice who tried the case and upon the respondent either personally or in such manner as the judge may direct and shall thereafter file a copy thereof with the clerk of the appeal court together with proof of service and such service and filing shall be within thirty days of the conviction, acquittal, sentence or order complained of, or in the Northwest Territories within such further time, not exceeding an additional thirty days, as the judge may fix.

On plea of guilty.

(4) A defendant who has pleaded guilty before a justice may appeal against a conviction or order with leave of a judge upon any ground which appears to the judge to be a sufficient ground of appeal but leave shall not be necessary if his appeal is against sentence only.

Hearing.

(5) The appeal shall be inscribed for hearing at the first sitting of the appeal court after the service and filing of the notice of appeal or at such other sitting as the judge may direct.

Bail.

(6) The defendant may be admitted to bail by the justice or judge pending the determination of the appeal on such terms and conditions as he may prescribe.

Trial *de novo*.

(7) The appeal shall be by trial *de novo* unless the appeal is against sentence only.

Evidence may be used.

(8) Any evidence taken before the justice at the hearing below, certified by the justice, may, if the judge considers it proper, be read on such appeal, and shall have the like force and effect as if the witness was there examined.

16. The purpose of this amendment is to revise the appeal procedure under Part XV and is further made necessary on account of the admission of Newfoundland into Confederation.

Powers of appeal court.

(9) The appeal court may dismiss the appeal or may allow the appeal in whole or in part or may make such conviction or order as it thinks just and exercise any power which the justice, whose decision is appealed from, might have exercised and may make such order as to costs to be paid by either party as it thinks fit.

Effect of order.

(10) Such conviction or order shall have the same effect and may be enforced in the same manner as if it had been made by a justice and may also be enforced by process of the appeal court.

Endorsement of order.

(11) Whenever any conviction or order is quashed on appeal the clerk of the appeal court or other proper officer shall forthwith endorse on the conviction or order a memorandum that the same has been quashed."

17. Subsection one of section seven hundred and forty-nine of the said Act is amended by adding after paragraph *(h)* thereof the following:

(i) in the province of Newfoundland, to the Supreme Court;

18. Items three and five of Schedule (B) of section seven hundred and seventy are repealed and the following substituted therefor:

Constables' Fees.

"3. Mileage to serve summons, subpoena or to make an arrest, one way, per mile (if no public conveyance is available reasonable livery charges to be allowed).....$ 0.20

5. Returning with prisoner after arrest to bring same before a magistrate or justice for preliminary hearing or trial per mile.....$ 0.20"

19. Paragraph *(a)* of section eight hundred and twenty-three of the said Act, as amended by section twenty-four of chapter eleven of the statutes of 1930, is amended by adding thereto, immediately after subparagraph (vi) thereof, the following subparagraph:

"(vii) in the province of Newfoundland, any judge of the Supreme Court;"

20. Subsection one of section nine hundred and seventy-seven of the said Act is repealed and the following substituted therefor:

Procuring attendance of witness who is a prisoner. Order.

"**977.** (1) When the attendance of any person confined in any prison in Canada, or upon the limits of any gaol, is required in any court of criminal jurisdiction, the court before whom such person is required to attend, or any judge or magistrate thereof, may make an order upon the warden or gaoler of the prison or upon the sheriff or other person having the custody of such prisoner,

(a) to deliver such prisoner to the person named in such order to receive him; or

(b) to himself convey such prisoner to such place."

17. The purpose of this amendment is consequential upon the admission of Newfoundland into Confederation. It is proposed that it shall come into operation immediately on assent being given but it will be automatically repealed when section sixteen comes into operation on the first of September, one thousand nine hundred and forty-nine.

18. Items three and five of Schedule (B) of section seven hundred and seventy of the Criminal Code now read as follows:

"3. Mileage to serve summons, subpoena or to make an arrest, going and returning, per mile (if no public conveyance is available reasonable livery charges to be allowed)..... 0.20

5. Returning with prisoner after arrest to bring same before a magistrate or justice for preliminary hearing or trial where the magistrate or justice is not at place where warrant was handed constable, and where the journey is of necessity over a different route than that travelled to make the arrest, per mile one way..... 0.20"

The purpose of this amendment is to remove the ambiguity existing as to the fees payable.

19. This amendment is necessary on account of the admission of Newfoundland into Confederation.

20. The purpose of this amendment is to extend the power to magistrates to require the attendance of any person confined in prison.

Subsection one of section nine hundred and seventy-seven now reads as follows:

"977. (1) When the attendance of any person confined in any prison in Canada, or upon the limits of any gaol, is required in any court of criminal jurisdiction *in any case cognizable therein by indictment*, the court before whom such *prisoner* is required to attend, or any judge *of such court or of any superior court or county court, or any chairman of general sessions*, may, *before or during any such term or sittings at which the attendance of such person is required*, make an order upon the warden or gaoler of the prison, or upon the sheriff or other person having the custody of such prisoner,

(a) to deliver such prisoner to the person named in such order to receive him; or

(b) to himself convey such prisoner to such place."

Subsection repealed.

21. Subsection two of section one thousand and nineteen of the said Act, as enacted by section sixteen of chapter fifty-three of the statutes of 1932-33, is repealed.

Sections repealed.

22. Sections one thousand and forty-one and one thousand and forty-two, and one thousand and forty-three, as enacted by section fifty-one of chapter forty-four of the statutes of 1938, of the said Act are repealed.

Notice to the offender and proper officer.

23. Subsection four of section one thousand and fifty-four A of the said Act, as enacted by section forty-three of chapter thirty-nine of the statutes of 1947-48, is repealed and the following substituted therefor:

"(4) Evidence as to whether the offender is a criminal sexual psychopath shall not be submitted unless seven days' notice has been given to the clerk, registrar, prothonotary or other proper officer of the court and to the offender that such evidence will be submitted."

24. The said Act is further amended by adding thereto, immediately after section one thousand and fifty-four A thereof, the following section:

Commencement of sentence.

Time pending appeal.

"**1054B.** (1) Subject to any provision made by statute or to any order made by the court, all sentences shall commence from the date of sentence.

(2) The time during which a person convicted is admitted to bail pending the determination of any appeal and, subject to any directions which the court appealed to may give to the contrary on any appeal, the time during which such person is detained in gaol or other place of confinement pending the determination of an appeal by him shall not count as part of any term of imprisonment under his sentence; and any imprisonment under the sentence of the appellant, whether it is the sentence passed by the trial court or the sentence passed by the court appealed to, shall, subject to any directions which may be given by the court appealed to, be deemed to be resumed or to begin to run, as the case requires, if the appellant is in custody, as from the day on which the appeal is determined, and, if he is not in custody, as from the day on which he is received into prison under the sentence.

21. This is consequential upon amendment twenty-four respecting commencement of sentence.

22. It is considered that the sections providing for the payment of moieties should be repealed. They now read as follows:

"**1041.** A moiety of any of the penalties imposed under sections five hundred and sixty-seven, six hundred and twenty-four, six hundred and twenty-five and six hundred and twenty-six, shall belong to the informer or person who sues for the same, and the other moiety shall belong to His Majesty for the public uses of Canada.

1042. One moiety of the amount of any penalty recovered under sections eighty-two, eighty-three, four hundred and thirty-nine or six hundred and fifty-seven, shall be paid over to the prosecutor or person by whose means the offender has been convicted, and the other moiety shall belong to the Crown.

1043. One moiety of every pecuniary penalty recovered with respect to any offence under sections five hundred and thirty-seven, five hundred and forty-two or five hundred and forty-three shall be paid over to the corporation of the city, town, village, township, parish, or place in which the offence was committed, and the other moiety, with full costs, to the person who informed and prosecuted for the same or to such other person as to the justices seems proper."

23. Subsection four of section one thousand and fifty-four A now reads as follows:

"(4) Evidence as to whether the offender is a criminal sexual psychopath shall not be submitted unless seven days' notice has been given by the proper officer of the court to the offender that such evidence will be submitted."

The purpose of the amendment is to designate who is the proper officer and also require that notice be given to the proper officer and to the offender.

24. Provisions in connection with the Commencement of Sentences are now found in the *Criminal Code*, *The Penitentiary Act* and the *Prisons and Reformatories Act*. These provisions have resulted in a considerable amount of doubt in respect of the commencement of sentences. It is submitted that provision should be made in the *Criminal Code* covering this matter and that the provisions in *The Penitentiary Act* and the *Prisons and Reformatories Act* should be repealed.

Where fine is imposed.

(3) Where the sentence is a fine with a term of imprisonment in default of payment, no time prior to the execution of the Warrant of Commitment shall count as part of the term of imprisonment.

Where sentenced to penitentiary.

(4) Where a person is sentenced to imprisonment in a penitentiary, no time spent in gaol or other place of confinement prior to the expiration of the time limited for appeal, shall count as part of any term of imprisonment under his sentence, but if he gives to the committing magistrate or other proper officer a written notice of his election not to appeal, any time spent in custody thereafter shall count as part of the term of imprisonment under his sentence.

Application for leave to appeal.

(5) An application for leave to appeal is an appeal for the purposes of this section."

25. Section one thousand and eighty-one of the said Act, as amended by section thirty-four of chapter fifty-five of the statutes of 1947, is repealed and the following substituted therefor:

Court may suspend sentence.

"**1081.** (1) In any case in which a person is convicted before any court of any offence, and no previous conviction is proved against him, if it appears to the court before which he is so convicted or to the court by which an appeal from such conviction is heard, that, regard being had to the age, character and antecedents of the offender, to the trivial nature of the offence, and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance with or without sureties, and during such period as the court directs, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behaviour.

May prescribe conditions.

(2) The court in suspending sentence may prescribe as conditions of the said recognizance that the offender shall pay the costs of the prosecution, or some portion of the same within such period and by such instalments as it may direct, that he make restitution and reparation to a person or persons aggrieved or injured by the offence for which he was convicted for the actual loss or damage thereby caused; and the court may impose such further conditions as it deems applicable to the circumstances of a particular case and may from time to time change the conditions and increase or decrease the period of the recognizance provided that such period shall not be longer than two years.

25. The purpose of this amendment is, first, that of clarification and, secondly, to remove certain limitations to the power to suspend sentence.

Further conditions.

(3) The court in suspending sentence may require as a condition of the said recognizance that the offender shall report from time to time as it may prescribe to any officer that the court may designate, and the offender shall be under the supervision of such officer during the said period, and the officer shall report to the court if the offender is not carrying out the terms on which the sentence is suspended, and thereupon the offender shall be brought again before the court for sentence.

Where previous conviction.

(4) Where a previous conviction is proved against the person so convicted, and such conviction took place more than ten years before that for the offence in question, or was for an offence not related in character to the offence in question, the court shall have the same power as aforesaid."

Sections repealed.

26. Sections eleven hundred and thirty-two, eleven hundred and thirty-six and eleven hundred and forty-nine of the said Act are repealed.

Repeal of subsections of the Penitentiary Act.

27. Subsection two of section forty-seven and subsection four of section forty-nine of *The Penitentiary Act, 1939*, chapter six of the statutes of 1939, are repealed.

Repeal of section 3 of Prisons and Reformatories Act.

28. Section three of the *Prisons and Reformatories Act*, chapter one hundred and sixty-three of the Revised Statutes of Canada 1927, is repealed.

29. Section forty-four of chapter thirty-nine of the statutes of 1947-48 is repealed and the following substituted therefor:

Coming into force.

"**44.** This Act shall come into force on the first day of November, one thousand nine hundred and forty-eight, except section thirty-five thereof which shall come into force on the first day of October, one thousand nine hundred and fifty."

Coming into force.

30. This Act shall come into force on the first day of September, one thousand nine hundred and forty-nine, except sections one, seventeen and nineteen which shall come into force on the day assent is given to this Act.

26. This amendment is consequential upon the repeal of Part III.

27. This is consequential upon amendment twenty-four respecting commencement of sentence.

28. This is consequential upon amendment twenty-four respecting commencement of sentence.

29. The purpose of this revision is to postpone the coming into force of Part XVI as revised until October first, one thousand nine hundred and fifty.

Cinquième Session, Vingtième Parlement, 13 George VI, 1949.

SÉNAT DU CANADA

BILL A[8].

Loi pour faire droit à Jessie Kathleen Batiste Latter.

Première lecture, le 25 avril 1949.

L'honorable Président du comité
des divorces.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
IMPRIMEUR DE SA TRÈS EXCELLENTE MAJESTÉ LE ROI
CONTRÔLEUR DE LA PAPETERIE
1949

30108

5e Session, 20e Parlement, 13 George VI, 1949.

SÉNAT DU CANADA

BILL A[8].

Loi pour faire droit à Jessie Kathleen Batiste Latter.

Préambule.

CONSIDÉRANT que Jessie Kathleen Batiste Latter, demeurant en la cité de Montréal, province de Québec, épouse de Samuel Francis Robert Latter, domicilié au Canada et demeurant en ladite cité, a, par voie de pétition, allégué que lui et elle ont été mariés le dix-septième jour de septembre 1937, en ladite cité, et quelle était alors Jessie Kathleen Batiste, célibataire; considérant que la pétitionnaire a demandé que, pour cause d'adultère depuis lors commis par son époux, ledit mariage soit dissous; et considérant que ce mariage et cet adultère ont été établis par la preuve fournie, et qu'il est à propos d'accorder à la pétitionnaire ce qu'elle demande: A ces causes, Sa Majesté, sur l'avis et du consentement du Sénat et de la Chambre des Communes du Canada, décrète:

Dissolution du mariage.

1. Le mariage contracté entre Jessie Kathleen Batiste et Samuel Francis Robert Latter, son époux, est dissous par la présente loi et demeurera à tous égards nul et de nul effet.

Droit de se remarier.

2. Il est permis dès ce moment à ladite Jessie Kathleen Batiste de contracter mariage, à quelque époque que ce soit, avec tout homme qu'elle pourrait légalement épouser si son union avec ledit Samuel Francis Robert Latter n'eût pas été célébrée.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[8].

An Act to incorporate Interprovincial Pipe Line Company.

Read a first time, Monday, 25th April, 1949.

Honourable Senator LAMBERT.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

33491

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL B[8].

An Act to incorporate Interprovincial Pipe Line Company.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Robert Burdette Burgess, solicitor, Colin David Crichton, general secretary, Frank Gladstone Hall, executive, Alfred Elmer Halverson, executive, Oliver Baker Hopkins, executive, John Rigsby White, executive, all of the city of Toronto, province of Ontario, together with such persons as may become shareholders in the company, are incorporated under the name of Interprovincial Pipe Line Company, hereinafter called "the Company".

Corporate name.

Provisional directors.

2. The persons named in section one of this Act shall be the first directors of the Company.

Capital.

3. The capital stock of the Company shall be two hundred million dollars divided into four million shares having a par value of fifty dollars each.

Head office and other offices.

4. (1) The head office of the Company shall be at the city of Edmonton, in the province of Alberta, which head office shall be the domicile of the Company in Canada; and the Company may establish such other offices and agencies elsewhere within or without Canada as it deems expedient.

(2) The Company may, by by-law, change the place where the head office of the Company is to be situate.

(3) No by-law for the said purpose shall be valid or acted upon until it is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders duly called for considering the by-law and a copy of the by-law certified under the seal of the Company has been filed with the Secretary of State and published in *The Canada Gazette.*

General Pipe Line Act to apply.

5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of any general legislation relating to pipe lines for the transportation of oil or any liquid product or by-product thereof which is enacted by Parliament.

6. The Company, subject to the provisions of any general legislation relating to pipe lines for the transportation of oil or any liquid product or by-product thereof which is enacted by Parliament, may

Power to construct and operate pipe lines.

(a) within or outside Canada construct, purchase, lease, or otherwise acquire, and hold, develop, operate, maintain, control, lease, mortgage, create liens upon, sell, convey, or otherwise dispose of and turn to account any and all interprovincial and/or international pipe lines, for the transportation of oil including pumping stations, terminals, storage tanks or reservoirs and all works relative thereto for use in connection with the said pipe lines; and own, lease, sell, operate and maintain aircraft and aerodromes for the purpose of its undertaking, together with the facilities required for the operation of such aircraft and aerodromes; and own, lease, operate and maintain interstation telephone, teletype and telegraph communication systems and, subject to *The Radio Act, 1938*, and any other statute relating to radio, own, lease, operate and maintain interstation radio communication facilities;

Power to hold land.

(b) purchase, hold, lease, sell, improve, exchange or otherwise deal in real property or any interest and rights therein legal or equitable or otherwise howsoever and deal with any portion of the lands and property so acquired, and may subdivide the same into building lots and generally lay the same out into lots, streets and building sites for residential purposes or otherwise and may construct streets thereon and necessary sewerage and drainage systems and build

upon the same for residential purposes or otherwise and supply any buildings so erected, or other buildings erected upon such lands, with electric light, heat, gas, water or other requisites, and lease or sell the same, upon such terms and subject to such conditions as appear requisite, either to its employees or to others; and

Ancillary powers.

(c) exercise as ancillary and incidental to the purposes or objects set forth in this Act, the powers following, unless such powers or any of them are expressly excluded by this Act, namely, the powers set forth in paragraphs *(a)* to *(bb)* inclusive of subsection one of section fourteen of *The Companies Act, 1934*.

1934, c. 33.

1934, c. 33.

7. The provisions of sections 39, 40, 59, 62, 63, 64, 65 and 91 of Part I of *The Companies Act, 1934*, apply to the Company, provided that wherever in the said section fifty-nine the words "letters patent" or "supplementary letters patent" appear, the words "Special Act" shall be substituted therefor.

1934, c. 33.

8. Sections 158, 163, 180, 186, 189 and 190 of Part III of *The Companies Act, 1934*, shall not be incorporated with this Act.

Company not to make a loan to shareholders or directors.

9. (1) The Company shall not make any loan to any of its shareholders or directors or give whether directly or indirectly, and whether by means of a loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of, or in connection with, a purchase made or to be made by any person of any shares in the Company:

Proviso.

Provided that nothing in this section shall be taken to prohibit:

(a) the making by the Company of loans to persons, other than directors, bona fide in the employment of the Company with a view to enabling or assisting those persons to purchase or erect dwelling houses for their own occupation; and the Company may take, from such employees, mortgages or other securities for the repayment of such loans;

(b) the provision by the Company, in accordance with any scheme for the time being in force, of money for the purchase by trustees of fully paid shares in the capital stock of the Company, to be held by, or for the benefit of employees of the Company, including any director holding a salaried employment or office in the Company; or

(c) the making by the Company of loans to persons, other than directors, bona fide in the employment of the Company, with a view to enabling those persons to purchase fully paid shares in the capital stock of the Company, to be held by themselves by way of beneficial ownership.

(2) The powers under paragraphs *(b)* and *(c)* of subsection one of this section shall be exercised by by-law only.

(3) If any loan is made by the Company in violation of the foregoing provisions, all directors and officers of the Company making the same or assenting thereto, shall, until repayment of said loan, be jointly and severally liable to the Company and to its creditors for the debts of the Company then existing or thereafter contracted:

Proviso.

Provided that such liability shall be limited to the amount of said loan with interest.

When redemption or purchase not a reduction of paid-up capital.

10. The redemption or purchase for cancellation of any fully paid preferred shares created by by-law pursuant to the provisions of this Act, in accordance with any right of redemption or purchase for cancellation reserved in favour of the Company in the provision attaching to such preferred shares, or the redemption or purchase for cancellation of any fully paid shares of any class, not being common or ordinary shares, and in respect of which the by-laws provide for such right of redemption or purchase, in accordance with the provisions of such by-laws, shall not be deemed to be a reduction of the paid-up capital of the Company, if such redemption or purchase for cancellation is made out of the proceeds of an issue of shares made for the purpose of such redemption or purchase for cancellation, or if,

(a) no cumulative dividends, on the preferred shares or shares of the class in respect of which such right of redemption or purchase exists and which are so redeemed or purchased for cancellation, are in arrears; and

(b) if such redemption or purchase for cancellation of such fully paid shares is made without impairment of the Company's capital by payments out of the ascertained net profits of the Company which have been set aside by the directors for the purposes of such redemption or of such purchase for cancellation, and if such net profits are then available for such application as liquid assets of the Company, as shown by the last balance sheet of the Company, certified by the Company's auditors, and being made up to a date not more than ninety days prior to such redemption or purchase for cancellation, and after giving effect to such redemption or purchase for cancellation;

And subject as aforesaid, any such shares may be redeemed or purchased for cancellation by the Company on such terms and in such manner as is set forth in the provisions attaching to such shares, and the surplus resulting from such redemption or purchase for cancellation shall be designated as a capital surplus, which shall not be reduced or distributed by the Company except as provided by a subsequent Act of the Parliament of Canada.

Commission on subscription.

11. The Company may pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company: Provided, however, that as regards shares, such commission shall not exceed ten per centum of the amount realized therefrom.

Proviso.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C[8].

An Act to incorporate Alberta Natural Gas Company.

Read a first time, Monday, 25th April, 1949.

Honourable Senator Turgeon.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
35309 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL C[8].

An Act to incorporate Alberta Natural Gas Company.

Preamble. WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation. **1.** Ralph Osborne Campney, of the city of Vancouver in the province of British Columbia, one of His Majesty's counsel, John Joseph Connolly, of the city of Ottawa in the province of Ontario, one of His Majesty's counsel, and Arthur Gerald Logan, of the city of Wilmington, in the state of Delaware, United States of America, attorney at law, together with such persons as may become shareholders in the Company, are incorporated under the name Alberta Natural Gas Company, hereinafter called "the Company".

Provisional directors. **2.** The persons named in section one of this Act shall be the first directors of the Company.

Capital. **3.** The capital stock of the Company shall consist of one million two hundred and fifty thousand shares of the par value of ten dollars per share.

Head office and other offices. **4.** (1) The head office of the Company shall be at the city of Edmonton, in the province of Alberta, which head office shall be the domicile of the Company in Canada; and the Company may establish such other offices and agencies elsewhere within or without Canada as it deems expedient.

(2) The Company may, by by-law, change the place within Canada where the head office of the Company is to be situate.

(3) No by-law for the said purpose shall be valid or acted upon until it is sanctioned by at least two-thirds of the votes cast at a special meeting of the shareholders duly called for considering the by-law and a copy of the by-law certified under the seal of the Company has been filed with the Secretary of State and published in *The Canada Gazette*.

General Pipe Line Act to apply.

5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of any general legislation relating to pipe lines for the transportation of gas or oil and any liquid or gaseous products or by-products thereof which is enacted by Parliament.

6. The Company, subject to the provisions of any general legislation relating to pipe lines for the transportation of gas or oil or any gaseous or liquid products or by-products thereof which is enacted by Parliament, may

Power to construct and operate pipe lines.

(a) within or outside Canada construct, purchase, lease, or otherwise acquire and hold, develop, operate, maintain, control, lease, mortgage, create liens upon, sell, convey or otherwise dispose of and turn to account any and all interprovincial and/or international pipe lines and all appurtenances relative thereto for gathering, processing, transmitting, transporting, storing, and delivering, natural and artificial gas and other gaseous or liquid hydrocarbons, and purchase, or otherwise acquire, process, transmit, transport, and sell or otherwise dispose of and distribute natural and artificial gas and other gaseous or liquid hydrocarbons, and own, lease, sell, operate, and maintain aircraft and aerodromes for the purpose of its undertaking, together with the facilities required for the operation of such aircraft and aerodromes; and own, lease, operate and maintain interstation telephone, teletype and telegraph communication systems and subject to *The Radio Act, 1938*, and any other statute relating to radio, own, lease, operate and maintain interstation radio communication facilities;

Power to hold real and personal property.

(b) purchase, own, lease or otherwise acquire and develop and turn to account and sell, deal in and dispose of real and personal property of whatsoever nature used or capable of being used in connection with its undertaking; and

Ancillary powers.

(c) exercise as ancillary and incidental to the purposes or objects set forth in this Act, the powers following, unless such powers or any of them are expressly excluded by this Act, namely, the powers set forth in paragraphs *(a)* to *(bb)* inclusive of subsection one of section fourteen of *The Companies Act, 1934*.

1934, c. 33.

1934, c. 33.

7. The provisions of sections 39, 40, 59, 62, 63, 64, 65 and 91 of Part I of *The Companies Act, 1934*, apply to the Company, provided that wherever in the said section fifty-nine the words "letters patent" or "supplementary letters patent" appear, the words "Special Act" shall be substituted therefor.

1934, c. 33.

8. Sections 158, 163, 180 and 190 of Part III of *The Companies Act, 1934*, shall not be incorporated with this Act.

When redemption or purchase not a reduction of paid-up capital.

9. The redemption or purchase for cancellation of any fully paid preferred shares created by by-law pursuant to the provisions of this Act, in accordance with any right of redemption or purchase for cancellation reserved in favour of the Company in the provision attaching to such preferred shares, or the redemption or purchase for cancellation of any fully paid shares of any class, not being common or ordinary shares, and in respect of which the by-laws provide for such right of redemption or purchase, in accordance with the provisions of such by-laws, shall not be deemed to be a reduction of the paid-up capital of the Company, if such redemption or purchase for cancellation is made out of the proceeds of an issue of shares made for the purpose of such redemption or purchase for cancellation, or if,

(a) no cumulative dividends, on the preferred shares or shares of the class in respect of which such right of redemption or purchase exists and which are so redeemed or purchased for cancellation, are in arrears; and

(b) if such redemption or purchase for cancellation of such fully paid shares is made without impairment of the Company's capital by payments out of the ascertained net profits of the Company which have been set aside by the directors for the purposes of such redemption or of such purchase for cancellation, and if such net profits are then available for such application as liquid assets of the Company, as shown by the last balance sheet of the Company, certified by the Company's auditors, and being made up to a date not more than ninety days prior to such redemption or purchase for cancellation, and after giving effect to such redemption or purchase for cancellation;

And subject as aforesaid, any such shares may be redeemed or purchased for cancellation by the Company on such terms and in such manner as is set forth in the provisions attaching to such shares, and the surplus resulting from such redemption or purchase for cancellation shall be designated as a capital surplus, which shall not be reduced or distributed by the Company except as provided by a subsequent Act of the Parliament of Canada.

Commission on subscription.

10. The Company may pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company: Provided, however, that as regards shares, such commission shall not exceed ten per centum of the amount realized therefrom.

Proviso.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[8].

An Act to incorporate Westcoast Transmission Company Limited.

Read a first time, Monday, 25th April, 1949.

Honourable Senator McKeen.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
35503 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL D[8].

An Act to incorporate Westcoast Transmission Company Limited.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Frank Murray McMahon, oil executive, of the city of Calgary, in the province of Alberta, Frank Ronald Graham, financier, Norman Reginald Whittall, financier, Fred Boyd Brown, financier, and George Allen Martin, financier, all of the city of Vancouver, in the province of British Columbia, and Harold William Riley, lawyer of the city of Calgary, in the province of Alberta, together with such persons as may become shareholders in the company, are incorporated under the name of Westcoast Transmission Company Limited, hereinafter called "the Company".

Corporate name.

Provisional directors.

2. The persons named in section one of this Act shall be the first directors of the Company.

Capital.

3. The capital stock of the Company shall consist of five million shares without nominal or par value.

Head office and other offices.

4. (1) The head office of the Company shall be at the city of Calgary, in the province of Alberta, which head office shall be the domicile of the Company in Canada; and the Company may establish such other offices and agencies elsewhere within or without Canada as it deems expedient.

(2) The Company may, by by-law, change the place where the head office of the Company is to be situate.

(3) No by-law for the said purpose shall be valid or acted upon until it is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders duly

called for considering the by-law and a copy of the by-law certified under the seal of the Company has been filed with the Secretary of State and published in *The Canada Gazette.*

General Pipe Line Act to apply.

5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of any general legislation relating to pipe lines for the transmission and transportation of gas and oil or any liquid product or by-product thereof which is enacted by Parliament.

6. The Company, subject to the provisions of any general legislation relating to pipe lines for the transmission and transportation of gas and oil or any liquid product or by-product thereof which is enacted by Parliament, may

Power to construct and operate pipe lines.

(a) within the provinces of Alberta and British Columbia or outside Canada construct, purchase, lease, or otherwise acquire, and hold, develop, operate, maintain, control, lease, mortgage, create liens upon, sell, convey, or otherwise dispose of and turn to account any and all interprovincial and/or international pipe lines, for the transmission and transportation of gas and oil including pumping stations, terminals, storage tanks or reservoirs and all works relative thereto for use in connection with the said pipe lines; and buy, or otherwise acquire, sell, distribute or otherwise dispose of gas; and as an adjunct or correlate to pipelines for gas to have similar powers and facilities for pipelines for the transmission and transportation of oil and the acquisition and disposal of oil; and own, lease, sell, operate and maintain aircraft and aerodromes for the purpose of its undertaking, together with the facilities required for the operation of such aircraft and aerodromes; and own, lease, operate and maintain interstation telephone, teletype and telegraph communication systems and, subject to *The Radio Act, 1938,* and any other statute relating to radio, own, lease, operate and maintain interstation radio communication facilities;

Power to hold land.

(b) purchase, hold, lease, sell, improve, exchange or otherwise deal in real property or any interest and rights therein legal or equitable or otherwise howsoever and deal with any portion of the lands and property so acquired, and may subdivide the same into building lots and generally lay the same out into lots, streets and building sites for residential purposes or otherwise and may construct streets thereon and necessary sewerage and drainage systems and build upon the same for residential purposes or otherwise and supply any buildings so erected, or other buildings

erected upon such lands, with electric light, heat, gas, water or other requisites, and lease or sell the same, upon such terms and subject to such conditions as appear requisite, either to its employees or to others; and

Ancillary powers.

(c) exercise as ancillary and incidental to the purposes or objects set forth in this Act, the powers following, unless such powers or any of them are expressly excluded by this Act, namely, the powers set forth in paragraphs *(a)* to *(bb)* inclusive of subsection one of section fourteen of *The Companies Act, 1934*.

1934, c. 33.

1934, c. 33.

7. The provisions of subsections (4), (5), (6), and (7) of section 12, and sections 39, 40, 59, 62, 63, 64, 65 and 91 of Part I of *The Companies Act, 1934*, apply to the Company, provided that wherever in the said subsection (7) of section 12, and in the said section fifty-nine the words "letters patent" or "supplementary letters patent" appear, the words "Special Act" shall be substituted therefor.

1934, c. 33.

8. Sections 158, 163, 180, 186, 189 and 190 of Part III of *The Companies Act, 1934*, shall not be incorporated with this Act.

Company not to make a loan to shareholders or directors.

9. (1) The Company shall not make any loan to any of its shareholders or directors or give whether directly or indirectly, and whether by means of a loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of, or in connection with, a purchase made or to be made by any person of any shares in the Company: Provided that nothing in this section shall be taken to prohibit:

Proviso.

(a) the making by the Company of loans to persons, other than directors, bona fide in the employment of the Company with a view to enabling or assisting those persons to purchase or erect dwelling houses for their own occupation; and the Company may take, from such employees, mortgages or other securities for the repayment of such loans;

(b) the provision by the Company, in accordance with any scheme for the time being in force, of money for the purchase by trustees of fully paid shares in the capital stock of the Company, to be held by, or for the benefit of, employees of the Company, including any director holding a salaried employment or office in the Company; or

(c) the making by the Company of loans to persons, other than directors, bona fide in the employment of the Company, with a view to enabling those persons to purchase fully paid shares in the capital stock of the Company, to be held by themselves by way of beneficial ownership.

(2) The powers under paragraphs *(b)* and *(c)* of subsection one of this section shall be exercised by by-law only.

(3) If any loan is made by the Company in violation of the foregoing provisions, all directors and officers of the Company making the same or assenting thereto, shall, until repayment of said loan, be jointly and severally liable to the Company and to its creditors for the debts of the Company then existing or thereafter contracted: Provided that such liability shall be limited to the amount of said loan with interest.

Proviso.

When redemption or purchase not a reduction of paid-up capital.

10. The redemption or purchase for cancellation of any fully paid preferred shares created by by-law pursuant to the provisions of this Act, in accordance with any right of redemption or purchase for cancellation reserved in favour of the Company in the provision attaching to such preferred shares, or the redemption or purchase for cancellation of any fully paid shares of any class, not being common or ordinary shares, and in respect of which the by-laws provide for such right of redemption or purchase, in accordance with the provisions of such by-laws, shall not be deemed to be a reduction of the paid-up capital of the Company, if such redemption or purchase for cancellation is made out of the proceeds of an issue of shares made for the purpose of such redemption or purchase for cancellation, or if,

(a) no cumulative dividends, on the preferred shares or shares of the class in respect of which such right of redemption or purchase exists and which are so redeemed or purchased for cancellation, are in arrears; and

(b) if such redemption or purchase for cancellation of such fully paid shares is made without impairment of the Company's capital by payments out of the ascertained net profits of the Company which have been set aside by the directors for the purposes of such redemption or of such purchase for cancellation, and if such net profits are then available for such application as liquid assets of the Company, as shown by the last balance sheet of the Company, certified by the Company's auditors, and being made up to a date not more than ninety days prior to such redemption or purchase for cancellation, and after giving effect to such redemption or purchase for cancellation;

And subject as aforesaid, any such shares may be redeemed or purchased for cancellation by the Company on such terms and in such manner as is set forth in the provisions attaching to such shares, and the surplus resulting from such redemption or purchase for cancellation shall be designated as a capital surplus, which shall not be reduced or distributed by the Company except as provided by a subsequent Act of the Parliament of Canada.

Commission on subscription.

11. The Company may pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company: Provided, however, that as regards shares, such commission shall not exceed ten per centum of the amount realized therefrom.

Proviso.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E[8].

An Act to incorporate Trans-Northern Pipe Line Company.

Read a first time, Monday, 25th April, 1949.

Honourable Senator CAMPBELL.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
35589 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL E[8].

An Act to incorporate Trans-Northern Pipe Line Company.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

Incorporation.

1. Thomas Chandler Twyman, executive, and Cedric Herbert Beresford Hands, barrister-at-law, both of the city of Montreal, in the province of Quebec, and Joseph Gerald Godsoe, executive, Raymond Lee Hughes, barrister-at-law, William Mathews Vacy Ash, executive, and Leonard Victor Sutton, one of His Majesty's counsel, all of the city of Toronto, in the province of Ontario, together with such persons as may become shareholders in the company, are incorporated under the name of Trans-Northern Pipe Line Company, hereinafter called "the Company".

Corporate name.

Provisional directors.

2. The persons named in section one of this Act shall be the first directors of the Company.

Capital.

3. The capital stock of the Company shall be twenty-five million dollars divided into two hundred and fifty thousand shares having a par value of one hundred dollars each.

Head office and other offices.

4. (1) The head office of the Company shall be at the city of Toronto, in the province of Ontario, which head office shall be the domicile of the Company in Canada; and the Company may establish such other offices and agencies elsewhere within or without Canada as it deems expedient.

(2) The Company may, by by-law, change the place where the head office of the Company is to be situate.

(3) No by-law for the said purpose shall be valid or acted upon until it is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders duly called for considering the by-law and a copy of the by-law certified under the seal of the Company has been filed with the Secretary of State and published in *The Canada Gazette*.

General Pipe Line Act to apply.

5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities, and provisions of any general legislation relating to pipe lines for the transportation of oil or any liquid product or by-product thereof which is enacted by Parliament.

6. The Company, subject to the provisions of any general legislation relating to pipe lines for the transportation of oil or any liquid product or by-product thereof which is enacted by Parliament, may

Power to construct and operate pipe lines.

(a) within or outside Canada construct, purchase, lease, or otherwise acquire, and hold, develop, operate, maintain, control, lease, mortgage, create liens upon, sell, convey, or otherwise dispose of and turn to account any and all pipe lines, for the transportation of oil including pumping stations, terminals, storage tanks or reservoirs and all works relative thereto for use in connection with the said pipe lines; and own, lease, sell, operate and maintain aircraft and aerodromes for the purpose of its undertaking, together with the facilities required for the operation of such aircraft and aerodromes; and own, lease, operate and maintain interstation telephone, teletype and telegraph communication systems and, subject to *The Radio Act, 1938*, and any other statute relating to radio, own, lease, operate and maintain interstation radio communication facilities;

Power to hold land.

(b) purchase, hold, lease, sell, improve, exchange or otherwise deal in real property or any interest and rights therein legal or equitable or otherwise howsoever and deal with any portion of the lands and property so acquired, and may subdivide the same into building lots and generally lay the same out into lots, streets and building sites for residential purposes or otherwise and may construct streets thereon and necessary sewerage and drainage systems and build upon the same for residential purposes or otherwise and supply any buildings so erected, or other buildings erected upon such lands, with electric light, heat, gas, water or other requisites, and lease or sell the same, upon such terms and subject to such conditions as appear requisite, either to its employees or to others; and

Ancillary powers.

(c) exercise as ancillary and incidental to the purposes or objects set forth in this Act, the powers following, unless such powers or any of them are expressly excluded by this Act, namely, the powers set forth in paragraphs *(a)* to *(bb)* inclusive of subsection one of section fourteen of *The Companies Act, 1934*.

1934, c. 33.

1934, c. 33.

7. The provisions of sections 39, 40, 59, 62, 63, 64, 65 and 91 of Part I of *The Companies Act, 1934*, apply to the Company, provided that wherever in the said section fifty-nine the words "letters patent" or "supplementary letters patent" appear, the words "Special Act" shall be substituted therefor.

1934, c. 33.

8. Sections 158, 163, 180, 186, 189 and 190 of Part III of *The Companies Act, 1934*, shall not be incorporated with this Act.

Company not to make a loan to shareholders or directors.

9. (1) The Company shall not make any loan to any of its shareholders or directors or give whether directly or indirectly, and whether by means of a loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of, or in connection with, a purchase made or to be made by any person of any shares in the Company: Provided that nothing in this section shall be taken to prohibit:

Proviso.

(a) the making by the Company of loans to persons, other than directors, bona fide in the employment of the Company with a view to enabling or assisting those persons to purchase or erect dwelling houses for their own occupation; and the Company may take, from such employees, mortgages or other securities for the repayment of such loans;

(b) the provision by the Company, in accordance with any scheme for the time being in force, of money for the purchase by trustees of fully paid shares in the capital stock of the Company, to be held by, or for the benefit of, employees of the Company, including any director holding a salaried employment or office in the Company; or

(c) the making by the Company of loans to persons, other than directors, bona fide in the employment of the Company, with a view to enabling those persons to purchase fully paid shares in the capital stock of the Company, to be held by themselves by way of beneficial ownership.

(2) The powers under paragraphs *(b)* and *(c)* of subsection one of this section shall be exercised by by-law only.

(3) If any loan is made by the Company in violation of the foregoing provisions, all directors and officers of the Company making the same or assenting thereto, shall,

until repayment of said loan, be jointly and severally liable to the Company and to its creditors for the debts of the Company then existing or thereafter contracted: Provided that such liability shall be limited to the amount of said loan with interest.

Proviso.

When redemption or purchase not a reduction of paid-up capital.

10. The redemption or purchase for cancellation of any fully paid preferred shares created by by-law pursuant to the provisions of this Act, in accordance with any right of redemption or purchase for cancellation reserved in favour of the Company in the provision attaching to such preferred shares, or the redemption or purchase for cancellation of any fully paid shares of any class, not being common or ordinary shares, and in respect of which the by-laws provide for such right of redemption or purchase, in accordance with the provisions of such by-laws, shall not be deemed to be a reduction of the paid-up capital of the Company, if such redemption or purchase for cancellation is made out of the proceeds of an issue of shares made for the purpose of such redemption or purchase for cancellation, or if,

(a) no cumulative dividends, on the preferred shares or shares of the class in respect of which such right of redemption or purchase exists and which are so redeemed or purchased for cancellation, are in arrears; and

(b) if such redemption or purchase for cancellation of such fully paid shares is made without impairment of the Company's capital by payments out of the ascertained net profits of the Company which have been set aside by the directors for the purposes of such redemption or of such purchase for cancellation, and if such net profits are then available for such application as liquid assets of the Company, as shown by the last balance sheet of the Company, certified by the Company's auditors, and being made up to a date not more than ninety days prior to such redemption or purchase for cancellation, and after giving effect to such redemption or purchase for cancellation;

And subject as aforesaid, any such shares may be redeemed or purchased for cancellation by the Company on such terms and in such manner as is set forth in the provisions attaching to such shares, and the surplus resulting from such redemption or purchase for cancellation shall be designated as a capital surplus, which shall not be reduced or distributed by the Company except as provided by a subsequent Act of the Parliament of Canada.

Commission on subscription.

11. The Company may pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the

Company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company: Provided, however, that as regards shares, such commission shall not exceed ten per centum of the amount realized therefrom.

Proviso.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F8.

An Act to incorporate The British American Pipe Line Company.

Read a first time, Monday, 25th April, 1949.

Honourable Senator CAMPBELL.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
35738 1949

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL F[8].

An Act to incorporate The British American Pipe Line Company.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Corporate name.

1. Raymond Lees Hughes, barrister-at-law, James Robert Alexander Bright, barrister-at-law, and Garth William Kerr Macdonald, barrister-at-law, all of the city of Toronto, in the province of Ontario, together with such persons as may become shareholders in the company, are incorporated under the name of The British American Pipe Line Company, hereinafter called "the Company".

Provisional directors.

2. The persons named in section one of this Act shall be the first directors of the Company.

Capital.

3. The capital stock of the Company shall be one million dollars divided into ten thousand shares having a par value of one hundred dollars each.

Head office and other offices.

4. (1) The head office of the Company shall be at the city of Toronto, in the province of Ontario, which head office shall be the domicile of the Company in Canada; and the Company may establish such other offices and agencies elsewhere within or without Canada as it deems expedient.

(2) The Company may, by by-law, change the place where the head office of the Company is to be situate.

(3) No by-law for the said purpose shall be valid or acted upon until it is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders

duly called for considering the by-law and a copy of the by-law certified under the seal of the Company has been filed with the Secretary of State and published in *The Canada Gazette*.

General Pipe Line Act to apply.

5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of any general legislation relating to pipe lines for the transportation of oil or any liquid product or by-product thereof which is enacted by Parliament.

6. The Company, subject to the provisions of any general legislation relating to pipe lines for the transportation of oil or any liquid product or by-product thereof which is enacted by Parliament may,

Power to construct and operate pipe lines.

(a) within or outside Canada construct, purchase, lease or otherwise acquire, and hold, develop, operate, maintain, control, lease, mortgage, create liens upon, sell, convey, or otherwise dispose of and turn to account any and all pipe lines, for the transportation of oil including pumping stations, terminals, storage tanks or reservoirs and all works relative thereto for use in connection with the said pipe lines; and own, lease, sell, operate and maintain aircraft and aerodromes for the purpose of its undertaking, together with the facilities required for the operation of such aircraft and aerodromes; and own, lease, operate and maintain interstation telephone, teletype and telegraph communication systems and, subject to *The Radio Act, 1938*, and any other statute relating to radio, own, lease, operate and maintain interstation radio communication facilities;

Power to hold land.

(b) purchase, hold, lease, sell, improve, exchange or otherwise deal in real property or any interest and rights therein legal or equitable or otherwise howsoever and deal with any portion of the lands and property so acquired, and may subdivide the same into building lots and generally lay the same out into lots, streets and building sites for residential purposes or otherwise and may construct streets thereon and necessary sewerage and drainage systems and build upon the same for residential purposes or otherwise and supply any buildings so erected, or other buildings erected upon such lands, with electric light, heat, gas, water or other requisites, and lease or sell the same, upon such terms and subject to such conditions as appear requisite, either to its employees or to others; and

Ancillary powers.

(c) exercise as ancillary and incidental to the purposes or objects set forth in this Act, the powers following, unless such powers or any of them are expressly excluded by this Act, namely, the powers set forth in paragraphs *(a)* to *(bb)* inclusive of subsection one of section fourteen of *The Companies Act, 1934*.

1934, c. 33.

1934, c. 33.

7. The provisions of sections 39, 40, 59, 62, 63, 64, 65 and 91 of Part I of *The Companies Act, 1934*, apply to the Company, provided that wherever in the said section fifty-nine the words "letters patent" or "supplementary letters patent" appear, the words "Special Act" shall be substituted therefor.

1934, c. 33.

8. Sections 158, 163, 180, 186, 189 and 190 of Part III of *The Companies Act, 1934*, shall not be incorporated with this Act.

Company not to make a loan to shareholders or directors.

9. (1) The Company shall not make any loan to any of its shareholders or directors or give whether directly or indirectly, and whether by means of a loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of, or in connection with, a purchase made or to be made by any person of any shares in the Company:

Proviso.

Provided that nothing in this section shall be taken to prohibit:

(a) the making by the Company of loans to persons, other than directors, bona fide in the employment of the Company with a view to enabling or assisting those persons to purchase or erect dwelling houses for their own occupation; and the Company may take, from such employees, mortgages or other securities for the replacement of such loans;

(b) the provision by the Company, in accordance with any scheme for the time being in force, of money for the purchase by trustees of fully paid shares in the capital stock of the Company, to be held by, or for the benefit of, employees of the Company, including any director holding a salaried employment or office in the Company; or

(c) the making by the Company of loans to persons, other than directors, bona fide in the employment of the Company, with a view to enabling those persons to purchase fully paid shares in the capital stock of the Company, to be held by themselves by way of beneficial ownership.

(2) The powers under paragraphs *(b)* and *(c)* of subsection one of this section shall be exercised by by-law only.

(3) If any loan is made by the Company in violation of the foregoing provisions, all directors and officers of the Company making the same or assenting thereto, shall, until repayment of said loan, be jointly and severally liable to the Company and to its creditors for the debts of the Company then existing or thereafter contracted: Provided that such liability shall be limited to the amount of said loan with interest.

Proviso.

When redemption or purchase not a reduction of paid-up capital.

10. The redemption or purchase for cancellation of any fully paid preferred shares created by by-law pursuant to the provisions of this Act, in accordance with any right of redemption or purchase for cancellation reserved in favour of the Company in the provision attaching to such preferred shares, or the redemption or purchase for cancellation of any fully paid shares of any class, not being common or ordinary shares, and in respect of which the by-laws provide for such right of redemption or purchase, in accordance with the provisions of such by-laws, shall not be deemed to be a reduction of the paid-up capital of the Company, if such redemption or purchase for cancellation is made out of the proceeds of an issue of shares made for the purpose of such redemption or purchase for cancellation, or if,

(a) no cumulative dividends, on the preferred shares or shares of the class in respect of which such right of redemption or purchase exists and which are so redeemed or purchased for cancellation, are in arrears; and

(b) if such redemption or purchase for cancellation of such fully paid shares is made without impairment of the Company's capital by payments out of the ascertained net profits of the Company which have been set aside by the directors for the purposes of such redemption or of such purchase for cancellation, and if such net profits are then available for such application as liquid assets of the Company, as shown by the last balance sheet of the Company, certified by the Company's auditors, and being made up to a date not more than ninety days prior to such redemption or purchase for cancellation, and after giving effect to such redemption or purchase for cancellation; and subject as aforesaid, any such shares may be redeemed or purchased for cancellation by the Company on such terms and in such manner as is set forth in the provisions attaching to such shares, and the surplus resulting from such redemption or purchase for cancellation shall be designated as a capital surplus, which shall not be reduced or distributed by the Company except as provided by a subsequent Act of the Parliament of Canada.

Commission on subscription.

11. The Company may pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company: Provided, however, that as regards shares, such commission shall not exceed ten per centum of the amount realized therefrom.

Proviso.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G[8].

An Act to incorporate Western Pipe Lines.

Read a first time, Monday, 25th April, 1949.

Honourable Senator Crerar, P.C.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

33801

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL G[8].

An Act to incorporate Western Pipe Lines.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Lionel D. M. Baxter, financial agent, Edward A. Nanton, broker, David A. B. Murray, broker, Gordon P. Osler, broker, and Harold G. Tucker, insurance manager, all of the city of Winnipeg, in the province of Manitoba, together with such persons as may become shareholders in the Company, are incorporated under the name of Western Pipe Lines, hereinafter called "the Company".

Provisional directors.

2. The persons named in section one of this Act shall be the first directors of the Company.

Capital.

3. The capital stock of the Company shall consist of two million five hundred thousand shares without nominal or par value.

Head office and other offices.

4. (1) The head office of the Company shall be at the city of Winnipeg, in the province of Manitoba, which head office shall be the domicile of the Company in Canada; and the Company may establish such other offices and agencies elsewhere within or without Canada as it deems expedient.

(2) The Company may, by by-law, change the place where the head office of the Company is to be situate.

(3) No by-law for the said purpose shall be valid or acted upon until it is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders duly called for considering the by-law and a copy of the

by-law certified under the seal of the Company has been filed with the Secretary of State and published in *The Canada Gazette*.

General Pipe Line Act to apply.

5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of any general legislation relating to pipe lines for the transportation of gas or oil and any liquid or gaseous products or by-products thereof which is enacted by Parliament.

6. The Company, subject to the provisions of any general legislation relating to pipe lines for the transportation of gas or oil or any gaseous or liquid products or by-products thereof which is enacted by Parliament, may

Power to construct and operate pipe lines.

(a) within Canada construct, purchase, lease, or otherwise, acquire and hold, develop, operate, maintain, control, lease, mortgage, create liens upon, sell, convey or otherwise dispose of and turn to account any and all interprovincial pipe lines and all appurtenances relative thereto for gathering, processing, transmitting, transporting, storing, and delivering, natural and artificial gas and other gaseous or liquid hydrocarbons, and purchase, or otherwise acquire, process, transmit, transport, and sell or otherwise dispose of and distribute natural and artificial gas and a mixture thereof and other gaseous or liquid hydrocarbons, and own, lease, sell, operate, and maintain aircraft and aerodromes for the purpose of its undertaking, together with the facilities required for the operation of such aircraft and aerodromes; and own, lease, operate and maintain interstation telephone, teletype and telegraph communication systems and subject to *The Radio Act, 1938*, and any other statute relating to radio, own, lease, operate and maintain interstation radio communication facilities;

Power to hold land.

(b) purchase, acquire, hold, lease, sell, improve, exchange or otherwise deal in real property and any interest and rights therein, legal or equitable or otherwise howsoever, and deal with any portion of the property so acquired, and may subdivide the same into building lots and generally lay the same out into lots, streets and building sites for residential purposes or otherwise and may construct streets thereon and necessary sewerage and drainage systems, and build upon the same for residential purposes or otherwise, and supply any buildings so erected, or other buildings erected upon such lands, with electric light, heat, gas, water or other requisites, and lease or sell the same, upon such

terms and subject to such conditions as appear requisite for the purposes of the undertaking, either to its employees or to others;

Ancillary powers.

(c) exercise as ancillary and incidental to the purposes or objects set forth in this Act, the powers following, unless such powers or any of them are expressly excluded by this Act, namely, the powers set forth in paragraphs *(a)* to *(bb)* inclusive of subsection one of section fourteen of *The Companies Act, 1934*.

1934, c. 33.

1934, c. 33.

7. The provisions of subsections (4), (5), (6), (7), (8) and (10) of section 12 and sections 39, 40, 63, 64, 65 and 91 of Part I of *The Companies Act, 1934*, apply to the Company, provided that wherever in subsection (7) of section 12 the words "letters patent" or "supplementary letters patent" appear, the words "Special Act" shall be substituted therefor.

1934, c. 33.

8. Sections 158, 163, 180, 181, 186, 189 and 190 of Part III of *The Companies Act, 1934*, shall not be incorporated with this Act.

Company not to make a loan to shareholders or directors.

9. (1) The Company shall not make any loan to any of its shareholders or directors or give whether directly or indirectly, and whether by means of a loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of, or in connection with, a purchase made or to be made by any person of any shares in the Company:

Proviso.

Provided that nothing in this section shall be taken to prohibit:

(a) the making by the Company of loans to persons, other than directors, bona fide in the employment of the Company with a view to enabling or assisting those persons to purchase or erect dwelling houses for their own occupation; and the Company may take from such employees mortgages or other securities for the repayment of such loans;

(b) the provision by the Company, in accordance with any scheme for the time being in force, of money for the purchase by trustees of fully paid shares in the capital stock of the Company, to be held by, or for the benefit of employees of the Company, including any director holding a salaried employment or office in the Company; or

(c) the making by the Company of loans to persons, other than directors, bona fide in the employment of the Company, with a view to enabling those persons to purchase fully paid shares in the capital stock of the Company, to be held by themselves by way of beneficial ownership.

(2) The powers under paragraphs *(b)* and *(c)* of subsection one of this section shall be exercised by by-law only.

(3) If any loan is made by the Company in violation of the foregoing provisions, all directors and officers of the Company making the same or assenting thereto, shall, until repayment of said loan, be jointly and severally liable to the Company and to its creditors for the debts of the Company then existing or thereafter contracted: Provided that such liability shall be limited to the amount of said loan with interest.

Proviso.

Further powers.

10. The Company may, for the purpose of its undertaking, receive, take and hold all voluntary grants or donations of land and other real and personal property, and any bonus of money or debentures or other benefit of any sort made to it for the purpose of aiding in the construction, maintenance, operation, accommodation and use of the said pipe lines.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[8].

An Act respecting The Canadian Artillery Association.

Read a first time, Monday, 25th April, 1949.

Honourable Senator HUGESSEN.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1949

34437

5th Session, 20th Parliament, 13 George VI, 1949.

THE SENATE OF CANADA

BILL H[8].

An Act respecting The Canadian Artillery Association.

Preamble.

1904, c. 56.

WHEREAS The Canadian Artillery Association, a corporation incorporated by chapter fifty-six of the statutes of 1904, has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name changed.

Existing rights not affected.

1. The name of "The Canadian Artillery Association" hereinafter called "the Association", is hereby changed to "The Royal Canadian Artillery Association", but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Association or any bequest, gift or donation now made or which hereafter may be made to the Association whether by its original or its new name, or any suit or proceeding now pending or judgment existing either by or in favour of or against the Association and which, notwithstanding such change in name of the Association, may be enforced and continued as if this Act had not been passed.

2. Section five of chapter fifty-six of the statutes of 1904, is repealed and the following is substituted therefor:

Officers.

"**5.** There shall be such officers of the Association as may be prescribed by the by-laws, rules and regulations."

3. Section six of the said Act is repealed and the following is substituted therefor:

Executive committee.

"**6.** There shall be an executive committee to be composed of such persons as may, from time to time, be prescribed by the by-laws of the Association."

Explanatory Notes.

1. The membership of the Association is composed of different units of the Royal Canadian Artillery and the Royal Canadian Artillery Reserve Forces, and officers and ex officers of these units. To be consistent, it is felt that the name of the Association should be the Royal Canadian Artillery Association.

Sections 5, 6, 7, 8 and 11 of the Act of Incorporation deal with the internal management and organization of the Association. Since the Association was incorporated, there have been fundamental and far-reaching changes and advancements in the general military organization of Canada. There is every possibility that this advancement will continue with consequent further changes in military organization. It is the desire of the Association to amend its internal management and organization from time to time as may be necessary to conform to the general military organization in Canada, and without the necessity of returning to Parliament for a further private Act for each such internal reorganization.

2. Section 5 of the present Act reads as follows:

"5. At the first general meeting of the Association, and at each annual general meeting of the Association, the Association shall elect a president, four vice presidents, and such members of the council as the Association may choose, from among the members of the Association."

3. Section 6 of the present Act reads as follows:

"6. The council of the Association shall consist of the ex officio members entitled to vote at meetings of the Association, under its by-laws and of the members so elected."

4. Section seven of the said Act is repealed and the following is substituted therefor:

Conduct of business.

"**7.** The business and affairs of the Association shall be conducted at a general meeting of the Association: Provided, however, that the general meeting may delegate to the executive committee such powers as may be deemed expedient and proper for the administration of the Association throughout the year."

Proviso.

5. Section eight of the said Act is repealed and the following is substituted therefor:

Election of members of the executive committee.

"**8.** The members of the executive committee shall be elected at each annual general meeting of the Association, and shall hold office from the date of the meeting at which they are elected until the next annual general meeting, when all members of the executive committee shall tender their resignations: Provided, however, that each member of the executive committee may be eligible for re-election if qualified in all other respects under the by-laws of the Association."

Proviso.

6. Paragraph *(a)* of section nine of the said Act is repealed and the following is substituted therefor:

"*(a)* The promotion of the efficiency and welfare of the Royal Canadian Artillery and of all matters pertaining to the defence of Canada;"

7. Section eleven of the said Act is repealed and the following is substituted therefor:

By laws.

"**11.** (1) The Association 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 Association.

(2) Every by-law made by the executive committee shall have force until the next annual general meeting of the Association, and in default of confirmation thereat shall cease and become void."

4. Section 7 of the present Act reads as follows:

"7. The council may in all things administer the affairs of the Association, make all contracts within the scope of the business and powers of the Association, do such other things as are required for the proper transaction of the affairs of the Association, and make by-laws for the following purposes:—

(a) the appointments, duties and removal of all officers and servants of the Association, and their remuneration;

(b) the time and place of all meetings of the Association, council and committees, and the quorum thereof and voting at such meetings;

(c) the fees and membership of the Association;

(d) the filling of vacancies occurring in the council and committees;

(e) the conduct, in all other particulars, of the affairs of the Association, and for carrying out its objects and powers."

5. Section 8 of the present Act reads as follows:

"8. The council, at its first meeting after each annual general meeting, shall elect from among its members a committee to be called the executive committee; and the council, may by resolution, delegate to the executive committee power to make by-laws for any of the purposes mentioned in section 7 of this Act, which by-laws shall thereupon be of the same force and effect as if made by the council."

6. Paragraph *(a)* of section 9 of the present Act reads as follows:

"*(a)* to promote the development of gunnery skill and the dissemination of artillery knowledge in Canada;"

7. Section 11 of the present Act reads as follows:

"11. Every by-law, rule or regulation made by the council, or by the executive committee under its authority, shall have force until the next annual general meeting of the Association, and in default of confirmation thereat shall cease and become void; provided that any by-law, rule or regulation made by the council or the executive committee may be repealed or amended by the Association at any annual general meeting or at any special general meeting called for that purpose."

Having regard to the complexities of the organization of the modern army, and the close association and interdependence of all units composing a modern army, it is felt that the promotion and development of artillery knowledge and skill must of necessity affect and be related to all other matters pertaining to the defence of Canada.

The purpose of the amendment to paragraph *(a)* of section 9 is to broaden the Association's objects to conform to the practical situation with which it is faced.