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CANADA
HOUSE OF COMMONS

21st Parliament, 2nd Session
1950

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Second Session, Twenty-First Parliament

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Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 2.

An Act to amend the Criminal Code.
(Capital Punishment).

First reading, February 20, 1950.

Mr. Thatcher.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

55770

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA

BILL 2.

An Act to amend the Criminal Code.
(Capital Punishment).

R.S., c. 36; 1930, c. 11; 1931, c. 28; 1932, cc. 7, 8, 9, 28; 1932–33, cc. 25, 53; 1934, cc. 11, 47; 1935, cc. 36, 56; 1936, c. 29; 1938, c. 44; 1939, c. 30; 1943–44, c. 23; 1944–45, c. 35; 1946, cc. 5, 20; 1947, cc. 31, 55; 1947–48, cc. 39, 40; 1949 (2nd) cc. 2, 13.

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

1. Section two hundred and sixty-three of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

Punishment for murder.

"**263.** Every one who commits murder is guilty of an indictable offence and shall, on conviction thereof, be sentenced to imprisonment for life."

2. Section two hundred and ninety-nine of the said Act is repealed and the following substituted therefor:—

Punishment for rape

"**299.** Every one who commits rape is guilty of an indictable offence and liable to imprisonment for life and to be whipped."

Explanatory Notes.

The purpose of this Act is to provide that hereafter no person shall, except where the offence is treason, levying war or piracy with violence, be sentenced in Canada to suffer death, and, in other than the excepted cases, where for any offence any person would heretofore have been liable to suffer death that such person shall hereafter be liable to imprisonment for life.

The sections to be repealed at present read as follows:—

"**263.** Every one who commits murder is guilty of an indictable offence and shall, on conviction thereof, be sentenced to *death.*"

"**299.** Every one who commits rape is guilty of an indictable offence and liable *to suffer death* or to imprisonment for life, and to be whipped."

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to amend The Industrial Relations and Disputes Investigation Act. (Voluntary revocable check-off).

First reading, February 20, 1950.

MR. KNOWLES.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

55774

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to amend The Industrial Relations and Disputes Investigation Act. (Voluntary revocable check-off).

1947-48, c. 54.

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

1. Section six of *The Industrial Relations and Disputes Investigation Act*, chapter fifty-four of the statutes of 1947-48, is amended by adding thereto the following subsection:

Deduction of union dues.

"(3) Upon request of a trade union entitled to bargain collectively under this Act on behalf of a unit of employees and upon receipt of a request in writing signed by any employee in such unit, the employer of such employee shall, until the employee in writing withdraws such request, periodically deduct, and pay out of the wages due to such employee to the person designated by the trade union to receive the same, the union dues of such employee; and the employer shall furnish to such trade union the names of the employees who have given and withdrawn such authority."

Explanatory Note.

This bill adds a new subsection three to section six of the Act. The effect of this new subsection is to provide for the voluntary revocable check-off of union dues.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act respecting Canada Day.

First reading, February 20, 1950.

MR. COTÉ
(Matapedia-Matane).

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

55572

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act respecting Canada Day.

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

Short title.

1. This Act may be cited as *The Canada Day Act.*

Canada Day a legal holiday.

2. Throughout Canada, in each and every year, the first day of July, not being a Sunday, shall be a legal holiday, and shall be kept and observed as such, under the name of *Canada Day.*

When 1st of July is a Sunday.

3. When the first day of July is a Sunday, the second day of July shall be, in lieu thereof, throughout Canada, a legal holiday, and shall be kept and observed as such, under the name of *Canada Day.*

Repeal.

4. The *Dominion Day Act,* chapter forty-nine of the Revised Statutes of Canada, 1927, is repealed.

Explanatory Note.

This Bill is intended to repeal the *Dominion Day Act* and substitute therefor a Canada Day Act. The changes are in the title and in section two where the word "Canada" is substituted for the word "Dominion".

The same Bill was introduced (on the 27th day of March) and passed (on the 4th day of April) in the House of Commons in 1946.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

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

First reading, February 20, 1950.

MR. WRIGHT

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

55778

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

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

1935, c. 53; 1939, c. 39; 1940, c. 25; 1942-43, c. 4; 1947, c. 15; 1947-48, c. 4.

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

1. Paragraph *(b)* of subsection one of section twenty-one of *The Canadian Wheat Board Act, 1935*, chapter fifty-three of the statutes of 1935, as enacted by section two of chapter four of the statutes of 1947-48, is repealed and the following substituted therefor:

Payment to producers.

"*(b)* pay to producers selling and delivering wheat produced in the designated area to the Board, at the time of delivery or at any time thereafter as may be agreed upon, a sum certain per bushel basis in store Fort William/Port Arthur, Vancouver or Churchill to be fixed from time to time by regulation of the Governor in Council in respect of wheat of the grade No. 1 Manitoba Northern and by the Board, with the approval of the Governor in Council, in respect of each other grade thereof: Provided that during the period commencing on the first day of August, nineteen hundred and forty-six, and ending on the thirty-first day of July, nineteen hundred and fifty, such sum certain shall, in the case of grade No. 1 Manitoba Northern be not less than one dollar and thirty-five cents per bushel, and in the case of each other grade, such other sum certain as in the opinion of the Board, with the approval of the Governor in Council, from time to time brings the sum certain for such grade into proper price relationship with the said sum certain for the grade No. 1 Manitoba Northern; and where the Governor in Council pursuant to this paragraph increases during a pool period the sum certain payable to producers in respect of wheat of the grade No. 1 Manitoba Northern, it shall not be

Proviso.

Explanatory Notes.

The only change made by this bill is to insert the words "or Churchill" in the appropriate place in two sections of the Act, as underlined herewith.

The effect of this change will be to permit producers in the area accessible to the Port of Churchill to get the advantage of the cheaper freight rate to Churchill, wherever such cheaper rates apply. The implementation of this provision will not involve any increase in expenditure either by the Government or by The Canadian Wheat Board.

reduced during that pool period and the Board shall pay to any person the amount of such increase in respect of each bushel of wheat produced in the designated area and sold and delivered by him as a producer to the Board during that pool period prior to the day on which such increase becomes effective."

2. Subsection three of section twenty-two of the said Act, as enacted by section five of chapter fifteen of the statutes of 1947, is repealed and the following substituted therefor:

Determination of amounts to which producers entitled.

"(3) The Board shall, with the approval of the Governor in Council, determine and fix the amounts to which producers are entitled per bushel according to grade and quality under certificates issued pursuant to this Part, it being the true intent and meaning of this Part that each producer shall receive in respect of wheat sold and delivered to the Board during each crop year for the same grade thereof, the same price basis Fort William/Port Arthur, Vancouver or Churchill and that each such price shall bear a proper price relationship to that for each other grade."

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend The Industrial Relations and Disputes Investigation Act. (Enforcement).

First reading, February 21, 1950

MR. GILLIS.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

55662

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend The Industrial Relations and Disputes Investigation Act. (Enforcement).

1947-48, c. 54.

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

1. Sections forty-three to forty-six, inclusive, of *The Industrial Relations and Disputes Investigation Act*, chapter fifty-four of the statutes of 1947-48, are repealed and the following section substituted therefor:

Application to the Board.

"**43.** (1) Any employer or trade union may apply to the Board for an order that any person, employee, trade union, employer or employers' organization has violated a provision of this Act.

Notice to appear.

(2) Upon receipt of such an application, the Board shall by notice in writing, direct the party making the complaint and the party against whom the complaint has been made to appear before it and shall hear and receive such evidence as may be presented to it.

Order of the Board.

(3) After hearing the evidence, as aforesaid, the Board may, if it is of the opinion that there has been a violation of the provisions of this Act, issue an order indicating the precise nature of the violation.

Enforcement.

(4) Where an order is made by the Board pursuant to subsection three of this section, the Chief Executive Officer of the Board or anyone acting through or under him, may file such order, duly certified by the Chairman of the Board, in the Magistrate's Court of the jurisdiction in which the violation referred to in the said order took place, and the Magistrate of the said Court shall, by summons issued in the usual manner, thereupon direct the person, employee, trade union, employer or employers' organization against whom the order was made to appear before him and shall impose upon such person, employee, trade union, employer or employers' organization the penalty or compensation

Explanatory Note.

The sections to be repealed and replaced by the section appearing in the text at present read as follows:—

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

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

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

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

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

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

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

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

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

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

provided in this Act for the violation specified in the order of the Board. For the purpose of any proceedings taken under this subsection the fact of the violation shall be sufficiently proved in any court of law by the filing of the said order of the Board certified by the Chairman of the Board.

If order ambiguous.

(5) If, in the opinion of a Magistrate, the order of the Board is ambiguous or its meaning not clear in any particular, he may refer to the Board any question or matter for clarification by the said Board.

Appeal by the Board.

(6) The Board may appeal from the decision or judgment of a Magistrate."

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 7.

HOUSE COPY

An Act to incorporate Alberta Natural Gas Company.

First reading, February 23, 1950.

(PRIVATE BILL.)

MR. MAYBANK.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
55275 1950

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA

BILL 7.

An Act to incorporate Alberta Natural Gas Company.

Preamble.

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

Incorporation.

1. John Joseph Connolly, of the City of Ottawa, in the Province of Ontario, one of His Majesty's Counsel; William Joseph Dick, of the City of Edmonton, in the Province of Alberta, Consulting Engineer; Abner Faison Dixon, of the City of Houston, in the State of Texas, and of the City of New York, Geologist and Engineer; Harvey Reginald McMillan, C.B.E., of the City of Vancouver, in the Province of British Columbia, Industrialist; John Wray Moyer, of the City of Calgary, in the Province of Alberta, Oil Executive; Cortelyou Ladd Simonson, of the City of New York, in the State of New York, Investment Banker, Austin Cottrell Taylor, C.B.E., of the City of Vancouver, in the Province of British Columbia, Mining Executive; together with such persons as may become shareholders in the Company, are incorporated under the name Alberta Natural Gas Company, hereinafter called "the Company".

Corporate name

Provisional directors.

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

Capital.

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

Head office and other offices.

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

Change of situs by by-law.

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

Sanction of by-law.

(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.

Powers of company.

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

Power to construct and operate pipe lines.

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

1938, c. 50.

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.

The Companies Act application.

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.

Sections of the Companies Act inapplicable.

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.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 8.

An Act to amend The Unemployment Insurance Act, 1940.

First reading, February 23, 1950.

MINISTER OF LABOUR.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

55803

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 8.

An Act to amend The Unemployment Insurance Act, 1940.

1940, c. 44; 1943-44, c. 31; 1946, c. 68; 1948, c. 29.

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

1. Section eleven A of *The Unemployment Insurance Act, 1940*, chapter forty-four of the statutes of 1940, as enacted by section one of chapter thirty-one of the statutes of 1943-44, is repealed and the following substituted therefor:

Designated officers may administer oaths.

"**11A.** Any officer or clerk appointed under this Act who is designated by the Commission for the purpose may, in the course of his employment, administer oaths and take and receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act or regulations made thereunder, and every such officer or clerk shall, with respect to any such oath, affidavit, declaration or affirmation, have all powers of a commissioner for taking affidavits."

Repeal.

2. Paragraph *(c)* of subsection one of section sixteen of the said Act, as enacted by section four of chapter sixty-eight of the statutes of 1946, is repealed.

3. (1) Subsection two of section seventeen of the said Act is repealed and the following substituted therefor:

Rates of contribution.

"(2) Subject to the provisions of this Act and to any regulations made thereunder, a contribution at the weekly rate provided in this subsection shall be payable for each calendar week during the whole of which an employed person is employed by an employer:

Explanatory Notes.

1. Section Eleven A is as follows:

"11A. Any officer or clerk appointed under this Act who is designated by the Minister for the purpose may, in the course of his employment, administer oaths and take and receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act or regulations made thereunder, and every such officer or clerk shall, with respect to any such oath affidavit, declaration or affirmation, have all powers of a commissioner for taking affidavits."

This amendment will facilitate the designation of the officers of the Commission who will be empowered to administer oaths and take and receive affidavits for the purposes of the Act. It will obviate the necessity of having the Minister sign each authorization.

2. Paragraph *(c)* of subsection one of section sixteen of the said Act is as follows:

"*(c)* a person employed on a ship or vessel under circumstances prescribed in paragraph *(c)* of Part I of the First Schedule entitling him to exemption."

This paragraph is now unnecessary since Section 97(*n*) enables the exemption to be done by regulation which has already been made under paragraph (*n*) and is now in effect.

3. Subsections two and five of Section seventeen are as follows:

"(2) Subject to the provisions of this Act and to any regulations made thereunder, a contribution at the weekly rate provided in the Second Schedule to this Act shall be payable for each calendar week during the whole of which an employed person is employed by an employer.

(5) The Commission may, notwithstanding anything herein contained, prescribe contribution rates for periods other than a week on a basis substantially equivalent to the rates in the Second Schedule to this Act and by such regulations may determine the corresponding weekly or daily rates of contribution for the purposes of Part II of this Act."

This clause must be read in conjunction with clause 24. The Second Schedule which now contains the rates of contributions is being repealed and integrated in subsection (2) of Section 17 which deals with contributions payable. The reader will not have to look to two different places in the Act for the provisions concerning contributions payable under the Act.

The present classes of contributions have been reduced from nine to six and a higher class has been added. This was effected by grouping some classes together. At the

RATES OF CONTRIBUTION.

Range of Earnings	WEEKLY RATE	
	Employer	Employed Person
While earning in a week		
Less than $9.00	18 cents	18 cents
$9.00 to $14.99	24 cents	24 cents
$15.00 to $20.99	30 cents	30 cents
$21.00 to $26.99	36 cents	36 cents
$27.00 to $33.99	42 cents	42 cents
$34.00 to $47.99	48 cents	48 cents
$48.00 or more	54 cents	54 cents"

(2) Subsection five of section seventeen of the said Act, as enacted by section two of chapter thirty-one of the statutes of 1943-44, is repealed and the following substituted therefor:

Contributions for periods other than a week.

"(5) The Commission may, notwithstanding anything herein contained, prescribe contribution rates for periods other than a week on a basis substantially equivalent to the rates in subsection two of this section and by such regulations may determine the corresponding weekly or daily rates of contribution for the purposes of Part II of this Act."

4. (1) Subsection one of section nineteen of the said Act, as enacted by section five of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

Recovery of contributions made on behalf of employee.

"**19.** (1) Except in cases to which subsection three of this section applies, where an employed person receives wages or other pecuniary remuneration in respect of his employment, an amount equal to any contribution paid or payable on behalf of the employed person by the employer or by any other person may, notwithstanding any act or contract to the contrary, be recovered by deducting from the wages or other pecuniary remuneration and not otherwise; but no deduction may be made under this subsection

(a) from any wages or pecuniary remuneration other than such as are paid in respect of the period or part of the period for which the contribution is payable; or

(b) in excess of the contribution paid or payable on behalf of the employed person for the period in respect of which the wages or pecuniary remuneration is paid."

(2) Subsections three and four of section nineteen of the said Act are repealed and the following substituted therefor:

same time the rates of contributions between employer and the employed person have been equalized throughout the classes.

The rates of contributions have been increased by 1c. per day or 6c. per week for the employer and also for the employed person, in order to provide for supplementary benefits as outlined in clause 20.

4. Subsections one, three and four of section nineteen are as follows:

"**19.** (1) Except in cases to which subsection three or four of this section applies, where an employed person receives wages or other pecuniary remuneration in respect of his employment, an amount equal to any contribution paid or payable on behalf of the employed person by the employer or by any other person may, notwithstanding any Act or contract to the contrary, be recovered by deducting from the wages or other pecuniary remuneration and not otherwise; but no deduction may be made under this subsection.

(a) from any wages or pecuniary remuneration other than such as are paid in respect of the period or part of the period for which the contribution is payable; or

(b) in excess of the contribution paid or payable on behalf of the employed person for the period in respect of which the wages or pecuniary remuneration is paid.

(3) Where the employed person is not paid wages or other pecuniary remuneration by his employer or any other person, or while his average daily earnings during a full working week are less than ninety cents, the employer shall be liable to pay the contributions payable both by himself and the employed person and shall not be entitled to recover any part thereof from the employed person.

(4) Where the employed person is under sixteen years of age, the employer shall be liable to pay the contributions payable both by himself and the employed person and shall not be entitled to recover any part thereof from the employed person."

The effect of this amendment is to relieve the employer from paying contributions payable for the employed person where the person is earning less than 90c. a day or while he is under sixteen years of age. This is linked with the changes in contributions recommended in clause 3 and with the amendment to the Statutory Conditions in *(b)* and *(d)* of subsection (1) of section 28 as effected in clause 6.

Where no wages paid employee.

"(3) Where the employed person is not paid wages or other pecuniary remuneration by his employer or any other person, the employer shall be liable to pay the contributions payable both by himself and the employed person and shall not be entitled to recover any part thereof from the employed person."

5. Subsection one of section twenty of the said Act, as enacted by section three of chapter thirty-one of the statutes of 1943-44, is repealed and the following substituted therefor:

Persons to be treated as employers in certain cases.

"**20.** (1) In any case or class of cases where employed persons

(a) work under the general control or direct supervision of, or are paid by, some person other than their actual employer, or

(b) in the case of employment in lumbering and logging, work with the concurrence of some person other than their actual employer on the premises or property of that person,

the Commission may by special order provide that such other person shall for the purposes of this Act relating to the payment of contributions be deemed to be the employer."

6. (1) Subsection one of section twenty-eight of the said Act, as enacted by section seven of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

"**28.** (1) The right of an insured person to receive insurance benefit shall be subject to the following conditions (in this Act referred to as "statutory conditions"), namely:

Statutory conditions.

(a) that contributions have been paid in respect of him while employed in insurable employment for at least one hundred and eighty days during the two years immediately preceding the day on which the benefit year commences; and

(b) that contributions have been paid in respect of him while employed in insurable employment

(i) for at least sixty days during the period of fifty-two weeks immediately preceding the commencement of the benefit year, or during the period since the commencement of the immediately preceding benefit year, if any, whichever period is less; or

(ii) for at least forty-five days during the period of twenty-six weeks immediately preceding the commencement of the benefit year or during the period since the commencement of the immediately preceding benefit year, if any, whichever period is less."

5. Subsection one of section twenty is as follows:

"**20.** (1) In any case or class of cases where employed persons work under the general control of some person other than their actual employer, the Commission may by special order provide that such other person shall for the purposes of this Act relating to the payment of contribution be deemed to be the employer."

The amendment to this subsection will enable the Commission to require not only the actual employer of the person but also the person who has the general control or the direct supervision of his services or the person by whom he is paid his wages to see to it that contributions are paid in respect of that person. In respect of lumbering and logging, the person so required may be the owner or lessee of the property or timber limits where the operations are carried on with his concurrence.

6. Subsection one of section twenty-eight is as follows:

"**28.** (1) The right of an insured person to receive insurance benefit shall be subject to the following conditions (in this Act referred to as "statutory conditions"), namely:

(a) that contributions have been paid in respect of him while employed in insurable employment

(i) in the case of each benefit year for not less than one hundred and eighty days during the two years immediately preceding the day on which the benefit year commences; and

(ii) in the case of each benefit year except his first, for not less than sixty days since the commencement of his immediately preceding benefit year;

(b) that, of the contributions made in respect of him while employed in insurable employment during the year immediately preceding the day on which the benefit year commences not more than half were made at the lowest rate of contribution specified in the Second Schedule;

(c) that he has made a claim for benefit in the prescribed manner; and

(d) that he is at least sixteen years of age."

The First Part of the First Condition has been retained unchanged. It requires the payment of 180 daily contributions within 2 years before a person has rights to benefit. The Second Part of the First Condition has been modified. At present it requires 60 contributions since a person's last initial claim. The amendment would generally require either 60 daily contributions in the last year previous to the claim or 45 during the last 6 months previous to the claim. This is in order to ensure some recency of attachment to the labour market.

Paragraphs *(b)* and *(d)* of the above have been dropped. The effect is that persons under 16 years of age or earning less than 90 cents per day, whose contributions have heretofore been paid by the employer, and who have not drawn benefits while in the lower contribution classes, will hereafter pay their own contribution, and will be entitled to draw benefits in like manner as other claimants.

The Third Statutory Condition is not necessary and has therefore been deleted since under section ninety-seven *(b)* of the Act, the Commission has power to make regulations

(2) Subsection three of section twenty-eight of the said Act, as enacted by section seven of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

Periods increased.

"(3) If an insured person proves in the prescribed manner that he was, during any period falling within the two years specified in subsection one of this section,

(a) incapacitated for work by reason of some specific disease or bodily or mental disablement; or

(b) employed in excepted employment; or

(c) engaged in business on his own account; or

(d) employed in insurable employment in respect of which contributions were not payable; or

(e) employed outside of Canada or partly outside of Canada, in an employment in respect of which contributions were not payable; or

(f) employed in an employment not described by Part I of the First Schedule to this Act,

then subsection one of this section and section thirty-one of this Act shall have effect as if, for each period therein referred to, there were substituted that period increased by the aggregate of the periods of such incapacity or of such employment or business engagement, but the increase so made in any period shall not in any case exceed two years."

7. (1) Paragraph *(b)* of subsection one of section twenty-nine of the said Act, as enacted by section seven of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

"*(b)* on any day on which, notwithstanding that his employment has terminated, he is following an occupation for remuneration or profit unless

While following any occupation for remuneration unless outside ordinary working hours.

(i) that occupation could ordinarily be followed by him in addition to, and outside the ordinary working hours of, his usual employment, and

(ii) the remuneration or profit received or earned therefrom for that day does not exceed two dollars or, where such remuneration or profit is in respect of a period longer than a day, the daily average of the remuneration or profit does not exceed that amount;"

(2) Paragraph *(d)* of subsection one of section twenty-nine of the said Act, as enacted by section seven of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

for prescribing the evidence to be required as to the fulfilment of the Conditions and the absence of the disqualification for receiving or continuing to receive insurance benefit. Such regulations have been made by the Commission and are now in effect.

The substance of the amendment to the Statutory Conditions concerning the number of contributions has been approved by the Unemployment Insurance Commission Advisory Committee.

Subsection three of section twenty-eight is as follows:

"(3) If an insured person proves in the prescribed manner that he was, during any period falling within the two years specified in the first statutory condition,
(a) incapacitated for work by reason of some specific disease or bodily or mental disablement; or
(b) employed in excepted employment; or
(c) engaged in business on his own account; or
(d) employed in insurable employment in respect of which contributions were not payable; or
(e) employed outside of Canada or partly outside of Canada, in an employment in respect of which contributions were not payable; or
(f) employed in an employment not described by Part I of the First Schedule to this Act,
the first statutory condition and section thirty-one of this Act, shall have effect as if, for the period of two years therein referred to, there were substituted a period of two years increased by such periods of incapacity or of such employment or business engagement but so as not to exceed in any case four years."

Note should be taken that the extension of the various periods of 2 years, 52 weeks and 26 weeks, mentioned in the Statutory Conditions has been enlarged to cover the cases of the extension of the two last mentioned periods which previously could not be extended even where an insured person was not in a position to acquire the contributions required. He will now be in a position to prove that during these periods he was incapacitated or engaged in an employment which prevented him from acquiring contributions.

7. Paragraph *(b)* of subsection one of section twenty-nine is as follows:

"**29.** (1) An insured person shall be deemed not to be unemployed
(b) on any day on which, notwithstanding that his employment has terminated, he is following an occupation from which he derives remuneration or profit unless
(i) that occupation could ordinarily be followed by him in addition to, and outside the ordinary working hours of, his usual employment, and
(ii) the remuneration or profit received therefrom for that day does not exceed one dollar and fifty cents or, where the remuneration or profit is payable or is earned in respect of a period longer than a day, the daily average of the remuneration or profit does not exceed that amount."

This amendment raises from $1.50 a day to $2.00 a day the permissable earnings which a claimant is allowed to earn without impairing his right to receive benefit, if the work he carries on can usually be followed by him in addition to his usual employment outside his usual working hours. This amendment was approved in principle by The Unemployment Insurance Advisory Committee.

Full working week.

"*(d)* on any day of any calendar week during which he works the full working week or four or more days or shifts by reason of a temporary reduction of his working week;"

8. Section thirty-one of the said Act, as enacted by section seven of chapter sixty-eight of the statutes of 1946, and amended by section five of chapter twenty-nine of the statutes of 1948, is repealed and the following substituted therefor:

Rates of benefit.

"**31.** (1) The daily rate of benefit for a benefit year

(a) for a person without a dependant, shall be thirty-four times the average of the one hundred and eighty most recent daily contributions paid by the insured person during the two years immediately preceding the commencement day of the benefit year; and

(b) for a person with a dependant, shall be forty-five times such average, less ten cents from the product so obtained,

and the weekly rate of benefit shall be six times the daily rate.

(2) In computing the average daily contribution

(a) any contributions paid by the insured person for any period prior to the first day of July, nineteen hundred and fifty-one, at the daily rate of nine cents shall be deemed to have been paid at the rate of eight cents, for the purpose of computing his rate of benefit for periods prior to the first day of July, nineteen hundred and fifty-one; and

(b) one cent shall be deducted from each daily contribution paid by the insured person after the first day of July, nineteen hundred and fifty;

(c) fractions of a cent less than one-half shall be disregarded and fractions of a cent equal to or greater than one-half shall be taken as a full cent.

(3) For the purposes of this section

(a) a person with a dependant is

(i) a man whose wife is being maintained wholly or mainly by him; or

(ii) a married woman who has a husband dependent on her; or

(iii) a person who maintains wholly or mainly one or more children under the age of sixteen years; or

(iv) a person who maintains a self-contained domestic establishment and supports therein, wholly or mainly, a person connected with him by blood relationship, marriage or adoption;

(b) a child means a child of the insured person and includes his stepchild, adopted child or illegitimate child.

Paragraph *(d)* of subsection one of section twenty-nine is as follows:

"*(d)* on any day of any calendar week during which he works the full working week;"

The person who due to a temporary reduction of his working week, works four or more days or shifts in a calendar week, is in fact, still employed and consequently should be deemed not to be unemployed on the days on which he does not work.

8. Section thirty-one is as follows:

"**31.** (1) Except in the cases referred to in subsection two of this section, the daily rate of benefit for a benefit year shall be thirty-four times the average of the one hundred and eighty most recent daily contributions paid by the insured person during the two years immediately preceding the commencement day of the benefit year.

(2) Where the employed person is a person with a dependent, that is to say

(a) a man whose wife is being maintained wholly or mainly by him; or

(b) a married woman who has a husband dependent on her; or

(c) a person who maintains wholly or mainly one or more children under the age of sixteen years; or

(d) a person who maintains a self-contained domestic establishment and supports therein, wholly or mainly, a person connected with him by blood relationship, marriage or adoption;

the daily rate of benefit shall be the amount obtained by multiplying the average of the one hundred and eighty most recent daily contributions paid by the insured person during the two years immediately preceding the commencement day of the benefit year by forty-five, and deducting ten cents from the product so obtained.

(3) Notwithstanding subsection one or two of this section, if the daily rate of benefit, computed as therein provided, is not a multiple of five, the daily rate of benefit shall be the nearest multiple of five, and if there are two multiples of five equally near to the daily rate so computed, the daily rate shall be the higher of the said multiples.

(4) The weekly rate of benefit shall be six times the daily rate.

(5) For the purposes of this section, "child" means a child of the insured person and includes his stepchild, adopted child or illegitimate child.

(6) Where the one hundred and eighty most recent daily contributions paid by an insured person during the two years immediately preceding the commencement day of the benefit year average the amounts in columns (1) and (2) below, the rates of benefit shall be the amounts set out in columns (3) to (6) inclusive below:

Average Employee Contribution		Rate of Benefit			
		Person without a Dependent		Person with a Dependent	
Daily	Weekly	Daily	Weekly	Daily	Weekly
(1) cents	(2) cents	(3) $ cts.	(4) $ cts.	(5) $ cts.	(6) $ cts.
0.02	0.12	0 70	4 20	0 80	4 80
.02½	.15	0 85	5 10	1 05	6 30
.03	.18	1 00	6 00	1 25	7 50
.03½	.21	1 20	7 20	1 50	9 00
.04	.24	1 35	8 10	1 70	10 20
.04½	.27	1 55	9 30	1 95	11 70
.05	.30	1 70	10 20	2 15	12 90
.05½	.33	1 85	11 10	2 40	14 40
.06	.36	2 05	12 30	2 60	15 60
.06½	.39	2 20	13 20	2 85	17 10
.07	.42	2 40	14 40	3 05	18 30

(4) Where the average daily contribution, computed in accordance with subsection two is the amount in column (1) below, the rates of benefit shall be the respective amounts set out in columns (2) to (5) inclusive below:

Average Insured Person Contribution	Rate of Benefit			
	Person without a Dependant		Person with a Dependant	
Daily	Daily	Weekly	Daily	Weekly
(1)	(2)	(3)	(4)	(5)
cents				
2	$0.70	$4.20	$0.80	$4.80
3	1.00	6.00	1.25	7.50
4	1.35	8.10	1.70	10.20
5	1.70	10.20	2.15	12.90
6	2.05	12.30	2.60	15.60
7	2.40	14.40	3.05	18.30
8	2.70	16.20	3.50	21.00"

9. Section thirty-five of the said Act, as enacted by section seven of chapter sixty-eight of the statutes of 1946, and amended by section six of chapter twenty-nine of the statutes of 1948, is repealed and the following substituted therefor:

Days not counted for benefit.

"**35.** (1) An insured person shall not be entitled to benefit,

First day in period of unemployment.

(a) for any period of unemployment consisting of one day or for the first day in any period of unemployment consisting of two or more consecutive days, subject to the following exceptions:

Exceptions.

(i) not more than one such day shall be excluded from benefit under this paragraph in any claim week; and

(ii) where that person while unemployed becomes employed for monetary gain and continues to be so employed for a period of not more than three consecutive days, then subject to the prescribed proof of the facts of that employment, the first day of unemployment following that period shall not be excluded from benefit under this paragraph, but this subparagraph shall not apply if that person is regularly employed by the same employer for three days or less, whether consecutive or not, in a week; and

Waiting days.

(b) in addition to the days specified in paragraph *(a)*, for the first eight days of unemployment in any benefit year.

This section is generally to the same effect as the present section. However, it contains the restriction of the application of the newest higher class of contributions for a year. The establishment of the new class was recommended with that restriction by the Unemployment Insurance Advisory Committee in order that those who will benefit from the highest rate of benefit be required to accumulate contributions at the higher rate for a period of a year.

It also contains the stipulation that the additional cent contributed by the employed person for the purpose of Supplementary Benefit, will not count for the purposes of the normal benefit under the Act (see clause 20).

The table which is now in subsection (6) is only an illustration. The new table has become in effect the rates of benefit pertaining to the various respective daily average employed person's contributions on which the computation of benefit is based. It takes into account the elimination of the half cent in the average employed person's contribution; and also it brings the rate of benefit to the nearest 5c. a provision which is now in the Act.

9. Section thirty-five is as follows:

"**35.** (1) An insured person shall not be entitled to benefit

(a) for the first nine days of unemployment in any benefit year; nor

(b) for the first day of unemployment in any claim week,

(i) unless the insured person is unemployed for the whole of that week, or

(ii) unless the first day of unemployment in that week immediately follows a period of continuous unemployment of not less than one full week;

and any day of unemployment excluded under this paragraph shall be in addition to the days, if any, excluded under paragraph *(a)* of this subsection.

(2) For the purpose of this Act "claim week" means a period of six consecutive days exclusive of Sunday beginning on a day to be determined in a manner prescribed by the Commission.

(3) A day for which a person is disqualified from receiving benefit shall not be included as a day of unemployment for the purposes of paragraph *(a)* of subsection one of this section."

The present provision tends to discourage a claimant from seeking casual employment while on claim. The amendment will have the effect of encouraging a claimant to accept short periods of employment. Under the present section, if a claimant works for one day in a week, not only does he not receive benefit for that day, but also usually loses another day of benefit. This amendment has been recommended by The Unemployment Insurance Advisory Committee.

(2) For the purposes of this section

"claim week". *(a)* "claim week" means a period of seven consecutive days beginning on a day to be determined in the prescribed manner; and

Day of unemployment. *(b)* a day for which an insured person is disqualified from receiving benefit shall not be a day of unemployment."

10. (1) Subsection one of section thirty-six of the said Act, as enacted by section seven of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

"benefit year". "**36.** (1) Subject to subsection two of this section "benefit year" means, in relation to an insured person who, upon making a claim for benefit, proves that the statutory conditions are fulfilled in his case, a period of twelve months commencing on the day he makes that claim."

(2) Subsection five of section thirty-six of the said Act, as enacted by section seven of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

Benefit year erroneously established. "(5) In any case where, by reason of an erroneous decision, a benefit year has been deemed to have been established although one or more of the statutory conditions have not been fulfilled, a benefit year shall nevertheless be deemed to have commenced; but the insured person concerned shall not be entitled to benefit during that benefit year from the time when it is ascertained that such decision was made erroneously until the day upon which he proves that he fulfills the statutory conditions as of any day subsequent to the day on which the benefit year commences."

11. Subsection one of section thirty-eight of the said Act, as enacted by section seven of chapter sixty-eight of the statutes of 1946, and amended by section seven of chapter twenty-nine of the statutes of 1948, is repealed and the following substituted therefor:

Regulations in respect of special classes. "**38.** (1) Where it appears to the Commission that the application of the provisions of this Act in the determination of benefit for classes of persons

Casual workers. *(a)* who habitually work for less than a full working week;

Seasonal. *(b)* who work or have worked for only part of the year in an industry or in an occupation that the Commission declares to be seasonal;

Workers paid on a basis other than time. *(c)* who by custom of their occupation, trade or industry or pursuant to their agreement with an employer are paid, in whole or in part, by the piece or on a basis other than that of time; or

10. Subsection one of section thirty-six is as follows:

"**36.** (1) Subject to subsection two of this section, "benefit year" means, in relation to an insured person who, upon making a claim for benefit, proves that the statutory conditions are fulfilled in his case, a period of twelve months commencing on the day he makes that claim the day following the last day worked or the day following the last day for which a contribution has been paid as required by this Act, whichever is the latest."

The effect of the first amendment is to change the commencement day of the benefit year. At present it may commence in three ways and it is considered advisable that the benefit year commence only on the day a claimant makes his claim for benefit.

Subsection five of section thirty-six is as follows:

"(5) In any case where, by reason of an erroneous decision, a benefit year has been deemed to have been established, although one or more of the statutory conditions have not been fulfilled, a benefit year shall nevertheless be deemed to have commenced; but the insured person concerned shall not be entitled to benefit during that benefit year from the time when it is ascertained that such decision was made erroneously until he proves fulfilment of the statutory conditions."

The second amendment to this section is to clarify the text and remove any doubt as to the claimant's right to prove at any time that, whereas it was found he did not fulfill the statutory conditions contained in section twenty-eight of the Act, he is subsequently able to prove that he fulfills them.

11. Subsection one of section thirty-eight is as follows:

"**38.** (1) Where it appears to the Commission that the application of the provisions of this Act in the determination of benefits for classes of persons

(a) who habitually work for less than a full working week;

(b) who work or have worked for only part of the year in an industry that the Commission declares to be seasonal; or

(c) who by custom of their occupation, trade or industry or pursuant to their agreement with an employer are paid, in whole or in part, by the piece or on a basis other than that of time;

would result in anomalies having regard for the benefits of other classes of insured persons, the Commission may make regulations in relation to the said classes of persons

(i) imposing additional conditions and terms with respect to contributions and the payment thereof and with respect to the receipt of benefit,

(ii) restricting the amount of period of benefit, and

(iii) making modifications in the provisions of this Act relating to the determination of claims for benefit.

as may appear necessary to remove or substantially remove the anomalies."

The only amendment to this section is the inclusion of married women within the class of persons with respect to whom the Commission may make regulations thereunder.

Married women.

(d) who are married women;

would result in anomalies in relation to the benefit of other classes of insured persons, the Commission may make regulations in relation to the said classes of persons

(i) imposing additional conditions and terms with respect to contributions and the payment thereof and with respect to the receipt of benefit,

(ii) restricting the amount or period of benefit, and

(iii) making modifications in the provisions of this Act relating to the determination of claims for benefit

as may appear necessary to remove or substantially remove the anomalies."

12. Section fifty-one of the said Act is amended by adding thereto the following subsection:

Allowances and compensation.

"(2) The Commission may, subject to the appvoval of the Governor in Council, pay such travelling and other allowances, including compensation for loss of remunerative time, to any person required by the Commission or the umpire to attend before the Commission or the umpire, as the case may be, as the Commission may determine, and any such payments shall be treated as costs of administration of this Act."

13. Subsection one of section sixty-six of the said Act is repealed and the following substituted therefor:

Claims for benefits construed.

"**66.** (1) In sections fifty-three to sixty-five, references to claims for benefit shall be construed as including references to questions arising in relation to such claims, and references to action on a claim shall be construed as including references to determining a question in favour of or adversely to a claimant."

14. (1) Subsection two of section sixty-seven of the said Act, as enacted by section ten of chapter twenty-nine of the statutes of 1948, is repealed and the following substituted therefor:

Additional penalty.

"(2) There shall be imposed on every person convicted of an offence under subsection one of this section, in addition to the penalty provided therein, an additional penalty equal to whatever portion of the benefit or payment obtained as a result of the false statement or misrepresentation remains at the time of conviction unrepaid to or unrecovered by the Commission and such additional penalty shall be paid over to the Unemployment Insurance Fund to be applied in repayment of the sum so obtained; and such benefit or payment or portion thereof or additional penalty may, without prejudice to any other mode of recovery, be recovered by the Commission by deduction from benefit."

The purpose is to give the Commission authority to make regulations which will provide suitable tests to ensure that such persons are bona fide applicants for employment following marriage.

This amendment has been recommended by the Unemployment Insurance Advisory Committee.

In the United Kingdom, this matter is likewise covered by special regulation.

12. Section fifty-one is as follows:

"**51.** The Commission may make regulations prescribing the procedure for the determination of questions."

This is a provision similar to the provision now in sections 53(5) and 63 of the Act. It is to allow the payment of travelling and other expenses to a person whom the Commission or the Umpire have requested to attend a hearing of an application for a decision concerning the rights of insured person to be insured under the Act.

13. Subsection one of section sixty-six is as follows:

"**66.** In sections fifty-four to sixty-five inclusive, references to claims for benefit shall be construed as including references to questions arising in relation to such claims, and references to allowing or disallowing a claim shall be construed as including references to determining a question in favour of or adversely to a claimant."

This amendment is only for clarification purposes.

14. Subsection two of section sixty-seven is as follows:

"(2) There shall be imposed on every person convicted of an offence under subsection one of this section, in addition to the penalty provided therein, an additional penalty equal to whatever portion of the benefit or payment obtained as a result of the false statement or misrepresentation remains unrepaid to or unrecovered by the Commission at the time of conviction, and such additional penalty shall be paid over to the Unemployment Insurance Fund to be applied in repayment to the sum so obtained."

This amendment provides that the benefit illegally obtained, that has not been repaid to the Commission can be deducted from future benefit and credited to the Unemployment Insurance Fund in repayment of the benefit illegally obtained.

Under the *Canada Evidence Act*, the wife or husband of an accused cannot be compelled to give evidence against the other. However, there are exceptions to this general rule

(2) Section sixty-seven of the said Act is further amended by adding thereto the following subsections:

Question arising during proceedings.

"(5) Where in any legal proceedings under this Act any question arises and

(a) that question is one that could be decided by an insurance officer under any of sections fifty-three to sixty-six and has not been decided by an insurance officer, or

(b) an appeal from a decision of that question under any of those sections is pending,

the justice or justices of the peace, magistrate, judge or court before whom the question arises shall, in the case of a question coming within paragraph *(a)*, refer the question to the insurance officer and defer further proceedings until the insurance officer's decision is received, or, in the case of a question coming within paragraph *(b)*, defer further proceedings until the appeal decision has been received, and upon receipt of such decision shall proceed with the hearing and judgment; and in any legal proceedings under this Act, any decision under the said sections shall be conclusive.

Husband or wife competent witnesses.

(6) Subject to subsections three, four and five of section four of the *Canada Evidence Act*, the wife or husband of a person charged with an offence against the provisions of subsection one of this section in respect of a false statement or misrepresentation as to his or her dependant under this Act, shall be a competent and compellable witness for the prosecution without the consent of the person charged."

15. Subsection four of section sixty-eight of the said Act, as enacted by section eleven of chapter twenty-nine of the statutes of 1948, is repealed and the following substituted therefor:

Certificate of inspector.

"(4) In any legal proceedings under this Act, a certificate purporting to be signed under the hand of any inspector of the Commission and stating the amount of contributions owing by any employer, or a copy of the payroll or any part thereof of any employer purporting to be certified under the hand of any such inspector, shall be receivable in evidence as *prima facie* proof of the amount of contributions owing or the contents of such payroll, as the case may be, without proof of the signature or the official character of the person appearing to have signed the same and without further proof thereof."

16. Subsection one of section seventy-two of the said Act, as enacted by section eighteen of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

where it is claimed that the normal responsibilities arising out of the marriage relationship have not been discharged, as in the case of a charge for non-support. Serious difficulties are encountered in the enforcement of the Act on charges for obtaining benefits illegally for an alleged dependent. One of the essentials of the charge is that there is not in fact any dependency. This charge can be proven in many cases only through the testimony of the alleged dependent as the accused cannot be compelled to testify. The amendment makes the husband or wife of the accused a compellable witness in charges of this nature, but the provisions of the *Canada Evidence Act* which prohibit disclosures made to a wife by her husband during their marriage will continue to apply.

15. Subsection four of section sixty-eight is as follows:

"(4) An employer shall, forthwith upon being requested so to do by an inspector, furnish to him the prescribed proof of the amount of unemployment insurance stamps lawfully in his possession at the commencement of any period specified by the inspector, the amount of such stamps lawfully purchased by him during the period and the amount of such stamps lawfully in his possession at the end of the said period; and if it appears that the aggregate amount of such stamps lawfully in the possession of an employer at the commencement of the period plus the amount of such stamps lawfully purchased by him during the period less the amount of such stamps lawfully in his possession at the end of the period, was not sufficient to enable the employer to pay all contributions payable by him during the period, an inspector may determine the aggregate amount of the contributions that the employer failed or neglected to pay, and the amount so determined shall prima facie be deemed to be contributions due and owing to the Fund by the employer."

This subsection is now carried into section 74(2) to the general same effect. The amendment is to provide that a certificate of an inspector of the Commission will prove in court, unless rebutted, the amount of contributions owed by an employer or prove an extract of his payrolls made by an inspector. This will facilitate proof and save cost both to the accused and to the Crown.

16. Subsection one of section seventy-two is as follows:

"**72.** (1) Where an employer fails or neglects to pay a contribution which under this Act he is liable to pay in respect of any insured person in his employment, or fails or neglects to comply with the requirements of any regulation relating to the payment or collection of contributions in respect of the insured person, and by reason thereof that person loses the right to claim in whole or in part the insurance benefit to which he would otherwise have been entitled under this Act, the Commission may nevertheless pay the benefit and the employer shall be, unless the failure to pay contributions was the result of an erroneous opinion or ruling given in writing by an officer of the Commission, liable to pay to the Unemployment Insurance Fund a sum equal to the amount of the insurance benefit so lost."

This amendment is merely to clarify the text.

The Commission may pay benefit to insured person where contributions not paid.

"**72.** (1) Where an employer fails or neglects to pay a contribution which under this Act he is liable to pay in respect of any insured person in his employment, or fails or neglects to comply with the requirements of any regulation relating to the payment or collection of contributions in respect of the insured person, and by reason thereof that person loses the right to claim in whole or in part the insurance benefit to which he would otherwise have been entitled under this Act, the Commission may nevertheless pay the benefit and the employer shall, unless the failure to pay contributions was the result of an erroneous opinion or ruling given in writing by an officer of the Commission, be liable to pay to the Unemployment Insurance Fund a sum equal to the amount of such insurance benefit to which he would otherwise have been entitled."

17. Paragraph *(a)* of section seventy-three of the said Act is repealed and the following substituted therefor:

"*(a)* to enter at all reasonable times any premises or place where he has reasonable grounds for supposing that any insured persons are employed, but not a private dwelling house, unless the private dwelling house is or contains a workshop, an office, a place of business, or a place indicated by the employer to the Commission as a place of business;"

18. Sections seventy-four and seventy-five of the said Act are repealed and the following substituted therefor:

Occupiers of premises to facilitate inspection.

"**74.** (1) The following persons, namely,

(a) the occupier of any premises or place that an inspector is by section seventy-three authorized to enter, and the servants and agents of such occupier;

(b) any person who is supposed by an inspector on reasonable grounds to be or to have been an employer, and the servants and agents of any such person; and

(c) any person who is or has been employed by any person mentioned in paragraph *(a)* or *(b)*;

shall furnish to any inspector all such information and shall produce for inspection all such registers, books, cards, wage sheets, records of wages, ledgers and other documents as the inspector requests.

Employer to furnish proof of stamps in his possession, etc.

(2) An employer shall, forthwith upon being requested so to do by an inspector, furnish to him the prescribed proof of the amount of unemployment insurance stamps lawfully in his possession at the commencement of any period specified by the inspector, the amount of such stamps lawfully purchased by him during the period and the amount

17. Paragraph *(a)* of section seventy-three is as follows:

"*(a)* to enter at all reasonable times any premises or place, other than a private dwelling house not being a workshop, where he has reasonable grounds for supposing that any insured persons are employed;"

The present section provides only for entrance in a workshop and it is obviously not suited for the present modes of carrying on business.

18. Section seventy-four is as follows:

"**74.** The occupier of any such premises or place and any other person employing any employed person, and the servants and agents of any such occupier or other person and any such employed person shall furnish to any inspector all such information and shall produce for inspection all such registers, books, cards, wage sheets, records of wages and other documents as the inspector may reasonably require."

The first amendment clarifies the text of section seventy-four and will enable the inspector to ask any employer to show his records whether or not he claims to have insurable employees since the very purpose of the inspection is to ascertain from the books and records of the employer whether or not persons working with or for him are insurable. What was formerly subsection (4) of section 68 (see clause 15) is now subsection (2) of section seventy-four with a few changes.

Section seventy-five is as follows:

75. If any person wilfully delays or obstructs an inspector in the exercise of any power under section seventy-three or fails to give such information or to produce such documents as required in section seventy-four, or conceals or prevents or attempts to conceal or prevent any person from appearing before or being examined by an inspector, he shall be guilty of an offence against this Act."

of such stamps lawfully in his possession at the end of the said period.

Prima facie evidence.

(3) In any legal proceedings under this Act evidence that the aggregate amount of unemployment insurance stamps lawfully in the possession of an employer at the commencement of the period specified by the inspector plus the amount of such stamps lawfully purchased by him during the period, plus the amount of any contributions paid otherwise, less the amount of such stamps lawfully in his possession at the end of the period, was not sufficient to enable the employer to pay all contributions payable by him during the period, shall be *prima facie* evidence that the employer is guilty of an offence against this Act.

Idem.

(4) The inspector may determine that the amount by which such contributions exceeds such stamps and other payments is the aggregate amount of the contributions that the employer failed or neglected to pay, and the amount so determined shall *prima facie* be deemed to be contributions due and owing to the Fund by the employer.

Delay or obstruction of inspection an offence.

75. If any person wilfully delays or obstructs an inspector in the exercise of any power under section seventy-three or if any person fails or neglects to give such information or to produce such proof or documents as required in section seventy-four, or conceals or prevents or attempts to conceal or prevent any person from appearing before or being examined by an inspector, he shall be guilty of an offence against this Act."

19. Subsection one of section eighty-three of the said Act is repealed and the following substituted therefor:

Constitution of Committee.

"**83.** (1) The Committee shall consist of a Chairman and not less than six or more than eight members."

20. The said Act is further amended by adding thereto, immediately after section eighty-seven, the following Part:

"PART IIA

SUPPLEMENTARY BENEFIT

Right to supplementary benefit.

87A. Every person, who proves in the prescribed manner that he comes within one of the four Classes mentioned in section eighty-seven B of this Act, and in whose case all the conditions for the receipt of benefit laid down by this Act, except the statutory conditions, are fulfilled, shall, subject to the provisions of this Act, be entitled to receive payments (in this Part referred to as "supplementary benefit") at weekly or other prescribed intervals, at such rates and for such duration as authorized by this Part, so long as those

19. Subsection one of section eighty-three is as follows:

"**83.** (1) The Committee shall consist of a Chairman and not less than four or more than six other members."

The amendment raises the minimum and maximum number of members of the Unemployment Insurance Advisory Committee by two members to allow the addition of an employee member and an employer member in order to ensure more adequate representation in the Committee.

20. This part is new. It provides for payment of supplementary benefit in the period January 1st to March 31st in any year after the current calendar year, and in the

conditions continue to be fulfilled and so long as he is not disqualified under this Act from the receipt of benefit or supplementary benefit.

Classes of persons entitled.

87B. (1) The Classes of persons entitled to receive supplementary benefit are as follows:

Class 1—A person whose benefit year has terminated since the thirty-first day of March immediately preceding the day on which he makes a claim for supplementary benefit.

Class 2—A person who made a claim for benefit but in relation to whom a benefit year was not established with respect to that claim for the reason that he did not fulfil the statutory conditions, if contributions were paid in respect of him, while employed in insurable employment, for not less than ninety days subsequent to the thirty-first day of March immediately preceding the day on which he makes a claim for supplementary benefit.

Class 3—A person who, for not less than ninety days within any period of twelve consecutive months falling within the eighteen months immediately preceding the date on which he makes a claim for supplementary benefit, was employed

(i) in lumbering and logging in any area of Canada which had not been prescribed as an area where contributions are payable in respect of such employment prior to the first day of January, nineteen hundred and fifty, or

(ii) in any employment described in subparagraph (i) and in any insurable employment in any place.

Class 4—A person who, for not less than ninety days subsequent to the thirty-first day of March immediately preceding the day on which he makes a claim for supplementary benefit, was employed in

(i) any employment that was made insurable employment at any time during the twelve months immediately preceding the day on which he makes a claim for supplementary benefit, or

(ii) in any employment described in subparagraph *(i)* and in other insurable employment.

Time within which claim may be made.

(2) No claim for a supplementary benefit in respect of any supplementary benefit period may be made before the first day of December immediately preceding that period.

(3) For the purposes of subsection one, where a person in Class 1 or Class 2 makes a claim for supplementary benefit on or after the first day of April, nineteen hundred and fifty, in respect of the supplementary benefit period ending on the fifteenth day of April in that year, the thirty-first day of March immediately preceding the day on which he makes that claim shall be deemed to be the thirty-first day of March, nineteen hundred and forty-nine.

current calendar year from the date the legislation comes into force to April 15, 1950, to specified classes of unemployed persons who have been employed in insured employment or who are in an employment which has been made insurable employment in the calendar year preceding the benefit period.

While lumbering and logging in one area has been insurable employment since 1946, lumbering and logging in other parts of Canada is only now being brought under insurance provisions of the Act; consequently, special provision is made to enable persons who have been employed in lumbering and logging in other areas to qualify for benefits under this part in the remaining winter period of 1950 and in the winter period of 1951.

The classes of persons who are eligible for benefits under this part are set out in the new Section 87B of the Act.

The rates of benefits payable under this part are aproximately 80% of the rates of benefits otherwise payable under the Act (see Section 87C).

The number of benefit days which may be paid to persons in such classes is set out in the new Section 87D of the Act.

Financial provision for the payment of benefits authorized to be paid under this part is made by an increase of 1c. per day in the contributions of employers and employees, increased by the amount of the Government contribution specified in Section 77 (2) of the Act (see Section 87G). In addition, the Fund will be reimbursed by the Minister of Finance to the extent of the benefits paid under this part to persons in the third and fourth classes described in the new Section 87B—that is to say, persons in employment that has been recently brought under the Act who have not had the opportunity of making the necessary number of contributions to qualify for benefit.

The Minister of Finance will also underwrite the insurance fund to the extent and for the period of time specified in subsection (2) of the new Section 87G.

Section 87A. This section establishes the right of the persons who come within one of the four classes in section 87B, to receive supplementary benefit.

Section 87B. The first class of persons entitled to supplementary benefit are those who have exhausted their regular benefit rights in the fiscal year. The second class are those who have not sufficient contributions to qualify for regular benefit but who have 90 contributions in the fiscal year. The third class are those who work in lumbering and logging for at least 90 days in any period of 12

Rates of supplementary benefit.

87c. (1) Subject to the provisions of this section, the rates of supplementary benefit shall be eighty per cent of the benefit rates authorized by section thirty-one of this Act.

Average daily contribution.

(2) For the purposes of this section, the average daily contribution shall be

(a) for a person in Class 1, the average daily contribution used in calculating his rate of benefit for the benefit year immediately preceding the supplementary benefit period;

(b) for a person in Class 2, the average of the ninety most recent daily contributions paid by him subsequent to the thirty-first day of March immediately preceding the day on which he makes a claim for supplementary benefit;

(c) for a person in Class 3, the average of the ninety most recent daily contributions that, within any period of twelve consecutive months falling within the eighteen months immediately preceding the date on which he makes a claim for supplementary benefit, were paid by him and would have been paid by him if contributions had been payable in respect of lumbering and logging in any area of Canada which had not been prescribed as an area where contributions are payable in respect of such employment prior to the first day of January, nineteen hundred and fifty; and

(d) for a person in Class 4, the average of the ninety most recent daily contributions that, subsequent to the thirty-first day of March immediately preceding the day on which he makes a claim for supplementary benefit, were paid by him and would have been paid by him if contributions had been payable in respect of the employment that was made insurable employment during the twelve months preceding the day on which he makes a claim for supplementary benefit.

Rates of benefit.

(3) Where the average daily contribution, computed in accordance with this section is the amount in column (1) below, the rates of supplementary benefit shall be the respective amounts set out in columns (2) to (5) inclusive below:

months falling within the year and a half prior to his claim. The fourth class comprises those who are employed in an employment which was not insurable but has been declared insurable in the twelve months prior to the claim.

Section 87C. The rates of supplementary benefit are set at approximately 80% of the regular benefit. The exact amounts for each class of contributors is set out in a table.

Average daily contribution	Rate of Supplementary Benefit			
	Person without a dependant		Person with a dependant	
Daily	Daily	Weekly	Daily	Weekly
(1)	(2)	(3)	(4)	(5)
Cents				
2	$0.55	$3.30	$0.65	$3.90
3	0.80	4.80	1.00	6.00
4	1.10	6.60	1.35	8.10
5	1.35	8.10	1.70	10.20
6	1.65	9.90	2.10	12.60
7	1.90	11.40	2.45	14.70
8	2.15	12.90	2.80	16.80

Duration of supplementary benefit.

87D. (1) Notwithstanding section thirty of this Act, supplementary benefit may be paid only in respect of the period from the coming into force of this Part to the fifteenth day of April in the year nineteen hundred and fifty and in any other year from the first day of January to the thirty-first day of March next following (herein referred to as "supplementary benefit period") for the number of days calculated as follows:

(a) for a person in Class 1, the same number of days to which he was entitled to benefit by virtue of his most recent benefit year established under section thirty-six of this Act;

(b) for a person in Class 2, one-fifth of the number of days for which contributions have been paid in respect of him subsequent to the thirty-first day of March immediately preceding the day on which he makes a claim for supplementary benefit;

(c) for a person in Class 3, one-fifth of the number of days for which he was employed in lumbering and logging and in any insurable employment, during the period of twelve months specified for that Class in section eighty-seven B, but no supplementary benefit shall be paid in respect of any person in Class 3 in respect of any period after the thirty-first day of March, nineteen hundred and fifty-one;

(d) for a person in Class 4, one-fifth of the number of days for which he was employed in the employment that was made insurable and in other insurable employment, subsequent to the thirty-first day of March immediately preceding the day on which he makes a claim for supplementary benefit.

Benefit not taken into account for purposes of Section 30.

(2) Any supplementary benefit paid under this Part to any person shall not be taken into account for the purposes of section thirty of this Act.

Section 87D. This section establishes the duration of the supplementary benefit for each class of persons.

Waiting period.

(3) Any day of unemployment

(a) before the commencement of the supplementary benefit period but after the thirtieth day of November immediately preceding that period, or

(b) within the thirty days immediately preceding the coming into force of this Part,

may be substituted for any of the eight days mentioned in paragraph *(b)* of subsection one of section thirty-five.

Suitable employment.

87E. Any employment that, in the opinion of an insurance officer, a person who claims supplementary benefit is able to perform shall be deemed suitable, notwithstanding paragraphs *(b)* and *(c)* of subsection two, and subsection three, of section forty of this Act.

Supplementary benefit deemed insurance benefit.

87F. Except as provided in this Part, all the provisions of any other Part of this Act applicable in respect of insurance benefit shall be applicable *mutatis mutandis* in respect of supplementary insurance benefit.

Moneys provided by Parliament credited to the Fund.

87G. (1) The Minister of Finance shall credit to the Fund from time to time, out of moneys provided by Parliament, an amount equal to the supplementary benefit paid to persons of Class 3 and Class 4.

(2) The Minister of Finance shall also credit to the Fund in like manner, after the thirty-first day of March, nineteen hundred and fifty-two, an amount equal to the amount by which the aggregate of the supplementary benefit paid under this Part for persons in Class 1 and Class 2 before the thirty-first day of March, nineteen hundred and fifty-two, exceeds the portion of the aggregate of

(a) that part of the combined unemployment insurance contributions of the employers and of the employed persons representing twelve cents for each week, received from the sale of unemployment insurance stamps or paid otherwise under this Act, and

(b) one-fifth of the amount specified in paragraph *(a)* that was credited to the Fund under subsection two of section seventy-seven of this Act after the amendment of subsection two of section seventeen of this Act in the year nineteen hundred and fifty, but before the first day of April, nineteen hundred and fifty-two."

21. (1) Subsection one of section ninety of the said Act is repealed and the following substituted therefor:

National Employment Committee.

"**90.** (1) Subject to the approval of the Minister, the Commission shall establish a committee to be called the 'National Employment Committee' for the purpose of advising and assisting the Commission in carrying out the purposes of the employment service."

Section 87E. This section provides that supplementary benefit will be paid to persons provided that they have not refused to accept employment which in the opinion of the insurance officer they were able to perform. Under the other provisions of the Act these persons have a right of appeal without any cost to a court of referees and umpire.

Section 87F. This section provides that unless otherwise required by the context the express benefit and supplementary benefit shall have the same effect throughout the Act so that the same procedure will apply to both in so far as claims taking and adjudication, etc., are concerned.

Section 87G. This section provides for the payment to the Fund of any deficit caused by the payment of supplementary benefit as it is explained in the opening paragraphs of the explanatory notes for this new Part.

21. Subsection one of section ninety is as follows:

"**90.** (1) The Commission shall establish a committee to be called the "National Employment Committee" for the purpose of advising and assisting the Commission in carrying out the purposes of the employment service."

Subsection four of section ninety is as follows:

"(4) No member of any Committee established under the provisions of this section shall receive any payment or emolument for his services, but each member of the National Employment Committee or of any local or regional committee shall receive such payments for travelling and other expenses in connection with the work of his Committee as may be approved by the Governor in Council."

This amendment places the Employment Committee on the same basis as the members of the Unemployment Insurance Advisory Committee in so far as the *nature* of their remuneration and expenses is concerned. The section which deals with the U.I. Advisory Committee reads as follows:

"**83.** (8) Each member of the Committee shall receive such remuneration and travelling expenses in connection with the work of the Committee as may be approved by the Governor in Council."

(2) Subsection four of section ninety of the said Act, as enacted by section fourteen of chapter thirty-one of the statutes of 1943-44, is repealed and the following substituted therefor:

Remuneration and travelling expenses.

"(4) Each member of the National Employment Committee or of any local or regional committee shall receive such remuneration and travelling expenses in connection with the work of his Committee as may be approved by the Governor in Council."

22. Paragraph *(j)* of section ninety-seven of the said Act, as enacted by section twenty-five of chapter sixty-eight of the statutes of 1946, is repealed and the following substituted therefor:

Commencement of periods.

"*(j)* for prescribing the commencement of the periods specified in sections twenty-eight and thirty-one of this Act otherwise than by reference to the commencement day of the benefit year;"

23. Part II of the First Schedule of the said Act is amended as follows:

(1) By repealing paragraphs *(c)* and *(e)* thereof.

(2) By repealing paragraph *(n)* thereof and substituting therefor the following:

Employment under one or more contracts.

"*(n)* Employment under one or more contracts of service, whether concurrent or not, whether for full time service or for part-time service, at a rate or aggregate rates of remuneration under which the earnings of the employed person exceed in value four thousand eight hundred dollars a year;

Proviso.

Provided, however, that any such employment the rate of remuneration whereof is an hourly rate, a daily rate, a piece rate including a mileage or other rate being a sum of money per unit of physical measurement of work accomplished or service rendered, or any of such rates in combination with other rates, shall, notwithstanding that earnings thereunder exceed in value four thousand eight hundred dollars a year, be insured unless otherwise excepted; And provided further, that, notwithstanding anything contained in this paragraph, any person, in respect of whom one hundred and eighty daily contributions have been paid or payable as an insured person within the period of two years immediately prior to the date on which his employment became excepted by reason of this paragraph, may within six months after becoming so excepted, elect in the prescribed manner to remain an insured person from the date of his election."

Proviso.

(3) by repealing subparagraph (ii) of paragraph *(u)* thereof and substituting therefor the following:

22. Paragraph *(j)* of section ninety-seven is as follows:

"*(j)* for prescribing the commencement of the two years specified in the first statutory condition, the one year specified in the second statutory condition or the two years specified in subsection one of section thirty-one of this Act otherwise than by reference to the commencement day of the benefit year."

The amendment is to provide that the commencement of the two years, fifty-two weeks and twenty-six weeks in section 28 of the Act as amended by clause 6 may be fixed otherwise than by reference to the commencement of the benefit year. This amendment is rendered necessary by the amendment to section 28. (See clause 6).

23. Paragraphs *(c)* and *(e)* of Part II of the First Schedule are as follows:

"*(c)* Employment in lumbering and logging, exclusive of such saw mills, planing mills, shingle mills and wood-processing plants as are in the opinion of the Commission reasonably continuous in their operations.

(e) Employment in stevedoring."

The first amendment removes the exception of employment in lumbering and logging which has been in effect removed from May 17, 1945, by Order in Council made pursuant to section 86 (2) of the Act.

It also removes the exception of stevedoring, the removal of which has also been in effect since April 1, 1948.

Paragraph *(n)* of Part II of the First Schedule is as follows:

"*(n)* Employment under one or more contracts of service, whether concurrent or not, whether for full-time service or for part-time service, at a rate or aggregate rates of remuneration under which the earnings of the employed person exceed in value three thousand one hundred and twenty dollars a year;

Provided, however, that any such employment the rate of remuneration whereof is an hourly rate, a daily rate, a piece rate including a mileage or other rate being a sum of money per unit of physical measurement of work accomplished or service rendered, or any of such rates in combination with other rates, shall, notwithstanding that earnings thereunder exceed in value three thousand one hundred and twenty dollars a year, be insured, unless otherwise excepted;

And provided further that, notwithstanding anything contained in this paragraph, any person in respect of whom contributions have been paid or payable as an insured person, for two hundred weeks within the period of five years immediately prior to the date on which his employment became excepted by reason of this paragraph may, within six months after becoming so excepted, elect in the prescribed manner to remain an insured person from the date of his election."

Paragraph (n) has been amended by raising the ceiling of insurability from $3,120 to $4,800 per year. It also eases the conditions under which a person who, upon being excepted by reason of receiving earnings above the wage ceiling, may continue to remain an insured person. He may do so under the amendment if he has paid 180 daily contributions in the last two years; at present he requires 200 weeks of contributions within the last five years.

"(ii) who is the bona fide registered owner of more than the number of shares of the corporation required for his qualification as a director and who has been duly elected a director and appointed to the position of an officer of the corporation, provided that such person actually performs the functions and duties of the said position; and for the purposes of this subparagraph "officer" shall mean the president, vice-president, secretary, treasurer, secretary-treasurer, chairman of the executive committee, general manager or managing director of the corporation."

Repeal.

24. The Second Schedule to the said Act is repealed.

Coming into force.

25. Sections three, four, six, eight, twenty-three and twenty-four of this Act or any portion thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council and all other sections of this Act shall come into force on the day this Act is assented to, but section twenty of this Act shall operate as though the whole of this Act came into force on the day this Act is assented to.

Subsection (ii) of paragraph (*u*) is as follows:

"(ii) who is the *bona fide* registered owner of more than the number of shares of the corporation required for his qualification as a director and who has been duly elected a director and appointed to the position of an officer of the corporation, upon certification by the directors, as recorded in the minutes of the corporation, that such person actually performs the functions and duties of the said position; and for the purposes of this sub-paragraph "officer" shall mean the president, vice-president, secretary, treasurer, secretary-treasurer, chairman of the executive committee, general manager or managing director of the corporation."

The last amendment removes the necessity of having a certification by the directors recorded in the Minutes of the Corporation to the effect that a person actually performs the functions and duties of an officer of a corporation. It is now sufficient if that officer, to be excepted, performs in fact such functions.

24. The Second Schedule is as follows:

SECOND SCHEDULE

RATES OF CONTRIBUTION.

(Section 17)

Reference number for Class	Class of Employed Persons	WEEKLY RATE	
		Employer	Employed Person
0	While earning less than 90 cents a day (Sec. 19 (3))	9 cents	9 cents (paid on his behalf by the employer)
	or		
1	Earning $ 5.40 to $ 7.49 in a week	18 cents	12 cents
2	Earning $ 7.50 to $ 9.59 in a week	24 cents	15 cents
3	Earning $ 9.60 to $11.99 in a week	24 cents	18 cents
4	Earning $12.00 to $14.99 in a week	24 cents	21 cents
5	Earning $15.00 to $19.99 in a week	24 cents	24 cents
6	Earning $20.00 to $25.99 in a week	30 cents	30 cents
7	Earning $26.00 to $33.99 in a week	36 cents	36 cents
8	Earning $34.00 or more in a week	42 cents	42 cents

This clause should be read in conjunction with clause 3. The rates of Contribution Table has been transferred to section 17(2) of the Act.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 9.

An Act to incorporate Prairie Transmission Lines Limited.

First reading, February 27, 1950.

(PRIVATE BILL.)

MR. BENIDICKSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

55580

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 9.

An Act to incorporate Prairie Transmission Lines Limited.

Preamble.

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

Incorporation.

1. HALES HINGSTON ROSS, Lumber Dealer, ALBERT CARLYLE EMERY, Manufacturer, WALTER HOWARD SPRAGUE, Druggist, WALTER CAMPBELL MACKENZIE, Physician, ALLAN MCCLEAN, Manager, all of the City of Edmonton in the Province of Alberta, and ARCHER JOHN TOOLE, Manager, GEORGE BALLANTINE COUTTS, Publisher, both of the City of Calgary in the Province of Alberta, together with such persons as may become shareholders in the company,

Corporate name.

are incorporated under the name of Prairie Transmission Lines Limited, hereinafter called "the Company".

Provisional directors.

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

Capital stock.

3. The capital stock of the Company shall consist of five million shares without nominal or par value.

Head office.

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

Other offices.

the company may establish such other offices and agencies elsewhere within or without Canada as it deems expedient.

Change of place.

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

Validating by-law.

(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 share-

holders 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 powers.

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 which is enacted by Parliament, relating to pipe lines for the transmission and transportation of gas and oil or any liquid product or by-product thereof.

Special powers.

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

(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;

(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

(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*.

Application of the Companies Act. 1934, c. 33.

7. The provisions of subsections (4), (5), (6) and (7) of section twelve, and sections 39, 40, 59, 62, 63, 64, 65 and 91 of Part I of *The Companies Act, 1934*, apply to the Company, provided that wherever in the said subsection (7) of section twelve, and in the said section fifty-nine the words "letters patent" or "supplementary letters patent" appear, the words "Special Act" shall be substituted therefor.

Sections of The Companies Act not incorporated.

8. Sections 158, 163, 180, 186, 189 and 190 of Part III of *The Companies Act, 1934*, shall not be incorporated with this Act.

Loans to shareholders or directors prohibited.

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:

(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.

Powers exercised by by-law.

(2) The powers under paragraphs *(b)* and *(c)* of subsection one of this section shall be exercised by by-law only.

Liability of officers where loans made.

(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.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 10.

An Act to amend The Industrial Relations and Disputes Investigation Act. (Reinstatement and compensation.)

First reading, March 1, 1950.

MR. NOSEWORTHY.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

56205

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 10.

An Act to amend The Industrial Relations and Disputes Investigation Act. (Reinstatement and compensation.)

1947-48, c. 54.

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

1. *The Industrial Relations and Disputes Investigation Act*, chapter fifty-four of the statutes of 1947-48, is amended by inserting therein, immediately after section sixty-one thereof, the following section:—

Power of board to order reinstatement and compensation.

"**61A.** The board shall have power to make an order requiring an employer to reinstate any employee discharged contrary to the provisions of this Act and to pay such employee the monetary loss suffered by reason of such discharge."

Explanatory Note.

This Bill adds a new section to *The Industrial Relations and Disputes Investigation Act.* The effect of the new section, as indicated therein, is to give power to the board to make an order requiring an employer to reinstate any employee discharged contrary to the provisions of the Act and to pay such employee the monetary loss suffered by reason of such discharge.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act to amend The Dominion Elections Act, 1938.
(Age of Voters.)

First reading, March 1, 1950.

Mr. ARGUE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

56486

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act to amend The Dominion Elections Act, 1938.
(Age of Voters.)

1938, c. 46; 1947-48, c. 46.

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

1. (1) Paragraph *(a)* of subsection one of section fourteen of *The Dominion Elections Act, 1938*, chapter forty-six of the statutes of 1938, as enacted by section six of chapter forty-six of the statutes of 1947-48, is repealed and the following substituted therefor:

Qualification of electors.

"*(a)* is of the full age of eighteen years or will attain such age on or before polling day at such election;"

Subsection repealed.

(2) Subsection three of section fourteen of the said Act, as enacted by section six of chapter forty-six of the statutes of 1947-48, is repealed.

Form amended.

2. Form No. 16 of Schedule One to the said Act, as enacted by section forty-seven of chapter forty-six of the statutes of 1947-48, is amended by substituting the words, "of the full age of eighteen years" for the words, "of the full age of twenty-one years" where these words are found in the "application" and in the "alternative application" under the said Form.

Schedule Three amended.

3. Schedule Three of the said Act, as enacted by section forty-eight of chapter forty-six of the statutes of 1947-48, is amended by substituting the words, "the full age of eighteen years" for the words, "the full age of twenty-one years" in the second line of subsection one of section twenty-one and in the ninth line of subsection one of section thirty-four of *The Canadian Defence Service Voting Regulations* in the said Schedule.

Explanatory Note.

The purpose of this Bill is to provide that the age of voters under *The Dominion Elections Act, 1938*, be eighteen years in lieu of twenty-one as at present.

1. (2) This subsection which allowed members of the naval, military or air forces of Canada to vote at a Dominion election although they had not attained the full age of twenty-one years is not necessary if the voting age is made eighteen in lieu of twenty-one.

Form amended.

4. Form No. 7 of Schedule Three to the said Act, as enacted by section forty-eight of chapter forty-six of the statutes of 1947-48, is amended by striking out item 5 thereof and substituting the following therefor:

"5. That I have attained the full age of eighteen years."

13.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 13.

An Act to provide for the Jurisdiction of the Exchequer Court of Canada in Matters of Divorce.

First reading, March 3, 1950.

Mr. Knowles.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

56605

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 13.

An Act to provide for the Jurisdiction of the Exchequer Court of Canada in Matters of Divorce.

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 Exchequer Court Divorce Jurisdiction Act.*

Jurisdiction of Exchequer Court.

2. The Exchequer Court of Canada (hereinafter referred to as "the Court") shall have jurisdiction to entertain an action for dissolution of marriage from a person domiciled in the province of Quebec or Newfoundland and shall have power and authority to grant a divorce *a vinculo matrimoni* to such a person on the ground that the defendant has since the celebration of his or her marriage been guilty of adultery.

Conditions upon which decree be pronounced.

3. If the Court is satisfied by the evidence that the case of the plaintiff has been proved, and does not find that the plaintiff has been in any manner accessory to or has connived at the adultery of the defendant, or that the plaintiff has condoned the adultery complained of, or that the action was commenced and is proceeded with in collusion with the defendant or the co-respondent, then the Court may give judgment declaring such marriage to be dissolved:

Proviso.

Provided always that the Court shall not be bound to give such judgment if it finds that the plaintiff since his marriage to the defendant has been guilty of adultery, or if the plaintiff has, in the opinion of the Court, been guilty of unreasonable delay in commencing or proceeding with the action or has been guilty of mental or physical cruelty to the defendant, or has, without just cause, deserted the defendant or separated *a mensa et thoro* from the defendant, before the adultery complained of or has otherwise conduced to the commission of adultery by the defendant.

Explanatory Note.

There are at present courts of divorce and matrimonial causes in all the provinces except Quebec and Newfoundland. In these provinces, a plaintiff can obtain dissolution of marriage only by a private Act of the Federal Parliament. As the number of divorce cases has considerably increased in the last ten years, this procedure for that and various other reasons is becoming more and more objectionable. The purpose of this Bill is therefore to provide that the Exchequer Court of Canada will in future have jurisdiction in divorce in the case of actions originating from Quebec and Newfoundland. The jurisdiction as to alimony, care of the children and other matrimonial causes will remain in the provincial courts of those two provinces.

This Bill does not change the grounds for divorce. It does not establish divorce courts in Quebec or Newfoundland. It does not make available to persons residing in Quebec or Newfoundland anything not now available to them. It merely transfers the hearing of divorce petitions, in the case of persons residing in these two provinces, from Parliament to the Exchequer Court of Canada.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 14.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1950.

AS PASSED BY THE HOUSE OF COMMONS, 22nd MARCH, 1950.

(Note:- No first reading of Supply Bills is usually printed.)

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

57949

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 14.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1950.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency, the Right Honourable Viscount Alexander of Tunis, etc., etc., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and fifty, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

1. This Act may be cited as *The Appropriation Act, No. 1, 1950.*

$65,986,459 granted for 1949-50.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole sixty-five million, nine hundred and eighty-six thousand, four hundred and fifty-nine dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty-nine, to the thirty-first day of March, one thousand nine hundred and fifty, not otherwise provided for, and being the amount of each of the items voted, set forth in the Schedule to this Act for the fiscal year ending the thirty-first day of March, one thousand nine hundred and fifty, as laid before the House of Commons at the present session of Parliament.

Power to raise sums required for redeeming loans or obligations. 1931, c. 27.

3. (1) The Governor in Council may, in addition to the sums now remaining unborrowed, and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loans, under the provisions of *The Consolidated Revenue and Audit Act, 1931*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, as may be required for paying or redeeming loans or obligations of Canada maturing or callable in the fiscal year ending March 31, 1950.

Chargeable to C. R. Fund.

(2) The principal raised by way of loan under this Act and the interest thereon shall be a charge upon, and payable out of the Consolidated Revenue Fund.

Account to be rendered in detail.

4. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the next session of Parliament.

SCHEDULE

Based on the Further Supplementary Estimates, 1949-50. The amount hereby granted is $65,986,459, being the amount of the items in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1950, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
	ADMINISTRATION SERVICE		
565	Publicity and Extension Division—Further amount required..	12,000	
	EXPERIMENTAL FARMS SERVICE		
566	Branch Farms and Stations and Illustration Stations—Further amount required.....	38,000	
	PRODUCTION SERVICE		
	Health of Animals—		
567	Administration of Animal Contagious Diseases Act, and Meat and Canned Foods Act—Further amount required....	63,000	
568	Compensation for Animals Slaughtered—Further amount required.....	1,225,000	
	MARKETING SERVICE		
569	Subsidies for Cold Storage Warehouses under the Cold Storage Act, and Grants, in the amounts detailed in the Estimates—Further amount required.....	9,448	
	SPECIAL		
570	Agricultural Products Act—To provide for losses incurred in respect of the purchase, sale and export of agricultural products under the Agricultural Products Act, including authority for the Minister of Finance, at the request of the Minister of Agriculture, from time to time, to pay amounts in the aggregate not exceeding $40,000,000 out of any unappropriated money in the Consolidated Revenue Fund as recoverable advances—Further amount required.....	350,000	1,697,448
	CITIZENSHIP AND IMMIGRATION		
	INDIAN AFFAIRS BRANCH		
	Welfare—		
571	Welfare of Indians—Further amount required.....	.....	100,000

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	EXTERNAL AFFAIRS		
	B—General		
	The Canadian Government's Assessment for Membership in the following International or Commonwealth Organizations		
572	World Health Organization—Further amount required	48,695	
573	Inter-Allied Reparations Agency	7,830	
	Demobilization and Reconversion		
574	To provide for the Canadian Government's Contribution to the International Refugee Organization—Further amount required	402,000	
			458,525
	FINANCE		
	Superannuation and Retirement Benefits		
575	Government's contribution to the Superannuation Fund—Further amount required	63,000	
	Public Debt Charges		
576	Servicing of Public Debt—Commission for Payment of Interest on Public Debt, Services of Fiscal Agents, London, Registrars Fees, etc.—Further amount required	20,000	
	General		
577	To provide for the Government's contribution, as an Employer, to the Unemployment Insurance Fund in respect of Government Employees paid through the Central Pay Office—Further amount required	100,000	
578	To provide for the expenses of the Dominion-Provincial Conference held in January, 1950	6,000	
			189,000
	INSURANCE		
579	Departmental Administration—Further amount required	.....	4,000
	LABOUR		
	A—Department		
580	Departmental Administration—Further amount required	47,000	
581	Annuities Act—Notwithstanding the Government Annuities Act, to authorize the Minister of Labour, in consequence of the transfer of employees from David Spencer Limited and David Spencer (Duncan) Limited (hereafter called the original employers) to T. Eaton Company British Columbia Limited (hereafter called the new employer) to enter into a contract or contracts with the original employers and the new employer, to provide that the new employer shall effective October 15, 1949, become a party to Group Annuity Contracts Nos. G. 421 and G. 463 in the place		

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LABOUR—*Concluded*		
	A—Department—*Concluded*		
581	of the original employers with respect to employees to whom those Contracts applied and who were transferred to the new employer and for the application of the Contracts in respect of service with the original employers and the new employer and for such other terms as the Minister deems necessary for the maintenance and continuity of pension rights of the employees under those Contracts, and to provide for payments in the current and subsequent fiscal years in accordance with the contract or contracts so entered into out of the Government Annuities Account	1	
	Demobilization and Reconversion		
582	To provide for expenses that may be incurred in the arranging for and the movement of workers from outside Canada to work on farms and other essential industry in Canada when Canadian labour is not available to meet the need; including costs connected with the supervision and welfare of persons already immigrated to Canada under former authorized labour movements and administrative expenses connected therewith—Further amount required	136,500	
	B—Unemployment Insurance Act, 1940		
583	Government's contribution to the Unemployment Insurance Fund—Further amount required	2,500,000	
584	To authorize and provide for payment of unemployment assistance to residents of Newfoundland within the terms set forth under Vote 681 in the Supplementary Estimates (Newfoundland) 1949-50, as authorized by the Appropriation Act No. 7, 1949—Further amount required	700,000	
585	To reimburse the Unemployment Insurance Fund under Section 87F (1) of the Unemployment Insurance Act, 1940, as amended by Statute of 1950	1,500,000	
			4,883,501
	LEGISLATION		
	The Senate		
586	General Administration—Further amount required	2,500	
587	To provide for the payment of the full sessional indemnity for the first and second sessions of 1949 to Members of the Senate for days lost through absence caused by public business, by illness, or on account of death. Payments to be made as the Treasury Board may direct—Further amount required	21,425	
	House of Commons		
588	To provide for the full sessional indemnity to Members of the House of Commons—days lost through absence caused by illness, official public business, or Order of the House, or on account of death during the second session of 1949—notwithstanding anything to the contrary in Chapter 147 of the Revised Statutes, 1927, an Act respecting the Senate and House of Commons, or any amendment thereto. Payments to be made as the Treasury Board may direct—Further amount required	3,750	
589	Estimates of the Sergeant-at-Arms—Further amount required	8,000	
			35,675

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NATIONAL DEFENCE		
	GENERAL SERVICES		
590	Miscellaneous Maintenance and Adjustments (War of 1914-18)—Further amount required	15,000	
	PENSIONS AND OTHER BENEFITS		
591	Civil Pensions—Mrs. Alice Smuck—Further amount required	227	
	DEMOBILIZATION AND RECONVERSION		
592	To provide for the Defence Forces of the Navy, Army and Air Services, and to authorize notwithstanding Section 29 of the Consolidated Revenue and Audit Act, total additional commitments for this purpose for the current year of $7,000,000 against which commitments it is estimated that actual expenditures in 1949-50 will not exceed a further amount of	4,000,000	4,015,227
	PRIVY COUNCIL OFFICE		
593	General Administration—Further amount required	6,500	
594	To provide for expenses of the Royal Commission on National Development in the Arts, Letters and Sciences—Further amount required	26,041	32,541
	PUBLIC WORKS		
	ARCHITECTURAL BRANCH		
	Construction, Repairs and Improvements of Public Buildings		
	Quebec		
595	Three Rivers Public Building—Addition—Further amount required	95,000	
	Ontario		
596	Ottawa—Prime Minister's Residence—Repairs, alterations and improvements	35,000	
	Saskatchewan		
597	Prince Albert Public Building—Addition and alterations—Further amount required	165,000	
	ENGINEERING BRANCH		
	Construction, Repairs and Improvements—Harbours and Rivers		
	Quebec		
598	Blue Sea Lake—Wharf replacement—To complete payments	2,700	
	Point Basse, M.I.—Breakwater-wharf replacement—Further amount required	20,000	
	Ontario		
599	Kingston—To purchase wharf property	20,500	338,200

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	RESOURCES AND DEVELOPMENT		
600	Departmental Administration—Further amount required.....	2,500	
	MINES, FORESTS AND SCIENTIFIC SERVICES BRANCH		
	Dominion Forest Service—		
601	Forest Research and Investigations—Further amount required.....	250,000	
	LANDS AND DEVELOPMENT SERVICES BRANCH		
	Northwest Territories and Yukon Services—		
	Arctic Division—		
602	Administration—Further amount required.....	4,500	
	Yukon Division—		
603	To provide for a contribution to the Sisters of Sainte-Anne toward provision of hospital facilities at Dawson, Yukon Territory.....	29,000	
	National Parks Services—		
604	To authorize, notwithstanding the provisions of the Act respecting the National Battlefields at Quebec, payment of $2,060.07, being a donation received by the National Battlefields Commission from the Soldiers' War Memorial Committee of Quebec, to a Committee of ex-commanding officers of the Royal 22nd Regiment towards the cost of publishing a history of the said Regiment.....	1	
			286,001
	SECRETARY OF STATE		
605	Departmental Administration—Further amount required.....	4,000	
606	Trade Marks Branch—Further amount required.....	800	
	PATENT AND COPYRIGHT OFFICE		
607	Patent Record Division—Further amount required.....	15,000	
608	Contribution to the International Office for the Protection of Industrial Property, and Office of the International Union for the Protection of Literary and Artistic Works—Further amount required.....	500	
			20,300
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	SPECIAL		
609	Subject to the approval of the Governor in Council, notwithstanding Vote 907, to authorize payments out of the funds of the Fraser Valley Dyking Board in accordance with the agreement of March, 1950, between the Government of Canada, the Government of the Province of British Columbia and the said Board; and to authorize such payments by the Government of Canada to the said Board out of Vote 907 as are necessary to provide for Canada's share of the amount required by the Board to carry out the terms of the said agreement.....	1	
610	To reimburse the Canadian Wheat Board for expenses incurred from August 1, 1948, to July 31, 1949, in the administration of delivery quotas and permit regulations, etc.....	96,455	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRADE AND COMMERCE—*Concluded*		
	A—Department—*Concluded*		
	Special—*Concluded*		
611	To reimburse the Canadian Wheat Board for the balance of the deficit incurred from the operations of the Wheat Board on the 1947 Crop Account, Flax Division, for the period August 1, 1948, to July 31, 1949, pursuant to Orders in Council P.C. 3038 of July 31, 1947, and P.C. 829 of February 26, 1948	189,831	
612	To reimburse the Canadian Wheat Board for the deficit incurred from the operations of the Wheat Board on the 1948 Crop Account, Flax Division, for the period August 1, 1948, to July 31, 1949, pursuant to Order in Council P.C. 3376 of July 28, 1948	3,884,182	
613	To reimburse the Canadian Wheat Board for the deficit incurred from the operations of the Wheat Board on the 1948 Crop Rapeseed Account, for the period ended July 31, 1949, pursuant to the regulations passed under The Appropriation Act No. 4, 1948-49, Vote 887 and the Canadian Wheat Board Act, 1935, as amended, and approved by Order in Council P.C. 3717 of August 25, 1948	399,608	
	B—General		
	Atomic Energy Control Board		
614	Chalk River Project—Capital and Operating Expenses—Further amount required	200,000	
			4,770,077
	TRANSPORT		
	A—Department		
615	Departmental Administration—Further amount required	16,700	
	Marine Service		
616	Administration of Pilotage, including authority for temporary recoverable advances; contributions, and the operation and maintenance, as required, of necessary pilot vessels in certain Pilotage Districts—Further amount required	5,000	
617	Miscellaneous Services relating to Navigation and Shipping—Further amount required	16,914	
618	To provide for the repayment to a proper authority or to the Government of the United Kingdom of excepted expenses, as defined in section 296(5) of the Canada Shipping Act, incurred by the said Government for the relief, maintenance and repatriation of distressed seamen left behind out of Canada, from ships registered in Canada, or of distressed Canadian Seamen left behind out of Canada from ships other than of Canadian Registry, and to provide for the repayment to shipowners or agents, up to the amount of the Seamen's forfeited wages, of expenses incurred by such owners or agents and referred to in Section 283 or 295 of the Canada Shipping Act	3,000	
619	River St. Lawrence Ship Channel—Contract Dredging in the St. Lawrence River and Montreal Harbour, including cost of administration—Capital—Further amount required	435,295	
620	To provide towards the acquisition and reconditioning of two vessels for Pacific Ocean Weather Station "P" (Estimated cost $750,000)—Capital	165,000	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Concluded*		
	A—Department—*Concluded*		
	Railway Service		
	Hudson Bay Railway—		
621	Construction and Improvements—Capital—Further amount required	8,300	
	Maritime Freight Rates Act—		
622	Additional amount in excess of the sum of $5,503,000 already appropriated to authorize and provide for the payment from time to time during the fiscal year 1949-50 to the Canadian National Railway Company of the difference (estimated by the Canadian National Railway Company and certified by the Auditors of the said Company to the Minister of Transport as and when required by the said Minister) occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (upon the same basis as set out in Section 9 of the said Act with respect to companies therein referred to) on all traffic moved during the calendar year 1949 under the tariffs approved on the Eastern Lines (as referred to in Section 2 of the said Act) of the Canadian National Railways—Further amount required	190,771	
	Air Service		
	Civil Aviation Division		
623	Control of Civil Aviation, including the Administration of the Aeronautics Act and Regulations issued thereunder—Further amount required	13,000	
624	Contribution to the Government of Denmark as Canada's share in the joint support of North Atlantic Air Navigation facilities in the Faroes and Greenland	174,967	
	Demobilization and Reconversion		
	Air Service		
	Civil Aviation Division		
	Airways and Airports—		
625	Care, Operation and Maintenance of Royal Canadian Air Force Airfields transferred to the Department of Transport—Further amount required	8,000	
	B—Canadian Maritime Commission		
	Mail Subsidies and Steamship Subventions		
	Eastern Local Services		
626	Campobello, N.B., and Lubec, Maine, service between—Further amount required	667	
			1,037,614

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	VETERANS AFFAIRS		
	PAYMENTS TO OR FOR VETERANS AND DEPENDENTS		
627	War Veterans' Allowances—Further amount required.....	60,000	
628	To authorize under regulations to be approved by the Governor General in Council the establishment of an Assistance Fund (War Veterans Allowance) from which shall be paid supplementary assistance in cases of acute financial distress as may be found to exist from time to time among recipients of benefits under the War Veterans Allowance Act, 1946—Further amount required.....	85,000	
	MISCELLANEOUS PAYMENTS		
629	Employers Liability Compensation—Further amount required	25,000	170,000
	GOVERNMENT OWNED ENTERPRISES		
	DEFICITS		
	Transport		
630	Additional amount in excess of the sum of $1,159,000 already appropriated, to provide for the payment during the fiscal year 1949-50 to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport, made from time to time by the National Company to the Minister of Finance, and to be applied by the National Company in payment of the deficit (certified by the Auditors of the National Company) in the operation of the Prince Edward Island Car Ferry and Terminals arising in the calendar year 1949—Further amount required.....	62,230	
631	Additional amount in excess of the sum of $360,000 already appropriated to provide for the payment during the fiscal year 1949-50 to the Canadian National (West Indies) Steamships, Limited (hereinafter called the Company) of the amount of the deficit occurring during the year ending December 31, 1949, in the operations of the Company and the vessels under the control of the Company, as certified by the Auditors of the Company, and upon applications made by the Company to the Minister of Finance and approved by the Minister of Transport—Further amount required.....	100,498	
632	Amount required to provide for the payment during the fiscal year 1949-50 to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport, made from time to time by the National Company, to the Minister of Finance and to be applied by the National Company in payment of the deficit (certified by the Auditors of the National Company) arising in the calendar year 1949, this amount to be applied in the repayment of accountable advances made to the National Company from the Consolidated Revenue Fund—		
	Canadian National Railways, exclusive of Eastern Lines	25,709,703	
	Eastern Lines.....	16,333,325	
633	To hereby authorize and provide for payment during the fiscal year 1949-50 to Trans-Canada Air Lines to be applied by Trans-Canada Air Lines in payment of the deficit (certified by the Auditors of Trans-Canada Air Lines) resulting from the operations of Trans-Canada Air Lines and its subsidiary, Trans-Canada (Atlantic) Limited, during the calendar year 1949, this amount to be applied in the repayment of accountable advances made to the Company from the Consolidated Revenue Fund—		
	Trans-Canada Air Lines.....	1,419,444	
	Trans-Canada (Atlantic) Limited.....	2,898,150	46,523,350

SCHEUDLE—*Concluded*

No. of Vote	Service	Amount	Total
		$	$
	LOANS AND INVESTMENTS		
	VETERANS AFFAIRS		
634	To provide for purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; refund of surplus to veterans (Section 19); and for protection of security under the Veterans' Land Act—Further amount required	.....	1,425,000
	Total	.....	65,986,459

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 15.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1951.

AS PASSED BY THE HOUSE OF COMMONS, 22nd MARCH, 1950.

(Note:- No first reading of Supply Bills is usually printed.)

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

57951

$1,125,000 granted for 1950-51.

3. From and out of the Consolidated Revenue Fund there may be paid and applied, in addition to the amount granted therefor by section two of this Act, a sum not exceeding in the whole one million, one hundred and twenty-five thousand dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty, to the thirty-first day of March, one thousand nine hundred and fifty-one, not otherwise provided for, and being three-quarters of the amount of the item to be voted set forth in Schedule A to this Act.

$1,900,666.66 granted for 1950-51.

4. From and out of the Consolidated Revenue Fund there may be paid and applied, in addition to the amount granted therefor by section two of this Act, a sum not exceeding in the whole one million, nine hundred thousand, six hundred and sixty-six dollars and sixty-six cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty, to the thirty-first day of March, one thousand nine hundred and fifty-one, not otherwise provided for, and being one-third of the amount of each of the several items to be voted set forth in Schedule B to this Act.

$324,283.16 granted for 1950-51.

5. From and out of the Consolidated Revenue Fund, there may be paid and applied, in addition to the amount granted therefor by section two of this Act, a sum not exceeding in the whole three hundred and twenty-four thousand, two hundred and eighty-three dollars and sixteen cents towards defraying the several charges and expenses of the public service from the first day of April, one thousand nine hundred and fifty, to the thirty-first day of March, one thousand nine hundred and fifty-one, not otherwise provided for, and being one-sixth of the amount of the items to be voted set forth in Schedule C to this Act.

$2,614,658.75 granted for 1950-51.

6. From and out of the Consolidated Revenue Fund, there may be paid and applied, in addition to the amount granted therefor by section two of this Act, a sum not exceeding in the whole two million, six hundred and fourteen thousand, six hundred and fifty-eight dollars and seventy-five cents towards defraying the several charges and expenses of the public service from the first day of April, one thousand nine hundred and fifty, to the thirty-first day of March, one thousand nine hundred and fifty-one, not otherwise provided for, and being one-twelfth of the amount of the items to be voted set forth in Schedule D to this Act.

Power to raise sums required for redeeming loans or obligations. 1931, c. 27.

7. (1) The Governor in Council may, in addition to the sums now remaining unborrowed, and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loans, under the provisions of *The Consolidated Revenue and Audit Act, 1931*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, as may be required for paying or redeeming loans or obligations of Canada maturing or callable in the fiscal year ending March 31, 1951.

Chargeable to C. R. Fund.

(2) The principal raised by way of loan under this Act and the interest thereon shall be a charge upon, and payable out of the Consolidated Revenue Fund.

Account to be rendered in detail.

8. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the next session of Parliament.

SCHEDULE A

Based on the Main Estimates, 1950-51. The amount hereby granted is $1,125,000, being three-quarters of the amount of the item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1951, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	LABOUR		
	B—UNEMPLOYMENT INSURANCE ACT, 1940		
170	To provide for the payment of unemployment assistance to certain residents of Newfoundland to give effect to the Terms of Union of Newfoundland with Canada in accordance with regulations of the Governor in Council, and such assistance shall be deemed to be a benefit or payment within the meaning of Sections 33 and 67 of the Unemployment Insurance Act, 1940.....	.....	*1,500,000

* Net Total $1,125,000.

SCHEDULE B

Based on the Main Estimates, 1950-51. The amount hereby granted is $1,900,666.66, being one-third of the amount of the items in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1951, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
30	Freight Assistance on Western Feed Grains	5,000,000	
	TRADE AND COMMERCE		
430	Canadian International Trade Fair, 1950	602,000	
	TRANSPORT		
	GENERAL		
497	To provide for the expenses of the Royal Commission on National Transportation	100,000	
			*5,702,000

* Net Total $1,900,666.66.

SCHEDULE C

Based on the Main Estimates, 1950-51. The amount hereby granted is $324,283.16, being one-sixth of the amount of the items in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1951, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	EXTERNAL AFFAIRS		
70	Canadian Representation at International Conferences.....	225,000	
	LEGISLATION		
	THE SENATE		
172	General Administration.....	327,378	
	THE HOUSE OF COMMONS		
175	General Administration—Estimates of the Clerk.....	873,335	
176	Estimates of the Sergeant-at-Arms.....	519,986	
			*1,945,699

* Net Total $324,283.16.

SCHEDULE D

Based on the Main Estimates, 1950-51. The amount hereby granted is $2,614,658.75, being one-twelfth of the amount of the items in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1951, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	EXTERNAL AFFAIRS		
66	Representation Abroad	4,594,836	
	FINANCE		
94	The Wartime Prices and Trade Board— Administration	1,907,142	
	MINES AND TECHNICAL SURVEYS		
189	Geological Survey of Canada— Geological Surveys	1,524,774	
191	Surveys and Mapping Branch— Topographical Surveys	1,386,410	
192	Canadian Hydrographic Service	1,732,243	
	RESOURCES AND DEVELOPMENT		
	DEVELOPMENT SERVICES BRANCH		
361	Water Resources Division— To provide for studies and surveys of the Columbia River Watershed in Canada	380,000	
362	Lake of the Woods Control Board	12,480	
366	National Parks and Historic Sites Division— National Parks and Historic Sites Services	10,138,886	
	NORTHERN ADMINISTRATIONS		
374	Mackenzie River Division— Forest Conservation, including Wood Buffalo Park	337,295	
375	Roads, Buildings and Other Works, as detailed in the Estimates	715,450	
377	Yukon Division— Roads, Buildings and Other Works, as detailed in the Estimates	2,741,000	
	ENGINEERING AND CONSTRUCTION SERVICE		
380	Engineering and Construction Services	500,000	
	FORESTRY BRANCH		
384	Forest Research Division	819,675	
385	Forestry Operations Division	61,290	
386	Forest Products Division	644,450	
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
425	Trade Commissioner Service	2,052,859	
	STANDARDS DIVISION		
432	Electricity and Gas Inspection Services	502,520	
434	Weights and Measures Inspection Services	604,595	

SCHEDULE D—*Concluded*

No. of Vote	Service	Amount	Total
		$	$
	GOVERNMENT-OWNED ENTERPRISES		
	DEFICITS		
	Transport		
559	Amount to provide for the payment from time to time to the Canadian National (West Indies) Steamships, Limited (hereinafter called "The Company") of the amount of the deficit occurring during the year ending December 31st, 1950, in the operations of the Company, and the vessels under the control of the Company, as certified by the Auditors of the Company, and upon applications made by the Company to the Minister of Finance and approved by the Minister of Transport, not exceeding.....	720,000	*31,375,905

* Net Total $2,614,658.75.

16.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 16.

An Act to amend The Agricultural Products Act.

First reading, March 23, 1950.

THE MINISTER OF AGRICULTURE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

57057

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 16.

An Act to amend The Agricultural Products Act.

1947, c. 10; 1947-48, c. 1; 1949 (1st Sess.), c. 8.

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

1. Section eleven of *The Agricultural Products Act*, chapter ten of the statutes of 1947, as enacted by section one of chapter eight of the statutes of 1949 (First Session), is repealed and the following substituted therefor:

Expiration.

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

Explanatory Note.

Section 11 of *The Agricultural Products Act* was amended at the last session of Parliament to read as follows:

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

As export contracts carried out under authority of this Act will continue after March thirty-first, one thousand nine hundred and fifty, the proposed amendment provides for the continuation of the Act for another year.

17.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

An Act to amend The Agricultural Prices Support Act, 1944.

First reading, March 23, 1950.

THE MINISTER OF AGRICULTURE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

57792

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

An Act to amend The Agricultural Prices Support Act, 1944.

1944-45, c. 29; 1947-48, c. 32.

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

Section 9 of 1944-45, c. 29, continued in force.

1. Notwithstanding section one of *An Act to amend The Agricultural Prices Support Act, 1944*, chapter thirty-two of the statutes of 1947-48, or the proclamation issued thereunder, section nine of *The Agricultural Prices Support Act, 1944*, chapter twenty-nine of the statutes of 1944-45, shall continue in force on and after the thirty-first day of March, nineteen hundred and fifty.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 54.

An Act to amend The Fisheries Prices Support Act, 1944.

First reading, March 23, 1950.

THE MINISTER OF FISHERIES.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

57800

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 54.

An Act to amend The Fisheries Prices Support Act, 1944.

1944-45 c. 42; 1949 (1st Sess.), c. 6.

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

Coming into force of 1944-45, c. 42.

1. Section nine of *The Fisheries Prices Support Act, 1944*, chapter forty-two of the statutes of 1944-45, shall be deemed to have come into force on the twenty-third day of July, nineteen hundred and forty-seven.

Repeal of sec. 12.

2. Section twelve of the said Act is repealed.

Explanatory Notes.

The purpose of the Bill is to place section 9 of the Act on the same basis as the other sections of the Act. Section 9 was brought into force on the 23rd of July, 1947, by proclamation of the Governor in Council issued under the provisions of section 12 which reads as follows:

"**12.** Section nine of this Act shall come into force on a date to be fixed, and remain in force for such period as may be determined, by proclamation of the Governor in Council."

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 56.

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

First reading, March 24, 1950.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

57221

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA

BILL 56.

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

1947, c. 16; 1947-48, c. 5; 1949 (1st Sess.) c. 3.

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

1. Section seven of *The Continuation of Transitional Measures Act, 1947*, chapter sixteen of the statutes of 1947, as enacted by chapter three of the statutes of 1949 (First Session), is repealed and the following substituted therefor:

Duration of Act.

"**7.** This Act shall expire on the thirtieth day of April, one thousand nine hundred and fifty-one."

Explanatory Note.

1. Section seven of *The Continuation of Transitional Measures Act, 1947*, at present reads as follows:—

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

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 86.

An Act respecting the appointment of Auditors for National Railways.

First reading, March 30, 1950.

THE MINISTER OF TRANSPORT.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

58438

2nd Session, 21st Parliament, 14 George VI, 1950.

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;
1949 (1st Sess.), c. 9.

THE HOUSE OF COMMONS OF CANADA.

BILL 86.

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 1950, to make a continuous audit under the provisions of the said section, of the accounts of National Railways as defined in the said Act.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 87.

An Act to amend The Manitoba Boundaries Extension Act, 1912, and The Ontario Boundaries Extension Act.

First reading, March 30 , 1950.

THE MINISTER OF MINES AND TECHNICAL SURVEYS.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

58551

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 87.

An Act to amend The Manitoba Boundaries Extension Act, 1912, and The Ontario Boundaries Extension Act.

1912, c. 32.
1912, c. 40.

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

Construction of certain sections.

1. Section three of *The Manitoba Boundaries Extension Act, 1912*, chapter thirty-two of the statutes of 1912, and section two of *The Ontario Boundaries Extension Act*, chapter forty of the statutes of 1912, shall be read and construed as though the reference in each of those sections to

> "the most eastern point of Island Lake, as shown in approximate latitude 53°30′ and longitude 93°40′ on the railway map of the Dominion of Canada published, on the scale of thirty-five miles to one inch, in the year one thousand nine hundred and eight, by the authority of the Minister of the Interior"

were in each case a reference to

> "the most eastern point of Island Lake, as fixed on the ground in the year 1930 by the erection of concrete monument number 295 of the Ontario-Manitoba Boundary Survey and situated in about north latitude 53°44′19″·42 and in about west longitude 93°39′14″·91"

and as though the reference in each of those sections to

> "the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson Bay"

were in each case a reference to

> "a point twenty-one and four-tenths feet due west astronomic from the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson Bay, as the latter point was fixed by the Geodetic Survey of Canada in the year 1929".

Coming into force.

2. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council, but such proclamation shall not be issued until after the Legislature of Ontario has consented to any increase, diminution or alteration of the limits of the Province of Ontario provided for by this Act and the Legislature of Manitoba has consented to any increase, diminution or alteration of the limits of the Province of Manitoba provided for by this Act.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 131.

An Act to amend An Act to incorporate Westcoast Transmission Company, Limited.

First reading, April 5, 1950.

Mr. SINNOTT.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

59012

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA

BILL 131.

An Act to amend An Act to incorporate Westcoast Transmission Company Limited.

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

Power to construct and operate pipe lines.

1. Paragraph *(a)* of section six of *An Act to incorporate Westcoast Transmission Company, Limited*, chapter thirty-seven of the statutes of 1949 (First Session) is amended by striking out the words, "or outside Canada" in the second line of the said paragraph.

EXPLANATORY NOTES.

1. Paragraph *(a)* of section 6 presently reads:

"**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

(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;"

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 132.

An Act to amend The Pipe Lines Act.

First reading, April 17, 1950.

MR. SINNOTT.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

59119

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 132.

An Act to amend The Pipe Lines Act.

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

1. Subsection one of section twelve of *The Pipe Lines Act*, chapter twenty of the statutes of 1949, is repealed and the following substituted therefor:

Leave to construct.

"**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 whereof the main line shall be located entirely within Canada, the termini, and all cities, towns, villages, railways and navigable waters through, under or across which the line is to pass."

2. The said section twelve is further amended by adding thereto the following subsection:

Companies to which ss. (1) applicable.

"(6) Subsection one and this subsection apply to a company whether it was incorporated by Special Act either before or after the day upon which this subsection comes into force."

Explanatory Notes.

1. The amendment to subsection (1) of section 12 is indicated by the addition of the underlined words in the text.

2. Subsection (6) is new.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 133.

An Act respecting National Defence

First reading, April 18, 1950.

THE MINISTER OF NATIONAL DEFENCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

53453

NATIONAL DEFENCE ACT

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Explanatory Notes.

The purpose of this Bill is to embody in one statute all legislation respecting the Department of National Defence, the organization, administration and discipline of the armed forces, the organization and functions of the Defence Research Board and other matters directly concerning defence.

The Department, including the Defence Research Board, is now established under the *Department of National Defence Act.*

The navy is now governed entirely by a Canadian statute, *The Naval Service Act, 1944,* and United Kingdom statutes no longer apply.

Organization and administration of the army are now governed by a Canadian statute, the *Militia Act,* which is still in much the same terms as when first enacted in 1868. Discipline, however, is carried out in the main under the *Army Act* of the United Kingdom, for many years made applicable in part to the Canadian Militia by reference.

Organization and administration of the air force are prescribed in a Canadian statute, *The Royal Canadian Air Force Act,* but, as in the case of the army, discipline is carried out in the main under the *Air Force Act* of the United Kingdom, made applicable in part by reference.

The *Army Act* and the *Air Force Act* of the United Kingdom are, in matters of discipline, trial and punishment, practically identical. The disciplinary provisions of *The Naval Service Act, 1944,* differ substantially from those of the army and air force legislation.

A new disciplinary code for the Canadian Forces is contained in the Bill and application by reference of United Kindgom statutes will no longer be necessary. This code applies generally to personnel of the navy, army and air force, so that if enacted it would prescribe the same offences and punishments for officers and men of all three Services for the first time.

The Bill is more than a consolidation and revision of existing legislation. It contains many new clauses deemed necessary to meet present and future requirements in respect of the defence of Canada. Certain archaic provisions of existing legislation have been discarded. Many other provisions have been adapted, modified or extended in principle to suit present day conditions.

The Bill falls into three main divisions:

(a) Parts I, II and III relating generally to organization for defence,

(b) Parts IV to IX which constitute a complete Code of Service Discipline and are so defined, and

(c) Parts X, XI and XII which contain clauses of general application relating to defence.

Part XIII contains a special provision relating to deserters in the Second World War and clauses respecting the amendment and repeal of certain existing legislation and the bringing into force of the Act.

The purpose and general content of each of the thirteen Parts of the Bill are indicated at the commencement of each Part. Opposite each clause is shown the existing legislation upon which the clause is based. Where, in respect of a clause, the word "see" appears in the Explanatory Notes, this is intended to indicate that such clause relates to the subject of the legislation mentioned in said Notes, but may depart both in form and in substance therefrom. On the other hand, where, in such Notes, reference has been made to existing legislation without the word "see," this is intended to mean that the clause in the Bill conforms substantially with existing legislation. Owing to the large number of sections of existing legislation which have some bearing upon each clause of the Bill, it is impracticable to reprint them here.

Clauses which have no counterpart in existing service legislation are indicated as being "new" clauses. In most cases, however, clauses designated as "new" represent either codification of well-established service legal principles or adaptation of principles embodied in the Criminal Code and other statutes.

Existing legislation is listed hereunder and to the right of each item there is shown the abbreviation by which it will be indicated throughout the Explanatory Notes.

Statute	Abbreviation
Department of National Defence Act, Revised Statutes of Canada, 1927, Chap 136, as amended.	DND Act
Militia Act, Revised Statutes of Canada, 1927, Chap 132, as amended.	Militia Act
The Naval Service Act, 1944, Statutes of Canada, 8 Geo VI, Chap 23, as amended.	Naval Service Act

Statute	Abbreviation
The Royal Canadian Air Force Act, Statutes of Canada, 4 Geo VI, Chap 15, as amended.	RCAF Act
Criminal Code, Revised Statutes of Canada, 1927, Chap 36, as amended.	Criminal Code
Army Act, Statutes of the United Kingdom, 44-45 Vict, Chap 58, as amended.	Army Act (UK)
Air Force Act, Statutes of the United Kingdom, 7 and 8 Geo V, Chap 51, as amended.	Air Force Act (UK)

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 133.

An Act respecting National Defence.

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

Short title.

1. This Act may be cited as the *National Defence Act.*

INTERPRETATION.

Definitions.

2. In this Act and in regulations made hereunder, unless the context otherwise requires,

"aircraft".

(a) "aircraft" means flying machines and guided missiles that derive their lift in flight chiefly from aerodynamic forces and flying devices that are supported chiefly by their buoyancy in air, and includes any aeroplane, balloon, kite balloon, airship, glider or kite;

"aircraft material".

(b) "aircraft material" means engines, fittings, armament, ammunition, bombs, missiles, gear, instruments and apparatus, used or intended for use in connection with aircraft or the operation thereof, and components and accessories of aircraft and substances used to provide motive power or lubrication for or in connection with aircraft or the operation thereof;

"civil court".

(c) "civil court" means a court of ordinary criminal jurisdiction in Canada and includes a court of summary jurisdiction;

"civil custody".

(d) "civil custody" means the holding under arrest or in confinement of a person by the police or other competent civil authority, and includes confinement in a penitentiary or a civil prison;

"civil prison."

(e) "civil prison" means any prison, gaol or other place in Canada in which offenders sentenced by a civil court in Canada to imprisonment for less than two years can be confined, and, if sentenced out of Canada, any prison, gaol or other place in which a person,

Cross-References to Existing Legislation

1. New

2.

(a) See Army Act (UK), Sec 190(42)
Air Force Act (UK), Sec 190(42)

(b) Army Act (UK), Sec 190(43)
Air Force Act (UK), Sec 190(43)

(c) Army Act (UK), Sec 190(31)
Air Force Act (UK), Sec 190(31)

(d) See Army Act (UK), Sec 68(2) *(c)*

(e) See Army Act (UK), Sec 68(2) *(f)*

sentenced to that term of imprisonment by a civil court having jurisdiction in the place where the sentence was passed, can for the time being be confined;

'Code of Service Discipline'.

(f) "Code of Service Discipline" means the provisions of Parts IV, V, VI, VII, VIII and IX;

"court martial".

(g) "court martial" includes a General Court Martial, a Disciplinary Court Martial and a Standing Court Martial;

"defence establishment".

(h) "defence establishment" means any area or structure under the control of the Minister, and the equipment and other things situate in or on any such area or structure;

"Department".

(i) "Department" means the Department of National Defence;

"Deputy Minister".

(j) "Deputy Minister" means the Deputy Minister of National Defence;

"detention barrack".

(k) "detention barrack" means a place designated as such under subsection two of section one hundred and seventy-eight;

"emergency".

(l) "emergency" means war, invasion, riot or insurrection, real or apprehended;

"enemy".

(m) "enemy" includes armed mutineers, armed rebels, armed rioters and pirates;

"enrol".

(n) "enrol" means to cause any person to become a member of a component of a Service of the Canadian Forces;

"equipment".

(o) "equipment" means all movable public property or materiel, other than money, provided for the Canadian Forces or the Defence Research Board or for any other purpose under this Act, and includes any vessel, vehicle, aircraft, animal, missile, arms, ammunition, clothing, stores or provisions so provided;

"His Majesty's Canadian Ship".

(p) "His Majesty's Canadian Ship" means any vessel of the Royal Canadian Navy commissioned as a vessel of war;

"His Majesty's Forces".

(q) "His Majesty's Forces" means the naval, army and air forces of His Majesty wheresoever raised, and includes the Canadian Forces;

"man".

(r) "man" means any person, other than an officer, who is enrolled in, or who pursuant to law is attached or seconded otherwise than as an officer to, the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force;

"military".

(s) "military" shall be construed as relating to all or any of the Services of the Canadian Forces;

"Minister".

(t) "Minister" means the Minister of National Defence;

"mutiny".

(u) "mutiny" means collective insubordination or a combination of two or more persons in the resistance of lawful naval, army or air force authority in any of

(f) New

(g) New

(h) New
See Naval Service Act, Sec 2*(i)*

(i) DND Act, Sec 2*(a)*
Naval Service Act, Sec 2*(c)*

(j) DND Act, Sec 2*(b)*

(k) See Army Act (UK), Sec 68(2) *(e)*

(l) Militia Act, Sec 2*(c)*
RCAF Act, Sec 2*(c)*
See Naval Service Act, Sec 2*(e)*

(m) Army Act (UK), Sec 190(20)
Air Force Act (UK), Sec 190(20)
See Naval Service Act, Sec 94

(n) New

(o) New

(p) New

(q) New
See Army Act (UK), Sec 190(7A)

(r) See Militia Act, Sec 2*(e)*
Naval Service Act, Sec 2*(g)*
RCAF Act, Sec 2*(b)*
Army Act (UK), Sec 190(6)
Air Force Act (UK), Sec 190(6)

(s) New

(t) See DND Act, Sec 2*(c)*

(u) New

His Majesty's Forces or in any forces co-operating therewith;

"non-public property".

(v) "non-public property" means,

(i) all money and property, other than issues of equipment, received for or administered by or through messes, institutes or canteens of the Canadian Forces;

(ii) all money and property contributed to or by officers, men, units or other elements of the Canadian Forces for the collective benefit and welfare of such officers, men, units or other elements;

(iii) by-products and refuse and the proceeds of the sale thereof to the extent prescribed under subsection five of section thirty-nine; and

(iv) all money and property derived from, purchased out of the proceeds of the sale of, or received in exchange for money and property described in sub-paragraphs (i), (ii) and (iii);

"officer".

(w) "officer" means,

(i) a person who holds His Majesty's commission in the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force;

(ii) a subordinate officer in the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force; or

(iii) any person who pursuant to law is attached or seconded as an officer to the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force;

"penitentiary".

(x) "penitentiary" means a penitentiary established under the *Penitentiary Act, 1939*, and includes, in respect of any punishment of imprisonment for two years or more imposed out of Canada pursuant to the Code of Service Discipline, any prison or place in which a person sentenced to imprisonment for two years or more by a civil court having jurisdiction in the place where the sentence is imposed, can for the time being be confined; and if in any such place out of Canada there is no prison or place for the confinement of persons sentenced to imprisonment for two years or more, then in that case "penitentiary" means a civil prison;

"personal equipment".

(y) "personal equipment" means all equipment issued to an officer or man for his personal wear or other personal use;

"possession".

(z) "possession" by any person, for the purpose of the Code of Service Discipline and Part XII, includes,

(i) having in his own personal possession;

(ii) knowingly having in the actual possession or custody of any other person; or

(v) New

(w) See Naval Service Act, Sec 2*(l)*
RCAF Act, Sec 2*(e)*
Army Act (UK), Sec 190(4)
Air Force Act (UK), Sec 190(4)

(x) New

(y) New

(z) Criminal Code, Sec 5(1) *(b)*

(iii) knowingly having in any place, whether belonging to or occupied by himself or not, for the use or benefit of himself or any other person;

"public property". *(aa)* "public property" means any property of His Majesty in right of Canada;

"regulations". *(bb)* "regulations" means regulations made under this Act;

"release". *(cc)* "release" means the termination of the service of an officer or man in any manner whatsoever;

"service convict". *(dd)* "service convict" means a person who is under a sentence that includes a punishment of imprisonment for two years or more imposed upon him pursuant to the Code of Service Discipline;

"service custody". *(ee)* "service custody" means the holding under arrest or in confinement of a person by the Canadian Forces, and includes confinement in a service prison or detention barrack;

"service detainee". *(ff)* "service detainee" means a person who is under a sentence that includes a punishment of detention imposed upon him pursuant to the Code of Service Discipline;

"service offence". *(gg)* "service offence" means an offence under this Act, the *Criminal Code*, or any other Act of the Parliament of Canada, committed by a person while subject to the Code of Service Discipline;

"service prison". *(hh)* "service prison" means a place designated as such under subsection two of section one hundred and seventy-eight;

"service prisoner". *(ii)* "service prisoner" means a person who is under a sentence that includes a punishment of imprisonment for less than two years imposed upon him pursuant to the Code of Service Discipline;

"service tribunal". *(jj)* "service tribunal" means a court martial or a person presiding at a summary trial;

"summary trial". *(kk)* "summary trial" means a trial conducted by or under the authority of a commanding officer pursuant to section one hundred and thirty-five or section one hundred and thirty-six and a trial by a superior commander pursuant to section one hundred and thirty-seven;

"superior officer". *(ll)* "superior officer" means any officer or man who, in relation to any other officer or man, is by this Act, or by regulations or by custom of the service, authorized to give a lawful command to that other officer or man;

"unit". *(mm)* "unit" means an individual body of the Canadian Forces that is organized as such pursuant to section eighteen, with the personnel and equipment thereof.

(aa) New

(bb) See Militia Act, Sec. 2*(j)*
RCAF Act, Sec (2)*(i)*

(cc) New

(dd) New

(ee) See Army Act (UK), Sec 45(2)
Air Force Act (UK), Sec 45(2)

(ff) New

(gg) New

(hh) New

(ii) New

(jj) New

(kk) New

(ll) See Army Act (UK), Sec 190(7)
Air Force Act (UK), Sec 190(7)

(mm) See Militia Act, Sec 2*(k)*
RCAF Act, Sec 2*(j)*

PART I.

DEPARTMENT OF NATIONAL DEFENCE.

PROVISION FOR DEPARTMENT.

Formation of department.

3. There shall be a department of the Government of Canada which shall be called the Department of National Defence, over which the Minister of National Defence for the time being appointed by the Governor General by commission under the Great Seal shall preside.

MINISTER.

Duties.

4. The Minister shall have the control and management of the Canadian Forces, the Defence Research Board and of all matters relating to national defence including preparation for civil defence against enemy action, and shall be responsible for the construction and maintenance of all defence establishments and works for the defence of Canada.

Exercise of powers.

5. The Governor in Council, upon the recommendation of the Minister, may from time to time designate any other person in addition to the Minister to exercise any power or perform any duty or function that is vested in or that may be exercised or performed by the Minister under this Act.

Additional or Associate Ministers.

6. (1) The Governor General may, during an emergency, by commission under the Great Seal appoint

(a) not more than three additional Ministers of National Defence, each of whom shall exercise and perform such of the powers, duties and functions of the Minister as may be prescribed by the Governor in Council; or

(b) not more than three Associate Ministers of National Defence, each of whom shall exercise and perform such of the powers, duties and functions of the Minister as may be assigned to him by the Governor in Council or the Minister.

Term of office.

(2) Each additional or Associate Minister appointed under this section may be continued in office for not more than six months after the termination of the emergency during which he is appointed.

DEPUTY MINISTER.

Appointment.

7. (1) There shall be a Deputy Minister of National Defence who shall be appointed by the Governor in Council.

PART I

Part I provides for the organization of the Department of National Defence. The general functions of the Minister are prescribed and provision is made for the appointment of additional or Associate Ministers in an emergency. The appointment of a Deputy Minister, Associate Deputy Ministers, civilian staff and a Judge Advocate General is authorized. The Governor in Council and the Minister are empowered to make regulations in respect of the Canadian Forces and other subjects related to the defence of Canada. These powers are conferred in clause 13.

Cross-References to Existing Legislation

3. DND Act, Sec 3

4. See DND Act, Sec 4.
Militia Act, Sec 6
Naval Service Act, Sec 5

5. New

6. See DND Act, Sec 4A

7. DND Act, Sec 5(1), (2) and (3)

Associate Deputy Ministers.

(2) The Governor in Council may appoint not more than three persons to be Associate Deputy Ministers of National Defence.

Duties of Associate Deputy Ministers.

(3) Each Associate Deputy Minister of National Defence shall have the rank and status of a deputy head of a department and as such shall, under the direction of the Minister and of the Deputy Minister, perform such duties and exercise such authority as deputy of the Minister and otherwise, as may be assigned to him by the Minister.

CIVILIAN EMPLOYEES.

Appointment.

8. Such officers, clerks and employees as are necessary for carrying on the business of the Department may be appointed in the manner authorized by law.

JUDGE ADVOCATE GENERAL.

Appointment.

9. The Governor in Council may appoint a barrister or advocate of not less than ten years standing to be the Judge Advocate General of the Canadian Forces.

PROPERTY.

Disposition of property.

10. (1) Any lands, buildings or equipment held by His Majesty, that are under the control of the Department for any purpose under this Act, may be leased by the Minister for a period not exceeding one year or may be leased, sold or otherwise disposed of by direction of the Governor in Council.

Municipal interest.

(2) Where any portion of the cost of any land, building or equipment sold under subsection one has been defrayed by the municipality in which it is situated, a fair proportion of the proceeds of sale, to be determined by the Governor in Council, may be returned to the municipality or expended therein for other purposes of the Department of a permanent nature.

EQUIPMENT.

Delivery of equipment for sale.

11. (1) The Governor in Council may authorize the Minister to deliver to any department or agency of the Government of Canada any equipment that has not been declared surplus and that is not immediately required for the use of the Canadian Forces or the Defence Research Board or for any other purpose under this Act, for sale to such countries on such terms as the Governor in Council may determine.

8. DND Act, Sec 5(4)

9. New

10. See Militia Act, Sec 56

11. New

Application of proceeds.

(2) The proceeds of a sale of equipment delivered under subsection one shall be paid into a special account in the Consolidated Revenue Fund and, subject to the approval of the Governor in Council, shall be used for the procurement of equipment; and payments out of the special account shall be made by the Minister of Finance on the requisition of the Minister.

Annual statement.

(3) The Minister shall within three months after the termination of each fiscal year prepare a statement of the moneys received and disbursed under this section during that year, indicating the balance, if any, remaining at the end of that year in the special account mentioned in subsection two.

Tabling in Parliament.

(4) The Minister shall forthwith lay the statement mentioned in subsection three before Parliament or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof.

Inventions.

Certain inventions vested in the Crown.

12. (1) Every discovery, invention or improvement in any art, process, apparatus, machine, manufacture or composition of matter made

(a) by an officer or man acting within the scope of his duties or employment;

(b) by an officer, servant, clerk or employee of the Department or of the Defence Research Board acting within the scope of his duties or employment; or

(c) as a result of or in the course of research conducted by any person under a grant in aid furnished with the approval of the Minister in connection with that research,

and all rights with respect thereto are vested in His Majesty.

Exception.

(2) Notwithstanding subsection one, the Minister, on behalf of His Majesty, may authorize agreements to be made with any person mentioned in paragraph *(c)* of that subsection whereby that person shall have and enjoy, exclusively or with limitations, any rights accruing to or that may accrue to or be vested in His Majesty in respect of the matters mentioned in that subsection.

Abandonment of Crown's rights.

(3) The Minister may, in any particular case, abandon any or all of the rights of His Majesty under subsections one and two upon such terms and conditions as the Minister may determine.

Bonuses.

(4) Subject to regulations made by the Governor in Council and notwithstanding the Civil Service Act, the Minister may authorize payment of such bonuses or gratuities as in his opinion may be warranted to any person mentioned in subsection one who has made a discovery, invention or improvement that by virtue of this section is vested in His Majesty.

12. New

Regulations.

By Governor in Council.

13. (1) The Governor in Council may make regulations, not inconsistent with this Act, for the organization, training, discipline, efficiency, administration and good government of the Canadian Forces and generally for carrying the purposes and provisions of this Act into effect.

By Minister.

(2) Subject to section fourteen, the Minister may make regulations, not inconsistent with this Act or regulations made by the Governor in Council, for the organization, training, discipline, efficiency, administration and good government of the Canadian Forces and generally for carrying the purposes and provisions of this Act into effect.

Limitation upon Minister's powers.

14. Where in any section of this Act, other than section thirteen and this section, there is express reference to regulations made or prescribed by the Governor in Council in respect of any matter, the Minister shall not have power to make regulations pertaining to that matter.

13. See DND Act, Sec 6
Militia Act, Secs 14, 139
Naval Service Act, Sec 38
RCAF Act, Sec 16(1)

14. New

Part II.

THE CANADIAN FORCES.

Constitution.

Services.

15. The Canadian Forces are the naval, army and air forces of His Majesty raised by Canada and consist of three Services, namely, the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force.

Regular forces.

16. (1) There shall be a component of each Service of the Canadian Forces consisting of officers and men who are enrolled for continuing, full-time military service; and those components are referred to in this Act as the regular forces.

Composition.

(2) The maximum numbers of officers and men in the regular forces shall be as from time to time authorized by the Governor in Council, and the regular forces shall include such units and other elements as are embodied therein.

Reserve forces.

(3) There shall be components of each Service of the Canadian Forces consisting of officers and men who are enrolled for other than continuing, full-time military service when not on active service; and those components are referred to in this Act as the reserve forces.

Composition.

(4) The maximum numbers of officers and men in the reserve forces shall be as from time to time authorized by the Governor in Council, and the reserve forces shall include such units and other elements as are embodied therein.

Active service forces.

(5) In an emergency, the Governor in Council may establish and, while the emergency exists, authorize the maintenance of a component of each Service of the Canadian Forces, referred to in this Act as the active service forces, consisting of

(a) officers and men of the regular forces and the reserve forces who are on active service and who are placed in the active service forces under conditions prescribed in regulations; and

(b) officers and men, not of the regular forces or the reserve forces, who are enrolled on active service in the active service forces for continuing, full-time military service.

Composition.

(6) The maximum numbers of officers and men in the active service forces shall be as from time to time authorized by the Governor in Council, and the active service forces shall include such units and other elements as are embodied therein.

Part II.

Part II constitutes the naval, army and air forces of Canada as the 'Canadian Forces', and provides for their organization and administration. The provisions of the Militia Act, The Naval Service Act, 1944, and The Royal Canadian Air Force Act have been adapted for that purpose. There are in addition several new clauses which are self-explanatory.

Cross-References to Existing Legislation

15. New

16. New
See Militia Act, Sec 22(1)
Naval Service Act, Secs 8, 21, 23

Continuation of existing constitution.

17. (1) Subject to this Act, the Naval Service, including the Naval Forces, and the Canadian Army and the Royal Canadian Air Force shall continue as constituted immediately prior to the coming into force of this Part.

Redesignation of Naval Service.

(2) On and after the coming into force of this Part, the Naval Service, including the Naval Forces, shall be designated as the Royal Canadian Navy.

UNITS AND OTHER ELEMENTS.

Organization.

18. (1) The Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force shall consist of such units and other elements as are from time to time organized by or under the authority of the Minister.

Component.

(2) A unit or other element organized under subsection one shall from time to time be embodied in such component of the Service of which it forms a part as the Minister may direct.

CHIEFS OF STAFF.

Chief of the Naval Staff.

19. (1) The Governor in Council may appoint an officer to be Chief of the Naval Staff who shall hold such rank as the Governor in Council may prescribe and who shall, subject to the regulations and under the direction of the Minister, be charged with the control and administration of the Royal Canadian Navy.

Chief of the General Staff.

(2) The Governor in Council may appoint an officer to be Chief of the General Staff who shall hold such rank as the Governor in Council may prescribe and who shall, subject to the regulations and under the direction of the Minister, be charged with the control and administration of the Canadian Army.

Chief of the Air Staff.

(3) The Governor in Council may appoint an officer to be Chief of the Air Staff who shall hold such rank as the Governor in Council may prescribe and who shall, subject to the regulations and under the direction of the Minister, be charged with the control and administration of the Royal Canadian Air Force.

Responsibility and channels of communication.

(4) Unless the Governor in Council otherwise directs, all orders and instructions to the Royal Canadian Navy, the Canadian Army, and the Royal Canadian Air Force that are required to give effect to the decisions and to carry out the directions of the Government of Canada, or the Minister, shall be issued by or through the Chief of the Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case may be.

17. New
See Militia Act, Sec 16

See Militia Act, Sec 20(2)

19. (1), (2) and (3)
See Naval Service Act, Sec 7
Militia Act, Sec 30

19. (4) New

Powers of Command.

Authority of officers and men.

20. The authority and powers of command of officers and men shall be as prescribed in regulations.

Enrolment.

Commissioned officers.

21. (1) Commissions of officers in the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force shall be granted by His Majesty during pleasure.

Subordinate officers and men.

(2) Persons shall be enrolled as subordinate officers and men for such term of service as may be prescribed in regulations made by the Governor in Council.

Authorized ranks.

22. The respective ranks that may be held by officers and men of the Canadian Forces shall be as from time to time prescribed in regulations made by the Governor in Council.

Numbers in ranks and trade groups.

23. The maximum number of persons in each rank and trade group of the Canadian Forces shall be determined as prescribed in regulations made by the Governor in Council.

Obligation to serve.

24. The enrolment of a person in a Service of the Canadian Forces binds that person to serve in that Service until he is, in accordance with regulations, lawfully released.

Oaths on enrolment.

25. Oaths and declarations required upon enrolment shall be taken and subscribed before commissioned officers or justices of the peace and shall be in such forms as may be prescribed in regulations.

Consent to transfer.

26. Subject to subsection three of section thirty-two, no officer or man shall without his consent be transferred from the regular forces to the reserve forces or from the reserve forces to the regular forces or from the Service of the Canadian Forces in which he has been enrolled to another Service of the Canadian Forces.

Effect of receipt of pay if not enrolled.

27. (1) Where, although not enrolled or re-engaged for service, a person has received pay as an officer or man, he is, until he claims his release and is released, deemed to be an officer or man, as the case may be, of the Service and component of the Canadian Forces through which he

20. See Naval Service Act, Sec 10
Militia Act, Sec 40

21. See Militia Act, Secs 33, 15(1)
Naval Service Act, Secs 9(1), 11
RCAF Act, Sec 7(1)

22. See Naval Service Act, Sec 10

23. Militia Act, Sec 20(1)

24. See Militia Act, Sec 21(2)

25. See Militia Act, Sec 21(1)
Naval Service Act, Sec 9(2) and (3)

26. New

27. Army Act (UK), Sec 100

received pay and to be subject to this Act as if he were such an officer or man duly enrolled or re-engaged for service.

Effect of receipt of pay if irregularly enrolled.

(2) Where, although there has been an error or irregularity in his enrolment or re-engagement, a person has received pay as an officer or man of that Service and component of the Canadian Forces in which he was erroneously or irregularly enrolled or re-engaged, that person is deemed to be an officer or man, as the case may be, regularly enrolled or re-engaged, and is not, except as provided in subsection three, entitled to be released on the ground of the error or irregularity.

Provision for release.

(3) Where a person who, by virtue of subsection two, is deemed to be an officer or a man, claims to be released within three months, reckoned from the date on which his pay commenced, and establishes the error or irregularity in his enrolment or re-engagement, he shall, except during an emergency, be released.

Method of release.

(4) Where a person claims his release on the ground that he has not been enrolled or re-engaged or has not been regularly enrolled or re-engaged, his commanding officer shall forthwith forward his claim to the authority having power to release him and, if he is entitled to be released, he shall be released with all convenient speed.

ATTACHMENT AND SECONDMENT.

Within the Canadian Forces.

28. (1) An officer or man may be attached or seconded to another component of the Service of the Canadian Forces in which he is enrolled or to any component of any Service of the Canadian Forces, other than that in which he is enrolled, in such manner and under such conditions as are prescribed in regulations; and he shall have like powers of command and punishment over officers and men of the component and Service of the Canadian Forces to which he is attached or seconded as if he were an officer or man of that component and Service of equivalent rank, relative to the rank he holds.

28. See Army Act (UK), Sec 179A(1)
Air Force Act (UK), Sec 179A(1)
The Visiting Forces (British Commonwealth) Act, Statutes of Canada, 23-24 Geo V, Chap 21, Sec 6(3)
Naval Service Act, Sec 42

Out of the Canadian Forces.

(2) An officer or man may be attached or seconded to any of His Majesty's Forces, any department or agency of government, any public or private institution, private industry or any other body in such manner and under such conditions as are prescribed in any other Act or in regulations.

Provision regarding reserve forces.

(3) No officer or man of the reserve forces who is not serving on active service shall without his consent be attached or seconded pursuant to this section.

PROMOTION.

Authority.

29. Subject to section twenty-three and to regulations, officers and men may be promoted by the Minister or by such authorities of the Canadian Forces as are prescribed in regulations made by the Governor in Council.

REDRESS OF GRIEVANCES.

Procedure.

30. Except in respect of a matter that would properly be the subject of an appeal or petition under Part IX, an officer or man who considers that he has suffered any personal oppression, injustice or other ill-treatment or that he has any other cause for grievance, may as a matter of right seek redress from such superior authorities in such manner and under such conditions as shall be prescribed in regulations made by the Governor in Council.

RELEASE.

Entitlement.

31. (1) Except during an emergency, an officer or man is entitled to be released at the expiration of the term of service for which he is enrolled or re-engaged.

Effect of illegal absence.

(2) Except as may be prescribed in regulations made by the Governor in Council, any period during which an officer or man is in a state of desertion or is absent without leave shall not be reckoned toward the completion of the term of service for which that officer or man was enrolled or re-engaged.

Exception in emergency.

(3) Where the term of service for which an officer or man is enrolled or re-engaged expires during an emergency or within one year after the expiration of an emergency, he is liable to serve until the expiration of one year after the emergency has ceased to exist.

ACTIVE SERVICE.

Placing forces on active service.

32. (1) The Governor in Council may place the Canadian Forces or any Service, component, unit or other element thereof or any officer or man thereof on active service anywhere in Canada, and also beyond Canada, for the defence thereof at any time when it appears desirable so to do by reason of an emergency.

29. New

30. See Army Act (UK), Secs 42, 43
Air Forces Act (UK), Secs 42, 43

31. See Militia Act, Secs 15(2) and (3), 18
Naval Service Act, Sec 13
RCAF Act, Sec 7(2) and (3)

32. Militia Act, Sec 64
See Naval Service Act, Sec 17
RCAF Act, Sec 8
See also Militia Act, Sec 2*(g)*
Naval Service Act, Sec 2*(a)*
RCAF Act, Sec 2*(f)*

Effect on status of officers and men.

(2) An officer or man of His Majesty's Forces who is a member of, serving with, or attached or seconded to a Service, component or unit of the Canadian Forces that has been placed on active service, or who has been placed on active service, or who pursuant to law has been attached or seconded to a portion of a force that has been placed on active service, shall be deemed to be on active service for all purposes.

Transfer on active service.

(3) An officer or man on active service may for the period of such service, be transferred from the component of the Service of the Canadian Forces in which he has been enrolled to the same component of another Service of the Canadian Forces or from the reserve forces to the regular forces.

Proclamation for meeting of Parliament.

33. Whenever the Governor in Council places the Canadian Forces or any Service, component or unit thereof on active service, if Parliament is then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within fifteen days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

SERVICE.

Liability of regular forces.

34. (1) The regular forces, all units and other elements thereof and all officers and men thereof are at all times liable to perform any lawful duty.

Liability of reserve forces.

(2) The reserve forces, all units and other elements thereof and all officers and men thereof

(a) may be ordered to drill or train for such periods as are prescribed in regulations made by the Governor in Council; and

(b) may be called out on service to perform any naval, army or air force duty, as the case may be, other than drill or training at such times and in such manner as by regulations or otherwise are prescribed by the Governor in Council.

Exception in case of certain reserves.

(3) Nothing in subsection two shall be deemed to impose liability to serve as prescribed therein, without his consent, upon an officer or man of the reserve forces who is, by virtue of the terms of his enrolment, liable to perform duty on active service only.

Special liability of regular forces in national disaster.

35. (1) Where the Governor in Council has declared that a disaster exists or is imminent that is, or is likely to be, so serious as to be of national concern, the regular forces or any unit or other element thereof or any officer or man thereof shall be liable to perform such services in respect of the disaster, existing or imminent, as the Minister may authorize, and the performance of such services shall be deemed to be naval, army or air force duty, as the case may be.

33. Militia Act. Sec 66
Naval Service Act, Sec 19

34. See Militia Act, Secs 63, 22(2), 47, 51
RCAF Act, Sec 8
See also Militia Act, Sec 2*(h)*
Naval Service Act, Sec 2*(m)*
RCAF Act, Sec 2*(g)*

35. New

Special liability of reserve forces in national disaster.

(2) Where the Governor in Council declares that a disaster as mentioned in subsection one exists or is imminent and that the services of the reserve forces are required for the purpose of rendering assistance in respect of the disaster, existing or imminent, the Governor in Council may authorize the reserve forces or any unit or other element thereof or any officer or man thereof to be called out on service for that purpose and all officers and men while so called out shall be deemed to be performing naval, army or air force duty, as the case may be.

Exception in case of certain reserves.

(3) Nothing in subsection two shall be deemed to impose liability to serve as prescribed therein, without his consent, upon an officer or man of the reserve forces who is, by virtue of the terms of his enrolment, liable to perform duty on active service only.

PAY AND ALLOWANCES.

Rates and conditions.

36. (1) The pay and allowances of officers and men shall be at such rates and issued under such conditions as are prescribed in regulations made by the Governor in Council.

Forfeitures and deductions.

(2) The pay and allowances of officers and men shall be subject to such forfeitures and deductions as are prescribed in regulations made by the Governor in Council.

Assignments.

(3) Unless made in accordance with regulations prescribed by the Governor in Council, an assignment of pay and allowances is void.

SUPPLY AND ISSUE OF EQUIPMENT.

Authority.

37. The equipment supplied to or used by the Canadian Forces shall be of such type, pattern and design and shall be issued on such scales and in such manner as the Minister, or such authorities of the Canadian Forces as are designated by him for that purpose, may approve.

PUBLIC PROPERTY.

Liability for loss or damage.

38. The conditions under which and the extent to which an officer or man shall be liable to His Majesty in respect of loss or damage to public property shall be as prescribed in regulations.

NON-PUBLIC PROPERTY.

Non-public property of units.

39. (1) The non-public property of a unit or other element of the Canadian Forces shall vest in the officer from time to time in command of that unit or other element, and shall be used for the benefit of officers and men or for any other purpose approved by the chief of staff of the Service of the Canadian Forces in which that unit or other element is comprised, in the manner and to the extent authorized by that chief of staff.

36. See Militia Act, Secs 48, 49
Naval Service Act, Sec 6
RCAF Act, Secs 16(1) *(b)*, 18

37. See Militia Act, Sec 42
Naval Service Act, Sec 14
RCAF Act, Sec 16(1) *(c)*

38. New

39. New

Non-public property of disbanded units.

(2) The non-public property of every disbanded unit or other disbanded element of the Canadian Forces, vested in the officer in command of that unit or other element, shall pass to and vest in the chief of staff of the Service of the Canadian Forces in which that unit or other element was comprised, and may be disposed of at his discretion and direction for the benefit of all or any officers and men or former officers and men, or their dependents, of the Service of the Canadian Forces in which that unit or other element was comprised.

Non-public property of units in altered circumstances.

(3) Where, by reason of a substantial reduction in the number of officers and men serving in a unit or other element of the Canadian Forces or by reason of a change in the location or other conditions of service of a unit or other element, the chief of staff of the Service of the Canadian Forces in which the unit or other element is comprised considers it desirable so to do, he may direct that the non-public property or any part thereof that is vested in the officer in command of that unit or other element shall pass to and be vested in the chief of staff upon the terms set out in subsection two.

Other non-public property.

(4) Non-public property acquired by contribution but not contributed to any specific unit or other element of the Canadian Forces shall vest in the chief of staff of the Service of the Canadian Forces to which that non-public property is contributed and, subject to any specific directions by the contributor as to its disposal, may be disposed of at his discretion and direction for the benefit of all or any officers and men or former officers and men, or their dependents, of that Service of the Canadian Forces.

By-products and refuse.

(5) By-products and refuse derived from rations and other consumable stores issued to the Canadian Forces for use in service kitchens, and the proceeds of the sale thereof, shall, to the extent that the Governor in Council may prescribe, be non-public property.

Alienation of non-public property.

(6) Except as authorized by the appropriate chief of staff, no gift, sale or other alienation or attempted alienation of non-public property is effectual to pass the property therein.

Liability for loss or damage.

(7) The conditions under which and the extent to which an officer or man shall be liable to make restitution or reimbursement in respect of loss or damage to non-public property resulting from his negligence or misconduct shall be as prescribed by the Minister.

Exercise of authority.

(8) A chief of staff shall exercise his authority under subsections one, two and four subject to any directions that may be given to him by the Minister for carrying the purposes and provisions of this section into effect.

Audit.

(9) Non-public property accounts shall be audited as the Minister may from time to time direct.

Special provision.

(10) The *Consolidated Revenue and Audit Act* shall not apply to non-public property.

Service Estates.

Collection, administration and distribution.

40. (1) The service estates of officers and men who die during their service in the Canadian Forces may be collected, administered and distributed in whole or in part as prescribed in regulations made by the Governor in Council.

Definition.

(2) For the purposes of this section, "service estate" means the following parts of the estate of a deceased officer or man mentioned in subsection one,

(a) service pay and allowances;

(b) all other emoluments emanating from His Majesty that, at the date of death, are due or otherwise payable;

(c) personal equipment that the deceased person is, under regulations, permitted to retain; and

(d) personal belongings, including cash, found on the deceased person or in camp, quarters or otherwise in the care or custody of the Canadian Forces.

Presumption of Death.

Authority to issue certificate.

41. Where an officer or man disappears under circumstances that, in the opinion of the Minister or such other authorities as he may designate, raise beyond reasonable doubt a presumption that he is dead, the Minister or any such other authority may issue a certificate declaring that such officer or man is deemed to be dead and stating the date upon which his death is presumed to have occurred, and such officer or man shall thenceforth, for the purposes of this Act and the regulations and in relation to his status and service in the Canadian Forces, be deemed to have died on that date.

Personal Effects of Absentees.

Disposal.

42. The personal belongings and decorations of an officer or man, who is absent without leave, that are found in camp, quarters or otherwise in the care or custody of the Canadian Forces shall vest in His Majesty and shall be disposed of in accordance with regulations made by the Governor in Council.

Boards of Inquiry.

Convening.

43. The Minister, and such other authorities as he may prescribe or appoint for that purpose, may, where it is expedient that he or any such other authority should be informed on any matter connected with the government,

40. See DND Act, Sec 7

41. New

42. See Naval Service Act, Sec 71

43. See Militia Act, Sec 93(1)

discipline, administration or functions of the Canadian Forces or affecting any officer or man, convene a board of inquiry for the purpose of investigating and reporting on that matter.

CADET ORGANIZATIONS.

Formation.

44. (1) The Minister may authorize the formation of cadet organizations under the joint or several control and supervision of the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force, to consist of boys not less than twelve years of age and who have not attained the age of nineteen years.

Conditions of service.

(2) The cadet organizations mentioned in subsection one shall be trained for such periods, administered in such manner, provided with equipment and accommodation under such conditions and shall be subject to the authority and command of such officers as the Minister may direct.

Not part of the forces.

(3) The cadet organizations mentioned in subsection one shall not be comprised in the Canadian Forces.

EDUCATIONAL INSTITUTIONS.

Establishment.

45. (1) The Governor in Council, and such other authorities as are prescribed or appointed by the Governor in Council for that purpose, may in the interests of national defence establish institutions for the training and education of officers and men, officers and employees of the Department and of the Defence Research Board, candidates for enrolment in the Canadian Forces or for employment in the Department or by the Defence Research Board and other persons whose attendance has been authorized by or on behalf of the Minister.

Administration.

(2) The institutions mentioned in subsection one shall be governed and administered in the manner prescribed by the Minister.

SERVICE ASSOCIATIONS.

Establishment.

46. (1) The Governor in Council may establish associations and organizations for purposes designed to further the defence of Canada.

Equipment.

(2) The Minister may authorize the provision of accommodation, equipment and facilities for the training, practice and use of the associations and organizations mentioned in subsection one and other associations and organizations designed to further the defence of Canada, whether or not the members of such associations and organizations are officers or men.

44. Militia Act, Secs 59 to 62
Naval Service Act, Secs 28A, 28B
RCAF Act, Secs 15A, 15B

45. See Naval Service Act, Secs 24 to 28
The Royal Military College Act, Statutes of Canada, 18-19 Geo V, Chap 7

46. New
See Militia Act, Sec 57

Exercise of Authority.

Conditions applicable.

47. Any power or jurisdiction given to, and any act or thing to be done by, to or before any officer or man may be exercised by, or done by, to or before any other officer or man for the time being authorized in that behalf by regulations or according to the custom of the service.

Method of signifying orders.

48. Orders made under this Act may be signified by an order, instruction or letter under the hand of any officer whom the authority who made such orders has authorized to issue orders on his behalf; and any order, instruction or letter purporting to be signed by any officer appearing therein so to be authorized is evidence of his being so authorized.

Notification of Orders.

By exhibition.

49. (1) All regulations and all orders and instructions issued to the Canadian Forces shall be held to be sufficiently notified to any person whom they may concern by their publication, in the manner prescribed in regulations made by the Governor in Council, in the unit or other element in which that person is serving.

By mail.

(2) All regulations and all orders and instructions relating to or in any way affecting an officer or man of the reserve forces, other than an officer or man who is serving with a unit or other element, when sent to him by registered mail, addressed to his last known place of abode or business, shall be held to be sufficiently notified.

Saving provision.

(3) Notwithstanding subsections one and two, all regulations and all orders and instructions mentioned in those subsections shall be held to be sufficiently notified to any person whom they may concern by their publication in the *Canada Gazette*.

Validity of Documents.

Authenticity of documents.

50. A commission, appointment, warrant, order or instruction in writing purported to be granted, made or issued under this Act is evidence of its authenticity without proof of the signature or seal affixed thereto or the authority of the person granting, making or issuing it.

Signature on commissions.

51. (1) The Governor General may cause his signature to be affixed to a commission granted to an officer of the Canadian Forces by stamping the signature on the commission with a stamp approved by him and used for the purpose by his authority.

47. Army Act (UK), Sec 171
Air Force Act (UK), Sec 171

48. See Army Act (UK), Sec 172(1)
Air Force Act (UK), Sec 172(1)

49. New
See Militia Act, Secs 136 to 138
Naval Service Act, Sec 31

50. Militia Act, Sec 100
Naval Service Act, Sec 32

51. Militia Act, Sec 34

Validity.

(2) A signature affixed in accordance with subsection one is as valid and effectual as if it were in the handwriting of the Governor General, and neither its authenticity nor the authority of the person by whom it was affixed shall be called in question except on behalf of His Majesty.

Validity of bonds.

52. Every bond to His Majesty entered into by any person before a judge or justice of the peace, or officer of the Canadian Forces, for the purpose of securing the payment of a sum of money or the performance of a duty or act required or authorized by this Act or by regulations, is valid and may be enforced accordingly.

52. Militia Act, Sec 128

Part III

THE DEFENCE RESEARCH BOARD.

Defence Research Board and its functions.

53. (1) There shall be a Defence Research Board which shall carry out such duties in connection with research relating to the defence of Canada and development of or improvements in equipment as the Minister may assign to it, and shall advise the Minister on all matters relating to scientific, technical, and other research and development that in its opinion may affect national defence.

Constitution.

(2) The Defence Research Board shall consist of a Chairman and a Vice Chairman, appointed by the Governor in Council, the persons who from time to time hold the offices of Chief of the Naval Staff, Chief of the General Staff, Chief of the Air Staff, President of the Honorary Advisory Council for Scientific and Industrial Research, and Deputy Minister of National Defence, and such additional members representative of universities, industry and other research interests as the Governor in Council appoints.

Chairman and Vice-Chairman—tenure and salary.

(3) The Chairman and Vice Chairman shall hold office during pleasure, and shall be paid such salaries as the Governor in Council determines.

Other members—tenure and remuneration.

(4) The members of the Defence Research Board, other than the Chairman, Vice Chairman or the ex officio members, shall hold office for a period not exceeding three years but shall be eligible for re-appointment, and shall be paid such remuneration, if any, as the Governor in Council determines.

Expenses of members.

(5) Each member shall be paid his travelling and other expenses incurred in connection with the work of the Defence Research Board.

Duties of Chairman.

(6) The Chairman shall be the chief executive officer of the Defence Research Board and, under the direction of the Minister and in accordance with policies approved by the Board, shall oversee and direct the officers, clerks and employees of the Board, have general control of the business of the Board, have supervision over the work directed to be carried out by the Board, be charged with the organization, administration and operation of the defence establishments of the Board and perform such other duties as the Minister may assign to him.

Duties of Vice Chairman.

(7) The Vice Chairman shall perform such duties as may be assigned to him under the by-laws made by the Defence Research Board.

Status of Chairman.

(8) The Chairman shall have a status equivalent to that of a chief of staff of a Service of the Canadian Forces.

Part III

This Part contains, in amplified form, provisions for the Defence Research Board now contained in section 8 of the Department of National Defence Act as enacted by Statutes of Canada, 1947, Chapter 5.

Powers of the Defence Research Board.

54. The Defence Research Board may, with the approval of the Minister,

(a) notwithstanding the Civil Service Act or any other section of this Act or any other statute or law, appoint and employ the professional, scientific, technical, clerical and other employees required to carry out efficiently the duties of the Board, prescribe their duties and, subject to the approval of the Governor in Council, prescribe their terms of appointment and service and fix their remuneration;

(b) make by-laws or rules for the regulation of its proceedings and for the performance of its functions;

(c) enter into contracts in the name of His Majesty for research and investigations with respect only to matters relating to defence; and

(d) make grants in aid of research and investigations with respect only to matters relating to defence and establish scholarships for the education or training of persons to qualify them to engage in such research and investigations.

Expenses of the Defence Research Board.

55. (1) All expenses of the Defence Research Board shall be paid out of moneys appropriated by Parliament for the purpose or received by the Board through the conduct of its operations, bequests, donations or otherwise and shall be paid by the Minister of Finance on the requisition of the Minister.

Scholarships and grants in aid.

(2) The Minister may request the Minister of Finance to allocate any portion of the moneys appropriated by Parliament for the purposes of the Defence Research Board for scholarships or grants in aid of research and investigations, and thereupon the Minister of Finance shall hold that portion of the moneys in trust and may at any time on the requisition of the Minister disburse that portion of the moneys for scholarships or grants in aid of research and investigations.

Moneys not required.

(3) Any moneys allocated by the Minister of Finance under this section that, in the opinion of the Minister, are not required for the purpose for which they were allocated shall cease to be held in trust.

Part IV

DISCIPLINARY JURISDICTION OF THE SERVICES.

Application.

Persons subject.

56. (1) The following persons, and no others, are subject to the Code of Service Discipline,

(a) an officer or man of the regular forces;

(b) an officer or man of the active service forces;

(c) an officer or man of the reserve forces when he is

(i) undergoing drill or training whether in uniform or not,

(ii) in uniform,

(iii) on duty,

(iv) called out under subsection two of section thirty-five to render assistance in a disaster,

(v) called out under Part XI in aid of the civil power,

(vi) called out on service,

(vii) placed on active service,

(viii) in or on any vessel, vehicle or aircraft of the Canadian Forces or in or on any defence establishment or work for defence,

(ix) serving with any unit or other element of the regular forces or the active service forces, or

(x) present, whether in uniform or not, at any drill or training of a unit or other element of the Canadian Forces;

(d) subject to such exceptions, adaptations, and modifications as the Governor in Council may by regulations prescribe, a person who pursuant to law is attached or seconded as an officer or man to a Service of the Canadian Forces;

(e) a person, not otherwise subject to the Code of Service Discipline, who is serving in the position of an officer or man of any force raised and maintained out of Canada by His Majesty in right of Canada and commanded by an officer of the Canadian Forces;

(f) a person, not otherwise subject to the Code of Service Discipline, who accompanies any unit or other element of the Canadian Forces that is on service or active service in any place;

(g) subject to such exceptions, adaptations and modifications as the Governor in Council may by regulations prescribe, a person attending an institution established under section forty-five;

Part IV

For convenience, this Part and Parts V to IX inclusive, relating to discipline within the armed forces, are designated as the "Code of Service Discipline". The purpose of Part IV is to establish the classes of persons who are subject to that Code and the circumstances in which they are so subject. It also contains certain provisions relating to the jurisdiction of service tribunals generally.

Cross-References to Existing Legislation

56. See Militia Act, Secs 69(2), 71(1) and(2)
Naval Service Act, Secs 47, 91
RCAF Act, Sec 6, 12
Army Act (UK), Secs 158, 175, 176, 176A, 178
Air Force Act (UK), Sec 158

(h) an alleged spy for the enemy;

(i) a service convict, service prisoner or service detainee, not otherwise subject to the Code of Service Discipline, who is committed to undergo his punishment in a service prison or detention barrack, as the case may be;

(j) a person, not otherwise subject to the Code of Service Discipline, while serving with a Service of the Canadian Forces under an engagement with the Minister whereby he agreed to be subject to that Code.

Continuing liability.

(2) Every person subject to the Code of Service Discipline under subsection one at the time of the alleged commission by him of a service offence shall continue to be liable to be charged, dealt with and tried in respect of that offence under the Code of Service Discipline notwithstanding that he may have, since the commission of that offence, ceased to be a person mentioned in subsection one.

Retention of status.

(3) Every person who, since the alleged commission by him of a service offence, has ceased to be a person mentioned in subsection one, shall for the purposes of the Code of Service Discipline be deemed, for the period during which under that Code he is liable to be charged, dealt with and tried, to have the status and rank that he held immediately prior to the time when he ceased to be a person mentioned in subsection one.

Persons in Canadian Forces.

An officer or man to be tried by own Service.

(4) Subject to subsections five and six, every officer or man who is alleged to have committed a service offence may be charged, dealt with and tried only within the Service of the Canadian Forces in which he is enrolled.

Attachment and secondment.

(5) Every officer or man who, while attached or seconded to a Service of the Canadian Forces other than the Service in which he is enrolled, is alleged to have committed a service offence, may be charged, dealt with and tried either within that other Service, as if he were an officer or man thereof, or within the Service in which he is enrolled.

When on vessel or aircraft of other Service.

(6) Every officer or man who, while embarked on any vessel or aircraft of a Service of the Canadian Forces other than the Service in which he is enrolled, is alleged to have committed a service offence, may be charged, dealt with and tried either within that other Service, as if he were an officer or man thereof, or within the Service in which he is enrolled.

Forces raised out of Canada.

(7) Every person serving in the circumstances set forth in paragraph *(e)* of subsection one who, while so serving, is alleged to have committed a service offence, may be charged, dealt with and tried within that Service of the Canadian Forces in which his commanding officer is serving.

Persons Accompanying Canadian Forces.

Dealt with by Service accompanied.

(8) Every person mentioned in paragraph *(f)* of subsection one who, while accompanying any unit or other element of the Canadian Forces, is alleged to have committed a service offence, may be charged, dealt with and tried within the Service in which is comprised the unit or other element of the Canadian Forces that he accompanies, and for that purpose shall be treated as a man, unless he holds from the commanding officer of the unit or other element of the Canadian Forces that he so accompanies or from any other officer prescribed by the Minister for that purpose, a certificate, revocable at the pleasure of the officer who issued it or of any other officer of equal or higher rank, entitling such person to be treated on the footing of an officer, in which case he shall be treated as an officer in respect of any offence alleged to have been committed by him while holding that certificate.

Command.

(9) Every person mentioned in subsection eight shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of the unit or other element of the Service of the Canadian Forces that such person accompanies.

Spies for the Enemy.

Dealt with by Service having custody.

(10) Every person mentioned in paragraph *(h)* of subsection one may be charged, dealt with and tried within the Service of the Canadian Forces in which he is at any time held in custody and shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of such unit or other element of that Service as may be holding him in custody from time to time.

Released Persons Serving Sentence.

Dealt with by Service having custody.

(11) Every person mentioned in paragraph *(i)* of subsection one who is alleged to have committed, during the currency of his imprisonment or detention, a service offence, may be charged, dealt with and tried within the Service of the Canadian Forces which controls or administers the service prison or detention barrack to which he has been committed, and shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of that service prison or detention barrack, as the case may be.

Persons Under Special Engagement.

Dealt with by Service in which engaged.

(12) Every person mentioned in paragraph *(j)* of subsection one who, while serving with a Service of the Canadian Forces, is alleged to have committed a service offence, may be charged, dealt with and tried within that Service and for that purpose he shall be treated as a man, unless the terms of the agreement under which he was engaged entitle him to be treated as an officer, in which case he shall be treated as an officer.

Command.

(13) Every person mentioned in subsection twelve shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of the unit or other element of the Service of the Canadian Forces in which that person is serving.

Women.

Application.

(14) The Code of Service Discipline, in its application to female persons, may be limited or modified by regulations.

PLEA IN BAR OF TRIAL.

Autrefois acquit and autrefois convict.

57. (1) Every person, in respect of whom a charge of having committed a service offence has been dismissed, or who has been found guilty or not guilty either by a service tribunal or a civil court on a charge of having committed any such offence, shall not be tried or tried again by a service tribunal under this Act in respect of that offence or any other offence of which he might have been found guilty on that charge by a service tribunal or a civil court.

Exception.

(2) Nothing in subsection one shall affect the validity of a new trial ordered under section one hundred and ninety-one or one hundred and ninety-nine.

Effect of other offences admitted at previous trial.

(3) Every person who under section one hundred and sixty-three has been sentenced in respect of a service offence admitted by him shall not be tried by a service tribunal under this Act in respect of that offence.

PLACE OF COMMISSION OF OFFENCE.

No limitation.

58. Subject to section sixty-one, every person alleged to have committed a service offence may be charged, dealt with and tried under the Code of Service Discipline, whether the alleged offence was committed in Canada or out of Canada.

57. See Army Act (UK), Secs 46(7), 157, 162(6)
Air Force Act (UK), Secs 46(7), 157, 162(6)

58. See Naval Service Act, Sec 90
Army Act (UK), Sec 159
Air Force Act (UK), Sec 159

PLACE OF TRIAL.

No limitation.

59. Every person alleged to have committed a service offence may be charged, dealt with and tried under the Code of Service Discipline, either in Canada or out of Canada.

PERIOD OF LIABILITY UNDER CODE OF SERVICE DISCIPLINE.

Time bar.

60. (1) Except in respect of the service offences mentioned in subsection two, no person shall be liable to be tried by a service tribunal unless his trial begins before the expiration of a period of three years from the day upon which the service offence was alleged to have been committed.

Exceptions.

(2) Every person, subject to the Code of Service Discipline at the time of the alleged commission by him of a service offence of mutiny, desertion or absence without leave or a service offence for which the highest punishment that may be imposed is death, shall continue to be liable to be charged, dealt with and tried at any time under the Code of Service Discipline.

LIMITATIONS WITH RESPECT TO CERTAIN OFFENCES.

Murder, rape or manslaughter.

61. A service tribunal shall not try any person charged with an offence of murder, rape or manslaughter, committed in Canada.

JURISDICTION OF CIVIL COURTS.

No interference with civil juridiction.

62. (1) Nothing in the Code of Service Discipline affects the jurisdiction of any civil court to try a person for any offence triable by that court.

Civil sentence modified by service punishment.

(2) Where a person, sentenced by a service tribunal in respect of a conviction on a charge of having committed a service offence, is afterwards tried by a civil court for the same offence or for any other offence of which he might have been found guilty on that charge, the civil court shall in awarding punishment take into account any punishment imposed by the service tribunal for the service offence.

Remission in certain cases.

(3) Where a civil court that tries a person in the circumstances set out in subsection two either acquits or convicts the person of an offence, the unexpired term of any punishment of imprisonment for more than two years, imprisonment for less than two years or detention, imposed by the service tribunal in respect of that offence, shall be deemed to be wholly remitted as of the date of the acquittal or conviction by that civil court.

59. See Army Act (UK), Sec 159
Air Force Act (UK), Sec 159

60. See Militia Act, Sec 71(3)
Naval Service Act, Secs 91, 99
RCAF Act, Sec 12
Army Act (UK), Secs 158(1), 161
Air Force Act (UK), Secs 158(1), 161

61. See Army Act (UK), Sec 41 (Proviso)
Air Force Act (UK), Sec 41 (Proviso)

62. (1) and (2).
See Naval Service Act, Sec 121
Army Act (UK), Secs 41A, 162(1) and (2)
Air Force Act (UK), Secs 41A, 162(1) and (2)

62. (3). New

Part V.

SERVICE OFFENCES AND PUNISHMENTS.

Responsibility for Offences.

Parties to offences.

63. (1) Every person is a party to and guilty of an offence who

(a) actually commits it;

(b) does or omits an act for the purpose of aiding any person to commit the offence;

(c) abets any person in commission of the offence; or

(d) counsels or procures any person to commit the offence.

Intent to commit offence.

(2) Every person who, having an intent to commit an offence, does or omits an act for the purpose of accomplishing his object is guilty of an attempt to commit the offence intended, whether under the circumstances it was possible to commit such offence or not.

Misconduct of Commanders in Presence of Enemy.

Offences by commanders when in action.

64. Every officer in command of a vessel, aircraft, defence establishment, unit or other element of the Canadian Forces who

(a) when under orders to carry out an operation of war or on coming into contact with an enemy that it is his duty to engage, does not use his utmost exertion to bring the officers and men under his command or his vessel, aircraft, or his other equipment into action;

(b) being in action, does not, during the action, in his own person and according to his rank, encourage his officers and men to fight courageously;

(c) when capable of making a successful defence, surrenders his vessel, aircraft, defence establishment, equipment, unit or other element of the Canadian Forces to the enemy;

(d) being in action, improperly withdraws from the action;

(e) improperly fails to pursue an enemy or to consolidate a position gained;

(f) improperly fails to relieve or assist a known friend to the utmost of his power; or

(g) when in action, improperly forsakes his station,

is guilty of an offence and on conviction, if he acted traitorously, shall suffer death, if he acted from cowardice is liable to suffer death or less punishment, and in any other case is liable to dismissal with disgrace from His Majesty's service or to less punishment.

Part V

This Part prescribes service offences applicable to all three Services, with the maximum punishments considered appropriate for each offence. Where practicable, the principles embodied in the Criminal Code have been followed. The Part contains a scale and description of service punishments, with details of the circumstances in which specific punishments may be imposed. It concludes with provisions which make available to persons accused of having committed service offences, the same grounds of defence as are available to persons tried in the civil courts.

Cross-References to Existing Legislation

63. Criminal Code, Secs 69(1), 72(1)

64. See Naval Service Act, Secs 49, 50
Army Act (UK), Sec 4(1)
Air Force Act (UK), Sec 4(1) and (10)

Misconduct of any Person in Presence of Enemy.

Offences by any person in presence of enemy.

65. Every person who

(a) improperly delays or discourages any action against the enemy;

(b) goes over to the enemy;

(c) when ordered to carry out an operation of war, fails to use his utmost exertion to carry the orders into effect;

(d) improperly abandons or delivers up any defence establishment, garrison, place, equipment, post or guard;

(e) assists the enemy with equipment;

(f) improperly casts away or abandons any equipment in the presence of the enemy;

(g) improperly does or omits to do anything that results in the capture by the enemy of persons or the capture or destruction by the enemy of equipment;

(h) when on watch in the presence or vicinity of the enemy, leaves his post before he is regularly relieved or sleeps or is drunk;

(i) behaves before the enemy in such manner as to show cowardice; or

(j) does or omits to do anything with intent to imperil the success of any of His Majesty's Forces or of any forces co-operating therewith,

is guilty of an offence and on conviction, if he acted traitorously, shall suffer death, and in any other case, if the offence was committed in action, is liable to suffer death or less punishment or, if the offence was committed otherwise than in action, to imprisonment for life or to less punishment.

Security.

Offences related to security.

66. Every person who

(a) improperly holds communication with or gives intelligence to the enemy;

(b) without due authority discloses in any manner whatsoever any information relating to the numbers, position, equipment, movements, preparations for movements, operations or preparations for operations of any of His Majesty's Forces or of any forces co-operating therewith;

(c) makes known the parole, watchword, password, countersign or identification signal to any person not entitled to receive it;

(d) gives a parole, watchword, password, countersign or identification signal different from that which he received;

65. See Naval Service Act, Secs 51, 52, 54
Army Act (UK), Secs 4, 5, 6
Air Force Act (UK), Secs 4, 5, 6

66. See Naval Service Act, Secs 54, 55
Army Act (UK), Secs 4, 5, 6, 36
Air Force Act (UK), Secs 4, 5, 6, 36

(*e*) without due authority alters or interferes with any identification or other signal;

(*f*) improperly occasions false alarms;

(*g*) when acting as sentry or lookout, leaves his post before he is regularly relieved or sleeps or is drunk;

(*h*) forces a safeguard or forces or strikes a sentinel; or

(*i*) does or omits to do anything with intent to prejudice the security of His Majesty's Forces or of any forces co-operating therewith,

is guilty of an offence and on conviction, if he acted traitorously, shall suffer death, and in any other case is liable to imprisonment for life or to less punishment.

PRISONERS OF WAR.

Offences related to prisoners of war.

67. Every person who

(*a*) by want of due precaution, or through disobedience of orders or wilful neglect of duty, is made a prisoner of war;

(*b*) having been made a prisoner of war, fails to rejoin His Majesty's service when able to do so; or

(*c*) having been made a prisoner of war, serves with or aids the enemy,

is guilty of an offence and on conviction, if he acted traitorously, shall suffer death, and in any other case is liable to imprisonment for life or to less punishment.

MISCELLANEOUS OPERATIONAL OFFENCES.

Offences related to operations.

68. Every person who

(*a*) does violence to any person bringing equipment to any of His Majesty's Forces or to any forces co-operating therewith;

(*b*) irregularly detains any equipment being conveyed to any unit or other element of His Majesty's forces or of any forces co-operating therewith;

(*c*) irregularly appropriates to the unit or other element of the Canadian Forces with which he is serving any equipment being conveyed to any other unit or element of His Majesty's forces or of any forces co-operating therewith;

(*d*) without orders from his superior officer, improperly destroys or damages any property;

(*e*) breaks into any house or other place in search of plunder; or

(*f*) commits any offence against the property or person of any inhabitant or resident of a country in which he is serving,

is guilty of an offence and on conviction, if he committed any such offence on active service, is liable to imprisonment for life or to less punishment, and in any other case is liable to dismissal with disgrace from His Majesty's service or to less punishment.

67. See Army Act (UK), Secs 4, 5
Air Force Act (UK), Secs 4, 5

68. See Army Act (UK), Secs 5, 6
Air Force Act (UK), Secs 5, 6

Spies for the Enemy.

Penalty.

69. Every person who is a spy for the enemy is guilty of an offence and on conviction is liable to suffer death or less punishment.

Mutiny.

Mutiny with violence.

70. Every person who joins in a mutiny that is accompanied by violence is guilty of an offence and on conviction is liable to suffer death or less punishment.

Mutiny without violence.

71. Every person who joins in a mutiny that is not accompanied by violence is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment and, in the case of a ringleader of the mutiny, to suffer death or less punishment.

Offences related to mutiny.

72. Every person who

(a) causes or conspires with any other person to cause a mutiny;

(b) endeavours to persuade any person to join in a mutiny;

(c) being present, does not use his utmost endeavours to suppress a mutiny; or

(d) being aware of an actual or intended mutiny, does not without delay inform his superior officer thereof,

is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment.

Seditious Offences.

Advocating governmental change by force.

73. Every person who publishes or circulates any writing, printing or document in which is advocated, or who teaches or advocates, the use, without the authority of law, of force as a means of accomplishing any governmental change within Canada is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment.

Insubordination.

Disobedience of lawful command.

74. Every person who disobeys a lawful command of a superior officer is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment.

69. See Naval Service Act, Sec 53

70. See Naval Service Act, Sec 57
Army Act (UK), Sec 7(3)
Air Force Act (UK), Sec 7(3)

71. See Naval Service Act, Sec 58
Army Act (UK), Sec 7(3)
Air Force Act (UK), Sec 7(3)

72. See Naval Service Act, Secs 59, 61, 62
Army Act (UK), Sec 7
Air Force Act (UK), Sec 7

73. See Criminal Code, Sec 133(4)

74. See Naval Service Act, Sec 64
Army Act (UK), Sec 9
Air Force Act (UK), Sec 9(1) and (2)

Striking or offering violence to a superior officer.

75. Every person who strikes or attempts to strike, or draws or lifts up a weapon against, or uses, attempts to use, or offers violence against a superior officer, is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment.

Insubordinate behavior.

76. Every person who uses threatening or insulting language to or behaves with contempt toward a superior officer is guilty of an offence and on conviction is liable to dismissal with disgrace from His Majesty's service or to less punishment.

Quarrels and disturbances.

77. Every person who quarrels or fights with any other person who is subject to the Code of Service Discipline, or who uses provoking speeches or gestures toward a person so subject tending to cause a quarrel or disturbance, is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Disorders.

78. Every person who

(a) being concerned in a quarrel, fray or disorder, refuses to obey an officer, though of inferior rank, who orders him into arrest, or strikes or uses or offers violence to any such officer;

(b) strikes or uses or offers violence to any other person in whose custody he is placed, whether or not such other person is his superior officer and whether or not such other person is subject to the Code of Service Discipline;

(c) resists an escort whose duty it is to apprehend him or to have him in charge; or

(d) breaks out of barracks, station, camp, quarters or ship,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Desertion.

Offence.

79. (1) Every person who deserts or attempts to desert is guilty of an offence and on conviction, if he committed the offence on active service or under orders for active service, is liable to imprisonment for life or to less punishment, and in any other case is liable to imprisonment for a term not exceeding five years or to less punishment.

Definition.

(2) A person deserts who

(a) being on or having been warned for active service or other important service, is absent without due authority with the intention of avoiding that service;

(b) having been warned that his vessel is under sailing orders, is absent without due authority, with the intention of missing that vessel;

75. See Naval Service Act, Sec 63
Army Act (UK), Sec 8
Air Force Act (UK), Sec 8

76. See Naval Service Act, Sec 64
Army Act (UK), Sec 8(2)
Air Force Act (UK), Sec 8(2)

77. See Naval Service Act, Sec 65

78. Army Act (UK), Sec 10
Air Force Act (UK), Sec 10

79. (1) See Naval Service Act, Secs 66, 67
Army Act (UK), Sec 12(1)
Air Force Act (UK), Sec 12(1)

79. (2) New

(c) absents himself without due authority from his unit or formation or from the place where his duty requires him to be, with the intention of not returning to that unit, formation or place;

(d) is absent without due authority from his unit or formation or from the place where his duty requires him to be and at any time during such absence forms the intention of not returning to that unit, formation or place; or

(e) while absent with due authority from his unit or formation or the place where his duty requires him to be, with the intention of not returning to that unit, formation or place, does any act, or omits to do anything, the natural and probable consequence of which act or omission is to preclude his return to that unit, formation or place at the time required.

Presumption of desertion.

(3) A person who has been absent without authority for a continuous period of six months or more shall, unless the contrary is proved, be presumed to have had the intention of not returning to his unit or formation or the place where his duty requires him to be.

Connivance at desertion.

80. Every person who

(a) being aware of the desertion or intended desertion of a person from any of His Majesty's Forces, does not without reasonable excuse inform his superior officer forthwith; or

(b) fails to take any steps in his power to cause the apprehension of a person known by him to be a deserter,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Absence Without Leave.

Offence.

81. (1) Every person who absents himself without leave is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Definition.

(2) A person absents himself without leave who

(a) without authority leaves his unit or formation or the place where his duty requires him to be;

(b) without authority is absent from his unit or formation or the place where his duty requires him to be; or

(c) having been authorized to be absent from his unit or formation or the place where his duty required him to be, fails to return to that unit, formation or place at the expiration of the period for which his absence was authorized.

79. (3) New

80. See Naval Service Act, Sec 68
Army Act (UK), Sec 14(2)
Air Force Act (UK), Sec 14(2)

81. See Naval Service Act, Act Secs 69, 70
Army Act (UK), Sec 15
Air Force Act (UK), Sec 15

False statement in respect of leave.

82. Every person who knowingly makes a false statement in respect of prolongation of leave of absence is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Disgraceful Conduct.

Scandalous conduct by officers.

83. Every officer who behaves in a scandalous manner unbecoming an officer is guilty of an offence and on conviction shall suffer dismissal with disgrace from His Majesty's service or dismissal from His Majesty's service.

Cruel or disgraceful conduct.

84. Every person who behaves in a cruel or disgraceful manner is guilty of an offence and on conviction is liable to imprisonment for a term not exceeding five years or to less punishment.

Traitorous utterances.

85. Every person who uses traitorous or disloyal words regarding His Majesty is guilty of an offence and on conviction is liable to imprisonment for a term not exceeding seven years or to less punishment.

Abuse of inferiors.

86. Every person who strikes or otherwise ill-treats any person who by reason of rank or appointment is subordinate to him is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

False accusations or statements.

87. Every person who

(a) makes a false accusation against an officer or man, knowing such accusation to be false; or

(b) when seeking redress under section thirty, knowingly makes a false statement affecting the character of an officer or man or knowingly, in respect of the redress so sought, suppresses any material fact,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Drunkenness.

88. Drunkenness, whether on duty or not on duty, is an offence and every person convicted thereof is liable to imprisonment for less than two years or to less punishment, except that, where the offence is committed by a man who is neither on active service nor on duty, no punishment of imprisonment, and no punishment of detention for a term in excess of ninety days, shall be imposed.

Malingering or maiming.

89. Every person who

(a) malingers or feigns or produces disease or infirmity;

(b) aggravates, or delays the cure of, disease or infirmity by misconduct or wilful disobedience of orders; or

82. See Army Act (UK), Sec 27(4)
Air Force Act (UK), Sec 27(4)

83. See Naval Service Act, Sec 73
Army Act (UK), Sec 16
Air Force Act (UK), Sec 16

84. See Naval Service Act, Secs 72, 73
Army Act (UK), Sec 18(5)
Air Force Act (UK), Sec 18(5)

85. Army Act (UK), Sec 35
Air Force Act (UK), Sec 35

86. See Army Act (UK), Sec 37(1)
Air Force Act (UK), Sec 37(1)

87. See Army Act (UK), Sec 27(1) and (2)
Air Force Act (UK), Sec 27 (1) and (2)

88. See Naval Service Act, Sec 72
Army Act (UK), Sec 19
Air Force Act (UK), Sec 19

89. See Naval Service Act, Sec 80
Army Act (UK), Sec 18(1), (2) and (3)
Air Force Act (UK), Sec 18 (1), (2) and (3)

(*c*) wilfully maims or injures himself or any other person who is a member of any of His Majesty's Forces or of any forces co-operating therewith, whether at the instance of that person or not, with intent thereby to render himself or that other person unfit for service, or causes himself to be maimed or injured by any person with intent thereby to render himself unfit for service,

is guilty of an offence and on conviction, if he commits the offence on active service or when under orders for active service, or in respect of a person on active service or under orders for active service, is liable to imprisonment for life or to less punishment, and in any other case, is liable to imprisonment for a term not exceeding five years or to less punishment.

Offences in Relation to Service Arrest and Custody.

Ill-treatment of person in custody.

90. Every person who unnecessarily detains any other person in arrest or confinement without bringing him to trial, or fails to bring that other person's case before the proper authority for investigation, is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Negligent or wilful interference with lawful custody.

91. Every person who

(*a*) without proper authority sets free or authorizes or otherwise facilitates the setting free of any person in custody;

(*b*) negligently or wilfully allows to escape any person who is committed to his charge, or whom it is his duty to guard or keep in custody; or

(*c*) assists any person in escaping or attempting to escape from custody,

is guilty of an offence and on conviction, if he acted wilfully, is liable to imprisonment for a term not exceeding seven years or to less punishment, and in any other case is liable to imprisonment for less than two years or to less punishment.

Escape from custody.

92. Every person who, being in arrest or confinement or in prison or otherwise in lawful custody, escapes, or attempts to escape, is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Obstruction—service police duties.

93. Every person who

(*a*) resists or wilfully obstructs an officer or man in the performance of any duty pertaining to the arrest, custody or confinement of a person subject to the Code of Service Discipline; or

90. See Army Act (UK), Sec 21(1)
Air Force Act (UK), Sec 21(1)

91. See Army Act (UK), Sec 20
Air Force Act (UK), Sec 20

92. See Army Act (UK), Sec 22
Air Force Act (UK), Sec 22

93. See Army Act (UK), Sec 6(3) *(c)*
Air Force Act (UK), Sec 6(3) *(c)*

(b) when called upon, refuses or neglects to assist an officer or man in the performance of any such duty,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Obstruction of civil power.

94. Every person who neglects or refuses to deliver over an officer or man to the civil power, pursuant to a warrant in that behalf, or to assist in the lawful apprehension of an officer or man accused of an offence punishable by a civil court is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Offences in Relation to Vessels.

Losing, stranding or hazarding vessels.

95. Every person who wilfully or negligently or through other default loses, strands or hazards, or suffers to be lost, stranded or hazarded any of His Majesty's Canadian Ships or other vessels of the Canadian Forces is guilty of an offence and on conviction is liable to dismissal with disgrace from His Majesty's service or to less punishment.

Offences in relation to convoys.

96. Every officer who, while serving in one of His Majesty's Canadian Ships involved in the convoying and protection of vessels,

(a) fails to defend the vessels and goods under convoy;

(b) refuses to fight in the defence of the vessels in his convoy when they are attacked; or

(c) cowardly abandons or exposes the vessels in his convoy to hazards,

is guilty of an offence and on conviction is liable to suffer death or less punishment.

Offences in Relation to Aircraft.

Wrongful acts in relation to aircraft, etc.

97. Every person who

(a) in the use of or in relation to any aircraft or aircraft material, wilfully or negligently or by neglect of or contrary to regulations, orders or instructions, does any act or omits to do anything, which act or omission causes or is likely to cause loss of life or bodily injury to any person;

(b) wilfully or negligently or by neglect of or contrary to regulations, orders or instructions, does any act or omits to do anything, which act or omission results or is likely to result in damage to or destruction or loss of any of His Majesty's aircraft or aircraft material, or of aircraft or aircraft material of any forces co-operating with His Majesty's Forces; or

94. See Army Act (UK), Sec 39
Air Force Act (UK), Sec 39

95. See Naval Service Act, Sec 74

96. See Naval Service Act, Sec 75

97. See Army Act (UK), Sec 39A(1) *(a)*, *(b)*, *(e)* and *(f)*
Air Force Act (UK), Sec 39A(1) *(a)*, *(b)*, *(e)* and *(f)*

(c) during a state of war wilfully or negligently causes the sequestration by or under the authority of a neutral state or the destruction in a neutral state of any of His Majesty's aircraft, or aircraft of any forces co-operating with His Majesty's Forces,

is guilty of an offence and on conviction, if he acted wilfully, is liable to imprisonment for life or to less punishment, and in any other case is liable to imprisonment for less than two years or to less punishment.

Inaccurate certificate.

98. Every person who signs any certificate in relation to an aircraft or aircraft material without ensuring the accuracy thereof is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Low flying.

99. Every person who flies an aircraft at a height less than the minimum height authorized in the circumstances is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Disobedience of captain's orders.

100. (1) Every person who, when in an aircraft, disobeys any lawful command given by the captain of the aircraft in relation to the flying or handling of the aircraft or affecting the safety of the aircraft, whether or not the captain is subject to the Code of Service Discipline, is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment.

Command in aircraft.

(2) For the purposes of this section

(a) every person whatever his rank shall when he is in an aircraft be under the command, as respects all matters relating to the flying or handling of the aircraft or affecting the safety of the aircraft, of the captain of the aircraft, whether or not the latter is subject to the Code of Service Discipline; and

(b) if the aircraft is a glider and is being towed by another aircraft, the captain of the glider shall so long as his glider is being towed be under the command, as respects all matters relating to the flying or handling of the glider or affecting the safety of the glider, of the captain of the towing aircraft, whether or not the latter is subject to the Code of Service Discipline.

OFFENCES IN RELATION TO VEHICLES.

Negligent or furious driving.

101. Every person who

(a) having the charge of a vehicle of the Canadian Forces, by wanton or furious driving or racing or other wilful misconduct or by wilful neglect, does or causes to be done any bodily injury to any person or damage to any property;

98. See Army Act (UK), Sec 39A(2) *(a)*
Air Force Act (UK), Sec 39A(2) *(a)*

99. See Army Act (UK), Sec 39A(2) *(b)*
Air Force Act (UK), Sec 39A (2) *(b)*

100. See Army Act (UK), Sec 39A(3)
Air Force Act (UK), Sec 39A(3)

101. New
See Criminal Code, Sec 285(1), (6) and (4)

(b) drives a vehicle of the Canadian Forces on a street, road, highway or any other place, whether public or private, recklessly or in a manner that is dangerous to any person or property having regard to all the circumstances of the case; or

(c) drives a vehicle of the Canadian Forces while intoxicated or under the influence of a narcotic,

is guilty of an offence and on conviction is liable to imprisonment for a term not exceeding five years or to less punishment.

Unauthorized use.

102. Every person who

(a) uses a vehicle of the Canadian Forces for an unauthorized purpose;

(b) without due authority uses a vehicle of the Canadian Forces for any purpose; or

(c) uses a vehicle of the Canadian Forces contrary to any regulation, order or instruction,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

OFFENCES IN RELATION TO PROPERTY.

Causing fires.

103. Every person who wilfully or negligently or by neglect of or contrary to regulations, orders or instructions, does any act or omits to do anything, which act or omission causes or is likely to cause fire to occur in any equipment, defence establishment or work for defence is guilty of an offence and on conviction, if he acted wilfully, is liable to imprisonment for life or to less punishment, and in any other case is liable to imprisonment for less than two years or to less punishment.

Stealing.

104. (1) Every person who steals is guilty of an offence and on conviction, if at the time of the commission of the offence he was, by reason of his rank, appointment or employment or as a result of any lawful command, entrusted with the custody, control or distribution of the thing stolen, is liable to imprisonment for a term not exceeding fourteen years or to less punishment, and in any other case is liable to imprisonment for a term not exceeding seven years or to less punishment.

Definition.

(2) For the purposes of this section,

(a) stealing is the act of fraudulently and without colour of right taking, or fraudulently and without colour of right converting to the use of any person, anything capable of being stolen, with intent

(i) to deprive the owner, or any person having any special property or interest therein, temporarily or absolutely of such thing or of such property or interest;

(ii) to pledge the same or deposit it as security;

(iii) to part with it under a condition as to its return which the person parting with it may be unable to perform; or

102. New

103. See Naval Service Act, Sec 78
Army Act (UK), Sec 39A(1)*(c)*
Air Force Act (UK) Sec 39A(1)*(c)*

104. See Naval Service Act, Sec 77
Army Act (UK), Secs 17, 18(4)
Air Force Act (UK), Secs 17, 18(4)
Criminal Code, Secs 347, 386(1), 359

(iv) to deal with it in such a manner that it cannot be restored in the condition in which it was at the time of such taking and conversion;

(b) stealing is committed when the offender moves the thing or causes it to move or to be moved, or begins to cause it to become movable, with intent to steal it;

(c) the taking or conversion may be fraudulent, although effected without secrecy or attempt at concealment;

(d) it is immaterial whether the thing converted was taken for the purpose of conversion, or whether it was, at the time of the conversion, in the lawful possession of the person converting.

Receiving.

105. Every person who receives or retains in his possession any property obtained by the commission of any service offence, knowing such property to have been so obtained, is guilty of an offence and on conviction is liable to imprisonment for a term not exceeding seven years or to less punishment.

Destruction, loss or improper disposal.

106. Every person who

(a) wilfully destroys or damages, loses by neglect, improperly sells or wastefully expends any public property, non-public property or property of any of His Majesty's Forces or of any forces co-operating therewith;

(b) wilfully destroys, damages or improperly sells any property belonging to another person who is subject to the Code of Service Discipline; or

(c) sells, pawns or otherwise disposes of any cross, medal, insignia or other decoration granted by or with the approval of His Majesty,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Miscellaneous offences.

107. Every person who

(a) connives at the exaction of an exorbitant price for property purchased or rented by a person supplying property or services to the Canadian Forces;

(b) improperly demands or accepts compensation, consideration or personal advantage in respect of the performance of any military duty or in respect of any matter relating to the Department, the Canadian Forces or the Defence Research Board;

(c) receives directly or indirectly, whether personally or by or through any member of his family or person under his control, or for his benefit, any gift, loan, promise, compensation or consideration, either in money or otherwise, from any person, for assisting or favouring any person in the transaction of any business relating to any of His Majesty's Forces, or to any forces co-operating therewith or to any mess, institute

105. New
See Criminal Code, Sec 399
Naval Service Act, Sec 77
Army Act (UK), Sec 18(4)
Air Force Act (UK), Sec 18(4)

106. See Army Act (UK), Sec 24(1), (2), (3) and (4)
Air Force Act (UK), Sec 24(1), (2), (3) and (4)

107. See Naval Service Act, Secs 73, 75, 76
Army Act (UK), Secs 18(5), 23
Air Force Act (UK), Secs 18(5), 23

or canteen operated for the use and benefit of members of such forces;

(d) demands or accepts compensation, consideration or personal advantage for convoying vessels entrusted to his care;

(e) being in command of a vessel or aircraft, takes or receives on board goods or merchandise that he is not authorized to take or receive on board; or

(f) commits any act of a fraudulent nature not particularly specified in the Code of Service Discipline,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

OFFENCES IN RELATION TO SERVICE TRIBUNALS.

"service tribunal".

108. (1) For the purposes of this section, "service tribunal", in addition to the tribunals mentioned in paragraph *(jj)* of section two, includes a board of inquiry, a commissioner taking evidence under this Act and an officer taking a summary of evidence in accordance with regulations.

Contempt of service tribunals.

(2) Every person who

(a) being duly summoned or ordered to attend as a witness before a service tribunal, makes default in attending;

(b) refuses to take an oath or make a solemn affirmation lawfully required by a service tribunal to be taken or made;

(c) refuses to produce any document in his power or control lawfully required by a service tribunal to be produced by him;

(d) refuses when a witness to answer any question to which a service tribunal may lawfully require an answer;

(e) uses insulting or threatening language before or causes any interruption or disturbance in the proceedings of a service tribunal; or

(f) commits any other contempt of a service tribunal,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment; and where an offence under this section is committed at or in relation to a court martial, that court martial may, under the hand of the president, issue an order that the offender undergo, for a period not exceeding thirty days, a term of imprisonment or detention; and where any such order is issued the offender shall not be liable to any other proceedings under the Code of Service Discipline in respect of the contempt in consequence of which the order is issued.

108. See Army Act (UK), Sec 28
Air Force Act (UK), Sec 28

False evidence.

109. Every person who, when examined on oath or solemn affirmation before a service tribunal mentioned in section one hundred and eight, knowingly gives false evidence, is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding seven years or to less punishment.

OFFENCES IN RELATION TO BILLETING.

Disturbances, etc., in billets.

110. Every person who

(a) ill-treats, by violence, extortion or making disturbance in billets or otherwise, any occupant of a house in which any person is billeted or of any premises in which accommodation for equipment has been provided; or

(b) fails to comply with regulations in respect of payment of the just demands of the person on whom he or any officer or man under his command is or has been billeted or the occupant of premises on which equipment is or has been accommodated,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

OFFENCES IN RELATION TO ENROLMENT.

Fraudulent enrolment.

111. Every person who, having been released from His Majesty's Forces by reason of a sentence of a service tribunal or by reason of misconduct, has afterwards been enrolled in the Canadian Forces without declaring the circumstances of his release is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

False answer on enrolment.

112. Every person who knowingly makes a false answer to any question set forth in any document required to be completed in relation to his enrolment is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Assisting unlawful enrolment.

113. Every person who is concerned in the enrolment of any other person, and knows or has reasonable cause to believe that by being enrolled such other person commits an offence under this Act, is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

MISCELLANEOUS OFFENCES.

Negligent performance of duties.

114. Every person who negligently performs a military duty imposed on him is guilty of an offence and on conviction is liable to dismissal with disgrace from His Majesty's service or to less punishment.

109. See Army Act (UK), Sec 29
Air Force Act (UK), Sec 29

110. See Army Act (UK), Sec 30(1) and (3)
Air Force Act (UK), Sec 30(1) and (3)

111. See Army Act (UK), Sec 32(1)
Air Force Act (UK), Sec 32(1)

112. See Army Act (UK), Sec 33
Air Force Act (UK), Sec 33

113. See Army Act (UK), Sec 34(1)
Air Force Act (UK), Sec 34(1)

114. See Naval Service Act, Sec 56

Offences in relation to documents.

115. Every person who

(a) knowingly or negligently makes or signs a document, required for official purposes, that is false or who knowingly or negligently orders the making or signing thereof;

(b) when signing a document required for official purposes, leaves in blank any material part for which his signature is a voucher; or

(c) knowingly and with intent to injure any person or with intent to deceive, suppresses, defaces, alters or makes away with any document or file kept, made or issued for any military or departmental purpose,

is guilty of an offence and on conviction, if he acted knowingly, is liable to imprisonment for a term not exceeding seven years or to less punishment, and in any other case is liable to imprisonment for less than two years or to less punishment.

Refusing vaccination, etc.

116. Every person who, upon receiving an order to submit to inoculation, re-inoculation, vaccination, re-vaccination, other immunization procedures, immunity tests, blood examination or treatment against any infectious disease, wilfully and without reasonable excuse disobeys that order is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Negligent handling of dangerous substances.

117. Every person who wilfully or negligently or by neglect of or contrary to regulations, orders or instructions does any act or omits to do anything in relation to any thing or substance that may be dangerous to life or property, which act or omission causes or is likely to cause loss of life or bodily injury to any person or causes or is likely to cause damage to or destruction of any property, is guilty of an offence and on conviction, if he acted wilfully, is liable to imprisonment for life or to less punishment, and in any other case is liable to imprisonment for less than two years or to less punishment.

Conduct to the Prejudice of Good Order and Discipline.

Offence.

118. (1) Any act, conduct, disorder or neglect to the prejudice of good order and discipline is an offence and every person convicted thereof is liable to dismissal with disgrace from His Majesty's service or to less punishment.

Not intended to cover offences elsewhere provided for.

(2) No person may be charged under this section with any offence for which special provision is made in sections sixty-four to one hundred and seventeen but the conviction of a person so charged is not invalid by reason only of the

115. See Naval Service Act, Sec 79
Army Act (UK), Secs 25, 26(1)
Air Force Act (UK), Secs 25, 26(1)

116. New

117. New

118. (1) and (2) See Naval Service Act, Sec 87
Army Act (UK), Sec 40
Air Force Act (UK), Sec 40

charge being in contravention of this subsection unless it appears that an injustice has been done to the person charged by reason of the contravention; but the responsibility of any officer for that contravention is not affected by the validity of the conviction.

Contravention of Act, regulations etc., may constitute offence.

(3) Contravention by any person of

(a) any of the provisions of this Act;

(b) any regulations, orders or instructions published for the general information and guidance of that Service of the Canadian Forces to which that person belongs, or to which he is attached or seconded; or

(c) any general, garrison, unit, station, standing, local or other orders,

is an act, conduct, disorder or neglect to the prejudice of good order and discipline.

Attempts to commit offences.

(4) An attempt to commit any of the offences prescribed in sections sixty-four to one hundred and seventeen is, unless such attempt is in itself an offence punishable under any of those sections, an act, conduct, disorder or neglect to the prejudice of good order and discipline.

Saving provision.

(5) Nothing in subsections three or four shall affect the generality of subsection one.

Offences Punishable by Ordinary Law.

Service trial of civil offences.

119. (1) An act or omission

(a) that takes place in Canada and is punishable under Part XII of this Act, the *Criminal Code* or any other Act of the Parliament of Canada; or

(b) that takes place out of Canada and would, if it had taken place in Canada, be punishable under Part XII of this Act, the *Criminal Code* or any other Act of the Parliament of Canada,

is an offence under this Part and every person convicted thereof is liable to suffer punishment as provided in subsection two.

Punishment.

(2) Subject to subsection three, where a service tribunal convicts a person under subsection one, the service tribunal shall,

(a) if under Part XII of this Act, the *Criminal Code* or other Act of the Parliament of Canada, a minimum penalty is prescribed, impose a penalty in accordance with the enactment prescribing that minimum penalty; or

118. (3) New
See Army Act (UK), Sec 11
Air Force Act (UK), Sec 11

118. (4) and (5) New

119. (1) and (2) See Naval Service Act, Sec 89
Army Act (UK), Sec 41
Air Force Act (UK), Sec 41

(b) in any other case,

(i) impose the penalty prescribed for the offence by Part XII of this Act, the *Criminal Code* or that other Act; or

(ii) impose dismissal with disgrace from His Majesty's service or less punishment.

Ordinary rules apply.

(3) All provisions of the Code of Service Discipline in respect of a punishment of death, imprisonment for two years or more, imprisonment for less than two years, and a fine, shall apply in respect of penalties imposed under paragraph *(a)*, or sub-paragraph (i) of paragraph *(b)* of subsection two.

Saving provision.

(4) Nothing in this section shall be in derogation of the authority conferred by other sections of the Code of Service Discipline to charge, deal with and try a person alleged to have committed any offence set out in sections sixty-four to one hundred and eighteen and to impose the punishment for that offence mentioned in the section prescribing that offence.

CONVICTION OF COGNATE OFFENCE.

Conviction of related or less serious offences.

120. (1) A person charged with desertion may be found guilty of attempting to desert or of being absent without leave.

(2) A person charged with attempting to desert may be found guilty of being absent without leave.

(3) A person charged with any one of the offences prescribed in section seventy-five may be found guilty of any other offence prescribed in that section.

(4) A person charged with any one of the offences prescribed in section seventy-six may be found guilty of any other offence prescribed in that section.

(5) A person charged with a service offence may, on failure of proof of an offence having been committed under circumstances involving a higher punishment, be found guilty of the same offence as having been committed under circumstances involving a lower punishment.

(6) Where a person is charged with an offence under section one hundred and nineteen and the charge is one upon which, if he had been tried by a civil court in Canada for that offence, he might have been found guilty of any other offence, he may be found guilty of that other offence.

PUNISHMENTS.

Scale of punishments.

121. (1) The following punishments may be imposed in respect of service offences:—

(a) death;

(b) imprisonment for two years or more;

119. (3) New

119. (4) New

120. See Naval Service Act, Secs 92, 93
Army Act (UK), Sec 56(3) to(6)
Air Force Act (UK), Sec 56(3) to(6)

121. (1) See Naval Service Act, Sec 97
Army Act (UK), Sec 44*(a)* to *(n)*
Air Force Act (UK), Sec 44*(a)* to *(n)*

(*c*) dismissal with disgrace from His Majesty's service;
(*d*) imprisonment for less than two years;
(*e*) dismissal from His Majesty's service;
(*f*) detention;
(*g*) reduction in rank;
(*h*) forfeiture of seniority;
(*i*) dismissal of an officer from the ship to which he belongs;
(*j*) forfeiture of service toward progressive increase in pay;
(*k*) fine;
(*l*) severe reprimand;
(*m*) reprimand;
(*n*) minor punishments,

and each of the above punishments shall be deemed to be a punishment less than every punishment preceding it in the above scale, in this Act referred to as the "scale of punishments".

Less Punishment.

Definition of "less punishment".

(2) Where a punishment is specified by the Code of Service Discipline as a penalty for an offence, and it is further provided in the alternative that on conviction the offender is liable to less punishment, the expression "less punishment" means any one or more of the punishments lower in the scale of punishments than the specified punishment.

Death.

Limitation on imposition of death penalty.

(3) A punishment of death may be imposed only by a General Court Martial, and may be imposed only with the concurrence of at least two-thirds of the members.

Imprisonment.

Conditions relating to imposition of punishment of imprisonment.

(4) The punishment of imprisonment for two years or more or imprisonment for less than two years is subject to the following conditions,

(*a*) every person who, on conviction of a service offence, is liable to imprisonment for life or for a term of years or other term, may be sentenced to imprisonment for a shorter term;

(*b*) a sentence that includes a punishment of imprisonment for two years or more imposed upon an officer shall be deemed to include a punishment of dismissal with disgrace from His Majesty's service, whether or not the last mentioned punishment is specified in the sentence passed by the service tribunal;

121. (2) See Naval Service Act, Sec 100
Army Act (UK), Sec 44, proviso (1)
Air Force Act (UK), Sec 44, proviso (1)

121. (3) See Naval Service Act, Sec 98(1) *(b)*
Army Act (UK), Sec 48(8)
Air Force Act (UK), Sec 48(8)

121. (4) See Naval Service Act, Secs 98(1) *(e)*, *(g)*, *(i)*, *(k)*, 113
Army Act (UK), Secs 44, provisoes (2) and (4), 183(4)
Air Force Act (UK), Secs 44, provisoes (2) and (4), 183(4)
Criminal Code, Sec 1054

(c) a sentence that includes a punishment of imprisonment for less than two years imposed upon an officer shall be deemed to include a punishment of dismissal from His Majesty's service, whether or not the last mentioned punishment is specified in the sentence passed by the service tribunal;

(d) where a service tribunal imposes a punishment of imprisonment for two years or more upon a man, the service tribunal may in addition, notwithstanding any other provision of this Part, impose a punishment of dismissal with disgrace from His Majesty's service;

(e) where a service tribunal imposes a punishment of imprisonment for less than two years upon a man, the service tribunal may in addition, notwithstanding any other provision of this Part, impose a punishment of dismissal from His Majesty's service;

(f) in the case of a chief petty officer, petty officer or leading rating in the Royal Canadian Navy or a warrant officer or non-commissioned officer in the Canadian Army or the Royal Canadian Air Force, a sentence that includes a punishment of imprisonment for two years or more or imprisonment for less than two years shall be deemed to include a punishment of reduction in rank to the lowest rank to which under regulations he can be reduced, whether or not the last mentioned punishment is specified in the sentence passed by the service tribunal;

(g) a punishment of imprisonment for two years or more or imprisonment for less than two years shall be deemed to be a punishment of imprisonment with hard labour, but in the case of a punishment of imprisonment for less than two years, the Minister or such authorities as he may prescribe or appoint for that purpose may order that such punishment shall be without hard labour.

Dismissal With Disgrace.

Accompanying punishment.

(5) Where a service tribunal imposes a punishment of dismissal with disgrace from His Majesty's service upon an officer or man, the service tribunal may in addition, notwithstanding any other provision of this Part, impose a punishment of imprisonment for less than two years.

Consequences of dismissal with disgrace.

(6) A person upon whom a punishment of dismissal with disgrace from His Majesty's service has been carried out shall not, except in an emergency or unless that punishment is subsequently set aside or altered, be eligible to serve His Majesty again in any military or civil capacity.

121. (5) and (6) See Naval Service Act, Sec 98(1) *(f)*

Detention.

Conditions relating to imposition of detention.

(7) The punishment of detention is subject to the following conditions,

(a) detention shall not exceed two years and a person sentenced to detention shall not be subject to detention for more than two years consecutively by reason of more than one conviction;

(b) no officer may be sentenced to detention;

(c) in the case of a chief petty officer, petty officer or leading rating in the Royal Canadian Navy or a warrant officer or non-commissioned officer in the Canadian Army or the Royal Canadian Air Force, a sentence that includes a punishment of detention shall be deemed to include a punishment of reduction in rank to the lowest rank to which under regulations he can be reduced, whether or not the last mentioned punishment is specified in the sentence passed by the service tribunal.

Reduction in Rank.

Conditions-army and air force.

(8) The punishment of reduction in rank in the Canadian Army and the Royal Canadian Air Force is subject to the following conditions,

(a) in the case of a commissioned officer, it shall not be imposed upon an officer of or above the rank of lieutenant-colonel or wing commander and shall not involve reduction to a rank lower than commissioned rank; and

(b) in the case of a subordinate officer, it shall not involve reduction to a rank lower than an inferior grade of subordinate officer.

Conditions-navy.

(9) A punishment of reduction in rank in the Royal Canadian Navy shall apply only to a chief petty officer, petty officer or leading rating and shall not involve reduction to a rank lower than that to which under regulations the offender can be reduced.

Forfeiture of Seniority.

Sentence to specify period of forfeiture.

(10) Where an officer or man has been sentenced to forfeiture of seniority, the service tribunal imposing the punishment shall in passing sentence specify the period for which seniority is to be forfeited.

Dismissal from Ship.

Applies only to Royal Canadian Navy.

(11) The punishment of dismissal of an officer from the ship to which he belongs shall apply only to officers of the Royal Canadian Navy.

121. (7) See Naval Service Act, Sec 98(1) *(j) (k) (l)*, 113
Army Act (UK), Secs 44 proviso (1B), 183(4)
Air Force Act (UK), Secs 44 proviso (1B), 183(4)

121. (8) See Air Force Act (UK), Sec 44*(ee)*

121. (9) See Naval Service Act, Sec 97 *(j)*

121. (10) See Naval Service Act, Sec 97*(g)*

121. (11) See Naval Service Act, Sec 97*(h)*

Fine.

Conditions relating to fines.

(12) A fine shall be imposed in a stated amount and shall not exceed, in the case of an officer or man, three months basic pay, and in the case of any other person the sum of two hundred dollars, and the terms of payment of a fine shall lie within the discretion of the commanding officer of the person so punished.

Minor Punishments.

Governor In Council prescribes.

(13) Minor punishments shall be such as are prescribed in regulations made by the Governor in Council.

SENTENCES.

One sentence only to be passed.

122. Only one sentence shall be passed on an offender at a trial under the Code of Service Discipline and, where the offender is convicted of more than one offence, the sentence shall be good if any one of the offences would have justified it.

INCARCERATION UNDER MORE THAN ONE SENTENCE.

To be concurrent.

123. Where a person is under a sentence imposed by a service tribunal that includes a punishment involving incarceration and another service tribunal subsequently passes a new sentence that also includes a punishment involving incarceration, both punishments of incarceration shall, from the date of the pronouncement of the new sentence, run concurrently, but the punishment higher in the scale of punishments shall be served first.

IGNORANCE OF LAW.

No excuse.

124. The fact that a person is ignorant of the provisions of this Act, or of any regulations or of any order or instruction duly notified under this Act, is no excuse for any offence committed by him.

CIVIL DEFENCES.

Rules of civil courts applicable.

125. All rules and principles from time to time followed in the civil courts in proceedings under the *Criminal Code* that would render any circumstances a justification or excuse for any act or omission or a defence to any charge, shall be applicable to any defence to a charge under the Code of Service Discipline, except insofar as such rules and principles are altered by or are inconsistent with this Act.

121. (12) New

121. (13) See Naval Service Act, Sec 97*(l)*

122. See Criminal Code, Sec 1005

123. New.
See Naval Service Act, Sec 113

124. See Criminal Code, Sec 22

125. See Criminal Code, Sec 16

Insanity as a Defence.

Natural imbecility or mental disease.

126. (1) No person shall be convicted of a service offence by reason of an act done or omitted by him when labouring under natural imbecility, or disease of the mind, to such an extent as to render him incapable of appreciating the nature and quality of the act or omission, and of knowing that such an act or omission was wrong.

Specific delusions.

(2) In respect of a person labouring under specific delusions, but in other respects sane, subsection one shall not apply unless the delusions caused him to believe in the existence of some state of things which, if it existed, would justify or excuse his act or omission.

Presumption of sanity.

(3) Every person shall be presumed to be sane at the time of doing or omitting to do any act until the contrary is proved.

Cross-References to Existing Legislation

126. See Criminal Code, Sec 19

PART VI.

ARREST.

Authority to Arrest.

General authority.

127. (1) Every person who has committed, is found committing, is suspected of being about to commit, or is suspected of or charged under this Act with having committed a service offence, may be placed under arrest.

Reasonable force authorized.

(2) Every person authorized to effect arrest under this Part may use such force as is reasonably necessary for that purpose.

Powers of officers.

128. (1) An officer may, without a warrant, in the circumstances mentioned in section one hundred and twenty-seven, arrest or order the arrest of

(a) any man;

(b) any officer of equal or lower rank; and

(c) any officer of higher rank who is engaged in a quarrel, fray or disorder.

Powers of men.

(2) A man may, without a warrant, in the circumstances mentioned in section one hundred and twenty-seven, arrest or order the arrest of

(a) any man of lower rank; and

(b) any man of equal or higher rank who is engaged in a quarrel, fray or disorder.

Arrest of offenders of other Services.

(3) An order given under subsection one or subsection two shall be obeyed although the person giving the order and the person to whom and the person in respect of whom the order is given do not belong to the same Service, component, unit or other element of the Canadian Forces.

Arrest of persons other than officers or men.

(4) Every person who is not an officer or man, but who was subject to the Code of Service Discipline at the time of the alleged commission by him of a service offence, may without a warrant be arrested or ordered to be arrested by such person as any commanding officer may designate for that purpose.

Appointment and powers of shore patrol and provost.

129. Such officers and men as are appointed under regulations for the purposes of this section may

(a) detain or arrest without a warrant any person who is subject to the Code of Service Discipline, regardless of the rank or status of that person, who has committed, is found committing, is suspected of being about to commit, or is suspected of or charged under this Act with having committed a service offence; and

(b) exercise such other powers for carrying out the Code of Service Discipline as are prescribed in regulations made by the Governor in Council.

Part VI.

This Part contains provisions relating to arrest in respect of service offences. Provision is also made for the prompt trial of accused persons held in custody.

Cross-References to Existing Legislation

127. (1) New
See Army Act (UK), Sec 45(1) (except proviso)
Air Force Act (UK), Sec 45(1) (except proviso)

127. (2) See Naval Service Act, Sec 95

128. (1), (2) and (3) See Army Act (UK), Sec 45(3)
Air Force Act (UK), Sec 45(3)

128. (4) New

129. See Army Act (UK), Sec 74

Issue of warrants.

130. (1) Subject to subsection two, every commanding officer, and every officer to whom the power of trying a charge summarily has been delegated under subsection six of section one hundred and thirty-five or subsection six of section one hundred and thirty-six may by a warrant under his hand authorize any person to arrest any other person triable under the Code of Service Discipline who has committed, or is suspected of or charged under this Act with having committed a service offence.

Limitation.

Contents of warrants.

(2) An officer authorized to issue a warrant under this section shall not, unless he has certified on the face of the warrant that the exigencies of the service so require, issue a warrant authorizing the arrest of any officer of rank higher than he himself holds.

Saving provision.

(3) In any warrant issued under this section the offence in respect of which the warrant is issued shall be stated and the names of more persons than one in respect of the same offence, or several offences of the same nature, may be included.

(4) Nothing in this section shall be deemed to be in derogation of the authority that any person, including an officer or man, may have under other sections of this Act or otherwise under the law of Canada to arrest any other person without a warrant.

Disposal of person arrested.

ACTION FOLLOWING ARREST.

131. (1) A person arrested under this Part may forthwith on his apprehension be placed in civil custody or service custody or be taken to the unit or formation with which he is serving or to any other unit or formation of the Canadian Forces; and such force as is reasonably necessary for the purposes of this section may be used.

Delivery into custody.

(2) An officer or man commanding a guard or safeguard or an officer or man appointed under section one hundred and twenty-nine shall receive and keep a person who is committed to his custody by an officer, man or other person having power to arrest that person, but it shall be the duty of the officer, man or other person who commits a person into custody to deliver at the time of such committal, or as soon as practical and in any case within twenty-four hours thereafter, to the officer or man into whose custody that person is committed, an account in writing, signed by himself, of the offence with which the person so committed is charged.

Report of custody.

(3) An officer or man who, pursuant to subsection two, receives a person committed to his custody shall, as soon as practical and in any case within twenty-four hours thereafter, give in writing to the officer or man to whom it is his duty to report, the name of that person and an account of the offence alleged to have been committed by

130. See Naval Service Act, Sec 95

131. (1) See Naval Service Act, Sec 95

131. (2) See Army Act (UK), Secs 21(2), 45(4)
Air Force Act (UK), Secs 21(2), 45(4)

131. (3) See Army Act (UK), Sec 21(3)
Air Force Act (UK), Sec 21(3)

that person so far as is known and the name and rank of the officer, man or other person by whom the person so committed was placed in custody, accompanied by any account in writing which has been submitted pursuant to subsection two.

LIMITATIONS IN RESPECT OF CUSTODY.

Report of delay of trial.

132. (1) Where a person triable under the Code of Service Discipline has been placed under arrest for a service offence and remains in custody for eight days without a summary trial having been held or a court martial for his trial having been ordered to assemble, a report stating the necessity for further delay shall be made by his commanding officer to the authority who is empowered to convene a court martial for the trial of that person, and a similar report shall be forwarded in the same manner every eighth day until a summary trial has been held or a court martial has been ordered to assemble.

Petition in respect of delay of trial.

(2) Every person held in custody in the circumstances mentioned in subsection one, who has been continuously so held for a period of twenty-eight days without a summary trial having been held or a court martial having been ordered to assemble, shall at the expiration of that period be entitled to direct to the Minister, or to such authority as the Minister may prescribe or appoint for that purpose, a petition to be freed from custody or for a disposition of the case and in any event that person shall be so freed when a period of ninety days continuous custody from the time of his arrest has expired, unless a summary trial has been held or a court martial has been ordered to assemble.

Limitation upon re-arrest.

(3) A person who has been freed from custody pursuant to subsection two shall not be subject to re-arrest for the offence with which he was originally charged, except on the written order of an authority having power to convene a court martial for his trial.

132. (1) See Army Act (UK), Sec 45(1)
Air Force Act (UK), Sec 45(1)

132. (2) and (3) New

PART VII.

SERVICE TRIBUNALS.

Application.

Commanding officer

133. (1) Every reference in this Part to a commanding officer shall be deemed to be a reference to the commanding officer of the accused person, or to such other commanding officer as may by regulations be empowered to act in lieu of the commanding officer of the accused person.

Meaning of ranks where specified.

(2) Every reference in this Part to the rank of an officer or man shall be construed in accordance with regulations made by the Governor in Council and every such reference shall be deemed to include a person who holds any equivalent relative rank, whether that person is enrolled in, or is attached, seconded or on loan to the Canadian Forces.

Investigation and Preliminary Disposition of Charges.

Immediate investigation required.

134. (1) Where a charge is laid against a person to whom this Part applies alleging that he has committed a service offence, the charge shall forthwith be investigated in accordance with regulations made by the Governor in Council.

Dismissal or other disposition.

(2) Where, after investigation, a commanding officer considers that a charge should not be proceeded with, he shall dismiss the charge; but otherwise shall cause it to be proceeded with as expeditiously as circumstances permit.

Summary Trials by Commanding Officer within the Royal Canadian Navy.

Persons triable.

135. (1) This section shall apply only in respect of persons who under Part IV are liable to be charged, dealt with and tried within the Royal Canadian Navy.

Jurisdiction of commanding officer.

(2) A commanding officer may in his discretion try an accused person by summary trial, but only if all of the following conditions are satisfied,

(a) the accused person is either a subordinate officer or a man;

(b) the offence is not one for which the punishment of death may be imposed;

(c) having regard to the gravity of the offence, the commanding officer considers that his powers of punishment are adequate;

Part VII

This Part makes provision for the constitution, powers and procedure of navy, army and air force tribunals.

Cross-References to Existing Legislation

133. New

134. (1) See Army Act (UK), Sec 45(5)
Air Force Act (UK), Sec 45(5)

134. (2) See Army Act (UK), Sec 46(1)
Air Force Act (UK), Sec 46(1)

135. (1) New

135. (2) See Naval Service Act, Sec 101(2), 102

(d) the commanding officer is not precluded from trying the accused person by anything done under subsection nine or subsection ten; and

(e) the offence is not one which in regulations made by the Governor in Council the commanding officer is precluded from trying.

Sentences.

(3) A sentence passed by a commanding officer at a summary trial shall not include any of the following punishments,

(a) death;

(b) imprisonment for a period exceeding ninety days;

(c) detention for a period exceeding ninety days;

(d) any other punishment that by regulations made by the Governor in Council he is precluded from imposing.

Subordinate officers.

(4) A subordinate officer charged with having committed a service offence that in the opinion of the commanding officer is not sufficiently grave to justify trial by court martial, may be tried by summary trial under this section, but no punishment shall be imposed except forfeiture of seniority for a period not exceeding twelve months or forfeiture of service toward progressive increase in pay for a period not exceeding twelve months.

Jurisdiction in cases of detachment, etc.

(5) The authority of a commanding officer exercisable under this section may,

(a) in respect of persons on board a tender to a unit, be exercised in the case of a single tender absent from the unit, by the officer in command of the tender, and in the case of two or more tenders absent from the unit in company or acting together, by the officer in immediate command of the tenders;

(b) in respect of persons on board a boat belonging to the unit, be exercised, when the boat is absent on detached service, by the officer in command of the boat; and

(c) in respect of persons on detached service, either on shore or otherwise, be exercised by the officer in immediate command of those persons.

Delegation.

(6) A commanding officer may, subject to regulations made by the Governor in Council and to such extent as the commanding officer deems fit, delegate his powers under this section to any officer under his command, but an officer to whom powers are so delegated may not be authorized to impose punishments other than the following,

(a) a fine not exceeding ten dollars;

(b) a reprimand;

(c) minor punishments.

Limitation upon powers of punishment.

(7) Such punishments as are, in regulations made by the Governor in Council, specified as requiring approval before they may be imposed by a commanding officer, shall not be so imposed until approval has been obtained in the manner prescribed in such regulations.

135. (3) New
See Naval Service Act, Sec 101(2)

135. (4) See Naval Service Act, Sec 102

135. (5) See Naval Service Act, Sec 101(3)

135. (6) See Army Act (UK), Sec 46(9)
Air Force Act (UK), Sec 46(9)

135. (7) New

Evidence on oath.

(8) Where a commanding officer tries an accused person by summary trial, the evidence shall be taken on oath if the commanding officer so directs or the accused person so requests, and the commanding officer shall inform the accused person of his right so to request.

Election to be tried by court martial.

(9) Where a commanding officer tries a chief petty officer or a petty officer, first class, by summary trial and the commanding officer, either before or after any or all of the evidence has been heard, arrives at the conclusion that a finding of guilty,

(a) in the case of a chief petty officer or petty officer, first class, who is liable to be sentenced to the punishment of reduction in rank, would justify that punishment; or

(b) in the case of a chief petty officer or petty officer, first class, who under regulations is not liable to be sentenced to the punishment of reduction in rank, would justify the punishment of imprisonment for less than two years or detention,

the accused person shall, subject to paragraph *(a)* of subsection ten, have the right to elect to be tried by court martial rather than have the commanding officer continue and complete the summary trial, and the commanding officer shall inform him of that right.

Summary trial where court martial impracticable.

(10) *(a)* Where a chief petty officer or petty officer, first class, has, under subsection nine elected to be tried by court martial and, in the opinion of the senior naval officer present, the exigencies of naval service do not permit a court martial to be assembled within a reasonable period, that senior naval officer may, if he considers it necessary, authorize the commanding officer to deal with the case by summary trial.

Board of inquiry.

(b) Where in the circumstances mentioned in paragraph *(a)*, the commanding officer at a summary trial imposes the punishment of reduction in rank upon a chief petty officer or petty officer, first class, the senior officer in chief command shall order a board of inquiry to assemble forthwith to determine whether, having regard to the circumstances of the case, any one or more of the punishments lower in the scale of punishments than reduction in rank would be appropriate.

Reduction of sentence.

(c) Where a board of inquiry recommends a substituted punishment under paragraph *(b)*, the senior officer in chief command shall make an order to that effect and the substituted punishment shall have force and effect as if it had been imposed at the summary trial in the first instance, and the provisions of the Code of Service Discipline shall apply accordingly.

135. (8) Army Act (UK), Sec 46(6)
Air Force Act (UK), Sec 46(6)

135. (9) New

135. (10) New

SUMMARY TRIALS BY COMMANDING OFFICER WITHIN THE CANADIAN ARMY AND THE ROYAL CANADIAN AIR FORCE

Persons triable.

136. (1) This section shall apply only in respect of persons who under Part IV are liable to be charged, dealt with and tried within the Canadian Army or the Royal Canadian Air Force.

Jurisdiction of commanding officer.

(2) A commanding officer may in his discretion try an accused person by summary trial, but only if all of the following conditions are satisfied,

(a) the accused person is a man below the rank of warrant officer;

(b) the offence is not one for which the punishment of death may be imposed;

(c) having regard to the gravity of the offence, the commanding officer considers that his powers of punishment are adequate;

(d) the commanding officer is not precluded from trying the accused person by anything done under subsection four; and

(e) the offence is not one which in regulations made by the Governor in Council the commanding officer is precluded from trying.

Sentences.

(3) Subject to the conditions set out in this section and in Part V relating to punishments, a commanding officer at a summary trial may pass a sentence in which any one or more of the following punishments may be included,

(a) detention for a period not exceeding ninety days, subject to the following provisions,

(i) a punishment of detention imposed by a commanding officer upon a non-commissioned officer shall not be carried into effect until approved by an officer not below the rank of brigadier or air commodore under whom the commanding officer who imposed the punishment is serving, and only to the extent so approved;

(ii) where a commanding officer imposes more than thirty days detention, the portion in excess of thirty days shall be effective only if approved by, and to the extent approved by, an officer not below the rank of brigadier or air commodore under whom the commanding officer who imposed the punishment is serving;

(b) reduction in rank, but a punishment of reduction in rank imposed by a commanding officer shall be effective only if approved by, and to the extent approved by, an officer, not below the rank of brigadier or air commodore, under whom the commanding officer who imposed the punishment is serving;

(c) forfeiture of seniority;

136. (1) New

136. (2) See Naval Service Act, Secs 101(2), 102
Army Act (UK), Sec 46(1)
Air Force Act (UK), Sec 46(1)

136. (3) See Army Act (UK), Sec 46(2)
Air Force Act (UK), Sec 46(2)

(*d*) forfeiture of service toward progressive increase in pay;
(*e*) a fine not exceeding basic pay for one month;
(*f*) severe reprimand;
(*g*) reprimand;
(*h*) minor punishments.

Election to be tried by court martial.

(4) Where a commanding officer tries an accused person by summary trial and the commanding officer, either before or after any or all of the evidence has been heard, arrives at the conclusion that a finding of guilty

(*a*) would involve a forfeiture of pay for absence without leave exceeding pay for seven days; or
(*b*) would justify
(i) a fine exceeding ten dollars; or
(ii) a punishment higher in the scale of punishments than a severe reprimand,

that person shall have the right to elect to be tried by court martial rather than have the commanding officer continue and complete the summary trial, and the commanding officer shall inform him of that right.

Evidence on oath.

(5) Where a commanding officer tries an accused person by summary trial, the evidence shall be taken on oath if the commanding officer so directs or the accused person so requests, and the commanding officer shall inform the accused person of his right so to request.

Delegation.

(6) A commanding officer may, subject to regulations made by the Governor in Council and to such extent as the commanding officer deems fit, delegate his powers under this section to any officer under his command, but an officer to whom powers are so delegated may not be authorized to impose punishments other than the following,

(*a*) a fine not exceeding ten dollars;
(*b*) a reprimand;
(*c*) minor punishments.

Limitation upon powers of punishment.

(7) Such punishments as are, in regulations made by the Governor in Council, specified as requiring approval before they may be imposed by a commanding officer, shall not be so imposed until approval has been obtained in the manner prescribed in such regulations.

SUMMARY TRIALS BY SUPERIOR COMMANDER WITHIN THE CANADIAN ARMY AND THE ROYAL CANADIAN AIR FORCE.

Persons triable.

137. (1) This section shall apply only in respect of persons who under Part IV are liable to be charged, dealt with and tried within the Canadian Army or the Royal Canadian Air Force.

Jurisdiction of superior commander.

(2) Any officer of or above the rank of brigadier or air commodore, or any other officer prescribed or appointed by the Minister for that purpose, referred to in this section

136. (4) See Army Act (UK), Sec 46(8)
Air Force Act (UK), Sec 46(8)

136. (5) See Army Act (UK), Sec 46(6)
Air Force Act (UK), Sec 46(6)

136. (6) See Army Act (UK), Sec 46(9)
Air Force Act (UK), Sec 46(9)

136. (7) New

137. See Army Act (UK), Sec 47
Air Force Act (UK), Sec 47

as a "superior commander", may in his discretion try by summary trial an officer below the rank of major or squadron leader, or a warrant officer, charged with having committed a service offence, and in an emergency the Governor in Council may extend the provisions of this section to cases where the accused person is of the rank of major or squadron leader.

Dismissal or other disposition.

(3) A superior commander may, with or without hearing the evidence, dismiss a charge if he considers that it should not be proceeded with; but otherwise shall cause it to be proceeded with as expeditiously as circumstances permit.

Sentences.

(4) Subject to the conditions set out in this section and in Part V relating to punishments, a superior commander at a summary trial may pass a sentence in which any one or more of the following punishments may be included,

(a) forfeiture of seniority;

(b) forfeiture of service toward progressive increase in pay;

(c) fine;

(d) severe reprimand;

(e) reprimand.

Election to be tried by court martial.

(5) Where a superior commander tries an accused person by summary trial and the superior commander, either before or after any or all of the evidence has been heard, arrives at the conclusion that a finding of guilty would justify

(a) forefeiture of seniority;

(b) forfeiture of service toward progressive increase in pay;

(c) in the case of an officer, a fine exceeding fifty dollars; or

(d) in the case of a warrant officer, a fine exceeding twenty-five dollars,

the accused person shall have the right to elect to be tried by court martial rather than have the superior commander continue and complete the summary trial, and the superior commander shall inform him of that right.

Evidence on oath.

(6) Where a superior commander tries an accused person by summary trial, the evidence shall be taken on oath if the superior commander so directs or the accused person so requests, and the superior commander shall inform the accused person of his right so to request.

Convening of Courts Martial.

Convening authorities.

138. (1) The Minister, and such other authorities as he may prescribe or appoint for that purpose, may convene General Courts Martial and Disciplinary Courts Martial.

Officers of other Services may be appointed.

(2) An authority who convenes a court martial under subsection one may appoint as members of the court martial, officers of the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force or officers of any navy, army or air force, who are attached, seconded or loaned to the Canadian Forces.

138. (1) See Militia Act, Sec 93(2)
Naval Service Act, Secs 104(9), 103(1)

138. (2) See RCAF Act, Sec 13
Army Act (UK), Sec 48(10)
Air Force Act, (UK) Sec 48(10)

General Courts Martial.

Jurisdiction.

139. A General Court Martial may try any person who under Part IV is liable to be charged, dealt with and tried upon a charge of having committed any service offence.

Number of members.

140. (1) A General Court Martial shall consist of not less than five officers and not more than such maximum number of officers as may be prescribed in regulations.

Appointment of president.

(2) The president of a General Court Martial shall be an officer of or above the naval rank of captain or of or above the rank of colonel or group captain and shall be appointed by the authority convening the General Court Martial or by an officer empowered by that authority to appoint the president.

Trial of commodore, etc.

(3) Where the accused person is of or above the rank of commodore, brigadier or air commodore, the president of a General Court Martial shall be an officer of or above the rank of the accused person, and the other members of the court martial shall be of or above the naval rank of captain or of or above the rank of colonel or group captain.

Trial of captain, etc.

(4) Where the accused person is of the naval rank of captain or of the rank of colonel or group captain, all of the members of a General Court Martial, other than the president, shall be of or above the rank of commander, lieutenant-colonel or wing commander.

Trial of commander, etc.

(5) Where the accused person is a commander, lieutenant-colonel or wing commander, at least two of the members of a General Court Martial, exclusive of the president, shall be of or above the rank of the accused person.

Judge advocate.

141. Such authority as is prescribed for that purpose in regulations shall appoint a person to officiate as judge advocate at a General Court Martial.

Ineligibility to serve on General Court Martial.

142. None of the following persons shall sit as a member of a General Court Martial,

(a) the officer who convened the court martial;

(b) the prosecutor;

(c) a witness for the prosecution;

(d) the commanding officer of the accused person;

(e) a provost officer;

(f) an officer who is under the age of twenty-one years;

(g) an officer below the naval rank of lieutenant, the army rank of captain or the air force rank of flight lieutenant; or

(h) any person who prior to the court martial participated in any investigation respecting the matters upon which a charge against the accused person is founded.

139. See Naval Service Act, Sec 101(1)
Army Act (UK), Sec 48(6)
Air Force Act (UK), Sec 48(6)

140. (1) See Naval Service Act, Sec 104(1) and (13)
Army Act (UK), Sec 48(3)
Air Force Act (UK), Sec 48(3)

140. (2), (3), (4), (5), See Naval Service Act, Sec 104(5), (6), (7) and (12)
Army Act (UK), Sec 48(9)
Air Force Act (UK), Sec 48(9)

141. New
See Naval Service Act, Sec 108

142. See Naval Service Act, Secs 104(2), (4), (8) and (11), 105
Army Act (UK), Sec 50(2) and (3)
Air Force Act (UK), Sec 50(2) and (3)

Disciplinary Courts Martial.

Jurisdiction.

143. Subject to any limitations prescribed in regulations made by the Governor in Council, a Disciplinary Court Martial may try any person who under Part IV is liable to be charged, dealt with and tried upon a charge of having committed any service offence.

Punishment.

144. A Disciplinary Court Martial shall not pass a sentence including a punishment higher in the scale of punishments than dismissal with disgrace from His Majesty's service, or higher than such other punishment as may be prescribed in regulations; but no such other punishment shall be higher in the scale of punishments than dismissal with disgrace from His Majesty's service.

Number of members.

145. A Disciplinary Court Martial shall consist of not less than three officers and not more than such maximum number of officers as may be prescribed in regulations.

Appointment of president.

146. (1) The president of a Disciplinary Court Martial shall be appointed by the authority convening the Disciplinary Court Martial or by an officer empowered by that authority to appoint the president.

Rank of president.

(2) The president of a Disciplinary Court Martial shall be an officer of or above the rank of lieutenant-commander, major or squadron leader or of or above such higher rank as may be prescribed in regulations.

Judge advocate.

147. Such authority as may be prescribed for that purpose in regulations may appoint a person to officiate as judge advocate at a Disciplinary Court Martial.

Ineligibility to serve on Disciplinary Court Martial.

148. None of the following persons shall sit as a member of a Disciplinary Court Martial,

(a) the officer who convened the court martial;

(b) the prosecutor;

(c) a witness for the prosecution;

(d) the commanding officer of the accused person;

(e) a provost officer;

(f) an officer who is under the age of twenty-one years; or

(g) any person who prior to the court martial participated in any investigation respecting the matters upon which a charge against the accused person is founded.

143. New
See Naval Service Act, Sec 103(1)
Army Act (UK), Sec 48(6)
Air Force Act (UK), Sec 48(6)

144. New
See Naval Service Act, Sec 103(3)
Army Act (UK), Sec 48 (6)
Air Force Act (UK), Sec 48(6)

145. See Naval Service Act, Sec 103(2)
Army Act (UK), Sec 48(4)
Air Force Act (UK), Sec 48 (4)

146. See Naval Service Act, Sec 103(2)
Army Act (UK) Sec 48(9)
Air Force Act (UK), Sec 48(9)

147. New
See Naval Service Act, Sec 108

148. New
See Naval Service Act, Secs 104(4), (8) and (11), 105
Army Act (UK), Sec 50(2) and (3)
Air Force Act (UK), Sec 50(2) and (3)

Standing Courts Martial.

Constitution.

149. (1) The Governor in Council may in an emergency establish Standing Courts Martial and each such court martial shall consist of one officer, to be called the president, who is or has been a barrister or advocate of more than three years standing and who shall be appointed by or under the authority of the Minister.

Powers.

(2) Subject to any limitations prescribed in regulations, a Standing Court Martial may try any person who under Part IV is liable to be charged, dealt with and tried upon a charge of having committed a service offence, but a Standing Court Martial shall not pass a sentence including any punishment higher in the scale of punishments than imprisonment for less than two years.

Representation of Accused.

Defence.

150. At any proceedings before a court martial the accused person shall have the right to be represented in such manner as shall be prescribed in regulations.

Admission to Courts Martial.

Trials public.

151. (1) Subject to subsections two and three, courts martial shall be public and, to the extent that accommodation permits, the public shall be admitted to the trial.

Exception.

(2) Where the authority who convenes a court martial or the president of a court martial considers that it is expedient in the interests of public safety, defence or public morals that the public should be excluded during the whole or any part of a trial, either of them may make an order to that effect, and any such order shall be recorded in the minutes of the proceedings of the court martial.

Witnesses.

(3) Witnesses, other than the prosecutor and the accused person, shall not be admitted to a trial, except when under examination or by specific leave of the president of the court martial.

Clearing court.

(4) The president may, on any deliberation among the members, cause a court martial to be cleared of any other persons in accordance with regulations.

Rules of Evidence.

Trial in Canada.

152. (1) The rules of evidence at a trial by court martial held in Canada shall be the same as those from time to time followed in proceedings under the *Criminal Code* in civil courts in the province of Canada in which the court martial is held, except in so far as such rules are inconsistent with this Act or regulations.

149. New

150. New

151. New
See Army Act (UK), Sec 53 (5)
Air Force Act (UK), Sec 53(5)

152. New
See Army Act (UK), Secs 127, 128
Air Force Act (UK), Sec 128

Trial outside Canada.

(2) Where a court martial is held out of Canada or in a ship beyond the territorial limits of Canada, the rules of evidence shall be the same as those from time to time followed in proceedings under the *Criminal Code* in civil courts in the province in which the accused person states to the court martial that his ordinary place of residence is situated, except in so far as such rules are inconsistent with this Act or regulations.

Special case.

(3) Where, in the circumstances mentioned in subsection two, an accused person states that his ordinary place of residence is situated out of Canada, or makes no statement as to his ordinary place of residence, the court martial shall apply the rules of evidence from time to time followed in proceedings under the *Criminal Code* in civil courts in the province in which the capital city of Canada is situated, except in so far as such rules are inconsistent with this Act or regulations.

Exclusion.

(4) A court martial, wherever held, shall not as respects the conduct of its proceedings or the reception or rejection of evidence or as respects any other matter or thing, be subject to any Act, law or regulation not in force in Canada.

Admission of documents and records.

153. (1) Such classes of documents and records as are prescribed in regulations made by the Governor in Council may be admitted as evidence of the facts therein stated at trials by court martial or in any proceedings before civil courts arising out of such trials, and the conditions governing the admissibility of such classes of documents and records or copies thereof shall be as prescribed in those regulations.

Statutory declarations admissible.

(2) A court martial may receive, as evidence of the facts therein stated, declarations made in the manner prescribed by section thirty-six of the *Canada Evidence Act*, subject to the following conditions,

(a) where the declaration is one that the prosecutor wishes to introduce, a copy shall be served upon the accused person at least seven days before the trial;

(b) where the declaration is one that the accused person wishes to introduce, a copy shall be served upon the prosecutor at least three days before the trial; and

(c) at any time before the trial the party upon whom the copy of the declaration has been served under paragraph *(a)* or *(b)* may notify the opposite party that he will not consent to the declaration being received by the court martial, and in that event the declaration shall not be received.

Witnesses at Courts Martial.

Procurement of attendance of witnesses.

154. (1) The commanding officer of the accused person, the authority who convenes a court martial, or, after the assembly of the court martial, the president, shall take all necessary action to procure the attendance of the witnesses

153. New

154. New

whom the prosecutor and the accused person request to be called and whose attendance can, having regard to the exigencies of the service, reasonably be procured, but nothing in this subsection shall require the procurement of the attendance of any witnesses, the request for whose attendance is deemed by any such commanding officer, authority who convenes a court martial or president to be frivolous or vexatious.

Procurement of attendance in exceptional cases.

(2) Where a request by the accused person for the attendance of a witness is deemed to be frivolous or vexatious, the attendance of that witness, if his attendance, having regard to the exigencies of the service, can reasonably be procured, shall be procured if the accused person pays in advance the fees and expenses of the witness at the rates prescribed in regulations, and if at the trial the evidence of the witness proves to be relevant and material, the president of the court martial or the authority who convened the court martial shall order that the accused person be reimbursed in the amount of the fees and expenses of the witness so paid.

Rights of accused preserved.

(3) Nothing in this section shall limit the right of the accused person to procure and produce at the trial at his own expense such witnesses as he may desire, if the exigencies of the service permit.

Evidence on Commission.

Appointment of commissioner.

155. (1) Where it appears to the Judge Advocate General, or to such person as he may appoint for that purpose, that the attendance at a trial by court martial of a witness for the prosecution is not readily obtainable because the witness is ill or is absent from the country in which the trial is held, or that the attendance of a witness for the accused person is not readily obtainable for any reason, the Judge Advocate General, or such person as he may appoint for that purpose, may appoint any officer or other qualified person, in this section referred to as a "commissioner", to take the evidence of the witness under oath.

Admissibility of commission evidence.

(2) The document containing the evidence of a witness, taken under subsection one and duly certified by the commissioner, shall be admissible in evidence at a court martial to the same extent and subject to the same objections as if the witness had given that evidence in person at the trial.

Personal attendance of witness.

(3) Where in the opinion of the president of a court martial, a witness whose evidence has been taken on commission, should in the interests of justice appear and give evidence before the court martial and that witness is not too ill to attend the trial and is not outside the country in which the trial is held, the president may require the attendance of that witness.

155. New

Commission evidence part of summary or abstract.

(4) The document mentioned in subsection two or a true copy thereof may be attached to the summary or abstract of evidence taken in respect of the charge against the accused person and, on being so attached, that document shall form part of the summary or abstract of evidence.

Cross-examination.

(5) At any proceedings before a commissioner the accused person and the prosecutor shall be entitled to be represented and the persons representing them shall have the right to examine and cross-examine any witness.

Copy to accused.

(6) The accused person shall, at least twenty-four hours before it is admitted at the court martial, be furnished without charge with a copy of the document mentioned in subsection two.

View by Court Martial.

President may authorize.

156. A court martial may, where the president considers it necessary, view any place, thing or person.

Objection to Members of Courts Martial.

Right of accused.

157. (1) When a court martial is assembled, the names of the president and other members shall be read over to the accused person who shall be asked if he objects to be tried by any of them, and if he objects the court martial shall decide whether the objection shall be allowed.

Replacements

(2) The procedure for the replacement of a president of a court martial or any other members of a court martial in respect of whom an objection has been allowed shall be as prescribed in regulations.

Oaths at Courts Martial.

Persons required to take oath.

158. (1) At every court martial an oath shall be administered to each of the following persons,

(a) the president and other members of the court martial;

(b) the judge advocate;

(c) the officers ordered to attend for purposes of instruction;

(d) court reporters;

(e) interpreters;

(f) witnesses,

in the manner and in the forms prescribed in regulations.

Affirmation in lieu of oath.

(2) If a person to whom an oath is required to be administered under subsection one,

(a) objects to take the oath and the president of the court martial is satisfied of the sincerity of the objection; or

(b) is objected to as incompetent to take the oath and the president of the court martial is satisfied that the

156. See Army Act (UK), Sec 53(7)
Air Force Act (UK), Sec 53(7)
Criminal Code, Sec 958(1)

157. See Naval Service Act, Sec 109
Army Act (UK), Sec 51
Air Force Act (UK), Sec 51

158. See Naval Service Act, Secs 103(4), 110, 111
Army Act (UK), Sec 52
Air Force Act (UK), Sec 52

oath would have no binding effect on the conscience of that person,

the president shall require that person, instead of being sworn, to make a solemn affirmation in the form prescribed in regulations and, for the purposes of this Act, a solemn affirmation shall be deemed to be an oath.

ADJOURNMENT AND DISSOLUTION.

President may adjourn.

159. A court martial may be adjourned whenever the president considers adjournment desirable.

Dissolution when numbers reduced.

160. (1) Where, after the commencement of a trial, a court martial is by death or otherwise reduced below the minimum number of members prescribed in this Act, it shall be deemed to be dissolved.

President unable to attend.

(2) Where, after the commencement of a trial, the president of a court martial dies or for any other reason cannot attend and the court martial is not thereby reduced below the minimum number of members prescribed in this Act, the authority who convened the court martial may appoint the senior member of the court martial to be the president and the trial shall proceed; but if the senior member of the court martial is not of sufficient rank to be appointed president, the court martial shall be deemed to be dissolved.

Illness of accused.

(3) Where, on account of the illness of the accused person, it is impossible to continue the trial, the court martial shall be dissolved.

Effect of dissolution.

(4) Where a court martial is dissolved pursuant to this section, the accused person may be dealt with as if the trial had never commenced.

AMENDMENT OF CHARGES.

May be made if no injustice.

161. (1) Where at any time during a trial by court martial, it appears to the president that there is a technical defect in a charge that does not affect the substance of the charge, the president, if he is of the opinion that the accused person will not be prejudiced in the conduct of his defence by an amendment, shall make such order for the amendment of the charge as he considers necessary to meet the circumstances of the case.

Procedure.

(2) Where an amendment to the charge has been made, the president of the court martial shall, if the accused person so requests, adjourn the court martial for such period as the president considers necessary to enable the accused person to meet the charge so amended.

Minute of amendment.

(3) Where a charge is amended, a minute of the amendment shall be endorsed upon the charge sheet and signed

159. See Naval Service Act, Sec 107
Army Act (UK), Sec 53(6)
Air Force Act (UK), Sec 53(6)

160. See Army Act (UK), Sec 53(1), (2), (3) and (4)
Air Force Act (UK), Sec 53(1), (2), (3) and (4)

161. New
See Criminal Code, Sec 893

by the president of the court martial; and the charge sheet so amended shall be treated for the purposes of the trial and all proceedings in connection therewith as being the original charge sheet.

Decisions by Courts Martial.

Majority vote.

162. (1) The finding and, subject to subsection three of section one hundred and twenty-one, the sentence of a court martial and the decision in respect of any other matter or question arising after the commencement of the trial shall be determined by the vote of a majority of the members.

Equality on finding.

(2) In the case of an equality of votes on the finding, the accused shall be found not guilty.

Equality on sentence.

(3) In the case of an equality of votes on the sentence or on any other matter or question arising after the commencement of the trial, except the finding, the president of the court martial shall have a second or casting vote.

Similar Offences.

May be considered in imposing sentence.

163. A court martial may at the request of the offender and in its discretion take into consideration, for the purposes of sentence, other service offences, similar in character to that of which the offender has been found guilty, that are admitted by him, as if he had been charged with, tried on and found guilty of such offences; but the sentence of the court martial shall not include any punishment higher in the scale of punishments than the punishment that might be imposed in respect of any offence of which the offender has been found guilty.

Pronouncement of Findings and Sentence.

Effect.

164. The finding and sentence of a court martial shall at the conclusion of the trial be pronounced to the offender in open court and he shall be under the sentence as of the date of the pronouncement thereof.

Recommendations to Clemency.

Applicable in certain cases only.

165. Where a court martial has found a person guilty of an offence, prescribed in section sixty-four, sixty-five, sixty-six or sixty-seven, for which the punishment of death is mandatory, or in section eighty-three, for which the punishment of dismissal with disgrace from His Majesty's service or dismissal from His Majesty's service is manda-

162. (1) New

162. (2) and (3) See Army Act (UK), Sec 53(8)
Air Force Act (UK), Sec 53(8)

163. New

164. New

165. See Army Act (UK), Sec 53(9)
Air Force Act (UK), Sec 53(9)

tory, or an offence to which paragraph *(a)* of subsection two of section one hundred and nineteen applies, the court martial may recommend clemency and the recommendation shall be attached to and form part of the minutes of the proceedings of the trial.

DECISION WHERE ACCUSED INSANE AT TRIAL.

Trial of issue of insanity.

166. (1) Where at any time after a trial by court martial commences and before the finding of the court martial is made, it appears that there is sufficient reason to doubt whether the accused person is then, on account of insanity, capable of conducting his defence, an issue shall be tried and decided by that court martial as to whether the accused person is or is not then, on account of insanity, unfit to stand or continue his trial.

Trial proceeds if accused sane.

(2) Where the decision of the court martial on an issue mentioned in subsection one is that the accused person is not then unfit to stand or continue his trial, the court martial shall proceed to try that person as if no such issue had been tried.

Disposal of accused in Canada.

(3) Where the decision of a court martial held in Canada is that the accused person is unfit to stand or continue his trial on account of insanity, the court martial shall order the accused person to be kept in strict custody, and he shall be treated in accordance with subsection five of section nine hundred and sixty-seven and section nine hundred and sixty-nine of the *Criminal Code*, as if the same decision had been made in respect of him by a civil court in the province of Canada in which that court martial was held.

Disposal of accused out of Canada.

(4) Where the decision of a court martial held out of Canada is that the accused person is unfit to stand or continue his trial on account of insanity, the court martial shall order that person to be kept in strict custody and he shall be transferred, as soon as conveniently may be, to the province of Canada in which he is domiciled, and upon transfer to that province he shall be treated in accordance with subsection five of section nine hundred and sixty-seven and section nine hundred and sixty-nine of the *Criminal Code*, as if the same decision had been made in respect of him by a civil court in that province; and, in the case of an accused person who is not domiciled in any province, the Minister may make such arrangements for the benefit and welfare of that person as to the Minister seem fit.

Saving of jurisdiction.

(5) No decision of a court martial that an accused person is unfit to stand or continue his trial by reason of insanity shall prevent that person being afterwards tried in respect of the offence or of any other offence of which he might have been found guilty on the same charge; and the period during which he is unfit to stand or continue his trial by reason of

166. New
Criminal Code, Sec 967
See Army Act (UK), Sec 130(1) and (3)
Air Force Act (UK), Sec 130(1) and (3)

insanity shall not be taken into account in applying to him in respect of that offence the provisions of section sixty.

Decision Where Accused Insane When Offence Committed.

Special finding.

167. (1) Where evidence is given at a court martial that a person charged with a service offence was insane at the time of the commission of that offence, the court martial, if it finds that person not guilty of the offence, shall make a special finding as to whether he was insane at the time of the commission of the offence and whether he was found not guilty by reason of insanity.

Disposal of accused in Canada.

(2) Where a court martial held in Canada makes a special finding under subsection one that an accused person was insane, it shall order that person to be kept in strict custody and he shall be treated in accordance with subsection two of section nine hundred and sixty-six and section nine hundred and sixty-nine of the *Criminal Code*, as if the same finding had been made in respect of him by a civil court in the province of Canada in which that court martial was held.

Disposal of accused out of Canada.

(3) Where a court martial held out of Canada makes a special finding under subsection one that an accused person was insane, it shall order that person to be kept in strict custody and he shall be transferred, as soon as conveniently may be, to the province of Canada in which he is domiciled, and upon transfer to that province he shall be treated in accordance with subsection two of section nine hundred and sixty-six and section nine hundred and sixty-nine of the *Criminal Code*, as if the same finding had been made in respect of him by a civil court in that province; and, in the case of an accused person who is not domiciled in any province, the Minister may make such arrangements for the benefit and welfare of that person as to the Minister seem fit.

R.S., c. 36.

Minutes of Proceedings of Courts Martial.

Delivery to offender.

168. A copy of the minutes of the proceedings of a court martial and of the form of the Statement of Appeal mentioned in section one hundred and eighty-eight shall be delivered without charge as soon as practical after the conclusion of the trial to the person who has been tried and found guilty by that court martial.

167. New
Criminal Code Sec 966
See Army Act (UK), Sec 130(2) and (3)
Air Force Act (UK), Sec 130(2) and (3)

168. See Army Act (UK), Sec 124
Air Force Act (UK), Sec 124

Part VIII.

PROVISIONS APPLICABLE TO FINDINGS AND SENTENCES AFTER TRIAL.

Imprisonment and Detention.

Commencement.

169. (1) Subject to subsection three and sections one hundred and seventy-six and one hundred and seventy-seven, the term of a punishment of imprisonment for two years or more, imprisonment for less than two years or detention, shall commence on the date upon which the service tribunal pronounces sentence upon the offender.

Time counted.

(2) The only time which shall be reckoned toward the completion of a term of a punishment of imprisonment for two years or more, imprisonment for less than two years or detention shall be the time that the offender spends in civil custody or service custody while under the sentence in which that punishment is included.

Special case.

(3) Where a punishment mentioned in subsection two cannot lawfully be carried out by reason of a vessel being at sea or in a port at which there is no suitable place of incarceration, the offender shall as soon as practical, having regard to the exigencies of the service, be sent to a place where the punishment can lawfully be carried out, and the period of time prior to the date of arrival of the offender at that place shall not be reckoned toward the completion of the term of the punishment.

Punishments Requiring Approval.

Death.

170. (1) A punishment of death imposed by a court martial shall be subject to approval by the Governor in Council and shall not be carried out unless so approved.

Dismissal.

(2) A punishment of dismissal with disgrace from His Majesty's service or of dismissal from His Majesty's service, whether it is expressly included in the sentence passed by a service tribunal or whether it is deemed to be included in the sentence pursuant to paragraph *(b)* or paragraph *(c)* of subsection four of section one hundred and twenty-one shall be subject to approval by the Minister or such authorities as are prescribed in regulations and shall not be carried out unless so approved; but any punishment of imprisonment for two years or more, imprisonment for less than two years or detention included in the sentence shall commence and be carried out under section one hundred and sixty-nine as

Part VIII.

This Part provides for the effective date of sentences and the carrying out of punishments. It also empowers service authorities to quash findings and alter sentences in circumstances where the ends of justice and the interest of the accused render that action desirable.

Cross-References to Existing Legislation

169. (1) See Naval Service Act, Sec 114(1)
Army Act (UK), Sec 68(1)

169. (2) New

169. (3) See Naval Service Act, Sec 114(3)

170. (1) Militia Act, Sec 93(3)
See Naval Service Act, Sec 98(1) *(c)*

170. (2) New

if the sentence had not included a punishment of dismissal with disgrace from His Majesty's service or dismissal from His Majesty's service, as the case may be.

Effective date of dismissal.

(3) A punishment of dismissal with disgrace from His Majesty's service or dismissal from His Majesty's service shall be deemed to be carried out as of the date upon which the release of the offender from the Canadian Forces is effected.

Substitution where punishment not approved.

(4) An authority mentioned in section one hundred and seventy-three shall have power to substitute a new punishment for

(a) a punishment of death that has not been approved under subsection one;

(b) a punishment of dismissal with disgrace from His Majesty's service or dismissal from His Majesty's service that has not been approved under subsection two; or

(c) a punishment, imposed by a commanding officer at a summary trial, that has not been approved under subsection seven of section one hundred and thirty-five or subsection three or seven of section one hundred and thirty-six, as the case may be.

Quashing of Findings.

Authority.

171. (1) The Minister, and such other authorities as he may prescribe or appoint for that purpose, may quash any finding of guilty made by a service tribunal.

Effect upon sentence of complete quashing.

(2) Where, after a finding of guilty has been quashed, no other finding of guilty remains, the whole of the sentence passed by the service tribunal shall cease to have force and effect.

Effect upon sentence of partial quashing.

(3) Where, after a finding of guilty has been quashed, another finding of guilty remains, and any punishment included in the sentence passed by the service tribunal is in excess of the punishment authorized by this Act in respect of the findings of guilty which remain, or is, in the opinion of the authority who quashed the finding, unduly severe, he shall, subject to the conditions set out in section one hundred and seventy-five, substitute such new punishment or punishments as he considers appropriate.

Substitution of Findings.

Authority.

172. (1) The Minister, and such other authorities as he may prescribe or appoint for that purpose, may substitute a new finding for any finding of guilty, made by a service tribunal, that is illegal or cannot be supported by the evidence, if the new finding could validly have been made

170. (3) New

170. (4) New

171. See Army Act (UK), Sec 54(1) *(b)* and *(c)*

172. See Army Act (UK), Sec 70(1) *(ee)*
Air Force Act (UK), Sec 70(1) *(ee)*

by the service tribunal on the charge and if it appears that the service tribunal was satisfied of the facts establishing the offence specified or involved in the new finding.

Effect upon sentence.

(2) Where a new finding has been substituted for a finding made by a service tribunal and any punishment included in the sentence passed by the service tribunal is in excess of the punishment authorized by this Act in respect of the new finding, or is, in the opinion of the authority who substituted the new finding, unduly severe, he shall, subject to the conditions set out in section one hundred and seventy-five, substitute such new punishment or punishments as he considers appropriate.

SUBSTITUTION OF PUNISHMENTS.

Authority.

173. Where a service tribunal has passed a sentence in which is included an illegal punishment, the Minister, and such other authorities as he may prescribe or appoint for that purpose, may, subject to the conditions set out in section one hundred and seventy-five, substitute for the illegal punishment such new punishment or punishments as he considers appropriate.

MITIGATION, COMMUTATION AND REMISSION OF PUNISHMENTS.

Authority.

174. The Minister, and such other authorities as he may prescribe or appoint for that purpose, may, subject to the conditions set out in section one hundred and seventy-five, mitigate, commute or remit any or all of the punishments included in a sentence passed by a service tribunal.

CONDITIONS APPLICABLE TO NEW PUNISHMENTS.

Limitation upon new punishments.

175. The following conditions shall apply where under this Act a new punishment, by way of substitution or commutation, replaces a punishment imposed by a service tribunal,

(a) the new punishment shall not be any punishment that could not legally have been imposed by the service tribunal on the charges of which the offender was found guilty and in respect of which the findings have not been quashed or set aside by way of substitution;

(b) the new punishment shall not be higher in the scale of punishments than the punishment imposed by the service tribunal in the first instance and, if the sentence passed by the service tribunal included a punishment of incarceration, the new punishment shall not involve

173. See Naval Service Act, Sec 98(1) *(a)*
Army Act (UK), Sec 70(1) *(e)*
Air Force Act (UK), Sec 70(1) *(e)*

174. See Naval Service Act, Sec 98(1) *(a)*
Army Act (UK), Sec 57(2)
Air Force Act (UK), Sec 57(2)

175. See Naval Service Act, Sec 98(1) *(a)*
Army Act (UK), Secs 44(1A) and (1B), 57(2)
Air Force Act (UK), Secs 44(1A) and (1B), 57(2)

a period of incarceration exceeding the period comprised in that sentence;

(c) where the new punishment is detention and the punishment that it replaces is imprisonment for two years or more or imprisonment for less than two years, the term of detention from the date of alteration shall in no case exceed the term of imprisonment remaining to be served, and in any event shall not exceed a term of two years; and

(d) where the offence of which a person has been found guilty by a service tribunal is an offence, prescribed in section sixty-four, sixty-five, sixty-six or sixty-seven, for which the punishment of death is mandatory, or in section eighty-three, for which the punishment of dismissal with disgrace from His Majesty's service or dismissal from His Majesty's service is mandatory, or an offence to which paragraph *(a)* of subsection two of section one hundred and nineteen applies, the punishment may, subject to this section, be altered to any one or more of the punishments lower in the scale of punishments than the punishment provided for in the enactment prescribing the offence.

Effect of New Punishments.

Ordinary provisions to apply.

176. Where under the authority of this Act, a new punishment, by reason of substitution or commutation, replaces a punishment imposed by a service tribunal, the new punishment shall have force and effect as if it had been imposed by the service tribunal in the first instance and the provisions of the Code of Service Discipline shall apply accordingly; but where the new punishment involves incarceration, the term of the new punishment shall be reckoned from the date of substitution or commutation, as the case may be.

Suspension of Imprisonment or Detention.

Authority.

177. (1) Where an offender has been sentenced to imprisonment for two years or more, imprisonment for less than two years or detention, the carrying into effect of the punishment may be suspended by the Minister, or such other authorities as he may prescribe or appoint for that purpose; and the Minister or any authority so prescribed or appointed is referred to in this section as a "suspending authority".

Postponement of committal.

(2) Where, in the case of an offender upon whom any punishment mentioned in subsection one has been imposed, suspension of the punishment has been recommended, the authority empowered to commit the offender to a penitentiary, civil prison, service prison or detention barrack, as

176. See Naval Service Act, Sec 98(1) *(a)*
Army Act (UK), Sec 57(5)
Air Force Act (UK), Sec 57(5)

177. See Naval Service Act, Secs 98(1) *(a)*, 115
Army Act (UK), Sec 57A
Air Force Act (UK), Sec 57A

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the case may be, may postpone committal until the directions of a suspending authority have been obtained.

Suspension possible at any time.

(3) A suspending authority may, in the case of an offender upon whom any punishment mentioned in subsection one has been imposed, suspend the punishment whether or not the offender has already been committed to undergo that punishment.

Effect of suspension before committal.

(4) Where a punishment is suspended before the offender has been committed to undergo the punishment, he shall, if in custody, be discharged from custody and the term of the punishment shall not commence until the offender has been ordered to be committed to undergo that punishment.

Effect of suspension after committal.

(5) Where a punishment is suspended after the offender has been committed to undergo the punishment, he shall be discharged from the place in which he is incarcerated and the currency of the punishment shall be arrested from the day on which he is so discharged, until he is again ordered to be committed to undergo that punishment.

Review and remission.

(6) Where a punishment has been suspended, it may at any time, and shall at intervals of not more than three months, be reviewed by a suspending authority and if on such review it appears to the suspending authority that the conduct of the offender, since the punishment was suspended, has been such as to justify a remission of the punishment, he shall remit it.

Automatic remission.

(7) A punishment that has been suspended shall be deemed to be wholly remitted on the expiration of the period specified as the term of that punishment, unless the punishment has been put into execution prior to the expiration of that period.

Committal after suspension.

(8) A suspending authority may, at any time while a punishment is suspended, direct the authority who is empowered to commit the offender to commit him, and from the date of the committal order that punishment shall cease to be suspended.

Term where suspended punishment put into execution.

(9) Where a punishment that has been suspended under this section is put into execution, the term of the punishment shall be deemed to commence on the date upon which it is put into execution, but there shall be deducted from the term any time during which the offender has been incarcerated following pronouncement of the sentence.

COMMITTAL TO IMPRISONMENT OR DETENTION.

"committing authority".

178. (1) The Minister may prescribe or appoint authorities for the purposes of this section and any such authority is referred to in this section as a "committing authority".

Service prisons and detention barracks.

(2) Such places as are designated by the Minister for the purpose shall be service prisons and detention barracks and

178. See Militia Act, Secs 132, 133
Naval Service Act, Secs 114(2) and (4), 116, 118
RCAF Act, Sec 14(1)
Army Act (UK), Secs 58, 60(1), 61, 63, 65, 66, 67(2)

any hospital or other place for the reception of sick persons to which a person who is a service convict, service prisoner or service detainee has been admitted shall, as respects that person, be deemed to be part of the place to which he has been committed.

Warrants for committal.

(3) A committal order, in such form as is prescribed in regulations, made by a committing authority shall be a sufficient warrant for the committal of a service convict, service prisoner or service detainee to any lawful place of confinement.

Authority for transfer.

(4) A committing authority may from time to time by warrant order that a service convict, service prisoner or service detainee shall be transferred from the place to which he has been committed to undergo his punishment to any other place in which that punishment may lawfully be put into execution.

Custody pending committal and during transfer.

(5) Until he is delivered to the place where he is to undergo his punishment or while he is being transferred from one such place to another such place, a service convict, service prisoner or service detainee may be held in any place, either in service custody or in civil custody or at one time in service custody and at another time in civil custody, as occasion may require, and may be transferred from place to place by any mode of conveyance, under such restraint as is necessary for his safe conduct.

Committal to penitentiaries.

(6) Where a punishment of imprisonment for two years or more is to be put into execution, the service convict shall as soon as practical be committed to a penitentiary, there to undergo his punishment according to law; except that a committing authority may, in accordance with regulations made by the Governor in Council, order that a service convict be committed to a service prison there to undergo his punishment or part of his punishment, and where a service convict has undergone part of his punishment in a service prison and a committing authority then orders him to be committed to a penitentiary, the service convict may be so committed notwithstanding that the unexpired portion of the term of his punishment is less than two years.

Committal to service prisons.

(7) Where a punishment of imprisonment for less than two years is to be put into execution, the service prisoner shall as soon as practical be committed to a civil prison there to undergo his punishment according to law; except that a committing authority may, in accordance with regulations made by the Governor in Council, order that a service prisoner be committed to a service prison or detention barrack there to undergo his punishment or part of his punishment.

Committal to detention barrack.

(8) Where a punishment of detention is to be put into execution, the service detainee shall as soon as practical be committed to a detention barrack there to undergo his punishment.

Temporary Removal from Incarceration.

Authority required.

179. Where the exigencies of the service so require, a service convict, service prisoner or service detainee may, by an order made by a committing authority mentioned in section one hundred and seventy-eight, be removed temporarily from the place to which he has been committed for such period as may be specified in that order but, until his return to that place, he shall be retained in service custody or civil custody, as occasion may require, and no further committal order shall be necessary upon his return to that place.

Rules Applicable to Service Convicts and Service Prisoners.

Rules of penitentiaries and civil prisons to apply.

180. While a service convict is undergoing punishment in a penitentiary or a service prisoner is undergoing punishment in a civil prison, he shall be dealt with in the same manner as other prisoners in the place where he is undergoing punishment, and all rules applicable in respect of a person sentenced by a civil court to imprisonment in a penitentiary or civil prison, as the case may be, shall insofar as circumstances permit, apply accordingly; but a service convict undergoing punishment in a penitentiary or a service prisoner undergoing punishment in a civil prison shall not be discharged therefrom until the expiration of the term of his punishment, as reduced for good conduct by virtue of any rules in effect in that penitentiary or civil prison, unless an authority mentioned in section one hundred and seventy-four or section one hundred and seventy-seven orders that he be discharged therefrom prior to the expiration of the term of his punishment.

Validity of Documents.

Errors in form may be corrected.

181. The custody of a service convict, service prisoner or service detainee is not illegal by reason only of informality or error in or in respect of a document containing a warrant, order or direction issued in pursuance of this Act, or by reason only that such document deviates from the prescribed form; and any such document may be amended appropriately at any time by the authority who issued it in the first instance or by any other authority empowered to issue documents of the same nature.

179. See Naval Service Act, Sec 117

180. See Army Act (UK), Secs 62, 67(1)

181. See Army Act (UK), Sec 172(4)
Air Force Act (UK), Sec 172(4)

Insanity During Imprisonment or Detention.

Insane persons in penitentiaries or civil prisons.

182. (1) A service convict or service prisoner who, having been released from the Canadian Forces, is or becomes insane, mentally ill or mentally deficient while undergoing punishment in a penitentiary or a civil prison, shall be treated in the same manner as if he were a person undergoing a term of imprisonment in such penitentiary or civil prison by virtue of the sentence of a civil court.

Insane persons in service prisons or detention barracks.

(2) A service convict, service prisoner or service detainee who, having been released from the Canadian Forces, is or becomes insane, mentally ill or mentally deficient while undergoing punishment in a service prison or detention barrack, may, in the discretion of the commanding officer of that service prison or detention barrack, be made available to the Lieutenant-Governor of the province in which the service prison or detention barrack is situated, in order that he may be treated in the manner provided for in section nine hundred and seventy of the *Criminal Code*, and, pending action under that section, he shall be kept in strict custody until his case has been disposed of under that section, whether or not his term of imprisonment or detention has expired.

R.S., c. 36.

182. New

See Criminal Code, Sec 970
Army Act (UK), Sec 130(5)
Air Force Act (UK), Sec 130(5)

Part IX.

APPEAL, REVIEW AND PETITION.

General Provisions.

"legality" and "illegal".

183. For the purposes of this Part, the expressions "legality" and "illegal", shall be deemed to relate either to questions of law alone or to questions of mixed law and fact.

Exercise of powers of Judge Advocate General.

184. The powers, duties and functions of the Judge Advocate General under this Part may also be exercised by such other person as the Minister may authorize to act for the Judge Advocate General for that purpose.

Saving provision.

185. Nothing in this Part shall be in derogation of the powers conferred under Part VIII to quash findings or alter findings and sentences.

Right to Appeal.

Cases in which applicable.

186. Every person who has been tried and found guilty by a court martial shall, subject to subsection two of section one hundred and eighty-eight, have a right to appeal in respect of any or all of the following matters,

(a) the severity of the sentence;

(b) the legality of any or all of the findings; or

(c) the legality of the whole or any part of the sentence.

Other rights preserved.

187. The right of any person to appeal from the finding or sentence of a court martial shall be deemed to be in addition to and not in derogation of any rights that he has under the law of Canada.

Entry of Appeals.

Form.

188. (1) An appeal under this Part shall be stated on a form to be known as a Statement of Appeal which shall contain particulars of the grounds upon which the appeal is founded and shall be signed by the appellant.

Validity.

(2) A Statement of Appeal shall not be invalid by reason only of informality or the fact that it deviates from the prescribed form.

Time limits.

(3) No appeal under this Part shall be entertained unless the Statement of Appeal is delivered to a superior officer or to any person by whom the appellant is held in custody

(a) within fourteen days after delivery to the offender, pursuant to section one hundred and sixty-eight, of a copy of the minutes of the proceedings and of the form of the Statement of Appeal; or

Part IX.

This Part is new. It gives to an offender a right of appeal which is designed to place service personnel, as closely as practicable, in the same position as persons convicted by civil courts. When the appeal relates only to severity of sentence it will be dealt with by service authorities as at present. When the appeal raises a question of law or one of mixed law and fact it will be dealt with by the Court Martial Appeal Board, consisting of judges and other legally qualified persons, provision for which is made in this Part. A further appeal will lie to the Supreme Court of Canada in certain circumstances. Where no appeal has been entered, provision is made for an automatic review by service authorities of findings and sentences of service tribunals. In addition, provision is made for a petition for a new trial in the case of newly discovered evidence.

Cross-References to Existing Legislation

183. New

184. New

185. New

186. New

187. New

188. New

(b) where the finding or sentence in respect of which the offender intends to enter an appeal has been altered under section one hundred and seventy-two, one hundred and seventy-three or one hundred and seventy-four, within fourteen days after the date upon which notice of such alteration is given to the offender.

Where sent.

(4) All Statements of Appeal shall be forwarded to the Judge Advocate General.

PRELIMINARY DISPOSITION OF APPEALS.

When quantum of sentence only involved.

189. (1) Where an appeal relates only to the severity of the sentence, mentioned in paragraph *(a)* of section one hundred and eighty-six, the Judge Advocate General shall forward the Statement of Appeal to an authority who, under section one hundred and seventy-four, has power to mitigate, commute or remit punishments and that authority may dismiss the appeal or, subject to Part VIII, may mitigate, commute or remit the punishments comprised in the sentence.

Illegal findings.

(2) Where an appeal relates to the legality of the findings, as mentioned in paragraph *(b)* of section one hundred and eighty-six, the Statement of Appeal shall be referred by the Judge Advocate General to the Court Martial Appeal Board provided for in this Part, unless the appropriate chief of staff, acting on the certificate of the Judge Advocate General that all of the findings in respect of which an appeal has been made are illegal, quashes such findings.

Illegal sentences.

(3) Where an appeal relates to the legality of the sentence, mentioned in paragraph *(c)* of section one hundred and eighty-six, the Statement of Appeal shall be referred by the Judge Advocate General to the Court Martial Appeal Board, unless the Judge Advocate General certifies that there is no finding in respect of which any sentence could legally be passed, in which case the sentence shall be null and void.

COURT MARTIAL APPEAL BOARD.

Establishment.

190. (1) There shall be a Court Martial Appeal Board which shall hear and determine all appeals referred to it under this Part.

Constitution.

(2) The Court Martial Appeal Board shall consist of,

(a) a Chairman, who shall be a judge of the Exchequer Court or of a "superior court of criminal jurisdiction", as that expression is defined in the *Criminal Code;* and

(b) two or more other persons who shall be judges or retired judges of the Exchequer Court or of a "superior court of criminal jurisdiction", as that expression is defined in the *Criminal Code*, or barristers or advocates of not less than five years standing,

all of whom shall be appointed by the Governor in Council.

189. New

190. New

Tribunals.

(3) Where, in the opinion of the Minister, the exigencies of the situation so demand, the Minister may require the Chairman of the Court Martial Appeal Board to establish tribunals consisting of not less than three members of the Board, to sit and hear appeals at such times and places as the Minister may designate.

Constitution and powers of tribunals.

(4) The Chairman of the Court Martial Appeal Board shall establish such tribunals as the Minister may require under subsection three, and shall appoint one member of each tribunal as Chairman, and every tribunal shall exercise all the powers, duties and functions of the Board as prescribed by this Act, and all references in this Act to the Court Martial Appeal Board in respect of the hearing and dispositions of appeals shall be deemed to include such tribunals.

Judge Advocate General to attend as adviser.

(5) The Judge Advocate General shall on the hearing of all appeals sit with the Court Martial Appeal Board, not as a member, but for the purpose of advising on service law, regulations and legal procedure.

Provision for additional adviser.

(6) Where the chief of staff of the Service of the Canadian Forces within which an appellant was tried considers it to be desirable, that chief of staff may designate an officer in addition to the Judge Advocate General to sit with the Court Martial Appeal Board on the hearing of the appeal, not as a member, but for the purpose of advising on service procedure and customs and any other matter involving service considerations.

Procedure.

(7) The Chairman of the Court Martial Appeal Board or of any tribunal thereof may allow the hearing of evidence, including new evidence, on oath or otherwise as he may deem expedient, and the Board may sit in camera or in public, and for the performance of its duties shall have all the powers vested in a commissioner under Part I of the *Inquiries Act*.

R.S., c. 99.

Quorum and decision on appeal.

(8) The powers, duties and functions of the Court Martial Appeal Board shall be exercised at any sitting of the Board when not less than three members, including the Chairman, are present, and the decision on any appeal shall be determined by the vote of the majority of the members of the Board, and in the event of an equality of votes, the Chairman shall have a second or casting vote.

Fees and allowances.

(9) The Chairman and members of the Court Martial Appeal Board shall be paid such fees and allowances as may be prescribed by the Governor in Council.

Disposition of Appeals by Court Martial Appeal Board.

Powers.

191. (1) Upon the hearing of an appeal respecting the legality of a finding of guilty on any charge, the Court Martial Appeal Board, if it allows the appeal, shall

(a) set aside the finding and direct a finding of not guilty to be recorded in respect of that charge; or

(b) direct a new trial on that charge, in which case the appellant shall be tried again as if no trial on that charge had been held.

Effect of setting aside finding of guilty.

(2) Where the Court Martial Appeal Board has set aside a finding of guilty and no other finding of guilty remains, the whole of the sentence shall cease to have force and effect.

Punishment where finding set aside.

(3) Where the Court Martial Appeal Board has set aside a finding of guilty but another finding of guilty remains, the Board shall forthwith refer the proceedings to the Minister, or to such other authority as he may prescribe or appoint for that purpose, who shall, subject to section one hundred and seventy-five, substitute for the punishment imposed by the court martial such new punishment or punishments as he considers appropriate and every punishment comprised in the sentence passed by the court martial shall thereupon cease to have force and effect; and section one hundred and seventy-six shall apply to the new punishment or punishments.

Substitution of new punishment where illegal punishment set aside.

192. Upon the hearing of an appeal respecting the legality of a sentence passed by a court martial, the Court Martial Appeal Board, if it allows the appeal, shall forthwith refer the proceedings to the Minister, or to such other authority as the Minister may prescribe or appoint for that purpose, who shall, subject to section one hundred and seventy-five, substitute for the punishment imposed by the court martial such new punishment or punishments as he considers appropriate and every punishment comprised in the sentence passed by the court martial shall thereupon cease to have force and effect; and section one hundred and seventy-six shall apply to the new punishment or punishments.

Special power to disallow appeal.

193. Notwithstanding anything in this Part, the Court Martial Appeal Board may disallow an appeal if, in the opinion of the Board, to be expressed in writing, there has been no substantial miscarriage of justice.

Power of service authorities preserved.

194. Where a punishment included in a sentence has been dealt with pursuant to subsection three of section one hundred and ninety-one or section one hundred and ninety-two, the new punishment shall be subject to mitigation, commutation, remission or suspension in the same manner and to the same extent as if it had been passed by the court martial that tried the appellant.

191. New

192. New

193. New
See Criminal Code, Sec 1014(2)

194. New

Rules of Appeal Procedure.

Chairman may make.

195. (1) The Chairman of the Court Martial Appeal Board, with the approval of the Governor in Council, may make rules not inconsistent with this Act respecting,

(a) the seniority of members of the Board for the purpose of presiding at appeals;

(b) the practice and procedure to be observed at hearings;

(c) the conduct of appeals;

(d) the production of the minutes of the proceedings of any court martial in respect of which an appeal is taken;

(e) the production of all other documents and records relating to an appeal;

(f) the extent to which new evidence may be introduced;

(g) the circumstances in which the appellant may attend or appear before the Board on the hearing of his appeal, but no such rule shall deprive an appellant of the right to be present on the hearing of his appeal from a sentence of death; and

(h) provision for and payment of fees of counsel for the appellant.

Publication.

(2) No rule made under this section shall have effect until it has been published in the *Canada Gazette*.

Appeal to Supreme Court of Canada.

Cases in which appeals lie.

196. (1) A person whose appeal has been wholly or partially dismissed by the Court Martial Appeal Board or any tribunal thereof may, where there has been dissent in the Board or tribunal, appeal to the Supreme Court of Canada with leave of the Attorney General of Canada.

Application.

(2) An application for leave to appeal under subsection one shall be delivered to the Attorney General of Canada within thirty days of notice to the appellant of the decision of the Court Martial Appeal Board or tribunal, and the Attorney General of Canada may grant leave to appeal only if in his opinion a matter of importance affecting the public interest is involved.

Powers of Supreme Court of Canada.

(3) The Supreme Court of Canada shall, in respect of the hearing and determination of an appeal under this section, have the same powers, duties and functions as the Court Martial Appeal Board has under this Act, and sections one hundred and ninety-one to one hundred and ninety-four shall apply with such adaptations and modifications as the circumstances may require.

195. New

196. New

Review After Expiration of Right to Appeal.

Review by Judge Advocate General.

197. Upon the expiration of the period mentioned in subsection two of section one hundred and eighty-eight within which an appeal may be made, the proceedings of every court martial shall be reviewed by the Judge Advocate General in respect of any matter mentioned in paragraph *(b)* or *(c)* of section one hundred and eighty-six on which an appeal has not been made.

Procedure where illegality exists.

198. Where, upon the review mentioned in section one hundred and ninety-seven, the Judge Advocate General certifies that any finding or punishment is illegal, he shall refer the minutes of the proceedings of the court martial to the appropriate chief of staff for such action under this Act as that chief of staff may deem fit.

Petition for New Trial.

Where applicable.

199. (1) Every person who has been tried and found guilty by a court martial shall have a right to petition for a new trial on grounds of new evidence discovered subsequent to his trial.

Time limits.

(2) No petition under this section shall be entertained unless it is delivered to an officer designated for that purpose in regulations

(a) within one year after the date of the pronouncement of the finding; or

(b) within one year after any punishment of incarceration, undergone by the petitioner in consequence of his trial, has been carried out,

Disposal.

whichever is the later.

(3) Every petition under this section shall be forwarded to the Judge Advocate General who shall refer the petition with his recommendation to the appropriate chief of staff who, if he is of the opinion that the petition should be granted, shall order a new trial, in which case the petitioner shall be tried again as if no trial had been held.

New trial.

(4) When a new trial is held pursuant to subsection three and the petitioner is found guilty the sentence passed at the original trial shall be restored and shall have force and effect as if the new trial had not been ordered.

197. New

198. New

199. New

Part X.

MISCELLANEOUS PROVISIONS HAVING GENERAL APPLICATION.

Witnesses and Counsel at Courts Martial.

"court martial".

200. (1) For the purposes of this section, "court martial", in addition to the tribunals mentioned in paragraph *(g)* of section two, includes a commissioner taking evidence under this Act and an officer taking a summary of evidence in accordance with regulations; and references in this section to the president or members of a court martial shall be deemed to include references to any such commissioner or officer.

Summons to witnesses.

(2) Every person required to give evidence before a court martial may be summoned under the hand of the authority by whom the court martial was convened, established or appointed, or the Judge Advocate General, or under the hand of the president, judge advocate, commissioner taking evidence under this Act or officer taking a summary of evidence in accordance with regulations.

Production of documents.

(3) A person summoned under subsection two may be required to bring with him and produce at a court martial any documents in his possession or under his control relating to the matters in issue before the court martial.

Witness fees.

(4) A witness summoned or attending to give evidence before a court martial shall be paid such witness fees and allowances for expenses of attendance as are prescribed in regulations.

Misconduct of counsel.

(5) Any conduct of counsel before a court martial that would be liable to censure or be contempt of court if it took place before a civil court in the place where the court martial is held shall likewise be liable to censure or be contempt of court in the case of a court martial; and the regulations governing the procedure of courts martial shall be binding upon counsel appearing before courts martial, and wilful disobedience of those regulations shall, if persevered in, be deemed to be contempt of court.

Removal for contempt.

(6) A court martial may, by order under the hand of the president, a commissioner taking evidence under this Act or an officer taking a summary of evidence in accordance with regulations, cause counsel to be removed from the court martial for contempt, but an officer taking a summary of evidence shall not take action under this subsection without the approval of his commanding officer.

Oaths.

201. Every person when required to give evidence on oath under this Act shall take his oath in the form prescribed in regulations and that oath shall, in respect of any prosecution for perjury under the *Criminal Code*, have the same force and effect as an oath taken before a civil court.

Part X.

This Part embodies miscellaneous provisions which impose duties and obligations upon members of the general public in relation to the defence of Canada. It prescribes certain limitations upon the civil liabilities of service personnel. The prosecution and settlement of salvage claims is also provided for.

Cross-References to Existing Legislation

200. See Militia Act, Secs 95, 96
Naval Service Act, Sec 46(1)
Army Act (UK), Secs 125(1) and (3), 129(1) and (3)
Air Force Act (UK), Secs 125(1) and (3), 129(1) and (3)

201. See Army Act (UK), Sec 126(2)
Air Force Act (UK), Sec 126(2)

Disposal by Civil Authorities of Deserters and Absentees Without Leave.

"justice".

202. (1) For the purposes of this section "justice" means a justice as defined in the *Criminal Code*.

Powers of arrest on reasonable suspicion.

(2) Upon reasonable suspicion that a person is a deserter or absentee without leave, it shall be lawful for any constable, or if no constable can be immediately met with, for any officer, man or other person, to apprehend that suspected person and forthwith to bring him before a justice.

Issue of warrant.

(3) A justice, if he is satisfied by evidence on oath that a deserter or absentee without leave is, or is reasonably suspected to be, within his jurisdiction, may issue a warrant authorizing the deserter or absentee without leave to be apprehended and brought forthwith before him or any other justice.

Powers of justice.

(4) Where a person is brought before a justice charged with being a deserter or absentee without leave under this Act, that justice may examine into the case in like manner as if that person were brought before him accused of an indictable offence.

Disposal of suspected person.

(5) A justice, if satisfied either by evidence on oath or by the admission of a person brought before him under this section that he is a deserter or absentee without leave, shall cause him to be delivered into service custody in such manner as the justice may deem most expedient; and, until he can be so delivered, the justice may cause him to be held in civil custody for such time as appears to the justice reasonably necessary for the purpose of delivering him into service custody.

Verification of admission.

(6) Where a person has admitted that he is a deserter or absentee without leave and evidence of the truth or falsehood of the admission is not then forthcoming, the justice before whom that person is brought shall remand him for the purpose of obtaining information as to the truth or falsehood of the admission; and for that purpose the justice shall transmit to such authorities of the Canadian Forces as the Minister may prescribe, a report which shall contain such particulars and be in such form as may be prescribed by the Minister.

Remands.

(7) A justice, before whom a person is brought under this section, may from time to time remand that person for a period not exceeding eight days on each appearance before him, but the whole period during which a person is so remanded shall not be longer than appears to the justice reasonably necessary for the purpose of obtaining the information mentioned in subsection six.

202. See Army Act (UK), Sec 154
Air Force Act (UK), Sec 154(1)

Report following disposal.

(8) Where a justice before whom a person is brought under this section causes him to be delivered into service custody or to be held in civil custody, the justice shall transmit to such authorities of the Canadian Forces as the Minister may prescribe, a report which shall contain such particulars and be in such form as may be prescribed by the Minister.

Report where person delivered into service custody.

(9) Where a person surrenders himself to a constable and admits desertion or absence without leave, the constable in charge of the police station to which he is brought shall forthwith inquire into the case and, if it appears to him from the admission that such person is a deserter or absentee without leave, he may cause him to be delivered into service custody, without bringing him before a justice; and in that event the constable shall transmit to such authorities of the Canadian Forces as the Minister may prescribe, a report which shall contain such particulars and be in such form as may be prescribed by the Minister.

Certificate of Civil Courts.

Procedure.

203. Where any person subject to the Code of Service Discipline has at any time been tried by a civil court, the clerk of that court or other authority having custody of the records of the court shall, if required by any officer of the Canadian Forces, transmit to that officer a certificate setting forth the offence for which that person was tried, together with the judgment or order of the court thereon, and shall be allowed for that certificate the fee authorized by law.

Duties Respecting Incarceration.

Execution of warrants.

204. (1) Every warden, governor, gaoler, commanding officer, commandant or other keeper of a penitentiary, civil prison, service prison or detention barrack shall take cognizance of any warrant of committal purporting to be signed by a committing authority mentioned in section one hundred and seventy-eight and shall receive and detain, according to the exigency of that warrant, the offender mentioned therein and delivered into his custody and shall confine that person until discharged or delivered over in due course of law.

Delivery of Statements of Appeal.

(2) Any person mentioned in subsection one to whom a Statement of Appeal is delivered under section one hundred and eighty-eight shall cause the Statement of Appeal to be forwarded forthwith to the Judge Advocate General.

203. See Army Act (UK), Sec 164
Air Force Act (UK), Sec 164

204. See Militia Act, Sec 131
Naval Service Act, Sec 44
RCAF Act, Sec 14(2)
Army Act (UK), Secs 61(1), 66(1)

Manoeuvres.

Minister may authorize.

205. (1) For the purpose of training the Canadian Forces, the Minister may authorize the execution of military exercises or movements, referred to in this section as "manoeuvres", over and upon such parts of Canada and during such periods as are specified.

Notice.

(2) Notice of manoeuvres shall be given to the inhabitants of any area concerned by appropriate publication.

Powers.

(3) Units and other elements of the Canadian Forces may execute manoeuvres on and pass over such areas as are specified under subsection one, stop or control all traffic thereover whether by water, land or air, draw water from such sources as are available, and do all things reasonably necessary for the execution of the manoeuvres.

Interference.

(4) Any person who wilfully obstructs or interferes with manoeuvres authorized under this section and any animal, vehicle, vessel or aircraft under his control may be forcibly removed by any constable or by any officer, or by any man on the order of any officer.

Bar of action.

(5) No action shall lie by reason only of the execution of manoeuvres authorized under this section.

Emergency Powers in Relation to Property.

Control of property in emergency.

206. (1) When the Governor in Council by reason of an emergency declares it to be expedient for His Majesty to take control of property, including transportation or communications facilities in Canada or operating from Canada, the Minister may, by warrant under his hand, empower any person named in such warrant to take possession of property which he considers necessary for defence purposes or to assume the operation or management thereof for the service of His Majesty in such manner as the Minister directs; and all persons employed in whatever manner in connection with such property shall obey the directions of the Minister or of the person named in the warrant.

Duration.

(2) A warrant mentioned in subsection one shall remain in force only so long as the emergency exists.

Enforcement of contracts.

(3) Where action relating to any property has been taken under subsection one, all contracts and agreements in respect of that property, which would otherwise have been enforceable by or against the person who owns that property, including the directors, officers, servants and agents of that person, shall be enforceable by or against His Majesty.

205. New
See The Military Manoeuvres Act, Statutes of the United Kingdom, 60 & 61 Vict, Chap 43

206. See Militia Act, Secs 90, 92
Naval Service Act, Sec 20

Emergency powers of commanding officer.

207. When an emergency exists, the officer in command of any unit of the Canadian Forces or any officer duly authorized by him may, subject to regulations made by the Governor in Council, enter upon, take, impress, control, use, occupy, alter, remove or cause to be removed, destroy, desolate or lay waste any property imperatively required to be so dealt with immediately for the purpose of meeting the emergency.

Compensation.

208. Any person who suffers loss, damage or injury by reason of the exercise of any of the powers conferred by sections two hundred and five, two hundred and six or two hundred and seven shall be compensated from the Consolidated Revenue Fund.

EXEMPTION FROM TOLLS.

Canadian Forces exempt.

209. (1) No duties or tolls, otherwise payable by law in respect of the use of any pier, wharf, quay, landing-place, highway, road, right of way, bridge or canal, shall be paid by or demanded from any unit or other element of the Canadian Forces or an officer or man when on duty or any person under escort or in respect of the movement of any equipment.

Exception.

(2) Nothing in this section shall affect the liability for payment of duties or tolls lawfully demandable in respect of any vehicles or vessels other than those belonging to or in the service of His Majesty.

SHIPS IN CONVOY.

Master of merchant ship to obey convoying officer.

210. Every master or other person in command of a merchant or other vessel under the convoy of any of His Majesty's Canadian Ships shall obey the directions of the commanding officer of the convoy or the directions of the commanding officer of any of His Majesty's Canadian Ships in all matters relating to the navigation or security of the convoy, and shall take such precautions for avoiding the enemy as may be directed by any such commanding officer; and if he fails to obey such directions, that commanding officer may compel obedience by force of arms, without being liable for any loss of life or property that may result from the use of such force.

207. RCAF Act, Sec 10(1)
See Militia Act, Sec 7(1)

208. *See RCAF Act, Secs 10(2), 18*
Militia Act, Sec 7(2)

209. See Army Act (UK), Sec 143(1)

210. See Naval Service Act, Sec 45

Salvage.

Crown may claim for salvage services.

211. (1) Where salvage services are rendered by or with the aid of a vessel or aircraft belonging to or in the service of His Majesty and used in the Canadian Forces, His Majesty may claim salvage for those services, and shall have the same rights and remedies in respect of those services as any other salvor would have had if the vessel or aircraft had belonged to him.

Consent of Minister to salvage claim.

(2) No claim for salvage services by the commander or crew or part of the crew of a vessel or aircraft belonging to or in the service of His Majesty and used in the Canadian Forces shall be finally adjudicated upon, unless the consent of the Minister to the prosecution of claim is proved; and such consent may be given at any time before final adjudication.

Evidence of consent.

(3) Any document purporting to give the consent of the Minister for the purpose of this section shall be evidence of that consent.

Claim dismissed if no consent.

(4) Where a claim for salvage services is prosecuted and the consent of the Minister is not proved the claim shall be dismissed with costs.

Minister may accept offers of settlement for the Crown and others.

(5) The Minister may, upon the recommendation of the Attorney General of Canada, accept on behalf of His Majesty and the commander and crew or part of the crew, offers of settlement made with respect to claims for salvage services rendered by vessels or aircraft belonging to or in the service of His Majesty and used in the Canadian Forces.

Distribution.

(6) The proceeds of any settlement made under subsection five shall be distributed in such manner as the Governor in Council may prescribe.

Canada Shipping Act, 1934 —limiting provision.

(7) Section five hundred and thirty-four of the *Canada Shipping Act, 1934*, shall not apply to or in respect of any claim for salvage services by His Majesty or by the commander or crew or part of the crew of a vessel or aircraft belonging to or in the service of His Majesty and used in the Canadian Forces.

Government Vessels Discipline Act.

When applicable. R.S., c. 203.

212. Unless the Governor in Council otherwise directs, the *Government Vessels Discipline Act* shall not apply to His Majesty's Canadian Ships or to any other ship or vessel of the Canadian Forces or to the officers, men or other persons serving or engaged for service therein, or to officers and men serving in the regular forces, the active service forces, or the reserve forces when on service or on active service.

211. New
See Canada Shipping Act, 1934, Sec 534
Merchant Shipping (Salvage) Act, 1940, Statutes of United Kingdom, 3 & 4 Geo VI, Chap 43

212. See Naval Service Act, Sec 37

LIMITATION OF CIVIL LIABILITIES.

Officers and men not to be taken out of His Majesty's service.

213. (1) An officer or man of the reserve forces on active service or an officer or man of the regular forces or active service forces is not liable to be taken out of His Majesty's service by any process, execution or order of any court of law or otherwise, or to be compelled to appear in person before any court of law, except in respect of

R.S., c. 36.

(a) a charge of or conviction for an offence punishable under the *Criminal Code*, or any other law of Canada or of a province of Canada, or an offence punishable according to the law of that part of His Majesty's dominions in which the offence was committed; or

(b) a judgment for a debt, damages or sum of money when the amount involved, exclusive of any costs, exceeds two hundred dollars.

Procedure on complaint of officer or man.

(2) All proceedings and documents in or incidental to a process, execution or order in contravention of this section are void; and where a complaint is made by an officer or man or by his commanding officer that such officer or man has been dealt with in contravention of this section by any process, execution or order issued out of any court, the officer or man or his commanding officer may complain to that court or to any court superior to it and the court or a judge thereof shall examine into the complaint and shall, if necessary, discharge the officer or man without fee, and may award reasonable costs to him which may be recovered as if such costs had been awarded in his favour in an action or other proceeding in such court.

Judgment and execution.

(3) Any person having a cause of action against an officer or man of the reserve forces on active service or an officer or man of the regular forces or active service forces may, notwithstanding anything in this section, after due notice in writing of his intention to commence action has been personally served upon the officer or man, or left at his usual place of abode, commence action and proceed to judgment, and may proceed to execution except as against the person, pay, allowances or personal equipment of such officer or man.

Exemption from jury service.

214. Every officer and man of the reserve forces on active service and every officer and man of the regular forces and active service forces is exempt from serving on a jury.

Limitation of actions.

215. (1) No action, prosecution or other proceeding lies against any person for an act done in pursuance or execution or intended execution of this Act or any regulations, or of any military or departmental duty or authority, or in respect

213. See Army Act (UK), Sec 144(1), (2) and (5)
Air Force Act (UK), Sec 144(1), (2) and (5)

214. Army Act (UK), Sec 147

215. See Militia Act, Sec 134(1)

of any alleged neglect or default in the execution of this Act, regulations or such duty or authority, unless it is commenced within six months next after the act, neglect or default complained of, or, in the case of continuance of injury or damage, within six months after the ceasing thereof.

Saving provision.

(2) Nothing in subsection one shall be in bar of proceedings against any person under the Code of Service Discipline.

Actions barred.

216. No action or other proceeding lies against any officer or man in respect of anything done or omitted by him in the execution of his duty under the Code of Service Discipline, unless he acted, or omitted to act, maliciously and without reasonable and probable cause.

216. New

Based on principle contained in provincial legislation such as *The Public Authorities Protection Act*, R.S.O., 1937, Chap 135, Sec 2

Part XI.

AID OF THE CIVIL POWER.

Definitions.

217. For the purposes of this Part,

(a) "Attorney General" means the Attorney General of any province of Canada, or the acting Attorney General of a province, or any minister of a government of a province performing for the time being the duties of a provincial Attorney General;

(b) "Officer Commanding a Command" means an officer commanding a Canadian Army Command if he is present in the command and able to act, or if he is not so present, or is from sickness or other cause unable to act, the officer appointed to administer the command or for the time being performing the duties of the officer commanding the command.

Canadian Forces liable to be called out to suppress riot.

218. The Canadian Forces, or any unit or other element thereof, or any officer or man, with equipment, are liable to be called out for service in aid of the civil power, in any case in which a riot or disturbance of the peace requiring such service occurs, or is, in the opinion of an Attorney General, considered as likely to occur, and that is beyond the powers of the civil authorities to suppress, prevent, or deal with.

Exception in case of certain reserves.

219. Nothing in this Part shall be deemed to impose liability to serve in aid of the civil power, without his consent, upon an officer or man of the reserve forces who is, by virtue of the terms of his enrolment, liable to perform duty on active service only.

Attorney General of province may requisition Canadian Army.

220. In any case where a riot or disturbance occurs, or is considered as likely to occur, the Attorney General of the province in which is situated the place where the riot or disturbance occurs, or is considered as likely to occur, on his own motion, or upon receiving notification from a judge of a superior, county or district court having jurisdiction in that place that the services of the Canadian Forces are required in aid of the civil power, may by requisition in writing, signed by him and addressed to the Officer Commanding a Command of the command in which that place is situated, require the Canadian Army or such part thereof as the authorities hereinafter mentioned consider necessary, to be called out on service in aid of the civil power.

Part XI.

This Part deals with aid of the civil power in cases of riot or disturbance of the peace. The liability upon the army, and in a supplemental capacity the air force, for aid in these cases has long been established by the Militia Act and The Royal Canadian Air Force Act. A liability similar to that imposed on the air force will by this Part be imposed on the navy. Aid to the civil power has been, and under the provisions of this Part would still be, primarily an army responsibility and the services of the navy and air force would be supplemental only.

Cross-References to Existing Legislation

217. New

218. See Militia Act, Sec 75

219. New

220. See Militia Act, Sec 76

Call out of Canadian Army in a command.

221. (1) Upon receiving a requisition in writing made by an Attorney General under section two hundred and twenty, the Officer Commanding a Command shall call out such part of the Canadian Army in his command as he considers necessary for the purpose of suppressing or preventing any actual riot or disturbance, or any riot or disturbance that is considered as likely to occur.

Call out of Canadian Army in other commands.

(2) Where the Officer Commanding a Command mentioned in subsection one considers that the services of parts of the Canadian Army in commands other than his command are necessary or desirable for the purpose of suppressing or preventing the riot or disturbance mentioned in the requisition, he shall notify the Chief of the General Staff of the number of officers and men, and of the equipment therefor, that he requires, as to which the Officer Commanding a Command shall be the sole judge; and upon being so notified the Chief of the General Staff may call out such parts of the Canadian Army and provide such equipment as in his judgment are available to meet the requirements of the Officer Commanding a Command and shall cause them to be despatched to the Officer Commanding a Command.

Call out of navy and air force.

(3) Where the Officer Commanding a Command mentioned in subsection one has called out or caused to be called out any part of the Canadian Army in aid of the civil power, and considers that the services of any part of the Royal Canadian Navy or of the Royal Canadian Air Force are necessary or desirable for the purpose of assisting that part of the Canadian Army so called out, he may address to the Minister, through the Chief of the General Staff, a request stating the nature and extent of the assistance from the Royal Canadian Navy or from the Royal Canadian Air Force which in the circumstances the Officer Commanding a Command requires; and the Chief of the Naval Staff or the Chief of the Air Staff, as the case may be, if the Minister so directs, shall call out such part of the Royal Canadian Navy or of the Royal Canadian Air Force, and equipment therefor, as the Minister considers necessary or desirable for the purpose of meeting the request.

Form of requisition.

222. A requisition of an Attorney General under this Part may be in the following form, or to the like effect, and the form may, subject to section two hundred and twenty-three, be varied to suit the facts of the case:—

CROSS-REFERENCES TO EXISTING LEGISLATION

221. (1) See Militia Act, Secs 77, 78(1)

221. (2) See Militia Act, Sec 78(2)

221. (3) New
See RCAF Act, Sec 9(1)

222. See Militia Act, Sec 80

Province of
To wit

Whereas information has been received by me from responsible persons (or a notification has been received by me from a judge of a (superior) (county) (district) court having jurisdiction in) that a riot or disturbance of the peace beyond the powers of the civil authorities to suppress (or to prevent or to deal with) and requiring the aid of the Canadian Forces to that end has occurred and is in progress (or is considered as likely to occur) at ;

And whereas it has been made to appear to my satisfaction that the Canadian Forces are required in aid of the civil power;

Now therefore I, , the Attorney General of , under and by virtue of the powers conferred by the National Defence Act, do hereby require you to call out the Canadian Army or such part thereof as you consider necessary for the purpose of suppressing (or preventing or dealing with) the riot or disturbance and, if it is deemed necessary or desirable by the appropriate authorities, I do hereby request that such other Services of the Canadian Forces as are under that Act liable to be called out in aid of the civil power be so called out for the purpose of assisting the Canadian Army;

And for and on behalf of the Province of , I the said , Attorney General, hereby undertake that all expenses and costs, incurred by His Majesty by reason of the Canadian Forces or any part thereof being called out on service in aid of the civil power pursuant to this requisition, shall be paid to His Majesty by the said province.

Dated at , this day of , 19 .

Attorney General.

What requisition must show.

223. (1) In a requisition made under this Part it shall be stated that information has been received by the Attorney General from responsible persons, or that a notification has been received by the Attorney General from a judge that a riot or disturbance beyond the powers of the civil authorities to suppress or to prevent or to deal with, as the case may be, has occurred, or is considered as likely to occur, and that the Canadian Forces are required in aid of the civil power; and the requisition shall further state that it has been made to appear to the satisfaction of the Attorney General that the Canadian Forces are so required.

223. See Militia Act, Secs 81, 79

Undertaking to pay costs.

(2) In a requisition made under this Part there shall be embodied an unconditional undertaking by the Attorney General that the province shall pay to His Majesty all expenses and costs incurred by His Majesty by reason of the Canadian Forces or any part thereof being called out for service in aid of the civil power, as by the requisition required.

Statements of fact to be binding on the province.

(3) Every statement of fact contained in a requisition made under this Part shall be conclusive and binding upon the province on behalf of which the requisition is made, and every undertaking or promise in the requisition shall be binding upon the province and not open to question or dispute by reason of alleged incompetence or lack of authority on the part of the Attorney General or for any other reason.

Inquiry and report by Attorney General.

(4) In every case where a requisition is made under this Part, the Attorney General of the province concerned shall, within seven days after the making of the requisition, cause an inquiry to be made into the circumstances which occasioned the calling out of the Canadian Forces or any part thereof, and shall send a report upon the circumstances to the Secretary of State.

Statements not open to dispute.

(5) A statement of fact contained in a requisition made under this Part shall not be open to dispute by the Officer Commanding a Command upon whom the requisition is made.

Officers and men have powers of constables.

224. Officers and men when called out for service in aid of the civil power shall, without further authority or appointment and without taking oath of office, be held to have and may exercise, in addition to their powers and duties as officers and men, all of the powers and duties of constables, so long as they remain so called out, but they shall act only as a military body, and shall be individually liable to obey the orders of their superior officers.

Duration of aid of civil power.

225. The Canadian Forces or any part thereof called out in aid of the civil power shall remain on duty in such strength as the Officer Commanding a Command, who has carried into effect a requisition of an Attorney General made under this Part, deems necessary or orders, until notification is received from the Attorney General that the Canadian Forces are no longer required in aid of the civil power; and the Officer Commanding a Command may, from time to time as in his opinion the exigencies of the situation require, increase or diminish the number of officers and men called out; except that officers and men of the Royal Canadian Navy and the Royal Canadian Air Force called out to assist the Canadian Army in aid of the

224. See Militia Act, Sec 82
RCAF Act, Sec 9(2)

225. See Militia Act, Sec 83

civil power may be withdrawn at such time and to such extent as the Chief of the Naval Staff or the Chief of the Air Staff, as the case may be, under the direction of the Minister, may order.

Province to pay expenses.

226. All expenses and costs incurred by His Majesty by reason of any of the Canadian Forces being called out under this Part in aid of the civil power, shall be paid to His Majesty by the province the Attorney General of which made the requisition requiring the Canadian Army to be called out.

Advances in first instance.

227. Such moneys as are required to meet the expenses and costs occasioned by the calling out of the Canadian Forces as provided for in this Part and for the services rendered by them shall, pending payment by the province liable under section two hundred and twenty-six, be advanced in the first instance out of the Consolidated Revenue Fund by the authority of the Governor in Council, but shall be payable by and recoverable from the province to and by His Majesty as moneys paid by His Majesty to and for the use of the province at the request of the province.

226. See Militia Act, Sec 84(1)

227. *See Militia Act, Sec 85*

Part XII.

OFFENCES TRIABLE BY CIVIL COURTS.

Application.

Liability to civil trial.

228. (1) Every person, including an officer or man, shall be liable to be tried in a civil court in respect of any offence prescribed in this Part.

Special provision.

(2) No charge against an officer or man in respect of any offence prescribed in this Part shall, if the complainant is any other officer or man, be tried by a civil court unless the consent thereto in writing of the commanding officer of such first-mentioned officer or man has first been obtained.

Special limitation on prosecutions.

229. No prosecution in a civil court shall be commenced against a person in respect of an offence prescribed in this Part after the expiration of six months from the date of commission of the offence charged, except for any of the offences mentioned in section two hundred and thirty-nine.

Offences.

Breach of regulations respecting defence establishments, etc.

230. Every person who contravenes regulations respecting the access to, exclusion from, and safety and conduct of any persons in, on or about any defence establishment, work for defence or equipment is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

False answer on enrolment.

231. Every person who knowingly makes a false answer to any question relating to his enrolment that has been put to him by or by direction of the person before whom he appears for the purpose of being enrolled in the Canadian Forces is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

False medical certificates.

232. Every medical practitioner who signs a false medical certificate or other document in respect of

(a) the examination of a person for the purpose of enrolment in the Canadian Forces;

(b) the service or release of an officer or man; or

Part XII.

This Part prescribes certain offences, relating to the defence of Canada, which are capable of being committed by members of the public as well as by service personnel.

Cross-References to Existing Legislation

228. New
See Militia Act, Sec 126(1) and (2)

229. See Militia Act, Sec 126(4)

230. New
See Militia Act, Secs 53, 123
Naval Service Act, Sec 29

231. See Army Act (UK), Sec 99

232. See Militia Act, Sec 103

(c) the disability or alleged disability of a person, purported to have arisen or to have been contracted during, in the course of, or as a result of the service of such person as an officer or man,

is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

Personation.

233. Every person who falsely personates any other person in respect of any duty, act or thing required to be performed or done under this Act by the person so personated is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

Representation of desertion.

234. Every person who falsely represents himself to any military or civil authority to be a deserter from His Majesty's Forces is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

Failure to attend parade.

235. (1) Every officer or man of the reserve forces who without lawful excuse neglects or refuses to attend any parade, drill or training at the place and hour appointed therefor is guilty of an offence and is liable on summary conviction for each offence, if an officer to a fine of ten dollars, and if a man to a fine of five dollars.

Each absence an offence.

(2) Absence from any parade, drill or training mentioned in subsection one shall, in respect of each day on which such absence occurs, be a separate offence.

Neglecting personal equipment.

236. Every officer or man of the reserve forces who fails to keep in proper order any personal equipment or who appears at drill, parade or on any other occasion with his personal equipment out of proper order, unserviceable or deficient in any respect is guilty of an offence and is liable on summary conviction to a fine not exceeding twenty-five dollars for each offence.

Interruption of drill or training.

237. Every person who without reasonable excuse interrupts or hinders the Canadian Forces at drill, training or while on the march is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars for each offence; and may be taken into custody and detained by any person by the order of an officer until such drill, training or march is over for the day.

233. See Militia Act, Sec 112

234. See Army Act (UK), Sec 152

235. See Militia Act, Sec 115

236. See Milltia Act, Sec 118

237. See Militia Act, Secs 116, 121 *(f)* and *(g)*
RCAF Act, Sec 17

Hampering manœuvres.

238. Every person who without reasonable excuse obstructs or interferes with manœuvres authorized under section two hundred and five is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

Unlawfully dealing with property.

239. (1) Every person who

(a) unlawfully disposes of or removes any property;

(b) when lawfully required, refuses to deliver up any property that is in his possession; or

(c) except for lawful cause, the proof of which lies on him, has in his possession any property,

is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars for each offence.

Definition.

(2) For the purposes of this section, "property" means any public property under the control of the Minister, non-public property, and property of any of His Majesty's Forces or of any forces co-operating therewith.

Assisting or harbouring deserters or absentees.

240. (1) Every person who

(a) procures, persuades, aids, assists or counsels an officer or man to desert or absent himself without leave; or

(b) in an emergency, aids, assists, harbours or conceals an officer or man who is a deserter or an absentee without leave and who does not satisfy the court that he did not know that such officer or man was a deserter or an absentee without leave,

is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars and not less than one hundred dollars or to imprisonment for any term not exceeding twelve months or to both fine and imprisonment.

Certificate of Judge Advocate General.

(2) A certificate signed by the Judge Advocate General, or such person as he may appoint for that purpose, that an officer or man was convicted under this Act, of desertion or absence without leave or had been continuously absent without leave for six months or more, and setting forth the date of commencement and the duration of such desertion, absence without leave or continuous absence without leave, shall for the purposes of proceedings under this section be evidence that the officer or man was a deserter or absentee without leave during the period mentioned in the certificate.

Aid to intending deserters or absentees.

241. Every person who, knowing that an officer or man is about to desert or absent himself without leave, aids or assists him in his attempt to desert or absent himself without leave is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for any term not exceeding twelve months or to both fine and imprisonment.

238. New

239. (1) See Militia Act, Sec 119

239. (2) New

240. (1) See Naval Service Act, Sec 43 *(a)* and *(c)*
Army Act (UK), Sec 153(1) and (3)
Criminal Code, Sec 82

240. (2) New

241. See Naval Service Act, Sec 43 *(b)*
Army Act (UK), Sec 153(2)

Miscellaneous offences.

242. Every person who

(a) wilfully obstructs, impedes or otherwise interferes with any other person in the execution of any duty that such other person is required under this Act or regulations to perform;

(b) counsels any other person not to perform any duty that such other person is required under this Act or regulations to perform;

(c) does an act to the detriment of any other person in consequence of such other person having performed a duty that he is required under this Act or regulations to perform;

(d) interferes with or impedes, directly or indirectly, the recruiting of the Canadian Forces;

(e) wilfully produces any disease or infirmity in, or maims or injures himself or any other person with a view to enabling himself or such other person to avoid service in the Canadian Forces;

(f) with intent to enable any other person to render himself, or to induce the belief that such other person is, permanently or temporarily unfit for service in the Canadian Forces, supplies to or for such other person any drug or preparation calculated or likely to render such other person, or lead to the belief that such other person is, permanently or temporarily unfit for such service; or

(g) gives or receives, or is in any way concerned in the giving or receiving, of any valuable consideration in respect of enrolment, release or promotion in the Canadian Forces,

is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for any term not exceeding twelve months or to both fine and imprisonment.

Offence of contempt of court.

243. (1) Every person who

(a) on being duly summoned as a witness under section two hundred and after payment or tender of the fees and expenses of his attendance prescribed in regulations, makes default in attending;

(b) being in attendance as a witness before a court martial mentioned in section two hundred,

(i) refuses to take an oath or affirmation legally required of him,

(ii) refuses to produce any document in his power or under his control legally required to be produced by him, or

(iii) refuses to answer any question that legally requires an answer;

(c) uses insulting or threatening language before a court martial mentioned in section two hundred, or causes

242. See Militia Act, Sec 121 *(d)* and *(e)*
Army Act (UK), Sec 153A
Criminal Code, Sec 167(1)

243. See Militia Act, Sec 130
Naval Service Act, Sec 46(3)
Army Act (UK), Secs 126(1) and (3), 129(2)
Air Force Act (UK), Secs 126(1) and (3), 129(2)

any interference or disturbance in its proceedings, or prints observations or uses words likely to influence improperly the members of or witnesses before that court martial or to bring that court martial into disrepute, or in any other manner whatsoever displays contempt of that court martial; or

(d) being in attendance as counsel before a court martial mentioned in section two hundred, is in contempt of court within the meaning of subsection five of that section,

is guilty of an offence and the court martial may, by a certificate setting forth the facts thereof, refer the offence of such person to a civil court, in the place where the court martial is held, that has power to punish witnesses guilty of like offences in that civil court.

Disposal of offender.

(2) Any civil court to which an offence mentioned in this section has been referred shall cause to be brought before it the person certified to have committed that offence, and shall inquire into the circumstances set forth in the certificate mentioned in subsection one, and, after examination of any witnesses who may be produced for or against the person so accused and after hearing any statement that may be offered in defence, shall, if it seems just, punish the person in like manner as if he had committed the offence in a proceeding in that civil court.

Failure to obey directions respecting property taken over, etc.

244. Every person employed in connection with any property, control of which has been taken by His Majesty under section two hundred and six, who does not obey the directions of the Minister or such person as is named in any warrant issued by the Minister is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

Breach of regulations respecting billeting, etc.

245. Every person who contravenes regulations respecting the quartering, billeting and encamping of a unit or other element of the Canadian Forces, or of an officer or man is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

Improper exaction of tolls.

246. Every person who receives or demands a duty or toll in contravention of section two hundred and nine is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

244. New

245. See Militia Act, Sec 86

246. See Army Act (UK), Sec 143(3)

Failure to comply with convoy orders.

247. Every person who fails to comply with directions given under section two hundred and ten is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

Cross-References to Existing Legislation

247. New

Part XIII.

SPECIAL PROVISIONS

Deserters and Absentees.

Certain deserters and absentees deemed never to have served. 1940, c. 13.

248. (1) Every member of the Naval Forces of Canada, the Canadian Army and the Royal Canadian Air Force and every person called out for compulsory military service under *The National Resources Mobilization Act, 1940*, who, while serving on active service beyond Canada at any time after the ninth day of September, one thousand nine hundred and thirty-nine, or while serving on active service within Canada at any time between the thirty-first day of December, one thousand nine hundred and forty-five, and the first day of October, one thousand nine hundred and forty-six, deserted or absented himself without leave and is still absent on the date that this section comes into force, shall for all purposes be deemed never to have been enlisted or enrolled in or appointed to or have served with the naval, army or air forces of Canada during the war that commenced in September, one thousand nine hundred and thirty-nine.

Pay, etc., of such persons.

(2) Notwithstanding that any person mentioned in subsection one is deemed never to have served in the naval, army or air forces of Canada, all pay and allowances, rations, kit and equipment at any time paid or issued to him or on his behalf shall be deemed to have been paid or issued with due authority.

Amendment to The Royal Canadian Air Force Act.

Definition of "officer".

249. Paragraph *(e)* of section two of *The Royal Canadian Air Force Act*, chapter fifteen of the statutes of 1940, is repealed and the following substituted therefor:—

"*(e)* "officer" means a person who holds His Majesty's commission in or who is a subordinate officer in the Royal Canadian Air Force or who is attached or seconded to the Royal Canadian Air Force as an officer;"

Repeal.

Existing legislation. 1928, c. 7. R.S. c., 132. R.S., c. 136. 1940, c. 15. 1944, c. 23

250. *The Royal Military College Act*, the *Militia Act*, the *Department of National Defence Act*, *The Royal Canadian Air Force Act* and *The Naval Service Act, 1944*, or any portion thereof, may be repealed by proclamation of the Governor in Council.

Part XIII.

This Part contains two clauses of a transitory nature and includes provision for the repeal of certain existing legislation and the coming into force of various portions of the Bill.

Cross-References to Existing Legislation

248. New

249. New
See RCAF Act, Sec 2 *(e)*

250. New

Commencement of Act.

Proclamation.

251. Sections one, two hundred and eleven, two hundred and forty-eight, two hundred and forty-nine and two hundred and fifty of this Act shall come into force when this Act is assented to, section two hundred and eleven shall operate retrospectively to the eighth day of December, one thousand nine hundred and forty-seven, section two hundred and forty-nine shall operate retrospectively to the first day of October, one thousand nine hundred and forty-six, and the other sections of this Act shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

CROSS-REFERENCES TO EXISTING LEGISLATION

251. New

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 134.

An Act to amend the Militia Pension Act and change the Title thereof.

First reading, April 18, 1950.

THE MINISTER OF NATIONAL DEFENCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

57532

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 134.

R.S., c. 133; 1928, c. 35; 1929, c. 6; 1930, c. 32; 1937, c. 12; 1940, c. 12; 1946, c. 59; 1947, cc. 9, 65; 1949 (1st Sess.), c. 6.

An Act to amend The Militia Pension Act and change the Title thereof.

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

1. The title of chapter one hundred and thirty-three of the Revised Statutes of Canada, 1927, "An Act respecting Pensions to the Permanent Staff and Officers and Men of the Permanent Militia, and for other purposes," is repealed and the following substituted therefor:—

"An Act respecting Pensions for the Defence Services."

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

Short title.

"**1.** This Act may be cited as *The Defence Services Pension Act.*"

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

"officer".

"*(e)* 'officer' means a commissioned officer, a subordinate officer or a warrant officer of the force;"

4. (1) Subsection one of section four of the said Act, as enacted by section one of chapter six of the statutes of 1929, is repealed and the following substituted therefor:—

Officers' pensions, retired compulsorily.

"**4.** (1) An officer who is retired compulsorily after twenty years' service for any cause other than misconduct or inefficiency is entitled to a pension for life,

(a) equal to one-fiftieth of the pay and allowances of his rank or permanent appointment at the time of his retirement for each year of service if he is an officer appointed to the force, or a warrant officer promoted to or appointed to that rank, prior to the first day of May, nineteen hundred and twenty-nine; or

Explanatory Notes.

1. The purpose of this Bill is to change the title of and amend the *Militia Pension Act* so as to remove certain anomalies and to facilitate administration with provision for the establishment of a Service Pension Board to pass on requisitions for payment of pensions or gratuities.

2. The short title presently reads: "*Militia Pension Act*".

3. Paragraph *(e)* of section 2 now reads:—

"*(e)* "officer" means a commissioned officer of the force, and includes a warrant officer."

This amendment is required because a new class of officer designated a "subordinate officer" has been established. It is desired to give a "subordinate officer" the status of an "officer" under the Act.

4. Subsection (1) of section 4 now reads:—

"**4.** (1) An officer who is retired compulsorily for any cause other than misconduct or inefficiency, after twenty years' service, shall be entitled to a pension for life, equal to one-fiftieth of the average annual amount of the pay and allowances received by him during the three years immediately preceding his retirement for each completed year of his service."

This section applies only to officers appointed to the permanent forces and warrant officers promoted or appointed to that rank in the permanent forces on or after the 1st May, 1929. By chapter 6 of the statutes of 1929 officers appointed to commissions and warrant officers appointed or promoted to warrant rank prior to the 1st May, 1929 are

(b) equal to one-fiftieth of the average annual amount of the pay and allowances received by him during the three years immediately preceding his retirement for each year of his service if he is an officer appointed to the force, or a warrant officer promoted to or appointed to that rank, on or after the first day of May, nineteen hundred and twenty-nine."

Repeal of s. (5) of R.S., c. 133.

(2) Section five of an Act to amend the *Militia Pension Act*, as enacted by chapter six of the statutes of 1929, is repealed in so far as it relates to section one of that Act.

(3) Subsections twelve and thirteen of section four of the said Act are repealed and the following substituted therefor:—

Employment of officer pensioner in the public service of Canada or the force.

"(12) A retired officer who has been granted a pension under this Part and thereafter is employed in the public service of Canada or appointed to or enlisted in the naval, army or air forces of Canada is entitled to receive that part of his pension which, when added to his salary or pay and allowances, as the case may be, will not exceed the pay and allowances of which he was in receipt at the date of his retirement from the force."

governed by subsection (1) of section 4 of the Act as it stood in the Revised Statutes of Canada, 1927, chapter 133. This subsection reads as follows:—

"4. (1) An officer who is retired compulsorily, for any cause other than misconduct or inefficiency, after twenty years' service, shall be entitled to a pension for life, not exceeding one-fiftieth of the pay and allowances of his rank or permanent appointment at the time of his retirement for each completed year of service."

The purpose of this amendment is twofold:—

(a) to consolidate the original subsection (1) of section 4 with the amendment made in the 1929 Statutes, and,

(b) to permit an officer to include in the pensionable term of service a portion of a year. This is consistent with Part V of the Act and with the Civil Service Superannuation Act.

(3) Subsections (12) and (13) of section 4 now read:—

"12. If an officer to whom a pension has been granted under this Act is employed in the public service of Canada and is in receipt of a salary therefor, such pension shall be discontinued during the time such officer is in receipt of such salary unless the officer, prior to his retirement from the force, served as an officer, non-commissioned officer, or man on active service outside of Canada or the United States during the war between Great Britain and Germany which commenced on the fourth day of August, one thousand nine hundred and fourteen, in which case, unless prior to the coming into force of this Act or subsequent to the coming into force thereof it has been or is otherwise ordered by the Governor in Council, the pension shall not be discontinued.

(13) In the event of the gross annual pension granted to such last mentioned officer under the provisions of this Act, together with the annual rate of salary which such officer is receiving in the public service of Canada, making an annual amount greater than the annual rate of pay and allowances upon which such officer's pension was computed the payments of pension to such officer during the time he is in receipt of a salary in the public service of Canada shall be reduced so that the annual rate of emolument received by such officer by way of salary and pension shall not exceed the annual rate of pay and allowances upon which his pension was computed."

The purpose of this amendment is to allow all officers pensioned under Parts I-IV who are employed in the public service of Canada or are re-appointed to the forces to receive their pension as well as remuneration for such employment or service, provided that the total of the remuneration and pension so received does not exceed the total pay and allowances of which the officer pensioner was in receipt on the date of his retirement. If they do exceed that total then the pension is reduced by such an amount as will reduce the total of the remuneration and pension to an amount equivalent to the total pay and allowances of which the officer pensioner was in receipt on the date of his retirement. If such remuneration should exceed the pay and allowances received at the date of retirement, then obviously no pension is, for the time being, payable.

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

"**14.** (1) The pension to a militiaman on retirement shall be,

Fifteen to twenty years.

(a) if he has completed fifteen but less than twenty years' service, an annual sum equal to one-fiftieth of the annual pay and allowances of which he was in receipt on retirement for every year of service;

Twenty to twenty-five years.

(b) if he has completed twenty but less than twenty-five years' service, an annual sum equal to twenty-fiftieths of the annual pay and allowances of which he was in receipt on retirement with an addition of two-fiftieths of the pay and allowances for every year of service over twenty years;

Twenty-five years.

(c) if he has completed twenty-five years' service, an annual sum equal to thirty-fiftieths of the annual pay and allowances of which he was in receipt on retirement with an addition of one-fiftieth of the annual pay and allowances for every year of service over twenty-five years, but the annual pension shall not exceed two-thirds of his annual pay and allowances at his retirement."

6. Paragraphs *(a)* and *(b)* of section thirty-nine of the said Act, as enacted by section eleven of chapter thirty-five of the statutes of 1928, are repealed and the following substituted therefor:—

"Force".

"**39.** *(a)* The expression "Force" means the Permament Active Air Force and any other component of the Royal Canadian Air Force the members of which are enlisted or appointed for continuing full-time service;

"officer".

(b) "officer" means a commissioned officer, a subordinate officer or a warrant officer of the Force;"

7. The said Act is further amended by adding thereto, immediately after section forty-one thereof, the following sections:—

Service for more than fifteen days to count as month.

"**41A.** For the purpose of computing pensions or gratuities under this Act fractions of years of service shall be counted, and for this purpose a period of service of fifteen days or more shall count as one month but a period of less than fifteen days shall not be counted.

Parts I to IV not applicable to certain persons.

"**41B.** Parts I to IV of this Act do not apply to officers or militiamen who were not in the forces on the thirty-first day of March, nineteen hundred and forty-six, and who were or are appointed to or enlisted in the forces subsequent to that day and who have not been granted a pension under any of those Parts."

5. Subsection (1) of section 14 now reads:—

"**14.** (1) The pension to a militiaman on retirement shall be,

(a) if he has completed fifteen but less than twenty years' service, an annual sum equal to one-fiftieth of his annual pay and allowances for every completed year of service;

(b) if he has completed twenty but less than twenty-five years' service an annual sum equal to twenty-fiftieths of his annual pay and allowances with an addition of two-fiftieths of his annual pay and allowances for every completed year of service above twenty years;

(c) if he has completed twenty-five years' service, an annual sum equal to thirty-fiftieths of his annual pay and allowances with an addition of one-fiftieth of his annual pay and allowances for every completed year of service above twenty-five years: Provided that the pension shall not exceed two-thirds of his annual pay and allowances at his retirement."

The purpose of this amendment is to permit other ranks to count portions of a year of service in the pensionable term. This provision is made for officers by the amendment to subsection (1) of section 4.

6. Paragraphs *(a)* and *(b)* of section 39 read as follows:—

"**39.** *(a)* The expression "Force" shall mean the officers, warrant officers, non-commissioned officers and aircraftmen of the Royal Canadian Air Force who are comprised in the Permanent Active Air Force as defined in the King's Regulations and Orders for the Royal Canadian Air Force.

(b) "Officer" shall include a commissioned officer and warrant officer of the Force."

The purpose of the amendment is to clarify the meaning of the word "Force" and to include in the definition of "officer" as used in Part III of the Act a "subordinate "officer".

7. Section 41A is required to implement the policy of counting fractions of a year in the pensionable term.

Section 41B is required to make Parts I-IV of the Act inapplicable to officers appointed to the permanent forces temporarily or for a fixed term after the 31st March, 1946, and subsequently granted permanent commissions. Part V will in the future apply to such an officer upon his being granted a permanent commission.

8. (1) Subsection one of section forty-two of the said Act, as enacted by section six of chapter fifty-nine of the statutes of 1946, is amended by adding thereto, immediately after paragraph *(f)* thereof, the following paragraph:—

"officer". "*(ff)* 'officer' means a commissioned or subordinate officer of the Force and includes a warrant officer of the Royal Canadian Navy;"

(2) Paragraph (*i*) of subsection one of section forty-two of the said Act, as enacted by section six of chapter fifty-nine of the statutes of 1946, and amended by section two of chapter nine of the statutes of 1947, is repealed and the following substituted therefor:—

"*(i)* 'service' means time served in the forces and includes for the purpose of making contributions and of computing pensions or gratuities under this Part,

(i) time served in the Civil Service or the Royal Canadian Mounted Police,

(ii) time served on active service in the naval, army or air forces of His Majesty raised in Canada during time of war,

(iii) time served on active service during time of war in any of the naval, army or air forces of His Majesty, other than those raised in Canada, by any person who, having served on active service in any of the forces of His Majesty during the war that commenced on the tenth day of September, nineteen hundred and thirty-nine, is appointed to or enlisted in the forces,

(iv) one-fourth of the period of service during which the contributor served in the naval, army or air forces of His Majesty raised in Canada other than the forces and was liable to be called out for periodic and annual training or duty by the Governor in Council other than during an emergency if the service is not service that may be counted under any other subparagraph of this paragraph, and

(v) in the case of any person who elects to become a contributor under this Part, any period that might have been counted as service of such person under any other Part of this Act."

(3) Subsection two of section forty-two of the said Act, as enacted by section six of chapter fifty-nine of the statutes of 1946, is repealed and the following substituted therefor:—

Failure to re-engage. "(2) When a member of the forces does not offer to re-engage in the forces upon the expiration of his period of engagement he shall, for the purposes of this Part, be deemed to have retired from the forces at his own request and when he offers to re-engage and his offer is not accepted his retirement shall be deemed to be a compulsory retirement from the forces."

8. (1) Under Part V "officer" is not defined.

The definition of "officer" is required to include the new class of subordinate officer for the purpose of Part V.

(2) Paragraph (*i*) of subsection (1) of section 42 now reads:—

"*(i)* "service" means time served in the forces and includes, for the purpose of making contributions and of computing pensions, allowances or gratuities under this Part;

(i) time served in the Civil Service or the Royal Canadian Mounted Police;

(ii) time served on active service in the naval, military or air forces of His Majesty raised in Canada during time of war;

(iii) time served on active service during time of war in any of the naval, military or air forces of His Majesty other than those raised in Canada, by any person who, having served on active service in any of the forces of His Majesty during the war that commenced on the tenth day of September, 1939, was appointed to or enlisted in the forces on or before the thirty-first day of December, 1948;

(iv) one-fourth of the period of service counted as service in the Non-Permanent Active Militia, the Reserve Force, the Auxiliary Active Air Force, the Royal Canadian Air Force (Auxiliary), the Royal Canadian Naval Reserve, the Royal Canadian Naval Volunteer Reserve or the Royal Canadian Navy (Reserve): if such service is not service that may be counted under subparagraph (v) of this paragraph; and

(v) in the case of any person who elects to become a contributor under this Part, any period which might have been counted as service of the said person under any other Part of this Act.

There is no change in subparagraph (v).

Subparagraphs (i) and (ii) are respectively amended by deleting the reference to "allowance" and by substituting "army" for "military".

The purpose of the amendment to subparagraph (iii) is to allow a person who served on active service in any of the naval, army or air forces of His Majesty during the war which commenced on the tenth day of September, 1939, to count that service for pension purposes irrespective of whether such person enlisted in or was appointed to the Canadian forces on or before the 31st December, 1948, subject to payment of contributions in respect of such service.

The purpose of the amendment to subparagraph (iv) is to permit time served in any of the reserves of the Canadian Army and Royal Canadian Air Force to be included in the pensionable term on the same basis as time served in any of the reserves of the Royal Canadian Navy.

(3) Subsection (2) of section 42 presently reads:—

"(2) When a member of the forces does not offer to re-engage in the forces upon the expiration of his period of engagement he shall, for the purposes of this Part, be deemed to have retired voluntarily from the forces and when he offers so to re-engage and his offer is refused he shall be deemed to have been retired compulsorily from the forces."

The purpose of this amendmentis to clarify the meaning of the phrase "retired from the forces at his own request" as used in section 46.

9. Paragraph *(b)* of section forty-three of the said Act, as enacted by section six of chapter fifty-nine of the statutes of 1946, is repealed and the following substituted therefor:

"*(b)* who was appointed to or enlisted in the forces on or before the said day and was still in the forces on the said day and who elects to become a contributor under this Part on or before the thirty-first day of December, nineteen hundred and fifty, or

(c) who was a member of the forces on the thirty-first day of March, nineteen hundred and forty-six, and who, subsequent to that day, was retired or discharged from the forces for a purpose other than promotion to commissioned rank in the same Service of the Force and at any time after being so retired or discharged again becomes a member of the forces, or

(d) who was appointed to or enlisted in the forces on or before the thirty-first day of March, nineteen hundred and forty-six, was still in the forces on that day, and who on such day or thereafter was serving as an officer appointed temporarily or for a fixed term and who while so serving, becomes a member of the forces by reason of a change in the nature of his appointment, and who within six months of the date of that change or within six months after the coming into force of this paragraph, whichever is the later, elects to become a contributor under this Part."

10. (1) Subsection one of section forty-five of the said Act, as enacted by section six of chapter fifty-nine of the statutes of 1946, is repealed and the following substituted therefor:

Election to contribute for service prior to becoming a contributor.

"**45.** (1) Any contributor may within one year after he becomes a contributor or within six months after the coming into force of this subsection, whichever is the later, elect to contribute under this Part in respect of the whole or any part of his service prior to becoming a contributor for which he has not contributed under this Act, the Civil Service Superannuation Act or the Royal Canadian Mounted Police Act other than Part IV."

(2) Subsection four of section forty-five of the said Act, as enacted by section six of chapter fifty-nine of the statutes of 1946, is repealed and the following substituted therefor:

Retirement before instalments paid in full.

"(4) Where a contributor who is contributing by instalments in respect of prior service under this section, retires before payment of the instalments in full, he shall be deemed to have contributed in respect of the service for which he elected to contribute, and the remaining instalments shall be reserved out of any pension, or, where he is entitled to a gratuity, the present value of those remaining instalments shall be deducted from the gratuity."

9. Paragraph *(b)* of section 43 now reads:—

"*(b)* who was appointed to or enlisted in the forces on or before the said day and was still in the forces on the said day and who elects to become a contributor under this Part on or before the thirty-first day of March, 1948."

In the process of the re-organization of the Canadian forces on a post-war basis, a number of members of the forces to whom Parts I-IV of the Act applied, were, through stress of circumstances, not given a proper opportunity to elect to become contributors under Part V.

The purpose of this amendment is to extend to the 31st of December, 1950, the period within which such a person may elect to become a contributor under Part V.

Paragraph *(c)* is new. Its purpose is to cause a person who was a member of the forces on the 31st of March, 1946, and who subsequent to discharge or retirement therefrom, was again appointed to or enlisted in the forces on or after the 1st of April, 1946, to come automatically under the terms of Part V of the Act.

Paragraph *(d)* is new. Its purpose is to permit a former other rank to whom Parts I-IV applied and who is appointed to a temporary or fixed term commission to elect to become a contributor under Part V upon being granted a permanent commission.

10. (1) Subsection (1) of section 45 now reads:—

"**45.** (1) Any contributor may within one year after he becomes a contributor elect to contribute under this Part in respect of the whole or any part of his service prior to becoming a contributor for which he has not contributed under this Part or under any other Part of this Act or the *Civil Service Superannuation Act* or the *Royal Canadian Mounted Police Act*, other than Part IV."

The purpose of the amendment to subsection (1) is to extend the period during which a contributor may elect to count prior non-contributory service to six months after the coming into force of the subsection.

(2) Subsection (4) of section 45 now reads:—

"(4) Where a contributor who is contributing by instalments in respect of prior service under this section, retires before payment of the said instalments in full, he shall be deemed to have contributed in respect of the said service for which he elected to contribute and the remaining instalments shall be reserved out of any pension or retiring allowance, or the equivalent present value thereof shall be deducted from any gratuity, granted under this Part on his said retirement."

The purpose of the amendment to subsection (4) is to delete the reference to "retiring allowance" as this phrase will no longer be used in Part V of the Act.

11. Section forty-six of the said Act, as enacted by section six of chapter fifty-nine of the statutes of 1946, and amended by section one of chapter sixty-five of the statutes of 1947, is repealed and the following substituted therefor:

"**46.** An annual pension shall be paid to a contributor

Contributor other than officer, retiring after twenty-five years service.

(a) who is not an officer and who has served in the forces for twenty-five years or more and who is retired at his own request from the forces at the end of a period of engagement or re-engagement otherwise than by reason of misconduct; or

Contributor retired after twenty years' service.

(b) who has served in the forces for twenty years or more and who is retired from the forces because

(i) he has reached the prescribed age limit for his rank,

(ii) his services are no longer required by reason of a reduction in establishment, or

(iii) his retirement is to promote economy in the force and in the opinion of the Treasury Board his retirement will promote economy or efficiency;

Contributor retired after ten years' service for medical reasons.

(c) who has served in the forces for ten years or more and who is retired as being physically or mentally unfit to perform his duties as a member of the forces and such unfitness has been certified by a medical board composed of not less than three medical officers of any of the forces and confirmed by the chief medical officer of the force in which the contributor is serving; or

Contributor retired after ten years' service who was not in the forces on 1st June, 1944, and who was appointed to or enlisted in the forces prior to 31st December, 1948.

(d) who has served in the forces for ten years or more, and who served on active service in any of His Majesty's forces wherever raised, during the war that commenced on the tenth day of September, nineteen hundred and thirty-nine, and who was not in the forces on the first day of June, nineteen hundred and forty-four, and who is appointed to or enlisted in the forces on or before the thirty-first day of December, nineteen hundred and forty-eight and who is retired from the forces for any of the reasons and under the conditions mentioned in paragraph *(b)* of this section; or

Contributor other than officer retiring with between 20 and 25 years' service.

(e) who is not an officer and has served in the forces for twenty years but less than twenty-five years and who is retired at his own request from the forces at the end of a period of engagement or re-engagement otherwise than by reason of misconduct, but in any such case the pension shall be reduced by five per centum for each complete year by which his period of service is less than twenty-five years; or

Contributor retired with between 10 and 20 years' service having reached maximum age.

(f) who is not entitled to pension under paragraph *(d)* of this section but who has served in the forces for ten years but less than twenty years and is retired for

11. Section 46 now reads:—

"**46.** The Governor in Council may grant

(a) to a contributor who has served in the forces for twenty years or upwards and who is compulsorily retired for any reason other than misconduct or inefficiency, an annual pension;

(b) to a contributor other than an officer who has served in the forces for twenty-five years or upwards and who voluntarily retires from the forces otherwise than by reason of misconduct, at the end of a period of engagement or re-engagement, an annual pension;

(c) to a contributor other than an officer who has served in the forces for twenty years and less than twenty-five years and who voluntarily retires from the forces otherwise than by reason of misconduct at the end of a period of engagement or re-engagement, three-fourths of the annual pension which might have been granted to him if he had been compulsorily retired for any reason other than misconduct or inefficiency together with one-twentieth of the said annual pension for each year by which his period of service exceeds twenty years;

(d) to a contributor who has served in the forces for ten years or upwards but less than twenty years

(i) who is certified by a board composed of not less than three medical officers of the forces as being disabled or incapable of performing his duties as a member of the forces, an annual pension;

(ii) who has served on active service in any of His Majesty's forces during the war that commenced on the tenth day of September, 1939, and who was not in the forces on the first day of June, 1944, and who is appointed to or enlisted in the forces on or before the thirty-first day of December, 1948, and who is compulsorily retired for any reason other than misconduct or inefficiency, an annual pension;

(iii) who is compulsorily retired from the forces to promote economy or efficiency otherwise than by reason of his misconduct or inefficiency in the performance of his duties, an annual retiring allowance equal to two-thirds of the pension which might have been granted to him if he had become disabled at the time of his retirement until he attains the age of sixty-five years and thereafter to the said pension;

(e) to a contributor who has served in the forces for ten years or upwards and who is retired by reason of his inefficiency in the performance of his duties, an annual retiring allowance equal to one-half of the pension which might have been granted to him if he had become disabled at the time of his retirement until he attains the age of sixty-five years and thereafter to two-thirds of the said pension;

(f) to a contributor who has served in the forces less than ten years and who becomes disabled or otherwise incapable of performing the duties of his rank or who is retired to promote economy and efficiency, a gratuity not exceeding one month's pay and allowances for each year of his service;

the reason mentioned in subparagraph (i) of paragraph *(b)* of this section, but in any such case the pension shall be reduced by one per centum for each complete year by which the number of years of his service is less than twenty years; or

Contributor retired with between 10 and 20 years' service for reasons other than having reached maximum age.

(g) who is not entitled to pension under paragraph *(d)* of this section but who has served in the forces for ten years but less than twenty years and is retired for either of the reasons and under the conditions mentioned in subparagraphs (ii) or (iii) of paragraph *(b)* of this section, but in any such case the pension shall be reduced by one-third until he attains the age of sixty-five years; or

Contributor retired by reason of inefficiency.

(h) who has served in the forces for ten years or more and who is retired by reason of his inefficiency in the performance of his duties, caused otherwise than by misconduct, but in any such case the pension shall be reduced by one-half until he attains the age of sixty-five years and thereafter he shall be paid two-thirds of the pension; or

Contributor retired by reason of misconduct.

(i) who has served in the forces for ten years or more and who is retired by reason of misconduct and on whose behalf a recommendation has been made by the Minister and approved by Treasury Board that it is in the public interest by reason of good and faithful service rendered by the contributor in the forces prior to the time of his misconduct, but in such case the pension shall be reduced by one-half until he attains the age of sixty-five years and thereafter he shall be paid two-thirds of the pension.

Annual pension to widow of contributor with ten years' service.

"**46A.** (1) Where a contributor who has served in the forces for ten years or more dies while a member of the forces or dies while in receipt of an annual pension, his widow shall be paid an annual pension until re-marriage equal to one-half of the annual pension that would have been payable to the contributor had he been retired under the circumstances mentioned in paragraph *(c)* of section forty-six at the date of his death or his retirement, as the case may be.

Annual pension to children of contributor with ten years' service.

(2) Where a contributor who has served in the forces for ten years or more dies while a member of the forces or dies while in receipt of an annual pension, each of his children shall be paid an annual pension until attaining the age of eighteen years, equal to one-fifth of the annual pension payable to his widow under subsection one of this section or three hundred dollars, whichever is the lesser amount, but in the case of a child who has lost both parents by death, the

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(g) to a contributor, who at any time for any reason other than those provided in the preceding paragraphs of this section, retires either voluntarily or by dismissal or removal, a withdrawal allowance payable in one sum equal to his total contributions under this Part without interest;

(h) to a widow of a contributor who has served in the forces for ten years or upwards and who dies while a member of the forces or while in receipt of an annual pension or retiring allowance under this Part, an annual allowance until remarriage equal to one-half of the pension which might have been granted to the contributor if he had become totally disabled as aforesaid at the date of his death or of his retirement, as the case may be;

(i) to each child of a contributor who has served in the forces for ten years or upwards and who dies while a member of the forces or while in receipt of an annual pension or retiring allowance, an annual allowance payable until the child reaches the age of eighteen years, equal to one-fifth of the allowance which may be granted to a widow of the contributor in like circumstances but not in excess of three hundred dollars per annum and in the case of a child who has lost both parents by death, the allowance may be increased by the Governor in Council to twice the said amount but not in excess of six hundred dollars per annum; Provided that the total amount of the allowance to the children of a contributor shall not exceed the amount of an allowance which might be granted to a widow of a contributor in like circumstances and that the total amount of the allowance to the widow and children shall not exceed three-fourths of the annual pension which might have been granted to a contributor if he had become totally disabled as aforesaid at the time of his death or his retirement, as the case may be;

(j) to the dependent children of a contributor who served in the forces for ten years or upwards and who dies while in receipt of an annual pension or retiring allowance, although the said children have attained the age of eighteen years, if the aggregate amount paid to the contributor or to his widow or children, if any, by way of allowances or gratuities under the preceding paragraphs of this section does not exceed the total amount of his contributions under this Part without interest, a gratuity payable in one sum equal to the difference between the same aggregate amount and the said total amount, the said gratuity to be payable in accordance with regulations;

(k) to the widow of a contributor who has served in the forces less than ten years and who dies while in the forces or if the contributor leaves no widow, to his children under eighteen years of age at his death, a gratuity not exceeding one month's pay and allowances for each year of his service;

(l) to the dependents of a contributor who dies while in the forces and leaves no widow or children to whom an allowance may be granted under the preceding paragraphs of this section, a gratuity not exceeding the amount of his contributions under this Part without interest, the said gratuity to be payable in accordance with regulations; or

(m) to the legal representative of a contributor who dies while in the forces and leaves no widow, children or dependents to whom an allowance or gratuity may be granted under the preceding paragraphs of this section, or to such other person as the Treasury Board may designate, a gratuity not exceeding the amount of his contributions under this Part without interest."

The purpose of the repeal of the present section 46 and the substitution therefor of the new sections 46, 46A, 46B and 46C is to make payments under the terms of the Act a matter of right for those eligible therefor and not a matter of grace as is the case under the present section. Although these sections have been entirely redrafted, the changes made, apart from the foregoing, and with the minor exception indicated, are in form and not in substance. In the case of a contributor who has served in the forces between 10 and 20 years and has been retired for the reason he has reached

pension shall be doubled; but the total amount of the pension to the children of a contributor shall not exceed the amount of the pension that would be payable to the widow of such contributor in like circumstances, and the total amount of the pension to the widow and children shall not exceed three-fourths of the annual pension that would have been payable to the contributor under paragraph *(c)* of section forty-six at the date of his death or his retirement, as the case may be.

Contributor who has served less than ten years.

"**46B.** (1) A contributor who has served in the forces for less than ten years and who is retired from the forces for any of the reasons and under the conditions mentioned in paragraphs *(b)* and *(c)* of section forty-six, shall be paid a gratuity equal to one month's pay and allowances for each year of his service.

Gratuity to widow of contributor with less than ten years' service.

(2) Where a contributor who has served in the forces for less than ten years dies while in the forces, his widow shall be paid a gratuity equal to one month's pay and allowances for each year of his service, or where the contributor dies and leaves no widow, such gratuity shall be paid to his children under the age of eighteen years at the date of his death.

Gratuity to service estate of contributor.

(3) Where a contributor dies while serving in the forces and leaves no widow or children to whom a pension or gratuity is payable, a gratuity in an amount equal to his total contribution made under this Part without interest shall be paid into and become part of the service estate of the contributor as defined in the *Department of National Defence Act.*

R.S., c. 136.

Gratuity to dependent children of contributor with ten years' service.

(4) Where a contributor who has served in the forces for ten years or more dies and the aggregate amount paid to the contributor and to his widow and children by way of pension or gratuity does not exceed the total amount of his contributions without interest and no other moneys are payable under this Part by reason of the death of the contributor, a gratuity in an amount equal to the difference between the total amount of his contributions without interest and the aggregate amount of the pensions and gratuities paid to the contributor, his widow and children, shall be paid to the dependent children of the contributor.

Gratuity equal to contributions.

"**46C.** A gratuity in an amount equal to the contributions of a contributor under this Part without interest shall be paid to a contributor to whom an annual pension or other gratuity is not payable under any other section of this Part."

the prescribed age limit, his pension is reduced by one per centum for each complete year by which the number of years of his service is less than 20 years whereas the present section requires that his pension be reduced by one-third until he attains the age of 65 years and thereafter he is entitled to the full pension.

12. Sections forty-seven, forty-eight, forty-nine, fifty, fifty-one and fifty-two of the said Act, as enacted by section six of chapter fifty-nine of the statutes of 1946, are repealed and the following substituted therefor:

Amount of pension, how calculated.

"**47.** (1) Except as herein otherwise provided an annual pension granted under section forty-six shall be one-fiftieth of the average pay and allowances received by the contributor during the last six years of his service multiplied by the number of years of his service not exceeding, however, thirty-five years.

Refund of contributions made in respect of higher rate of pay and allowances than that on which pension or gratuity is computed.

(2) Where the average pay and allowances for the period fixed by this Part for the purpose of computing the pension of a contributor is less than the average pay and allowance for any like period during the contributor's service, the contributor or his widow or children under the age of eighteen years, as the case may be, are entitled to receive in addition to a pension under this Part a refund of the contributions made in respect of the excess of his pay and allowances during any like period over his pay and allowances for the period so fixed, and the Governor in Council on the recommendation of the Treasury Board may by regulation determine the basis of such refund in any case or class of cases, and where the contributor has died without receiving the refund, the person or persons amongst the surviving widow and children or children only, of the contributor to whom it shall be paid, and if to more than one of them, the manner in which it shall be apportioned.

Only contributory service to count.

"**48.** (1) All service of a contributor, whether or not the service has been continuous, in respect of which the contributor has at any time made contributions under this Part or under any other Part of this Act or under the *Civil Service Superannuation Act* or the *Royal Canadian Mounted Police Act*, other than Part IV thereof, which contributions have not previously been repaid to him by way of gratuity or otherwise, may, on his retirement or death, be counted for the purpose of computing any pension or gratuity under this Part but, except as provided by subsections two, three and four of this section, no other service may be counted.

R.S., c. 24.

R.S., c. 160.

Exception.

Service that may be counted under other Parts of this Act.

(2) Where a person who has elected to become a contributor under this Part has service in the forces which could be counted as service for the purpose of a pension under any other Part of this Act for which he was not required to make any contribution, the whole of the said service may be counted for the purpose of computing any pension or gratuity under this Part, but an amount equal to five per centum of the aggregate pay and allowances received by him during such service shall be deducted from the gratuity, if any, or shall be commuted, on such basis as may be prescribed by regulation, into an annuity in

12. Sections 47, 48, 49, 50, 51 and 52 now read:—

"**47.** (1) Except as herein otherwise provided an annual pension granted under the last preceding section shall be one-fiftieth of the average pay and allowances received by the contributor during the last six years of his service multiplied by the number of years of his service not exceeding, however, thirty-five years.

(2) If the average pay and allowances for the period fixed by this Part for the purpose of computing the pension of a contributor is less than the average pay and allowances for any like period during the contributor's service, the contributor or his widow or children under the age of eighteen years, as the case may be, shall be entitled to receive in addition to a pension or allowance under this Part a refund of the contributions made in respect of the excess of his pay and allowances during any like period over his pay and allowances for the period so fixed and the Governor in Council on the recommendation of the Treasury Board may by regulation determine the basis of such refund in any case or class of cases, and where the contributor has died without receiving the refund, the person or persons amongst the surviving widow and children, or children only, of the contributor to whom it shall be paid, and if to more than one of them, the manner in which it shall be apportioned.

"**48.** (1) All service of a contributor, whether or not the service has been continuous, in respect of which the contributor has at any time made contributions under this Part or under any other Part of this Act or under the Civil Service Superannuation Act or the Royal Canadian Mounted Police Act, other than Part IV thereof, which contributions have not previously been repaid to him by way of withdrawal allowance, gratuity or otherwise, may, on his retirement or death, be counted for the purpose of computing any pension, allowance or gratuity under this Part but, except as provided by subsections two, three and four of this section no other service may be counted.

(2) Where a person who has elected to become a contributor under this Part has service in the forces which could be counted as service for the purpose of a pension under any other Part of this Act for which he was not required to make any contribution, the whole of the said service may be counted for the purpose of computing any pension, allowance or gratuity under this Part but an amount equal to five per centum of the aggregate pay and allowances received by him during such service shall be deducted from the gratuity, if any, or shall be commuted, on such basis as may be prescribed by regulation, into an annuity in respect of his life commencing at the age when the pension or retiring allowance becomes payable and the amount of the annual payment of such annuity shall be deducted from the payments of pension or retiring allowance, but the person to whom the pension or allowance is payable may, at any time after the pension or allowance becomes payable, make good in one payment the value of the said deductions which would be made thereafter under this subsection from the said pension or allowance.

respect of his life commencing at the age when the pension becomes payable and the amount of the annual payment of such annuity shall be deducted from the payments of pension, but the person to whom the pension is payable may, any time after the pension becomes payable, make good in one payment the value of the said deductions which would be made thereafter under this subsection from the said pension.

Service of a contributor where contributions have been refunded may be counted.

R.S., c. 24.

R.S., c. 160.

(3) The Governor in Council may by regulation provide that the service of a contributor for which he made contributions under any Part of this Act or under the *Civil Service Superannuation Act* or the *Royal Canadian Mounted Police Act*, other than Part IV thereof, which contributions have been refunded to him by way of a gratuity or otherwise, may be counted for the purpose of computing any pension or gratuity under this Part to such extent and on such conditions and upon the making of such contributions as may be prescribed by regulations.

Service under a temporary commission may be counted.

(4) Where a contributor had, prior to becoming a contributor, served as an officer in the forces temporarily or under a commission for a fixed term, his servcie in the forces prior to becoming a contributor may be counted for the purpose of computing any pension or gratuity under this Part if he repays any gratuity received by him in respect of such service and he makes the contributions required by this Part in respect of such service and the Governor in Council may by regulation prescribe the manner in which the said refund and contributions may be made.

Annual pensions payable in equal monthly instalments.

"**49.** The pensions provided for by this Part shall, unless otherwise provided by regulations under this Part, be payable in equal monthly instalments and unless otherwise specified in this Part shall continue during the lifetime of the recipient; but the Governor in Council on the recommendation of the Treasury Board may by regulation authorize the payment of a pension to the last day of the month in which the recipient dies.

Service Pension Board.

"**50.** (1) The Minister shall appoint a board, to be known as the Service Pension Board, which shall consist of a chairman, a member from each Service and a member to represent the Minister.

Requisition for payment of benefit.

(2) A requisition for payment of a pension or gratuity to a contributor or dependent under this Part shall be supported by

(a) a certificate by the Service Pension Board that the actual cause of retirement of the contributor establishes a right to the pension or gratuity recommended by the Service,

(b) a certificate by the Judge Advocate General that the contributor is legally entitled to payment of the benefit recommended, and

(c) a certificate by the Auditor General.

(3) The Governor in Council may by regulation provide that the service of a contributor for which he made contributions under any Part of this Act or under the Civil Service Superannuation Act or the Royal Canadian Mounted Police Act, other than Part IV thereof, which contributions have been refunded to him by way of a withdrawal allowance, gratuity or otherwise, may be counted for the purpose of computing any pension, allowance or gratuity under this Part to such extent and on such conditions and upon the making of such contributions as may be prescribed by regulation.

(4) Where a contributor had, prior to becoming a contributor, served as an officer in the forces temporarily or under a commission for a fixed term, his service in the forces prior to becoming a contributor may be counted for the purpose of computing any pension, allowance or gratuity under this Part if he repays any gratuity received by him in respect of such service and he makes the contributions required by this Part in respect of such service and the Governor in Council may by regulation prescribe the manner in which the said refund and contributions may be made.

"**49.** The annual pensions and allowances provided for by this Part shall, unless otherwise provided by regulation under this Part, be payable in equal monthly instalments and unless otherwise specified in this Part shall continue during the lifetime of the recipient: Provided that the Governor in Council on the recommendation of the Treasury Board may by regulation authorize the payment of an annual pension or allowance to the last day of the month in which the recipient dies.

"**50.** (1) No pension, allowance or gratuity shall be granted to or in respect of a contributor under this Part unless the Treasury Board reports that the granting thereof is authorized under this Part and the Treasury Board on the advice of the Minister reports in addition that the granting of the pension, allowance or gratuity is in the public interest.

(2) Where a contributor is retired by reason of misconduct, the fact of such retirement and the circumstances thereof shall be reported to a Board of Officers appointed by the Minister to be known as the Pensions and Claims Board.

(3) If the Pensions and Claims Board after investigation of the circumstances surrounding any retirement reported to it under subsection two of this section reports to the Minister that it is in the public interest by reason of good and faithful service rendered by the contributor in the forces prior to the time of the misconduct, to grant a pension, allowance or gratuity, the Minister may recommend accordingly to the Treasury Board and the Governor in Council may on the report of the Treasury Board in such case, notwithstanding anything contained in this Part, grant a pension, allowance or gratuity to the contributor in the same manner as if the contributor had been compulsorily retired by reason of his inefficiency in the performance of his duties.

No right in certain cases.

"**51.** (1) Subject to subsection two, no widow or child of a contributor is entitled to a pension or gratuity under this Part if

(a) the contributor was over sixty years of age at the date of his marriage;

(b) the contributor dies within one year of the date of his marriage, unless the Treasury Board is satisfied that the contributor was in good health at that date; or

(c) the person to whom the pension or gratuity is otherwise payable is in the opinion of the Treasury Board unworthy of it.

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(2) A breach by the contributor of the conditions as to marriage prescribed by subsection one does not prejudice the right to a pension or gratuity of a child of an earlier marriage of the contributor.

Contributor twenty years older than wife.

(3) Where the contributor marries and his age exceeds that of his wife by twenty years or more the pension payable to his widow, under this Part, shall be reduced by such an amount as the Governor in Council may by regulation prescribe.

Payment in event of disentitlement of widow.

(4) Where the widow is by virtue of this section not entitled to a pension or gratuity the children of the contributor are entitled to the same pension or gratuity as they would have been entitled to had the widow predeceased the contributor, and such pension or gratuity shall be paid for the benefit of the children to such person and under such terms and conditions as may be prescribed by the Treasury Board.

Employment of officer pensioner in the public service of Canada or the force.

"**52.** A contributor who has been retired as an officer or warrant officer and has been granted a pension under this Part and thereafter is employed in the public service of Canada or appointed to or enlisted in the naval, army or air forces of Canada is entitled to receive that part of his pension which, when added to his salary or pay and allowances, as the case may be, will not exceed the pay and allowances of which he was in receipt at the date of his retirement from the force."

"**51.** (1) No allowance shall be granted to the widow or any child of a contributor under this Part

(a) if the person to whom it is proposed to grant the allowance is in the opinion of the Treasury Board unworthy of it;

(b) if the contributor was over sixty years of age at the time of his marriage; or

(c) if the contributor dies within one year after his marriage unless the Treasury Board is satisfied that he was in good health at the time of his marriage and that there are no other objections to the granting of the allowance:

Provided, however, that a breach by the contributor of the conditions as to marriage prescribed by this subsection shall not prejudice the right to an allowance of a child of an earlier marriage of the contributor.

(2) If the contributor marries and if his age exceeds that of his wife by twenty years or upwards the allowance to the wife under this Part shall be reduced by such an amount as the Governor in Council may by regulation prescribe.

(3) An allowance to a widow or child under this Part shall be suspended or discontinued if, in the opinion of the Treasury Board, the widow or child becomes unworthy of it.

"**52.** (1) Retirement from the forces shall be compulsory on every contributor to whom a pension or a retirement allowance is offered, but such offer shall not be considered as implying any censure on the person to whom it is made, nor shall any person be considered as having a right to such an allowance, but it shall be granted only in consideration of good and faithful service during the period in respect of which it is calculated.

(2) Nothing contained in this Part shall be understood as impairing or affecting the authority of the Governor in Council or the Minister to dismiss or remove any contributor from the forces."

The purpose of the amendments to sections 47, 48 and 49 is to delete the references to "allowance" and "withdrawal allowance" which are to be called a pension or gratuity as applicable.

The reason for the amendment to section 50 is because payment of pension and gratuity being in accordance with the above amendments a matter of right, the provisions of the present section are no longer required. The purpose of the new section is to set out the evidence required to enable the payment of a benefit to be put into effect and is entirely procedural.

The changes to section 51 result from making pensions and gratuities payable as a matter of right rather than of grace and by the addition of a new subsection to clarify the entitlement of children in the event the widow is disentitled from receiving payment.

The present section 52 is no longer required. The new section provides for the payment or partial payment of pension to a re-employed officer pensioner. This is consistent with the new section 12 of Part I of the Act.

13. (1) Paragraph *(b)* of section fifty-three of the said Act, as enacted by section six of chapter fifty-nine of the statutes of 1946, is repealed and the following substituted therefor:

"*(b)* prescribing the method of computation of an annual pension authorized by this Part;"

(2) Paragraph *(d)* of section fifty-three of the said Act, as enacted by section six of chapter fifty-nine of the statutes of 1946, is repealed and the following substituted therefor:

"*(d)* prescribing the cases in which pensions shall be payable otherwise than in monthly instalments;"

(3) Paragraphs *(g)*, *(h)* and *(i)* of section fifty-three of the said Act, as enacted by section six of chapter fifty-nine of the statutes of 1946, and paragraph *(gg)* of the said section, as enacted by section eighteen of chapter six of the statutes of 1949, are repealed and the following substituted therefor:

"*(g)* prescribing whether and to what extent and under what conditions any duly authorized period of absence from duty without pay shall be counted as service for the purpose of computing pensions and gratuities and the pay and allowances which a contributor on such leave of absence without pay shall be deemed to have been in receipt of for the purpose of computing contributions and average pay and allowances under this Part;

(h) prescribing the extent to which and the manner in which a contributor, who after retirement from the forces, is appointed to the public service of Canada or is appointed to or enlisted in the naval, army or air forces of Canada, may count that additional service for the purpose of additional pension;

(i) providing that service in any of the forces of Newfoundland and service prior to the first day of April, nineteen hundred and forty-nine, with the Government of Newfoundland, may be included for the purpose of making contributions and of computing pensions and gratuities under this Part; and

(j) for any other purpose deemed necessary to give effect to the provisions of this Part."

14. Subsections one and two of section fifty-four of the said Act, as enacted by section six of chapter fifty-nine of the statutes of 1946, are repealed and the following substituted therefor:

Payment of benefit when pensioner incapable or is not maintaining family.

"**54.** (1) Where a pension or gratuity is payable under this Part to any person and the Canadian Pension Commission is of the opinion that he is incapable of expending or is not expending the annual pension or gratuity in a proper

13. (1) Paragraph *(b)* of section 53 now reads:—

"*(b)* prescribing the method of computation of pension and retiring allowances authorized by this Part;"

The purpose of the amendment to paragraph *(b)* is to remove the reference to "retiring allowance" which is to be called pension.

(2) Paragraph *(d)* of section 53 now reads:—

"*(d)* prescribing the cases in which annual pensions or other allowances provided for by this Part shall be payable otherwise than in monthly instalments;"

The purpose of the amendment to paragraph *(d)* is to remove the reference to "allowance" which is to be called a pension.

(3) Paragraphs *(g)*, *(gg)*, *(h)* and *(i)* of section 53 now read:—

"*(g)* prescribing whether and to what extent and under what conditions any duly authorized period of absence from duty without pay shall be counted as service for the purpose of computing allowances under this Part and the pay and allowances which a contributor on such leave of absence without pay shall be deemed to have been in receipt of for the purpose of computing contributions and average pay and allowances under this Part;

(gg) providing that service in any of the forces of Newfoundland and service prior to the 1st day of April, nineteen hundred and forty-nine, with the Government of Newfoundland, may be included for the purpose of making contributions and of computing pensions, allowances and gratuities under this Act;

(h) prescribing the extent to and manner in which a pension or retiring allowance may be continued or discontinued to a contributor who after retirement from the forces is again appointed to or enlisted in the forces or in the public service of Canada and the counting of such additional service for the purpose of an additional allowance; and

(i) for any other purpose deemed necessary to give effect to the terms of this Part."

The purpose of the amendments to paragraphs *(g)* and *(gg)* is to remove the reference to "allowance" which is to be called a pension.

Paragraph *(gg)* has been re-lettered *(i)*.

The present paragraph *(h)* is now found in principle in the proposed section 52.

The purpose of the new paragraph *(h)* is to enable the Governor in Council to prescribe the extent to which and the manner in which the service of a re-employed pensioner in the public service of Canada or the forces may be reckoned for the grant of an augmentation of pension in respect of such service.

14. Subsections (1) and (2) of section 54 now read:—

"**54.** (1) Where a pension, allowance or gratuity is payable under this Part to a contributor, if he has deserted his wife or children and left her or them without means of support, or if he is incapable of managing his own affairs, or if for any other reason the Treasury Board deems it advisible so to do, the Treasury Board may direct that the pension, allowance or gratuity or any part thereof be paid to such person or persons as it deems advisable.

manner, or that he is not maintaining the members of his family to whom he owes the duty of maintenance, the Minister may order that the pension or gratuity or any part thereof may be paid to such other person as the Canadian Pension Commission may recommend, in order that the pension or gratuity or any part thereof may be expended for the benefit of the person to whom it is payable and members of his family to whom he owes the duty of maintenance.

Treasury Board may discontinue payment in certain cases.

(2) Where a contributor to whom a pension is payable under this Part is convicted of an indictable offence, committed by him while in the forces, if it appears to the Treasury Board that the commission of the offence constituted a failure by the contributor to render good and faithful service while in the forces, the Treasury Board may direct that payment of the pension be discontinued or that the whole or any part thereof be paid to persons dependent upon the contributor for support."

15. Section fifty-seven of the said Act, as enacted by section six of chapter fifty-nine of the statutes of 1946, is repealed and the following substituted therefor:

Annual statements to Parliament.

"**57.** (1) The Minister shall lay before Parliament within fifteen days after the commencement of each session thereof:

(a) a statement showing the number of pensions and gratuities paid to contributors, widows, children and other dependents under this Part during the preceding fiscal year; and

(b) a statement showing the amount received as current and arrears of contributions and the total amount paid as pensions and gratuities together with such other information as may be prescribed by the Governor in Council under this Part.

(2) An actuarial valuation of the Permanent Services Pension Account shall be made once every five years and a report shall be laid before Parliament within fifteen days after the commencement of the session next after the completion of the actuarial valuation estimating to what extent the assets of the fund are sufficient to meet the benefits paid under this Part."

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

Female contributor who resigns or is retired because of her marriage.

"**59.** A female contributor who resigns or is compulsorily retired from the forces by reason of her marriage shall be deemed to have retired voluntarily.

(2) Where a contributor to whom a pension or allowance is being paid under this Part is convicted of an indictable offence, committed by him while in the forces, if it appears to the Treasury Board that the commission of the offence constituted a failure by the contributor to render good and faithful service while in the forces, the Treasury Board may direct that payment of the allowance be discontinued or that the whole or any part thereof be paid to persons dependent upon the contributor for support."

The purpose of the amendment is to empower the Minister instead of the Treasury Board to authorize a diversion of pension, where a diversion is recommended by the Canadian Pensions Commission, thereby making this provision conform with section 34A of the Act.

15. Section 57 now reads:—

"**57.** The Minister shall lay before Parliament within fifteen days after the commencement of each session thereof

(a) a statement of all pensions, allowances and gratuities granted during the last fiscal year under this Part giving the name and rank of each person pensioned or retired, his pay and allowances, age and length of service, the pension, allowance or gratuity granted to him on retirement, the cause of his retirement and whether the vacancy has been subsequently filled and if so whether by promotion or by new appointment and the pay and allowance of the new incumbent;

(b) a statement of all allowances or gratuities granted to widows, children or other dependents of the contributors under this Part during the said year showing the name, age and sex of each person to whom any such allowance or gratuity was granted; and the name, age at death, pay and allowances and length of service of a contributor to whose widow, children or other dependents the allowance or gratuity was granted, and

(c) a statement showing the amount received as contributions and the amount paid as pensions, allowances or gratuities during the said year under this Part together with such further information as may be prescribed by the Governor in Council by regulation under this Part."

The purpose of the amendment is to clarify the annual report that must be made to Parliament and to provide for an actuarial valuation of the Permanent Services Pension Account every five years.

16. The new section 59 is required to clarify the pension status of a female contributor who is retired from the forces by reason of her marriage.

The new section 60 is required for the purpose of allowing debit balances remaining in the contributor's pay account at retirement to be deducted from the benefits payable under this Act without recourse to the *Debts Due to the Crown Act*.

Recovery of debit balance in pay account of former member of forces.

"**60.** (1) Any debit balance in the pay account of a former member of the forces may be recovered from any pension or gratuity to which he is entitled under this Part, whether such debit balance existed in his pay account on the date of his retirement or is ascertained subsequent thereto.

(2) Recovery of a debit balance pursuant to this section shall be effected in such manner and to such extent as the Governor in Council may by regulation prescribe, but recovery shall not be effected unless the former member is given notice of the existence of the debit balance and the amount thereof."

Coming into force of sections 3, 6, 8.

17. Sections three, six and eight shall be deemed to have come into force on the first day of October, nineteen hundred and forty-six.

17. It is necessary to make sections 3, 6 and 8 retroactive because the class of officer known as subordinate officer was established on 1st October, 1946.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 135.

An Act to amend The Department of Transport Stores Act.

First reading, April 21, 1950.

THE MINISTER OF TRANSPORT.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

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2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 135.

An Act to amend The Department of Transport Stores Act.

1937, c. 28; 1939, c. 16; 1946, c. 21.

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

1. Section five of *The Department of Transport Stores Act*, chapter twenty-eight of the statutes of 1937, as enacted by section one of chapter sixteen of the statutes of 1939, is repealed and the following substituted therefor:

Outstanding advances not to exceed $5,000,000.

"**5.** The amount of advances to the Minister of Transport shall at no time exceed five million dollars."

Section repealed. Renumbering.

2. Section six of the said Act, as enacted by chapter twenty-one of the statutes of 1946, is repealed, and section seven of the said Act is renumbered as section six.

3. Section eight of the said Act is repealed and the following substituted therefor:

Accounting transactions to be at cost.

"**7.** All accounting transactions affecting advances and stores shall be recorded at cost, but for the purpose of valuing stores inventory and stores issues, costs may be determined in accordance with such recognized accounting practices as the Minister of Transport, with the approval of the Minister of Finance, may direct.

Deletion from inventory of obsolete stores.

"**8.** The Minister of Transport, with the approval of the Treasury Board, may direct the deletion from stores inventory of obsolete or unserviceable stores, or stores lost or destroyed, and the value of stores so deleted shall be credited to the stores account and charged to appropriations that may be made by Parliament for this purpose from time to time."

Explanatory Notes.

1. Present section 5 reads as follows:

"**5.** The amount of advances to the Minister of Transport shall at no time exceed *one million* dollars."

2. Present section six reads as follows:

"**6.** *The inventory of stores at the end of each fiscal year shall not exceed one million six hundred thousand dollars.*"

3. Section eight reads as follows:

"**8.** *All accounting transactions affecting the advances and the stores shall be limited to the actual cost of purchase and any relative transportation charges.*"

Proposed sections 7 and 8 are new.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 177.

An Act to amend The Income Tax Act.

First reading, May 4, 1950.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
60510 1950

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 177.

An Act to amend The Income Tax Act.

1947-48, c. 52. 1949 (2nd Sess.), c. 2.

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

1. (1) Paragraph *(a)* of section six of *The Income Tax Act*, chapter fifty-two of the statutes of 1947-48, is amended by deleting the word "or" at the end of sub-paragraph (iv) thereof, by inserting the word "or" at the end of subparagraph (v) thereof and by adding the following subparagraph thereto:

"death benefit."

"(vi) death benefit,"

(2) The said section six is further amended by deleting the word "and" at the end of paragraph *(i)* thereof, by inserting the word "and" at the end of paragraph *(j)* thereof and by adding the following paragraph thereto:

Employees profit sharing plan.

"*(k)* amounts allocated to him in the year by a trustee under an employees profit sharing plan as provided by section 71A."

Application.

(3) Subsection one is applicable to the 1949 and subsequent taxation years.

2. (1) All that portion of subsection one of section eight of the said Act after paragraph *(c)* thereof is repealed and the following substituted therefor:

"otherwise than

(i) on the reduction of capital, the redemption of shares or the winding-up, discontinuance or reorganization of its business,

Stock dividends and stock rights.

(ii) by payment of a stock dividend, or

(iii) by conferring on all holders of common shares in the capital of the corporation a right to buy additional common shares therein,

the amount or value thereof shall be included in computing the income of the shareholder for the year."

Clause 1. (1) New. Under this amendment death benefits are to be included in computing income. Death benefits are defined in *Clause 43.*

(2) New. This amendment is consequential on the new provisions in *Clause 27* governing the taxation of employees profit sharing plans.

Clause 2. (1) The effect of the amendment is to add the payment of stock dividends and the issuance of stock rights to the exclusions under the section. A new provision governing the taxation of stock dividends is contained in Section 73 *(Clause 28).*

The present Section 8 reads as follows:—

"**8.** (1) Where, in a taxation year,

(a) a payment has been made by a corporation to a shareholder otherwise than pursuant to a *bona fide* business transaction,

(b) funds or property of a corporation have been appropriated in any manner whatsoever to, or for the benefit of, a shareholder, or

(c) a benefit or advantage has been conferred on a shareholder by a corporation,

otherwise than on the reduction of capital, the redemption of shares or on the winding-up, discontinuance or reorganization of its business, the amount or value thereof shall be included in computing the income of the shareholder for the year."

Renumbering.

(2) The said section eight is further amended by renumbering subsection three thereof as subsection four thereof and by inserting the following subsection immediately after subsection two thereof:

Interest on income bonds.

"(3) An annual or other periodic amount paid by a corporation to a taxpayer in respect of an income bond or income debenture shall be deemed to have been received by the taxpayer as a dividend unless the corporation is entitled to deduct the amount so paid in computing its income."

Repeal.

3. Section nine of the said Act is repealed.

4. (1) Paragraph *(b)* of subsection one of section ten of the said Act is repealed and the following substituted therefor:

War Saving Certificate.

"*(b)* an amount received under a War Savings Certificate issued by His Majesty in right of Canada or under a similar savings certificate issued by His Majesty in right of Newfoundland before April 1, 1949,"

(2) The said subsection one is further amended by deleting the word "or" at the end of paragraph *(g)* thereof and by adding the following paragraphs thereto:

Employees profit sharing plan.

"*(i)* a payment or part of a payment from an employees profit sharing plan that section 71A provides is not to be included, or

Prospecting.

(j) an amount received as a result of prospecting that section 73B provides is not to be included."

5. (1) Paragraph *(c)* of subsection one of section eleven of the said Act is repealed and the following substituted therefor:

Interest.

"*(c)* an amount paid in the year or payable in respect of the year (depending upon the method regularly followed by the taxpayer in computing his income), pursuant to a legal obligation to pay interest on

(i) borrowed money used for the purpose of earning income from a business or property (other than property the income from which would be exempt), or

(ii) an amount payable for property acquired for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business (other than property the income from which would be exempt),

or a reasonable amount in respect thereof, whichever is the lesser,"

(2) The said subsection one is further amended by deleting the word "and" at the end of paragraph *(n)* thereof, by inserting the word "and" at the end of paragraph *(o)* thereof and by adding the following paragraph thereto:

(2) This subsection appears at present as subsection 5 of Section 9 and is being transferred without change to Section 8 on the repeal of Section 9.

Clause 3. Section 9 is repealed and is re-enacted, except for subsections (5) and (6), as Section 73 *(Clause 28).*

Clause 4. (1) The amendment has the effect of extending the present exemption for War Savings Certificates to similar certificates issued by Newfoundland—intended to be tax-free when issued.

(2) New. These amendments are consequential on the new provisions governing taxation of employees profit sharing plans under *Clause 27* and of prospectors under *Clause 28.*

Clause 5. (1) New. Under section 11 of the Act at present the deduction for payments of interest is limited to amounts paid for money borrowed by the taxpayer for use in the business. By the amendment the deduction is extended to include amounts paid for interest in connection with property purchased for use in a business.

(2) New. This amendment is consequential on the new provisions governing the taxation of employees profit sharing plans under *Clause 27.*

Employer's contribution under profit sharing plan.

"*(p)* an amount paid by the taxpayer in trust for his employees under an employees profit sharing plan as permitted by section 71A."

(3) The said section eleven is further amended by adding the following subsection thereto:

Employee's contributions to pension funds for arrears.

"(8) Where an amount in excess of $900.00 has been contributed by a taxpayer to or under an approved superannuation fund or plan during the 1946 or a subsequent taxation year in respect of services rendered by him before he became a contributor, it may be included in computing a deduction under subparagraph (ii) of paragraph *(g)* of subsection (1) for a taxation year subsequent to the year during which it was contributed to the extent that it exceeds the aggregate of amounts deductible in respect thereof under this subsection or the said subparagraph (ii) in computing incomes for years preceding the taxation year."

(4) Subsections (1) and (3) are applicable to the 1949 and subsequent taxation years.

Fiscal period for individual member of partnership wound up.

6. (1) Section fifteen of the said Act is amended by adding the following subsections thereto:

"(2) Where an individual was a member of a partnership the affairs of which were wound up during a fiscal period of the partnership by reason of the death or withdrawal of a partner or by reason of a new member being taken into the partnership, for the purpose of subsection (1), the fiscal period, may, if the taxpayer so elects, be deemed to have ended at the time it would have ended if the affairs of the partnership had not been so wound up.

Fiscal period for individual proprietor of business disposed of.

(3) Where an individual was the proprietor of a business and disposed of it during a fiscal period of the business, for the purpose of subsection (1), the fiscal period may, if the taxpayer so elects, be deemed to have ended at the time it would have ended if the taxpayer had not disposed of the business during the fiscal period."

Application.

(2) This section is applicable to the 1950 and subsequent taxation years.

7. (1) Section eighteen of the said Act is repealed and the following substituted therefor:

Lease-option, hire-purchase, etc.

"**18.** (1) A lease-option agreement, a hire-purchase agreement or other contract or arrangement for the leasing or hiring of property, except immovable property used in carrying on the business of farming, by which it is agreed that the property may, on the satisfaction of a condition, vest in the lessee or other person to whom the property is leased or hired shall, for the purpose of computing the income of the lessee or other such person, be deemed to be an agreement for the sale of the property and

(3) New. This amendment will allow the deduction in 1949 and later years of the amount by which a payment for past services made in 1946 or thereafter into a superannuation or pension fund exceeded the amount of $900. The deduction for such excess in any single year may not exceed an amount of $900.

Clause 6. (1) New. These are relieving provisions. They will allow a member of a partnership or a sole proprietor in a year in which the partnership has changed or the business has been disposed of to elect to file a return for the regular fiscal year of the partnership or proprietorship rather than for the period ended with the time of the change or disposition. This election will enable a partner or sole proprietor to avoid having to take into income for a taxation year more than the business profits of twelve months.

Clause 7. This amendment is to carry out the terms of paragraph 7 of the Income Tax Resolution, which reads as follows:

"**7.** That for the 1950 and subsequent taxation years, section 18 of the *Income Tax Act*, under which lease-option or hire purchase or like agreements relating to movable property are deemed to be agreements for sale and the payments to be purchase price and the purchaser to be the owner for purposes of depreciation, be extended to apply to all property except real or immovable property used in the business of farming."

rent or other consideration paid or given thereunder shall be deemed to be on account of the price of the property and not for its use; and the lessee or other person in whom the property may vest shall, for the purpose of a deduction under paragraph *(a)* of subsection (1) of section 11, be deemed to have acquired the property at a capital cost equal to the price fixed by the contract or arrangement minus the aggregate of all amounts paid by him

(a) in the case of a contract or arrangement relating to movable property, before the 1949 taxation year, and

(b) in the case of any other contract or arrangement, before the 1950 taxation year,

under the contract or arrangement on account of the rent or other consideration.

Lessee or hire-purchaser where contract or arrangement rescinded.

(2) Where a person is deemed under subsection (1) to have acquired property under a contract or arrangement and the contract or arrangement is subsequently rescinded or determined, he shall, for the purpose of section 20, be deemed to have disposed of the property for the price fixed by the contract or arrangement minus the aggregate of all amounts paid by him under the contract or arrangement on account of the rent or other consideration."

Application.

(2) This section is applicable

(a) in the case of a contract or arrangement relating to movable property, to the 1949 and subsequent taxation years; and

(b) in the case of any other contract or arrangement, to the 1950 and subsequent taxation years.

8. (1) Subsection one of section twenty of the said Act is repealed and the following substituted therefor:

Excess of proceeds over undepreciated capital cost.

"(1) Where depreciable property of a taxpayer of a prescribed class has, in a taxation year, been disposed of and the proceeds of disposition exceed the undepreciated capital cost to him of depreciable property of that class immediately before the disposition, the lesser of

(a) the amount of the excess, or

(b) the amount that the excess would be if the property had been disposed of for the capital cost thereof to the taxpayer,

shall be included in computing his income for the year.

Determination of net amount.

(1A) Where one or more amounts are by subsection (1) required to be included in computing a taxpayer's income for a taxation year in respect of the disposition of depreciable property of a prescribed class and the taxpayer has, during the year but following the dispositions, acquired further depreciable property of that class, notwithstanding subsection (1) and paragraph *(e)* of subsection (3), the following rules are applicable:

Clause 8. (1) The effect of the revised subsection (1) of section 20 is to change the base for determining the excess of proceeds of disposition over undepreciated capital cost from the undepreciated capital cost at the beginning of the year to the undepreciated capital cost immediately before the disposition. Account will be taken under the amendment of changes that may have occurred between the beginning of the year and the time of disposition.

The new subsection 1A of section 20 provides for the determination of a net amount either to be brought into income or to be included in the asset account where further assets of a class are acquired in the same year in which assets of that class have been disposed of. Paragraph *(a)* provides for the case where the proceeds of the disposition are less than the cost of the new assets and paragraph *(b)* provides for the opposite case.

(a) if the aggregate of the amounts that would, according to the terms of subsection (1), be included thereunder in computing his income is equal to or exceeds the amount that would, according to the terms of paragraph *(e)* of subsection (3), be the undepreciated capital cost to him of depreciable property of that class at the end of the year before any deduction is made under paragraph *(a)* of subsection (1) of section 11 for that year,

(i) the amount to be included in computing his income for the year under subsection (1) in respect of dispositions of depreciable property of that class is that aggregate minus the amount that would be that undepreciated capital cost, and

(ii) the undepreciated capital cost to him of depreciable property of that class at the end of the year is nothing;

and

(b) if the aggregate of the amounts that would, according to the terms of subsection (1), be included thereunder in computing his income is less than the amount that would, according to the terms of paragraph *(e)* of subsection (3), be the undepreciated capital cost to him of depreciable property of that class at the end of the year before any deduction is made under paragraph *(a)* of subsection (1) of section 11 for that year,

(i) no amounts shall be included in computing his income for the year in respect of depreciable property of that class under subsection (1), and

(ii) the undepreciated capital cost to him of depreciable property of that class at the end of the year before any deduction is made under paragraph *(a)* of subsection (1) of section 11 for the year is the amount that it would be according to the terms of paragraph *(e)* of subsection (3) minus that aggregate.

Reference to "taxation year", "his income".

"(1B) Where a taxpayer is an individual and his income for a taxation year includes income from a business the fiscal period of which does not coincide with the calendar year, if depreciable property acquired for the purpose of gaining or producing income for the business has been disposed of,

(a) a reference in subsection (1) or (1A) to a "taxation year" or "the year" shall be read as a reference to a "fiscal period" or "the period"; and

(b) a reference in subsection (1) or (1A) to "his income" shall be read as a reference to "his income from the business"."

The new subsection 1B makes certain amendments to cover the cost of a taxpayer whose income is derived in part from a business having a different fiscal year than the calendar year.

(2) Subsection six of the said section twenty is repealed and the following substituted therefor:

Farming or fishing.

"(6) Subsection (1) does not apply in determining a taxpayer's income for a taxation year from farming or fishing unless he has elected to take a deduction for that or a previous year under regulations made under paragraph *(a)* of subsection (1) of section 11 other than a regulation providing solely for an allowance for computing income from farming or fishing.

Application where deduction under 1949 (2nd Sess.) c. 11.

(7) Notwithstanding subsection (6), where a deduction has been taken under *The Canadian Vessel Construction Assistance Act* for any year, subsection (1) is applicable in respect of the prescribed class created by that Act."

Application.

(3) This section is applicable to the 1949 and subsequent taxation years.

9. (1) Section twenty-three of the said Act is repealed and the following substituted therefor:

Transfer of rights to income.

"**23.** Where a taxpayer has, at any time before the end of a taxation year (whether before or after the commencement of this Act), transferred or assigned to a person with whom he was not dealing at arms length the right to an amount that would, if the right thereto had not been so transferred or assigned, be included in computing his income for the taxation year because the amount would have been received or receivable by him in or in respect of the year, the amount shall be included in computing the taxpayer's income for the taxation year unless the income is from property and the taxpayer has also transferred or assigned the property."

Application.

(2) This section is applicable to the 1950 and subsequent taxation years.

10. (1) Subsection one of section twenty-six of the said Act is amended by repealing paragraph *(a)* thereof and substituting the following therefor:

Charitable donations.

"*(a)* the aggregate of gifts made by the taxpayer in the year to charitable organizations in Canada exempt from tax under this Part by paragraph *(ea)* of subsection (1) of section 57, His Majesty in right of the provinces and Canadian municipalities, not exceeding

(i) in the case of a corporation, 5% of its income for the year, and

(ii) in the case of an individual, 10% of his income for the year,

if payment of the amounts given is proven by filing receipts with the Minister;

(aa) the aggregate of gifts made by the taxpayer in the year to His Majesty in right of Canada, if payment of the amounts given is proven by filing receipts with the Minister;"

(2) New. Under the new subsection (6) of section 20 farmers and fishermen may elect to take the new system of capital cost allowances. Any fisherman who takes the special deduction under *The Canada Vessel Construction Assistance Act* is subject to the provisions of subsection (1) of section 20.

Clause 9. This amendment widens the application of the present provision designed to prevent tax avoidance through transfer of rights to income between persons not dealing at arms length.

The present section reads as follows:

"**23.** Where a taxpayer has, at any time before the end of a taxation year, whether before or after the commencement of this Act, transferred the right to income from property to a person connected with him by blood relationship, marriage or adoption or to a trust for such a person's benefit, without transferring the property, the income therefrom for the year shall be deemed to be income of the taxpayer."

Clause 10. (1) The amendment to paragraph *(a)* of subsection (1) of section 26 is consequential on the amendment to section 57 contained in *Clause 21.* It provides for the deduction of contributions to a charitable organization described in paragraph *(ea)* of section 57.

The new paragraph *(aa)* allows for the deduction of gifts to His Majesty in the Right of Canada without limit.

(2) The said section twenty-six is further amended by adding the following subsection thereto:

Commuter's charitable donations.

"(3) Where a person resided during the whole of a taxation year in Canada near the boundary between Canada and the United States of America, if

(a) he commuted to his principal place of employment or business in the United States, and

(b) his chief source of income for the year was that employment or business,

a gift made by him in the year to a religious, charitable, scientific, literary or educational organization created or organized in or under the law of the United States that would be allowed as a deduction under the United States Internal Revenue Code shall, for the purpose of paragraph *(a)* of subsection (1), be deemed to have been made to a charitable organization in Canada exempt from tax under this Part by paragraph *(ea)* of subsection (1) of section 57."

Application.

(3) This section is applicable to the 1950 and subsequent taxation years.

11. (1) Section twenty-seven of the said Act is amended by inserting the following subsections immediately after subsection one thereof:

Dividends from controlled resident corporation.

"(1A) Notwithstanding subsection (1), where

(a) a dividend was paid by a corporation that was resident in Canada and was controlled by the receiving corporation, and

(b) the payer corporation had undistributed income on hand at the end of its last complete taxation year before the control was acquired (which undistributed income is hereinafter referred to as the "designated surplus"),

the amount deductible under subsection (1) is the lesser of

(c) the dividend minus any amount deductible under subsection (2) of section 11 in computing the receiving corporation's income, or

(d) the receiving corporation's portion of the payer corporation's earnings for the control period that were available for payment of dividends immediately before the dividend was paid,

unless the aggregate of

(e) the amount of the designated surplus upon which tax had been paid under Part IA before the dividend was paid, and

(f) dividends paid by the payer corporation out of the designated surplus during the control period but before the dividend was paid,

is equal to or greater than the designated surplus.

Controlled corporation.

(1B) For the purpose of subsection (1A), one corporation is controlled by another corporation if more than 50%

(2) New. This amendment allows residents of Canada who commute to their employment in the United States to deduct from their income charitable donations made in the United States.

Clause 11. New. This amendment prevents a company that in future obtains control over another company having an undistributed income on hand from deducting from income dividends received from the controlled company in excess of the income earned by the controlled company since control was taken, unless the controlled company has elected to pay the 15% tax on such undistributed income under section 95A. Companies of which control is acquired after the coming into force of this section will be classed as private companies for the purpose of the 15% tax.

of its issued share capital (having full voting rights under all circumstances) belongs to the other corporation or to the other corporation and persons with whom the other corporation does not deal at arms length.

"Control period".

(1C) In this section, "control period" means the period from the commencement of the payer corporation's taxation year in which the control was acquired to the time when the dividend was paid.

Amount of corporation's earnings in control period.

(1D) In this section, the amount of a corporation's earnings for a control period that was available for payment of dividends at a particular time is the amount by which

(a) the aggregate of its incomes for the completed taxation years in the control period,

exceeds

(b) the aggregate of

(i) its taxes under this Part for the completed taxation years in the control period,

(ii) all dividends paid in the control period before the particular time, and

(iii) such part of the dividends deemed under this Part to have been received from the corporation in the control period before the particular time as was included in computing the recipients' incomes.

Dividend, deemed as paid out of surplus.

(1E) For the purpose of subsection (1A), a dividend paid by a corporation or deemed to have been received from a corporation shall be deemed to have been paid out of designated surplus to the extent that the payer corporation did not immediately before it was paid, have earnings for the completed taxation years in the control period that were available for payment of dividends.

Determination of earnings on winding-up.

(1F) For the purpose of subsection (1A), the receiving corporation's portion of the payer corporation's earnings for the control period that were available for payment of dividends at a particular time is the amount that would have been payable to the receiving corporation on the winding-up of the payer corporation at that time if the amount to be distributed on the winding-up were the amount of the earnings that were so available for payment of dividends."

(2) Subsection (1) is applicable where the receiving corporation acquired control of the payer corporation after May 4, 1950.

12. (1) Subparagraph (i) of paragraph *(a)* of subsection one of section thirty-four of the said Act is repealed and the following substituted therefor:

Winding-up of pension fund or plan.

"(i) out of or pursuant to a superannuation or pension fund or plan upon the death, withdrawal or retirement from employment of an employee or former

Clause 12. (1) The present sub-paragraph reads as follows:

"**34.** In the case of

(a) a single payment

(i) out of or pursuant to a superannuation or pension fund or plan upon the death, withdrawal or retirement from employment of an employee or former employee in full satisfaction of all his rights in or under the fund or plan, or"

The amendment provides for payments made on the winding-up of a fund.

employee or upon the winding-up of the fund or plan in full satisfaction of all rights of the payee in or under the fund or plan, or".

(2) The said subsection one is further amended by deleting the word "or" at the end of paragraph *(a)* thereof, by inserting the word "or" at the end of paragraph *(b)* thereof and by adding the following paragraph thereto:

Payment as a death benefit.

"*(c)* a payment or payments made as a death benefit,".

Application.

(3) This section is applicable to the 1949 and subsequent taxation years.

13. (1) The said Act is further amended by inserting the following section immediately after section thirty-four thereof:

Two fiscal periods end in same taxation year.

"**34A.** Where, by reason of a change made with the concurrence of the Minister in the fiscal period of a taxpayer who is an individual or the fiscal period of a partnership in which a taxpayer who is an individual is a member, there would otherwise be included in computing his income for a taxation year

(a) income from a business of which he is a proprietor for each of two or more fiscal periods, or

(b) income from the partnership for each of two or more fiscal periods,

and the number of days in the fiscal periods is greater than the number of days in the taxation year, the following rules are, if the taxpayer so elects, applicable:

(i) the taxpayer's income from the business or partnership for the taxation year shall be deemed for the purpose of this Part to be the proportion of the aggregate of the incomes therefrom for the fiscal periods that the number of days in the taxation year is of the number of days in the fiscal periods; and

(ii) the taxpayer shall pay in addition to any other tax payable for the year a tax on the amount by which the aggregate of the incomes from the business or partnership for the fiscal periods exceeds his income from the business or partnership for the year as determined under paragraph (i) equal to the proportion thereof that the tax payable under this Part for the year (other than tax payable under this paragraph) is of his taxable income for the year when the amount included as income from the business or partnership is the amount determined under paragraph (i),

but, when a taxpayer elects to have those rules applicable for a taxation year, no amount is deductible under paragraph *(d)* of subsection (1) of section 26 in respect of the same business in computing his taxable income for the year."

(2) This amendment extends to a single payment made as a death benefit the beneficial rate of tax now provided for payments on withdrawal from pension funds, for long service or for loss of office.

Clause 13. (1) This amendment affords relief from hardship when two fiscal periods of a taxpayer end in the same taxation year.

Application.

(2) This section is applicable to the 1950 and subsequent taxation years.

14. Subparagraph (i) of paragraph *(a)* of subsection one of section thirty-five of the said Act is repealed and the following substituted therefor:

Dividends.

"(i) the aggregate of all dividends received by him in the year from taxable corporations in respect of shares of the capital stock of the corporations from which they were received and of all dividends he is, by sections 8 and 73 deemed to have received in the year,"

15. (1) Subsections four and five of section thirty-six of the said Act are repealed and the following substituted therefor:

Related Corporations.

"(4) For the purpose of this section, one corporation is related to another in a taxation year if, at any time in the year,

(a) one of them owned 70% or more of all the issued common shares of the capital stock of the other, or

(b) 70% or more of all the issued common shares of the capital stock of each of them is owned by one person, by two or more persons jointly or by persons not dealing with each other at arms length.

Idem.

(5) When two corporations are related, or are deemed by this subsection to be related, to the same corporation at the same time, they shall, for the purpose of this section, be deemed to be related to each other."

Application.

(2) This section is applicable to the 1949 and subsequent taxation years.

16. Subsection two of section forty of the said Act is repealed and the following substituted therefor:

Demands for returns.

"(2) Whether or not he is liable to pay tax under this Part for a taxation year and whether or not a return has been filed under subsection (1) or (3), every person shall, on demand by registered letter from the Minister, file, within such reasonable time as may be stipulated in the registered letter, with the Minister in prescribed form and containing prescribed information a return of the income for the taxation year designated in the letter."

Repeal.

17. (1) Section forty-three of the said Act is repealed.

Application.

(2) This section is applicable to the 1949 and subsequent taxation years.

Clause 14. This amendment is consequential on the repeal of Section 9 and the enactment of Section 73. The sub-paragraph being repealed reads as follows:

"(i) the aggregate of all dividends received by him in the year from taxable corporations in respect of shares of the capital stock of the corporations from which they were received and of all dividends he is, by sections 8, 9 and 73 deemed to have received in the year,"

Clause 15. This clause is to carry out paragraph 1 of the Income Tax Resolution, which reads as follows:

"(1) That for the 1949 and subsequent taxation years, the provision under which the 10 per cent tax rate on the first $10,000 of income of a corporation applies only to one of several related companies be amended so that the test of relationship of companies shall be ownership of 70 per cent or more of all the issued common shares of capital stock of the corporation instead of mere control."

Clause 16. This amendment provides that the demand for returns be made by registered mail.

Clause 17. The penalty is being replaced by the penalty provided under *Clause 19.* The section being repealed reads as follows:

"**43.** (1) Where there has been omitted from a return of incomeany dividend, rental, interest, royalty or other similar amount the omission of which is, on inquiry by or on behalf

18. (1) Section fifty of the said Act is amended by adding the following subsection thereto:

Income of resident from a foreign country in blocked currency.

"(7) Where the income of a taxpayer for a taxation year, or part thereof, is from sources in another country and the taxpayer by reason of monetary or exchange restrictions imposed by the law of that country is unable to transfer it to Canada, the Minister may, if he is satisfied that payment as required by this Part of the whole of the additional tax under this Part for the year reasonably attributable to income from sources in that country would impose extreme hardship on the taxpayer, postpone the time for payment of the whole or a part of that additional tax for a period to be determined by the Minister but no such postponement may be granted if any of the income for the year from sources in that country has been

(a) transferred to Canada,

(b) used by the taxpayer for any purpose whatsoever, or

(c) disposed of by him;

and no interest is payable under this section in respect of that additional tax, or part thereof, during the period of postponement."

Application.

(2) This section is applicable to the 1949 and subsequent taxation years.

19. (1) The said Act is further amended by inserting the following section immediately after section fifty-one thereof:

Evasion of tax.

"**51A.** Every person who has wilfully, in any manner, evaded or attempted to evade payment of the tax payable by him under this Part for a taxation year or any part thereof is liable to a penalty, to be fixed by the Minister, of not less than 25% and not more than 50% of the amount of the tax evaded or sought to be evaded."

Application.

(2) This section is applicable to the 1949 and subsequent taxation years.

of the Minister or on information received from a person other than the taxpayer or person making the return, subsequently discovered, the taxpayer may be deemed to have received double the amount so omitted from the return and the tax may be assessed accordingly.

(2) This section is applicable in the case of a deceased taxpayer whether the omission is discovered before or after the death of the taxpayer.

(3) This section shall not be construed as providing for a penalty in substitution for any penalty otherwise provided for in this Act."

Clause 18. New. This amendment permits the Minister under certain conditions to postpone without interest the payment of tax in respect of income of a resident of Canada from a foreign country which cannot be transferred to Canada because of currency or monetary restrictions in the foreign country.

Clause 19. This amendment provides for a new penalty payable on wilful evasion of tax following the repeal of Section 43.

Renumbering.

20. Subsection two of section fifty-five of the said Act is renumbered as subsection three thereof and the following subsection is inserted immediately after subsection one thereof:

Appeal to Exchequer Court of Canada.

"(2) Where a taxpayer has served a notice of objection to an assessment under section 53, he may, in place of appealing to the Income Tax Appeal Board under section 54, appeal to the Exchequer Court of Canada at a time when, under section 54, he could have appealed to the Income Tax Appeal Board."

21. (1) Paragraph *(e)* of subsection one of section fifty-seven of the said Act is repealed and the following substituted therefor:

Certain organizations.

"*(e)* an agricultural organization, a board of trade or a chamber of commerce, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof,

Charitable organization.

(ea) a charitable organization, whether or not incorporated, all the resources of which were devoted to charitable activities carried on by the organization itself and no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof,

Non-profit corporation.

(eb) a corporation no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof, that has not, since June 1, 1950, acquired control (within the meaning of that expression as used in sub-section (1A) of section 27) of any other corporation and that, during the period,

(i) did not carry on any business,

(ii) had no debts incurred since June 1, 1950, other than obligations arising in respect of salaries, rents and other current operating expenses, and

(iii) made gifts, the aggregate of which is not less than 90% of the corporation's income for the period, to organizations in Canada the incomes of which for the period are exempt from tax under this Part by virtue of paragraph *(ea)*."

(2) The said subsection one is further amended by deleting the word "or" at the end of paragraph *(n)* thereof, by inserting the word "or" at the end of paragraph *(o)* thereof and by adding the following paragraph thereto:

Trust under profit sharing plan.

"*(p)* a trust under an employees profit sharing plan to the extent provided by section 71A."

Application.

(3) Subsection one is applicable to the 1950 and subsequent taxation years.

Clause 20. New. This amendment will permit a taxpayer to take an appeal to the Exchequer Court without first taking an appeal to the Income Tax Appeal Board.

Clause 21. (1) Section 57 of the *Income Tax Act* describes organizations which are not taxable. The amendments alters the definition of an exempt charitable organization in some respects. It also provides that so-called charitable foundations will be exempt if they conform to specified conditions.

The paragraph being repealed reads as follows:

"*(e)* an organization operated exclusively for charitable purposes or an agricultural organization, a board of trade or a chamber of commerce, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof,"

(2) This amendment is consequential on *Clause 27*, which deals with employees profit sharing plans.

22. (1) Subsection five of section fifty-eight of the said Act is repealed and the following substituted therefor:

Income of beneficiary.

"(5) Such part of the amount that would be the income of a trust or estate for a taxation year if no deduction were made under subsection (4) of this section or under regulations made under paragraph *(a)* of subsection (1) of section 11 as was payable in the year to a beneficiary or other person beneficially interested therein shall be included in computing the income of the person to whom it so became payable whether or not it was paid to him in that year and shall not be included in computing his income for a subsequent year in which it was paid."

(2) The said section fifty-eight is further amended by inserting the following subsections immediately after subsection six thereof:

Depreciation allowance.

"(6A) A beneficiary or other person beneficially interested in a trust or estate who is entitled, either contingently or absolutely, to the property of the trust or estate or some part thereof at some future time, may deduct from the amount that would otherwise be his income from the trust or estate by virtue of subsection (5) such part of the amount that would otherwise be deductible from the income of the trust or estate for the year under regulations made under paragraph *(a)* of subsection (1) of section 11 as the trust or estate may determine; and any amount deductible under this section for a taxation year shall be deducted from the amount that the trust or estate would otherwise be able to deduct under regulations made under the said paragraph *(a)*.

Depletion allowance.

(6B) Where an amount is payable in a taxation year by a trust or estate to a beneficiary or other person beneficially interested therein, no part thereof shall be deemed, for the purpose of subsections (4) and (5), to be payable out of an amount deductible in computing the income of the trust or estate for the year under regulations made under paragraph *(b)* of subsection (1) of section 11 or under subsection (2) of that section except such part thereof as the trust or estate designates as being so payable.

Trust for infant.

(6C) Where the income of a trust or estate for a taxation year or any part thereof was not payable in the year but was held in trust for an infant or minor whose right thereto had vested and the only reason that it was not payable in the year was that the beneficiary or other person beneficially entitled was an infant or minor, it shall, for the purpose of subsections (4) and (5), be considered to have been payable to him in the year."

Dividend deduction from tax.

(3) Paragraph *(a)* of subsection seven of the said section fifty-eight is repealed and the following substituted therefor:

Clause 22. New. This amendment to section 58 is mainly designed to allow past practice to be continued, namely, to allow beneficiaries to receive allowances for depletion but not for depreciation. It does, however, allow a beneficiary depreciation under conditions stated in (6A). Also it makes special provision in (6C) for the case where the beneficiary is an infant or minor.

The sub-section being repealed reads as follows:

"(5) Such part of the amount that would otherwise be the income of a trust or estate for a taxation year as was payable in the taxation year to a beneficiary or other person beneficially interested therein, shall be included in computing the income of the person to whom it so became payable whether or not it was paid to him in that year and shall not be included in computing his income for a subsequent year in which it was paid."

"*(a)* the income of the trust or estate for the taxation year (before making any deductions under subsection (4)) from shares of the capital stock of taxable corporations, including the amount by which its income for the year was increased by the operation of sections 8 and 73,"

Application.

(4) Subsections one and two are applicable to the 1949 and subsequent taxation years.

23. (1) Paragraph *(a)* of subsection (6D) of section sixty-one of the said Act is repealed and the following substituted therefor:

Dividend from personal corporation.

"*(a)* the income of the personal corporation for the taxation year from shares of the capital stock of taxable corporations, including the amount by which its income for the year was increased by the operation of sections 8 and 73,"

(2) The said section sixty-one is further amended by adding the following subsection thereto:

"(10) Where both this section and subsection (4) of section 73 provide that a dividend or a part thereof is not to be included in computing the recipient's income, this section only shall be regarded as so providing."

24. (1) Section sixty-six of the said Act is amended by adding the following subsection thereto:

Non-application of par. (a), ss. (2), sec. 73.

"(2) Paragraph *(a)* of subsection (2) of section 73 does not apply where the corporation that redeemed or acquired its common shares or that reduced its common stock is a corporation that was incorporated under provincial legislation respecting the establishment of co-operative corporations for the purpose of marketing (including processing incident to or connected therewith) natural products belonging to or acquired from its members or customers, of purchasing supplies, equipment or household necessaries for or to be sold to its members or customers or of performing services for its members or customers."

Application.

(2) This section is applicable to the 1950 and subsequent taxation years.

25. (1) All that portion of section sixty-nine of the said Act preceding paragraph *(a)* thereof is repealed and the following substituted therefor:

Employer's payment to pension plan.

"**69.** Where a taxpayer is an employer and has made a special payment (or payments) on account of an employees' superannuation or pension fund or plan in respect of the past services of employees pursuant to a recommendation by a qualified actuary in whose opinion the resources of the fund or plan required to be augmented by the amount of one or more special payments to ensure that all the obligations of the fund or plan to the employees may be discharged

Clause 23. This is a technical amendment consequential on *Clause 28.*

Clause 24. New. The effect of this amendment is to allow co-operatives to redeem or acquire their outstanding shares, an event which can occur on the withdrawal of a member, without such redemption or acquisition being deemed to be a dividend if there is undistributed income on hand as provided under Section 73 *(Clause 28).*

Clause 25. The effect of the amendment is to omit the words "in Canada". The portion of the section being repealed reads as follows:

"**69.** Where a taxpayer is an employer and has made a special payment (or payments) *in Canada* on account of an employees' superannuation or pension fund or plan in respect of the past services of employees pursuant to a recommendation by a qualified actuary in whose opinion the resources of the fund or plan require to be augmented by the amount of one or more special payments to ensure that all the obligations of the fund or plan to the employees may

in full and has made the payment so that it is irrevocably vested in or for the fund or plan and the payment has been approved by the Minister on the advice of the Superintendent of Insurance, there may be deducted in computing the income for the taxation year the lesser of".

Application.

(2) This section is applicable to the 1949 and subsequent taxation years.

26. Section seventy of the said Act is amended by adding the following subsection thereto:

Certain payments from pension funds.

"(4) Where a taxpayer, during the period from August 15, 1944, to December 31, 1945, made a contribution in excess of $300.00 into or under an approved superannuation fund or plan in respect of services rendered by him before he became a contributor, there shall be included in computing his income in respect of a payment received by him out of or under the fund or plan only that part of the payment that remains after deducting the proportion thereof that the contribution so made minus $300.00 is of the aggregate of all amounts paid by him into or under the fund or plan."

27. (1) The said Act is further amended by inserting the following heading and section immediately after section seventy-one thereof:

"EMPLOYEES PROFIT SHARING PLAN.

"Employees profit sharing plan".

71A. (1) In this Act, an 'employees profit sharing plan' means an arrangement under which payments computed by reference to his profits from his business are made by an employer to a trustee in trust for the benefit of officers or employees of the employer (whether or not payments are also made to the trustees by the officers or employees) and under which the trustee has, since the commencement of the plan or the end of 1949, whichever is the later, each year allocated either contingently or absolutely to individual officers or employees,

(a) all amounts received by him from the employer, and

(b) all profits from the trust property,

in such manner that the aggregate of all such amounts and such profits minus such portion thereof as has been paid to beneficiaries under the trust is allocated either contingently or absolutely to officers or employees who are beneficiaries thereunder.

(2) No tax is payable under this Part by a trust on the taxable income of the trust for a period during which the trust was governed by an employees profit sharing plan.

(3) There shall be included in computing the income for a taxation year of an officer or employee who is a beneficiary

be discharged in full and has made the payment so that it is irrevocably vested in or for the fund or plan and the payment has been approved by the Minister on the advice of the Superintendent of Insurance, there may be deducted in computing the income for the taxation year the lesser of"

Clause 26. This is a relieving measure. It provides for the exemption from tax of a proportionate part of a pension or superannuation payment where a contribution to the fund in respect of past services was made by a taxpayer in the specified period in excess of $300, the amount deductible from income in respect of such a contribution under the law in effect during this period.

Clause 27. New. The present *Income Tax Act* does not provide for the manner in which employees profit sharing plans are to be taxed. The amendment makes such provision. In general the scheme is that such a plan (as defined in subsection (1)) will be exempt in respect of its income, (2); that employees who are members of the plan will be taxable on any amount allocated to their account in the year of allocation, (3); and that the amount paid into such a plan by the employer will be deductible in computing his income, (4). Subsection 5 provides that the amount on which the employee has paid tax in the year of allocation will not again be taxed on actual payment, while subsection (6) provides that notwithstanding (5) any amount which cannot be shown to have been previously taxed in the employee's income on allocation will be taxed on receipt.

under an employees profit sharing plan each amount that is allocated to him contingently or absolutely by the trustee under the plan at any time in the year otherwise than in respect of contributions made by him.

(4) An amount paid by an employer to a trustee under an employees profit sharing plan during a taxation year may be deducted in computing the employer's income for the taxation year.

(5) An amount received in a taxation year by a beneficiary from a trustee under an employees profit sharing plan shall not be included in computing the beneficiary's income for the year.

(6) Notwithstanding subsection (5), such portion of an amount received in a taxation year by a beneficiary from the trustee under an employees profit sharing plan as cannot be established to be attributable to

(a) payments made by the employer to the trustee, or

(b) profits from trust property,

which were included in computing the employee's income for that or a previous year under this Part, or as cannot be established as being attributable to payments made by the employee to the trustee, shall be included in computing the beneficiary's income for the year in which the amount was received."

(2) This section is applicable to the 1949 and subsequent taxation years.

28. (1) The heading *"Oil and Gas Wells, Mining Companies, Etc."* immediately following section seventy-two of the said Act and section seventy-three of the said Act are repealed.

Application.

(2) The following headings and sections are inserted in the said Act in place of the said section seventy-three:

"UNDISTRIBUTED INCOME.

Undistributed income on han

"73. (1) Where funds or property of a corporation have, at a time when the corporation had undistributed income on hand, been distributed or otherwise appropriated in any manner whatsoever to or for the benefit of one or more of its shareholders on the winding-up, discontinuance or reorganization of its business, a dividend shall be deemed to have been received at that time by each shareholder equal to the lesser of

(a) the amount or value of the funds or property so distributed or appropriated to him, or

(b) his portion of the undistributed income then on hand.

Clause 28. (1) Section 73 is repealed in accordance with paragraph 6 of the Income Tax Resolution which reads as follows:

6. That for the 1950 and subsequent taxation years, section 73 of the *Income Tax Act*, which imposes a tax on income from oil royalty rights held by a trustee as if the trustee was a corporation, be repealed.

(2) The new section 73 in part re-enacts section 9, repealed under clause 3. Subsection (6) of Section 9 is not re-enacted. This is the provision that gave the Minister of National Revenue authority to notify a corporation that its undistributed income on hand is excessive. Subsection (4) (new) provides that a shareholder is not taxable in respect of dividends deemed to have been received from a private company which has paid the tax on its undistributed income. Subsection (6) (new) provides that where a stock dividend is declared an amount equal to the value of the stock dividend or the undistributed income on hand, whichever is the lesser, will be deemed to have been capitalized immediately before declaration of the stock dividend.

Deemed to be dividend.

(2) Where a corporation, at a time when it had undistributed income on hand, has

(a) redeemed or acquired any of its common shares or reduced its common stock, or

(b) converted any of its common shares into shares other than common shares or into some obligation of the corporation,

a dividend shall be deemed to have been received at that time by each of the persons who held any of the shares at that time equal to the lesser of

(i) the amount received or the value of that which was received by him for or in respect of the shares or the reduction or conversion, or

(ii) his portion of the undistributed income then on hand.

Undistributed incom capitalized.

(3) Where the whole or any part of a corporation's undistributed income on hand has been capitalized, a dividend shall be deemed to have been received by each of the persons who held any of its shares immediately before the capitalization equal to the shareholder's portion of the undistributed income that was capitalized.

Taxable portion of deemed to be dividend.

(4) Where a dividend is under this section deemed to have been received by a taxpayer in a taxation year, the amount thereof to be included in computing the taxpayer's income for the year is the amount of the dividend minus the taxpayer's portion of the payer corporation's tax-paid undistributed income as of the time the dividend is deemed to have been received; and the amount so included shall, where the dividend is deemed to have been received by a corporation, be deemed to be the amount of the dividend for the purpose of section 27.

Undistributed income reduced.

(5) Where, under this section, a dividend has been deemed to have been received, the corporation's undistributed income on hand shall be deemed to have been reduced by the amount that the shareholders are so deemed to have received.

Stock dividend.

(6) Where a corporation has paid a stock dividend, the corporation shall, for the purpose of subsection (3), be deemed to have capitalized immediately before the payment undistributed income on hand equal to the lesser of

(a) the undistributed income then on hand, or

(b) the amount of the stock dividend.

Non-resident corporation.

(7) Except where the corporation is a non-resident corporation, more than 50% of the share capital of which (having full voting rights under all circumstances) belongs to non-residents this section is applicable in computing the income of a shareholder for the purpose of this Part whether or not the corporation was resident or carried on business in Canada.

"**73A.** (1) In this Act

"undistributed income on hand."

(a) 'undistributed income on hand' of a corporation at the end of, or at any time in, a specified taxation year means the aggregate of the incomes of the corporation for the taxation years beginning with the taxation year that ended in 1917 and ending with the specified taxation year minus the aggregate of the following amounts for each of those years:

(i) each loss sustained by the corporation for a taxation year,

(ii) each expense incurred or disbursement made by the corporation during one of those years that was not allowed as a deduction in computing income for the year under this Act other than an expense incurred or disbursement made in respect of the acquisition of property (including goodwill) or the repayment of loans or capital,

(iii) the amount by which all capital losses sustained by the corporation in those years before the 1950 taxation year exceeds all capital profits or gains made by the corporation in those years before the 1950 taxation year,

(iv) the amount by which all capital losses sustained by the corporation in those taxation years after the 1949 taxation year exceeds all capital profits or gains made by the corporation in those years after the 1950 taxation year,

(v) all amounts by which under other provisions of this Act the corporation's undistributed income on hand has been deemed to have been previously reduced, and

(vi) dividends paid by the corporation in those years except dividends that were paid exclusively out of a surplus or accumulated profits on hand prior to January 1, 1917 and that were not taxable under the *Income War Tax Act* as income of the shareholders minus the aggregate of amounts, if any, deductible by the shareholders in respect of the dividends under regulations made under subsection (2) of section 11;

"tax paid undistributed income."

(b) 'tax-paid undistributed income' of a corporation as of any time means the aggregate of all amounts upon which tax has been, before that time, paid by the corporation under Part IA of this Act or Part XVIII of the *Income War Tax Act* minus the aggregate of

(i) all amounts that have, before that time, been taken into account to reduce, by virtue of section 73 or subsection (2) of section 129 of this Act or section 95 of the *Income War Tax Act*, amounts included in computing income of the shareholders of the corporation, and

The new section 73A provides definitions of "undistributed income on hand", "tax paid undistributed income", and establishes certain rules in connection with Section 73 and the new Part 1A.

(ii) all amounts of tax that the corporation has paid under Part IA of this Act or Part XVIII of the *Income War Tax Act;*

(c) a shareholder's portion of

(i) a corporation's undistributed income on hand at any time or any portion thereof, or

(ii) a corporation's tax-paid undistributed income as of any time,

means the amount that would have been payable to him on the winding-up of the corporation at that time if the amount to be distributed on the winding-up were the undistributed income on hand at that time, the portion of it, or the tax-paid undistributed income, as the case may be.

Life Insurance corporation.

(2) Notwithstanding anything contained in paragraph *(a)* of subsection (1), the undistributed income of a life insurance corporation on hand at any time means the amount that is at the credit of its shareholders' account at that time.

Computation.

(3) For the purpose of computing undistributed income under paragraph *(a)* of subsection (1), there shall be added to the amount from which the aggregate of the amounts referred to in subparagraphs (i) to (vi) thereof is to be subtracted

(a) where a corporation has been created by the amalgamation of two or more other corporations, the aggregate of the undistributed incomes on hand of the other corporations at the time immediately before the amalgamation, and

(b) any amount that had previously been added to the corporation's undistributed income on hand for the purpose of Part XVIII of the *Income War Tax Act* by virtue of subsection (5) of section 94 of that Act.

"loss."

(4) For the purpose of subparagraph (i) of paragraph *(a)* of subsection (1) 'loss' for a taxation year means a loss computed by applying the provisions of this Act respecting computation of the corporation's income *mutatis mutandis.*

Determination.

(5) Where paragraph *(a)* of subsection (1) is being applied to determine a corporation's undistributed income on hand at a specified time in a taxation year after a dividend has been deemed by section 73 to have been received from the corporation in the year, the undistributed income on hand at the specified time is the undistributed income on hand of the corporation determined in accordance with the terms of the said paragraph *(a)* minus the amount of the dividends that have been so deemed to have been received from the corporation at a previous time in the year.

Personal corporation.

(6) Where a corporation is or has been a personal corporation, notwithstanding paragraph *(b)* of subsection (1), its tax-paid undistributed income at a specified time is the

amount that it would be according to the terms of paragraph *(b)* of subsection (1) plus the amount by which

(a) the aggregate of the incomes deemed under section 61 to have been distributed to its shareholders while it was a personal corporation prior to that time,

exceeds

(b) the aggregate of dividends received from the corporation prior to that time and not included, by virtue of section 61, in computing the incomes of the shareholders by whom they were received.

MINING.

Definitions.

"minerals".

"mining property".

"prospector".

"**73B.** (1) In this section,

(a) 'minerals' do not include petroleum or natural gas,

(b) 'mining property' means a right to prospect, explore or mine for minerals or a property the principal value of which depends upon its mineral content, and

(c) 'prospector' means an individual who prospects or explores for minerals or develops a property for minerals on behalf of himself, on behalf of himself and others or as an employee.

Amount not included in income.

(2) An amount that would otherwise be included in computing the income of an individual for a taxation year shall not be included in computing his income for the year if it is the consideration for

(a) a mining property or interest therein acquired by him as a result of his efforts as a prospector either alone or with others, or

(b) shares of the capital stock of a corporation received by him in consideration for property described in paragraph *(a)* that he has disposed of to the corporation.

Idem.

(3) An amount that would otherwise be included in computing the income for a taxation year of a person who has, either under an arrangement with the prospector made before the prospecting, exploration or development work or as employer of the prospector, advanced money for, or paid part or all of, the expenses of prospecting or exploring for minerals or of developing a property for minerals, shall not be included in computing his income for the year if it is the consideration for

(a) an interest in a mining property acquired under the arrangement under which he made the advance or paid the expenses, or, if the prospector was his employee, acquired by him through the employee's efforts, or

(b) shares of the capital stock of a corporation received by him in consideration for property described in paragraph *(a)* that he has disposed of to the corporation.

Section 73B gives effect to paragraph 3 of the Income Tax Resolution, which reads as follows:

"**3.** That for the 1949 and subsequent taxation years, there shall not be included in computing income amounts received in consideration for mining properties by prospectors who have prospected, explored or developed the properties, or by persons who have financed prospectors to do so, other than persons who carry on the business of dealing with the public in shares or securities or who dispose of the shares after carrying on a campaign to sell them to the public."

Non-application.

(4) Paragraph *(b)* of subsection (2) and paragraph *(b)* of subsection (3) do not apply in the case of a person who

(a) is carrying on a business of dealing with the public in shares or securities, or

(b) disposes of the shares after carrying on a campaign to sell shares of the corporation to the public,

and do not apply to shares acquired by the exercise of an option to purchase shares received as consideration for property described in paragraph *(a)* of subsection (2) or paragraph *(a)* of subsection (3)."

Application.

(3) Subsection one is applicable to the 1950 and subsequent taxation years.

Idem.

(4) Section 73B of the said Act as enacted by subsection two is applicable to the 1949 and subsequent taxation years.

29. (1) Subsections two and three of section seventy-nine of the said Act are repealed and the following substituted therefor:

Hearing and determination by any member.

"(2) The Chairman or the Board may direct that an appeal be heard and determined on behalf of the Board by any member or members thereof and the member or members so nominated shall have, for the hearing and determination of the appeal, all the powers of the Board.

Reference to full Board.

(3) The member or members nominated to hear and determine an appeal may, at any stage, refer the appeal to the Board and the Board shall then in its discretion hear and determine the appeal or determine the appeal on the report of the said member or members if the report was made after hearing the parties."

30. (1) Subsection one of section eighty-nine is repealed and the following substituted therefor:

Appeals how instituted.

"(1) An appeal to the Exchequer Court shall be instituted by serving upon the taxpayer or the Minister, as the case may be, a notice of appeal in triplicate in such form as may be determined by the rules and, if the appeal is from the Income Tax Appeal Board, by filing a copy thereof with the Registrar of the Income Tax Appeal Board."

(2) Subsection five of the said section eighty-nine is repealed and the following substituted therefor:

Security for costs.

"(5) When security has been given under subsection (4), notice thereof in such form as may be determined by the rules shall, if the appeal is from the Income Tax Appeal Board, be filed with the Registrar of the Income Tax Appeal Board."

31. (1) All that part of subsection one of section ninety-one of the said Act preceding paragraph *(a)* thereof is repealed and the following substituted therefor:

Duty of Registrar.

"(1) Where the appeal is from the Income Tax Appeal Board, the Registrar thereof shall".

Clause 29. This amendment will permit the Chairman of the Tax Appeal Board to nominate a single member of the Board to hear and determine an appeal, and also gives the member so nominated the right to refer the appeal to the whole Board for decision. The subsections repealed read as follows:

"(2) The Chairman or the Board may direct that an appeal be heard and determined on behalf of the Board, by the Chairman or Assistant Chairman and one or more other members who shall have for the hearing and determination of the appeal all powers of the Board.

(3) The members nominated to hear and determine an appeal may at any stage refer the appeal to the Board and the Board shall then in its discretion hear and determine the appeal or determine the appeal on the report of the said members if the report was made after hearing the parties."

Clause 30. The amendments are consequential on *Clause 20.*

(1) The subsection being repealed reads as follows:

"(1) An appeal to the Exchequer Court shall be instituted by serving upon the taxpayer or the Minister, as the case may be, a notice of appeal in triplicate in such form as may be determined by the rules and filing a copy thereof with the Registrar of the Income Tax Appeal Board."

(2) The subsection being repealed reads as follows:

"(5) When security has been given under subsection (4), notice thereof in such form as may be determined by the rules shall be filed with the Registrar of the Income Tax Appeal Board."

Clause 31. The amendment is consequential on *Clause 20.*

(1) The part of subsection (1) of section 91 being repealed reads as follows:

"(1) The Registrar of the Income Tax Appeal Board shall"

(2) Subsection two of the said section ninety-one is repealed and the following substituted therefor:

Relevant documents transferred to Court.

"(1A) Where the appeal is from the Minister, the Minister shall, after receiving the notice of appeal, cause to be transmitted to the Registrar of the Exchequer Court copies of all documents relevant to the assessment.

(2) Upon the filing of the material referred to in subsection (1) or (1A) and of the reply required by section 90, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing."

32. (1) The said Act is further amended by inserting immediately after Part I thereof the following:

"PART IA.

"Tax on Undistributed Income.

Private company election.

"**95A.** (1) A private company may elect, in prescribed manner and in prescribed form, to be assessed and to pay a tax of 15% on an amount equal to its undistributed income on hand at the end of the 1949 taxation year minus its tax-paid undistributed income as of that time.

Item.

(2) A private company

(a) whose undistributed income on hand at the end of its 1949 taxation year, if any, did not exceed its tax-paid undistributed income as of that time, or

(b) which has paid the tax payable under subsection (1),

may, at any time during the 1951 or a subsequent taxation year, elect, in prescribed manner and in prescribed form, to be assessed, and to pay, a tax of 15% on an amount not exceeding

(i) the aggregate of the dividends declared and paid by it in the taxation year beginning with the 1950 taxation year and ending with the last complete taxation year before the election except such portion thereof as, by virtue of subsection (2) of section 129, has not been taken into account in computing income of shareholders of the corporation,

minus

(ii) the aggregate of the amounts upon which it has previously paid tax under this subsection.

"private company".

(3) In this section 'private company' means a corporation, the number of whose shareholders is not more than 75, not including persons who are in the employment of the corporation, or who, having been formerly in the employment of the corporation, were while in that employment and have continued after the termination of that employment to be shareholders of the corporation, and includes a corporation

(2) The subsection being repealed reads as follows:

"(2) Upon the filing of the material referred to in subsection (1) and of the reply required by section 90, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing."

Clause 32. New. Part IA (Section 95A) provides for the tax of 15% that a private company may elect to pay on its undistributed income on hand. Subsection (1) provides for the tax that may be paid on undistributed income on hand at the end of the 1949 taxation year, and subsection (2) for the tax that may be paid on undistributed income accumulated after that time. Subsection (3) defines "private company". Subsection (4) defines "shareholder". The remaining subsections provide rules for the actual payment of the tax. This amendment gives effect to paragraph 2 of the Income Tax Resolution, which reads as follows:

"**2.** That in order to permit a private company to pay tax on undistributed income so that it may capitalize the undistributed income, the company may elect

(a) to pay a tax of 15% on undistributed income held by the corporation at the end of the 1949 taxation year and

(b) to pay a tax of 15% on undistributed income earned thereafter equal to the dividends distributed from time to time by the corporation during the period when the undistributed income was earned."

that is controlled by another corporation within the meaning of subsection (1B) of section 27 if the control was acquired after May 4, 1950.

"shareholder". (4) For the purpose of subsection (3), 'shareholder' means a person who is recorded on the books of the corporation as a shareholder and where two or more persons are so recorded as holding one or more shares jointly they shall be counted as a single shareholder.

Payment of tax with election. (5) An election under this Part is null and void unless, when the election was made, there was paid to the Receiver General of Canada

(a) if the election was made under subsection (1), the amount of the tax as estimated by the private company in the election, and

(b) if the election was made under subsection (2), the amount of the tax that the private company elected to pay.

Where payment deficient or excessive. (6) Where an election was made under subsection (2) and the amount of the tax paid with the election is in excess of or less than 15% of the amount on which, according to the election, the private company elected to pay tax, the company shall be deemed to have elected to be assessed and to pay tax under that subsection on an amount equal to the lesser of

(a) 100/15 of the amount of the tax so paid, or

(b) the maximum amount on which it was entitled, at the time that the election was made, to elect under subsection (2) to be assessed and to pay tax.

dem. (7) Where the estimated amount of tax under subsection (1) that was paid with an election was in excess of or less than the tax payable under that subsection, tax shall be deemed to have been paid under this Part on an amount equal to the lesser of

(a) 100/15 of the estimated amount of tax so paid, or

(b) the company's undistributed income on hand at the end of its 1949 taxation year minus its tax-paid undistributed income as of that time.

Assessment. (8) The Minister shall, with all due dispatch, examine each election made under this section, assess the tax payable and send a notice of assessment to the company.

Payment of deficiency. (9) Where an election was made under subsection (1), the company shall, within 30 days from the day of mailing of the notice of assessment, pay to the Receiver General of Canada an amount equal to the amount by which the tax payable exceeds the tax as estimated in the election, whether or not an objection to or an appeal from the assessment is outstanding, and shall, in addition, pay interest on that amount at 6% per annum from the day of the election until the day of payment whether or not it was paid within the period of 30 days.

Time tax deemed to have been paid.

(10) Where the balance of the tax payable under subsection (1) has been paid within 30 days of the day of mailing of the notice of assessment and interest, if any, payable under subsection (9), has also been paid within that time, the whole amount of the tax payable shall be deemed to have been paid under this Part on the day of the election.

(11) Sections 53 to 56 are applicable *mutatis mutandis* to this Part."

33. (1) Subparagraph (ii) of paragraph *(b)* of subsection one of section ninety-six of the said Act is repealed and the following substituted therefor:

Transactions with non-resident, not at arms length.

"(ii) by a person resident in Canada with whom the non-resident person does not deal at arms length otherwise than under an agreement executed before April 1, 1933, providing for payment in a currency other than Canadian currency,"

(2) The said section ninety-six is further amended by adding the following subsection thereto:

Payment to a beneficiary as income of trust.

"(6) Where an amount has been paid or credited by a trust or estate to a beneficiary or other person beneficially interested therein (otherwise than on a distribution or payment of capital) it shall, regardless of the source from which the trust or estate derived it, be deemed, for the purpose of paragraph *(c)* of subsection (1) and without limiting the generality thereof, to have been paid or credited as income of the trust or estate."

34. (1) The said Act is further amended by inserting the following section immediately after section ninety-six thereof:

Tax non-payable by non-resident person.

"**96A.** (1) Tax is not payable by a non-resident person under paragraph *(a)* of subsection (1) of section 96 on a dividend in respect of a share of the capital stock of a foreign business corporation if not less than 90% of the aggregate of the amounts received or receivable by it that are required to be included in computing its income for the taxation year in which the dividend was paid was received or receivable in respect of the operation by it of public utilities in a country in which

(a) if the non-resident person is an individual, he resides, or

(b) if the non-resident person is a corporation, individuals who own more than 50% of its share capital (having full voting rights under all circumstances) reside.

Public utility.

(2) For the purpose of subsection (1) and of this subsection, if 90% of the aggregate of the amounts received or receivable by a corporation that are required to be included in computing its income for a taxation year was

Clause 33. The amendment broadens the application of the section to include all persons with whom the non-resident does not deal at arms length.

(1) The subparagraph being repealed reads as follows:

> "(ii) by a subsidiary corporation resident in Canada and wholly-owned by the non-resident person (being the parent corporation) otherwise than under an agreement executed before April 1, 1933, providing for payment in a currency other than Canadian currency,"

(2) This amendment is to assure that amounts paid by a trust or estate to a non-resident will be deemed for purposes of the 15% withholding tax to be paid as income from the trust or estate regardless of the original source of the income when received by the trust or estate.

Clause 34. Gives effect to paragraph 8 of the Income Tax Resolution, which reads as follows:

"8. That a non-resident be exempt from the 15% tax on dividends received by non-residents in respect of dividends received by him from a company resident in Canada that derives substantially all of its income, directly or indirectly, from the operation of public utilities in the country in which the non-resident resides."

received or receivable in respect of the operation by it of public utilities, an amount received or receivable in that year from that corporation by another corporation shall if it is required to be included in computing the receiving corporation's income for the year, be deemed to have been received by the receiving corporation in respect of the operation by it of public utilities in the country in which the public utilities were operated by the payer corporation."

35. (1) Subsection six of section ninety-seven of the said Act is repealed and the following substituted therefor:

Deemed to be dividend.

"(6) Where section 8 would, if Part I were applicable, require an amount to be included in computing a shareholder's income or deem a dividend to have been received by a shareholder, for the purpose of this Part, that amount or the amount of that dividend shall be deemed to have been paid to the shareholder as a dividend.

(6A) Where section 73 would, if Part I were applicable, require an amount to be included in computing a shareholder's income, for the purpose of this Part, that amount shall be deemed to have been paid to the shareholder as a dividend."

36. Subsection four of section one hundred and one of the said Act is amended by deleting the word "and" at the end of paragraph *(b)*, by repealing paragraph *(c)* thereof and by substituting the following therefor:

Gifts.

"*(c)* a gift to an organization in Canada or a corporation resident in Canada exempt from tax under Part I by paragraph *(ea)* or *(eb)* of subsection (1) of section 57, and

(d) a gift to His Majesty in right of Canada or a province or to a Canadian municipality."

37. (1) Subsection two of section one hundred and three of the said Act is repealed and the following substituted therefor:

Interest.

"(2) Where a donor has failed to pay the tax under this Part as herein required, the donor and donee are jointly and severally liable to pay the tax, together with interest at the rate of 6% per annum from the day on which it should have been so paid."

Application.

(2) This section is applicable to the 1949 and subsequent taxation years.

38. Subsection two of section one hundred and five of the said Act is repealed and the following substituted therefor:

Officers, clerks.

"(2) Such officers, clerks and employees as are necessary to administer and enforce this Act shall be appointed or employed in the manner authorized by law."

Clause 35. This amendment is in part to correct a technical error and in part consequential on the repeal of section 9 and the enactment of the new section 73.

The subsection being repealed reads as follows:

"(6) Where section 8 would, if Part I were applicable, require an amount to be included in computing a shareholder's income that amount shall, for the purpose of this Part, be deemed to have been paid to the shareholder as a dividend."

Clause 36. This is an amendment to the exemptions for charitable donations under the gift tax consequential on the amendments to section 57. The paragraph being repealed reads as follows:—

"*(c)* a gift to an organization operated in Canada exclusively for charitable purposes, to His Majesty in right of Canada or a province or to a Canadian municipality."

Clause 37. (1) This amendment reduces the interest under the gift tax to 6 per cent to conform with the rate under the income tax. It is now 7 per cent. The paragraph being repealed reads as follows:

"(2) If the donor fails to pay the tax under this Part as herein required, the donor and donee shall be jointly and severally liable to pay the tax, together with interest at the rate of 7% per annum from the day on which it should have been so paid."

Clause 38. As a result of this amendment the Taxation Division is brought under the *Civil Service Act.* The subsection being repealed reads as follows:

"(2) The Governor in Council may appoint such officers and servants as are necessary to administer and enforce this Act and may fix their remuneration."

Repeal.

39. Paragraph *(f)* of subsection one of section one hundred and six of the said Act is repealed.

40. The said Act is further amended by inserting the following section immediately after section one hundred and fifteen thereof:

Information return.

"**115**A. Whether or not he has filed an information return as required by a regulation made under paragraph *(d)* of subsection (1) of section 106, every person shall, on demand by registered letter from the Minister, file within such reasonable time as may be stipulated in the registered letter, with the Minister such prescribed information return as is designated in the letter."

41. (1) Section one hundred and twenty of the said Act is amended by adding the following subsection thereto:

Penalty upon conviction.

"(3) Where a person has been convicted under this section of wilfully, in any manner, evading or attempting to evade, payment of taxes imposed by Part I, he is not liable to pay a penalty imposed under section 51A for the same evasion or attempt unless he was assessed for that penalty before the information or complaint giving rise to the conviction was laid or made."

Application.

(2) This section is applicable to the 1949 and subsequent taxation years.

42. Section one hundred and twenty-four of the said Act is amended by adding the following subsections thereto:

Proof of documents.

"(12) Every document purporting to be an order, direction, demand, notice, certificate, requirement, decision or assessment over the name in writing of the Minister, the Deputy Minister of National Revenue for Taxation, or an officer authorized by regulation to exercise powers or perform duties of the Minister under this Act, shall be deemed to be a document signed, made and issued by the Minister, the Deputy Minister or the officer unless it has been called in question by the Minister or by some person acting for him or His Majesty.

Forms prescribed or authorized.

(13) Every form purporting to be a form prescribed or authorized by the Minister shall be deemed to be a form prescribed by order of the Minister under this Act unless called in question by the Minister or some person acting for him or for His Majesty."

Interpretation.

43. (1) Subsection one of section one hundred and twenty-seven of the said Act is amended by inserting the following paragraph immediately after paragraph *(i)* thereof:

Clause 39. This amendment is consequential on *Clause 38.* The paragraph being repealed reads as follows:

"*(f)* assigning the names of office of officers and other persons appointed under this Act,"

Clause 40. The new section 115A gives the Minister authority to demand the making of information returns.

Clause 41. The new subsection (3) of section 120 provides that the civil penalty must be assessed before the criminal prosecution.

Clause 42. The new subsections of section 124 provides a rule of proof of documents and forms issued by the Taxation Division.

Clause 43. The amendments to the definitions in section 127 are consequential on changes in the earlier sections of the Act.

"death benefit."

"*(ia)* 'death benefit' for a taxation year means the amount or amounts received in the year upon or after the death of an officer or employee in recognition of his service by his legal representative or widow or by any other person whatsoever minus, where the amount or amounts have been received by his widow or, if there is no widow, by such person as the Minister may designate, the lesser of

(i) the amount or amounts so received, or

(ii) an amount equal to the officer's or employee's remuneration for the last 90 days in the office or employment minus the amounts deductible in computing for previous years the death benefits received in respect of his service."

(2) Paragraph *(j)* of the said subsection one is repealed and the following substituted therefor:

"dividend."

"*(j)* 'dividend' does not include a stock dividend;"

(3) The said subsection one is further amended by inserting the following paragraph immediately after paragraph *(an)* thereof:

"shareholder's portion," defined.

"*(ana)* 'a shareholder's portion of undistributed income of a corporation' has the meaning given to that expression by section 73A;"

(4) Paragraph *(aw)* of the said subsection one is repealed and the following substituted therefor:

Definitions.

"*(aw)* 'tax-paid undistributed income' has the meaning given to that expression by section 73A;

(ax) 'undistributed income on hand' has the meaning given to that expression by section 73A; and

(ay) the tax payable by a taxpayer under Part I or Part IA means the tax payable by him as fixed by assessment or re-assessment subject to variation on objection or appeal, if any, in accordance with the provisions of Part I or Part IA, as the case may be."

44. Subsection ten of section one hundred and twenty-nine of the said Act is repealed and the following substituted therefor:

Application.

"(10) Subsection (2) of section 40, subsection (7) of section 50, section 105, sections 108 to 111 inclusive, section 115, section 124 except subsection (4) thereof, and regulations made under paragraphs *(e)* and *(g)* of subsection (1) of section 106 are applicable *mutatis mutandis* in respect of matters arising under the *Income War Tax Act*."

R.S. c. 97.

Clause 44. This amendment makes provision for the application of additional administrative provisions of the *Income Tax Act* to matters arising under the *Income War Tax Act.* The subsection being repealed reads as follows:

"(10) Sections 108, 109, 110, 111 and 115, section 124 except subsection (4) thereof, and regulations made under paragraphs *(e)* and *(g)* of subsection (1) of section 106 are applicable *mutatis mutandis* in respect of matters arising under the *Income War Tax Act.*"

Newfoundland tax.

45. (1) Subsection one of section forty-eight of chapter twenty-five of the statutes of 1949 (Second Session) is amended by inserting the following paragraph immediately after paragraph *(d)* thereof:

"*(da)* where a taxpayer is an individual, he may, notwithstanding paragraph *(b)*, file a return of his income for the 1949 taxation year and, if he files such a return, as required by the said Part I, his income is, notwithstanding paragraph *(d)*, the income for the year computed under the said Part I."

(2) Subparagraph (i) of paragraph *(f)* of the said subsection one is repealed and the following substituted therefor:

"(i) on or before April 30, 1951, the discounted value of the whole thereof calculated at a rate of 2% per annum for the period of his normal expectation of life as shown by mortality tables approved by the Minister, or"

46. (1) All that portion of subsection one of section fifty-three of chapter twenty-five of the statutes of 1949 (Second Session) preceding paragraph *(a)* thereof is repealed and the following substituted therefor:

Deductions from income of corporation in petroleum or natural gas business.

"**53.** (1) A corporation whose principal business is production, refining or marketing of petroleum, petroleum products or natural gas or exploring or drilling for petroleum or natural gas may deduct in computing its income, for the purposes of *The Income Tax Act*, the lesser of".

(2) Subsections three and four of the said section fifty-three are repealed and the following substituted therefor:

Idem.

"(2A) In computing a deduction under subsection (1) or (2) no amount shall be included in respect of a payment for or in respect of a right, licence or privilege to explore for, drill for or take petroleum or natural gas other than an annual payment not exceeding $1.00 per acre.

Application.

(3) Subsections (1) and (2) are applicable in respect of expenditures incurred in the calendar years 1949 to 1953, inclusive.

Clause 45. (1) This amendment gives effect to paragraph 9 of the Income Tax Resolution, which reads as follows:

"9. That individuals who were resident in Newfoundland on March 31, 1949, may, for the purposes of computing tax payable by them, elect to report their actual incomes for the whole year 1949 instead of that for the period after March 31, 1949, which is now adjusted to an amount that would correspond to his income for the whole year for the purpose of computing the tax."

(2) This amendment extends for one year the option for payment of the uncancelled part of the 1949 tax on investment income for residents of Newfoundland.

The subparagraph being repealed reads as follows:

"(i) on or before April 30, 1950, the discounted value of the whole thereof calculated at a rate of 2% per annum for the period of his normal expectation of life as shown by mortality tables approved by the Minister, or"

Clause 46. These amendments follow principally from paragraphs (4) and (5) of the Income Tax Resolution, which read as follows:

"4. That special deductions from income to taxpayers whose principal business is the production, refining, or marketing of petroleum or petroleum products or the exploring or drilling for oil or natural gas or mining or exploring for minerals, be allowed for expenses incurred in the 1953 operations on the same basis as for expenses in the operations in the years 1949 to 1952.

5. That special deductions from income and taxes to taxpayers whose principal business is production, refining or marketing of petroleum or drilling for petroleum be allowed for expenses incurred in respect of deep-test oil wells in 1951 operations on the same basis as for similar expenses in 1950 operations."

Sub-clause (1). The new subsection (1) corrects a technical error in the existing subsection.

Sub-clause (2). The new subsection 2A provides a deduction for so-called "lease-rentals" up to $1.00 per acre for 1949 and later years. In the new subsection (4) the words "in Canada" are inserted to confirm existing policy. The subsections (3) and (4) being repealed read as follows:

"(3) Subsections one and two are applicable in respect of expenditures incurred in the calendar years 1949 to 1952, inclusive.

Business of mining or exploring.

(4) A corporation whose chief business is that of mining or exploring for minerals may deduct, in computing its income for the purpose of *The Income Tax Act* for a taxation year, an amount equal to all prospecting, exploration and development expenses incurred by it in the taxation year, directly or indirectly, in searching for minerals in Canada if the corporation has filed certified statements of such expenditures and has satisfied the Minister that it has been actively engaged in prospecting and exploring for minerals in Canada by means of qualified persons and has incurred the expenditures for such purposes.

Application.

(4A) Subsection (4) is applicable in respect of expenditures incurred in the calendar years 1949 to 1953, inclusive."

(3) Subsection four of section sixteen of chapter fifty-three of the statutes of 1947-48 is repealed.

(4) Paragraph *(c)* of subsection five of section fifty-three of chapter twenty-five of the statutes of 1949 (Second Session) is repealed and the following substituted therefor:

"*(c)* the testing of a significant geological structure by a deep test well that was spudded in during, or the deepening of which was commenced in, 1950 and that proved unproductive, or"

(5) Subsection five of section fifty-three of chapter twenty-five of the statutes of 1949 (Second Session) is applicable *mutatis mutandis* in respect of expenditures made in connection with

(a) the testing of a significant geological structure by a deep test oil well that was spudded in during, or the deepening of which was commenced in, 1951 and that proved unproductive, or

(b) the testing of a significant stratigraphic trap by a group of test wells that were spudded in during 1951 and drilled to an aggregate depth of twenty-five thousand feet and all of which wells proved unproductive.

Application of 1949, (2 Sess.) c. 11.

47. *The Canadian Vessel Construction Assistance Act* is applicable to the computation of a taxpayer's income for the 1949 and subsequent taxation years.

Gift to H.M. by wife or other dependent.

48. Where a taxpayer has filed with the Minister an official receipt for a gift to His Majesty in right of Canada made in money by a spouse or other dependent of the taxpayer during the last eight months of 1949 or the first four months of 1950, the amount of the gift may be applied by the Minister as a payment on account of the taxpayer's taxes under Part I of *The Income Tax Act* for the 1949 taxation year.

(4) A corporation whose chief business is that of mining or exploring for minerals may deduct, in computing its income for the purpose of the said Act for the year of expenditure, an amount equal to all prospecting, exploration and development expenses incurred by it, directly or indirectly, in searching for minerals during the calendar years 1950 to 1952, inclusive, if the corporation files certified statements of such expenditures and satisfies the Minister that it has been actively engaged in prospecting and exploring for minerals by means of qualified persons and has incurred the expenditure for such purposes."

Sub-clause (4) extends the benefits to include the deepening of an existing well.

Clause 47. This amendment brings into effect for the 1949 taxation year certain provisions relating to capital cost allowances contained in *The Canadian Vessel Construction Assistance Act.*

Clause 48. This amendment will allow the Minister to accept as payment on account of income tax a gift made to His Majesty in the Right of Canada in the last eight months of 1949 and the first four months of 1950. Some taxpayers wishing to avoid the consequences which arise when the income of a dependent exceeds a specified amount were not aware that the former procedure of contributions to the Crown had been altered for 1949 and made such payments under a misunderstanding. This amendment will allow the Minister to accept the contributions that have been made as payment under the provision now in effect.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 178.

An Act to amend the Excise Tax Act.

First reading, May 4, 1950.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

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R.S., c. 179;
1928, c. 50;
1929, c. 57;
1930, c. 43;
1931, c. 54;
1932, c. 54;
1932-33, c. 50;
1934, c. 42;
1935, c. 33;
1936, c. 45;
1937, c. 41;
1938, c. 52;
1939, c. 52;
1939 (2nd Sess.), c. 8;
1940, c. 41;
1940-41, cc. 1, 27;
1942-43, c. 32;
1943-44, c. 11;
1944-45, c. 48;
1945 (2nd Sess.), c. 30;
1946, c. 65;
1947, c. 60;
1947-48, cc. 8, 50;
1949 (2nd Sess.), c. 21.

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 178.

An Act to amend the Excise Tax Act.

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

Part I repealed.

1. Part I of the *Excise Tax Act*, chapter one hundred and seventy-nine of the Revised Statutes of Canada, 1927, is repealed.

2. Paragraph *(e)* of section forty-three of the said Act, as enacted by section five of chapter sixty of the statutes of 1947, is repealed and the following substituted therefor:

"die."

"*(e)* 'die' means a mechanical device approved by the Minister for impressing excise or postage stamps upon cheques, bills of exchange and promissory notes for the purpose of discharging an obligation imposed by this Part."

3. Paragraph *(a)* of subsection one of section eighty-five of the said Act, as enacted by section two of chapter fifty-two of the statutes of 1938, and paragraph *(b)* of subsection one of the said section eighty-five, as enacted by section fifteen of chapter fifty of the statutes of 1932-33, are repealed and the following substituted therefor:

"sale price."

"*(a)* 'sale price' for the purpose of calculating the amount of the consumption or sales tax means the price before any amount payable in respect of the consumption or sales tax is added thereto and includes any charges for advertising, financing, servicing, warranty or any other charges of a similar nature contracted for at the time of sale whether these items be charged for separately or not and also includes the amount of other excise duties when the goods are sold in bond; in the case of imported goods, the sale price is deemed to be the duty paid value thereof;

Explanatory Notes.

1. Part I imposes a tax on bank note circulation and is now obsolete.

2. The definition of "die" is widened to include a postage stamp meter.

3. The paragraphs being repealed read,—

"*(a)* 'sale price' for the purpose of calculating the amount of the consumption or sales tax shall mean the price before any amount payable in respect of the consumption or sales tax is added thereto and shall include any charges for advertising, financing, servicing, warranty or any other charges of a similar nature contracted for at the time of sale whether these items be charged for separately or not and shall also include the amount of other excise duties when the goods are sold in bond; and in the case of goods subject to the taxes imposed by Parts X and XII of this Act, shall include the amount of such taxes; in the case of imported goods, the sale price shall be deemed to be the duty paid value thereof;

"duty paid value".

(b) 'duty paid value' means the value of the article as it would be determined for the purpose of calculating an *ad valorem* duty upon the importation of such article into Canada under the laws relating to the customs and the Customs Tariff whether such article be in fact subject to *ad valorem* or other duty or not, and in addition the amount of the customs duties, if any, payable thereon: Provided that in computing the 'duty paid value' of tea purchased in bond in Great Britain the amount of the customs duty payable on tea for consumption in Great Britain shall not be included in the value of such tea for purposes of this Part;"

Proviso.

4. Section eighty-seven of the said Act is amended by adding thereto the following subsection:

Exception.

"(2) Paragraph *(d)* of subsection one is not applicable where goods are manufactured by His Majesty (except goods manufactured by a Company to which *The Government Companies Operation Act* applies) for any purpose other than

1946, c. 24.

(a) sale;

(b) to be used by any board, commission, railway, public utility, university, manufactory, company or agency that is owned, controlled or operated by the Government of Canada or of a province of Canada or under the authority of Parliament or of the legislature of a province; or

(c) to be used by His Majesty or His agents or servants for commercial or mercantile purposes."

5. Paragraph *(a)* of section one hundred and three A of the said Act, as enacted by section fifteen of chapter sixty of the statutes of 1947, is repealed and the following substituted therefor:

"*(a)* that the goods in respect of which it is imposed have been exported from Canada by the manufacturer, producer or licensed wholesaler by whom the tax would otherwise be payable in accordance with such regulations made under this Act as are applicable thereto, if any, and"

6. The said Act is further amended by adding thereto, immediately after section one hundred and five thereof, the following section:

"*(b)* 'duty paid value' shall mean the value of the article as it would be determined for the purpose of calculating an *ad valorem* duty upon the importation of such article into Canada under the laws relating to the Customs and the Customs Tariff whether such article be in fact subject to *ad valorem* or other duty or not, and in addition the amount of the customs duties, if any, payable thereon: Provided that in computing the 'duty paid value' of tea purchased in bond in Great Britain the amount of the customs duty payable on tea for consumption in Great Britain shall not be included in the value of such tea for purposes of this Part; and that in the case of goods subject to the excise taxes imposed by Parts X and XII of this Act, the amount of such taxes shall be included in the duty paid value;"

The purpose of removing the underlined words is to discontinue the sales tax on the excise tax in the few cases to which it still applies.

4. This section is to provide that the sales tax does not apply to goods manufactured by a government department for the government's own use.

5. Paragraph *(a)*, at present reads as follows:—

"*(a)* that the goods in respect of which it is imposed have been exported from Canada by

(i) the manufacturer, producer or licensed wholesaler by whom the tax would otherwise be payable; or

(ii) the vendor to whom the tax would otherwise be payable, in accordance with such regulations made under this Act as are applicable thereto, if any; and"

The words being deleted became obsolete when the retail purchase tax was removed at the last Session.

6. This section is to give effect to the Budget Resolutions in so far as they affect the institutions referred to.

Goods purchased by an institution for its own use.

"**105A.** (1) Where goods have been purchased by an institution to which this section applies, for its own sole use and not for re-sale, and the tax imposed by section eighty-six has been paid in respect of those goods, the Minister may, upon application by that institution in such form as the Minister prescribes, pay to the institution an amount equal to that tax.

Certified institution.

(2) This section applies in respect of an institution that is certified by the Minister of National Health and Welfare in accordance with regulations of the Governor in Council to be

(a) a *bona fide* public institution whose principal purpose is to provide permanent or semi-permanent shelter and care for children or aged, infirm or incapacitated persons who reside in the institution; and

(b) in receipt annually of aid from the Government of Canada or a province for the maintenance of persons specified in paragraph *(a)*."

Repeal.

7. Section three of Schedule I to the said Act, as enacted by section ten of chapter twenty-one of the statutes of 1949 (second session), is repealed.

Schedule III amended.

8. (1) Schedule III to the said Act, as enacted by section fourteen of chapter fifty of the statutes of 1947-48, is amended by adding thereto, under the heading "FOODSTUFFS", the following words:

"Ice cream; drinks prepared from fresh milk; prepared whipping cream;"

Idem.

(2) Schedule III to the said Act is further amended by adding thereto under the heading "GOODS ENUMERATED IN CUSTOMS TARIFF ITEMS", immediately after Customs Tariff Item 698 in the first paragraph thereof, "699".

Coming into force.

9. (1) Section one of this Act shall be deemed to have come into force on the first day of April, nineteen hundred and fifty.

Idem.

(2) Sections four, seven and eight of this Act shall be deemed to have come into force on the twenty-ninth day of March, nineteen hundred and fifty.

Idem.

(3) Section six of this Act shall come into force on the first day of July, nineteen hundred and fifty.

7. This paragraph provided for the excise tax on toilet soaps, which is now being repealed to give effect to the Budget Resolutions.

8. (1) This amendment is to remove the sales tax on the goods mentioned to give effect to the Budget Resolutions in this respect.

(2) This amendment is to remove the sales tax on certain specimens, which are imported mainly by universities.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 179.

An Act to amend the Research Council Act.

First reading, May 4, 1950.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

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2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 179.

An Act to amend the Research Council Act.

R.S., c. 177; 1946, c. 31.

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

Definitions.

1. Paragraph *(f)* of section two of the *Research Council Act*, chapter one hundred and seventy-seven of the Revised Statutes of Canada, 1927, as enacted by section one of chapter thirty-one of the statutes of 1946, is repealed and the following substituted therefor:

"Vice-President (Scientific)."

"*(f)* 'Vice-President (Scientific)' means a Vice-President (Scientific) of The Honorary Advisory Council for Scientific and Industrial Research."

2. Section four of the said Act, as enacted by section three of chapter thirty-one of the statutes of 1946, is repealed and the following substituted therefor:

Appointment of Council.

"**4.** (1) The Council shall consist of a President, a Vice-President (Administration) and two Vice-Presidents (Scientific) and not more than seventeen other members, to be appointed by the Governor in Council.

Tenure of office.

(2) The members of the Council, with the exception of the President, the Vice-President (Administration), and the Vice-Presidents (Scientific) shall hold office for a period of three years.

Re-appointment.

(3) A retiring member shall be eligible for re-appointment.

Executive Committee.

(4) There shall be an Executive Committee of the Council consisting of the President, the Vice-President (Administration), the Vice-Presidents (Scientific), and at least three other members selected by the Council."

3. Subsections three and four of section five of the said Act, as enacted by section four of chapter thirty-one of the statutes of 1946, are repealed and the following substituted therefor:

Explanatory Notes.

The purpose of the Bill is to amend the *Research Council Act* to provide for *(a)* an additional Vice-President (Scientific), *(b)* authority to use the name "National Research Council", and *(c)* conformity with the *Patent Act* definition of invention.

1. Proposed paragraph *(f)* of section 2 of the Act will replace the present paragraph *(f)* which contemplates only one Vice-President (Scientific) and which at present reads as follows:

> "*(f)* 'Vice-President (Scientific)' means the Vice-President (Scientific) of The Honorary Advisory Council for Scientific and Industrial Research."

2. All changes in the present section 4 are in consequence of providing for two Vice-Presidents (Scientific) instead of one. The present section is as follows:

> "**4.** (1) The Council shall consist of a President, Vice-President (Administration) and Vice-President (Scientific) and not more than seventeen other members, to be appointed by the Governor in Council.
>
> (2) The members of the Council, with the exception of the President, Vice-President (Administration), and Vice-President (Scientific), shall hold office for a period of three years.
>
> (3) A retiring member shall be eligible for re-appointment.
>
> (4) There shall be an Executive Committee of the Council consisting of the President, Vice-President (Administration), Vice-President (Scientific) and at least three other members selected by the Council."

3. The new subsections (3) and (4) of section 5 are necessary in view of the provisions for two Vice-Presidents (Scientific). As to the new subsection (3), the phrase "have supervision over such scientific matters" is more descriptive of the duties of these officers than the phrase "have charge of the laboratories", as in the present subsection (3). The present subsections (3) and (4) are as follows:

Vice-Presidents (Scientific).

"(3) Subject to the direction and control of the President, each of the Vice-Presidents (Scientific) shall have supervision over such scientific matters and shall perform such other duties as the President may from time to time assign to him.

Salaries as prescribed by Governor in Council.

(4) The President, the Vice-President (Administration) and the Vice-Presidents (Scientific) shall receive such salaries and be employed for such terms of office as the Governor in Council may prescribe, and such salaries shall be paid out of moneys provided for the work of the Council."

4. Section seven of the said Act is amended by adding thereto the following subsection:

National Research Council.

"(2) The Council may be called the National Research Council."

5. Section nine of the said Act, as enacted by section six of chapter thirty-one of the statutes of 1946, is repealed and the following substituted therefor:

Travelling and other expenses.

"**9.** No member of the Council, with the exception of the President, the Vice-President (Administration) and the Vice-Presidents (Scientific) shall receive any payment or emolument for his services, but each member shall receive such travelling and other expenses in connection with the work of the Council as may be approved by the Governor in Council."

Powers of Council.

6. Paragraph (*i*) of section ten of the said Act, as enacted by section seven of chapter thirty-one of the statutes of 1946, is repealed and the following substituted therefor:

"*(i)* To license, sell or otherwise grant or make available to others, Canadian or other patent rights or any other rights, vested in or owned or controlled by the Council, to or in respect of any discovery, invention or improvement in any art, process, apparatus, machine, manufacture or composition of matter, and to receive royalties, fees and payments therefor."

7. Section eleven of the said Act, as amended by section eight of chapter thirty-one of the statutes of 1946, is repealed and the following substituted therefor:

Discoveries, inventions and improvements vested in the Council.

"**11.** (1) Every discovery, invention or improvement in any art, process, apparatus, machine, manufacture or composition of matter made by a member or any number of members of the scientific and technical staff of the Council or a company and all rights with respect thereto are vested in the Council.

"(3) Subject to the direction and control of the President, *the* Vice-President (Scientific) shall have *charge of the laboratories of the Council* and shall perform such other duties as the President may from time to time assign to him.

(4) The President, Vice-President (Administration) and Vice-President (Scientific) shall receive such salaries and be employed for such terms of office as the Governor in Council may prescribe, and such salaries shall be paid out of the moneys provided for the work of the Council."

4. Section 3 of the present Act is as follows:

"**3.** There shall be a Council to be called "The Honorary Advisory Council for Scientific and Industrial Research."

It is considered advisable to retain this provision as being descriptive of the body of scientific men who make up the Council, serving in an advisory capacity, while providing for a short title for the corporate body. The title "National Research Council" is authorized by Order in Council P.C. 911 of June 19th, 1925. It is considered that this should have statutory recognition. In various other Acts of Parliament, The Council is referred to sometimes as "The Honorary Advisory Council for Scientific and Industrial Research", and sometimes as "National Research Council". The present section 7 provides for corporate powers and is as follows:

"**7.** The Council is hereby constituted a body corporate capable of suing and being sued and having the power to acquire money, securities, real estate or property by gift, grant, bequest, donation or otherwise, and of holding lands, tenements, hereditaments, goods, chattels and any other property, movable or immovable, for the purpose of, and subject to, this Act."

5. This is a consequential amendment arising out of the provision for two Vice-Presidents (Scientific). The present section 9 is as follows:

"**9.** No member of the Council, with the exception of the President, Vice-President (Administration) and Vice-President (Scientific) shall receive any payment or emolument for his services, but each member shall receive such travelling and other expenses in connection with the work of the Council as may be approved by the Governor in Council."

6 and **7.** These amendments are proposed for the purpose of making the provisions of the Act relating to inventions and discoveries, conform more nearly with the definition of invention under the *Patent Act.* Paragraph *(d)* of section 2 of the *Patent Act* reads as follows:

"*(d)* 'invention' means any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvement in any art, process, machine, manufacture or composition of matter."

Paragraph *(i)* of section 10 of the Act at present is as follows:

"*(i)* To licence or sell or otherwise grant or make available to others, Canadian or other patent rights or any other rights, vested in or owned or controlled by the Council, to or in respect of discoveries and inventions and improvements *in processes, apparatus or machines*, and to receive royalties, fees and payments therefor."

Section 11 of the Act at present is as follows:

"**11.** (1) All discoveries, inventions or improvements *in processes, apparatus, or machines* made by a member or any number of members of the technical staff of the Council or a company and all rights with respect thereto shall be vested in the Council.

Payments of bonuses and royalties.

(2) The Council, with the approval of the Governor in Council, may pay to its scientific and technical officers and to others working under its auspices who have made any valuable discovery, invention or improvement in any art, process, apparatus, machine, manufacture or composition of matter, such bonuses or royalties as in its opinion may be warranted."

Repeal.

8. Section fifteen of the said Act is repealed.

(2) The Council with the approval of the Governor in Council, may pay to its technical officers and to others working under its auspices who have made valuable discoveries, inventions or improvements in *processes, apparatus and machines* such bonuses or royalties as in its opinion may be warranted."

8. In view of an amendment to the *Civil Service Superannuation Act* in 1947, section 15 of the present *Research Council Act* is no longer necessary. Section 15 now reads as follows:

"**15.** The Council may, with the approval of the Governor in Council, establish and support a pension fund or make other pension or superannuation arrangements for the benefit of members of the professional scientific staff of the Council and their dependents, except persons who are contributors under the *Civil Service Superannuation Act* and their dependents."

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 180.

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

First reading, May 4, 1950.

MINISTER OF VETERANS AFFAIRS.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

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2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 180.

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

1946, c. 75; 1947-48, c. 74; 1949 (1st Sess.), c. 6.

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

1. Section two of *The War Veterans' Allowance Act*, chapter seventy-five of the statutes of 1946, as amended by section one of chapter seventy-four of the statutes of 1947-48, is further amended by adding thereto the following subsection:

Newfoundland veterans.

"(2) For the purposes of paragraphs *(b)* and *(c)* of section four and section nine, His Majesty's Canadian forces include His Majesty's forces raised in Newfoundland, for the purposes of paragraph *(d)* of section four and paragraph *(b)* of section nine, domicile in Newfoundland shall be deemed to be domicile in Canada and for the purposes of paragraph *(e)* of section four and paragraph *(c)* of section nine, residence in Newfoundland shall be deemed to be residence in Canada."

"veteran" defined.

2. Section four of the said Act, as amended by section two of chapter seventy-four of the statutes of 1947-48, is further amended by adding thereto the following paragraph:

"*(e)* any former member of His Majesty's forces, other than Canadian forces, or of any of the forces of any of His Majesty's allies or powers associated with His Majesty in any war concluded on or before the thirty-first day of August, one thousand nine hundred and twenty-one, which forces participated with Canadian forces in any such war, who

(i) served during any such war in a theatre of actual war, or is in receipt of a pension for an injury or disease incurred or aggravated during his service in any such force during such war, or has, in respect of a disability rated at more than five per centum of

Explanatory Notes.

1. The purpose of this amendment is to embody in this Act the terms of section 50 of *The Statute Law Amendment (Newfoundland) Act* designed to ensure that His Majesty's forces raised in Newfoundland shall receive the same consideration as His Majesty's Canadian forces with respect to domicile and in addition, to ensure that residence in Newfoundland for the purposes of paragraph *(e)* of section 4 and paragraph *(c)* of section 9 shall be equivalent to residence in Canada.

2. Paragraph *(e)* is intended to give the benefits of the Act to a former member of His Majesty's forces other than Canadian as well as a former member of the forces of any of His Majesty's allies or powers associated with His Majesty which participated with Canadian forces in any war ending on or before the 31st day of August, 1921, who served in a theatre of actual war or is in receipt of a pension resulting from such service, or who has commuted a disability pension for a disability of more than five per cent of total, and who has resided in Canada (including Newfoundland) for a total period of twenty years.

total disability, received, pursuant to the laws affecting the members of the forces with which he served, a final payment similar or analogous to the final payment authorized by the *Pension Act*, and

R.S., c. 157.

(ii) has resided in Canada for a total period of at least twenty years."

"veteran" defined.

3. Section nine of the said Act, as enacted by section six of chapter seventy-four of the statutes of 1947-48, is amended by adding thereto the following paragraph:

"*(c)* a person who served during World War I as a member of His Majesty's forces, other than Canadian forces, or of any of the forces of any of His Majesty's allies or powers associated with His Majesty, and who was a member of His Majesty's Canadian forces during World War II, enlisted or obligated to serve without territorial limitation, and who has resided in Canada for a total period of at least twenty years,"

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

No allowance to former enemies.

"**12A.** No allowance shall be paid to any person described in paragraph *(d)* or *(e)* of section four who served in enemy forces in World War II."

Certain deductions not to be made.

5. Paragraphs *(a)* and *(b)* of section thirteen of the said Act are repealed and the following substituted therefor:

"*(a)* any sum payable under section twenty-six of the *Pension Act* or under the same or equivalent laws of the country in whose forces the recipient served;

R.S., c. 157.

(b) any additional allowance payable under the *Pension Act* on account of any children or under the same or equivalent laws of the country in whose forces the recipient served;"

R.S., c. 157.

6. The said Act is further amended by adding thereto the following Part:

"PART V.

Appointment of District Authorities.

"**31.** (1) The Minister may establish regional districts of the Department and, with the approval of the Governor in Council, for each district establish a District Authority consisting of such number of persons employed in the Department as the Minister may prescribe.

Jurisdiction of District Authorities.

(2) When authorized by the Minister each District Authority may, with respect to all matters arising under this Act in the district for which the District Authority was established, exercise all the powers, duties and functions of the Board under Parts I, II, III and IV of this Act.

3. Paragraph *(c)* is intended to give the benefits of the Act to a person who served during World War I in His Majesty's forces other than Canadian, or in forces of any of His Majesty's allies or powers associated with His Majesty and who served in the Canadian forces during World War II without territorial limitation, and who has resided in Canada for a period of at least twenty years.

4. New section 12A is intended to ensure that no person described in paragraph *(d)* or *(e)* of section 4 above may obtain benefits under the Act if he served in enemy forces in World War II.

5. Section 26 of the *Pension Act* provides an additional pension of from $480 per annum to $1,400 per annum where there is total disability and helplessness requiring an attendant. Paragraph *(a)* of section 13 of *The War Veterans' Allowance Act* provides that no deduction shall be made from any allowance by reason of any sum payable under section 26 of the *Pension Act.* Paragraph *(b)* provides for similar treatment respecting pensions for children. The intention of the amendment is to ensure that any similar payment being received by any of the new classes hereinbefore dealt with shall be similarly treated.

6. Introducing Part V of the Act which deals with the decentralization of administration.

"Sec. **31.** (1) enables the Minister to appoint persons employed in the Department as a District Authority for the purposes of the Act.

(2) enables any such District Authority to exercise all the powers, duties and functions heretofore exercised by the Board under the Act.

Applications to be made to District Authority.

(3) Where a District Authority has been authorized under subsection two, all applications under this Act shall in the first instance be made to the District Authority.

Powers of District Authority.

"**32.** (1) Subject to subsections two and three, a District Authority has full and unrestricted power and authority and exclusive jurisdiction to deal with and adjudicate upon all matters and questions arising under this Act in the district for which the District Authority was established and relating to the award, increase, decrease, suspension or cancellation of any allowance under this Act, and to the recovery of any overpayment which may have been made.

Appeals.

(2) An appeal may be taken from an adjudication of the District Authority to the Board by the applicant or recipient aggrieved by the adjudication.

Board may review.

(3) The Board may on its own motion review any adjudication of a District Authority and shall deal with it as though an appeal from the adjudication had been taken pursuant to subsection two.

Regulations.

"**33.** The Minister may, with the approval of the Governor in Council, make regulations relating to the quorum of a District Authority, the procedure to be followed in matters coming before District Authorities for adjudication, and the procedure to be followed in appeals from adjudications of District Authorities.

Adjudication of District Authority deemed adjudication of Board.

"**34.** For the purposes of subsection two of section twenty-five, an adjudication of a District Authority shall be deemed to be an adjudication of the Board."

Repeal 1949 (1st Sess.), c. 6.

7. Section fifty of *The Statute Law Amendment (Newfoundland) Act* is repealed.

Coming into force of ss. 2 and 3.

8. Sections two and three of this Act shall be deemed to have come into force on the first day of April, nineteen hundred and fifty.

(3) provides that all applications for allowances shall be made in the first instance to the District Authority.

"Sec. **32.** (1) gives to a District Authority complete power and authority to deal with all matters under the Act within the district including the making, alteration or cancellation of awards and the recovery of any overpayment which may have been made.

(2) provides for an appeal from the adjudication of the District Authority to the War Veterans' Allowance Board.

(3) provides that the Board may review adjudications of a District Authority and deal with such cases as if there had been an appeal made to the Board.

"Sec. **33.** provides for regulations respecting the quorum of a District Authority and the procedure to be followed in matters coming before District Authorities and the procedure to be followed in appeals.

"Sec. **34.** This section provides that an adjudication of a District Authority may be proven in the same manner as an adjudication of the Board as provided in subsection 2 of section 25 which reads as follows:—

> "(2) In any trial or proceeding under subsection one or under the Criminal Code the production of a document that purports to be an adjudication of the Board shall be *prima facie* evidence of the facts stated in such adjudication and shall be receivable in evidence without proof of the official character of any person appearing to have signed the adjudication and without further proof thereof."

This clause repeals section 50 of *The Statute Law Amendment (Newfoundland) Act* which reads as follows:—

> "**50.** For the purposes of paragraphs *(b)* and *(c)* of section four and section nine of *The War Veterans' Allowance Act, 1946*, chapter seventy-five of the statutes of 1946, His Majesty's Canadian forces include His Majesty's forces raised in Newfoundland, and for the purposes of paragraph *(d)* of section four and paragraph *(b)* of section nine of the said Act domicile in Newfoundland shall be deemed to be domicile in Canada."

In view of the subject-matter of section 50 becoming now embodied in this Act as subsection (2) of section 2, it is no longer needed in the former Act.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 181.

An Act to amend the Railway Act.

First reading, May 5, 1950.

THE MINISTER OF TRANSPORT.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

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2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA

BILL 181.

R.S., c. 170; 1928, c. 43; 1929, c. 54; 1930, c. 36; 1932-33, c. 47; 1938, cc. 12, 40; 1946, c. 30; 1947, c. 70; 1947-48, cc. 27, 66.

An Act to amend the Railway Act.

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

1. Subsection two of section two hundred and sixty-two of the *Railway Act*, chapter one hundred and seventy of the Revised Statutes of Canada, 1927, as enacted by section one of chapter forty-three of the statutes of 1928, is repealed and the following substituted therefor:

Apportionment of money by Board.

"(2) The total amount of money, to be applied by the Board out of The Railway Grade Crossing Fund, under the provisions of this section, in the case of any one crossing, where the cost of the actual construction work in providing the protection, safety and convenience for the public does not exceed one hundred and fifty thousand dollars, shall not exceed forty per centim of such cost, and the total amount of money, to be applied by the Board out of The Railway Grade Crossing Fund, under the provisions of this section, in the case of any one crossing, where the cost of the actual construction work in providing the protection, safety and convenience of the public exceeds one hundred and fifty thousand dollars shall not exceed forty per centim of such cost, and shall not in any case exceed one hundred and fifty thousand dollars."

2. Subsection six of section two hundred and sixty-two of the said Act, as enacted by section one of chapter twenty-seven of the statutes of 1947-48, is repealed and the following substituted therefor:

Appropriation for highway crossings.

"(6) The sum of five hundred thousand dollars each year for two consecutive years from the first day of April, one thousand nine hundred and forty-nine, and the sum of one

EXPLANATORY NOTES.

1. The amendment increases the limit of the amount of money that may be applied by The Board of Transport Commissioners for Canada out of The Railway Grade Crossing Fund towards the cost of protection of railway crossings.

2. The amendment increases the annual grant to The Grade Crossing Fund from $500,000 to $1,000,000 for six consecutive years from April 1, 1951.

million dollars each year for six consecutive years from the first day of April, one thousand nine hundred and fifty-one, shall be appropriated and set apart from the Consolidated Revenue Fund of Canada to aid actual construction work for the protection, safety and convenience of the public in respect of highway crossings of railways at rail level in accordance with the provisions of this section."

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 209.

An Act to amend The Prairie Farm Assistance Act, 1939.

First reading, May 12, 1950.

THE MINISTER OF AGRICULTURE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

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2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 209.

An Act to amend The Prairie Farm Assistance Act, 1939.

1939, c. 50; 1940, c. 38; 1940-41, c. 24; 1942-43, c. 5; 1947, c. 43; 1947-48, c. 24; 1949 (2nd Sess.) c. 34.

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

1. Subsection three of section three of *The Prairie Farm Assistance Act, 1939*, chapter fifty of the statutes of 1939, as enacted by section two of chapter forty-three of the statutes of 1947, is amended by adding thereto the following paragraph:

No award.

"*(c)* with respect to lands held under a lease or licence of occupation from His Majesty in right of Canada or a province or from a municipality, and for the purposes of this section such lands shall not be included in computing the cultivated land of a farmer and the grain grown thereon shall not be included in computing the average yield in a township, but this paragraph does not apply to lands held by a settler or veteran under a contract made under the *Soldier Settlement Act* or *The Veterans' Land Act, 1942*, or lands vested in His Majesty in right of a province and held by a veteran pursuant to an agreement made under section thirty-five of *The Veterans' Land Act, 1942*."

R.S., c. 188, 1942-43, c. 33.

2. Paragraphs *(a)* and *(b)* of section seven of the said Act, as enacted by chapter thirty-four of the statutes of 1949 (second session), are repealed and the following substituted therefor:

Blocks ineligible for award.

"*(a)* where a block of contiguous sections of land within an eligible township having an area of not less than one-sixth of the township and a side that lies along the boundary of an ineligible township is determined by the Board to have an average yield of more than ten bushels of wheat per acre, such block of sections of land shall be ineligible for award;

Explanatory Notes.

1. *(c)* The effect of this amendment will be to exclude from the operation of the Act all lands farmed under lease from the Crown, federal or provincial, and from municipalities, with the exception of those lands operated by veterans receiving assistance under Soldiers Settlement or The Veterans' Land Act.

2. These two amendments will do away with the limitation that the shape of blocks of sections taken out of payment under subsection *(a)* in eligible townships, and brought into payment under subsection *(b)* in ineligible townships, must be rectangular in shape.

The underlined words "block of contiguous" are substituted for the words "rectangular block" in paragraphs *(a)* and *(b)*.

Idem.

(b) where a block of contiguous sections of land within an ineligible township having an area of not less than one-sixth of the township and a side that lies along the boundary of an eligible township is determined by the Board to have an average yield of eight bushels of wheat or less per acre, such block of sections of land shall be eligible for award as though it were a complete township;"

3. Subsection ten of section thirteen of the said Act, as enacted by section four of chapter twenty-four of the statutes of 1947-48, is repealed and the following substituted therefor:

"mill" "licensee" defined.

"(10) For the purposes of this section the expression "mill" means

1930, c. 5.

(a) a mill licensed under *The Canada Grain Act*, and

(b) a mill that is declared by the Parliament of Canada to be a work for the general advantage of Canada and at which wheat flour is manufactured,

and the expression "licensee" includes the manager of a mill mentioned in paragraph *(b)*."

Coming into force.

4. This Act shall come into force on the first day of August, nineteen hundred and fifty.

3. This amendment will exempt from collecting the 1% levy those mills that manufactured flour during the war but have discontinued doing so, and will put them in the same position as other feed dealers who are at present exempted.

Subsection (10) presently reads:

"(10) For the purposes of this section the expression "mill" means a mill that has been declared by the Parliament of Canada to be a work for the general advantage of Canada and the expression "licensee" includes the manager of such a mill."

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 210.

An Act to amend the Customs Tariff.

First reading, May 12, 1950.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

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R.S. c. 44; 1928, c. 17; 1929, c. 39; 1930 (1st Sess.), c. 13; 1930 (2nd Sess.), c. 3; 1931, c. 30; 1932, c. 41; 1932-33, cc. 6, 37; 1934, cc. 32, 49; 1935, c. 28; 1936, c. 31; 1937, cc. 25, 26; 1939 (1st Sess.), c. 41; 1939 (2nd Sess.), c. 2; 1940, c. 29; 1940-41, c. 13; 1942-43, c. 23; 1943-44, c. 7; 1944-45, c. 36; 1946, c. 45; 1947-48, cc. 6, 42; 1949 (2nd Sess.), c. 15.

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 210.

An Act to amend the Customs Tariff.

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

1. Subsection four of section five of the *Customs Tariff*, chapter forty-four of the Revised Statutes of Canada, 1927, as enacted by section one of chapter thirty of the statutes of 1931, is repealed and the following substituted therefor:—

Where duty does not exceed 15 p.c. *ad valorem*.

"(4) The said discount shall not apply in the case in which the duty does not exceed fifteen per centum *ad valorem*, or, in the case of a specific duty or a specific and *ad valorem* duty combined in which the computed rate does not exceed fifteen per centum *ad valorem*, or where the rate of customs duty under the British Preferential Tariff is the same as the rate of customs duty under the Most-Favoured-Nation Tariff, or to goods admitted into Canada which have the benefit of reductions provided for in the Canada-West Indies Trade Agreement, 1926."

2. Section fourteen of the said Act, as enacted by section one of chapter thirty of the statutes of 1931, is repealed and the following substituted therefor:—

Application of *ad valorem* rate in Tariff Item 84, etc.

"**14.** (1) The *ad valorem* rate of duty set out in Tariff Item 84, 85, 87, 92, 94 and 95 in Schedule A applies to goods specified in the Item except to goods imported through ports specified in an order of the Minister, made under subsection two, during a period in which the Minister has, by such an order, applied to goods imported through those ports the rate of specific duty set forth in the Item in place of the *ad valorem* rate of duty: Provided that where, before the coming into operation of such an order, a person purchased goods for importation through a port specified in the order in the expectation in good faith that the *ad valorem* rate of duty would apply to the goods and at the time of the

Proviso.

coming into operation of the order the goods were in transit to the purchaser in Canada, the *ad valorem* rate of duty applies to the goods notwithstanding the order.

Minister may order application of specific rate to certain goods.

(2) The Minister may order that the rate of specific duty set out in a Tariff Item mentioned in subsection one shall apply to goods specified in the Item imported through ports in a region or part of Canada described in the order in the place of the rate of *ad valorem* duty set out in the Item for such period during each fiscal year as may be fixed by the Minister not exceeding for each region or part of Canada the number of weeks mentioned in the Item: Provided that in the case of sub-item *(b)*, *(d)*, *(e)*, *(f)*, *(g)*, and *(i)* of Tariff Item 87 the Minister may order that the rate of specific duty shall so apply during two separate periods in a fiscal year to goods imported through ports in any region or part of Canada but the number of weeks in the two periods shall not exceed the number specified in that sub-item.

Proviso.

3. Subsection three of section sixteen of the said Act, as enacted by section one of chapter thirty of the statutes of 1931, is repealed and the following substituted therefor:—

Goods not to be released until marked, etc.

"(3) All such goods imported into Canada after the date of the coming into force of any such order of the Governor in Council which do not comply with the requirements of such order shall not be released from Customs possession until they have been so marked, stamped, branded or labelled under Customs supervision at the expense of the importer."

Schedule A amended.

4. Schedule A to the said Act, as amended, is further amended by striking thereout tariff items 16, 17, 28b, 77, 99e, 101b, 206a, 208v, 209d, 446h, 480a, 520c, 558b *(a)* and *(b)*, 558d *(a)* and *(b)*, 605a, 607, 696a, 705, 705a, 709 *(a)* and *(b)*, 779 and 779a, the several enumerations of goods respectively and the several rates of duties of customs, if any, set opposite each of the said items, and by inserting in such Schedule A to the said Act the items, enumerations and rates of duty which are specified in Schedule A to this Act.

Schedule A further amended.

5. The said Schedule A is further amended by striking thereout tariff items 5*(a)* *(b)* and *(c)*, 7*(a)* *(b)* and *(c)*, 8, 8a, 13, 22, 23, 26, 27, 28, 28a, 29, 29a, 30, 31, 39a, 39b, 41, 45, 47, 62, 62a, 66a, 74, 75, 76, 76a, 76b, 76c, 76d, 79b, 79c, 79d, 81 *(a)* *(b)* and *(c)*, 82 *(a)* *(b)* (i) and (ii) *(c)* (i) and (ii) *(d)* and *(e)*, 83 *(a)* *(b)* and *(c)*, 84, 85, 87 *(a)* *(b)* *(c)* *(d)* *(e)* *(f)* *(g)* *(h)* *(i)* *(j)* *(k)* *(l)* *(m)* *(n)* *(o)* and *(p)*, 89 *(a)* *(b)* *(c)* and *(d)*, 92 *(a)* *(b)* *(c)* *(d)* *(e)* *(f)* *(g)* *(h)* and *(i)*, 93, 94, 95, 99c, 100, 100a, 105, 105b, 105c, 105d, 105e, 106*(a)* *(b)* and *(c)*, 106d, 108, 109, 109a, 109b, 110,

111, 114, 120 *(a) (b) (c)* and *(d)*, 123, 123a, 141, 152, 152a, 152b, 152c, 154, 156, 160*(a)* and *(b)*, 161, 162, 163, 163a, 167, 178(i) and (ii), 178a, 178b, 179, 184a, 184b (i) and (ii), 184c, 184d, 199b, 207, 207a, 207b, 208i (i) and (ii), 208j, 208t, 232, 232a, 247a, 254, 254a, 262, 264, 264a, 266, 273, 273a, 276, 276a, 276b, 277, 277a, 278, 278a, 278b, 278c, 278d, 284, 305, 306, 307, 326(i) and (ii), 353, 353a, 366, 366a, 366b, 368, 383 *(b)*, 384 *(a)* and *(b)*, 402b, 414, 414a, 414c, 429*(g)*, 430b (I) and (II), 434, 440m (i) and (ii), 440g, 446g, 450, 451b (i) and (ii), 518, 519, 520, 522c, 523, 523b, 523l, 523n, 524a, 532, 549, 549a, 549b, 553, 554e, 568b, 569 (i), 569 (ii), 569 (iii), 569 (iv), 569 (v), 569a (i), 569a (ii), 571, 571a (i) and (ii), 597, 597a, 598, 598a, 604, 605, 607 Pt. 2, 607a, 611a, 616 (i) (ii) and (iii), 619a, 624a (i) (ii) and (iii), 654, 655, 656 and 710 *(b)* and *(bb)*, the several enumerations of goods respectively and the several rates of duties of customs, if any, set opposite each of the said items, and by inserting in such Schedule A to the said Act the items, enumerations and rates of duty which are specified in Schedule B to this Act.

Schedule C amended.

6. Schedule C to the said Act, as amended, is further amended by deleting therefrom Items 1211 and 1214 and by inserting in such Schedule to the said Act the Item which is specified in Schedule C to this Act.

Construction of Act.

7. This Act shall not be construed as adding to or subtracting from the lists of goods specified in the Schedules to *The Emergency Exchange Conservation Act* chapter seven of the statutes of 1947-48, as amended, or in *The Customs Tariff Amendment Act, 1939*, chapter two of the statutes of 1939, (Second Session), as amended.

Date of coming into force.

8. Sections one, two, three and five of this Act and Schedule B thereto shall be deemed to have come into force on the first day of June, one thousand nine hundred and fifty, and to have applied to all goods mentioned in the said sections imported or taken out of warehouse for consumption on and after that date, and to have applied to goods previously imported for which no entry for consumption was made before that date.

Date of coming into force.

9. Sections four and six of this Act and Schedules A and C thereto shall be deemed to have come into force on the twenty-ninth day of March, one thousand nine hundred and fifty, and to have applied to all goods mentioned in the said Schedules imported or taken out of warehouse for consumption on and after that date, and to have applied to goods previously imported for which no entry for consumption was made before that date.

SCHEDULE A.

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
16	Eggs in the shell.....per dozen	2 cts.	3½ cts.	10 cts.
17	Cheese.....per pound	3 cts.	3½ cts.	7 cts.
77	Beans, viz.:—Tonquin, crude only; locust beans; locust beans, roasted or ground; locust bean meal.....	Free	Free	Free
99e	(1) Dates, dried, pitted, when in packages or containers weighing not less than ten pounds each.....per pound	Free	Free	1 ct.
	(2) Dates, n.o.p.....per pound	1 ct.	1½ cts.	2½ cts.
	When in packages weighing two pounds each, or less, the weight of such packages to be included in the weight for duty.			
206a	(1) Serums, antitoxins, viruses, toxins, toxoids, vaccines and allergenic products, n.o.p., for parenteral administration in the diagnosis or treatment of diseases of man....	Free	Free	Free
	(2) Biological products, animal or vegetable, n.o.p., for parenteral administration in the diagnosis or treatment of diseases of animals or poultry, when imported under permit of the Veterinary Director General..	Free	Free	Free
208v	Methyl ethyl ketone, n.o.p., and isopropyl acetate.....	Free	25 p.c.	25 p.c.
209d	Potash, chlorate of, not further prepared than ground.....	Free	15 p.c.	20 p.c.
216g	Compounds or sheets, of which the chief organic component is shellac, imported by manufacturers of phonograph records for use exclusively in the manufacture of phonograph records in their own factories.....	Free	5 p.c.	25 p.c.
220c	Gasoline anti-oxidants for use in the production of gasoline.....	15 p.c.	20 p.c.	25 p.c.
284b	Gypsum tile.....	15 p.c.	20 p.c.	25 p.c.
446h	Stampings of metal, or assemblies thereof, for use in the manufacture of bath tubs.....	Free	10 p.c.	25 p.c.
453a	Metal parts, n.o.p., in any degree of manufacture but not coated, plated nor covered in any manner, for use exclusively in the manufacture of spectacle cases and jewellery boxes..	Free	12½ p.c.	35 p.c.
480a	Invalid wheel chairs, with or without motive power; parts of the foregoing, including motive power and parts thereof.....	Free	10 p.c.	15 p.c.
520c	Linters of short fibres of cotton, bleached, when imported by manufacturers of paper, for use exclusively in the manufacture of blotting or other grade of paper, in their own factories.....	Free	10 p.c.	12½ p.c.
558b	Rovings, yarns and warps wholly of synthetic textile fibres or filaments, not more advanced than singles, not coloured, with not more than seven turns to the inch, under such regulations as the Minister may prescribe:—			

SCHEDULE A—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	(a) Produced from cellulose acetate.....	5 p.c.	25 p.c.	35 p.c.
	Provided that, in no case, shall the duty under the Most-Favoured-Nation or the General Tariff be less than.....per pound	.....	24 cts.	28 cts.
	(b) N.o.p.....	20 p.c.	25 p.c.	35 p.c.
	Provided that, in no case, shall the duty under the Most-Favoured-Nation or the General Tariff be less than.....per pound	.....	24 cts.	28 cts.
558d	Rovings, yarns and warps wholly or in part of synthetic textile fibres or filaments, n.o.p., including threads, cords or twist for sewing, embroidering or other purposes, not to contain silk; yarns of synthetic textile fibres or filaments wholly or partially covered with metallic strip, one pound of which shall contain not less than 10,000 yards; under such regulations as the Minister may prescribe:—			
	(a) Produced wholly from cellulose acetate..	7½ p.c.	25 p.c.	35 p.c.
	Provided that, in no case, shall the duty under the Most-Favoured-Nation or the General Tariff be less than.....per pound	.....	24 cts.	28 cts.
	(b) N.o.p.....	25 p.c.	25 p.c.	35 p.c.
	Provided that, in no case, shall the duty under the Most-Favoured-Nation or the General Tariff be less than.....per pound	.....	24 cts.	28 cts.
605a	Genuine pig leathers, n.o.p., and genuine Morocco leathers; so-called roller leathers..	Free	20 p.c.	27½ p.c.
607	Leather, n.o.p., when imported by manufacturers of gloves or leather clothing, for use exclusively in manufacturing gloves or leather clothing in their own factories.....	Free	7½ p.c.	10 p.c.
696a	Moving picture films, sound or silent, separate sound film track, slides and slide films, positive or negative; sound discs, records and transcriptions; models, static and moving; wall charts, maps and posters; when certified by the Government or by a recognized representative authority of the Government of the country of production or by an appropriate representative of the United Nations Educational, Scientific and Cultural Organization as being of an international educational, scientific or cultural character; subject to such regulations as the Minister may prescribe.....	Free	Free	Free
705	Settlers' effects, viz.:—Wearing apparel, books, usual and reasonable household furniture and other household effects; instruments and tools of trade, occupation or employment, guns, musical instruments, domestic sewing machines, typewriters, bicycles, carts, wagons and other highway vehicles, agricultural implements and live stock for the farm, not to include live stock or articles for sale, or for use as a contractor's outfit, nor vehicles nor implements moved by mechanical power, nor machinery for use in any manufacturing establishment; all the foregoing if actually owned abroad by the settler for at least six months before his removal to Canada, and subject to regulations prescribed by the Minister.....	Free	Free	Free

SCHEDULE A—*Concluded*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	Provided that the six months' ownership requirement as specified in this Item shall not apply in the case of bona fide brides' trousseaux and wedding presents. Provided further that any dutiable article entered as settlers' effects may not be so entered unless brought by the settler on his first arrival, and shall not be sold or otherwise disposed of without payment of duty until after twelve months' actual use in Canada.			
705a	Settlers' effects, viz.:—Machines and implements for agricultural purposes, moved by mechanical power, and motor vehicles valued at not more than fifteen hundred dollars, and boats for fishing purposes, if actually owned abroad by the settler for at least six months before his removal to Canada, and subject to regulations prescribed by the Minister of National Revenue..... Provided that in respect to motor vehicles valued in excess of fifteen hundred dollars duty shall be payable only on the amount in excess of fifteen hundred dollars. Provided further that the said machines, vehicles, implements and boats may not be so entered unless brought by the settler on his first arrival, and shall not be sold or otherwise disposed of without payment of duty until after twelve months' actual use in Canada.	Free	Free	Free
709	*(a)* Goods, including containers or coverings filled or empty, the growth, produce or manufacture of Canada, after having been exported therefrom..... *(b)* Goods, including containers or coverings filled or empty, which have once been entered for consumption in Canada and have been exported therefrom..... All the foregoing under such regulations as the Minister may prescribe. Provided that the goods are returned within five years from the time of exportation without having been advanced in value or improved in condition by any process of manufacture or other means, or combined with any other article abroad; Provided also that any such goods on which a refund of duty or allowance of drawback has been made shall not be admitted to entry under this item except upon payment of duties equal to the refund or drawback allowed; Provided further that any of such goods manufactured in bond or under excise regulations in Canada and exported shall not be admitted to entry except upon payment of the Customs or Excise duties to which they would have been liable had they not been exported from Canada; Provided further that where the Minister is satisfied that a quantity of containers in a usable condition has previously been exported from Canada he may by regulation permit the importation free of customs duty of a like quantity of similar containers which are not the growth, produce or manufacture of Canada.	Free Free	Free Free	Free Free

SCHEDULE B.

Tariff Item	——	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
5	Animals, living, n.o.p.:—			
	(a) Cattle.....per pound	Free	1½ cts.	3 cts.
	(b) Sheep, lambs and goats..... per head	Free	$2.00	$3.00
	(c) Silver or black foxes.....	Free	20 p.c.	25 p.c.
	(d) N.o.p.....	Free	7½ p.c.	25 p.c.
7	Meats, fresh, n.o.p.:—			
	(a) Beef and veal.....per pound	3 cts.	3 cts.	8 cts.
	(b) Edible offal of beef and veal...per pound	1½ cts.	1½ cts.	8 cts.
	but not less than	7½ p.c.	7½ p.c.	
	(c) Lamb and mutton.....per pound	4 cts.	6 cts.	8 cts.
	(d) Pork.....per pound	1¼ cts.	1¼ cts.	5 cts.
	(e) N.o.p.....per pound	2 cts.	2½ cts.	5 cts.
8	Canned beef.....	15 p.c.	30 p.c.	35 p.c.
8a	Canned pork.....	15 p.c.	30 p.c.	35 p.c.
8b	Canned hams.....	15 p.c.	22½ p.c.	35 p.c.
8c	Pâtés de foie gras, foies gras, preserved, in tins or otherwise; lark pâtés.....	10 p.c.	10 p.c.	35 p.c.
8d	Animal liver paste.....	15 p.c.	20 p.c.	35 p.c.
8e	Canned meats, n.o.p.....	15 p.c.	20 p.c.	35 p.c.
8f	Canned poultry or game, n.o.p.....	15 p.c.	20 p.c.	35 p.c.
8g	Extracts of meat and fluid beef, not medicated.	10 p.c.	30 p.c.	35 p.c.
13	Lard and animal stearine of all kinds, n.o.p. per pound	1½ cts.	1¾ cts.	2 cts.
13a	Lard compound and similar substances; cottolene.....per pound	1½ cts.	1¾ cts.	2 cts.
15a	Honey-comb foundations, of wax.....	15 p.c.	15 p.c.	20 p.c.
20c	Shea butter.....	Free	10 p.c.	10 p.c.
22	Preparations of cocoa or chocolate in powder form.....	22½ p.c.	22½ p.c.	35 p.c.
23	Preparations of cocoa or chocolate, n.o.p. and confectionery, coated with or containing chocolate, the weight of the wrappings and cartons to be included in the weight for duty.....	10 p.c.	20 p.c.	35 p.c.
	and, per pound	2½ cts.	2½ cts.	2½ cts.
26	Coffee, roasted or ground.....per pound	3 cts.	5 cts.	5 cts.
26a	Imitations of and substitutes for roasted or ground coffee, including acorn nuts per pound	3 cts.	5 cts.	5 cts.
28	Coffee, green, n.o.p.....per pound	Free	2 cts.	5 cts.
28a	Tea.....per pound When in packages weighing five pounds, each, or less, the weight of such packages to to be included in the weight for duty.	Free	2 cts.	8 cts.
30	Pepper, unground.....	Free	5 p.c.	12½ p.c.
30a	Cloves, unground.....	Free	10 p.c.	12½ p.c.

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
30b	Cinnamon, unground	Free	12½ p.c.	12½ p.c.
30c	Ginger, unground	Free	12½ p.c.	12½ p.c.
30d	Spices, unground, n.o.p.	Free	12½ p.c.	12½ p.c.
30e	Chilli pepper, unground	Free	5 p.c.	12½ p.c.
31	Chilli pepper, ground and, per pound	5 p.c.	7½ p.c.	10 p.c. 3 cts.
31a	Ginger and spices, ground, n.o.p. per pound and	3 cts. 7½ p.c.	3 cts. 10 p.c.	3 cts. 10 p.c.
39a	Starch or flour of sago, cassava, or rice per pound	¾ ct.	1¼ cts.	1¼ cts.
39b	Rice meal, rice feed, rice polish, rice bran, rice shorts, per pound	¾ ct.	1 ct.	1¼ cts.
39f	Arrowroot, per pound	Free	1½ cts.	1½ cts.
41	Salt, n.o.p., in bags, barrels and other coverings per one hundred pounds	Free	3½ cts.	7½ cts.
45	Milk foods, n.o.p.	20 p.c.	20 p.c.	27½ p.c.
45a	Prepared cereal foods, in packages not exceeding twenty-five pounds weight each	20 p.c.	20 p.c.	27½ p.c.
47	Castor beans, n.o.p., per pound	Free	Free	2 cts.
47a	Soya beans, n.o.p., per pound	Free	Free	2 cts.
47b	Lima and Madagascar beans, dried, per pound	Free	½ ct.	2 cts.
47c	Red kidney beans, dried, per pound	Free	1 ct.	2 cts.
47d	Calabar beans, per pound	Free	Free	2 cts.
47e	Beans, n.o.p., per pound	Free	1½ cts.	2 cts.
54	Hominy grits, corn grits, hominy feeds, and brewers' corn grits	10 p.c.	10 p.c.	25 p.c.
62	Rice, uncleaned, unhulled or paddy	Free	Free	Free
66a	Biscuits, sweetened or unsweetened, valued at not less than 20 cents per pound, said value to be based on the net weight and to include the value of the usual retail package	Free	20 p.c.	30 p.c.
73a	Cotton seed	Free	Free	10 p.c.
73b	Broom corn seed, when in packages weighing more than one pound each	Free	Free	15 p.c.
74	Seeds, as hereunder, when in packages weighing more than one pound each:—			
	(a) Parsley, and parsnip, per pound	Free	2 cts.	5 cts.
	(b) Beet, not including sugar beet, per pound	Free	2 cts.	5 cts.
	(c) Mangel and turnip, per pound	Free	2 cts.	5 cts.
75	Seeds, as hereunder, when in packages weighing more than one pound each:—			
	(a) Radish, leek, lettuce, carrot, borecole or kale, per pound	Free	2 cts.	10 cts.
	(b) Cabbage and cucumber, per pound	Free	4 cts.	10 cts.

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
76	Seeds, as hereunder, when in packages weighing more than one pound each:—			
	(a) Tomato and pepper.....per pound	Free	7½ cts.	25 cts.
	(b) Cauliflower.....per pound	Free	12½ cts.	25 cts.
	(c) Onion.....per pound	Free	15 cts.	25 cts.
76d	Root, garden and other seeds, n.o.p., when in packages weighing more than one pound each .....per pound	Free	2½ cts.	10 cts.
76e	Seeds, viz.:—Field, root, garden and other seeds, when in packages weighing one pound each, or less.....	15 p.c.	20 p.c.	35 p.c.
76f	Annatto seed and mushroom spawn.....	Free	Free	Free
76g	Seeds, viz.:—Canary, mustard, celery and sunflower, when in packages weighing more than one pound each, imported for use exclusively in manufacturing or blending operations....	5 p.c.	7½ p.c.	10 p.c.
79b	Orchids, natural, cut, whether in designs or bouquets or not.....	Free	25 p.c.	40 p.c.
79c	Flowers and foliage, natural, cut, whether in designs or bouquets or not. n.o.p.,.....	Free	12½ p.c.	40 p.c.
79d	Trees, being seedling stock for grafting, viz.:—Apple, plum, pear, peach and other fruit trees, and buds and scions for grafting such trees; peach pits for planting purposes.....	Free	Free	Free
79e	Mulberry trees, cuttings, roots and buds, for sericultural purposes.....	Free	Free	30 p.c.
81	Trees, n.o.p., viz.:—			
	(a) Apple:—			
	September 15 to October 5, inclusive..each	Free	3 cts.	3 cts.
	October 6 to September 14, inclusive..each	Free	6 cts.	7½ cts.
	(b) Plum and cherry:—			
	September 15 to October 5, inclusive..each	Free	3 cts.	3 cts.
	October 6 to September 14, inclusive..each	Free	8 cts.	9 cts.
	(c) Pear, apricot and quince.....each	Free	8 cts.	9 cts.
	(d) Peach, including June buds.....each	Free	5 cts.	6 cts.
82a	Grape vines, gooseberry and currant bushes or roots.....each	Free	2 cts.	2½ cts.
82b	Raspberry, loganberry and blackberry bushes or roots.....each	Free	1 ct.	1 ct.
82c	Rhubarb roots.....each	Free	¾ ct.	1 ct.
82d	Asparagus roots.....each	Free	½ ct.	½ ct.
82e	Strawberry plants.....each	Free	¼ ct.	¼ ct.
82f	Rosebushes, n.o.p.....each	1½ cts.	3 cts.	7 cts.
82g	Nut trees, including grafted stock, and buds and scions for grafting nut trees.....	Free	Free	30 p.c.
82h	Trees, shrubs, vines, plants, roots and cuttings, for propagation or growing purposes, n.o.p...	12½ p.c.	12½ p.c.	30 p.c.

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
83	Potatoes, as hereunder defined:—			
	(a) In their natural state:—			
	August 1 to June 14, inclusive..... per one hundred pounds	Free	Free	75 cts.
	June 15 to July 31, inclusive..... per one hundred pounds	Free	37½ cts.	75 cts.
	(b) Dried, desiccated, or dehydrated..... .....per pound	Free	Free	2¾ cts.
	(c) Sweet potatoes and yams, in their natural state.....per one hundred pounds	Free	Free	15 cts.
84	Onions, in their natural state, the weight of the packages to be included in the weight for duty:—			
	(a) Onion sets and shallots.....	Free	15 p.c.	30 p.c.
	(b) Onions, n.o.p.....per pound	Free	1 ct. or 10 p.c.	1 ct. or 10 p.c.
	Provided that, when the onions specified in sub-item *(b)* of Item 84 are imported under the Most-Favoured-Nation or General Tariff the specific duty of one cent per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 40 weeks, and whenever the specific duty of one cent per pound is not levied the ad valorem duty of 10 per centum shall apply.			
85	*(a)* Mushrooms, fresh, the weight of the packages to be included in the weight for duty.....per pound	Free	3½ cts. or 10 p.c.	3½ cts. or 10 p.c.
	Provided that, when the mushrooms specified in sub-item *(a)* of Item 85 are imported under the Most-Favoured-Nation or General Tariff the specific duty of three and one-half cents per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 52 weeks, and whenever the specific duty of three and one-half cents per pound is not levied the ad valorem duty of 10 per centum shall apply.			
	(b) Mushrooms, dried or otherwise preserved.....	Free	15 p.c.	30 p.c.
	(c) Truffles, fresh, dried or otherwise preserved.....	Free	10 p.c.	30 p.c.
87	Vegetables, fresh, in their natural state, the weight of the packages to be included in the weight for duty:—			
	(a) Asparagus.....per pound	Free	3½ cts. or 10 p.c.	3½ cts. or 10 p.c.
	Provided that, when the asparagus specified in sub-item *(a)* of item 87 is imported under the Most-Favoured-Nation or General Tariff the specific duty of three and one-half cents per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 8 weeks, and whenever the specific duty of three and one-half cents per pound is not levied the ad valorem duty of 10 per centum shall apply.			
	(b) Beans, green.....per pound	Free	1½ cts. or 10 p.c.	1½ cts. or 10 p.c.

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	Provided that, when the beans specified in sub-item *(b)* of Item 87 are imported under the Most-Favoured-Nation or General Tariff the specific duty of one and one-half cents per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 14 weeks and the number of weeks during which the specific duty may be maintained in force may be divided into two separate periods, the combined duration of which shall not exceed 14 weeks; and Provided that, whenever the specific duty of one and one-half cents per pound is not levied the ad valorem duty of 10 per centum shall apply.			
	(c) Brussels sprouts.....	Free	10 p.c.	30 p.c.
	(d) Cabbage.....per pound	Free	9/10 ct. or 10 p.c.	9/10 ct. or 10 p.c.
	Provided that, when the cabbage specified in sub-item *(d)* of Item 87 is imported under the Most-Favoured-Nation or General Tariff the specific duty of nine-tenths of one cent per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 26 weeks and the number of weeks during which the specific duty may be maintained in force may be divided into two separate periods, the combined duration of which shall not exceed 26 weeks; and Provided that, whenever the specific duty of nine-tenths of one cent per pound is not levied the ad valorem duty of 10 per centum shall apply.			
	(e) Carrots and beets, n.o.p.....per pound	Free	1 ct. or 10 p.c.	1 ct. or 10 p.c.
	Provided that, when the carrots and beets specified in sub-item *(e)* of Item 87 are imported under the Most-Favoured-Nation or General Tariff the specific duty of one cent per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 26 weeks and the number of weeks during which the specific duty may be maintained in force may be divided into two separate periods, the combined duration of which shall not exceed 26 weeks; and Provided that, whenever the specific duty of one cent per pound is not levied the ad valorem duty of 10 per centum shall apply.			
	(f) Cauliflower.....per pound	Free	¾ ct. or 10 p.c.	¾ ct. or 10 p.c.
	Provided that, when the cauliflower specified in sub-item *(f)* of Item 87 is imported under the Most-Favoured-Nation or General Tariff the specific duty of three-quarters of one cent per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 20 weeks and the number of weeks during which the specific duty may be maintained in force may be divided into two separate periods, the combined duration of which shall not exceed 20 weeks; and			

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	Provided that, whenever the specific duty of three-quarters of one cent per pound is not levied the ad valorem duty of 10 per centum shall apply.			
	(g) Celery.....per pound	Free	1 ct. or 10 p.c.	1 ct. or 10 p.c.
	Provided that, when the celery specified in sub-item *(g)* of Item 87 is imported under the Most-Favoured-Nation or General Tariff the specific duty of one cent per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 24 weeks and the number of weeks during which the specific duty may be maintained in force may be divided into two separate periods, the combined duration of which shall not exceed 24 weeks; and Provided that, whenever the specific duty of one cent per pound is not levied the ad valorem duty of 10 per centum shall apply.			
	(h) Cucumbers.....per pound	Free	2½ cts. or 10 p.c.	2½ cts. or 10 p.c.
	Provided that, when the cucumbers specified in sub-item *(h)* of Item 87 are imported under the Most-Favoured-Nation or General Tariff the specific duty of two and one-quarter cents per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 12 weeks, and whenever the specific duty of two and one-quarter cents per pound is not levied the ad valorem duty of 10 per centum shall apply.			
	(i) Lettuce.....per pound	Free	1 ct. or 10 p.c.	1 ct. or 10 p.c.
	Provided that, when the lettuce specified in sub-item *(i)* of Item 87 is imported under the Most-Favoured-Nation or General Tariff the specific duty of one cent per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 18 weeks and the number of weeks during which the specific duty may be maintained in force may be divided into two separate periods, the combined duration of which shall not exceed 18 weeks; and Provided that, whenever the specific duty of one cent per pound is not levied the ad valorem duty of 10 per centum shall apply.			
	(j) Parsley.....	Free	10 p.c.	30 p.c.
	(k) Peas, green.....	Free	2 cts. or 10 p.c.	2 cts. or 10 p.c.
	Provided that, when the peas specified in sub-item *(k)* of item 87 are imported under the Most-Favoured-Nation or General Tariff the specific duty of two cents per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 12 weeks, and whenever the specific duty of two cents per pound is not levied the ad valorem duty of 10 per centum shall apply.			

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	(l) Rhubarb.....per pound	Free	½ ct. or 10 p.c.	½ ct. or 10 p.c.
	Provided that, when the rhubarb specified in sub-item *(l)* of Item 87 is imported under the Most-Favoured-Nation or General Tariff the specific duty of one-half cent per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 10 weeks, and whenever the specific duty of one-half cent per pound is not levied the ad valorem duty of 10 per centum shall apply.			
	(m) Spinach.....	Free	10 p.c.	30 p.c.
	(n) Tomatoes.....per pound	Free	1½ cts. or 10 p.c.	1½ cts. or 10 p.c.
	Provided that, when the tomatoes specified in sub-item *(n)* of Item 87 are imported under the Most-Favoured-Nation or General Tariff the specific duty of one and one-half cents per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 32 weeks, and whenever the specific duty of one and one-half cents per pound is not levied the ad valorem duty of 10 per centum shall apply.			
	(o) Watercress.....	Free	10 p.c.	30 p.c.
	(p) Whitloof or endive, artichokes, horse-radish and okra.....	Free	Free	30 p.c.
	(q) Eggplant.....	Free	Free	30 p.c.
	(r) N.o.p.....	Free	10 p.c.	30 p.c.
89	Vegetables, prepared, in air-tight cans or other air-tight containers, the weight of the containers to be included in the weight for duty:			
	(a) Beans, baked or otherwise prepared..per pound	Free	1½ cts.	3 cts.
	(b) Corn.....per pound	Free	1½ cts.	3 cts.
	(c) Tomatoes.....per pound	Free	2 cts.	3 cts.
	(d) Peas.....per pound	Free	1½ cts.	3 cts.
	(e) N.o.p.....	Free	15 p.c.	30 p.c.
90f	Vegetable colourings and flavourings.....	10 p.c.	10 p.c.	25 p.c.
92	Fruits, fresh, in their natural state, the weight of the packages to be included in the weight for duty:—			
	(a) Apricots.....per pound	Free	1 ct. or 10 p.c.	1 ct. or 10 p.c.
	Provided that, when the apricots specified in sub-item *(a)* of Item 92 are imported under the Most-Favoured-Nation or General Tariff the specific duty of one cent per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 10 weeks, and whenever the specific duty of one cent per pound is not levied the ad valorem duty of 10 per centum shall apply.			
	(b) Cherries.....per pound	Free	2 cts. or 10 p.c.	2 cts. or 10 p.c.
	Provided that, when the cherries specified in sub-item *(b)* of Item 92 are imported under the Most-Favoured-Nation or General Tariff the specific duty of two cents per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 7 weeks, and whenever the specific duty of two cents per pound is not levied the ad valorem duty of 10 per centum shall apply.			

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	(c) Cranberries.....per pound Provided that, when the cranberries specified in sub-item *(c)* of Item 92 are imported under the Most-Favoured-Nation or General Tariff the specific duty of one cent per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 12 weeks, and whenever the specific duty of one cent per pound is not levied the ad valorem duty of 10 per centum shall apply.	Free	1 ct. or 10 p.c.	1 ct. or 10 p.c.
	(d) Peaches.....per pound Provided that, when the peaches specified in sub-item *(d)* of Item 92 are imported under the Most-Favoured-Nation or General Tariff the specific duty of one and one-half cents per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 9 weeks, and whenever the specific duty of one and one-half cents per pound is not levied the ad valorem duty of 10 per centum shall apply.	Free	1½ cts. or 10 p.c.	1½ cts. or 10 p.c.
	(e) Pears.....per pound Provided that, when the pears specified in sub-item *(e)* of Item 92 are imported under the Most-Favoured-Nation or General Tariff the specific duty of one cent per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 15 weeks, and whenever the specific duty of one cent per pound is not levied the ad valorem duty of 10 per centum shall apply.	Free	1 ct. or 10 p.c.	1 ct. or 10 p.c.
	(f) Plums and prunes.....per pound Provided that, when the plums and prunes specified in sub-item *(f)* of Item 92 are imported under the Most-Favoured-Nation or General Tariff the specific duty of one cent per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 10 weeks, and whenever the specific duty of one cent per pound is not levied the ad valorem duty of 10 per centum shall apply.	Free	1 ct. or 10 p.c.	1 ct. or 10 p.c.
	(g) Strawberries.....per pound Provided that, when the strawberries specified in sub-item *(g)* of Item 92 are imported under the Most-Favoured-Nation or General Tariff the specific duty of one and three-fifths cents per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 6 weeks, and whenever the specific duty of one and three-fifths cents per pound is not levied the ad valorem duty of 10 per centum shall apply.	Free	1-3/5 cts. or 10 p.c.	1-3/5 cts. or 10 p.c.
	(h) Raspberries and loganberries..per pound	Free	2 cts. or 10 p.c.	2 cts. or 10 p.c.

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	Provided that, when the raspberries and loganberries specified in sub-item *(h)* of Item 92 are imported under the Most-Favoured-Nation or General Tariff the specific duty of two cents per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 6 weeks, and whenever the specific duty of two cents per pound is not levied the ad valorem duty of 10 per centum shall apply.			
	(i) Berries, edible, n.o.p.	Free	10 p.c.	20 p.c.
	(j) Quinces and nectarines	Free	10 p.c.	20 p.c.
93	Apples, fresh, in their natural state, the weight of the packages to be included in the weight for duty:—			
	May 20 to July 12, inclusive	Free	Free	20 p.c.
	July 13 to May 19, inclusive.....per pound	Free	¾ ct.	20 p.c.
94	Grapes, fresh, in their natural state, the weight of the packages to be included in the weight for duty:—			
	(a) Vitis Vinifera species.....per pound	Free	Free	2 cts.
	(b) Vitis Labrusca species.....per pound	Free	1 ct. or 10 p.c.	1 ct. or 10 p.c.
	Provided that, when the grapes specified in sub-item *(b)* of Item 94 are imported under the Most-Favoured-Nation or General Tariff the specific duty of one cent per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 15 weeks, and whenever the specific duty of one cent per pound is not levied the ad valorem duty of 10 per centum shall apply.			
95	Cantaloupes and muskmelons, the weight of the packages to be included in the weight for duty.....per pound	Free	1¼ cts. or 10 p.c.	1¼ cts. or 10 p.c.
	Provided that, when imported under the Most-Favoured-Nation or General Tariff the specific duty of one and one-quarter cents per pound shall not be maintained in force in any twelve months ending March 31 for a period in excess of 8 weeks, and whenever the specific duty of one and one-quarter cents per pound is not levied the ad valorem duty of 10 per centum shall apply.			
99c	Raisins.....per pound When in packages weighing two pounds each, or less, the weight of such packages to be included in the weight for duty.	Free	3 cts	4 cts.
99h	Dried currants.....per pound When in packages weighing two pounds each, or less, the weight of such packages to be included in the weight for duty.	Free	4 cts.	4 cts.
100	Grape fruit.....per pound	Free	Free	1 ct.
105	Fruit pulp, with sugar or not, n.o.p., and fruits, crushed.....per pound	1½ cts.	2 cts.	3 cts.
105b	Olives, ripe, in brine	Free	Free	30 p.c.
105c	Olives, sulphured or in brine, not bottled	10 p.c.	17½ p.c.	30 p.c.

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
105d	Cherries, sulphured or in brine, not bottled...	10 p.c.	17½ p.c.	30 p.c.
105e	Fruits and nuts, pickled or preserved in salt, brine, oil, or any other manner, n.o.p.....	20 p.c.	25 p.c.	35 p.c.
105f	Jellies, jams, marmalades, preserves, fruit butters and condensed mincemeats.per pound	1½ cts.	3¼ cts.	5 cts.
105g	Fruits and peels, crystallized, glacé, candied or drained; cherries and other fruits of crême de menthe, maraschino or other flavour.....	20 p.c.	27½ p.c.	35 p.c.
105h	Oranges, grapefruit, or lemons, sliced or in the form of pulp, with or without the addition of preservatives.....	Free	20 p.c.	35 p.c.
105i	Fruits, frozen.....per pound	1½ cts.	2 cts.	3 cts.
106	Fruits, prepared, in air-tight cans or other air-tight containers, the weight of the containers to be included in the weight for duty:—			
	(a) Peaches.....per pound	2 cts.	2½ cts.	5 cts.
	(b) Apricots and pears.....per pound	2 cts.	2 cts.	5 cts.
	(c) Pineapples.....per pound	1 ct.	2 cts.	5 cts.
	(d) N.o.p.....per pound	1 ct.	1 ct.	5 cts.
108	Honey in the comb or otherwise, and imitations thereof.....per pound	1½ cts.	1½ cts.	3 cts.
109	Nuts of all kinds, n.o.p., shelled or not per pound	1 ct.	1 ct.	3 cts.
109a	Peanuts, green, in the shell or not further processed than shelled.....per pound	Free	Free	1 ct.
110	Cocoanuts.....per one hundred	Free	50 cts.	75 cts.
114	Palm kernels.....per pound	Free	Free	4 cts.
118	Lobsters, fresh.....	Free	Free	25 p.c.
118b	Crabs and clams, in sealed containers.....	17½ p.c.	40 p.c.	40 p.c.
118c	Shrimps in sealed containers.....	15 p.c.	15 p.c.	40 p.c.
119	Sardines, sprats or pilchards, packed in oil or otherwise, in sealed tin containers, the weight of the tin container to be included in the weight for duty:—			
	(a) When weighing over twenty ounces and not over thirty-six ounces each....per box	3½ cts.	3½ cts.	6 cts.
	(b) When weighing over twelve ounces and not over twenty ounces each.....per box	2½ cts.	3 cts.	4½ cts.
	(c) When weighing over eight ounces and not over twelve ounces each.....per box	2 cts.	2 cts.	3½ cts.
	(d) When weighing eight ounces each or less.....per box	1¼ cts.	1½ cts.	2½ cts.
120	Anchovies, packed in oil or otherwise, in sealed tin containers, the weight of the tin container to be included in the weight for duty:—			
	(a) When weighing over twenty ounces and not over thirty-six ounces each.....per box	3½ cts.	3½ cts.	6 cts.
	(b) When weighing over twelve ounces and not over twenty ounces each.....per box	2½ cts.	3 cts.	4½ cts.
	(c) When weighing over eight ounces and not over twelve ounces each.....per box	2 cts.	2 cts.	3½ cts.

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	(d) When weighing eight ounces each or less .....per box	1¼ cts.	1½ cts.	2½ cts.
123	Fish, prepared or preserved, n.o.p.:—			
	(a) Kippered herring in sealed containers....	17½ p.c.	17½ p.c.	30 p.c.
	(b) Lobsters.....	17½ p.c.	22½ p.c.	30 p.c.
	(c) Shell fish, n.o.p., including oysters, n.o.p.	17½ p.c.	22½ p.c.	30 p.c.
	(d) Salmon.....	17½ p.c.	27½ p.c.	30 p.c.
	(e) All other fish, n.o.p.....	17½ p.c.	22½ p.c.	30 p.c
141	Sugar candy and confectionery, n.o.p., including sweetened gums, candied popcorn, candied nuts, flavouring powders, custard powders, jelly powders, sweetmeats, sweetened breads, cakes, pies, puddings and all other confections containing sugar..... and, per pound	15 p.c.	25 p.c.	35 p.c. ½ ct.
152	Fruit juices and fruit syrups, n.o.p., viz.:—			
	(a) Lime juice.....	10 p.c.	10 p.c.	25 p.c.
	(b) Orange juice.....	Free	10 p.c.	25 p.c.
	(c) Lemon juice.....	10 p.c.	10 p.c.	25 p.c.
	(d) Passion fruit juice.....	10 p.c.	10 p.c.	25 p.c.
	(e) Pineapple juice.....	10 p.c.	10 p.c.	25 p.c.
	(f) Grapefruit juice.....	Free	15 p.c.	25 p.c.
	(g) Blended orange and grapefruit juice.....	Free	10 p.c.	25 p.c.
	(h) Fruit juices, n.o.p.....	10 p.c.	10 p.c.	25 p.c.
	(i) Fruit syrups, n.o.p.....	10 p.c.	10 p.c.	25 p.c.
153a	Grape juice in containers of more than one gallon capacity each:—			
	Testing not more than 1·074 specific gravity at 60 degrees temperature.....per gallon	20 cts.	25 cts.	25 cts.
	And in addition thereto, for each increment of 0·01 in specific gravity above 1·074....	3 cts.	3 cts.	3 cts.
153b	Papaine.....	Free	5 p.c.	17½ p.c.
154	Mineral and medicinal waters, natural, under regulations prescribed by the Minister.....	Free	Free	Free
156	*(a)* Whiskey...per gallon of the strength of proof	$4.50	$5.00	$10.00
	(b) Gin, n.o.p..per gallon of the strength of proof	$4.50	$5.00	$10.00
	(c) Rum, n.o.p.per gallon of the strength of proof	$4.50	$6.00	$10.00
	(d) Brandy...per gallon of the strength of proof	$4.00	$4.00	$10.00
	(e) Liqueurs..per gallon of the strength of proof	$4.50	$4.50	$10.00
	(f) Ethyl alcohol, or the substance commonly known as alcohol, hydrated oxide of ethyl or spirits of wine, n.o.p.; spirituous or alcoholic liquors, n.o.p.; amyl alcohol or fusel oil, or any substance known as potato spirits or potato oil; absinthe, arrack or palm spirit, artificial brandy and imitations of brandy, n.o.p.; cordials of all kinds, n.o.p.; mescal, pulque, rum shrub, schiedam and other schnapps; tafia, and alcoholic bitters or beverages, n.o.p.; and wines, n.o.p., containing more than forty per cent of proof spirit..... .....per gallon of the strength of proof	$5.00	$10.00	$10.00
	Provided, (1) that when the goods specified in Item 156 are of greater or less strength than the strength of proof, the measurement thereof and the amout of duty payable thereon shall be increased or decreased in proportion for any greater or less strength than the strength of proof.			

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	Provided, (2) that bottles and flasks and packages of gin, rum, whisky and brandy of all kinds, and imitations thereof, shall be held to contain the following quantities (subject to the provisions for addition or deduction in respect of the degree of strength) viz.:— Bottles, flasks and packages, containing not more than three-fourths of a gallon per dozen, as three-fourths of a gallon per dozen; Bottles, flasks and packages, containing more than three-fourths of a gallon but not more than one gallon per dozen, as one gallon per dozen; Bottles, flasks and packages, containing more than one gallon but not more than one and one-half gallon per dozen, as one and one-half gallon per dozen; Bottles, flasks and packages, containing more than one and one-half gallon but not more than two gallons per dozen, as two gallons per dozen; Bottles, flasks and packages, containing more than two gallons but not more than two and four-fifths gallons per dozen, as two and four-fifths gallons per dozen; Bottles, flasks and packages, containing more than two and four-fifths gallons but not more than three gallons per dozen, as three gallons per dozen; Bottles, flasks and packages, containing more than three gallons but not more than three and one-fifth gallons per dozen, as three and one-fifth gallons per dozen. Provided, (3) that bottles or phials of liquors for special purposes, such as samples not for sale to the trade, may be entered for duty according to actual measurement, under regulations prescribed by the Minister.			
157d	Angostura bitters..... per gallon of the strength of proof	$2.00	$5.00	$10.00
159b	Nitrous ether, sweet spirits of nitre and aromatic spirits of ammonia.....per gallon and	$3.00 30 p.c.	$3.00 30 p.c.	$3.00 30 p.c.
160	Alcoholic perfumes:— *(a)* When in bottles or flasks containing not more than four ounces each..... *(b)* When in bottles, flasks or other packages, containing more than four ounces each.... per gallon and	30 p.c. $5.00	30 p.c. $5.00 30 p.c.	90 p.c. $5.00 40 p.c.
161	Perfumed spirits, bay rum, cologne and lavender waters, lotions, hair, tooth and skin washes, and other toilet preparations containing spirits of any kind:— *(a)* When in bottles or flasks containing not more than four ounces each..... *(b)* When in bottles, flasks or other packages, containing more than four ounces each..... per gallon and	30 p.c. $5.00	45 p.c. $5.00 30 p.c.	90 p.c. $5.00 40 p.c.
162	*(a)* Vermouth, aperitif and cordial wines, containing thirty-two per cent or less of proof spirit, whether imported in wood or in bottles.....per gallon and	20 cts.	20 cts.	55 cts. 30 p.c.

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	Provided, that six quart bottles or twelve pint bottles shall be held to contain a gallon for duty purposes under this Item.			
	(b) Vermouth, aperitif and cordial wines, containing more than thirty-two per cent of proof spirit and not more than forty per cent of proof spirit.....	80 p.c.	80 p.c.	80 p.c.
	(c) Medicinal or medicated wines, n.o.p., including ginger wine, containing not more than forty per cent of proof spirit.....	80 p.c.	80 p.c.	80 p.c.
163	(1) Wines of the fresh grape of all kinds, not sparkling, imported in barrels or in bottles, for sacramental purposes, containing not more than twenty-six per cent of proof spirit.....per gallon	20 cts.	20 cts.	55 cts. 30 p.c.
	and (2) Wines of all kinds, n.o.p., including orange, lemon, strawberry, raspberry, elder and currant wines, containing twenty-four per cent or less of proof spirit, whether imported in wood or in bottles..per gallon	20 cts.	20 cts.	55 cts. 30 p.c.
	and (3) Wines of all kinds, n.o.p., including orange, lemon, strawberry, raspberry, elder and currant wines, containing more than twenty-four per cent but not more than twenty-six per cent of proof spirit, whether imported in wood or in bottles.....per gallon	55 cts.	55 cts.	55 cts. 30 p.c.
	and And in addition thereto, for each degree of strength in excess of twenty-six per cent of proof spirit until the strength reaches forty per cent of proof spirit.....	3 cts.	3 cts.	3 cts.
	Provided, that six quart bottles or twelve pint bottles shall be held to contain a gallon for duty purposes under this Item.			
163a	(1) Prune wine, not sparkling, when containing not more than twenty-six per cent of proof spirit.....per gallon	25 cts.	55 cts.	55 cts. 30 p.c.
	and (2) Prune wine, not sparkling, when containing more than twenty-six per cent of proof spirit and not more than thirty-eight per cent of proof spirit.....per gallon	25 cts.	55 cts.	55 cts. 30 p.c.
	and And in addition thereto, for each degree of strength in excess of twenty-six per cent of proof spirit until the strength reaches thirty-eight per cent of proof spirit.....	.....	3 cts.	3 cts.
	Provided, that six quart bottles or twelve pint bottles shall be held to contain a gallon for duty purposes under this Item.			
167	Malt, whole, crushed or ground, n.o.p., upon entry for warehouse subject to excise regulations.....per pound	1/3 ct.	1/3 ct.	3/4 ct.
167a	Malt flour, n.o.p., upon entry for warehouse subject to excise regulations.....per pound	1/3 ct.	1/2 ct.	3/4 ct.
172a	Tourist literature issued by national or state governments or departments thereof, boards of trade, chambers of commerce, municipal and automobile associations, and similar organizations.....	Free	Free	Free
172b	Prayer books, missals, psalters, religious pictures and mottoes, not to include frames....	Free	Free	Free

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
178	Advertising and printed matter, viz.:—Advertising pamphlets, advertising show cards, illustrated advertising periodicals; price books, catalogues and price lists; advertising almanacs and calendars; patent medicine or other advertising circulars, fly sheets or pamphlets; advertising chromos, chromotypes, oleographs or like work produced by any process other than hand painting or drawing, and having any advertisement or advertising matter printed, lithographed or stamped thereon, or attached thereto, including advertising bills, folders and posters, or other similar artistic work, lithographed, printed or stamped on paper or cardboard for business or advertisement purposes, n.o.p.			
	per pound	5 cts.	10 cts.	15 cts.
	but not less than		25 p.c.	35 p.c.
	(a) Provided that goods specified in this Item shall be exempt from customs duty when produced in countries entitled to the British Preferential Tariff and relating exclusively to products or services of such British countries, but not relating to Canadian products or services.			
	(b) Provided that on goods specified in this Item when forwarded to Canada by mail, duties may be prepaid by customs duty stamps, under regulations by the Minister, at the rate specified in the Item, except that on each separate package weighing not more than one ounce, the duty shall be each.....	1 ct.	2 cts.	2 cts.
	(c) Provided that bona fide trade catalogues and price lists not specially designed to advertise the sale of goods by any person in Canada, when sent into Canada in single copies addressed to merchants therein, and not exceeding one copy to any merchant for his own use, but not for distribution, shall be exempt from customs duty under all Tariffs.			
	(d) Provided that advertising and printed matter, whether imported by mail or otherwise, when in individual packages valued at not more than $1.00 each and when not imported for sale or in a manner designed to evade payment of customs duties, shall be exempt from customs duty when produced in countries entitled to the British Preferential or the Most-Favoured-Nation Tariff.			
179	Labels for cigar boxes, fruits, vegetables, meats, fish, confectionery or other goods or wares; shipping, price or other tags, tickets or labels, and railroad or other tickets, whether lithographed or printed, or partly printed, n.o.p.....	17½ p.c.	22½ p.c.	35 p.c.
	Provided, that tickets issued by railway systems in the British Commonwealth, (not including railway systems operating in Canada), shall be exempt from customs duty, when produced in countries entitled to the benefits of the British Preferential Tariff.			

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
184a	Periodical publications, unbound or paper bound, printed and issued at regular intervals, not less frequently than four times a year, and bearing dates of issue	Free	Free	25 p.c.
199b	Containers wholly or partially manufactured from fibreboard or paperboard.....per pound	⅛ ct.	⅛ ct.	1½ cts.
	Provided, that in no case shall the rate of duty under the Most-Favoured-Nation or the General Tariff be less than	.....	20 p.c.	35 p.c.
206d	Animal glands and animal glandular organs, and extracts thereof, wet or dry, (whether alcoholic or not), when imported by manufacturers of pharmaceutical or medicinal preparations for use exclusively in the manufacture of such preparations in their own factories	Free	Free	Free
206e	Animal bile, in liquid or paste form, not further processed than concentrated, for use in the manufacture of bile acids	Free	Free	Free
206f	Dried blood, n.o.p.	5 p.c.	7½ p.c.	10 p.c.
206g	Blood albumen	Free	10 p.c.	10 p.c.
206h	Dried blood, soluble	Free	Free	Free
207	Bicarbonate of soda	Free	12½ p.c.	25 p.c.
207a	Butyl alcohol, n.o.p.	Free	20 p.c.	25 p.c.
208i	Nitrate of ammonia, when imported for use in the manufacture of nitrous oxide	Free	10 p.c.	25 p.c.
208j	Nitrate of ammonia, n.o.p. and sal ammoniac	Free	25 p.c.	25 p.c.
208t	All chemicals and drugs, n.o.p., of a kind not produced in Canada	Free	15 p.c.	25 p.c.
210g	Potassic nitrate of soda, n.o.p.	Free	Free	25 p.c.
225b	Carnauba wax	Free	Free	10 p.c.
231c	Gelatin capsules, empty, when imported for use exclusively in the manufacture or compounding of medicinal and pharmaceutical preparations	Free	5 p.c.	7½ p.c.
232	Glue, n.o.p. and, per pound	15 p.c. 2 cts.	22½ p.c. 5 cts.	25 p.c. 5 cts.
232a	Gelatine, n.o.p. and, per pound	15 p.c.	22½ p.c.	25 p.c. 5 cts.
247a	(1) Artists' and school children's colours; fitted boxes containing the same	Free	15 p.c.	30 p.c.
	(2) Artists' brushes; pastels, of a value of one cent per stick, or over; artists' canvas, coated and prepared for oil painting	Free	22½ p.c.	30 p.c.
254	Gums, viz.:— (1) Copal, damar, benzoin, Pontianac, nattakuching, barberry, elemi, gedda, Senegal, tragacanth, mastic and sandarac	Free	Free	15 p.c.
	(2) Amber and Arabic	Free	Free	Free

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	(3) Australian and kauri; lac, crude, seed, button, stick and shell; ambergris	Free	10 p.c.	15 p.c.
	(4) Gums and blends consisting wholly or in chief part of gums, n.o.p.	Free	Free	15 p.c.
259c	Castor oil	Free	Free	Free
263a	Coal-tar benzol, when imported by refiners of crude petroleum, for use exclusively in blending with gasoline wholly produced in Canada	10 p.c.	10 p.c.	25 p.c.
264	Essential oils, natural, viz.:—Geranium, rose, ylangylang, lemon, bergamot, orange, mandarin, citronella, clove and lemon grass	Free	Free	7½ p.c.
264a	Essential oils, natural and synthetic, n.o.p.; essential oils, natural and synthetic, containing other non-alcoholic material, n.o.p., for use in the manufacture of products or preparations for medicinal, flavouring, toilet, or other purposes, under such regulations as the Minister may prescribe	Free	7½ p.c.	7½ p.c.
264c	Menthol, natural or synthetic	Free	Free	10 p.c.
266	Resin oil	Free	Free	Free
266a	China wood oil	Free	Free	Free
266b	Oiticica oil.....per pound	Free	Free	2½ cts.
273	Asphalt or asphaltum, solid	Free	10 p.c.	10 p.c.
273a	Asphalt or asphaltum, n.o.p.	Free	10 p.c.	10 p.c.
273b	Asphaltum oil for use only for paving purposes	Free	Free	Free
273c	Carbolic or heavy oil	Free	10 p.c.	10 p.c.
276a	(1) Cotton seed oil, crude, when imported to be refined for edible purposes	Free	10 p.c.	10 p.c.
	(2) Crude cotton seed oil, when imported by manufacturers of cotton seed meal and refined cotton seed oil, for use exclusively in the manufacture of such commodities, in their own factories	Free	10 p.c.	10 p.c.
	(3) Cotton seed oil for canning fish	Free	Free	Free
	(4) Cotton seed oil, n.o.p.	12½ p.c.	17½ p.c.	17½ p.c.
276b	(1) Palm and palm kernel oil, crude, when imported to be refined for edible purposes	Free	10 p.c.	10 p.c.
	(2) Palm and palm kernel oil, unbleached or bleached, not edible	Free	10 p.c.	10 p.c.
	(3) Palm and palm kernel oil, not edible, for manufacturing soap	Free	10 p.c.	10 p.c.
	(4) Palm and palm kernel oil, n.o.p.	15 p.c.	20 p.c.	25 p.c.
276c	(1) Cocoanut oil, crude, when imported to be refined for edible purposes	Free	10 p.c.	10 p.c.
	(2) Cocoanut oil, not edible, for manufacturing soap	Free	10 p.c.	10 p.c.

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	(3) Cocoanut oil, not edible, when imported for use in the manufacture of refined cocoanut oil	Free	10 p.c.	10 p.c.
	(4) Cocoanut oil, n.o.p	12½ p.c.	17½ p.c.	17½ p.c.
276d	(1) Peanut oil, crude, when imported to be refined for edible purposes	Free	10 p.c.	10 p.c.
	(2) Peanut oil for manufacturing soap or for canning fish	Free	Free	Free
	(3) Peanut oil, n.o.p	15 p.c.	20 p.c.	25 p.c.
276e	(1) Olive oil for manufacturing soap	Free	Free	Free
	(2) Olive oil for manufacturing tobacco	Free	Free	Free
	(3) Olive oil for canning fish	Free	Free	Free
	(4) Olive oil for use in the processing of textile fibres, including the finishing of fabrics	Free	Free	Free
	(5) Olive oil, n.o.p	Free	10 p.c.	20 p.c.
276f	(1) Soya bean oil for use in the processing of leather	Free	Free	Free
	(2) Soya bean oil for use in the manufacture of paints and varnishes	Free	Free	Free
	(3) Soya bean oil for use in the processing of textile fibres, including the finishing of fabrics	Free	Free	Free
	(4) Soya bean oil for manufacturing soap	Free	Free	Free
	(5) Soya bean oil for use in canning fish	Free	Free	Free
	(6) Soya bean oil, n.o.p	15 p.c.	20 p.c.	25 p.c.
284	Drain pipes, sewer pipes and earthenware fittings therefor, chimney linings or vents, chimney tops and inverted blocks, glazed or unglazed, n.o.p	15 p.c.	22½ p.c.	35 p.c.
284c	Earthenware tiles, n.o.p	15 p.c.	25 p.c.	35 p.c.
295c	Activated clay, when imported for use in the refining of oils	10 p.c.	10 p.c.	25 p.c.
296i	Mica, phlogopite and muscovite, unmanufactured, in blocks, sheets, splittings, films, waste and scrap	12½ p.c.	12½ p.c.	25 p.c.
297a	Quartz, piezoelectric:—			
	(1) Not further processed than cut into slabs or blanks and ground to shape	Free	Free	25 p.c.
	(2) Fully manufactured ready for use in electric telephone, telegraph, wireless or radio apparatus	Free	10 p.c.	30 p.c.
305	Flagstone, sandstone and all building stone, not hammered, sawn or chiselled	10 p.c.	12½ p.c.	20 p.c.
305a	Marble, rough, not hammered or chiselled	10 p.c.	10 p.c.	20 p.c.
305b	Granite, rough, not hammered or chiselled	10 p.c.	12½ p.c.	20 p.c.
305c	Marble, sawn or sand rubbed, not polished	Free	10 p.c.	35 p.c.
305d	Granite, sawn	Free	15 p.c.	35 p.c.
305e	Paving blocks of stone	Free	15 p.c.	35 p.c.
305f	Flagstone and building stone, other than marble or granite, sawn on not more than two sides	Free	15 p.c.	35 p.c.

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
307	Marble, n.o.p.	30 p.c.	35 p.c.	40 p.c.
307a	Manufactures of marble, n.o.p.	30 p.c.	35 p.c.	40 p.c.
307b	Granite, n.o.p.	30 p.c.	35 p.c.	40 p.c.
307c	Manufactures of granite, n.o.p.	30 p.c.	35 p.c.	40 p.c.
308a	Manufactures of alasbater, n.o.p.	20 p.c.	22½ p.c.	35 p.c.
312b	Asbestos, crude	Free	Free	25 p.c.
326	(1) Demijohns or carboys, bottles, flasks, phials, jars and balls, of glass, not cut, n.o.p.; lamp chimneys of glass, n.o.p.; decanters and machine-made tumblers of glass, not cut nor decorated, n.o.p.	15 p.c.	22½ p.c.	32½ p.c.
	(2) Glass tableware, n.o.p., and illuminating glassware, n.o.p.	10 p.c.	22½ p.c.	32½ p.c.
	(3) Opal glassware, n.o.p.	10 p.c.	22½ p.c.	32½ p.c.
	(4) Cut glass tableware and cut glassware, n.o.p.	10 p.c.	22½ p.c.	32½ p.c.
352e	Metal parts in any degree of manufacture, coated or not, and wooden parts in the rough, when imported by manufacturers of spools, quills, pirns, bobbins and shuttles, for use in the manufacture of such articles, in their own factories	10 p.c.	10 p.c.	35 p.c.
353	Aluminum and alloys thereof, crude or semi-fabricated:—			
	(a) Pigs, ingots, blocks, notch bars, slabs, billets, blooms, and wire bars...per pound	Free	2 cts.	5 cts.
	(b) Bars, rods, plates, sheets, strips, circles, squares, discs and rectangles....per pound	Free	3 cts.	7½ cts.
	(c) Angles, channels, beams, tees and other rolled, drawn or extruded sections and shapes	Free	22½ p.c.	30 p.c.
	(d) Wire and cable, twisted or stranded or not, and whether reinforced with steel or not	Free	22½ p.c.	30 p.c.
	(e) Pipes and tubes	Free	22½ p.c.	30 p.c.
	(f) Leaf, n.o.p., or foil, less than ·005 inch in thickness, plain or embossed, with or without backing	Free	30 p.c.	30 p.c.
	(g) Aluminum powder	Free	30 p.c.	30 p.c.
	(h) Aluminum leaf, less than ·005 millimetre in thickness	Free	Free	Free
	(i) Aluminum scrap	Free	Free	Free
	Provided, that nothing shall be deemed to be aluminum scrap except waste or refuse aluminum, fit only to be remelted.			
366	Watches of all kinds	20 p.c.	30 p.c.	35 p.c.
	Provided, that when imported under the Most-Favoured-Nation or the General Tariff, the duty shall be not less than.....each	.....	40 cts.	40 cts.
366a	Watch actions and movements, finished or unfinished	Free	15 p.c.	15 p.c.
	Provided, that when imported under the Most-Favoured-Nation or the General Tariff, the duty shall be not less than.....each	.....	40 cts.	40 cts.

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
366b	Parts of watch movements, finished or unfinished Provided, that when imported under the Most-Favoured-Nation or General Tariff, the duty on plates designed to hold in place four or more wheels or other moving parts shall be not less than ..... per plate	Free	15 p.c. 5 cts.	15 p.c. 10 cts.
368	Clocks, time recorders, clock movements, clockwork mechanisms, and clock cases.... Provided, that when imported under the Most-Favoured-Nation or the General Tariff, the duty shall be not less than ..... each	15 p.c.	30 pc.. 40 cts.	35 p.c. 50 cts.
383	Sheets, plates, hoop, band or strip, of iron or steel:— *(b)* Coated with tin, n.o.p.....	15 p.c.	15 p.c.	20 p.c.
384	Skelp of iron or steel, hot rolled, when imported by manufacturers of pipes and tubes for use exclusively in the manufacture of pipes and tubes, in their own factories, under regulations prescribed by the Minister.....	Free	5 p.c.	5 p.c.
392c	Forged golf club heads of iron or steel, with or without face or similar marking, but not ground, polished, plated or otherwise finished	10 p.c.	10 p.c.	30 p.c.
402b	Woven netting, of iron or steel, coated, made from wire of 17 gauge or heavier, with meshes not smaller than one inch and not larger than two inches, with specially strengthened joints, when for use exclusively on fur farms, under regulations prescribed by the Minister: (1) Of a class or kind not made in Canada. (2) N.o.p.....	 5 p.c. 12½ p.c.	 17½ p.c. 20 p.c.	 30 p.c. 30 p.c.
414	Typewriters.....	Free	20 p.c.	25 p.c.
414a	Complete parts of typewriters.....	Free	15 p.c.	25 p.c.
414b	Dictating, transcribing and cylinder shaving machines and complete parts thereof, including cylinders and unfinished wax blanks.....	10 p.c.	12½ p.c.	25 p.c.
414c	Bookkeeping, calculating and invoicing machines and complete parts thereof, n.o.p.....	Free	10 p.c.	25 p.c.
414d	Adding machines.....	Free	17½ p.c.	25 p.c.
414e	Complete parts of adding machines.....	Free	15 p.c.	25 p.c.
425a	Lawn mowers designed for use with motive power, whether or not containing the power unit.....	10 p.c.	15 p.c.	32½ p.c.
426a	Machinery and apparatus enumerated in Tariff Item 412a, when for use by manufacturers of articles made from regenerated cellulose or cellulose acetate; complete parts of such machinery and apparatus, not to include saws, knives, and motive power.....	5 p.c.	5 p.c.	35 p.c.
426b	Veneer-drying machines, and complete parts thereof.....	5 p.c.	5 p.c.	35 p.c.
426c	Wire stitchers and staplers, either hand or power type, but not including motive power; complete parts of the foregoing.....	5 p.c.	5 p.c.	35 p.c.

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
429	Cutlery of iron or steel, plated or not:—			
	(g) Razors and complete parts thereof; razor blades, n.o.p.	Free	27½ p.c.	30 p.c.
	(h) Safety razor blades	Free	20 p.c.	30 p.c.
430b	Screws, of iron or steel, coated or not:—			
	(1) Wood screws	15 p.c.	20 p.c.	30 p.c.
	(2) Machine and other screws, n.o.p.	15 p.c.	17½ p.c.	30 p.c.
	and, per one hundred pounds	.....	50 cts.	.....
434	(1) Locomotives and motor cars for railways, for use exclusively in mining, metallurgical or sawmill operations, n.o.p., and chassis, tops, wheels and bodies for the same, n.o.p.	15 p.c.	20 p.c.	35 p.c.
	(2) Locomotives for use on raliways, and chassis, tops, wheels and bodies for the same, n.o.p.	15 p.c.	25 p.c.	35 p.c.
440g	(1) Manufactures of iron, brass or other metal, of a class or kind not made in Canada, for use exclusively in the construction or equipment of ships or vessels, under regulations prescribed by the Minister	Free	Free	Free
	(2) Diesel and semi-diesel engines, of a class or kind not made in Canada, and complete parts thereof, for use exclusively in the construction or equipment of ships or vessels.	Free	Free	Free
440m	(i) Unfinished parts of aircraft, n.o.p., not including parts of aircraft engines	Free	15 p.c.	27½ p.c.
	(ii) Direct or inertia starters with or without related operating gear and parts thereof; generators; voltage control boxes; batteries; de-icing and anti-icing equipment and parts thereof, not including parts of rubber; vacuum pumps with related operating gear and parts thereof; landing and navigation lights; propellers; hydraulic jacks and pumps and parts thereof; aircraft wheels; aircraft brakes with related operating gear and parts thereof; aircraft tires and tubes; oil coolers; fuel pressure warning devices; exhaust gas analysers; pressure fire extinguishers; primer pumps; instruments excepting fuel contents gauges; bolts, nuts, cocks, turnbuckles, clevis and pins, swaged wires and tie rods; bars, tubes, extrusions and forgings of aluminum, aluminum alloys and magnesium alloys; steel tubing; all the foregoing when of types and sizes not made in Canada and imported for use exclusively in the manufacture or for spares, overhaul or repair of the goods enumerated in Tariff Item 4401 under such regulations as the Minister may prescribe	Free	Free	27½ p.c.
446g	(1) Electric apparatus designed for welding and parts thereof, not including motors	5 p.c.	20 p.c.	30 p.c.
	(2) Mechanically-operated gas apparatus designed for cutting or welding and parts thereof, not including motors	Free	10 p.c.	35 p.c.
	(3) Gas apparatus designed for welding or cutting and parts thereof, n.o.p.	5 p.c.	20 p.c.	30 p.c.

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
446k	Tools of iron or steel, for use in machines, n.o.p., of a class or kind not made in Canada	Free	10 p.c.	35 p.c.
446m	Welding rods or welding wires of rust, acid or heat resisting steel, whether or not flux-coated	10 p.c.	15 p.c.	35 p.c.
450	Roller skates and parts thereof	15 p.c.	15 p.c.	30 p.c.
450a	Skates of all kinds, other than roller, and parts thereof	15 p.c.	25 p.c.	30 p.c.
451b	Pins manufactured from wire of any metal:—			
	(1) Specially designed for marking systems	Free	5 p.c.	10 p.c.
	(2) N.o.p.	15 p.c.	25 p.c.	30 p.c.
	and, per pound		10 cts.	10 cts.
461a	Automatic scales or weighing machines, of a class or kind not made in Canada, and complete parts of the foregoing, for use in Canadian manufactures	Free	Free	Free
505b	Shingles of cedar, creosoted, vulcanized or otherwise processed or treated	Free	Free	25 p.c.
511c	Skis	20 p.c.	22½ p.c.	35 p.c.
511d	Ski fittings	15 p.c.	22½ p.c.	35 p.c.
511e	Ski poles	20 p.c.	22½ p.c.	35 p.c.
518	Bagatelle and other game tables or boards	17½ p.c.	22½ p.c.	35 p.c.
518a	Billiard tables, with or without pockets; cues, balls, cue-racks and cue-tips	17½ p.c.	30 p.c.	35 p.c.
519	House, office, cabinet or store furniture of wood, iron or other material, and parts thereof, not to include forgings, castings, and stampings of metal, in the rough:—			
	(1) Substantially of wood	15 p.c.	27½ p.c.	45 p.c.
	(2) Other than of wood	15 p.c.	25 p.c.	45 p.c.
520	(1) Raw cotton and cotton linters not further manufactured than ginned; waste wholly of cotton unfit for use without further manufacture	Free	Free	Free
	(2) Rags unfit for use without further manufacture, not to include used garments nor waste portions of unused fabrics	Free	Free	Free
522c	(1) Rovings, yarns and warps wholly of cotton, including threads, cords and twines generally used for sewing, stitching, packaging and other purposes, n.o.p.; cotton yarns, wholly or partially covered with metallic strip, generally known as tinsel thread	15 p.c.	17½ p.c.	25 p.c.
	and, per pound		3 cts.	4 cts.
	(2) Cotton yarns, wholly covered with a double layer of metallic strip in single strand only, when imported by manufacturers for use exclusively in the manufacture of electrical conductors, in their own factories	10 p.c.	10 p.c.	25 p.c.
	and, per pound			4 cts.
	(3) Sewing thread, wholly of cotton, on spools, not to exceed 250 yards on one spool	15 p.c.	20 p.c.	25 p.c.
	and, per pound			4 cts.

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
523	Woven fabrics, wholly of cotton, not bleached, mercerized nor coloured, n.o.p. and, per pound	15 p.c.	15 p.c. 3 cts.	25 p.c. 4 cts.
523b	Woven fabrics, wholly of cotton, printed, dyed or coloured, n.o.p.:— (1) Valued at more than 80 cents per pound and, per pound	17½ p.c.	17½ p.c. 3 cts.	32½ p.c. 4 cts.
	(2) Valued at 50 cents or more but not more than 80 cents per pound and, per pound	17½ p.c.	22½ p.c. 3 cts.	32½ p.c. 4 cts.
	(3) Valued at less than 50 cents per pound and, per pound	17½ p.c.	25 p.c. 3½ cts.	32½ p.c. 4 cts.
	(4) Woven fabrics, wholly of cotton, commonly known as denims, when imported by manufacturers for use in their own factories in the manufacture of garments and, per pound	17½ p.c.	17½ p.c. 3 cts.	32½ p.c. 4 cts.
523l	Woven fabrics, wholly of cotton, composed of yarns of counts of not less than 80 and not more than 99, including all such fabrics in which the average count of the warp and weft yarns is not less than 80 and not more than 99 and, per pound	12½ p.c.	20 p.c. 3 cts.	27½ p.c. 4 cts.
523n	Cotton bags:— (1) Seamless and, per pound	15 p.c.	22½ p.c.	25 p.c. 4 cts.
	(2) N.o.p. and, per pound	20 p.c.	22½ p.c.	35 p.c. 4 cts.
524a	Fabrics with cut weft pile, wholly of cotton or of cotton and synthetic textile fibres or filaments and, per pound	5 p.c.	25 p.c. 3½ cts.	32½ p.c. 4 cts.
532	Clothing, wearing apparel and articles made from woven fabrics, and all textile manufactures, wholly or partially manufactured, composed wholly of cotton, n.o.p. and, per pound	25 p.c.	25 p.c.	35 p.c. 4 cts.
532c	Curtains, wholly or partially manufactured, composed wholly of cotton, n.o.p. and, per pound	22½ p.c.	27½ p.c.	35 p.c. 4 cts.
532d	Fabrics wholly of cotton, coated or impregnated, n.o.p. and, per pound	22½ p.c.	27½ p.c.	35 p.c. 4 cts.
535g	Piassava fibre, not coloured, nor further manufactured than dried, cleaned, cut to size, ground and sifted	Free	Free	Free
538b	Twine for baling farm produce	Free	Free	25 p.c.
547a	Bags or sacks of sisal and, per pound	17½ p.c.	17½ p.c.	35 p.c. 4 cts.
548c	Tablecloths, centre-pieces, and doilies of sisal, palm straw or cane straw and, per pound	20 p.c.	20 p.c.	35 p.c. 4 cts.
549	Wool not further prepared than combed, n.o.p. per pound	Free	10 cts.	15 cts.

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
549a	Wool, not further advanced than scoured, not including wool of the sheep of the type commonly known as karakul, when imported by carpet manufacturers for use exclusively in the manufacture of carpets, in their own factories.....per pound	Free	Free	15 cts.
549b	(1) Hair of the camel, alpaca, goat or other like animal.....per pound	Free	Free	15 cts.
	(2) Hair, cleaned or uncleaned, but not curled, dyed nor otherwise manufactured; and horse hair not further manufactured than simply cleaned and dipped or dyed.....	Free	Free	Free
	(3) Hair, curled or dyed, n.o.p.....	12½ p.c.	15 p.c.	20 p.c.
549f	Nets made from human hair.....	15 p.c.	15 p.c.	35 p.c.
552a	Felt, splint, for use in making molded splints for medicinal purposes.....	Free	10 p.c.	25 p.c.
553	Blankets of any material, not to include automobile rugs, steamer rugs, or similar articles:—			
	(1) Household blankets, wholly of cotton	17½ p.c.	17½ p.c.	35 p.c.
	and, per pound	5 cts.	5 cts.	30 cts.
	(2) Blankets, wholly or in part of wool or hair.....	20 p.c.	25 p.c.	35 p.c.
	and, per pound	5 cts.	20 cts.	30 cts.
	(3) Blankets, n.o.p.....	20 p.c.	30 p.c.	35 p.c.
	and, per pound	5 cts.	25 cts.	30 cts.
554e	Filter press cloth of wool or hair (except human hair).....	Free	15 p.c.	40 p.c.
	and, per pound		30 cts.	35 cts.
568b	(1) Gloves of kid, n.o.p.....	20 p.c.	22½ p.c.	45 p.c.
	(2) Gloves and mitts of all kinds, n.o.p...	20 p.c.	25 p.c.	45 p.c.
569	Hats, hoods and shapes for fur felt or of wool-and-fur felt, under such regulations as the Minister may prescribe.....	17½ p.c.	22½ p.c.	35 p.c.
569a	(1) Hats, hoods and shapes of wool felt...	22½ p.c.	30 p.c.	35 p.c.
	and, per dozen	45 cts.	90 cts.	$1.25
	(2) Hoods and shapes, knitted, crocheted, plaited or woven, in a single piece, and hoods and shapes of braid, not sewn, under such regulations as the Minister may prescribe...	Free	10 p.c.	10 p.c.
	(3) Hoods and shapes, n.o.p.....	22½ p.c.	30 p.c.	35 p.c.
	and, per dozen		50 cts.	50 cts.
	(4) Hats, n.o.p.....	22½ p.c.	27½ p.c.	35 p.c.
	and, per dozen	75 cts.	$1.00	$1.50
	(5) Berets of wool, knitted and fulled.....	22½ p.c.	22½ p.c.	35 p.c.
	and, per dozen		50 cts.	65 cts.
	(6) Caps, bonnets and berets, n.o.p., under such regulations as the Minister may prescribe.....	22½ p.c.	27½ p.c.	35 p.c.
570a	(1) Carpeting, rugs, stair pads, mats and matting of straw, hemp, flax tow or jute....	15 p.c.	20 p.c.	25 p.c.
	(2) Carpeting, rugs, mats and matting of paper; carpet lining and stair pads.....	15 p.c.	22½ p.c.	25 p.c.
	(3) Carpeting, rugs, mats and matting of sisal, palm straw or cane straw.....	15 p.c.	20 p.c.	25 p.c.

SCHEDULE B—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
571a	(1) Mats with cut pile, of cocoa fibre.....per square foot	2¼ cts.	3 cts.	5 cts.
	(2) Mats, n.o.p., rugs, carpeting and matting of cocoa fibre.....per square yard	6¾ cts.	7½ cts.	10 cts.
572a	Carpets of sisal, palm straw or cane straw.....	20 p.c.	20 p.c.	40 p.c.
597	(1) Pianofortes and organs, n.o.p.....	20 p.c.	22½ p.c.	30 p.c.
	(2) Pipe organs.....	15 p.c.	15 p.c.	30 p.c.
	(3) Pipe organ player actions and parts thereof; parts of pipe organs, n.o.p.....	Free	15 p.c.	25 p.c.
	(4) Parts of pianofortes and parts of organs, n.o.p.....	Free	20 p.c.	25 p.c.
597a	(1) Musical instruments of all kinds, n.o.p.	15 p.c.	17½ p.c.	30 p.c.
	(2) Phonographs, graphophones, gramophones and finished parts thereof, n.o.p., including cylinders and records therefor.....	15 p.c.	20 p.c.	30 p.c.
	(3) Mechanical piano and organ players...	15 p.c.	20 p.c.	30 p.c.
	(4) Cylinders or records specially made for use in the study of languages, under such regulations as may be prescribed by the Minister.....	Free	Free	30 p.c.
598	(1) Brass band instruments, of a class or kind not made in Canada.....	Free	17½ p.c.	25 p.c.
	(2) Brass band instruments, n.o.p.....	Free	20 p.c.	25 p.c.
	(3) Bagpipes and complete parts thereof..	Free	25 p.c.	25 p.c.
603a	Karakul skins, wholly or partially dressed, but not dyed.....	Free	Free	15 p.c.
604	(1) Belting leather in butts or bends; and all leather further finished than tanned, n.o.p.	7½ p.c.	17½ p.c.	27½ p.c.
	(2) Sheepskin or lambskin leather, further finished than tanned, n.o.p.....	7½ p.c.	22½ p.c.	27½ p.c.
605	(1) Leather produced from East India tanned kip, uncoloured or coloured other than black, when imported for use exclusively in lining boots and shoes.....	Free	15 p.c.	15 p.c.
	(2) Genuine reptile leathers.....	Free	7½ p.c.	15 p.c.
607a	Leather, consisting of beef-cattle hides, horse-hides or sheep-skins, but not including suedes, Cabrettas, Spanish capes or African capes, when imported by manufacturers of gloves or leather clothing, for use exclusively in manufacturing gloves or leather clothing in their own factories.....	Free	15 p.c.	20 p.c.
607b	Leather, not further finished than tanned, in whole hides, in grains, or splits, when imported by manufacturers of upholstering leathers, for use exclusively in the manufacture of upholstering leathers, in their own factories.....	Free	15 p.c.	15 p.c.

SCHEDULE B—*Concluded*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
611a	(1) Boots, shoes, slippers and insoles of any material, n.o.p.	20 p.c.	27½ p.c.	40 p.c.
	(2) Canvas shoes with rubber soles	20 p.c.	27½ p.c.	40 p.c.
	(3) Boots, shoes and slippers of sisal with cork, sisal, leather or rubber soles	17½ p.c.	25 p.c.	40 p.c.
616	(1) Rubber, crude, caoutchouc or India-rubber, unmanufactured, n.o.p.	Free	5 p.c.	5 p.c.
	(2) Powdered rubber and rubber or gutta percha waste or junk	Free	Free	Free
	(3) Recovered rubber and rubber substitute	Free	Free	Free
	(4) Latex, being crude rubber in liquid form, not compounded beyond the addition of preservatives	Free	Free	Free
619a	Rubber clothing and clothing made from waterproofed cotton fabrics	22½ p.c.	27½ p.c.	35 p.c.
	and, in addition on raincoats, each			50 cts.
623a	Handbags of sisal, palm straw, or cane straw, with or without lining	7½ p.c.	17½ p.c.	40 p.c.
624a	(1) Dolls	10 p.c.	25 p.c.	40 p.c.
	(2) Toys of all kinds, n.o.p.	10 p.c.	30 p.c.	40 p.c.
	(3) Mechanical toys of metal	10 p.c.	30 p.c.	40 p.c.
	(4) Juvenile construction sets of metal or rubber, consisting of various stampings, punched or moulded, and connections therefor; parts of the foregoing:—			
	(a) Of metal	Free	25 p.c.	40 p.c.
	(b) Of rubber	Free	20 p.c.	40 p.c.
648b	Diamonds, rough or uncut, and not advanced in condition or value from their natural state by cleaving, splitting, cutting, or other process, whether in their natural form or broken	Free	Free	Free
654	Bristles, natural	Free	Free	Free
654b	Broom corn	Free	Free	Free
655	Pens, n.o.p., penholders and rulers, of all kinds	12½ p.c.	22½ p.c.	27½ p.c.
655c	Pen nibs of steel	Free	12½ p.c.	27½ p.c.
656	*(a)* Tobacco pipes of all kinds	17½ p.c.	22½ p.c.	35 p.c.
	(b) Cigar and cigarette holders	17½ p.c.	25 p.c.	35 p.c.
	(c) Cases for cigar and cigarette holders, cigar and cigarette cases, smokers' sets and cases therefor, and tobacco pipe mounts	17½ p.c.	25 p.c.	35 p.c.
	(d) Tobacco pouches	17½ p.c.	25 p.c.	35 p.c.
663h	Oyster shells, not further manufactured than crushed or screened, or both, for use as poultry feeds or in the manufacture of poultry feeds	10 p.c.	10 p.c.	25 p.c.
710	Coverings, inside and outside, used in covering or holding goods imported therewith, shall be subject to the following provisions, viz.:—			
	(b) Usual coverings containing goods subject to any ad valorem duty, when not included in the invoice value of the goods they contain	Free	7½ p.c.	20 p.c.

SCHEDULE C

1214	1. Common mongoose (Herpestes griseus) or mongoose of any kind; 2. Any bird of the Starling family (Sturnidae), except the European Starling (Sturnus vulgaris); 3. Any other non-game bird, except any of the following:— *(a)* a domestic bird of a kind kept for food purposes; *(b)* a bird intended solely for exhibition in a public zoological park; *(c)* a bird intended solely to be kept in confinement in a cage or to be used for purposes of public entertainment.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 221.

An Act to provide for the Payment and Distribution of Prize Money.

First reading, May 16, 1950.

THE MINISTER OF NATIONAL DEFENCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

57617

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 221.

An Act to provide for the Payment and Distribution of Prize Money.

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

Short title.

1. This Act may be cited as *The Canada Prize Act, 1950.*

Payment out of proceeds of prize.

2. The sum of five hundred and fifty-nine thousand six hundred and forty-three dollars and twenty-four cents, which represents the proceeds of prize, shall be paid out of the Consolidated Revenue Fund by the Minister of Finance in accordance with section four.

Payment out of prize moneys paid to Canada under U.K. statutes.

1931, c. 27.

3. Any money paid to Canada pursuant to the Prize Act, 1948, of the Parliament of the United Kingdom or pursuant to any other Act of the Parliament of the United Kingdom providing for payment of prize money to Canada, shall be deemed not to be public moneys as defined in *The Consolidated Revenue and Audit Act, 1931*, and, when received by Canada, shall be paid out by the Minister of Finance in accordance with section four.

Explanatory Notes.

The purpose of this Bill is to make provision for the distribution of Canada's share of the proceeds of Prize captured by nations of the Commonwealth during the Second World War. Canada's share is derived from:

(i) moneys payable to Canada under the Prize Act, 1948, of the United Kingdom, and

(ii) moneys paid into the Consolidated Revenue Fund from the proceeds of sale of cargoes and of insurance in respect of two enemy vessels taken as Prize in Canada.

2. The two vessels taken in Prize by Canada were the German vessel "WESER" and the Italian vessel "CAPO NOLI". Before prize proceedings were completed both vessels were put in Canadian service and sunk by enemy action. The figure of $559,643.24, mentioned in this clause, is the amount paid into the Consolidated Revenue Fund in respect of these vessels, made up as follows:—

Proceeds of sale of cargoes of the two vessels.....	$ 58,155.27
Proceeds of War Risk Insurance placed on the two vessels.....	501,487.97
	$559,643.24

3. As a result of agreement reached between the nations of the Commonwealth, the proceeds of all prizes taken were to be administered as a common pool. The Prize Act, 1948, of the United Kingdom, makes provision for the allocation of the amount of the pool to the nations concerned. Canada's contribution to the pool was $808,000, the estimated value at the time of capture of the two vessels referred to in the explanatory note to clause 2. This amount was not actually paid into the pool but was taken into consideration in computing the total thereof, and will be deducted from the Canadian share when that share is paid to Canada.

Distribution of prize moneys.

4. All moneys required by sections two and three to be paid out by the Minister of Finance shall be paid as follows:

(a) sixty-eight per centum thereof to the Canadian Naval Service Benevolent Trust Fund; and

(b) thirty-two per centum thereof to the Royal Canadian Air Force Benevolent Fund.

4. Further it was agreed between the nations of the Commonwealth that the Navy and the Air Force should participate jointly in the proceeds of Prize money. It was considered that the gross fund had been built up by Naval and Air action in the proportions of 75% and 25% respectively. The sum due to naval action was divided in proportion to the peak naval strength of each participating nation. The sum due to air action was divided in proportion to the peak air strength of each participating nation. Canada's share of the total pool thus will be divisible in the ratio of 68% in respect of the Naval Forces and 32% in respect of the Air Forces. The Bill will authorize the payment of Canada's share to the Naval and Air Force Benevolent Funds in the proportion mentioned.

The Canadian Naval Service Benevolent Trust Fund is a body corporate incorporated under Part II of the Companies Act, 1934. Its funds are, under the terms of the letters patent of incorporation, used "to relieve distress and promote well-being of members or ex-members of the Naval Forces of Canada or of their dependents". The Royal Canadian Air Force Benevolent Fund is incorporated in the same manner. Its funds are expended "to relieve distress and promote the well-being of members or ex-members of the Royal Canadian Air Force or their dependents".

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 236.

An Act to amend The Tariff Board Act.

First reading, May 23, 1950.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

62356

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 236.

An Act to amend The Tariff Board Act.

1931, c. 55; 1932-33, c. 51; 1940, c. 42; 1947-48, c. 70.

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

1. Section five of *The Tariff Board Act*, chapter fifty-five of the statutes of 1931, is amended by adding thereto the following subsection:

Appeals under other Acts.

"(13) This section, except subsections three, seven and eight, applies in respect of an appeal to the Board pursuant to any other Act or regulation thereunder as if the appeal were an inquiry within the meaning of this Act."

Explanatory Notes.

1. The purpose of this amendment is to clarify the procedural powers of the Board with respect to appeals under the *Customs Act* and similar statutes. Section five provides as follows:

"5. (1) The Board shall have the power of summoning before them any witnesses, and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and to produce such documents and things as the Board deem requisite.

(2) The Board shall give reasonable opportunity to persons who may not have been summoned, to appear before them and give evidence upon oath or solemn affirmation as aforesaid, on any matter relevant to an inquiry then being held by the Board.

(3) No person shall be compellable against his will, to attend to give evidence or to produce documents or other things, at any place outside of the province in which he is served with the summons or other process issued for the purpose of an inquiry under this Act.

(4) Every person summoned to attend, pursuant to the provisions of this section, shall, in the discretion of the Board or a member of the Board, as the case may be, receive the like fees and allowances for so doing as if summoned to attend before the Exchequer Court.

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

(6) The Board shall be a court of record, and have an official seal which shall be judicially noticed.

(7) One member shall have power to conduct any inquiry under subsection one and subsection two of the next preceding section and may, for the purposes of such inquiry, exercise the powers conferred upon the Board by subsections one and five of this section.

(8) Two members shall have the power to conduct any inquiry under subsections three, four and five of the next preceding section and may, for the purposes of such inquiry, exercise the powers conferred upon the Board by subsections one and five of this section.

(9) For the purposes of any inquiry under this Act, the Board may obtain information, which in their judgment is authentic, otherwise than under the sanction of an oath or affirmation, and use and act upon such information.

(10) Should evidence or information which is in its nature confidential, relating to the business or affairs of any person, firm or corporation, be given or elicited in the course of any inquiry, the evidence or information shall not be made public in such a manner as to be available for the use of any business competitor or rival of the person, firm or corporation, respectively, but this subsection shall not apply to an inquiry under subsection three of section four of this Act. Any person who violates any of the provisions of this subsection shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding one thousand dollars and not more than twelve months' imprisonment.

(11) Inquiries under this Act shall, whenever practicable, be conducted at some suitable place in the city of Ottawa, but the Board may, in its discretion, conduct such inquiries, either in whole or in part, in any other place in Canada, and, with the consent of the Minister, in any place outside of Canada.

(12) The Board shall hold its sessions and conduct its proceedings in such manner as may seem to it most convenient for the speedy and efficient discharge of its duties, and may make such rules and regulations, as it may deem expedient for the conduct of its proceedings, not inconsistent with the provisions of this Act. Such rules and regulations shall be published in the *Canada Gazette* immediately after the promulgation thereof."

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 249.

An Act to amend The Canada Grain Act.

First reading, May 26, 1950.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

61758

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 249.

1930 c. 5; 1932-33, cc. 9, 24; 1934, c. 26; 1938, c. 5; 1939, c. 36; 1940, c. 6; 1947, c. 3.

An Act to amend The Canada Grain Act.

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

Re-lettering

1. Section fifteen of *The Canada Grain Act*, chapter five of the statutes of 1930, is amended by re-lettering paragraph *(cc)* thereof as paragraph *(dd)*, and by adding thereto, immediately after paragraph *(bb)* thereof, the following paragraph:

Foreign grain.

"*(cc)* Governing the receipt at eastern elevators and at terminal elevators, for storage in transit for reshipment out of Canada, of grain grown outside Canada, in order to ensure priority of storage for grain grown in Canada, and specifying the period of time that such grain grown outside Canada may remain in storage at such elevators;"

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

Publication.

"**19.** The Board shall, during the month of August in each year, publish in the *Canada Gazette* in consolidated form all regulations made by the Board under this Act and in effect on the first day of that month."

3. Subsection one of section eighty-four of the said Act is repealed and the following substituted therefor:

Prescribed forms to be used by licensee.

"**84.** (1) No licensee under this Act shall make any contract of a kind for which a licence is required in any form other than one of the forms authorized to be used by or pursuant to the provisions hereof, and no such form shall be signed by any such licensee or delivered by him to any person as a record or as evidence of a transaction for which a licence is required in which any change has been made, to which anything has been added which is not

EXPLANATORY NOTES.

1. This additional paragraph, together with the proviso to subsection (1) of section 133 added by clause 6 of the Bill, will enable the Board to ensure that adequate storage in terminal and eastern elevators will be available for western grain at the proper times.

2. Present section 19 of the Act reads as follows:

"**19.** All the regulations made by the Board pursuant to this Act and then in force shall, between the 15th day of July and the 15th day of August in each year, be published in full in at least two issues of the *Canada Gazette*."

Changes in the tariff of elevator charges and other changes in the regulations are usually made in July to be effective at the beginning of the next crop year on August 1. Under the present section, regulations must be re-published notwithstanding that they are to be superseded on August 1. Furthermore, publication in more than one issue of the *Canada Gazette* is expensive and unnecessary as the Board has available for public distribution copies of the published regulations.

3. In contracts by non-licensees for the purchase of grain, there has been use of the statutory forms required to be used by licensees, with the result that there has been misapprehension by the other contracting parties that they were dealing with licensees. The underlined words added by this Clause restrict to licensees the right to use the statutory forms.

obviously required or expressly authorized to be so by such form, or from which any statement called for thereby has been omitted; and no person other than a licensee shall in any contract or transaction use any form so authorized."

4. Subsection one of section one hundred and three of the said Act, as amended by section two of chapter twenty-four of the statutes of 1932-33, is repealed and the following substituted therefor:

Discharge of grain if not sole owner or authorized part owner.

"**103.** (1) No operator or manager of a licensed public or semi-public elevator shall, otherwise than as provided in this Act, discharge out of such elevator any grain of which he is not the owner, unless

(a) the manager of the elevator is the owner of a part interest in the grain and his co-owners have authorized him to discharge the grain from the elevator in the manner in which it is discharged, or

(b) the grain is discharged in accordance with a regulation or order of the Board.

(1a) For the purpose of ensuring the orderly dispatch of grain the Board may exempt any elevator located at a seaport from the operation of subsection one and may make regulations governing the discharge of grain from any elevator so exempted."

5. Section one hundred and seven A of the said Act, as enacted by section forty-one of chapter thirty-six of the statutes of 1939, is repealed and the following substituted therefor:

Receipt of wheat from railway cars.

"**107**A. Notwithstanding anything in this Act, no operator or manager of a licensed country elevator shall receive wheat into such elevator from railway cars except as may be provided by regulation or order of the Board for seed grain or feed distribution or for the conservation of storage or for milling or manufacture at such elevator."

6. Subsection one of section one hundred and thirty-three of the said Act, as enacted by section fifty of chapter thirty-six of the statutes of 1939, is repealed and the following substituted therefor:

Grain to be received as offered without discrimination.

"**133.**(1) Subject to this section, the operator of every licensed public or semi-public terminal elevator and, unless otherwise provided by the terms of his licence, the operator of every eastern elevator, shall, without discrimination and in the order in which the same arrives at such elevator and is offered, receive into such elevator all grain of any grade for which there is available storage of the kind required by the person by whom such grain is offered.

4. The only changes are to insert the underlined words and to substitute the underlined word "unless" for the present words "except when."

5. Some small country mills are licensed as country elevators and it is desirable to permit them to receive grain from railway cars for the purpose of milling or manufacture in their mills. The added underlined words give this permission.

6. The addition of subsection *(1a)* to section 133, together with the addition to section 15 dealt with in clause 1 of the Bill, will enable the Board to ensure that adequate storage in terminal and eastern elevators will be available for western grain at the proper times.

Grain grown outside Canada.

(1a) No operator of a terminal elevator or an eastern elevator shall receive into such elevator for storage in transit for reshipment out of Canada any grain grown outside Canada unless he is first authorized to do so by a regulation or order of the Board."

7. Subsection one of section one hundred and thirty-eight of the said Act, as enacted by section three of chapter three of the statutes of 1947, is repealed and the following substituted therefor:

Weigh-over in all terminal elevators.

"**138.** (1) Subject to section one hundred and thirty-eight B, in each crop year the Board shall weigh over the grain contained in every terminal elevator and the period of time elapsing between consecutive weigh-overs shall not be less than nine and not more than twenty-two months."

8. Subsection one of section one hundred and thirty-eight A of the said Act, as enacted by section four of chapter three of the statutes of 1947, is repealed and the following substituted therefor:

Weigh-over in eastern elevators.

"**138A.** (1) Subject to section one hundred and thirty-eight B, in each crop year the Board shall weigh over the grain contained in every eastern elevator and the period of time elapsing between consecutive weigh-overs shall not be less than nine and not more than twenty-two months."

9. The said Act is further amended by adding thereto, immediately after section one hundred and thirty-eight A thereof, the following section:

Board may defer weigh-over.

"**138B.** (1) Where in the opinion of the Board it is not possible or practical to make a weigh-over pursuant to section one hundred and thirty-eight or one hundred and thirty-eight A in any elevator in any crop year, the Board may by order defer the weigh-over until the next following crop year, but the deferred weigh-over shall be made not more than twenty-two months after the last weigh-over in that elevator.

Not more than one weigh-over in any crop year.

(2) Nothing in this section shall be construed to require the Board to make more than one weigh over in any elevator in any crop year."

10. Section one hundred and seventy-three of the said Act is repealed and the following substituted therefor:

Elevators declared to be for general advantage of Canada.

"**173.** All elevators in Canada heretofore or hereafter constructed are hereby declared to be works for the general advantage of Canada."

7. The addition of the underlined words are consequent upon **138**B (1) being added.

8. The same circumstances are involved as in clause 7.

9. A weigh-over requires that empty storage space be available for the reception of weighed-over grain. At some elevators, a weigh-over in the required period is impracticable because of storage congestion or may be physically impossible through some mishap at the elevator. Also, some grain cannot be weighed over without subjecting the owner to risk of loss through breakage or temperature change. The amendment permits proper action to be taken by the Board.

10. Present section 173 reads as follows:

"**173.** For greater certainty but not so as to restrict the generality of the terms of section two hundred and thirty-three of the *Canada Grain Act*, chapter eighty-six of the Revised Statutes of Canada, 1927, it is hereby declared that each and every one of the grain elevators mentioned or described in Schedule Four to this Act is a work for the general advantage of Canada."

Owing to the lapse of time Schedule Four has become inaccurate and incomplete and it is considered that the present wording is preferable.

11. Schedule One to the said Act, as enacted by section sixty-six of chapter thirty-six of the statutes of 1939, and amended by section three of chapter six of the statutes of 1940 and by section five of chapter three of the statutes of 1947, is further amended as follows:

Mixed grain.

(a) the heading "MIXED GRAIN" therein and the definitions of the several grades thereunder are repealed and the heading and the several grades thereunder set forth in Schedule A to this Act are substituted therefor;

Flax seed.

(b) the heading "FLAX SEED" therein and the definitions of the several grades thereunder are repealed and the heading and the several grades thereunder set forth in Schedule B to this Act are substituted therefor.

12. Schedule Two to the said Act, as enacted by section sixty-seven of chapter thirty-six of the statutes of 1939, and amended by section six of chapter three of the statutes of 1947, is further amended as follows:

Mixed grain.

(a) the heading "MIXED GRAIN" therein and the definitions of the several grades thereunder are repealed and the heading and the several grades thereunder set forth in Schedule C to this Act are substituted therefor;

(b) the heading "BEANS" therein and the definitions of the several grades thereunder are repealed, and the heading and the several grades thereunder set forth in Schedule D to this Act are substituted therefor;

Flax seed.

(c) the heading "FLAX SEED" therein and the definitions of the several grades thereunder are repealed and the heading and the several grades thereunder set forth in Schedule E to this Act are substituted therefor.

Repeal.

13. Section two hundred and thirty-three of the *Canada Grain Act*, chapter eighty-six of the Revised Statutes of Canada, 1927, and the Schedule therein referred to, are repealed.

11. In paragraph *(a)* the only change is to separate present grade No. 3 Canada Western Mixed Grain into new grade No. 3 having barley predominating and new grade No. 4 having oats predominating.

In paragraph *(b)* the only change is for clarification to indicate that broken flax seed is to be regarded as damaged seed.

12. In paragraph *(a)* the only changes are to make grades of eastern mixed grain correspond with Clause 10 regarding western mixed grain.

In paragraph *(b)* the proposed changes permit Canadian beans to have an increased percentage of foreign material in order to place Canadian beans in a proper competitive position with corresponding grades of United States beans. Also provision is made for a new Extra No. 1 grade.

In paragraph *(c)* the same change is made in regard to eastern flax seed as is made in Clause 10 in regard to western flax seed.

13. This follows change made by section 10.

Section 233 of the 1927 *Canada Grain Act* (R.S.C. 1927, chap. 86) provides as follows:

"**233.** All grain elevators and warehouses, of whatever variety or kind, mentioned in this Act, including public elevators, private elevators, eastern elevators, terminal elevators, mill elevators, manufacturing and country elevators, whether heretofore constructed or hereafter to be constructed are and each of them is hereby declared to be works or a work for the general advantage of Canada; and for greater certainty but not to so restrict the generality of the foregoing terms of this section it is hereby declared that each and every one of the grain elevators mentioned or described in the Second Schedule to this Act is a work for the general advantage of Canada."

SCHEDULE A

MIXED GRAIN

Grade Name	Composition	Predominant kind of grain	Standard of Quality
No. 1 Canada Western Mixed Grain.	Wheat and other cereal grains and/or wild oats.	Wheat	Excluded from other established grades on account of mixture of other cereal grains; reasonably clean.
No. 2 Canada Western Mixed Grain.	Rye and other cereal grains and/or wild oats.	Rye	Excluded from other established grades on account of mixture of other cereal grains; reasonably clean.
No. 3 Canada Western Mixed Grain.	Barley and other cereal grains and/or wild oats.	Barley	Excluded from other established grades on account of mixture of other cereal grains and wild oats; reasonably clean.
No. 4 Canada Western Mixed Grain.	Oats and other cereal grains and/or wild oats.	Oats	Excluded from other established grades on account of mixture of other cereal grains and wild oats; reasonably clean.

SCHEDULE B

FLAX SEED

Grade Name	Standard of Quality		Standard of Cleanness
	Minimum weight per measured bushels in pounds	Degree of Soundness	
No. 1 Canada Western.	51	Matured and sweet. May contain 12½% damaged seeds, including broken seeds.	Clean, commercially pure seed.
No. 2 Canada Western	50	Matured and sweet. May contain 25% damaged seeds, including broken seeds.	Clean, commercially pure seed.
No. 3 Canada Western.	47	May contain 5% heat damage.	Clean, commercially pure seed.
No. 4 Canada Western.	—	May contain 10% heat damage.	Clean, commercially pure seed.

Flax and Broken Grain—Shall be composed of flax mixed with broken grain of any description that cannot be classified under any established grade. Flax predominating.

SCHEDULE C

MIXED GRAIN

Grade Name	Composition	Predominant kind of grain	Standard of Quality
No. 1 Canada Eastern Mixed Grain.	Wheat and other cereal grains and/or wild oats.	Wheat	Excluded from other established grades on account of mixture of other cereal grains; reasonably clean.
No. 2 Canada Eastern Mixed Grain.	Rye and other cereal grains and/or wild oats.	Rye	Excluded from other established grades on account of mixture of other cereal grains; reasonably clean.
No. 3 Canada Eastern Mixed Grain.	Barley and other cereal grains and/or wild oats.	Barley	Excluded from other established grades on account of mixture of other cereal grains and wild oats; reasonably clean.
No. 4 Canada Eastern Mixed Grain.	Oats and other cereal grains and/or wild oats.	Oats	Excluded from other established grades on account of mixture of other cereal grains and wild oats; reasonably clean.

SCHEDULE D

BEANS

Grade Name	Standard of Quality	Foreign Material		Maximum Limits of:			
		Stones, shale or similar material	Total foreign material	Contrasting classes of beans	Total including damage, foreign material and contrasting classes	Total including splits, damage, foreign material and contrasting classes	Other classes of beans that blend
Extra No. 1 Canada Eastern Pea Beans.	Well screened and picked, uniform in size, of good natural colour.	Free	0·05%	1%	1%	1%	1%
No. 1 Canada Eastern Pea Beans	Well screened and picked, of good natural colour.	0·05%	0·1%	1½%	1½%	2%	3%
No. 2 Canada Eastern Pea Beans.	Reasonably well screened and picked, of reasonably good colour.	0·1%	0·2%	3%	3%	4%	5%
No. 3 Canada Eastern Pea Beans.	Fairly well screened and picked, slightly off colour.	0·2%	0·5%	5%	5%	6%	10%
No. 4 Canada Eastern Pea Beans.	Off colour.....	0·5%	1%	8½%	8½%	10%	15%
Sample Canada Eastern Pea Beans.	Any beans which do not meet the requirements of any of the other established grades.	–	–	–	–	–	–

Beans of any type or variety other than Pea Beans may be graded according to the above definitions and under the same grade names, except that the commonly accepted commercial name or description or variety of such beans shall form part of the grade name in place of the name "Pea Beans" in the above grade names; provided, however, that the use of a variety name in certifying to a grade of beans shall not imply any guarantee of varietal purity.

In such grades of beans of a type or variety other than Pea Beans, in addition to the prescribed maximum limits of other classes of beans that blend, there shall be permitted up to five per cent (5%) in No. 1, ten per cent (10%) in No. 2, twenty per cent (20%) in No. 3, and thirty per cent (30%) in No. 4.

SCHEDULE E

FLAX SEED

Grade Name	Standard of Quality		Standard of Cleanness
	Minimum weight per measured bushel in pounds	Degree of Soundness	
No. 1 Canada Eastern.	51	Matured and sweet; may contain 12½% damaged seeds, including broken seeds.	Clean, commercially pure seed.
No. 2 Canada Eastern.	50	Matured and sweet; may contain 25% damaged seeds, including broken seeds.	Clean, commercially pure seed.
No. 3 Canada Eastern.	47	May contain 5% heat damage.	Clean, commercially pure seed.
No. 4 Canada Eastern.	—	May contain 10% heat damage.	Clean, commercially pure seed.
Sample Canada Eastern.	Any flax which does not meet the requirements of any of the other established grades.		

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 251.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1951.

AS PASSED BY THE HOUSE OF COMMONS, 30th MAY, 1950.

(Note:- No first reading of Supply Bills is usually printed.)

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
63285 1950

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 251.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1951.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency, the Right Honourable Viscount Alexander of Tunis, etc., etc., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and fifty-one, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Short title.

1. This Act may be cited as *The Appropriation Act, No. 3, 1950.*

$116,793,505.67 granted for 1950-51

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred and sixteen million, seven hundred and ninety-three thousand, five hundred and five dollars and sixty-seven cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty, to the thirty-first day of March, one thousand nine hundred and fifty-one, not otherwise provided for, and being one-twelfth of the amount of each of the items (with the exception of item 170) to be voted set forth in the Main Estimates for the fiscal year ending the thirty-first day of March, one thousand nine hundred and fifty-one, as laid before the House of Commons at the present session of Parliament.

$254,000 granted for 1950-51.

3. From and out of the Consolidated Revenue Fund there may be paid and applied, in addition to the amount granted therefor by section two of this Act, a sum not exceeding in the whole two hundred and fifty-four thousand dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty, to the thirty-first day of March, one thousand nine hundred and fifty-one, not otherwise provided for, and being one-third of the amount of each of the items to be voted set forth in Schedule A to this Act.

$1,441,677 granted for 1950-51.

4. From and out of the Consolidated Revenue Fund there may be paid and applied, in addition to the amount granted therefor by section two of this Act, a sum not exceeding in the whole one million, four hundred and forty-one thousand, six hundred and seventy-seven dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty, to the thirty-first day of March, one thousand nine hundred and fifty-one, not otherwise provided for, and being one-twelfth of the amount of each of the several items to be voted set forth in Schedule B to this Act.

$833,333.33 granted for 1950-51.

5. From and out of the Consolidated Revenue Fund, there may be paid and applied, in addition to the amount granted therefor by section two of this Act, a sum not exceeding in the whole eight hundred and thirty-three thousand, three hundred and thirty-three dollars and thirty-three cents towards defraying the several charges and expenses of the public service from the first day of April, one thousand nine hundred and fifty, to the thirty-first day of March, one thousand nine hundred and fifty-one, not otherwise provided for, and being one-third of the amount of the item to be voted set forth in Schedule C to this Act.

Account to be rendered in detail.

6. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the next session of Parliament.

SCHEDULE A

Based on the Main Estimates, 1950-51. The amount hereby granted is $254,000, being one-third of the amount of the items in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1951, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	RESOURCES AND DEVELOPMENT		
	DEVELOPMENT SERVICES BRANCH		
	Water Resources Division—		
364	To provide for excavation of a flood channel at Dalles Rapids in Winnipeg River in Ontario to reduce flooding of riparian property affected by regulation under the Lake of the Woods Control Board Act.....	60,000	
	TRADE AND COMMERCE		
	EXHIBITIONS		
430	Canadian International Trade Fair, 1950.....	602,000	
	TRANSPORT		
	GENERAL		
497	To provide for the expenses of the Royal Commission on National Transportation.....	100,000	
			*762,000

* Net Total $254,000.

SCHEDULE B

Based on the Main Estimates, 1950-51. The amount hereby granted is $1,441,677, being one-twelfth of the amount of the items in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1951, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
	PRODUCTION SERVICE		
18	Compensation for Animals Slaughtered	1,091,292	
	TERMINABLE SERVICES		
30	Freight Assistance on Western Feed Grains	5,000,000	
	FINANCE		
94	Wartime Prices and Trade Board— Administration	1,907,142	
	MINES AND TECHNICAL SURVEYS		
189	Geological Survey of Canada— Geological Surveys	1,524,774	
191	Surveys and Mapping Branch— Topographical Surveys	1,386,410	
192	Canadian Hydrographic Service	1,732,243	
193	Geodetic Survey of Canada	662,775	
194	International Boundary Commission	59,800	
195	Legal Surveys	572,167	
198	Geographical Branch	160,000	
199	Dominion Observatories— Dominion Observatory, Ottawa	401,740	
	RESOURCES AND DEVELOPMENT		
	DEVELOPMENT SERVICES BRANCH		
360	Water Resources Division— Water Resources Division, including the Administration of the Dominion Water Power and Irrigation Acts	541,766	
361	To provide for studies and surveys of the Columbia River Watershed in Canada	380,000	
370	National Museum of Canada	250,000	
	FORESTRY BRANCH		
384	Forest Research Division	819,675	
385	Forestry Operations Division	61,290	
386	Forest Products Division	644,450	
	VETERANS AFFAIRS		
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT		
554	To authorize and provide, subject to the approval of the Governor in Council in each case, for the completion of necessary remedial work to houses and services constructed under the 1945 building programme	104,600	
			*17,300,124

* Net Total $1,441,677.

SCHEDULE C

Based on the Supplementary Estimates, 1950-51. The amount hereby granted is $833,333.33, being one-third of the amount of the item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1951, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	LABOUR		
	B—UNEMPLOYMENT INSURANCE ACT, 1940		
635	To provide for the payment of unemployment assistance to certain residents of Newfoundland to give effect to the Terms of Union of Newfoundland with Canada, in accordance with regulations of the Governor in Council, and such assistance shall be deemed to be a benefit or payment within the meaning of Sections 33 and 67 of the Unemployment Insurance Act, 1940—Further amount required.....	.....	*2,500,000

* Net Total $833,333.33.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 252.

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

First reading, May 30, 1950.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

58658

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 252.

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

1935, c. 53; 1939, c. 39; 1940, c. 25; 1942-43, c. 4; 1947, c. 15; 1947-48, c. 4.

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

1. Subsection one of section three of *The Canadian Wheat Board Act, 1935*, chapter fifty-three of the statutes of 1935, is repealed and the following substituted therefor:

Constitution of Board.

"**3.** (1) There shall be a board to be known as The Canadian Wheat Board which shall consist of not less than three nor more than five members appointed by the Governor in Council."

2. Section nineteen A of the said Act, as enacted by section five of chapter fifteen of the statutes of 1947, is repealed and the following substituted therefor:

Date of repeal.

"**19A.** The provisions of this Part shall be deemed to be repealed on and after the first day of August, nineteen hundred and fifty-three."

3. Section twenty of the said Act, as enacted by section five of chapter fifteen of the statutes of 1947, is amended by adding thereto, immediately after paragraph *(b)* thereof, the following paragraph:

"pool period" defined.

"*(bb)* each crop year subsequent to the thirty-first day of July, nineteen hundred and fifty and prior to the thirty-first day of August, nineteen hundred and fifty three; and".

4. Paragraph *(b)* of subsection one of section twenty-one of the said Act, as enacted by section two of chapter four of the statutes of 1947-48, and paragraph *(c)* of the said subsection, as enacted by section five of chapter fifteen of the statutes of 1947, are repealed and the following substituted therefor:

Explanatory Notes.

The general purposes of the amendments are:

(1) to make provision for meeting the requirements of the International Wheat Agreement by deferring the repeal of Parts II and IV until August 1, 1953;

(2) to establish an annual pool period during the term of the International Wheat Agreement in lieu of the five year period previously used;

(3) to provide for an increase in the membership of The Canadian Wheat Board and for other changes of an administrative nature in the operations of the Board.

1. Subsection one presently reads:

"**3.** (1) There shall be a board to be known as The Canadian Wheat Board which shall consist of three members appointed by the Governor in Council."

2. Section 19A presently reads:

"**19A.** The provisions of this Part shall be deemed to be repealed on and after the first day of August, nineteen hundred and fifty."

3. Paragraph *(bb)* is new. Its purpose is to provide for an annual pool period hereafter, prior to August 31, 1953.

4. Paragraphs *(b)* and *(c)* presently read as follows—the changes made being the dropping from paragraph *(b)* of the underlined spent words and the dropping from paragraph *(b)* of the underlined words "and quality" because, in the Board's operations, the grade established under the *Canada Grain Act* is recognized as indicating the quality:

"*(b)* pay to producers selling and delivering wheat produced in the designated area to the Board, at the time of delivery or at any time thereafter as may be agreed upon, a sum certain per bushel basis in store Fort William/Port Arthur or Vancouver to be fixed from time to time by regulation of the Governor in Council in respect of wheat of the grade No. 1 Manitoba Northern and by the Board, with the approval of the Governor in Council, in respect of each other grade thereof: Provided that such sum certain shall, in the case of grades other than No. 1 Manitoba Northern be such sum certain as in the opinion of the Board, with the approval of the Governor in Council, from time to time, brings the sum certain for each such grade into proper price relationship with the said sum certain for the grade No. 1 Manitoba Northern; and where the Governor in Council, pursuant to this paragraph, increases during a pool period the sum certain payable to producers in respect of wheat of the grade No. 1 Manitoba Northern, the Board shall pay to any person the amount of such increase in respect of each bushel of wheat produced in the designated area and sold and delivered by him as a producer to the Board during that pool period prior to the day on which such increase becomes effective;

Proviso.

"*(c)* issue to a producer, who sells and delivers wheat produced in the designated area to the Board, a certificate indicating the number of bushels purchased and delivered and the grade thereof, which certificates shall entitle the producer named therein to share in the equitable distribution of the surplus, if any, arising from the operations of the Board with regard to the wheat produced in the designated area sold and delivered to the Board during the same pool period; and".

5. Subsections one, two and three of section twenty-two of the said Act, as enacted by section five of chapter fifteen of the statutes of 1947, are repealed and the following substituted therefor:

Deductions from receipts.

"**22.** (1) As soon as the Board receives payment in full for all wheat produced in the designated area sold and delivered to it by producers during any pool period, there shall be deducted from the total amount received therefor, all moneys disbursed by or on behalf of the Board by way of payment in respect of the said wheat and by way of expenses incurred in connection with the operations of the Board attributable to the said wheat, including the remuneration, allowances, travelling and living expenses of the Commissioners, members of the Advisory Committee and the officers, clerks and employees of the Board, and the

"*(b)* pay to producers selling and delivering wheat produced in the designated area to the Board, at the time of delivery or at any time thereafter as may be agreed upon, a sum certain per bushel basis in store Fort William/Port Arthur or Vancouver to be fixed from time to time by regulation of the Governor in Council in respect of wheat of the grade No. 1 Manitoba Northern and by the Board, with the approval of the Governor in Council, in respect of each other grade thereof: Provided that during the period commencing on the first day of August, nineteen hundred and forty-six, and ending on the thirty-first day of July, nineteen hundred and fifty, such sum certain shall, in the case of grade No. 1 Manitoba Northern be not less than one dollar and thirty-five cents per bushel, and in the case of each other grade, such other sum certain as in the opinion of the Board, with the approval of the Governor in Council, from time to time brings the sum certain for such grade into proper price relationship with the said sum certain for the grade No. 1 Manitoba Northern; and where the Governor in Council pursuant to this paragraph increases during a pool period the sum certain payable to producers in respect of wheat of the grade No. 1 Manitoba Northern, it shall not be reduced during that pool period and the Board shall pay to any person the amount of such increase in respect of each bushel of wheat produced in the designated area and sold and delivered by him as a producer to the Board during that pool period prior to the day on which such increase becomes effective.

"*(c)* issue to a producer, who sells and delivers wheat produced in the designated area to the Board, a certificate indicating the number of bushels purchased and delivered and the grade and quality thereof, which certificate shall entitle the producer named therein to share in the equitable distribution of the surplus, if any, arising from the operations of the Board with regard to the wheat produced in the designated area sold and delivered to the Board during the same pool period; and"

5. Subsections (1), (2) and (3) presently read:

"**22.** (1) As soon as the Board receives payment in full for all wheat produced in the designated area sold and delivered to it by producers during any pool period, there shall be deducted from the total amount received therefor, all moneys disbursed by or on behalf of the Board by way of payment in respect of the said wheat and by way of

estimated expenses of distribution of the balance mentioned in subsection two, as estimated by the Board, and all moneys disbursed by or on behalf of the Board by way of expenses incurred in its operations under Part II relating to pool periods subsequent to the thirty-first day of July, nineteen hundred and fifty.

Distribution of balance.

"(2) The Board shall distribute the balance remaining in its account in respect of wheat produced in the designated area purchased by it from producers during any pool period after making the deductions therefrom provided for in subsection one of this section, among holders of certificates issued by the Board pursuant to this Part during the pool period, by paying upon surrender to it of each such certificate, unless the Board by order waives such surrender, to the person named therein, the appropriate sum determined by the Board as provided in this Act for each bushel of wheat referred to therein according to grade.

Interim payments.

"(2a) Notwithstanding subsection one, if the Governor in Council, having regard to a report by the Board of the effect on its financial position of an interim payment on account of the distribution of the balance referred to in subsection two, is of opinion that an interim payment can be made without loss, he may authorize and direct such payment to be made.

Expenses concerning meetings of International Wheat Council deemed expenses of the Board.

"(2b) Expenses incurred by the Board with respect to the International Wheat Agreement or to the International Wheat Council or any committee thereof, and the expenses of any officer or member of the Board of and incidental to his attendance at meetings of the International Wheat Council or of committees thereof shall be deemed to be expenses incurred in connection with the operations of the Board within the meaning of this section, but nothing in this subsection shall be construed to authorize the payment by the Board of the annual contribution referred to in the International Wheat Agreement.

Determination of amounts to which producers entitled.

"(3) The Board shall, with the approval of the Governor in Council, determine and fix the amounts to which producers are entitled per bushel according to grade under certificates issued pursuant to this Part, it being the true intent and meaning of this Part that each producer shall receive in respect of wheat sold and delivered to the Board during each crop year for the same grade thereof, the same price basis Fort William/Port Arthur or Vancouver and that each such price shall bear a proper price relationship to that for each other grade."

expenses incurred in connection with the operations of the Board attributable to the said wheat, including the remuneration, allowances, travelling and living expenses of the Commissioners, members of the Advisory Committee and the officers, clerks and employees of the Board, and the estimated expenses of distribution of the balance mentioned in subsection two of this section, as estimated by the Board.

(2) The Board shall distribute the balance remaining in its account in respect of wheat produced in the designated area purchased by it from producers during any pool period after making the deductions therefrom provided for in subsection one of this section, among holders of certificates issued by the Board pursuant to this Part during the pool period, by paying upon surrender to it of each such certificate, to the person named therein, the appropriate sum determined by the Board as provided in this Act for each bushel of wheat referred to therein according to grade and quality.

(3) The Board shall, with the approval of the Governor in Council, determine and fix the amounts to which producers are entitled per bushel according to grade and quality under certificates issued pursuant to this Part, it being the true intent and meaning of this Part that each producer shall receive in respect of wheat sold and delivered to the Board during each crop year for the same grade thereof, the same price basis Fort William/Port Arthur or Vancouver and that each such price shall bear a proper price relationship to that for each other grade."

The only change in subsection (1) is to add the underlined words to authorize and direct deduction of the expenses incurred in regard to control of deliveries to elevators.

The only change in subsections (2) and (3) is to drop the above underlined words "and quality" for the reasons mentioned in the notes to Clause 4.

The purpose of new subsection (2a) is to provide authority for interim payments to be made to holders of Producer's Certificates.

The purpose of new subsection (2b) is to clarify the position of expenses incurred in connection with the International Wheat Agreement and International Wheat Council.

Regulations by G. in C.

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

"*(b)* to exclude any kind of wheat, or any grade thereof, or wheat produced in any area in Canada, from the provisions of this Part either in whole or in part, or generally, or for any period;"

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

Date of Repeal.

"**29.** The provisions of this Part shall be deemed to be repealed on and after the first day of August, nineteen hundred and fifty-three."

8. (1) Section thirty-nine of the said Act, as enacted by section five of chapter fifteen of the statutes of 1947, is repealed and the following substituted therefor:

Declaration for the general advantage of Canada.

1930, c. 5.

"**39.** For greater certainty, but not so as to restrict the generality of any declaration in *The Canada Grain Act* that any elevator is a work for the general advantage of Canada, it is hereby declared that all flour mills, feed mills, feed warehouses and seed cleaning mills, whether heretofore constructed or hereafter to be constructed, are and each of them is hereby declared to be works or a work for the general advantage of Canada, and, without limiting the generality of the foregoing, each and every mill or warehouse mentioned or described in the Schedule to this Act is a work for the general advantage of Canada."

New Schedule substituted.

(2) The Schedule to the said Act is repealed and the Schedule to this Act is substituted therefor.

Preamble repealed.

9. The preamble to an Act to amend *The Canadian Wheat Board Act, 1935*, chapter fifteen of the statutes of 1947, and the word "Therefore" at the beginning of the enacting clause of the said Act, are repealed.

Coming into force.

10. Sections two and seven of this Act shall come into force on the day this Act is assented to and the remaining sections of this Act shall come into force on the first day of August, nineteen hundred and fifty.

6. Present paragraph *(b)*, from which the underlined words "and quality" are being dropped for the reasons stated in Clause 4, reads as follows:

"*(b)* to exclude any kind of wheat, or any grade or quality thereof, or wheat produced in any area in Canada, from the provisions of this Part, either in whole or in part, or generally, or for any period;"

7. Section 29 presently reads:

"**29.** The provisions of this Part shall be deemed to be repealed on and after the first day of August, nineteen hundred and fifty."

8. Section 39 presently reads:

"**39.** For greater certainty but not so as to restrict the generality of the terms of section two hundred and thirty-three of the *Canada Grain Act*, chapter eighty-six of the Revised Statutes of Canada, 1927, or of section one hundred and seventy-three of *The Canada Grain Act*, chapter five of the statutes of 1930, as enacted by section sixty-eight of chapter thirty-six of the statutes of 1939, it is hereby declared that each and every one of the grain elevators and mills mentioned or described in the Schedule to this Act is a work for the general advantage of Canada."

Grain elevators are designated as such works by the *Canada Grain Act*.

9. The preamble presently reads:

"WHEREAS the Government of Canada has entered into an arrangement with the Government of the United Kingdom for the sale and delivery of substantial quantities of wheat to the Government of the United Kingdom annually for a period of four years commencing on the first day of August one thousand nine hundred and forty-six and it is necessary to make provision for the carrying out of the arrangement; And whereas it is expedient to amend *The Canadian Wheat Board Act, 1935*, for such purpose and to make provision for other matters affecting the operations of The Canadian Wheat Board thereunder; And whereas to ensure an orderly transition it is expedient to continue in force until the end of the present crop year, Regulations made under *The National Emergency Transitional Powers Act, 1945*, providing for the foregoing: Therefore

10. The provisions, other than Sections 2 and 7, should not come into effect until after the present crop year.

SCHEDULE.

MILLS AND FEED WAREHOUSES IN MANITOBA.

Flour Mills.

Owner or Licensee	*Address*
Altona Milling Company Limited	Altona
Ellison Brothers (Victor and Roy Ellison)	Teulon
Gardenton Milling Company Limited	Gardenton
Holland Flour Mills (Jacob Friesen)	Holland
Kent, B. P. Flour Mills Limited	Virden
Manitoba Milling Company (Louis Lercher)	Brandon
Manitoba Milling Company (Louis Lercher)	Sifton
Maxwell Hutterian Mutual Corporation (Sam P. Woolman)	Pidgeon Lake
Midland Flour Mills, Limited	St. Boniface
Morris Milling Company Limited	Morris
North-Eastern Flour Mills Limited	Beausejour
North West Flour Mill (W. Zubatuik and P. Derkach)	Fisher Branch
Ogilvie Flour Mills Company Limited, The	Winnipeg
Pine River Flour Mill (J. Sosnowski)	Pine River
Purity Flour Mills, Limited	St. Boniface
Roblin Flour Mill (A. O. Becker and A. F. Andres)	Roblin
Sandy Lake Flour Mill (Peter Yaniw)	Sandy Lake
Simpson Flour Mill (Frank Simpson)	Benito
Somerset Flour Mills (O. Thorsten)	Somerset
Soo Line Mills, Limited	Winnipeg
Steinbach Flour Mills (J. P. Janz)	Steinbach
Turtle Mountain Mills (W. H. Clandening)	Deloraine
Wawanesa Flour Mills (W. Mislowski and A. Bakal)	Wawanesa
Winkler Milling Company Limited (J. B. and P. Dyck)	Winkler
Harrison Milling and Grain Company (A. W., G. L., and Ruth Harrison)	Holmfield

Seed Cleaning Mills.

Manitoba Pool Elevator Limited	St. Boniface
Brett-Young Limited	Winnipeg
McCallister Pea and Seed Cleaners Limited	Portage la Prairie
Campbell & Son, C. C. (Colin C. Campbell; Colin S. Campbell)	Reston

Feed Mills and Feed Warehouses.

Federal Grain Limited	Winnipeg
Grunthal Feed Mill (J. Klassen)	Grunthal
Laing Brothers Limited	Winnipeg
Lockport Feed Mill (M. Prokopow)	Lockport
Manitoba Feed Supply Company (A. Kanee)	Winnipeg
Red River Grain Company Limited	St. Boniface
Riediger, J. P. & Sons Limited	Morden
Searle Feeds Limited	St. Boniface
Steinbach Feed Mills, (P. B. Reimer & Sons)	Steinbach
Breckman Brothers (W. F. & G. A. Breckman)	Lundar
Feed-Rite Mills, Limited	Winnipeg
McCabe Grain Company, Limited	St. Boniface
Soubry Grain & Feed Company, Limited	St. Boniface
St. Boniface Grain & Feed Company Limited	St. Boniface
Steinbach Hatchery Limited	Steinbach
Bonnie Poultry Farm (R. A. Purves, E. A. Beemond)	Lac du Bonnet
Canadian Consolidated Grain Company Limited	Lac du Bonnet
Central Grain Company Limited	St. Boniface
McCabe Grain Company, Limited	Portage la Prairie
McCabe Grain Company, Limited	Brandon
McCabe Grain Company, Limited	Carman
McCabe Grain Company, Limited	Souris
McCabe Grain Company, Limited	St. Anne
Searle Grain Company Limited	Le Pas

SCHEDULE—*Continued*

MILLS AND FEED WAREHOUSES IN MANITOBA.

Feed Mills and Feed Warehouses (cont'd)

Owner or Licensee	*Address*
Searle Grain Company Limited	Searle
Western Grain Company Limited	Carey
National Grain Company Limited	Dauphin
Red River Grain Company Limited	Winnipeg
Lake of the Woods Milling Company Limited	Portage la Prairie
Manitoba Pool Elevators Limited	Portage la Prairie
St. Adolphe Feed Mill (J. E. H. Brodeur, Edmond Brodeur)	St. Adolphe
Brookside Hatchery (A. A. Reimer, A. F. Reimer)	Steinbach
Dominion Grain & Feed Company (P. Snukal; L. Snukal)	St. Boniface
G. & E. Cash Store (V. J. Guttormson & O. F. Eyolfson)	Lundar
High Lumber & Feed Company, A. M. (E. G. High)	Killarney
Plett Brothers (J. R. & G. P. Plett)	Giroux
Schellenberger & Son, J. R. (L. Schellenberger, J. Schellenberger)	Kleefeld

MILLS AND FEED WAREHOUSES IN SASKATCHEWAN.

Flour Mills.

Assiniboia Flour & Feed Mills (M. Cojocar)	Assiniboia
Battleford Milling Company (M. L. Hock)	Battleford
Buchanan Milling Company (Morris Naruzny)	Buchanan
Canada West Grain Company Limited	Melfort
Carnation, Harry (Viscount Flour & Feed Mill)	Viscount
Central Saskatchewan Flour Mills, Limited	Wakaw
Esterhazy Flour Mill (S. L. Junek)	Esterhazy
Estevan Flour Mill (A. E. Johnston)	Estevan
Foam Lake Flour Mills (S. Love)	Foam Lake
Gravelbourg Flour & Feed Mills (O. H. Gueldner, H. J. Gueldner)	Gravelbourg
Hub City Flour Mill (F. Goodman)	Saskatoon
Kamsack Flour Mill (J. P. Schindler)	Kamsack
Kayville Flour Mills (Mike Majeran)	Kayville
McNab Flour Mills Limited	Humboldt
Melville Milling Company (M. Waldman)	Melville
Quaker Oats Company of Canada Limited, The	Saskatoon
Redberry Food Products Limited	Saskatoon
Robin Hood Flour Mills Limited	Moose Jaw
Robin Hood Flour Mills Limited	Saskatoon
Saskatchewan Co-operative Producers Limited	Saskatoon
Sunrise Milling Company (J. A. Michand)	Biggar
Swift Current Flour Mills, Limited	Shaunavon
Swift Current Flour Mills, Limited	Swift Current
Union Supply Company, Limited	Rosthern
Unity Flour Mills (H. C. Klaehn)	Unity
Waskesiu Mills Limited	Prince Albert
Weyburn Flour Mills Limited	Weyburn
National Flour Mills Limited	Moose Jaw
Wynyard Flour Mill (H. Martin & Sons)	Wynyard
Yorkton Milling Company, Limited	Yorkton

Feed Mills and Feed Warehouses.

Early Seed and Feed Limited	Saskatoon
Kellermann Milling Company (D. Kellermann)	Meadow Lake
Smith, Andrew, Hatcheries (Andrew Smith)	Tisdale
Speers, J. H. and Company, Limited	Saskatoon
Bell's Limited	Prince Albert
McCabe Grain Company, Limited	Regina
McCabe Grain Company, Limited	Saskatoon
Canada West Grain Company, Limited	North Battleford
Canada West Grain Company, Limited	Prince Albert
W. E. Carnduff	Nut Mountain

SCHEDULE—*Continued*

MILLS AND FEED WAREHOUSES IN SASKATCHEWAN.

Feed Mills and Feed Warehouses—*Continued*

Owner or Licensee	*Address*
Federal Grain Limited	Meadow Lake
Federal Grain Limited	Makwa
Parrish & Heimbecker Limited	Regina
Parrish & Heimbecker Limited	Indian Head
Searle Grain Company, Limited	Melfort
Searle Grain Company, Limited	Melville
Searle Grain Company, Limited	Lloydminster
Western Grain Company, Limited	Sutherland
Early Seed and Feed Limited	Aylsham
Canada Packers Limited	Melfort
Canada Packers Limited	Strasbourg

Seed Cleaning Mills.

Canada West Grain Company, Limited	Pontrilas
Federal Grain Limited	Unity

MILLS AND FEED WAREHOUSES IN ALBERTA.

Flour Mills.

Andrew Flour Milling Company (Kenneth Lott)	Andrew
Bonnyville Flour Mill (M. K. Terry & Douglas R. Cant)	Bonnyville
Byers Flour Mills (R. G. Byers)	Camrose
Byers Flour Mills (R. G. Byers)	Ohaton
Castor Flour Mills (H. Zinger)	Castor
Chinook Flour Mills, Limited	Okotoks
Claresholm Flour and Feed (E. Denison)	Claresholm
Coronation Milling Company (W. J. Zinger)	Coronation
Ellison Milling & Elevator Company Limited	Lethbridge
Gas City Flour Mill Company (A. Dederer)	Medicine Hat
Klaiber, F. M.	Eagle Butte
Lake of the Woods Milling Company, Limited	Medicine Hat
MacEachern Milling Company, Limited, The	Wetaskiwin
Maple Leaf Milling Company, Limited	Medicine Hat
Mundare Flour Mill (S. J. Noy)	Mundare
Nanton Flour Mill (F. Long)	Nanton
North-West Mill & Feed Company, Limited	South Edmonton
Ogilvie Flour Mills Company, Limited, The	Edmonton
Ogilvie Flour Mills Company, Limited, The	Medicine Hat
Opportune Flour Mills (W. McKay)	Delia
Peace River Milling Company, Limited	Peace River
Purity Flour Mills Limited	Calgary
Radway Flour Mills Limited	Radway
Renown Mills Limited	Calgary
Ricker, C. C.	Wainwright
Robertson, A. C. & Company, Limited (Gleichen Flour Mills)	Gleichen
Robin Hood Flour Mills Limited	Calgary
Rockport Flour Mills (John D. Hofer)	Magrath
Rosebud Flour Mills	Didsbury
Rosedale Industries (P. J. Corban)	College Heights
Rycroft Flour Mills	Rycroft
St. Paul Flour Mills Limited	St. Paul
Sterling Flour Mills Limited	Strome
Stettler Flour Mills Limited (Wm. Drewes)	Stettler
Sunnyview Flour Mill (Alva Toews)	Acme
Taber Flour Mills (N. F. Carley)	Taber
Vegreville Flour & Feed Mill (W. J. Brown)	Vegreville
Vulcan Flour Mill (John L. Robinson)	Vulcan
Weder Flour Mills (F. Weder)	Vilna
Wiebe, W. R. and A. M. Snaychuk	Vermilion

SCHEDULE—*Concluded*

MILLS AND FEED WAREHOUSES IN ALBERTA (cont'd)

Feed Mills and Feed Warehouses.

Owner or Licensee	*Address*
Alberta Flour & Feed Company (Robert Hopkinson)	Edmonton
Barrhead Feed Mill (W. Boulton & F. R. McVeigh)	Barrhead
Calmar Chop & Feed Mill (N. Wedman)	Calmar
Code, Walter	Red Deer
Eckville Co-operative Feed Mill Limited	Eckville
Ellison Milling & Elevator Company Limited	Magrath
Ellison Milling & Elevator Company Limited	Picture Butte
Ellison Milling & Elevator Company Limited	Raymond
Gole, A. S.	Didsbury
Jaque, M. H. (Lacombe Feed Mill)	Lacombe
Lauritsen, Harold (Warspite Feed Mill)	Warspite
Meier, Henrik (Olds Feed Mill)	Olds
United Grain Growers Limited	Edmonton
Warburg Feed Mill (Edwin S. Hall)	Warburg
Canada Packers Limited	Edmonton
Crown Feed Limited	Calgary
J. E. Love & Son (J. E. Love, H. J. Love, E. E. M. Love)	Calgary
McCabe Grain Company, Limited	Edmonton
Parrish & Heimbecker Limited	Calgary
Penhold Seed & Feed Mill (T. A. Bird)	Penhold
Rowswell's Flour and Feed (G. G. Rowswell)	Edmonton
Stony Plain Stock Feed Company (W. F. Irwin)	Stony Plain
Midland & Pacific Grain Corporation Limited	Benalto
Midland & Pacific Grain Corporation Limited	Carstairs
Midland & Pacific Grain Corporation Limited	Okatoks
Midland & Pacific Grain Corporation Limited	Ponoka
Midland & Pacific Grain Corporation Limited	Wetaskiwin
Midland & Pacific Grain Corporation Limited	Innisfail
Parrish & Heimbecker Limited	Bruderheim
Parrish & Heimbecker Limited	High River
Parrish & Heimbecker Limited	Leduc
Parrish & Heimbecker Limited	Red Deer
Parrish & Heimbecker Limited	Stettler
Searle Grain Company, Limited	Athabasca
Canada Packers Limited	Innisfail
Bentley Feed Service (H. G. Doepel)	Bentley
Alberta Co'op Wholesale Assoc. Limited	Edmonton
P. Elzinga	Edmonton
Hall's Grain & Feed (A. H. Hall)	Calgary
Montalbetti Brothers (F. Montalbetti)	Bluffton
Morinville Feed Service Mill (A. Hebert)	Morinville
Mac's Produce & Feed (V. D. McLean)	Ardrossan
Nu-Way Feed Service (G. Krause)	Josephburg
Robertson's Seed & Feed Company (V. F. Robertson)	Edmonton
Spruce Grove Feed Service (J. D. Colban, J. A. Gosset)	Spruce Grove
Warspite Feed Mill (H. Lauritsen)	Warspite
Wilson, W.	Edson
Westlock Feed Mill (M. Caouette, A. Theberge)	Westlock
Sundre Feed Mill (G. J. Lutkehaus, F. E. Mitchell)	Sundre

Seed Cleaning Mills.

Alberta Seed Growers' Co-operative Limited	Edmonton
Canada West Grain Company, Limited	Edmonton
Hythe Co-operative Seed Growers (A. W. McNamee, L. Stickney)	Hythe
Peace River Co-operative Seed Growers (A. Jenkins, A. R. Burgess)	Grande Prairie
Sangudo-Mayerthorpe & District Seed Growers (A. Frobel)	Sangudo
McCabe Grain Company Limited,	Brooks
Grande Prairie Grain Company, Limited	Sexsmith, Beaver Lodge
Clara C. Thompson & Company (Clara C. Thompson, R. S. Thompson)	Spring Coulee

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 266.

An Act to Provide for the Operation and Maintenance of a Residence for the Prime Minister of Canada.

First reading, June 7, 1950.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

63988

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 266.

An Act to Provide for the Operation and Maintenance of a Residence for the Prime Minister of Canada.

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 Prime Minister's Residence Act.*

Prime Minister's residence. R.S., c. 147.

2. Notwithstanding anything in the *Senate and House of Commons Act*, the lands described in the Schedule to this Act, and the buildings thereon, shall be maintained as a residence for the Prime Minister of Canada.

Furnishing, maintenance, etc.

3. The Minister of Public Works shall furnish, maintain, heat and keep in repair the buildings situated on the lands described in the Schedule, and the Federal District Commission shall maintain and, from time to time as required, improve such lands.

Regular staff.

4. (1) The Governor in Council may appoint a steward or housekeeper and such other employees as he deems necessary for the management of the residence, and may fix their rate of remuneration and conditions of employment.

Casual employees.

(2) The steward or housekeeper may from time to time, with the approval of the Prime Minister, engage casual employees to assist the regular staff appointed under subsection one.

Chauffeur.

(3) The Prime Minister's chauffeur may be provided with lodging without charge.

Annual payment.

5. The Prime Minister shall pay to the Receiver General of Canada five thousand dollars yearly and *pro rata* for any period less than a year for food and lodging for himself and his family.

Purposes for which moneys appropriated may be used.

6. Moneys appropriated by Parliament for the operation of the Prime Minister's residence may be used for the payment of the remuneration of persons employed under the authority of this Act, for the purchase of food and other supplies required for the serving of food, for cleaning, laundering, and the ordinary maintenance of a residence, and for defraying other costs of official hospitality provided by the Prime Minister.

SCHEDULE.

All and Singular that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa, in the County of Carleton, in the Province of Ontario, being composed of part of lot 3 in the Ottawa and Rideau Junction Gore in the Township of Gloucester described as follows:

COMMENCING at a point on the westerly limit of Ottawa Street (now Sussex Street) distant 173 feet 8 inches more or less southerly from the intersection of the westerly limit of Ottawa Street aforesaid with the westerly prolongation of the northerly limit of MacKay Street in the Village of New Edinburgh, the said point being the south-east angle of that part of the said lot lastly described in Instrument registered in the Registry Office for the Registry Division of the City of Ottawa as number 170475; thence westerly and parallel with the northerly limit of MacKay Street aforesaid, 450 feet more or less to the high water mark of the Ottawa River; thence easterly and following the said high water mark with the stream to its intersection with the westerly limit of Ottawa Street aforesaid; thence southerly and following the westerly limit of Ottawa Street, 563 feet, 8 inches more or less to the point of commencement. The whole containing an area of 3·98 acres more or less.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 267.

An Act respecting Indians.

First reading, June 7, 1950.

THE MINISTER OF CITIZENSHIP AND IMMIGRATION.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

61487

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA

BILL 267.

An Act respecting Indians.

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 Indian Act.*

INTERPRETATION.

Definitions.

2. (1) In this Act,

"band."

(a) "band" means a body of Indians

(i) for whose use and benefit in common, lands, the legal title to which is vested in His Majesty, are or have been set apart,

(ii) for whose use and benefit in common, moneys are held by His Majesty, or

(iii) declared by the Governor in Council to be a band for the purposes of this Act;

"child."

(b) "child" includes a legally adopted child;

"council of the band."

(c) "council of the band" means the council of a band established pursuant to this Act;

"Department."

(d) "Department" means the Department of Citizenship and Immigration;

"elector."

(e) "elector" means a person who

(i) is registered on a Band List,

(ii) is of the full age of twenty-one years, and

(iii) is not disqualified from voting at band elections;

"estate."

(f) "estate" includes real and personal property and any interest in land;

"Indian."

(g) "Indian" means a person who pursuant to this Act is registered as an Indian or is entitled to be registered as an Indian;

EXPLANATORY NOTES AND CROSS REFERENCES TO THE *Indian Act.*

The purposes of this Bill are:—

To amend, consolidate and clarify the *Indian Act.*

It is proposed to abolish the three parts into which the Act is now divided by amalgamating parts one and two and by section 125 of the Bill establish part three of the Act as a new act to be cited as the *(Soldier Settlement) Act.*

Section 2 (b).

New.

New.

New.

Section 163 (a).

New.

Section 2 (d).

"Indian moneys."

(h) "Indian moneys" means all moneys collected, received or held by His Majesty for the use and benefit of Indians or bands;

"intoxicant."

(i) "intoxicant" includes alcohol, alcoholic, spirituous vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption that are intoxicating, and any liquor that contains more than two and one-half per cent by volume at sixty degrees Fahrenheit of absolute alcohol shall conclusively be deemed to be intoxicating;

"member of a band."

(j) "member of a band" means a person whose name appears on a Band List or who is entitled to have his name appear on a Band List;

"mentally incompetent Indian."

(k) "mentally incompetent Indian" means an Indian who, pursuant to the laws of the province in which he resides, has been found to be mentally defective or incompetent for the purposes of any laws of that province providing for the administration of estates of mentally defective or incompetent persons;

"Minister."

(l) "Minister" means the Minister of Citizenship and Immigration;

"registered."

(m) "registered" means registered as an Indian in the Indian Register;

"reserve."

(n) "reserve" means a tract of land, the legal title to which is vested in His Majesty, that has been set apart by His Majesty for the use and benefit of a band;

"superintendent."

(o) "superintendent" includes a commissioner, regional supervisor, Indian superintendent, assistant Indian superintendent and any other person declared by the Minister to be a superintendent for the purposes of this Act, and with reference to a band or a reserve, means the superintendent for that band or reserve;

"surrendered lands."

(p) "surrendered lands" means a reserve or part of a reserve or any interest therein, the legal title to which remains vested in His Majesty, that has been released or surrendered by the band for whose use and benefit it was set apart.

"band."

(2) The expression "band" with reference to a reserve or surrendered lands means the band for whose use and benefit the reserve or the surrendered lands were set apart.

Exercise of powers conferred on band or council.

(3) Unless the context otherwise requires or this Act otherwise provides

(a) a power conferred upon a band shall be deemed not to be exercised unless it is exercised pursuant to the consent of a majority of the electors of the band, and

New.

Section 2 (f).

New.

New.

New.

New.

Section 2 (j).

Section 2 (a).

Section 2 (e).

New.

New.

(b) a power conferred upon the council of a band shall be deemed not to be exercised unless it is exercised pursuant to the consent of a majority of the councillors of the band.

ADMINISTRATION.

Minister to administer Act.

3. (1) This Act shall be administered by the Minister of Citizenship and Immigration, who shall be the superintendent general of Indian affairs.

Authority of chief officer.

(2) The chief officer in charge of the branch of the Department relating to Indian affairs may, upon the direction of the Minister, perform and exercise any of the duties, powers and functions that may be or are required to be performed or exercised by the Minister under this Act or any other Act of the Parliament of Canada relating to Indian affairs.

APPLICATION OF ACT.

Eskimos.

4. (1) This Act does not apply to the race of aborigines commonly referred to as Eskimos, but the duties, powers and functions of the Minister shall extend to and include all matters over which the Parliament of Canada has jurisdiction relating to Eskimo affairs and not by law assigned to any other department of the Government of Canada.

G. in C. may declare Act inapplicable.

(2) The Governor in Council may by proclamation declare that this Act or any portion thereof shall not apply to

(a) any Indians or any group or band of Indians, or

(b) any reserve or any surrendered lands or any part thereof,

and may by proclamation revoke any such declaration.

DEFINITION AND REGISTRATION OF INDIANS.

Indian Register.

5. (1) An Indian register shall be maintained in the Department, which shall consist of Band Lists and General Lists and in which shall be recorded the name of every person who is entitled to be registered as an Indian.

Band Lists and General Lists.

(2) The name of every person who is a member of a band and is entitled to be registered shall be entered in the Band List for that band, and the name of every person who is not a member of a band and is entitled to be registered shall be entered in a General List.

Deletions and additions.

6. The Minister may at any time add to or delete from a Band List or a General List the name of any person who, in the opinion of the Minister, is entitled or is not entitled, as the case may be, to have his name included in that List.

New.

New.

New.

The Supreme Court of Canada has by its Judgment dated 5th April, 1939, determined that the term "Indians" as used in Head 24 of Section 91 of the *British North America Act, 1867*, include Eskimo inhabitants of the province of Quebec. It would seem to follow therefore that Eskimos generally fall under this head and legislative jurisdiction over them is the responsibility of the Parliament of Canada. As the Eskimo mode of life is so different to the Indian mode of life, it is not possible to make the provisions of this Bill apply to these aboriginees.

Section 3.

New.

The definition of "Indian" and registration of Indians as proposed in Sections 5 to 17 inclusive of the Bill are new, and are designed to set out the persons who are to be benefited, restricted or otherwise affected. The definition of "Indian" in the present Act is not clear and it has not been possible to determine with certainty who is or who is not an Indian.

New.

Sections 5, 6 and 7. Provide for a register to be maintained in which will be recorded the names and particulars of all persons affected by the Bill and customarily known and classified as Indians.

Date of change.

7. The Indian Register shall indicate the date on which each name was added thereto or deleted therefrom.

Existing lists to constitute Register.

8. Upon the coming into force of this Act, the band lists then in existence in the Department shall constitute the Indian Register, and the applicable lists shall be posted in a conspicuous place in the superintendent's office that serves the band or persons to whom the list relates and in all other places where band notices are ordinarily displayed.

Deletions and additions may be protested.

9. (1) Within six months after a list has been posted in accordance with section eight or within three months after the name of a person has been added to or deleted from a Band List or a General List pursuant to section six

(a) in the case of a Band List, the council of the band, any ten electors of the band, or any three electors if there are less than ten electors in the band,

(b) in the case of a posted portion of a General List, any adult person whose name appears on that posted portion, and

(c) the person whose name was included in or omitted from the list referred to in section eight, or whose name was added to or deleted from a Band List or a General List,

may, by notice in writing to the Minister, containing a brief statement of the grounds therefor, protest the inclusion, omission, addition, or deletion, as the case may be, of the name of that person.

Minister to cause investigation.

(2) Where a protest is made to the Minister under this section he shall cause an investigation to be made into the matter and shall render a decision, and subject to an appeal under subsection three, the decision of the Minister is final and conclusive.

Appeal from Minister to G. in C.

(3) Within three months from the date of a decision of the Minister under this section an appeal from the decision may be taken in writing to the Governor in Council by

(a) the council of the band affected by the Minister's decision, or

(b) the person by or in respect of whom the protest was made,

and the decision of the Governor in Council is final and conclusive.

Wife and minor children.

10. Where the name of a male person is included in, omitted from, added to or deleted from a Band List or a General List, the names of his wife and his minor children shall also be included, omitted, added or deleted, as the case may be.

New.

New.

Section 8. The Indian Register. To set up such a register necessitates a foundation list and Section 8 provides that basic list by declaring that the sum total of existing lists shall constitute the register.

New.

Sections 9 and 10. Provide the machinery for making and keeping the register as accurate as possible until with the assistance of the Indians themselves and their leaders, the register will eventually be made to include the name of every Indian in Canada and no others.

New.

Persons entitled to be registered.

11. Subject to section twelve, a person is entitled to be registered if that person

(a) on the twenty-sixth day of May, eighteen hundred and seventy-four, was, for the purposes of An Act providing for the organization of the Department of the Secretary of State of Canada, and for the management of Indian and Ordnance Lands, chapter forty-two of the statutes of 1868, as amended by section six of chapter six of the statutes of 1869, and section eight of chapter twenty-one of the statutes of 1874, considered to be entitled to hold, use or enjoy the lands and other immovable property belonging to or appropriated to the use of the various tribes, bands or bodies of Indians in Canada,

(b) is a member of a band

(i) for whose use and benefit, in common, lands are set apart or since the twenty-sixth day of May, eighteen hundred and seventy-four have been agreed by treaty to be set apart, or

(ii) that has been declared by the Governor in Council to be a band for the purposes of this Act,

(c) is a male person who is a direct descendant in the male line of a male person described in paragraph *(a)* or *(b)*,

(d) is the legitimate child of

(i) a male person described in paragraph *(a)* or *(b)*, or

(ii) a person described in paragraph *(c)*,

(e) is the illegitimate child of a female person described in paragraph *(a)*, *(b)* or *(d)*, unless the Minister is satisfied that the father of the child was not an Indian and the Minister has declared that the child is not entitled to be registered, or

(f) is the wife or widow of a person described in paragraph *(a)*, *(b)*, *(c)* or *(d)*.

Persons not entitled to be registered.

12. (1) The following persons are not entitled to be registered, namely,

(a) a person who

(i) has received or has been allotted half-breed lands or money scrip,

(ii) is a descendant of a person described in sub-paragraph (i),

(iii) becomes or has become enfranchised, or

(iv) is a person born of a marriage entered into after the coming into force of this Act and has attained the age of twenty-one years, whose mother and whose father's mother are not persons described in paragraph *(a)*, *(b)* or *(d)* of section eleven,

New. Defines persons eligible for registration as Indians.

New. Defines persons not eligible for registration as Indians.

See Section 16 (1).

New.

Through miscegenation many persons of quarter blood or less are presently of Indian status. In future persons of quarter blood or less may not be registered.

unless, being a woman, that person is the wife or widow of a person described in section eleven, and

(b) a woman who is married to a person who is not an Indian.

Certificate to former Indian.

(2) The Minister may issue to any person who ceases to be an Indian, a certificate to that effect.

Admission to membership in a band.

13. Subject to the approval of the Minister, a band or the council of a band, may admit into membership of the band a member of another band or a person whose name appears on a General List.

Woman marrying outside band ceases to be member.

14. A woman who is a member of a band ceases to be a member of that band if she marries a person who is not a member of that band, but if she marries a member of another band, she thereupon becomes a member of the band of which her husband is a member.

Payments to persons ceasing to be members.

15. (1) Subject to subsection two, an Indian who becomes enfranchised or who otherwise ceases to be a member of a band is entitled to receive from His Majesty

(a) one *per capita* share of the capital and revenue moneys held by His Majesty on behalf of the band, and

(b) an amount equal to the amount that in the opinion of the Minister he would have received during the next succeeding twenty years under any treaty then in existence between the band and His Majesty if he had continued to be a member of the band.

Payments not to be made in certain cases.

(2) A person is not entitled to receive any amount under subsection one

(a) if his name was removed from the Indian register pursuant to a protest made under section nine, or

(b) if he ceases to be a member of a band by reason of the application of paragraph *(e)* of section eleven or subparagraph (iv) of paragraph *(a)* of section twelve.

Payments to minors.

(3) Where by virtue of this section moneys are payable to a person who is under the age of twenty-one, the Minister may

(a) pay the moneys to the parent or guardian of that person, or

(b) cause payment of the moneys to be withheld until that person reaches the age of twenty-one.

Compensation for permanent improvements.

(4) Where the name of a person is removed from the Indian register and he is not entitled to any payment under subsection one, the Minister may, if he considers it equitable to do so, authorize payment, out of moneys appropriated by Parliament, of such compensation as the Minister may determine for any permanent improvements made by that person on lands in a reserve.

See Section 14.

New.

Sections 13 to 17 inclusive.

See Section 17. Closely associated with recognition of Indian status, the Bill follows an Indian custom which divides the members of their race into bands or groups. Without making use of the grouping into bands, it would be virtually impossible to set up the Indian Register.

See Section 15.

New.

Declares who shall and who shall not be entitled to share in band funds or be entitled to the value of permanent improvements left on a reserve on losing membership rights in a band; amplifying the present provision for payment on enfranchisement and on marriage to a white man. *(See Sections 14, 15, 110 (9) and (10) and 114).*

New.

Transfer of funds.

16. (1) Section fifteen does not apply to a person who ceases to be a member of one band by reason of his becoming a member of another band, but, subject to subsection three, there shall be transferred to the credit of the latter band the amount to which that person would, but for this section, have been entitled under section fifteen.

Transferred member's interest in lands and moneys.

(2) A person who ceases to be a member of one band by reason of his becoming a member of another band is not entitled to any interest in the lands or moneys held by His Majesty on behalf of the former band, but he is entitled to the same interest in common in lands and moneys held by His Majesty on behalf of the latter band as other members of that band.

Transfer of woman by marriage.

(3) Where a woman who is a member of one band becomes a member of another band by reason of marriage, and the *per capita* share of the capital and revenue moneys held by His Majesty on behalf of the first-mentioned band is greater than the *per capita* share of such moneys so held for the second-mentioned band, there shall be transferred to the credit of the second-mentioned band an amount equal to the *per capita* share held for that band, and the remainder of the money to which the woman would, but for this section, have been entitled under section fifteen shall be paid to her in such manner and at such times as the Minister may determine.

Minister may constitute new bands.

17. The Minister may, whenever he considers it desirable,

(a) constitute new bands and establish Band Lists with respect thereto from existing Band Lists or General Lists, or both, and

(b) amalgamate bands that, by a vote of a majority of their electors, request to be amalgamated.

Reserves.

Reserves to be held for use and benefit of Indians.

18. (1) Subject to the provisions of this Act, reserves shall be held by His Majesty for the use and benefit of the respective bands for which they are or have been set apart; and subject to this Act and to the terms of any treaty or surrender, the Governor in Council may determine whether any purpose for which lands in a reserve are used is for the use and benefit of the band.

Compensation to individual Indians.

(2) Where lands in a reserve are used for the purpose of Indian schools, the administration of Indian affairs, Indian health projects or for any other purpose for the general welfare of the band, and an individual Indian is entitled to the possession of such lands, compensation for such use shall be paid to the Indian, in such amount as may be agreed between the Indian and the Minister, or failing agreement, as may be determined in such manner as the Minister may direct.

See Section 17.

Provides for the transfer of funds from one band to another on transfer of membership, continuing and enlarging the practice established under the present Act.

New.

Provides under certain circumstances for a cash adjustment when a woman marries.

New.

Enables the Minister to create new Bands and to amalgamate existing bands with their consent. A necessary power not specifically given in the present Act.

New.

Section 19 amended to enable the Governor in Council to determine the uses to which reserves may be put and providing for compensation to individuals whose land is used for administrative purposes.

Minister may authorize surveys and subdivisions.

19. The Minister may

(a) authorize surveys of reserves and the preparation of plans and reports with respect thereto,

(b) divide the whole or any portion of a reserve into lots or other subdivisions, and

(c) determine the location and direct the construction of roads in a reserve.

Possession of Lands in Reserves.

Possession of lands in a reserve.

20. (1) No Indian is lawfully in possession of land in a reserve unless, with the approval of the Minister, possession of the land has been allotted to him by the council of the band.

Certificate of Possession.

(2) The Minister may issue to an Indian who is lawfully in possession of land in a reserve a certificate, to be called a Certificate of Possession, as evidence of his right to possession of the land described therein.

Location tickets issued under previous legislation.

(3) For the purposes of this Act, any person who, at the commencement of this Act, holds a valid and subsisting location ticket issued under the *Indian Act, 1880*, or any statute relating to the same subject matter, shall be deemed to be lawfully in possession of the land to which the location ticket relates and to hold a Certificate of Possession with respect thereto.

Temporary possession.

(4) Where possession of land in a reserve has been allotted to an Indian by the council of the band, the Minister may, in his discretion, withhold his approval and may authorize the Indian to occupy the land temporarily and may prescribe the conditions as to use and settlement that are to be fulfilled by the Indian before the Minister approves of the allotment.

Certificate of Occupation.

(5) Where the Minister withholds approval pursuant to subsection four, he shall issue a Certificate of Occupation to the Indian, and the Certificate entitles the Indian, or those claiming possession by devise or descent, to occupy the land in respect of which it is issued for a period of two years from the date thereof.

Extension of Certificate of Occupation, and approval of allotment.

(6) The Minister may extend the term of a Certificate of Occupation for a further period not exceeding two years, and may, at the expiration of any period during which a Certificate of Occupation is in force

(a) approve the allotment by the council of the band and issue a Certificate of Possession if in his opinion the conditions as to use and settlement have been fulfilled, or

(b) refuse approval of the allotment by the council of the band and declare the land in respect of which the Certificate of Occupation was issued to be available for re-allotment by the council of the band.

Section 20.

Section 47 (3).

Section 21.

Sections 20 to 24 inclusive replace sections 21 to 24 inclusive and are the same in principle. Amendments are suggested to meet problems of administration of lands occupied by Indians in reserves. There is one new feature, namely, provision for temporary holdings on which an Indian must establish himself before being given permanent possession.

Register.

21. There shall be kept in the Department a register in which shall be entered particulars relating to Certificates of Possession and Certificates of Occupation.

Improvements on lands subsequently included in a reserve.

22. An Indian who on or before the coming into force of this Act was in possession of land with respect to which he made or makes permanent improvements before the land was or is included in or surrounded by a reserve shall, when the land became or becomes included in or surrounded by a reserve, be deemed to be in lawful possession of the land.

Compensation for improvements.

23. An Indian who is lawfully put out of possession of lands of which he is in possession and upon which he has made permanent improvements may, if the Minister so directs, be paid compensation in respect thereof in an amount to be determined by the Minister, either from the person who goes into possession or from the funds of the band, at the discretion of the Minister.

Transfer of possession.

24. An Indian who is lawfully in possession of lands in a reserve may transfer to the band or to another member of the band the right to possession of the land, but no transfer under the authority of this section is effective until it is approved by the Minister.

Transfer where Indian ceases to reside on reserve.

25. (1) An Indian who ceases to be entitled to reside on a reserve may, within six months or such further period as the Minister may direct, transfer to the band or another member of the band the right to possession of any lands in the reserve of which he was lawfully in possession.

Right of possession not transferred reverts to band.

(2) Where an Indian does not dispose of his right of possession in accordance with subsection one, the right to possession of the land reverts to the band, subject to the payment to the Indian who was lawfully in possession of the land, from the funds of the band, of such compensation for permanent improvements as the Minister may determine.

Part Section 22.

Section 24 amended to apply in all provinces.

Part Section 21.

Part Section 23.

New.

Provides procedure for the disposition of the land of a person who ceases to reside on a reserve.

Correction of Certificates.

26. Whenever a Certificate of Possession or Occupation was, in the opinion of the Minister, issued to or in the name of the wrong person, through mistake, or contains any clerical error or misnomer, or wrong description of any material fact therein, the Minister may cancel the Certificate and issue a corrected Certificate in lieu thereof.

Cancellation of Certificates.

27. The Minister may cancel any Certificate of Possession or Occupation that in his opinion was issued through fraud or in error.

Grants, etc. of reserve lands void.

28. (1) Subject to subsection two, a deed, lease, contract, instrument, document or agreement of any kind whether written or oral, by which a band or a member of a band purports to permit a person other than a member of that band to occupy or use a reserve or to reside, hunt or otherwise exercise any rights on a reserve is void.

Minister may issue permits.

(2) The Minister may by permit in writing authorize any person to occupy or use a reserve or to reside, hunt or otherwise exercise rights on a reserve.

Reserve lands exempt from seizure.

29. Reserve lands are not subject to seizure under legal process.

Trespass on Reserves.

Penalty for trespass.

30. A person who trespasses on a reserve is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding one month or to both fine and imprisonment.

Information by Attorney General.

31. (1) Without prejudice to section thirty, where an Indian or a band alleges that persons other than Indians are or have been

(a) unlawfully in occupation or possession of,

(b) claiming adversely the right to occupation or possession of, or

(c) trespassing upon

a reserve or part of a reserve, the Attorney General of Canada may exhibit an Information in the Exchequer Court of Canada claiming, on behalf of the Indian or the band, the relief or remedy sought.

New.

New.

Section 34.

Sections 23 and 105.

New. *Sections 35, 36, 37 and 38.*

Section 39.

Information deemed action or suit by Crown.

(2) An Information exhibited under subsection one shall, for all purposes of the *Exchequer Court Act*, be deemed to be an action or suit by the Crown within the meaning of paragraph *(d)* of section thirty of that Act.

Existing remedies preserved.

(3) Nothing in this section shall be construed to impair, abridge or otherwise affect any right or remedy that, but for this section, would be available to His Majesty or to an Indian or a band.

SALE OR BARTER OF PRODUCE.

Sale or barter of produce prohibited unless superintendent approves.

32. (1) A transaction of any kind whereby a band or a member thereof purports to sell, barter, exchange, give or otherwise dispose of cattle or other animals, grain or hay, whether wild or cultivated, or root crops or plants or their products from a reserve in Manitoba, Saskatchewan, Alberta, the Northwest Territories, the Yukon Territory, or in any area designated by the Minister, to a person other than a member of that band is void unless the superintendent approves the transaction in writing.

Exemption.

(2) The Minister may at any time by order exempt a band and the members thereof or any member thereof from the operation of this section, and may revoke any such order.

Seizure of produce unlawfully sold or bartered.

33. Whenever a person acting under the authority of the Minister believes on reasonable grounds that a transaction prohibited by section thirty-two has taken place he may seize all the goods and chattels by means of or in relation to which he reasonably believes the transaction took place and shall deal with them as the Minister may direct.

ROADS AND BRIDGES.

Band to maintain roads, bridges, etc.

34. (1) A band shall ensure that the roads, bridges, ditches and fences within the reserve occupied by that band are maintained in accordance with instructions issued from time to time by the superintendent.

Minister may maintain roads, bridges, etc.

(2) Where, in the opinion of the Minister, a band has not carried out the instructions of the superintendent given under subsection one, the Minister may cause the instructions to be carried out at the expense of the band or any member thereof and may recover the cost thereof from any amounts that are held by His Majesty and are payable to the band or such member.

Sections 40 and 41 amended to authorize the Minister to extend the provisions of the present section to other designated areas.

New.

Section 42.

Section 47 (1).

Section 47 (2).

Lands Taken for Public Purposes.

Local authorities may take lands with consent of G. in C.

35. (1) Where by an Act of the Parliament of Canada or a provincial legislature His Majesty in right of a province, a municipal or local authority or a corporation is authorized to take or to use lands or any interest therein without the consent of the owner, the authority may, with the consent of the Governor in Council and subject to any terms that may be prescribed by the Governor in Council, be exercised in relation to lands in a reserve or any interest therein.

Procedure.

(2) Unless the Governor in Council otherwise directs, all matters relating to compulsory taking or using of lands in a reserve under subsection one shall be governed by the statute under which the powers are conferred.

Payment.

(3) Any amount that is agreed upon or awarded in respect of the compulsory taking or using of land under this section shall be paid to the Receiver General of Canada for the use and benefit of the band that occupies the reserve or for the use and benefit of any Indian who is entitled to compensation as a result of the exercise of powers referred to in subsection one.

Special Reserves.

Act applies to reserves not vested in the Crown.

36. Where lands have been set apart for the use and benefit of a band and legal title thereto is not vested in His Majesty, this Act shall apply as though the lands were a reserve within the meaning of this Act.

Surrenders.

No sale etc., until surrender.

37. Except where this Act otherwise provides, lands in a reserve shall not be sold, alienated, leased or otherwise disposed of until they have been surrendered to His Majesty by the band for whose use and benefit in common the reserve was set apart.

Band may surrender.

38. (1) A band may surrender to His Majesty any right or interest of the band and its members in a reserve.

Absolute or qualified.

(2) A surrender may be absolute or qualified, conditional or unconditional.

How surrender made.

39. (1) A surrender is void unless

(a) it is made to His Majesty,

(b) it is assented to by a majority of the electors of the band at

(i) a general meeting of the band called by the council of the band, or

Section 48.

Section 49.

Part Section 50.

New.

Section 53.

Section 51.

(ii) a special meeting of the band called by the Minister for the purpose of considering a proposed surrender, and

(c) it is accepted by the Governor in Council.

Minister may call meeting of band.

(2) Where at a meeting called pursuant to subsection one a majority of the electors of the band do not vote the Minister may call another meeting by giving thirty days' notice thereof.

Assent of band.

(3) Where a meeting is called pursuant to subsection two and the proposed surrender is assented to at the meeting by a majority of the members present, if notice of the meeting has been given as prescribed by the Governor in Council, it shall be deemed, for the purpose of this section to have been assented to by a majority of the electors of the band.

Secret ballot.

(4) The Minister may, at the request of the council of the band or whenever he considers it advisable, order that a vote at any meeting under this section shall be by secret ballot.

Officials required.

(5) Every meeting under this section shall be held in the presence of the superintendent or some other officer of the Department designated by the Minister.

Certification of surrender.

40. When a proposed surrender has been assented to by the band in accordance with section thirty-nine, it shall be certified on oath by the superintendent or other officer who attended the meeting and by the chief or a member of the council of the band, and shall then be submitted to the Governor in Council for acceptance or refusal.

Effect of surrender.

41. A surrender shall be deemed to confer all rights that are necessary to enable His Majesty to carry out the terms of the surrender.

SURRENDER OF RESERVES WITHIN A MUNICIPALITY.

Inquiry and report by Exchequer Court as to removal of Indians.

42. (1) Where a reserve that has not been surrendered by the band is adjacent to or is situated wholly or partly within an incorporated city, town or village, the Governor in Council may refer to the Exchequer Court for inquiry and report the question whether it is in the interest of the band and the public that the band should be removed from the whole or part of the reserve.

Section 51 (3 and 4).

New.

Section 52 amended—restriction as to population of 8,000 deleted.

Notice of hearing.

(2) The Court may direct that any persons interested or, where there is a class of persons interested, any one or more persons as representatives of that class, shall be notified of the hearing and those persons are entitled to be heard.

Counsel.

(3) Where the band is not represented by counsel the Court may appoint counsel to represent the band and the reasonable expenses occasioned thereby may be paid by the Minister of Finance out of moneys appropriated by Parliament.

Report of Court.

(4) The Court shall certify to the Governor in Council its report on the matter referred, with the reasons therefor, and the report shall indicate

(a) the reserve or part thereof, if any, from which the band should be removed,

(b) the amount of compensation that should be paid to the band or any member as compensation for damages resulting from the removal,

(c) whether a new site should be acquired by His Majesty as a reserve to be held for the use and benefit of the band, and

(d) any other facts or circumstances that appear to the Court to be proper or material to be considered.

Report to be tabled in Parliament.

(5) The Minister shall within fifteen days after receipt thereof lay the report of the Court, together with a transcript of the evidence taken at the hearing, before Parliament or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof, and if the report is approved by resolutions of the Senate and House of Commons the Minister may, as directed by the Governor in Council, take the necessary steps to give effect to the report.

Authority of Minister to give effect to report.

(6) The Minister may, for the purpose of giving effect to the report, out of moneys appropriated by Parliament,

(a) pay to individual members of the band the amounts recommended in the report,

(b) purchase or otherwise acquire a new reserve for the use and benefit of the band,

(c) pay the expense of transferring members of the band and their effects to the new reserve,

(d) erect buildings on the new reserve or site, and

(e) provide such other assistance to the members of the band as the Governor in Council directs.

New reserve to be held for same purposes as old reserve.

(7) Where the band is established on a new reserve, that reserve shall be deemed to be held for the same purposes for which the reserve that the band previously occupied was held, and the latter reserve shall be deemed not to be held for the use and benefit of the band.

Sale of lands in old reserve.

(8) Where, under subsection seven, land in a reserve is deemed not to be held for the use and benefit of a band, the Minister may, with the approval of the Governor in Council, sell or lease the land, and any amount that is recovered in excess of the amount expended under subsections five and six, shall be placed in the capital account of the band.

No expropriation without approval of G. in C. R.S., c. 64.

(9) The powers conferred by the *Expropriation Act* shall not, without the approval of the Governor in Council, be exercised for the purpose of acquiring a new reserve for a band pursuant to this section.

Descent of Property.

Powers of Minister with respect to property of deceased Indians.

43. (1) Unless otherwise provided in this Act, all jurisdiction and authority in relation to matters and causes testamentary, with respect to deceased Indians, is vested exclusively in the Minister, and shall be exercised subject to and in accordance with regulations of the Governor in Council.

(2) Without restricting the generality of subsection one, the Minister may

(a) appoint executors of wills and administrators of estates of deceased Indians, remove them and appoint others in their stead,

(b) authorize executors to carry out the terms of the wills of deceased Indians,

(c) authorize administrators to administer the property of Indians who die intestate,

(d) carry out the terms of wills of deceased Indians and administer the property of Indians who die intestate, and

(e) make or give any order, direction or finding that in his opinion it is necessary or desirable to make or give with respect to any matter referred to in subsection one.

Courts may exercise jurisdiction with consent of Minister.

44. (1) The court that would have jurisdiction if the deceased were not an Indian may with, but not without, the consent of the Minister exercise, in accordance with this Act, the jurisdiction and authority conferred in relation to matters and causes testamentary upon the Minister by this Act and any other powers, jurisdiction and authority ordinarily vested in that court.

Minister may refer a matter to the court.

(2) The Minister may direct in any particular case that an application for the grant of probate of the will or letters of administration shall be made to the court that would have jurisdiction if the deceased were not an Indian, and the Minister may refer to such court any question arising out of any will or the administration of any estate.

Sections 43 to 51 inclusive of the Bill.

New.

Replace Sections 25 to 33 inclusive of the Act, and by Section 43 it is proposed to give the Minister statutory jurisdiction and authority in relation to matters and causes testamentary with respect to deceased Indians. This authority is presently exercised by the Minister under his general authority in the Act, but it is deemed advisable to provide specific authority therefor.

Section 33.

Orders relating to lands.

(3) A court that is exercising any jurisdiction or authority under this section shall not enforce any order relating to any property that by virtue of section eighty-six is exempt from taxation without the consent in writing of the Minister.

WILLS.

Indians may make wills.

45. (1) Nothing in this Act shall be construed to prevent or prohibit an Indian from devising or bequeathing his property by will.

Form of will.

(2) The Minister may accept as a will any written instrument signed by an Indian in which he indicates his wishes or intention with respect to the disposition of his property upon his death.

Probate.

(3) No will executed by an Indian shall be of any legal force or effect as a disposition of property until the Minister has approved the will or a court has granted probate thereof pursuant to a direction of or with the consent of the Minister.

Minister may declare will void.

46. (1) The Minister may declare the will of an Indian to be void in whole or in part if he is satisfied that

(a) the will was executed under duress or undue influence,

(b) the testator at the time of execution of the will lacked testamentary capacity,

(c) the terms of the will would impose hardship on persons for whom the testator had a responsibility to provide,

(d) the will purports to dispose of land in a reserve in a manner contrary to the interest of the band or contrary to this Act,

(e) the terms of the will are so vague, uncertain or capricious that proper administration and equitable distribution of the estate of the deceased would be difficult or impossible to carry out in accordance with this Act, or

(f) the terms of the will are against the public interest.

Where will declared void.

(2) Where a will of an Indian is declared by the Minister or by a court to be wholly void, the person executing the will shall be deemed to have died intestate, and where the will is so declared to be void in part only, any bequest or devise affected thereby, unless a contrary intention appears in the will, shall be deemed to have lapsed.

Section 25.

New. See section 25 (2).

APPEALS.

Appeal to Exchequer Court.

47. (1) A decision of the Minister made in the exercise of the jurisdiction or authority conferred upon him by section forty-three or section forty-six may, within two months from the date thereof, be appealed by any person affected thereby to the Exchequer Court of Canada, if the amount in controversy in the appeal exceeds five hundred dollars or if the Minister consents to an appeal.

Rules.

(2) The judges of the Exchequer Court may make rules respecting the practice and procedure governing appeals under this section.

DISTRIBUTION OF PROPERTY ON INTESTACY.

Widow's share where net value less than $2,000.

48. (1) Where the net value of the estate of an intestate does not, in the opinion of the Minister, exceed in value two thousand dollars, the estate shall go to the widow.

Widow's share where estate $2,000 or more.

(2) Where the net value of the estate of an intestate, in the opinion of the Minister, is two thousand dollars or more, two thousand dollars shall go to the widow, and the remainder shall go as follows,

(a) if the intestate left no issue, the remainder shall go to the widow,

(b) if the intestate left one child, one-half of the remainder shall go to the widow,

(c) if the intestate left more than one child, one-third of the remainder shall go to the widow,

and where a child has died leaving issue and such issue is alive at the date of the intestate's death, the widow shall take the same share of the estate as if the child had been living at that date.

Where children not provided for.

(3) Notwithstanding subsections one and two,

(a) where in any particular case the Minister is satisfied that any children of the deceased will not be adequately provided for, he may direct that all or any part of the estate that would otherwise go to the widow shall go to the children, and

Right to occupy lands

(b) the Minister may direct that the widow shall have the right, during her widowhood, to occupy any lands on a reserve that were occupied by her deceased husband at the time of his death.

Distribution to issue.

(4) Where an intestate dies leaving issue his estate shall be distributed, subject to the rights of the widow, if any, *per stirpes* among such issue.

Distribution to father and mother.

(5) Where an intestate dies leaving no widow or issue his estate shall go to his father and mother in equal shares if both are living, but if either of them is dead the estate shall go to the survivor.

Distribution to brothers, sisters and issue of brothers and sisters.

(6) Where an intestate dies leaving no widow or issue or father or mother his estate shall go to his brothers and sisters

New.

This section is founded on the uniform *Intestate Succession Act* prepared by the Commissioners on Uniformity of Legislation in Canada, and replaces section 26.

in equal shares, and if any brother and sister is dead the children of the deceased brother or sister shall take the share their parent would have taken if living, but where the only persons entitled are children of deceased brothers and sisters, they shall take *per capita*.

Next-of-kin.

(7) Where an intestate dies leaving no widow, issue, father, mother, brother or sister, and no children of any deceased brother or sister, his estate shall go to his next-of-kin, but any interest in land in a reserve shall vest in His Majesty for the benefit of the band if the nearest of kin of the intestate is more remote than a brother or sister.

Distribution amongst next-of-kin.

(8) Where the estate goes to the next-of-kin it shall be distributed equally among the next-of-kin of equal degree of consanguinity to the intestate and those who legally represent them, but in no case shall representation be admitted after brothers' and sisters' children.

Degrees of kindred.

(9) For the purposes of this section, degrees of kindred shall be computed by counting upward from the intestate to the nearest common ancestor and then downward to the relative, and the kindred of the half-blood shall inherit equally with those of the whole-blood in the same degree.

Descendants and relatives born after intestate's death.

(10) Descendants and relatives of the intestate begotten before his death but born thereafter shall inherit as if they had been born in the lifetime of the intestate and had survived him.

Estate not disposed of by will.

(11) All such estate as is not disposed of by will shall be distributed as if the testator had died intestate and had left no other estate.

No dower or estate by curtesy.

(12) No widow is entitled to dower in the land of her deceased husband dying intestate, and no husband is entitled to an estate by curtesy in the land of his deceased wife so dying, and there is no community of real or personal property situated on a reserve.

Illegitimate children.

(13) Illegitimate children and their issue shall inherit from the mother as if the children were legitimate, and shall inherit as if the children were legitimate, through the mother, if dead, any real or personal property that she would have taken, if living, by gift, devise or descent from any other person.

Intestate being an illegitimate child.

(14) Where an intestate, being an illegitimate child, dies leaving no widow or issue, his estate shall go to his mother, if living, but if the mother is dead his estate shall go to the other children of the same mother in equal shares, and where any child is dead the children of the deceased child shall take the share their parent would have taken if living; but where the only persons entitled are children of deceased children of the mother, they shall take *per capita*.

"widow" includes "widower".

(15) This section applies in respect of an intestate woman as it applies in respect of an intestate male, and for the the purposes of this section the word "widow" includes "widower".

Devisee of lands not entitled to possession until possession approved.

49. A person who claims to be entitled to possession or occupation of lands in a reserve by devise or descent shall be deemed not to be in lawful possession or occupation of that land until the possession is approved by the Minister.

Devisee not entitled unless resident on reserve.

50. (1) A person who is not entitled to reside on a reserve does not by devise or descent acquire a right to possession or occupation of land in that reserve.

Sale by superintendent.

(2) Where a right to possession or occupation of land in a reserve passes by devise or descent to a person who is not entitled to reside on a reserve that right shall be offered for sale by the superintendent to the highest bidder among persons who are entitled to reside on the reserve and the proceeds of the sale shall be paid to the devisee or descendant as the case may be.

Unsold lands revert to band.

(3) Where no tender is received within six months or such further period as the Minister may direct after the date when the right to possession or occupation is offered for sale under subsection two the right shall revert to the band free from any claim on the part of the devisee or descendant, subject to the payment, at the discretion of the Minister, to the devisee or descendant, from the funds of the band, of such compensation for permanent improvements as the Minister may determine.

Purchaser not entitled to possession until possession approved.

(4) The purchaser of a right to possession or occupation of land under subsection two shall be deemed not to be in lawful possession or occupation of the land until the possession is approved by the Minister.

MENTALLY INCOMPETENT INDIANS.

Powers of Minister generally.

51. (1) Subject to this section, all jurisdiction and authority in relation to the property of mentally incompetent Indians is vested exclusively in the Minister.

Particular powers.

(2) Without restricting the generality of subsection one, the Minister may

(a) appoint persons to administer the estates of mentally incompetent Indians,

(b) order that any property of a mentally incompetent Indian shall be sold, leased, alienated, mortgaged, disposed of or otherwise dealt with for the purpose of

(i) paying his debts or engagements,

(ii) discharging encumbrances on his property,

(iii) paying debts or expenses incurred for his maintenance or otherwise for his benefit, or

(iv) paying or providing for the expenses of future maintenance, and

Section 31.

Section 25 (3).

New.

Section 28.

(c) make such orders and give such directions as he considers necessary to secure the satisfactory management of the estates of mentally incompetent Indians.

Property off reserve.

(3) The Minister may order that any property situated off a reserve and belonging to a mentally incompetent Indian shall be dealt with under the laws of the province in which the property is situated.

GUARDIANSHIP.

Appointment of guardians of infant children.

52. The Minister may appoint guardians of infant children of Indians and may administer or provide for the administration of any property to which such children are entitled.

MANAGEMENT OF RESERVES AND SURRENDERED LANDS.

Disposition of surrendered lands.

53. (1) The Minister or a person appointed by him for the purpose may manage, sell, lease or otherwise dispose of surrendered lands in accordance with this Act and the terms of the surrender.

Grant where original purchaser dead.

(2) Where the original purchaser of surrendered lands is dead and the heir, assignee or devisee of the original purchaser applies for a grant of the lands, the Minister may upon receipt of proof in such manner as he directs and requires in support of any claim for the grant and upon being satisfied that the claim has been equitably and justly established, allow the claim and authorize a grant to issue accordingly.

Departmental employees not to acquire surrendered lands.

(3) No person who is appointed to manage, sell, lease or otherwise dispose of surrendered lands or who is an officer or servant of His Majesty employed in the Department may, except with the approval of the Governor in Council, acquire directly or indirectly any interest in surrendered lands.

Assignments.

54. Where surrendered lands have been agreed to be sold or otherwise disposed of and Letters Patent relating thereto have not issued, or where surrendered lands have been leased, the purchaser, lessee or other person having an interest in the surrendered lands may, with the approval of the Minister, assign his interest in the surrendered lands or a part thereof to any other person.

Surrendered Lands Register.

55. (1) There shall be kept in the Department a register in which there shall be entered particulars in connection with any lease or other disposition of surrendered lands by the Minister or any assignment thereof.

Conditional assignment.

(2) A conditional assignment shall not be registered.

Proof of execution.

(3) The Minister may refuse to register an assignment until proof of its execution has been furnished to his satisfaction.

New.

New.

Sections 4 and 54.

Section 72.

Section 60.

Section 57.

Section 56.

Section 58 (3).

New.

Effect of registration.

(4) An assignment registered under this section is valid against an unregistered assignment or an assignment subsequently registered.

Certificate of registration rendered.

56. Where an assignment is registered there shall be endorsed on the original copy thereof a certificate of registration signed by the Minister or by an officer of the Department authorized by him to sign such certificates.

Regulations.

57. The Governor in Council may make regulations

(a) authorizing the Minister to grant licences to cut timber on reserve or surrendered lands,

(b) imposing terms, conditions and restrictions with respect to the exercise of rights conferred by licences granted under paragraph *(a)*,

(c) providing for the disposition of surrendered mines and minerals underlying lands in a reserve, including sand, gravel, petroleum and gas, and

(d) prescribing the penalty not exceeding one hundred dollars or imprisonment for a term of three months or both fine and imprisonment that may be imposed on summary conviction for violation of any regulation made under this section.

Uncultivated or unused lands.

58. (1) Where land in a reserve is uncultivated or unused or remains uncultivated or unused for a period of two years, the Minister may

(a) where the land is in the lawful possession of any individual, grant, with the consent of the council of the band, a lease of such land for any purpose,

(b) where the land is not occupied by an individual, grant for the benefit of the band a lease of such land for agricultural or grazing purposes, and

(c) in any case, improve or cultivate such land and employ persons therefor, authorize and direct the expenditure of so much of the capital funds of the band as he considers necessary for such improvement or cultivation including the purchase of such stock, machinery or material or for the employment of such labour as the Minister considers necessary.

Distribution of proceeds.

(2) Out of the proceeds derived from the improvement or cultivation of lands pursuant to paragraph *(a)* of subsection one, a reasonable rent shall be paid to any individual occupying the lands or any part thereof, and the remainder of the proceeds shall be placed to the credit of the band, but if improvements are made on the lands occupied by an individual, the Minister may deduct the value of such improvements from the rent payable to such individual under this subsection.

Lease at request of occupant.

(3) The Minister may lease for the benefit of any Indian upon his application for that purpose, the land of which he is lawfully in possession without the land being surrendered.

Section 58 (1).

Section 57.

Section 76.

New.

Section 50 (2).

Section 93 (3).

Section 50.

Disposition of grass, timber, non-metallic substances, etc.

(4) Notwithstanding anything in this Act, the Minister may without a surrender dispose of wild grass or dead or fallen timber or sand, gravel, clay and other non-metallic substances upon or under lands in a reserve, and the proceeds thereof shall be paid to the band or shall be divided between the band or individual Indians in lawful possession of the lands in such shares as the Minister may determine.

Adjustment of contracts.

59. The Minister may, with the consent of the council of a band

(a) reduce the amount payable to His Majesty in respect of a sale, lease or other disposition of surrendered lands or a lease or other disposition of lands in a reserve or the rate of interest payable thereon, and

(b) reduce or adjust the amount payable to the band by an Indian in respect of a loan made to the Indian from band funds.

G. in C. may grant to band control over lands.

60. (1) The Governor in Council may at the request of a band grant to the band the right to exercise such control and management over lands in the reserve occupied by that band as the Governor in Council considers desirable.

Withdrawal.

(2) The Governor in Council may at any time withdraw from a band a right conferred upon the band under subsection one.

Management of Indian Moneys.

Indian moneys to be held for use and benefit.

61. (1) Indian moneys shall be expended only for the benefit of the Indians or bands for whose use and benefit in common the moneys are received or held, and subject to this Act and to the terms of any treaty or surrender, the Governor in Council may determine whether any purpose for which Indian moneys are used is for the use and benefit of the band.

Interest.

(2) Interest upon Indian moneys held in the Consolidated Revenue Fund shall be allowed at a rate to be fixed from time to time by the Governor in Council.

Capital and revenue.

62. All Indian moneys derived from the sale of surrendered lands or the sale of capital assets of a band shall be deemed to be capital moneys of the band and all Indian moneys other than capital moneys shall be deemed to be revenue moneys of the band.

Payments to Indians.

63. Notwithstanding *The Consolidated Revenue and Audit Act, 1931*, where moneys to which an Indian is entitled are paid to a superintendent under any lease or agreement made under this Act, the superintendent may pay the moneys to the Indian.

Section 50 amended to include non-metallic substances and to provide for the disposition of proceeds.

Section 91 amended to include reserve lands and authorizes reduction or adjustment of band loans granted under section 64 (1) *h*.

New.

New.

Sections 61, 62, 64, 65 and 66 replace sections 92 and 93 (1) and (2) and have been redrafted to *(a)* define what moneys are Capital and what are Revenue; *(b)* direct what expenditures may be made with and without band consent; *(c)* direct what expenditures require authority from the Governor in Council and what may be spent on the authority of the Minister.

New.

New.

To facilitate the return of rentals to individual Indians whose lands have been leased under section 58 (3).

Expenditure of capital moneys with consent.

64. (1) The Minister, with the consent of the council of a band, may authorize and direct the expenditure of capital moneys of the band

(a) to distribute *per capita* to the members of the band an amount not exceeding fifty per cent of the capital moneys of the band derived from the sale of surrendered lands,

(b) to construct and maintain roads, bridges, ditches and water courses on the reserves or on surrendered lands,

(c) to construct and maintain outer boundary fences on reserves,

(d) to purchase land for use by the band as a reserve or as an addition to a reserve,

(e) to purchase for the band the interest of a member of the band in lands on a reserve,

(f) to purchase livestock and farm implements, farm equipment, or machinery for the band,

(g) to construct and maintain on or in connection with a reserve such permanent improvements or works as in the opinion of the Minister will be of permanent value to the band or will constitute a capital investment,

(h) to make to members of the band, for the purpose of promoting the welfare of the band, loans not exceeding one-half of the total value of

(i) the chattels owned by the borrower, and

(ii) the land with respect to which he holds or is eligible to receive a Certificate of Possession,

and may charge interest and take security therefor,

(i) to meet expenses necessarily incidental to the management of lands on a reserve, surrendered lands and any band property, and

(j) for any other purpose that in the opinion of the Minister is for the benefit of the band.

G. in C. may direct expenditure.

(2) Where it appears to the Governor in Council that the council of a band refuses unreasonably to consent to the expenditure of capital moneys for a purpose mentioned in this section and that the refusal to consent is detrimental to the progress or welfare of the band, the Governor in Council may authorize and direct the expenditure of the capital moneys for any purpose mentioned in this section, notwithstanding the failure of the band to consent thereto.

Expenditure of capital.

65. The Minister may, without the consent of the council of the band, pay from capital moneys

(a) compensation to an Indian in an amount that is determined in accordance with this Act to be payable to him in respect of land compulsorily taken from him for band purposes, and

(b) expenses incurred to prevent or suppress grass or forest fires or to protect the property of Indians in cases of emergency.

See explanatory note opposite section 61.

See explanatory note opposite section 61.

Expenditure of revenue moneys with consent of band.

66. (1) The Minister may, with the consent of the council of a band, authorize and direct the expenditure of revenue moneys for any purpose that in his opinion will promote the general progress and welfare of the band or any member of the band.

G. in C. may direct expenditure.

(2) Where it appears to the Governor in Council that the council of a band refuses unreasonably to consent to the expenditure of revenue moneys for a purpose mentioned in subsection one and that the refusal to consent is detrimental to the progress or welfare of the band or a member of the band, the Governor in Council may, without the consent of the council of the band, authorize and direct the expenditure of revenue moneys for any purpose mentioned in subsection one.

Expenditure of revenue moneys without consent of band.

(3) The Minister may, without the consent of the council of a band, make expenditures out of the revenue moneys of the band to assist sick, disabled, aged or destitute Indians of the band and to provide for the burial of deceased indigent members of the band.

Maintenance of dependents.

67. (1) Where the Minister is satisfied that an Indian

(a) being a male, has

(i) deserted his wife or family without sufficient cause,

(ii) conducted himself in such a manner as to justify the refusal of his wife or family to live with him, or

(iii) been separated by imprisonment from his wife and family, or

(b) being a female, has deserted her husband or family,

he may order that payments of moneys to which that Indian is entitled shall be applied to the support of the wife or family, or both wife and family, of that Indian.

Maintenance of illegitimate child.

(2) Where the Minister is satisfied that one or both of the parents of an illegitimate child is an Indian he may stop payments out of moneys to which either or both of the parents would otherwise be entitled and apply the moneys to the support of the child.

Management of revenue moneys by band.

68. (1) The Governor in Council may, by order, permit a band to control, manage and expend in whole or in part its revenue moneys and may amend or revoke any such order.

Regulations.

(2) The Governor in Council may make regulations to give effect to subsection one and may declare therein the extent to which this Act and *The Consolidated Revenue and Audit Act, 1931*, shall not apply to a band to which an order made under subsection one applies.

See explanatory note opposite section 61.

Section 95 (d).

Section 95. (a. b. and c.)

New.

Loans to Indians.

Loans to Indians.

69. (1) The Minister of Finance may from time to time advance to the Minister out of the Consolidated Revenue Fund such sums of money as the Minister may require to enable him

(a) to make loans to bands, groups of Indians or individual Indians for the purchase of farm implements, machinery, livestock, motor vehicles, fishing equipment, seed grain, fencing materials, materials to be used in native handicrafts, any other equipment, and gasoline and other petroleum products, or for the making of repairs or the payment of wages, or

(b) to expend or to lend money for the carrying out of co-operative projects on behalf of Indians.

Regulations.

(2) The Governor in Council may make regulations to give effect to subsection one.

Accounting.

(3) Expenditures that are made under subsection one shall be accounted for in the same manner as public moneys.

Repayment.

(4) The Minister shall pay to the Minister of Finance all moneys that he receives from bands, groups of Indians or individual Indians by way of repayments of loans made under subsection one.

Limitation.

(5) The total amount of outstanding advances to the Minister under this section shall not at any one time exceed three hundred and fifty thousand dollars.

Report to Parliament.

(6) The Minister shall within fifteen days after the termination of each fiscal year or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof, lay before Parliament a report setting out the total number and amount of loans made under subsection one during that year.

Farms.

Minister may operate farms.

70. (1) The Minister may operate farms on reserves and may employ such persons as he considers necessary to instruct Indians in farming and may purchase and distribute without charge, pure seed to Indian farmers.

Application of profits.

(2) The Minister may apply any profits that result from the operation of farms on reserves to extend farming operations on the reserves or to make loans to Indians to enable them to engage in farming or other agricultural operations or he may apply such profits in any way that he considers to be desirable to promote the progress and development of Indians.

Section 94B amended by adding the following new purposes: motor vehicles; fencing materials and other equipment; gas and oil; repairs and wages.

Section 94A.

Treaty Money.

Treaty money payable out of C.R.F.

71. Moneys that are payable to Indians or to Indian bands under a treaty between His Majesty and the band and for the payment of which the Government of Canada is responsible, may be paid out of the Consolidated Revenue Fund.

Regulations.

Regulations.

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

(a) for the protection and preservation of fur-bearing animals, fish and other game on reserves,

(b) for the destruction of noxious weeds and the prevention of the spreading or prevalence of insects, pests or diseases that may destroy or injure vegetation on Indian reserves,

(c) for the control of the speed, operation and parking of vehicles on roads within reserves,

(d) for the taxation, control and destruction of dogs and for the protection of sheep on reserves,

(e) for the operation, supervision and control of pool rooms, dance halls and other places of amusement on reserves,

(f) to prevent, mitigate and control the spread of diseases on reserves, whether or not the diseases are infectious or communicable,

(g) to provide medical treatment and health services for Indians.

(h) to provide compulsory hospitalization and treatment for infectious diseases among Indians,

(i) to provide for the inspection of premises on reserves and the destruction, alteration or renovation thereof,

(j) to prevent overcrowding of premises on reserves used as dwellings, and

(k) to provide for sanitary conditions in private premises on reserves as well as in public places on reserves.

Penalty.

(2) The Governor in Council may prescribe the penalty, not exceeding a fine of one hundred 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 a regulation made under subsection one.

Orders and regulations.

(3) The Governor in Council may make orders and regulations to carry out the purposes and provisions of this Act.

Section 162.

Sections 69 and 95.

Elections of Chiefs and Band Councils.

G. in C. may declare chiefs and councillors to be elected.

73. (1) Whenever he deems it advisable for the good government of a band the Governor in Council may declare by order that after a day to be named therein the council of the band, consisting of a chief and councillors, shall be selected by elections to be held in accordance with this Act.

Composition of council.

(2) The council of a band in respect of which an order has been made under subsection one shall consist of one chief, and one councillor for every one hundred members of the band, but the number of councillors shall not be less than two nor more than twelve and no band shall have more than one chief.

Regulations.

(3) The Governor in Council may, for the purposes of giving effect to subsection one, make orders or regulations to provide

(a) that the chief of a band shall be elected by

(i) a majority of the votes of the electors of the band, or

(ii) a majority of the votes of the elected councillors of the band from among themselves, but the chief so elected shall remain a councillor,

(b) that the councillors of a band shall be elected by

(i) a majority of the votes of the electors of the band, or

(ii) a majority of the votes of the electors of the band in the electoral section in which the candidate resides and which he proposes to represent on the council of the band,

(c) that a reserve shall for voting purposes be divided into not more than six electoral sections containing as nearly as may be an equal number of Indians eligible to vote, and

(d) for the manner in which electoral sections established under paragraph *(c)* shall be distinguished or identified.

Single electoral section.

(4) Where the Minister is satisfied that a majority of the electors of a band do not desire to have the reserve divided into electoral sections and reports to the Governor in Council accordingly the Governor in Council may order that the reserve shall for voting purposes consist of one electoral section.

Eligibility.

74. (1) No person other than an elector who resides in a section may be nominated for the office of councillor to represent that section on the council of the band.

Nomination.

(2) No person may be a candidate for election as chief or councillor unless his nomination is moved and seconded by persons who are themselves eligible to be nominated.

Sections 73 to 79 comprise an amalgamation of the Sections of the *Indian Act* both in Part I and Part II on the subject, and propose a workable procedure for band elections. The corresponding sections of the Act are 97 to 99A inclusive of Part I, and Sections 168 to 184 inclusive of Part II. Sections 75, 76 and 79 are new. Section 75—The procedure in nominating candidates, the appointment of duties of electoral officers, voting and election appeals are by regulation by the Governor in Council. Section 76 extends the franchise to all members of the band who are of the full age of 21 years and who are ordinarily resident on the reserve. Section 79—Procedure of band and council meetings is to be by regulation of the Governor in Council.

Regulations governing elections.

75. The Governor in Council may make orders and regulations with respect to band elections, and without restricting the generality of the foregoing may make regulations with respect to

(a) meetings to nominate candidates,

(b) the appointment and duties of electoral officers,

(c) the manner in which voting shall be carried out, and

(d) election appeals.

Eligibility of voters for chief.

76. (1) A member of a band who is of the full age of twenty-one years and is ordinarily resident on the reserve is qualified to vote for a person nominated to be chief of the band, and where the reserve for voting purposes consists of one section, to vote for persons nominated as councillors.

Councillor.

(2) A member of a band who is of the full age of twenty-one years and is ordinarily resident in a section that has been established for voting purposes is qualified to vote for a person nominated to be councillor to represent that section.

Tenure of office.

77. (1) Subject to this section chiefs and councillors shall hold office for two years.

Vacancy.

(2) The office of chief or councillor becomes vacant when

(a) the person who holds that office

(i) is convicted of an indictable offence,

(ii) dies or resigns his office, or

(iii) is or becomes ineligible to hold office by virtue of this Act, or

(b) the Minister declares that in his opinion the person who holds that office

(i) is unfit to continue in office by reason of his having been convicted of an offence,

(ii) has been absent from meetings of the council for three consecutive months without being authorized to do so, or

(iii) was guilty, in connection with an election, of corrupt practice, accepting a bribe, dishonesty or malfeasance.

Disqualification.

(3) The Minister may declare a person who ceases to hold office by virtue of subparagraph (iii) of paragraph *(b)* of subsection two to be ineligible to be a candidate for chief or councillor for a period not exceeding six years.

Special election.

(4) Where the office of chief or councillor becomes vacant more than three months before the date when another election would ordinarily be held, a special election may be held in accordance with this Act to fill the vacancy.

Minister may set aside election.

78. The Minister may set aside the election of a chief or a councillor on the report of the superintendent that he is satisfied that

(a) there was corrupt practice in connection with the election,

(*b*) there was a violation of this Act that might have affected the result of the election, or

(*c*) a person nominated to be a candidate in the election was ineligible to be a candidate.

Regulations respecting band and council meetings.

79. The Governor in Council may make regulations with respect to band meetings and council meetings and, without restricting the generality of the foregoing, may make regulations with respect to

(*a*) presiding officers at such meetings,

(*b*) notice of such meetings,

(*c*) the duties of the representative of the Minister at such meetings, and

(*d*) the number of persons required at the meeting to constitute a quorum.

Powers of the Council.

By-laws.

80. The council of a band may make by-laws not inconsistent with this Act or with any regulation made by the Governor in Council or the Minister, for any or all of the following purposes:

(*a*) to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases,

(*b*) the regulation of traffic,

(*c*) the observance of law and order,

(*d*) the prevention of disorderly conduct and nuisances,

(*e*) the protection against and prevention of trespass by cattle and other domestic animals, the establishment of pounds, the appointment of pound-keepers, the regulation of their duties and the provision for fees and charges for their services,

(*f*) the construction and maintenance of water courses, roads, bridges, ditches, fences and other local works,

(*g*) the dividing the reserve or a portion thereof into zones and the prohibition of the construction or maintenance of any class of buildings or the carrying on of any class of business, trade or calling in any such zone,

(*h*) the regulation of the construction, repair and use of buildings, whether owned by the band or by individual members of the band,

(*i*) the survey and allotment of reserve lands among the members of the band and the establishment of a register of Certificates of Possession and Certificates of Occupation relating to allotments and the setting apart of reserve lands for common use,

(*j*) the destruction and control of noxious weeds,

(*k*) the regulation of beekeeping and poultry raising,

Sections 80 to 85 comprise an amalgamation of Sections 101 and 185 of the present Act, and the powers of the Council are broadened to conform to those ordinarily exercised by municipal authorities.

(l) the construction and regulation of the use of public wells, cisterns, reservoirs and other water supplies,

(m) the control and prohibition of public games, sports, races, athletic contests and other amusements,

(n) the regulation of the conduct and activities of hawkers, peddlers or others who enter the reserve to buy, sell or otherwise deal in wares or merchandise,

(o) the preservation, protection and management of fur-bearing animals, fish and other game on the reserve,

(p) the removal and punishment of persons trespassing upon the reserve or frequenting the reserve for prescribed purposes,

(q) with respect to any matter arising out of or ancillary to the exercise of powers under this section, and

(r) the imposition on summary conviction of a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days or both fine and imprisonment for violation of a by-law made under this section.

Copies of by-laws to be sent to Minister.

81. (1) A copy of every by-law made under the authority of section eighty shall be forwarded by mail by the chief or a member of the council of the band to the Minister within four days after it is made.

Effective date of by-law.

(2) A by-law made under section eighty shall come into force forty days after it is made unless it is disallowed by the Minister within that period, but the Minister may declare the by-law to be in force at any time before the expiration of that period; and no such by-law shall remain in force for more than four years after it comes into force.

Money by-laws.

82. Without prejudice to the powers conferred by section eighty, where the Governor in Council declares that a band has reached an advanced stage of development the council of the band may, subject to the approval of the Minister, make by-laws for any of the following purposes:

(a) the raising of money by

(i) the assessment and taxation of interests in land in the reserve of persons lawfully in possession thereof, and

(ii) the licencing of businesses, callings, trades and occupations,

(b) the appropriation and expenditure of moneys of the band to defray band expenses,

(c) the appointment, duties and remuneration of officials to give effect to or to enforce regulations made by the council of the band, and

(d) with respect to any matter arising out of or ancillary to the exercise of powers under this section.

New.

Recovery of taxes.

83. Where a tax that is imposed upon an Indian by or under the authority of a by-law made under section eighty-two is not paid in accordance with the by-law

(a) the Minister may pay the amount owing together with an amount equal to one-half of one per cent thereof out of moneys payable out of the funds of the band to the Indian, and

(b) the Indian in default is guilty of an offence and, in addition to his liability to pay the amount of tax or the amount remaining unpaid, is liable on summary conviction to a fine equal to the amount of the tax or the amount remaining unpaid.

G. in C. may revoke authority to make money by-laws.

84. The Governor in Council may revoke a declaration made under section eighty-two whereupon that section shall no longer apply to the band to which it formerly applied, but any by-law made under the authority of that section and in force at the time the declaration is revoked shall be deemed to continue in force until it is revoked by the Governor in Council.

Evidence.

85. A copy of a by-law made by the council of a band under this Act, if it is certified to be a true copy by the superintendent, is *prima facie* evidence that the by-law was duly made by the council and approved by the Minister, without proof of the signature or official character of the superintendent, and no such by-law is invalid by reason of any defect in form.

Taxation.

Property exempt from taxation.

86. (1) Notwithstanding any other Act of the Parliament of Canada or any Act of the legislature of a province, but subject to subsection two of this section and to section eighty-two, the following property is exempt from taxation, namely,

(a) the interest of an Indian or a band in reserve or surrendered lands, and

(b) the personal property of an Indian or band situated on a reserve,

and no Indian or band is subject to taxation in respect of the ownership, occupation, possession or use of any property mentioned in paragraph *(a)* or *(b)* or is otherwise subject to taxation in respect of any such property; and no succession duty, inheritance tax or estate duty is payable on the death of any Indian in respect of any such property or the succession thereto if the property passes to an Indian.

Tax exemption not applicable.

(2) Subsection one does not apply to or in respect of the personal property of an Indian who has executed a waiver under the provisions of paragraph *(f)* of subsection two of section fourteen of *The Dominion Elections Act, 1938.*

New; See 166 (2).

Section 186.

Section 102.

Legal Rights.

General provincial laws applicable to Indians.

87. Subject to the terms of any treaty and any other Act of the Parliament of Canada, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except to the extent that such laws are inconsistent with this Act or any order, rule, regulation or by-law made thereunder, and except to the extent that such laws make provision for any matter for which provision is made by or under this Act.

Property on reserve not subject to alienation.

88. (1) Subject to this Act, the real and personal property of an Indian or a band situated on a reserve is not subject to alienation, transfer, assignment, charge, pledge, mortgage, attachment, levy, seizure or distress.

Exception.

(2) The Minister may direct that subsection one shall not apply so as to affect transactions between a member of a band and that band or another member of that band.

Conditional sales.

(3) A person who sells to a band or a member of a band a chattel under an agreement whereby the right of property or right of possession thereto remains wholly or in part in the seller, may exercise his rights under the agreement notwithstanding that the chattel is situated on a reserve.

Property deemed situated on reserve.

89. (1) For the purposes of sections eighty-six and eighty-eight, personal property that was

(a) purchased by His Majesty with Indian moneys or moneys appropriated by Parliament for the use and benefit of Indians or bands, or

(b) given to Indians or to a band under a treaty or agreement between a band and His Majesty,

shall be deemed always to be situated on a reserve.

Restriction on transfer.

(2) The title to personal property that is by this section deemed to be situated on a reserve does not, without the written consent of the Minister, pass by virtue of a sale, barter, exchange or other disposition thereof unless the transaction is between two members of a band or between the band and a member thereof.

Destruction of property.

(3) No person shall, without the written consent of the Minister, destroy personal property that is by this section deemed to be situated on a reserve, and every person who violates this section is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding two months or to both fine and imprisonment.

Trading with Indians.

Certain property on a reserve may not be acquired.

90. (1) No person may, without the written consent of the Minister, acquire title to

(a) an Indian grave house,

New.

Section 105.

Section 108.

Section 109.

(*b*) a carved grave pole,
(*c*) a totem pole,
(*d*) a carved house post, or
(*e*) a large rock embellished with paintings or carvings,

that is situated on a reserve.

Articles manufactured for sale.

(2) Subsection one does not apply to chattels referred to therein that are manufactured for sale by Indians.

Removal, destruction, etc.

(3) No person shall remove, take away, mutilate, disfigure, deface or destroy any chattel referred to in subsection one without the written consent of the Minister.

Penalty.

(4) A person who violates this section is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months.

Departmental employees, etc., prohibited from trading without a licence.

91. (1) No person who is
(*a*) an officer or employee in the Department,
(*b*) a missionary engaged in mission work among Indians, or
(*c*) a school teacher on a reserve,

shall, without a licence from the Minister or his duly authorized representative, trade for profit with an Indian or sell to him directly or indirectly goods or chattels.

Cancellation of licence.

(2) The Minister or his duly authorized representative may at any time cancel a licence given under this section.

Penalty.

(3) A person who violates subsection one is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.

Dismissal.

(4) Without prejudice to subsection three, an officer or employee in the Department who contravenes subsection one may be dismissed from office.

PENALTIES.

Removal of material from reserve.

92. A person who, without the written permission of the Minister or his duly authorized representative
(*a*) removes from a reserve
(i) minerals, stone, sand, gravel, clay or soil, or
(ii) trees, saplings, shrubs, underbrush, timber, cordwood or hay, or
(*b*) has in his possession anything removed from a reserve contrary to this section,

Offence and penalty.

is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

Sale of intoxicants.

93. A person who directly or indirectly by himself or by any other person on his behalf knowingly

Section 44.

Section 118.

(a) sells, barters, supplies or gives an intoxicant to
(i) any person on a reserve, or
(ii) an Indian outside a reserve,
(b) opens or keeps or causes to be opened or kept on a reserve a dwelling house, building, tent, or place in which intoxicants are sold, supplied or given to any person, or
(c) makes or manufactures intoxicants on a reserve,

is guilty of an offence and is liable on summary conviction to a fine of not less than fifty dollars and not more than three hundred dollars or to imprisonment for a term of not less than one month and not more than six months, with or without hard labour, or to both fine and imprisonment.

Possession of intoxicants off a reserve.

94. An Indian who
(a) has intoxicants in his possession contrary to this Act,
(b) is intoxicated, or
(c) who makes or manufactures intoxicants

off a reserve is guilty of an offence and is liable on summary conviction to a fine of not less than ten dollars and not more than fifty dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

Exception.

95. (1) No offence is committed against subparagraph (ii) of paragraph (a) of section ninety-three or paragraph (a) of section ninety-four if intoxicants are sold to an Indian in accordance with a law of the province where the sale takes place that authorized the sale of intoxicants to a person for consumption in a public place.

Coming into force.

(2) This section shall not come into force in any province until a proclamation bringing it into force in the province is issued by the Governor in Council at the request of the Lieutenant-Governor in Council of the province.

Possession of intoxicants on a reserve.

96. A person who is found
(a) with intoxicants in his possession, or
(b) intoxicated,

on a reserve is guilty of an offence and is liable on summary conviction to a fine of not less than ten dollars and not more than fifty dollars or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

Exception where intoxicant used for sickness.

97. (1) The provisions of this Act relating to intoxicants do not apply where the intoxicant is used or is intended to be used in cases of sickness or accident.

Onus of proof.

(2) In any prosecution under this Act the burden of proof that an intoxicant was used or was intended to be used in a case of sickness or accident is upon the accused.

Certificate of analysis is evidence.

98. In every prosecution under this Act a certificate of analysis furnished by an analyst employed by the Government of Canada or by a province shall be accepted

Sections 93 to 98 inclusive are a rearrangement of Sections 126 to 136 inclusive of the present Act. Section 95 of the Bill is new. This section will under certain circumstances permit Indians to consume intoxicants in licensed premises such as taverns and cocktail lounges in accordance with provincial law, but the sale, manufacture and possession of intoxicants on reserves is still prohibited and Indians would not be allowed to have packaged goods whether on or off reserves.

Section 128.

New.

Section 130.

Section 129.

Section 137 (2).

as *prima facie* evidence of the facts stated therein and of the authority of the person giving or issuing the certificate, without proof of the signature of the person appearing to have signed the certificate or his official character, and without further proof thereof.

Wounding or mutilation at celebration or dance.

99. A person who engages in or assists at a celebration or a dance where the wounding or mutilation of the body of a human or animal, whether living or dead, forms a part of the celebration or dance is guilty of an offence and is liable on summary conviction to imprisonment for a term of not less than two months and not more than six months.

Soliciting contributions.

100. A person who without the consent in writing of the Minister receives, obtains, solicits or requests from an Indian or a band any payment or contribution or promise of payment or contribution for the purpose of raising a fund or providing money to advance any claim that the Indian or the band has or is represented to have, or to recover money for the benefit of the Indian or the band, is guilty of an offence and is liable upon summary conviction to a fine of not less than fifty dollars and not more than two hundred dollars or to imprisonment for a term not exceeding two months, or to both fine and imprisonment.

Penalty where no other provided.

101. Every person who is guilty of an offence against any provision of this Act or any regulation thereunder made by the Governor in Council or the Minister for which a penalty is not provided elsewhere in this Act is liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

Seizure of goods.

102. (1) Whenever a police officer or a superintendent or a person authorized by the Minister believes on reasonable grounds that an offence against this Act has been committed he may seize all goods and chattels by means of or in relation to which he reasonably believes the offence was committed.

Detention.

(2) All goods and chattels seized pursuant to subsection one may be detained for a period of three months following the day of seizure unless during that period proceedings under this Act in respect of those goods and chattels are undertaken, in which case the goods and chattels may be further detained until such proceedings are finally concluded.

Forfeiture.

(3) Where a person is convicted of an offence against this Act the goods and chattels by means of or in relation to which the offence was committed, upon such conviction, in addition to any penalty imposed, are forfeited to His Majesty.

Section 140.

Section 141.

New.

New.

Disposition of fines.

103. Every fine, penalty or forfeiture imposed under this Act belongs to His Majesty for the benefit of the band with respect to which or to one or more members of which the offence was committed or to which the offender, if an Indian, belongs, but the Governor in Council may from time to time direct that the fine, penalty or forfeiture shall be paid to a provincial, municipal or local authority that bears in whole or in part the expense of administering the law under which the fine, penalty or forfeiture is imposed, or that the fine, penalty or forfeiture shall be applied in the manner that he considers will best promote the purposes of the law under which the fine, penalty or forfeiture is imposed, or the administration of that law.

Description of Indians in writs, etc.

104. In any order, writ, warrant, summons or proceeding issued under this Act it shall be sufficient if the name of the person or Indian referred to therein is the name given to, or the name by which the person or Indian is given to or is known by, the person who issues the order, writ, warrant, summons or proceedings, and if no part of the name of the person is given to or known by the person issuing the order, writ, warrant, summons or proceedings, it is sufficient if the person or Indian is described in any manner by which he may be identified.

Orders of Minister.

105. Any order or direction of the Minister issued under this Act shall be obeyed by the person to whom it is directed and all other persons shall upon reasonable request, assist in the execution thereof.

Jurisdiction of magistrates.

106. A police magistrate or a stipendiary magistrate shall have and may exercise, with respect to matters arising under this Act, jurisdiction over a county, union of counties or judicial district in which the city or town for which he is appointed and in which he has jurisdiction under provincial law is situated.

Appointment of justices.

107. (1) The Governor in Council may appoint persons to be, for the purposes of this Act, justices of the peace and those persons shall have and may exercise the powers and authority of two justices of the peace with regard to

(a) offences under this Act,

R.S., c. 36.

(b) offences under the *Criminal Code* with respect to inciting Indians on reserves to commit riotous acts, the prostitution of Indian women and robbing of Indian graves, and

(c) any offence against the provisions of the *Criminal Code* relating to cruelty to animals, common assault, breaking and entering and vagrancy, where the offence is committed by an Indian or relates to the person or property of an Indian.

Section 142.

Section 147.

Section 148.

Section 151.

Section 152.

Indian agent *ex officio* a J.P.

(2) Where, immediately prior to the coming into force of this Act, an Indian agent was *ex officio* a justice of the peace under the *Indian Act*, chapter ninety-eight of the Revised Statutes of Canada, 1927, he shall be deemed, for the purposes of this Act, to have been appointed under subsection one, and he may exercise the powers and authority conferred by that subsection until his appointment is revoked by the Minister.

Commissioners for taking oaths.

108. For the purposes of this Act or any matter relating to Indian affairs

(a) persons appointed by the Minister for the purpose,

(b) superintendents, and

(c) the Minister, Deputy Minister and the chief officer in charge of the branch of the Department relating to Indian affairs

are *ex officio* commissioners for the taking of oaths.

Enfranchisement

Enfranchisement of Indian and wife and minor children.

109. (1) On the report of the Minister that an Indian has applied for enfranchisement and that in his opinion the Indian

(a) is of the full age of twenty-one years,

(b) is capable of assuming the duties and responsibilities of citizenship, and

(c) when enfranchised, will be capable of supporting himself and his dependants, if any, outside a reserve,

the Governor in Council may by order declare that the Indian and his wife and minor unmarried children are enfranchised.

Enfranchisement of married women.

(2) On the report of the Minister that an Indian woman married a person who is not an Indian, the Governor in Council may by order declare that the woman is enfranchised as of the date of her marriage.

Where wife living apart.

(3) Where, in the opinion of the Minister, the wife of an Indian is living apart from her husband, the names of his wife and his minor children who are living with the wife shall not be included in an order under subsection one that enfranchises the Indian unless the wife has applied for enfranchisement, but where the Governor in Council is satisfied that such wife is no longer living apart from her husband, the Governor in Council may by order declare that the wife and the minor children are enfranchised.

Order of enfranchisement.

(4) A person is not enfranchised unless his name appears in an order of enfranchisement made by the Governor in Council.

Enfranchised person ceases to be Indian.

110. A person with respect to whom an order for enfranchisement is made under section one hundred and nine shall, from the date thereof, be deemed not to be an Indian within the meaning of this Act or any other statute or law.

New.

Section 160.

Sections 109 to 113 replace sections 110 to 114 and are the same in principle, any changes being in matters of procedure to conform with the general procedure in related matters elsewhere in the Act. Section 109 (3) is new and provides for the enfranchisement of a man living apart from his wife.

Sale of lands of enfranchised Indian.

111. (1) Upon the issue of an order of enfranchisement, any interest in land and improvements on an Indian reserve of which the enfranchised Indian had formerly been in lawful possession or over which he exercised rights of ownership may be disposed of by him by gift or private sale, but if not so disposed of within thirty days after the date of the order of enfranchisement such land and improvements shall be offered for sale by tender by the council of the band or the superintendent and sold to the highest bidder and the proceeds of such sale paid to him; and if no bid is received and the property remains unsold after six months from the date of such offering, the land, together with improvements, shall revert to the band free from any interest of the enfranchised person therein, subject to the payment, at the discretion of the Minister, to the enfranchised Indian, from the funds of the band, of such compensation for permanent improvements as the Minister may determine.

Grant to enfranchised Indian.

(2) Upon the issue of an order of enfranchisement, the Minister may authorize the issue of a grant to the enfranchised Indian of any lands within the reserve of which the enfranchised Indian had formerly been in lawful possession or over which he exercised rights of ownership, and the enfranchised Indian shall pay to the funds of the band such amount per acre for such land as the Minister considers to be the value of the common interest of the band in such land, and such payment shall be a charge against the moneys to which such enfranchised Indian is entitled by reason of his enfranchisement.

Enfranchisement of band.

112. (1) Where the Minister reports that a band has applied for enfranchisement and that in his opinion the band is capable of managing its own affairs as a municipality or part of a municipality, the Governor in Council may by order declare that all the members of the band are enfranchised.

Majority vote required.

(2) An order for enfranchisement may not be made under subsection one unless more than fifty per cent of the electors of the band signify, at a meeting of the band called for the purpose, their willingness to become enfranchised under this section.

Agreements with provinces or municipalities.

(3) The Governor in Council may, for the purpose of giving effect to this section, authorize the Minister to enter into an agreement with a province or a municipality, or both, upon such terms as may be agreed upon by the Minister and the province or municipality, or both.

Financial assistance.

(4) Without restricting the generality of subsection three, an agreement made thereunder may provide for financial assistance to be given to the province or the municipality or both to assist in the support of indigent,

infirm or aged persons to whom the agreement applies, and such financial assistance, or any part thereof, shall, if the Minister so directs, be paid out of moneys of the band, and any such financial assistance not paid out of moneys of the band shall be paid out of moneys appropriated by Parliament.

Committee of inquiry.

113. (1) The Minister may appoint a committee to inquire into and report upon the desirability of enfranchising within the meaning of this Act an Indian or a band whether or not the Indian or the band has applied for enfranchisement.

Composition.

(2) A committee appointed under subsection one shall consist of

(a) a judge or retired judge of a superior, surrogate, district or county court,

(b) an officer of the Department, and

(c) a member of the band to be appointed by the council of the band, but if no appointment is made by the council of the band within thirty days after a request therefor is sent by the Minister to the band, a member of the band appointed by the Minister.

Report of committee.

(3) Where the committee or a majority thereof reports that in its opinion it is desirable that the Indian or the members of the band, as the case may be, should be enfranchised the report, when approved by the Minister, shall be deemed to be an application for enfranchisement by the Indian or by the band and shall be dealt with as such in accordance with this Act.

Treaty to be observed.

(4) An Indian or the members of a band shall not be enfranchised under this section contrary to the terms of any treaty, agreement or undertaking between a band and His Majesty that is applicable.

SCHOOLS.

Schools.

114. (1) The Governor in Council may authorize the Minister

(a) to establish, operate and maintain schools for Indian children,

(b) to enter into agreements on behalf of His Majesty for the education in accordance with this Act of Indian children, with

(i) the government of a province,

(ii) the council of the Northwest Territories,

(iii) the council of the Yukon Territory,

(iv) a public or separate school board, and

(v) a religious or charitable organization.

(1) *(a)* This is similar to Section 9*(a)* and *(b)* of the Act with the exception that provision is made for establishing schools off Indian reserves. This is necessary because Indians often move off reserves and establish themselves at logging camps, mining camps, fish canneries, etc.

(b) This provides for the education of Indian children in association with other children by providing for agreements with provinces, the Northwest Territories, the Yukon Territory, and private organizations for the education of Indian children.

(2) The agreements outlined in (1) may provide for any of the matters referred to in other sections if the agreement is approved by a majority of the electors of the band to which the agreement relates.

Agreements with provincial authorities.

(2) Where an agreement made under subsection one is approved by a majority of the electors of the band to which the agreement relates, the agreement may provide for any of the matters referred to in sections one hundred and eighteen, one hundred and twenty-one, one hundred and twenty-two or in any regulations made under section one hundred and twenty-three, and in such case the said sections and regulations, to the extent that they deal with matters provided for in the agreement, do not apply to the education of children to whom the agreement relates.

Regulations.

115. The Minister may make regulations to

(a) provide standards for buildings, equipment, teaching, education, inspection and discipline in connection with schools,

(b) provide for the transportation of children to and from school,

(c) enter into agreements with religious organizations for the support and maintenance of children who are being educated in schools operated by those organizations, and

(d) apply the whole or any part of moneys that would otherwise be payable to or on behalf of a child who is attending a residential school to the maintenance of that child at that school.

Attendance.

116. (1) Subject to section one hundred and seventeen, every Indian child shall attend school.

Idem.

(2) The Minister may

(a) permit an Indian who is six years of age to attend school,

(b) require an Indian who becomes sixteen years of age during the school term to continue to attend school until the end of that term, and

(c) require an Indian who becomes sixteen years of age to attend school for such further period as the Minister considers advisable, but no Indian shall be required to attend school after he becomes eighteen years of age.

When attendance not required.

117. An Indian child is not required to attend school if the child

(a) is, by reason of sickness or other unavoidable cause that is reported promptly to the principal, unable to attend school,

(b) has passed entrance examinations for high school,

(c) is, with the permission in writing of the superintendent, absent from school for a period not exceeding six weeks in each term for the purpose of assisting in husbandry or urgent and necessary household duties,

(a) Equivalent to Section 9(4) of the Act.
(b) Equivalent to Section 9(3) of the Act.
(c) Equivalent to Section 9(2) of the Act.
(d) Equivalent to Section 9(6) of the Act.

Equivalent to Section 10(1) of the Act, except that school admission age has been lowered from 7 to 6, thus providing an additional year of education.

Equivalent to Section 10(5) of the Act, with some clarification.

(d) is under efficient instruction at home or elsewhere, within one year after the written approval by the Minister of such instruction, or

(e) is unable to attend school because there is insufficient accommodation in the school that the child is entitled or directed to attend.

School to be attended.

118. Every Indian child who is required to attend school shall attend such school as the Minister may designate, but no child who is in the care or legal custody of, or whose parent or guardian is a Protestant, shall be assigned to a school conducted under Roman Catholic auspices, and no child who is in the care or legal custody of, or whose parent or guardian is a Roman Catholic, shall be assigned to a school conducted under Protestant auspices.

Truant officers.

119. (1) The Minister may appoint persons, to be called truant officers, to enforce the attendance of Indian children at school, and for that purpose a truant officer shall have the powers of a peace officer.

Powers.

(2) Without restricting the generality of subsection one a truant officer may

(a) enter any place where he believes, on reasonable grounds, that there are Indian children who are between the ages of seven and sixteen years of age, or who are required by the Minister to attend school,

(b) investigate any case of truancy, and

(c) serve written notice upon the parent, guardian or other person having the care or legal custody of a child to cause the child to attend school regularly thereafter.

Notice to attend school.

(3) Where a notice has been served in accordance with paragraph *(c)* of subsection two with respect to a child who is required by this Act to attend school, and the child does not within three days after the service of notice attend school and continue to attend school regularly thereafter, the person upon whom the notice was served is guilty of an offence and is liable on summary conviction to a fine of not more than five dollars or to imprisonment for a term not exceeding ten days or to both fine and imprisonment.

Corresponds to Section 10(2) of the Act.

Comparable to Sections 10(3) to (6) of the Act, and are drafted to conform to provincial legislation.

No further notices required within one year of previous notice.

(4) Where a person has been served with a notice in accordance with paragraph *(c)* of subsection two, it is not necessary within a period of twelve months thereafter to serve that person with any other notice in respect of further non-compliance with the provisions of this Act, and whenever such person within the period of twelve months fails to cause the child with respect to whom the notice was served or any other child of whom he has charge or control to attend school and continue in regular attendance as required by this Act, such person is guilty of an offence and liable to the penalties imposed by subsection three as if he had been served with the notice.

Tardiness.

(5) A child who is habitually late for school shall be deemed to be absent from school.

Take into custody.

(6) A truant officer may take into custody a child whom he believes on reasonable grounds to be absent from school contrary to this Act and may convey the child to school, using as much force as the circumstances require.

Child who is expelled or fails to attend deemed juvenile delinquent.

120. An Indian child who

(a) is expelled or suspended from school, or

(b) refuses or fails to attend school regularly,

shall be deemed to be a juvenile delinquent within the meaning of *The Juvenile Delinquents Act, 1929.*

Denomination of teacher.

121. (1) Where the majority of the members of a band belongs to one religious denomination the school established on the reserve that has been set apart for the use and benefit of that band shall be taught by a teacher of that denomination.

Idem.

(2) Where the majority of the members of a band are not members of the same religious denomination and the band by a majority vote of the electors of the band requests that day schools on the reserve should be taught by a teacher belonging to a particular religious denomination, the school on that reserve shall be taught by a teacher of that denomination.

Minority religious denominations.

122. A Protestant or Roman Catholic minority of any band may, with the approval of and under regulations to be made by the Minister, have a separate day school or day school classroom established on the reserve unless, in the opinion of the Governor in Council, the number of children of school age does not so warrant.

Regulations.

123. The Governor in Council may make regulations to provide for religious teaching in day schools.

A new section in accordance with recent provincial School Acts.

This clause is equivalent to Section 100(2) of the Act.

(2) This is a new clause clarifying Section 100(2) of the Act and provides for a majority vote of the electors for a teacher belonging to a particular religious denomination.

Equivalent to Section 100(3) of the Act.

New.

Definitions.

124. In sections one hundred and fourteen to one hundred and twenty-three

"child"

(a) "child" means an Indian who is more than six years of age and less than sixteen years of age, and a person who is required by the Minister to attend school,

"school"

(b) "school" includes a day school, technical school, high school and residential school, and

"truant officer."

(c) "truant officer" includes

(i) a member of the Royal Canadian Mounted Police,

(ii) a special constable appointed for police duty on a reserve, and

(iii) a school teacher and a chief of the band, when authorized by the superintendent.

Repeal.

Repeal.

125. (1) Section one of the *Indian Act*, chapter ninety-eight of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

Short title.

"**1.** This Act may be cited as the *Indian (Soldier Settlement) Act.*"

Repeal.

(2) Sections two to one hundred and eighty-six of the said Act are repealed.

References.

(3) Where in sections one hundred and eighty-seven to one hundred and ninety of the said Act

(a) reference is made to the *Indian Act*, it shall be deemed to be a reference to this Act, and

(b) reference is made to the Superintendent General or Deputy Superintendent General of Indian Affairs, it shall be deemed to be a reference to the Minister.

Coming into Force.

Coming into force.

126. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Definitions of Child, School and Truant Officer. (New).

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 302.

An Act respecting Defence Supplies and Projects.

First reading, June 12, 1950.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
63695 1950

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 302.

An Act respecting Defence Supplies and Projects.

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 Defence Supplies Act.*

Definitions.

"defence supplies".

2. In this Act,

(a) "defence supplies" means arms, ammunition, implements of war, vehicles, mechanical and other equipment, watercraft, amphibious craft, aircraft, animals, goods, wares, merchandise, articles and materials of all kinds required for any project or otherwise for the purposes of defence;

"Minister".

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

"order".

(c) "order" means a general or specific order, requirement, prescription or direction in writing made or issued under this Act or any regulation;

"project".

(d) "project" means a building, airdrome, airport, dockyard, fortification, road or other work required for the purposes of defence.

Powers of Minister.

3. (1) The Minister may

(a) buy or otherwise acquire, exchange, process, develop, repair, maintain, store and transport defence supplies;

(b) acquire, store and maintain stocks of strategic materials, and other materials or articles entering into the manufacture of defence supplies or the construction, development, repair or maintenance of projects, and sell or otherwise dispose of such materials or articles and use the whole or any part of the proceeds for the acquisition of further such materials or articles;

(c) construct or otherwise acquire, carry out, develop, repair and maintain any project;

(d) arrange for the performance of commercial and professional services;

Explanatory Notes.

The purpose of the Bill is to repeal *The Department of Munitions and Supply Act* and the earlier *Defence Purchases, Profits Control and Financing Act, 1939*, and replace them by *The Defence Supplies Act* restricted to provisions that are necessary for defence purposes in peacetime.

(e) require any person who is obligated by any contract to deliver any defence supplies or to construct or carry out a project or to furnish any services, to perform that contract in such priority to that person's other business and within such period of time, not shorter than the period, if any, stipulated in such contract, as the Minister may specify;

(f) require any person who produces, deals in or has in his possession or control any materials or articles needed for the completion of a contract with respect to which a requirement under the authority of paragraph *(e)* has been issued, or needed for completion of defence supplies or a project being constructed or carried out by a government department, the Canadian Commercial Corporation or any company to which *The Government Companies Operation Act* applies, and who having received an offer that, in the opinion of the Minister, is fair and reasonable, has refused delivery of such needed materials or articles, to deliver them

1946, c. 24.

(i) in such quantities and manner and within such period of time as the Minister may specify, and

(ii) at the current market prices specified by the Minister or, in the event of dispute as to the prices that are current, at prices determined by the Exchequer Court as being current on a reference to such Court by the Minister of Justice; but such reference shall not extend the period of time for delivery specified by the Minister under subparagraph (i);

(g) require any person to furnish such information respecting defence supplies dealt in by him or projects of a type executed by him or respecting his production and other facilities relating thereto in such time and manner as the Minister may specify;

(h) procure the construction or repair of ships requisitioned by any government department at a shipyard specified by the Governor in Council, or, in the case of a repair that, in the opinion of the Minister, is urgently needed or does not involve an estimated expenditure exceeding fifty thousand dollars, at any shipyard specified by the Minister;

(i) employ the Canadian Commercial Corporation or any company to which *The Government Companies Operation Act* applies to exercise under his direction such of his powers under this Act, other than those under paragraphs *(e)*, *(f)* and *(g)*, as he may specify; and

1946, c. 24.

(j) do such further things as may be authorized by the Governor in Council in regard to the procurement and disposal of defence supplies and projects.

Non-disclosure of information.

(2) No person shall disclose any information furnished under paragraph *(g)* of subsection one without the consent of the person from whom it was obtained, except

(a) to an official of a government department requiring such information for defence purposes;

(b) in any prosecution for an offence under this Act; or

(c) with the consent of the Minister, in any civil action or proceedings.

Public Works Act. R.S., c. 166.

(3) Section thirty-six of the *Public Works Act* does not apply to a contract made under this Act, if

(a) disclosure of the specifications for the contract would, in the opinion of the Minister or the Minister of National Defence, be prejudicial to the interests of defence;

(b) the contract is to be executed by the Canadian Commercial Corporation or any company to which *The Government Companies Operation Act* applies; 1946, c. 24.

(c) the contract is for the construction or repairing of a ship; or

(d) in the opinion of the Governor in Council, the contract should, in the public interest, be exempt from the provisions of that section.

Defence supplies or projects for Department of National Defence.

4. The Minister, exclusively, may buy or otherwise acquire defence supplies and construct or carry out projects required by the Department of National Defence, except

(a) projects to be constructed or carried out by persons in the employ of His Majesty in right of Canada; and

(b) such defence supplies or projects as the Minister may, with the concurrence of the Minister of National Defence, request the Department of National Defence to procure, construct or carry out, as the case may be.

Assistants and advisors.

5. (1) The Governor in Council may

(a) appoint persons to assist the Minister in the exercise of any of his powers or duties under this Act; and

(b) appoint advisers and establish advisory boards composed of such members as he may appoint, to perform such duties as he may designate,

and may fix the remuneration and expenses to be paid to persons appointed under this section.

Regulations.

(2) The Governor in Council may make regulations and orders for carrying out the purposes and provisions of this Act.

Requisitions.

6. In respect of all contracts by the Minister under this Act, the following provisions shall apply:

(a) requisitions for the purchase of defence supplies or for the construction or carrying out of projects or for the performance of services shall be made by the

Minister of the department concerned and shall state the estimated expenditure involved;

(b) such requisition shall be signed by the Minister of the department concerned if the estimated expenditure exceeds fifty thousand dollars, but otherwise may be signed by his deputy or other officer authorized by such Minister;

(c) such requisition, if not made by the Minister, shall be transmitted to the Minister;

(d) except as authorized by paragraph *(e)*, no contract may be entered into by the Minister without the approval of the Governor in Council; and

(e) a contract may be entered into by the Minister without the approval of the Governor in Council if

(i) in the opinion of the Minister, the contract must be entered into immediately in the interests of defence, or

(ii) the estimated expenditure does not exceed fifteen thousand dollars, or

(iii) competitive tenders have been obtained and the lowest tender, involving an estimated expenditure not exceeding fifty thousand dollars, is accepted;

but the Minister shall make a report to the Governor in Council in respect of any contract involving an estimated expenditure exceeding five thousand dollars and entered into without the approval of the Governor in Council.

Defence compliance with order.

7. Where the failure of any person to fulfil any obligation arising before or after the coming into force of this Act is due to his compliance with any order made under subsection one of section three, such compliance shall be a good and complete defence to any action or proceeding in respect of such failure.

Offences.

8. Every person who contravenes or fails to observe any provision of this Act or of any regulation or order is guilty of an offence and is liable upon summary conviction or conviction upon indictment to a fine not exceeding five thousand dollars.

Repeal.

9. (1) *The Department of Munitions and Supply Act*, chapter three of the statutes of 1939 (Second Session), is repealed but, notwithstanding such repeal, the provisions of subsections one to ten of section thirteen of that Act shall be deemed to continue to apply to any supply contracts therein referred to and made before the coming into force of this Act, except those referred to in subsection eleven of that section.

Repeal.

(2) *The Defence Purchases, Profits Control, and Financing Act, 1939*, chapter forty-two of the statutes of 1939 (First Session), is repealed.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 309.

An Act to amend The Official Secrets Act.

First reading, June 15, 1950.

THE MINISTER OF JUSTICE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
64427 1950

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 309.

An Act to amend The Official Secrets Act.

1939, c. 49.

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

1. Paragraph *(h)* of section two of *The Official Secrets Act*, chapter forty-nine of the statutes of 1939 (First Session), is repealed and the following substituted therefor:

"office under His Majesty."

"*(h)* The expression 'office under His Majesty' includes any office or employment in or under any department or branch of the Government of Canada or of any province, and any office or employment in, on or under any board, commission, corporation or other body that is an agent of His Majesty in right of Canada or any province;"

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

Offences committed outside Canada triable in Canada.

"**12A.** The acts, omissions and things made offences by this Act shall be triable and punishable in Canada notwithstanding they were committed outside Canada, in the following cases:

1946, c. 15.

(a) where the offender at the time of the commission was a Canadian citizen within the meaning of *The Canadian Citizenship Act;*

(b) where any code word, pass word, sketch, plan, model, article, note, document, information or other thing whatsoever in respect of which an offender is charged was obtained by him, or depends upon information which he obtained, while owing allegiance to His Majesty in right of Canada."

Explanatory Notes.

1. The principal purpose of this amendment is to extend the meaning of the expression "office under His Majesty" to embrace employment in, on or under a board, commission, corporation or other body that is an agent of His Majesty in right of Canada or any province. This expression occurs in section 4(1) relating to wrongful communication or misuse of information received by virtue of such an office, and in section 5(1) *(d)* relating to impersonation in respect of such an office. Paragraph *(h)* now reads as follows:

"*(h)* The expression 'office under His Majesty' *means* any office or employment in or under any department of the Government of Canada or of any province;"

2. The purpose of this amendment is to give the Act extra-territorial effect in the cases described. This is a new section.

3. One purpose of this amendment is to increase the penalties. Section 14 now reads as follows:

"**14.** Where no specific penalty is provided in this Act, any person who is guilty of an offence under this Act shall be deemed to be guilty of an indictable offence, and shall on conviction be punishable *by fine not exceeding two thousand dollars, or by imprisonment for a term not exceeding seven years, with or without hard labour, or by both fine and imprisonment;* but such person may, at the election of the Attorney General, be prosecuted summarily in the manner provided by Part XV of the *Criminal Code,* and if so prosecuted, shall be punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding twelve months, with or without hard labour, or by both fine and imprisonment."

The second purpose of this amendment is to remove any doubt that persons charged or convicted under the Act may be finger printed. Subsection (2) which serves this purpose is new.

3. Section fourteen of the said Act is repealed and the following substituted therefor:

Penalties.
General.

"**14.** (1) Where no specific penalty is provided in this Act, any person who is guilty of an offence under this Act shall be deemed to be guilty of an indictable offence and shall, on conviction, be punishable by imprisonment for a term not exceeding fourteen years; but such person may, at the election of the Attorney General, be prosecuted summarily in the manner provided by Part XV of the *Criminal Code*, and, if so prosecuted, shall be punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding twelve months, or by both fine and imprisonment.

Indictable offence.
Summary conviction.
R.S., c. 36.

Application of the *Identification of Criminals Act*.
R.S., c. 38.

(2) Any person charged with or convicted for an offence under this Act shall, for the purposes of the *Identification of Criminals Act*, be deemed to be charged with or convicted of an indictable offence notwithstanding such person is prosecuted summarily in the manner provided by Part XV of the *Criminal Code*."

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 310.

An Act to authorize the provision of moneys to meet certain capital expenditures made and capital indebtedness incurred by the Canadian National Railways System during the calendar year 1950, and to authorize the guarantee by His Majesty of certain securities to be issued by the Canadian National Railway Company.

First reading, June 15, 1950.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

64138

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 310.

An Act to authorize the provision of moneys to meet certain capital expenditures made and capital indebtedness incurred by the Canadian National Railways System during the calendar year 1950, and to authorize the guarantee by His Majesty of certain securities to be issued by the Canadian National Railway Company.

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

Short title.

1. This Act may be cited as *Canadian National Railways Financing and Guarantee Act, 1950.*

Power to issue securities for capital expenditures.

2. Subject to the provisions of this Act and the approval of the Governor in Council, the Canadian National Railway Company (herein called "the National Company") may issue notes, obligations, bonds, debentures or other securities (herein called "securities") bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve, to provide the amounts necessary to meet in whole or in part capital expenditures made or capital indebtedness incurred during the calendar year 1950 by or on behalf of any companies or railways comprised in the National Railway System as defined in *The Canadian National Railways Capital Revision Act, 1937*, on any or all of the following accounts, such expenditures or indebtedness (herein called "authorized expenditures") being:—

Additions and Betterments (less retirements)		$30,872,059
Barraute Branch Line		230,000
Acquisition of Securities and Retirement of Capital Obligations		717,000
New Equipment	$36,698,430	
Less: amount to be financed by one or more equipment trust issues	26,000,000	
		10,698,430
Total of authorized expenditures		$42,517,489
Amount estimated to be available from Reserves for Depreciation and Debt Discount Amortization		17,935,000
		$24,582,489

Proviso.

Provided, however, that for such purposes the aggregate principal amount at any one time outstanding of the securities which the National Company is authorized by this section to issue from time to time shall not exceed the sum of $24,582,489, and the National Company may also apply amounts available from reserves for depreciation and debt discount amortization for the year 1950 to provide in part the amounts necessary to meet authorized expenditures.

Minister of Finance may make temporary loans for capital expenditures.

3. The Minister of Finance, with the approval of the Governor in Council, may make temporary loans to the National Company out of the Consolidated Revenue Fund for the purpose of meeting authorized expenditures, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may determine and secured by securities which the National Company is authorized to issue from time to time under the provisions of section two of this Act, upon applications for such loans approved by the Minister of Transport, made from time to time by the National Company to the Minister of Finance:

Proviso.

Provided, however, that the aggregate principal amount at any one time outstanding of the loans which the Minister of Finance is hereby authorized to make from time to time to the National Company shall not exceed the sum of $24,582,489.

Issue and guarantee of substituted securities.

4. Should any such temporary loans be made within the limits aforesaid, definitive securities may subsequently be issued and guaranteed under the provisions of this Act to repay such loans or any part thereof.

Power to aid other companies.

5. The National Company may aid and assist, in any manner not inconsistent with the terms of section two, any other or others of the said companies and railways and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any other or others of the said companies and railways from time to time:—

(a) apply the proceeds of any issue of securities in meeting authorized expenditures on its own account or on account of any other or others of the said companies and railways; and

(b) make advances for the purpose of meeting authorized expenditures to any other or others of the said companies and railways, upon or without any security, at discretion.

Guarantee.

6. The Governor in Council may authorize the guarantee of the principal and interest of the securities, which the National Company may issue from time to time under the provisions of this Act.

Form and terms of guarantee.

7. (1) The guarantee or guarantees may be in such forms and subject to such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto and may be signed on behalf of His Majesty by the Minister of Finance or the Acting Minister of Finance or by such other person as the Governor in Council may from time to time designate and such signature shall be conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with.

Method of guarantee.

(2) Any such guarantee may be either a general guarantee covering the total amount of the issue or be a separate guarantee endorsed on each obligation.

Temporary guarantees.

(3) With the approval of the Governor in Council temporary guarantees may be made, to be subsequently replaced by permanent guarantees.

Proceeds paid to credit of Minister of Finance in trust.

8. (1) The proceeds of any sale, pledge, or other disposition of any guaranteed securities shall be deposited in the first place either in the Consolidated Revenue Fund or to the credit of the Minister of Finance and Receiver General of Canada, in trust for the National Company in one or more banks designated by him.

Application for the release of any part of the proceeds.

(2) The Board of Directors of the National Company may from time to time authorize application to be made to the Minister of Transport for the release of any part of the proceeds deposited as aforesaid to the National Company for the purpose of meeting specified authorized expenditures within the respective limits, mentioned in section two of this Act, and the Minister of Transport may in his discretion approve the said applications and upon the request of the Minister of Transport, the Minister of Finance may release the amount or amounts of such applications or part thereof accordingly.

When revenue of National Railway System insufficient to meet operating and income charges.

9. If at any time before the first day of July, nineteen hundred and fifty-one, the available revenues of the National Railway System are not sufficient to pay all the operating and income charges of the System as and when due, the Minister of Finance may, with the approval of the Governor in Council, upon applications made by the National Company and approved by the Minister of Transport, place at the disposal of the National Company such amounts as may be necessary to enable the National Company to meet all such charges:

Proviso.

Provided that all such amounts shall be reimbursed to the Minister of Finance from the annual revenues of the National Railway System in so far as such revenues are sufficient and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

When revenue of Trans-Canada Air Lines and subsidiaries insufficient to meet operating and income charges.

10. If at any time before the first day of July, nineteen hundred and fifty-one, the available revenues of the Trans-Canada Air Lines and subsidiaries are not sufficient to pay all the operating and income charges thereof as and when due, the Minister of Finance may with the approval of the Governor in Council, upon applications made by the Trans-Canada Air Lines and approved by the Minister of Trade and Commerce, place at the disposal of the Trans-Canada Air Lines such amounts as may be necessary to enable the Trans-Canada Air Lines and subsidiaries to meet all such charges:

Proviso.

Provided all such amounts shall be reimbursed to the Minister of Finance from the annual revenues of the Trans-Canada Air Lines and subsidiaries in so far as such revenues are sufficient and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 311.

An Act to amend The Dominion Elections Act, 1938.

First reading, June 15, 1950.

THE SECRETARY OF STATE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

64698

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 311.

1938, c. 46; 1947-48, c. 46.

An Act to amend The Dominion Elections Act, 1938.

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

Repeal.

1. (1) Paragraph *(e)* of subsection two of section fourteen of *The Dominion Elections Act, 1938*, chapter forty-six of the statutes of 1938 is repealed.

Disqualifications.

(2) Paragraph *(f)* of subsection two of section fourteen of the said Act, as enacted by section six of chapter forty-six of the statutes of 1947-48, is repealed and the following substituted therefor:

R.S., c. 98.

"*(f)* every Indian, as defined in the *Indian Act*, ordinarily resident on a reserve, unless,

(i) he served in the naval, army or air forces of Canada in World War I or World War II, or

(ii) he executed a waiver, in a form prescribed by the Minister of Citizenship and Immigration, of exemptions under the *Indian Act* from taxation on and in respect of personal property, and subsequent to the execution of such waiver a writ has issued ordering an election in any electoral district;"

(3) Subsection four of section fourteen of the said Act, as enacted by section six of chapter forty-six of the statutes of 1947-48, is repealed and the following substituted therefor:

Qualification of wife of Indian veteran.

"(4) Notwithstanding anything in this Act, a woman who is the wife of an Indian, as defined in the *Indian Act*, who served in the naval, army or air forces of Canada in World War I or World War II, is entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and is entitled to vote in such polling division, if such a woman is otherwise qualified as an elector."

Explanatory Notes.

The various amendments in this Bill have been recommended by the Special Committee on the *Dominion Elections Act* in their second report dated June 15, 1950.

1. (1) The purpose of this amendment will be to give the Eskimos the privilege of voting in the next general election by repealing the disqualifying paragraph.

Paragraph *(e)* of subsection two of section fourteen at present reads as follows:—

> "*(e)* every Esquimau person, whether born in Canada or elsewhere;

(2) Proposed amendment is to simplify and clarify present provision and to reword reference to World Wars to be consistent with other legislation. The present provision reads as follows:—

> "*(f)* every Indian person ordinarily resident on an Indian reservation who did not serve in the naval, military, or air forces of Canada in the war 1914-1918, or in the war that began on the tenth day of September, nineteen hundred and thirty-nine; (For the purpose of this provision "Indian" means any person wholly or partly of Indian blood who is entitled to receive any annuity or other benefit under any treaty with the Crown.)"

Subparagraph (ii) of paragraph *(f)* is a new provision. Under *The Indian Act*, personal property of Indians on reserves is exempt from taxation. This has been held to include all revenue from earnings and other sources received on a reserve. The proposed amendment gives Indians ordinarily resident on reserves the right to vote if they voluntarily give up this right of exemption by waiver.

(3) Reworded to conform to subparagraph (i) to the proposed new paragraph *(f)* of section 14 (2) of the Act. Retains to wives of veterans of World Wars I and II present rights, notwithstanding provisions of subparagraph (ii) to the proposed new paragraph *(f)* of section 14 (2) of the Act. The present provision reads as follows:—

> "(4) Notwithstanding anything in this Act, a woman who is the wife of an Indian person, as defined in clause *(f)* of subsection two of this section, which Indian person has served in the naval, military, or air forces of Canada in the war 1914-1918, or in the war that began on the tenth day of September, nineteen hundred and thirty-nine, is entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and is entitled to vote in such polling division, if such woman is otherwise qualified as an elector."

2. Subsection three of section twenty-one of the said Act, as enacted by section fourteen of chapter forty-six of the statutes of 1947-48, is repealed and the following substituted therefor:

Nomination day.

"(3) The day for the close of nominations (in this Act referred to as nomination day) in the electoral districts specified in Schedule Four to this Act shall be Monday, the twenty-eighth day before polling day, and in all other electoral districts shall be Monday, the fourteenth day before polling day."

Application on failure of judge to act.

3. Paragraph *(c)* of subsection one of section fifty-five of the said Act is repealed and the following substituted therefor:

"*(c)* in the provinces of Nova Scotia, New Brunswick, Prince Edward Island, British Columbia, Alberta, or Newfoundland, to a judge of the Supreme Court of the province."

New Schedule Four.

4. The said Act is further amended by adding thereto the following Schedule:

"SCHEDULE FOUR.

List of electoral districts in which nomination day is the twenty-eighth day before polling day.

Province of Ontario
Cochrane
Kenora-Rainy River
Port Arthur

Province of Quebec
Chapleau
Saguenay

Province of Newfoundland
Bonavista-Twillingate
Burin-Burgeo
Grand Falls-White Bay
Humber-St. George's
Trinity-Conception

Province of Manitoba
Churchill

Province of Saskatchewan
Mackenzie
Meadow Lake
Melfort
Prince Albert

Province of Alberta
Athabaska
Jasper-Edson
Peace River

Province of British Columbia
Cariboo
Skeena

Yukon and Northwest Territories
Yukon-Mackenzie River"

2. The purpose of this amendment is to make nomination day the twenty-eighth day before polling day, for the more convenient administration and conduct of elections ordered to be held in the electoral districts appearing in the new Schedule Four of this Bill. The present provision reads as follows:—

"(3) The day for the close of nominations (in this Act referred to as nomination day) shall be Monday, the fourteenth day before polling day, in every electoral district in Canada excepting that of Yukon-Mackenzie River, where the day for the close of nominations shall be Monday, the twenty-eighth day before polling day."

3. This amendment provides for the application of this section to the province of Newfoundland. The present provision reads as follows:—

"*(c)* in the provinces of Nova Scotia, New Brunswick, Prince Edward Island, British Columbia, or Alberta, to a judge of the Supreme Court of the province."

4. New Schedule Four. This amendment corresponds to the change made in section 21 (3) of the Act. Electoral District of Yukon-Mackenzie River remains unchanged.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 313.

An Act to amend the Statute Law.

First reading, June 16, 1950.

THE MINISTER OF JUSTICE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
63478 1950

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 313.

An Act to amend the Statute Law.

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

1. *The Federal District Commission Act, 1927*, chapter fifty-five of the statutes of 1926-27, is amended by adding thereto, immediately after section four thereof, the following section:

Agent of His Majesty.

"**4A.** (1) The Commission is for all purposes of this Act an agent of His Majesty and its powers under this Act may be exercised only as an agent of His Majesty.

Proceedings by and against the Commission.

(2) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Commission may be

(a) brought or taken against the Commission, without the Governor General's fiat, or

(b) brought or taken by the Commission,

in the name of the Commission in any court that would have jurisdiction if the Commission were not an agent of His Majesty."

2. Section three of the *Canadian Farm Loan Act*, chapter sixty-six of the Revised Statutes of Canada, 1927, as enacted by section three of chapter sixteen of the statutes of 1935, is amended by adding thereto the following subsection:

Proceedings by and against the Board.

"(6) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Board may be

(a) brought or taken against the Board, without the Governor General's fiat, or

(b) brought or taken by the Board,

in the name of the Board in any court that would have jurisdiction if the Board were not an agent of His Majesty."

Explanatory Notes.

The purpose of this Bill is to provide that corporate Crown agencies may sue and be sued in provincial courts of competent jurisdiction.

All the corporations referred to in this Bill, with the exception of the Federal District Commission, the Research Council and the Canadian Broadcasting Corporation are declared by statute to be agents of the Crown. These three corporations are considered to be Crown agencies, and an express declaration of agency is also included.

Subsidiary corporations established pursuant to the Atomic Energy Control Act or the Research Council Act may be brought within the scope of the Government Companies Operation Act, and no such provision is therefore made for these subsidiaries.

No provision is being made for the National Harbours Board because the amendments contained in chapter 34 of the statutes of 1938 make this unnecessary.

Clauses of the Bill without explanatory notes propose new amendments to the Act without repeal.

3. The *Research Council Act*, chapter one hundred and seventy-seven of the Revised Statutes of Canada, 1927, is amended by adding thereto, immediately after section seven thereof, the following section:

Agent of His Majesty.

"**7A.** (1) The Council is for all purposes of this Act an agent of His Majesty and its powers under this Act may be exercised only as an agent of His Majesty.

Proceedings by and against the Council.

(2) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Council may be

(a) brought or taken against the Council, without the Governor General's fiat, or

(b) brought or taken by the Council,

in the name of the Council in any court that would have jurisdiction if the Council were not an agent of His Majesty."

4. Section four of *The Canadian Wheat Board Act, 1935*, chapter fifty-three of the statutes of 1935, as amended by section two of chapter fifteen of the statutes of 1947, is amended by adding thereto, immediately after subsection two thereof, the following subsection:

Proceedings by and against the Board.

"(2*a*) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Board may be

(a) brought or taken against the Board, without the Governor General's fiat, or

(b) brought or taken by the Board,

in the name of the Board in any court that would have jurisdiction if the Board were not an agent of His Majesty."

5. Section four of *The Canadian Broadcasting Act, 1936*, chapter twenty-four of the statutes of 1936, is amended by adding thereto the following subsections:

Agent of His Majesty.

"(2) The Corporation is for all purposes of this Act an agent of His Majesty and its powers under this Act may be exercised only as an agent of His Majesty.

Proceedings by and against the corporation.

(3) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation may be

(a) brought or taken against the Corporation, without the Governor General's fiat, or

(b) brought or taken by the Corporation,

in the name of the Corporation in any court that would have jurisdiction if the Corporation were not an agent of His Majesty."

6. Section five of *The Veterans' Land Act, 1942*, chapter thirty-three of the statutes of 1942, is amended by adding thereto, immediately after subsection one thereof, the following subsection:

Proceedings by and against the Director.

"(1*a*) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Director may be

(a) brought or taken against the Director, without the Governor General's fiat, or

(b) brought or taken by the Director,

in the name of the Director in any court that would have jurisdiction if the Director were not an agent of His Majesty."

7. Subsection three of section six of *The Surplus Crown Assets Act*, chapter twenty-one of the statutes of 1944-45, as renumbered by section five of chapter thirty-eight of the statutes of 1949 (Second Session), is amended by adding thereto, immediately after subsection three thereof, the following subsection:

Proceedings by and against the corporation.

"(3*a*) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the corporation may be

(a) brought or taken against the corporation, without the Governor General's fiat, or

(b) brought or taken by the corporation,

in the name of the corporation in any court that would have jurisdiction if the corporation were not an agent of His Majesty."

8. *The Agricultural Prices Support Act, 1944*, chapter twenty-nine of the statutes of 1944-45, is amended by adding thereto, immediately after subsection three thereof, the following subsection:

Proceedings by and against the Board.

"(3*a*) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Board may be

(a) brought or taken against the Board, without the Governor General's fiat, or

(b) brought or taken by the Board,

in the name of the Board in any court that would have jurisdiction if the Board were not an agent of His Majesty."

9. Section three of *The Export Credits Insurance Act*, chapter thirty-nine of the statutes of 1944-45, is amended by adding thereto the following subsection:

Proceedings by and against the Corporation.

"(3) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation may be

(a) brought or taken against the Corporation, without the Governor General's fiat, or

(b) brought or taken by the Corporation,

in the name of the Corporation in any court that would have jurisdiction if the Corporation were not an agent of His Majesty."

10. Section three of *The Fisheries Prices Support Act, 1944*, chapter forty-two of the statutes of 1944-45, is amended by adding thereto, immediately after subsection three thereof, the following subsection:

Proceedings by and against the Board.

"(3*a*) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Board may be

(a) brought or taken against the Board, without the Governor General's fiat, or

(b) brought or taken by the Board,

in the name of the Board in any court that would have jurisdiction if the Board were not an agent of His Majesty."

11. Subsection three of section three of *The Industrial Development Bank Act*, chapter forty-four of the statutes, of 1944-45, as enacted by section one of chapter twenty-six of the statutes of 1949 (Second Session) is repealed and the following substituted therefor:

Proceedings by and against the Bank.

"(3) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Bank may be

(a) brought or taken against the Bank, without the Governor General's fiat, or

(b) brought or taken by the Bank,

in the name of the Bank in any court that would have jurisdiction if the Bank were not an agent of His Majesty."

12. Subsection four of section five of *The Central Mortgage and Housing Corporation Act*, chapter fifteen of the statutes of 1945 (Second Session), is repealed and the following substituted therefor:

Proceedings by and against the Corporation.

"(4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation may be

(a) brought or taken against the Corporation, without the Governor General's fiat, or

(b) brought or taken by the Corporation,

in the name of the Corporation in any court that would have jurisdiction if the Corporation were not an agent of His Majesty."

11. The repealed subsection reads:

"(3) Actions, suits and other legal proceedings in respect of any right or obligation acquired or incurred by the Bank may be brought or taken by or against the Bank in the name of the Bank in the same manner as if the right or obligation had been acquired or incurred on its own behalf."

12. The repealed subsection reads:

"(4) Where the Corporation has acquired or incurred a right or obligation in the name of the Corporation, it may sue or be sued in respect thereof in the name of the Corporation."

13. Subsection three of section seven of *The Government Companies Operation Act*, chapter twenty-four of the statutes of 1946, is repealed and the following substituted therefor:

Proceedings by and against a Company.

"(3) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by a Company may be

(a) brought or taken against the Company, without the Governor General's fiat, or

(b) brought or taken by the Company,

in the name of the Company in any court that would have jurisdiction if the Company were not an agent of His Majesty."

14. Section three of *The Atomic Energy Control Act, 1946*, chapter thirty-seven of the statutes of 1946, is amended by adding thereto the following subsection:

Proceedings by and against the Board.

"(3) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Board may be

(a) brought or taken against the Board, without the Governor General's fiat, or

(b) brought or taken by the Board,

in the name of the Board in any court that would have jurisdiction if the Board were not an agent of His Majesty."

15. Section ten of *The Canadian Commercial Corporation Act*, chapter forty of the statutes of 1946, is repealed and the following substituted therefor:

Proceedings by and against the Corporation.

"**10.** Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation may be

(a) brought or taken against the Corporation, without the Governor General's fiat, or

(b) brought or taken by the Corporation,

in the name of the Corporation in any court that would have jurisdiction if the Corporation were not an agent of His Majesty."

16. Subsection three of section four of *The Northwest Territories Power Commission Act*, chapter sixty-four of the statutes of 1947-48, is repealed and the following substituted therefor:

Proceedings by and against the Commission.

"(3) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Commission may be

(a) brought or taken against the Commission, without the Governor General's fiat, or

(b) brought or taken by the Commission,

in the name of the Commission in any court that would have jurisdiction if the Commission were not an agent of His Majesty."

13. The repealed subsection reads:

"(3) Every Company may sue and be sued in respect of any right acquired or obligation incurred by it as agent of His Majesty as if the right or obligation had been acquired or incurred on its own behalf instead of as agent of His Majesty."

15. The repealed section reads:

"10. The Corporation may sue and be sued in respect of any right or obligation acquired or incurred by it on behalf of His Majesty as if the right or obligation had been acquired or incurred on its own behalf."

16. The repealed subsection reads:

"(3) Actions, suits and other legal proceedings in respect of any right or obligation acquired or incurred by the Commission may be brought or taken by or against the Commission in the name of the Commission in the same manner as if the right or obligation had been acquired or incurred on its own behalf."

Proceedings by and against the Corporation.

17. Subsection four of section seven of *The Canadian Overseas Telecommunication Corporation Act*, chapter ten of the statutes of 1949 (Second Session), is repealed and the following substituted therefor:

"(4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation may be

(a) brought or taken against the Corporation, without the Governor General's fiat, or

(b) brought or taken by the Corporation,

in the name of the Corporation in any court that would have jurisdiction if the Corporation were not an agent of His Majesty."

17. The repealed subsection reads:

"(4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation may be brought or taken by or against the Corporation in the name of the Corporation in the same manner as if the right or obligation had been acquired or incurred on its own behalf."

316.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 316.

An Act to amend The Judges Act, 1946.

First reading, June 21, 1950.

THE MINISTER OF JUSTICE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
54680 1950

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 316.

An Act to amend The Judges Act, 1946.

1946, c. 56; 1947, c. 36; 1947-48, cc. 55, 66; 1949 (1st.), cc. 18, 6; 1949 (2nd), c. 37.

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

1. Paragraph *(d)* of section thirteen of *The Judges Act, 1946*, chapter fifty-six of the statutes of 1946, as enacted by section two of chapter thirty-six of the statutes of 1947, is repealed and the following substituted therefor:

British Columbia Supreme Court judges.

"*(d)* Seven Judges of the Supreme Court, each 12,000.00"

2. (1) Paragraph *(a)* of section eighteen of the said Act is repealed and the following substituted therefor:

"*(a)* Sixty-three judges and junior judges of the County and District Courts, each.....$6,666.66"

(2) Section eighteen of the said Act is further amended by adding thereto the following heading and paragraph:

"*Newfoundland.*

Judges' salaries.

(*i*) Five District Court judges, each..... 6,666.66"

3. Paragraph *(b)* of subsection one of section twenty of the said Act is repealed and the following substituted therefor:

Travelling allowances.

"*(b)* for each necessary day of travel going and returning and each day during which he so attends—

(i) the sum of twelve dollars if that place is a city;

(ii) the sum of eight dollars if that place is not a city;

(iii) the sum of twelve dollars if during the time he so attends he is accommodated at a city and the Minister of Justice is satisfied that suitable accommodation is not available at the place at which he attends;

Explanatory Notes.

1. The purpose of this amendment is to increase by one the number of judges of the Supreme Court of British Columbia. The amendment will be proclaimed when the amendment to the British Columbia Supreme Court Act increasing the number of judges from six to seven becomes law.

2. Section 18 of the Act provides the salaries of the judges of the County and District Courts in the various provinces. Paragraph *(a)* of the said section provides at present for the salaries of "sixty-two judges and junior judges of the County and District Courts." The purpose of the first amendment to this section is to substitute "sixty-three" for "sixty-two". The Province of Newfoundland has established a District Court system and the purpose of the second amendment to this section is to provide for the salaries of the judges.

3. Subsection (1) of section 20 reads as follows:

"**20.** (1) Subject as in this section provided, a judge of a superior or county court or a District Judge in Admiralty of the Exchequer Court who attends as such judge in court or chambers at any place other than that at which or in the immediate vicinity of which he is by law obliged to reside is entitled to be paid as a travelling allowance,

(a) his moving or transportation expenses, and

(b) for each necessary day of travel going and returning and each day during which he so attends—

(i) the sum of ten dollars if that place is a city;

(ii) the sum of six dollars if that place is not a city;

(iii) the sum of ten dollars if during the time he so attends he is accommodated at a city and the Minister of Justice is satisfied that suitable accommodation is not available at the place at which he attends;

(iv) the sum of ten dollars if he attends at a place where, in the opinion of the Minister of Justice, suitable accommodation is not available for six dollars a day."

The purpose of the amendment is to increase the allowance from $6 and $10 to $8 and $12 respectively.

(iv) the sum of twelve dollars if he attends at a place where, in the opinion of the Minister of Justice, suitable accommodation is not available for eight dollars a day."

Coming into force.

4. Section one of this Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 317.

An Act respecting the National Film Board.

First reading, June 22, 1950.

THE MINISTER OF RESOURCES AND DEVELOPMENT.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

64508

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 317.

An Act respecting the National Film Board.

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

Short title.

1. This Act may be cited as *The National Film Act, 1950.*

Definitions.

2. In this Act

"Account".

(a) "Account" means the National Film Board Operating Account established under section eighteen;

"accounts receivable of the Board".

(b) "accounts receivable of the Board" means the payments due and owing to the Receiver General in respect of operations of the Board and any amounts that in accordance with this Act are due and transferable to the Account from appropriations made by Parliament;

"Board".

(c) "Board" means the National Film Board;

Commissioner".

(d) "Commissioner" means the Government Film Commissioner appointed under this Act;

"department".

(e) "department" means any department or branch of the Government of Canada and any agent of His Majesty in right of Canada;

,'film".

(f) "film" means motion pictures, still photographs, photographic displays, filmstrips and such other forms of visual presentation as consist primarily of photographs or photographic reproductions;

"film activity".

(g) "film activity" means any activity in relation to the production, distribution, projection or exhibition of film;

"inventory of the Board".

(h) "inventory of the Board" means the stores, supplies, materials and equipment held by the Board, and finished or partially finished work of the Board in respect of the cost of which payment has not yet been received or transferred and credited to the Account nor included in accounts receivable of the Board;

Minister".

(i) "Minister" means the Minister designated by the Governor in Council for the purposes of this Act.

Responsibility of Minister.

Responsibility of Minister.

3. For the purposes of this Act and subject to its provisions, the Minister shall control and direct the operations of the National Film Board.

National Film Board.

National Film Board.

4. (1) There shall be a National Film Board, consisting of the Commissioner, who shall be Chairman, and eight other members to be appointed by the Governor in Council, three of whom shall be selected from the public service or the Canadian Forces, and five of whom shall be selected from outside the public service and Canadian Forces.

Tenure of Office.

(2) Each member of the Board, other than the Commissioner, shall hold office for three years, but may be removed for cause at any time by the Governor in Council; Provided that of the members first appointed, three shall be appointed for a period of one year, three for a period of two years and two for a period of three years.

Proviso.

Reappointment.

(3) A retiring member of the Board is eligible for reappointment.

Casual vacancy.

(4) When a member ceases to be a member before the end of the term for which he was appointed, the Governor in Council shall appoint a person to be a member for the remainder of that term.

Eligibility.

5. No person is eligible for appointment to the Board who has any pecuniary interest, direct or indirect, individually or as a shareholder or partner or otherwise, in commercial film activity.

Fees and expenses.

6. A member of the Board, other than the Commissioner or a member of the public service or Canadian Forces, may be paid such fee for each meeting of the Board he attends as may be fixed by by-law of the Board, and the members of the Board are entitled to be paid actual travelling and living expenses necessarily incurred in connection with the business of the Board.

Meetings.

7. (1) The Board shall meet at the call of the Chairman but, in any event, not more than three months shall elapse between meetings of the Board.

Quorum.

(2) Five members of the Board constitute a quorum.

Voting.

(3) Each member has one vote in the transaction of the business of the Board and if the number of votes is equal the Chairman has an additional vote.

By-laws.

(4) The Board, with the approval of the Minister, may make by-laws not inconsistent with the provisions of this Act with respect to the conduct of the business of the Board.

Report to Minister

8. The Chairman shall furnish a copy of the minutes of each meeting of the Board to the Minister.

PURPOSES OF THE BOARD.

Purposes for which Board established.

9. The Board is established to initiate and promote the production and distribution of films in the national interest and in particular

(a) to produce and distribute and to promote the production and distribution of films designed to interpret Canada to Canadians and to other nations;

(b) to represent the Government of Canada in its relations with persons engaged in commercial motion picture film activity in connection with motion picture films for the Government or any department thereof;

(c) to engage in research in film activity and to make available the results thereof to persons engaged in the production of films;

(d) to advise the Governor in Council in connection with film activities;

(e) to discharge such other duties relating to film activity as the Governor in Council may direct it to undertake.

POWERS OF BOARD.

Powers of Board.

10. (1) Subject to the direction and control of the Minister, the Board may, for the purposes for which it is established

(a) make, project, exhibit or distribute or cause to be made, projected exhibited or distributed films in Canada or elsewhere on behalf of the Board or on behalf of other departments or persons;

(b) determine the manner in which moneys available to the Board for the production of a film may best be expended in the production thereof;

(c) acquire personal property in the name of the Board;

(d) enter into contracts in the name of the Board, including contracts for personal services;

(e) dispose of personal property held in the name of the Board or administered by the Board on behalf of His Majesty, in processed form or otherwise, at such price and upon such terms as the Board deems advisable;

(f) acquire in the name of the Board copyrights in any literary, musical or artistic works, plays, songs, recordings and films;

(g) acquire in the name of the Board and use any patent or patent rights, brevets d'invention, licences or concessions;

(h) make arrangements or agreements with any person or organization for the use of any rights, privileges or concessions; and

(i) do such other acts and things as are necessary or incidental for the purposes for which the Board is established.

Actions, etc., may be brought in name of Board.

(2) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Board on behalf of His Majesty, whether in its name or in the name of His Majesty, may be

(a) brought or taken against the Board, without the Governor General's fiat, or

(b) brought or taken by the Board,

in the name of the Board in any court that would have jurisdiction if the Board were a corporation that is not an agent of His Majesty.

Production of films for departments.

11. (1) Except with the approval of the Governor in Council, no department shall initiate the production or processing of a motion picture film without the authority of the Board, and the production and processing of all motion picture films by or for departments shall be undertaken by the Board unless the Board is of opinion that it is in the public interest that it be otherwise undertaken and authorizes it to be so undertaken.

Transfer of appropriations.

(2) Where the Board has undertaken a film activity at the request of a Minister or other person presiding over or in charge of a department, there may be transferred out of the moneys appropriated by Parliament for or available for expenditure by that department to the National Film Board Operating Account such sums to defray the costs incurred by the Board for that film activity as such Minister or other persons and the Board agree.

Contracts involving more than $15,000.

12. Notwithstanding anything contained in this Act, the Board shall not, unless the approval of the Treasury Board has been obtained on the recommendation of the Minister, enter into a contract involving an estimated expenditure in excess of fifteen thousand dollars.

Plan of organization.

13. (1) With the approval of the Treasury Board obtained on the recommendation of the Minister, the Board may formulate a plan of organization for the establishment and classification of the continuing positions necessary for the proper functioning of the Board and the establishment of rates of compensation for each class of position, having regard to the rates of compensation and conditions of employment for comparable positions in other branches of the public service and outside the public service.

Amendment of plan.

(2) With the approval of the Treasury Board obtained on the recommendation of the Minister, the Board may amend or vary a plan approved under subsection one.

Appointment of employees.

R.S., c. 22.

(3) Subject to the plan of organization approved under this section and subject to subsection four, the Board may, notwithstanding the *Civil Service Act*, appoint persons for a term or during pleasure to fill the positions established by the plan, prescribe their conditions of employment and provide for their promotion, salary and salary increases, but the provisions of the *Civil Service Act* relating to political partisanship and payment of gratuity on death shall apply to the persons appointed under this section.

Where salary exceeds $5,000.

(4) The appointment by the Board of a person to a continuing position at a salary exceeding five thousand dollars shall not be effective until approved by the Governor in Council.

Oath.

(5) Each officer or employee employed by the Board under this section shall, before entering upon his duties, take an Oath of Office and Secrecy in the form set out in the Schedule.

Application of *Civil Service Superannuation Act* to former contributors.

(6) The Commissioner, if immediately prior to his appointment he was a contributor under the *Civil Service Superannuation Act*, and every person who

(a) immediately prior to the coming into force of this Act

(i) was employed on the staff of the Government Motion Picture Bureau, and

R.S., c. 24.

(ii) was a contributor under the *Civil Service Superannuation Act*, and

(b) immediately after the coming into force of this Act is appointed or employed under this Act,

shall continue to be a contributor under the *Civil Service Superannuation Act;* and, for the purposes of that Act, his service under this Act shall be counted as service in the civil service and he, his widow, children or other dependents, if any, or his legal representatives, may be granted the respective allowances or gratuities provided by the *Civil Service Superannuation Act.*

Former contributors who are retired under this Act.

(7) Where a person who continues to be a contributor under the *Civil Service Superannuation Act* by virtue of subsection six is retired from his position under this Act, he may be assigned to a position in the civil service for which he is qualified or he may be granted the same benefits under the *Civil Service Superannuation Act* as if his office or position had been abolished.

R.S., c. 24.

Temporary employees.

R.S., c. 22.

14. The Board may, notwithstanding the *Civil Service Act*, employ such persons in positions other than in continuing positions in the plan approved under section thirteen, as may be required from time to time for the operations of the Board and may determine their remuneration and conditions of employment.

Government Film Commissioner.

Government Film Commissioner.

15. (1) There shall be a Government Film Commissioner who shall be appointed by the Governor in Council on the recommendation of the Board and paid such salary as the Governor in Council may determine.

Term and tenure of office.

(2) The Commissioner shall be appointed to hold office for a period not exceeding five years but may be removed from office for cause at any time by the Governor in Council on the recommendation of the Board.

Reappointment.

(3) On the expiration of his term of office the Commissioner is eligible to be reappointed as Commissioner.

Temporary absence.

(4) In the case of the absence or inability of the Commissioner to carry out his duties for any reason, or in the case of a vacancy in the office of Commissioner, the Board may, subject to the approval of the Minister, appoint an Acting Commissioner.

Commissioner is chief executive officer.

16. (1) The Commissioner is the chief executive officer of the Board and is charged with the administration of the operations of the Board and may, subject to the by-laws of the Board, exercise all powers of the Board in the name of the Board.

Authority of officers.

(2) Subject to the by-laws of the Board, the Commissioner may authorize officers or employees of the Board to act on behalf of and in the name of the Board.

Financial Provisions.

Annual budget.

17.(1) The Board shall submit to the Minister an annual budget for each fiscal year showing the estimated revenues and expenditures of the Board for its operations during that fiscal year.

Accounting system.

(2) The Board shall establish and maintain an accounting system satisfactory to the Minister and all books of account, records and papers of the Board shall at all times be open to the inspection of the Minister or of such persons as he may designate and the Comptroller of the Treasury.

National Film Board Operating Account.

18. (1) An account shall be established in the Consolidated Revenue Fund for the purposes of this Act to be known as the National Film Board Operating Account.

Board expenditures.

(2) All expenditures made by the Board, other than expenditures for the acquisition of capital equipment for the Board's own use, shall be shown as expenditures in the Account and the Board may, subject to subsection four, make expenditures for the purposes of this Act other than for the acquisition of capital equipment, from moneys in the Consolidated Revenue Fund, which shall be shown as expenditures in the Account.

Amounts to be shown as receipts in Account.

(3) There shall be shown as receipts in the Account

(a) all moneys received by the Receiver General in respect of operations of the Board,

(b) amounts transferred from appropriations made by Parliament for the operations of the Board other than for the acquisition of capital equipment by the Board, in respect of expenditures that have been incurred in operations of the Board for which the moneys were appropriated, and

(c) amounts transferred from appropriations for expenditure by other departments for film activities, in respect of expenditures that have been incurred by the Board for films undertaken by the Board for those departments.

Maximum expenditures.

(4) The expenditures made by the Board and shown in the Account shall not at any time exceed the receipts shown in the Account by more than seven hundred thousand dollars or such lesser amount as may be fixed by the Treasury Board.

Value of inventory.

(5) At the end of each fiscal year the value of the inventory of the Board and accounts receivable of the Board shall be determined in accordance with regulations to be made by the Governor in Council, and if such value, added to the receipts shown in the Account, exceeds the total of expenditures shown in the Account and liabilities in respect of operations of the Board then due and payable, an amount equal to the excess shall be transferred to the Consolidated Revenue Fund as revenue, but if the value is less no amount may be credited to the Account to meet the deficiency except pursuant to an appropriation by Parliament for that purpose.

Existing inventory to be shown as expenditure.

(6) Upon the coming into force of this Act an amount equal to the total value of the inventory of the Board and accounts receivable of the Board, determined in accordance with regulations to be made by the Governor in Council, shall be shown as an expenditure in the Account.

Application of 1931, c. 27.

19. Except as otherwise provided in this Act, *The Consolidated Revenue and Audit Act, 1931*, applies in respect of operations under this Act.

Reports.

Annual report.

20. (1) As soon as is practicable after the end of each fiscal year the Board shall submit a report of the operations of the Board for the fiscal year in such form as the Minister may prescribe.

Laying before Parliament.

(2) The Minister shall lay the annual report of the Board, made under subsection one, before Parliament within fourteen days after the receipt thereof if Parliament is then

sitting or if Parliament is not then sitting, within fourteen days after the commencement of the next ensuing session thereof.

Reports to Minister.

21. The Board shall furnish to the Minister at such times and in such manner as he may require, such statements or reports in addition to those required by the provisions of this Act in respect of its business or operations as he may require.

REPEAL.

Repeal.

22. *The National Film Act, 1939*, chapter twenty of the statutes of 1939, is repealed.

COMING INTO FORCE.

Coming into force.

23. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

SCHEDULE.

OATH OF OFFICE AND SECRECY.

I, (A.B.) solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me by reason of my employment with the National Film Board and that I will not, without due authority in that behalf, disclose or make known any matter which comes to my knowledge by reason of such employment. So help me God.

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 318.

An Act to amend the Prisons and Reformatories Act.

AS PASSED BY THE HOUSE OF COMMONS, 29th JUNE, 1950.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
65628 1950

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 318.

An Act to amend the Prisons and Reformatories Act.

R.S., c. 163; 1928, c. 41; 1931, c. 46 1947, c. 68; 1947-48, c. 26.

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

1. Sections one hundred and forty-seven A, one hundred and forty-seven B and one hundred and forty-seven C of the *Prisons and Reformatories Act*, chapter one hundred and sixty-three of the Revised Statutes of Canada, 1927, as enacted by chapter twenty-six of the statutes of 1947-48, are repealed and the following substituted therefor:

Imprisonment in New Haven.

"**147A.** Every court in the province of British Columbia, before which any male person apparently over the age of sixteen years and under the age of twenty-three years is convicted of an offence against the laws of Canada, punishable by imprisonment in the common gaol for the term of three months, or for any longer term, may sentence such person to imprisonment for the term of not less than three months and for an indeterminate period thereafter of not more than two years less one day in New Haven, instead of the common gaol of the county or judicial district where the offence was committed or was tried, and such person shall thereupon be imprisoned in New Haven, until he is lawfully discharged or paroled pursuant to section one hundred and forty-seven B or transferred pursuant to section one hundred and forty-seven C, and shall be subject to all the rules and regulations of the institution as may be approved from time to time by the Lieutenant-Governor in that behalf.

Board of Parole.

147B. The Lieutenant-Governor may appoint a Board of Parole for the said province whose duty it shall be to inquire from time to time into the cases of prisoners sentenced to New Haven and the prisoners transferred from New Haven to Oakalla Prison Farm under section one hundred and forty-seven C, and where as a result of such

Explanatory Note.

The purpose of this amendment is to remove any doubt that may exist as to the authority to hold during the indeterminate period of the sentence a prisoner who was originally sentenced to New Haven and later transferred to Oakalla Prison Farm.

inquiry the Board thinks proper, it may permit prisoners serving indeterminate sentences to be paroled under conditions approved of by the Minister of Justice, and when the terms on which such prisoners paroled have been complied with, the Board may recommend for the consideration of the Minister of Justice the final discharge of such prisoners.

Transfer of offenders.

147c. The Lieutenant-Governor may authorize the Attorney-General or his deputy from time to time by warrant to direct the removal of any person imprisoned in New Haven, to the common gaol known as Oakalla Prison Farm whenever he deems it expedient so to do, there to be detained for the unexpired portion of the term of imprisonment to which such person was originally sentenced, and such person shall thereupon be imprisoned in Oakalla Prison Farm for the residue of such term unless in the meantime he is lawfully discharged, and shall be subject to all the rules and regulations of the Oakalla Prison Farm; and in this section the expressions "term of imprisonment" and "term" include the definite term of imprisonment and the indeterminate period thereafter to which such person was originally sentenced."

Second Session, Twenty-First Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 319.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1951.

First reading, June 29, 1950.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1950

65722

2nd Session, 21st Parliament, 14 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 319.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1951.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency, Field Marshal The Right Honourable Viscount Alexander of Tunis, etc., etc., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and fifty-one, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Short title.

1. This Act may be cited as *The Appropriation Act, No. 4, 1950.*

$1,044,731,265.43 Main Estimates granted for 1950–51.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one billion, forty-four million, seven hundred and thirty-one thousand, two hundred and sixty-five dollars and forty-three cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty, to the thirty-first day of March, one thousand nine hundred and fifty-one, not otherwise provided for, and being the amount of each of the items voted, set forth in Schedule A to this Act, less the amounts voted on account of the said items by *The Appropriation Act, No. 2, 1950,* and *The Appropriation Act, No. 3, 1950.*

$1,666,666.67 Supplementary Estimates granted for 1950-51.

3. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one million, six hundred and sixty-six thousand, six hundred and sixty-six dollars and sixty-seven cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty, to the thirty-first day of March, one thousand nine hundred and fifty-one, not otherwise provided for, and being the amount of the item voted, set forth in Schedule B to this Act, less the amount voted on account of the said item by *The Appropriation Act, No. 3, 1950.*

$82,451,398. Further Supplementary Estimates granted for 1950-51.

4. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole eighty-two million, four hundred and fifty-one thousand, three hundred and ninety-eight dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty, to the thirty-first day of March, one thousand nine hundred and fifty-one, not otherwise provided for, and being the amount of each of the several items voted, set forth in Schedule C to this Act.

Power to raise loan of $500,000,000 for public works and general purposes and to pay and redeem treasury bills and deposit certificates.

1931, c. 27.

5. (1) The Governor in Council may, in addition to the sums now remaining unborrowed, and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the provisions of *The Consolidated Revenue and Audit Act, 1931,* by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not to exceed in the whole the sum of five hundred million dollars, as may be required for public works and general purposes, and in addition such sum or sums of money as may be required to pay and redeem treasury bills and Dominion of Canada deposit certificates maturing from time to time.

Chargeable to Consolidated Revenue Fund.

(2) The principal raised by way of loan under this Act and the interest thereon shall be a charge upon and payable out of the Consolidated Revenue Fund.

Lapse of prior borrowing powers.

(3) All borrowing powers authorized by section five of chapter forty-two of the statutes of 1949 (2nd Sess.) which are outstanding and unused shall expire on the date of the coming into force of this Act.

Account to be rendered in detail.

6. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

SCHEDULE A.

Based on the Main Estimates, 1950-51. The amount hereby granted is $1,044,731,265.43 being the amount of each of the items in the Estimates as contained in this Schedule, less the amounts voted on account of the said items by *The Appropriation Act, No. 2, 1950*, and *The Appropriation Act, No. 3, 1950.*

SUMS granted to His Majesty, by this Act for the financial year ending 31st March, 1951, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
	ADMINISTRATION SERVICE		
1	Departmental Administration	293,670	
2	Information Service	316,495	
3	Advisory Committee on Agricultural Services	5,000	
4	Contributions to Commonwealth Bureaux	56,821	
	SCIENCE SERVICE		
5	Science Service Administration	1,229,750	
6	Animal and Poultry Pathology	388,640	
7	Bacteriology and Dairy Research	177,305	
8	Botany and Plant Pathology	1,343,687	
9	Agricultural Chemistry	495,320	
10	Agricultural Entomology	1,546,510	
11	Forest Entomology	1,222,839	
12	Plant Protection	731,705	
	EXPERIMENTAL FARMS SERVICE		
13	Experimental Farms Service Administration	129,780	
14	Central Experimental Farm	1,868,118	
15	Branch Farms and Stations and Illustration Stations	5,977,447	
	PRODUCTION SERVICE		
16	Production Service Administration	56,015	
	Health of Animals—		
17	Administration of Animal Contagious Diseases Act, and Meat and Canned Foods Act	3,661,965	
18	Compensation for Animals Slaughtered	1,091,292	
19	Live Stock and Poultry	1,342,738	
	Plant Products—		
20	Seeds, Feeds, Fertilizers, Insecticides and Fungicides Control, including grant of $40,000 to Canadian Seed Growers' Association	1,261,533	
21	Grants to Fairs and Exhibitions, under such terms and conditions as may be approved by the Governor in Council and subject to allocation by the Treasury Board	536,400	
22	Grants to Agricultural Organizations, as detailed in the Estimates	44,500	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE—*Concluded*		
	MARKETING SERVICE		
23	Marketing Service Administration	162,006	
24	Agricultural Economics	438,225	
25	Dairy Products	654,876	
26	Subsidies for Cold Storage Warehouses under the Cold Storage Act, and Grants, in the amounts detailed in the Estimates	644,159	
27	Fruit, Vegetables and Maple Products, and Honey, including Grant of $5,000 to Canadian Horticultural Council	989,000	
28	Live Stock and Live Stock Products	1,204,012	
29	Marketing of Agricultural Products, including temporary appointments that may be required to be made notwithstanding anything contained in the Civil Service Act, the amount available for such appointments not to exceed $6,000	100,000	
	TERMINABLE SERVICES		
30	Freight Assistance on Western Feed Grains	5,000,000	
31	Agricultural Lime Assistance	435,000	
32	Dairy Products Board	22,000	
33	Meat Board, including Quality Premiums on A and B1 Grade Hog Carcasses	5,854,633	
34	Special Products Board	11,575	
	SPECIAL		
35	To provide for assistance to encourage the improvement of cheese and cheese factories	1,400,000	
36	To provide assistance for the replacement of maple production equipment	500,000	
37	Agricultural Products Act—To provide for losses incurred in respect of the purchase, sale and export of agricultural products under the Agricultural Products Act, including authority for the Minister of Finance, at the request of the Minister of Agriculture, from time to time, to pay amounts in the aggregate not exceeding $40,000,000 out of any unappropriated money in the Consolidated Revenue Fund as recoverable advances	4,350,000	
38	For assistance in construction of potato warehouses under regulations to be approved by the Governor in Council	100,000	
39	Prairie Farm Rehabilitation Act and Water Storage	3,750,000	
40	Major Irrigation and Water Conservation Projects in the Prairie Provinces	7,719,500	
41	Prairie Farm Assistance Act Administration	500,000	
42	Land Protection, Reclamation and Development in British Columbia under such terms and conditions as may be approved by the Governor in Council	900,000	
43	Land Protection and Reclamation; Clearing and Settlement of New Lands under such terms and conditions as may be approved by the Governor in Council	200,000	
44	Maritime Marshland Rehabilitation Act	991,120	
45	To provide for Administrative Expenses, Agricultural Prices Support Act, 1944	60,000	
			59,763,636
	AUDITOR GENERAL'S OFFICE		
46	Salaries and Expenses of Office		578,762
	CHIEF ELECTORAL OFFICER		
47	Salaries and Expenses of Office		45,515

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	CITIZENSHIP AND IMMIGRATION		
48	Departmental Administration	90,620	
	CITIZENSHIP		
49	Citizenship Registration Branch	193,035	
50	Citizenship Branch	233,585	
	IMMIGRATION BRANCH		
51	Administration of the Immigration Act	750,425	
52	Field and Inspectional Service, Canada	3,732,561	
53	Field and Inspectional Service, Abroad	881,792	
	INDIAN AFFAIRS BRANCH		
54	Branch Administration	242,050	
55	Indian Agencies	2,657,990	
	Reserves and Trusts—		
56	Administration	98,565	
	Welfare—		
57	Welfare of Indians	3,772,419	
58	Grants to Agricultural Exhibitions and Indian Fairs	7,325	
	Education—		
59	Indian Education	4,966,989	
60	Grants to Residential Schools	2,488,130	
61	Grant to provide additional services to Indians of British Columbia	100,000	
62	Fur Conservation	339,680	
			20,555,166
	CIVIL SERVICE COMMISSION		
63	Salaries and Contingencies of the Commission, including the Chairman of the Civil Service Commission and two Civil Service Commissioners at $2,000 each, additional to Chapter 53, Statutes of 1947	.....	1,561,250
	EXTERNAL AFFAIRS		
	A—DEPARTMENT AND MISSIONS ABROAD		
64	Departmental Administration	2,378,880	
65	Passport Office Administration	179,000	
66	Representation Abroad—including payment of salaries of High Commissioners, Ambassadors, Ministers Plenipotentiary, Consuls, Secretaries and staff appointed as directed by the Governor General in Council, notwithstanding anything to the contrary in the Civil Service Act or any of its amendments	4,594,836	
67	To authorize the use during the fiscal year 1950–51 in payment for the acquisition, improvement or furnishing of properties for Canadian Government offices and residences in foreign countries of inconvertible foreign currencies from deposits of such currencies which may be used only for governmental or other limited purposes in these countries and which have been received by the Government of Canada from other governments in settlement of claims arising out of military operations or war expenditures	1	
68	To provide for hospitality in connection with visitors from abroad	20,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	EXTERNAL AFFAIRS—*Concluded*		
	A—Department and Missions Abroad—*Concluded*		
69	To provide for relief of distressed Canadian citizens abroad and for the reimbursement of the United Kingdom for relief expenditures incurred by its Diplomatic and Consular Posts on Canadian account	15,000	
70	Canadian Representation at International Conferences	225,000	
71	Canadian Section of Canada-United States Permanent Joint Board on Defence including salary of $7,500 for the Chairman, notwithstanding anything contained in the Civil Service Act	10,000	
72	Grant to United Nations Association in Canada	10,000	
	B—General		
	The Canadian Government's Assessment for Membership in the Following International or Commonwealth Organizations		
73	United Nations Organization	1,343,700	
	Specialized Agencies—		
74	Food and Agricultural Organization of the United Nations	226,600	
75	International Labour Organization	257,000	
76	United Nations Educational, Scientific and Cultural Organization	309,500	
	Commonwealth Organizations—		
77	Commonwealth Communications Council	6,006	
78	Commonwealth Economic Committee	17,300	
79	Commonwealth Shipping Committee	1,050	
80	Inter-Allied Reparations Agency	8,670	
	International Civil Aviation Organization		
81	To provide the International Civil Aviation Organization with office accommodation at cost	63,927	
	International Joint Commission		
82	To provide for preliminary studies and surveys of the Mid-western Watershed (Revote)	10,000	
83	To provide for Canada's share of an investigation on the matter of air pollution in the vicinity of Detroit and Windsor	40,000	
	Terminable Services		
84	To provide for the Canadian Government's contribution to the International Refugee Organization	2,108,700	
			11,825,170
	FINANCE		
	General Administration		
85	Departmental Administration	1,392,488	
86	Comptroller of the Treasury—Central Office and Branch Offices Administration, and to authorize payment to Norman Bell of compensation at a rate equivalent to £4-10-0 per week in respect of injuries received while employed in the Overseas Office of the Comptroller of the Treasury	11,302,552	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FINANCE—*Continued*		
	ADMINISTRATION OF VARIOUS ACTS AND COSTS OF SPECIAL FUNCTIONS		
87	Superannuation and Retirement Acts, Administration	188,700	
88	The Bank Act—Salaries and expenses of the Inspector General of Banks' Office	28,400	
89	Administration of The Farmers' Creditors Arrangement Act, 1943, and The Municipal Improvements Assistance Act, 1938	34,202	
90	Administration of The Farm Improvement Loans Act, 1944, and The Veterans' Business and Professional Loans Act, 1946	55,520	
91	Foreign Exchange Control Act, 1946—Administrative costs (other than those provided by the Bank of Canada)	205,500	
92	Expenses of the Tariff Board	109,080	
93	Expenses of the Royal Canadian Mint and the Assay Office, Vancouver, B.C., and to authorize commitments against future years in the amount of $200,000	864,835	
	The Wartime Prices and Trade Board—		
94	Administration	1,907,142	
95	Commodity Prices Stabilization Corporation—Adjustment payments in respect of subsidies previously paid, and costs of administration	500,000	
96	Administration of Employees' Instalment Purchase Plan including sale and delivery of Canada Savings Bonds to Government employees	79,125	
	PUBLIC DEBT CHARGES		
	Servicing of Public Debt—		
97	Commission for payment of interest on public debt, payment of premiums on Government of Canada sterling securities, Services of Fiscal Agents, London, Registrar's Fees, etc	406,100	
98	To provide, subject to the approval of the Treasury Board, and as detailed in the Estimates, for losses incurred in the issue and redemption of Canada Savings Bonds, and for miscellaneous losses arising from the sale or distribution of War Savings Certificates, War Savings Stamps, Victory Bonds or Canada Savings Bonds	15,500	
	SUBSIDIES AND OTHER PAYMENTS TO PROVINCES		
	Other Payments to Provinces		
99	To authorize and provide for payment in such amount as may be necessary in respect to those matters supplementary to the Terms of Union of Newfoundland with Canada, specified in paragraph XXIII of the Note dated December 11, 1948, of the Prime Minister of Canada to the Chairman of the Newfoundland Delegation entitled "Statements on Questions raised by the Newfoundland Delegation during the negotiations for the Union of Newfoundland with Canada", tabled in the House of Commons on the 27th day of January, 1949. (Revote)	300,000	
	PAYMENTS TO MUNICIPALITIES		
100	Grants to Municipalities in lieu of taxes on Federal Property— To provide for administration of the programme respecting grants to Municipalities in lieu of taxes on Crown property outlined in the House of Commons on November 14, 1949, including grants and other payments to be made in accordance with regulations of the Governor in Council	1,655,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FINANCE—*Concluded*		
	CONTINGENCIES AND MISCELLANEOUS		
101	To provide, subject to the approval of the Treasury Board, for miscellaneous minor and unforeseen expenses, including recoverable advances for working capital purposes, and for the re-use of any sums repaid to this appropriation from other appropriations	1,000,000	
102	Cost of Telephone Service at Ottawa for all Departments	415,000	
	GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS		
103	To provide for a Government contribution to the Superannuation Fund in an amount equal to the estimated current payments of individual contributors in the previous fiscal year	7,100,000	
104	To provide, subject to the approval of the Treasury Board, for supplementing other votes for the payment of salaries, wages and other paylist charges	1,000,000	
105	To provide for the Government's contribution, as an Employer, to the Unemployment Insurance Fund in respect of Government Employees paid through the Central Pay Office	1,050,000	
	MISCELLANEOUS GRANTS		
106	Canadian General Council of the Boy Scouts	15,000	
107	Canadian Council of the Girl Guides Association	9,000	
108	Royal Astronomical Society of Canada	2,000	
109	Royal Canadian Academy of Arts	2,025	
110	Canadian Writers Foundation	4,000	
			29,641,169
	FISHERIES		
111	Departmental Administration	418,340	
112	Fisheries Inspection, including Fishery Officers and Guardians, Fisheries Patrol and Protection Services	3,771,000	
113	Educational Extension Service, including grant of $3,000 to Lunenburg Fisheries Exhibition	225,000	
114	Fish Culture Development	750,000	
115	Oyster and Clam Culture	78,900	
	Fisheries Research Board of Canada—		
116	Operation and Maintenance	1,500,000	
117	Construction and improvements	265,000	
118	To provide for Canadian share of expenses of the International Fisheries Commission appointed under Treaty dated January 29, 1937, between Canada and the United States for the preservation of the North Pacific Halibut Fisheries	50,000	
119	To provide for Canadian share of expenses of the International Pacific Salmon Fisheries Commission appointed under Treaty dated May 26, 1930, between Canada and the United States for the protection, preservation and extension of the Sockeye Salmon Fisheries of the Fraser River System	180,650	
120	To provide for Canadian share of expenses of the International Pacific Salmon Fisheries Commission to overcome obstructions to the ascent of sockeye salmon at Hell's Gate Canyon and for investigating and overcoming obstructions to such salmon at other points on the Fraser River Watershed (Revote)	70,000	
121	To provide for transportation, dressing and dyeing and other expenses incidental to receiving and disposing of fur seal skins accruing to Canada pursuant to Provisional Fur Seal Agreement between Canada and the United States by exchange of notes dated December 26, 1947	500,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FISHERIES—*Concluded*		
122	To provide for the destruction of Harbour Seals	60,000	
123	To provide for administration expenses of Newfoundland Fisheries Board	101,300	
124	To provide for maintenance and extension of Bait Service	548,400	
125	To provide for Canadian share of expenses of the International Whaling Commission, appointed pursuant to the International Convention for the Regulation of Whaling, dated at Washington, December 2, 1946	3,000	
	SPECIAL		
126	To provide for the extension of educational work in co-operative producing and selling among fishermen	80,000	
127	To provide for administration expenses of the Fisheries Prices Support Act, 1944	130,000	
128	To provide for assistance in the construction of vessels of the dragger and/or long liner type, subject to such terms and conditions as may be approved by the Governor in Council	100,000	
129	To provide for assistance in the construction of bait freezing and storage facilities, subject to the approval of the Governor in Council	100,000	
			8,931,590
	GOVERNOR GENERAL AND LIEUTENANT-GOVERNORS		
130	Office of the Secretary to the Governor General, including the salary of the Secretary to the Governor General at $7,600 additional to salary authorized by R.S.C. Chap. 182	.....	117,065
	INSURANCE		
131	Departmental Administration	325,275	
132	Expenses of work in the interests of Fire Prevention	18,165	
			343,440
	JUSTICE		
	A—DEPARTMENT		
133	Departmental Administration	270,421	
134	Remission Service, including remuneration to members of the Royal Canadian Mounted Police Force (to be expended under Order in Council, and not to exceed $1,600) for assistance to this Service, and an amount of $17,165 to reimburse the Royal Canadian Mounted Police Force the amounts disbursed by them in ordinary pay and allowances to their men on loan to this Service	114,497	
135	Administration of Justice—Miscellaneous Expenditure	10,000	
136	Expenses of Litigated Matters	25,000	
137	Annual contribution to the Canadian Law Library, London, England	750	
138	Supreme Court of Canada—Administration	119,075	
139	Exchequer Court of Canada—Administration	77,550	
140	Yukon Territorial Court—Administration	9,660	
141	Payments of gratuities to the widows or other dependents of judges who die while in office	15,000	
142	Combines Investigation Branch	213,235	
143	Bankruptcy Act Administration	39,420	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	JUSTICE—*Concluded*		
	GENERAL		
144	To provide for the Revision, Classification and Consolidation of the Public General Statutes of Canada	75,000	
145	To provide for the Revision of the Criminal Code	50,000	
	B—PENITENTIARIES		
	OFFICE OF THE COMMISSIONER OF PENITENTIARIES		
146	Administration of the Office of the Commissioner of Penitentiaries, including $35,000 for Grants to recognized Prisoners' Aid Societies, as may be approved by the Governor in Council	263,430	
147	Operation and maintenance of penitentiaries, including administration, construction, purchase of land, supplies, equipment and livestock; maintenance, discharge and transfer of convicts; compensation to discharged convicts permanently disabled while in penitentiaries	6,895,602	
148	To provide for the establishment and construction by contract of a new institution in the Province of Quebec for the confinement and reformation of Federal prisoners and to authorize commitments against future years in the amount of $500,000	500,000	
	PENSIONS AND OTHER BENEFITS		
149	William Tatton	564	
			8,679,204
	LABOUR		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
150	Departmental Administration	540,260	
151	To provide for expenses of the Economics and Research Branch —(Formerly under Departmental Administration)	379,455	
152	Annuities Act	802,660	
153	Fair Wages, Conciliation, Industrial Relations, Industrial Disputes Investigations, including the administration of legislation relating thereto, and for activities *re* promotion of co-operation in industry between Labour and Management	330,255	
154	Canada Labour Relations Board	11,500	
155	International Labour Conferences	63,745	
156	Labour Gazette and other publications authorized by Labour Department Act	116,763	
157	To provide for the effective organization and use of agricultural manpower, including recruiting, transporting and placing workers on farms and related industries and assistance to the Provinces pursuant to agreements that may be entered into by the Minister of Labour with the Provinces and approved by the Governor in Council	320,000	
	VOCATIONAL TRAINING CO-ORDINATION ACT, 1942		
158	Administration	37,930	
	Expenditures for vocational training under the Vocational Training Co-ordination Act, 1942, and agreements between the Dominion and Provinces approved by the Governor in Council, including vocational school assistance, projects for training of persons to fit them for gainful employment, youth training, apprenticeship training, vocational training at secondary school level, foremanship and supervisory training and for training of members of His Majesty's Forces and other persons to fit them for skilled Armed Service occupations and to authorize the Minister of Labour to		

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LABOUR—*Concluded*		
	A—DEPARTMENT—*Concluded*		
	VOCATIONAL TRAINING CO-ORDINATION ACT, 1942—*Concluded*		
	enter into an agreement with any Province on terms approved by the Governor in Council for such expenditures, as well as to provide for undischarged commitments of previous years—		
159	Training Payments to the Provinces	3,333,000	
160	Payments to the Provinces for Capital expenditures for vocational schools, buildings and equipment	2,250,000	
	GOVERNMENT EMPLOYEES COMPENSATION		
161	Administration of the Government Employees Compensation Act	61,510	
	TERMINABLE SERVICES		
162	To provide for expenses, including authority to continue the Regional Boards known as "Advisory Boards Labour Department" to act in an advisory capacity to the Minister of Labour for the co-ordination of the work of the various divisions of the Department of Labour and the Immigration Branch of the Department of Citizenship and Immigration	45,915	
163	Vocational Training for discharged members of Canada's Armed Forces, including undischarged commitments of previous years	50,000	
164	To provide the necessary financial requirements to complete activities for the relocation, maintenance and welfare of persons of the Japanese race in Canada, including provision for undischarged commitments under agreements with the Provinces and to continue the appointment of necessary temporary assistance required for the administration thereof	52,780	
165	To provide for payment to the National Film Board for educational films for exhibition	24,000	
166	To provide for expenses that may be incurred in the arranging for and the movement of workers from outside Canada to work on farms and other essential industry in Canada when Canadian labour is not available to meet the need; including costs connected with the supervision and welfare of persons already immigrated to Canada under former authorized labour movements and administrative expenses connected therewith	783,340	
	B—UNEMPLOYMENT INSURANCE ACT, 1940		
167	Administration, including expenditures incurred in connection with the activities of the National Employment Service as delegated by the Minister of Labour in accordance with section 88 of the Act (including Technical Personnel Division)	22,043,330	
168	Government's contribution to the Unemployment Insurance Fund	23,000,000	
169	To provide for the transfer of labour to and from places where employment is available in agriculture and industry and expenses incidental thereto, in accordance with regulations of the Governor in Council	200,000	
170	To provide for the payment of unemployment assistance to certain residents of Newfoundland to give effect to the Terms of Union of Newfoundland with Canada, in accordance with regulations of the Governor in Council, and such assistance shall be deemed to be a benefit or payment within the meaning of sections 33 and 67 of The Unemployment Insurance Act, 1940	1,500,000	
			55,946,443

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LEGISLATION		
	THE SENATE		
	The Speaker of the Senate—		
171	Allowance in lieu of Residence	3,000	
172	General Administration	327,378	
	HOUSE OF COMMONS		
	The Speaker of the House of Commons—		
173	Allowance in lieu of Residence	3,000	
	Deputy Speaker of the House of Commons—		
174	Allowance in lieu of Apartments	1,500	
175	General Administration—Estimates of the Clerk	873,335	
176	Estimates of the Sergeant-at-Arms	519,986	
177	Subscriptions to Publications of the Commonwealth Parliamentary Association to be distributed to Members of the House of Commons, and to provide for the Canadian share of expenses of the Commonwealth Parliamentary Association	10,000	
178	To provide hereby, notwithstanding anything contained in the Consolidated Revenue and Audit Act or the provisions of the Senate and House of Commons Act respecting the Independence of Parliament, for the payment out of the Consolidated Revenue Fund to each Member of the House of Commons appointed by the Governor in Council to be a Parliamentary Assistant (which appointment shall not render such Member ineligible or disqualify him as a Member of the House of Commons) to assist a Minister of the Crown in such manner and to such extent as the Minister may determine and to represent his Department in the House of Commons in the absence of the Minister therefrom, a salary of four thousand dollars per annum and pro rata for any period less than a year	56,000	
179	To provide for an allowance to the Deputy Chairman of Committees	2,000	
	GENERAL		
180	Printing of Parliament, including salaries of staff of the Joint Distribution Office	266,963	
	LIBRARY OF PARLIAMENT		
181	General Administration	132,020	
	PENSIONS AND OTHER BENEFITS		
182	Pension to the unmarried sister of the late Colonel Harry Baker, M.P.	700	
			2,195,882
	MINES AND TECHNICAL SURVEYS		
183	Departmental Administration	321,042	
	Mines Branch—		
184	Mines Branch Administration	64,650	
185	Mineral Resources Investigations	1,722,053	
186	Explosives Act Administration	71,725	
187	Investigations of Radio-active Ores	280,991	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	MINES AND TECHNICAL SURVEYS—*Concluded*		
	Geological Survey of Canada—		
188	Geological Survey Administration and Miscellaneous Services	156,300	
189	Geological Surveys, including an amount of $2,500 for Canada's share of the cost of the Committee on Mineral Resources and Geology, London, England, and a contribution of $3,000 towards the Arctic Institute Expedition to Baffin Island, 1950	1,524,774	
	Surveys and Mapping Branch—		
190	Surveys and Mapping Branch Administration	27,860	
191	Topographical Surveys, including expenses of the Canadian Board on Geographical Names	1,386,410	
192	Canadian Hydrographic Service	1,732,243	
193	Geodetic Survey of Canada	662,775	
194	International Boundary Commission	59,800	
195	Legal Surveys, including grant of $350 to assist in printing the publication of the Canadian Institute of Surveying	572,167	
196	To provide for the payment of fees of the Board of Examiners for Dominion Land Surveyors, of the Secretary and of the Sub-Examiners and for travelling expenses, stationery, printing, rent, etc. (the fees of B. W. Waugh, J. E. R. Ross and J. L. Rannie, members of the Board, and A. W. W. Cole, Secretary, are to be paid out of this sum)	2,100	
197	Map Compilation and Reproduction	463,399	
198	Geographical Branch	160,000	
	Dominion Observatories—		
199	Dominion Observatory, Ottawa	401,740	
200	Dominion Astrophysical Observatory, Victoria, B.C.	65,385	
201	Payments to Royal Canadian Air Force and commercial companies for air photography, and to defray the expenses of the Interdepartmental Committee on Air Surveys	1,340,000	
			11,015,414
	NATIONAL DEFENCE		
	DEFENCE FORCES		
202	To provide for the Defence Forces of the Navy, Army and Air Services, and to authorize total commitments for this purpose of $579,301,670 including authority, notwithstanding section 29 of the Consolidated Revenue and Audit Act, to make commitments for the current year of $438,178,000 and commitments for future years of $141,123,670 against which commitments it is estimated that actual expenditures in 1950-51 will not exceed	384,932,304	
203	Defence Research and Development, subject to allocation by the Treasury Board, and to authorize total commitments for this purpose of $27,983,161 including authority notwithstanding section 29 of the Consolidated Revenue and Audit Act, to make commitments for the current year of $24,925,361 and commitments for future years of $3,057,800 against which commitments it is estimated that actual expenditure in 1950-51 will not exceed	23,925,361	
	GENERAL SERVICES		
204	Grants to Military Associations, Institutes and Others, as detailed in the Estimates	202,850	
205	War Museum and erection of Headstones in Canada	48,340	
206	Battlefields Memorials	64,930	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NATIONAL DEFENCE—*Concluded*		
	PENSIONS AND OTHER BENEFITS		
	Civil Pensions—		
207	Robert Allen	193	
208	Walter Pettipas	516	
209	Florence Walker	360	
210	Michael Mountain	420	
211	Mrs. Mary Whittington	200	
212	Mrs. Eleanor F. Nixon	1,288	
213	To authorize in respect of members of the Royal Canadian Air Force on leave without pay and serving as instructors with civilian training organizations operating under the British Commonwealth Air Training Plan who were killed, payment to their dependents of amounts equal to the amounts such dependents would have received under the Pension Act as amended had such service as instructors being military service in the armed forces of Canada, less the value of any benefits received by such dependents under insurance contracts which were effected on the lives of such members of the Royal Canadian Air Force by or at the expense of the civilian organizations	9,138	
	Militia Pension Act—		
214	Governments' contribution to the Permanent Forces Pension Fund	10,799,600	
			419,985,500
	NATIONAL HEALTH AND WELFARE		
215	Departmental Administration	859,720	
	NATIONAL HEALTH BRANCH		
	Health Services		
216	National Health Branch—Administration	128,725	
217	Food and Drugs	704,450	
218	Proprietary or Patent Medicines	27,335	
219	Opium and Narcotic Drugs	138,295	
220	Quarantine and Leprosy	290,618	
221	Laboratory of Hygiene	559,205	
222	Immigration Medical Inspection	899,228	
223	Child and Maternal Health	80,030	
224	Public Health Engineering	147,410	
225	Treatment of Sick Mariners	676,771	
226	Industrial Health	139,915	
227	Civil Service Health	221,745	
228	Nutrition	132,275	
229	Venereal Disease Control	39,620	
230	Health Insurance Studies	68,241	
231	Dental Health	42,515	
232	Hospital Designs	26,840	
233	Mental Health	86,420	
234	Blindness Control	35,320	
235	Epidemiology	35,780	
236	Grants to Institutions Assisting Sailors, in the amounts detailed in the Estimates	2,600	
237	Medical Services—Indians and Eskimos	11,694,839	
238	Civil Aviation Medicine	54,880	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NATIONAL HEALTH AND WELFARE—*Concluded*		
	NATIONAL HEALTH BRANCH—*Concluded*		
	General Health Grants		
239	To authorize and provide for Health Grants to the Provinces upon the terms and in the amounts detailed in the Estimates in accordance with regulations prescribed by the Governor in Council including authority, notwithstanding section 29 of the Consolidated Revenue and Audit Act, to make commitments for the current year not to exceed a total amount of $34,482,926	25,000,000	
	WELFARE BRANCH		
240	Welfare Branch Administration	32,815	
	Family Allowances—		
241	Administration	1,960,952	
	Old Age Pensions (including Pensions to the Blind)—		
242	Administration	86,320	
	National Physical Fitness—		
243	Administration	74,868	
244	Assistance to Provinces	150,288	
245	Assistance to Schools of Social Work	52,500	
	MISCELLANEOUS GRANTS		
	Grant to:		
246	Canadian Welfare Council	12,600	
247	Canadian National Committee for Mental Hygiene	10,000	
248	Health League of Canada	10,000	
249	Canadian Public Health Association	5,000	
250	Canadian National Institute for the Blind	45,000	
251	L'Association Canadienne Francaise des Aveugles	6,000	
252	L'Institut Nazareth de Montreal	4,050	
253	Montreal Association for the Blind	4,050	
254	Canadian Tuberculosis Association	20,250	
255	Victorian Order of Nurses	13,100	
256	St. John Ambulance Association	10,000	
257	Canadian Red Cross	10,000	
258	Canadian Paraplegic Association	15,000	
			44,615,570
	NATIONAL REVENUE		
	A—DEPARTMENT		
	CUSTOMS AND EXCISE DIVISIONS		
259	General Administration	1,687,155	
260	Inspection, Investigation and Audit Services	2,374,122	
261	Ports, Outports and Preventive Stations, including pay for overtime, notwithstanding anything in the Civil Service Act, and buildings and rentals for temporary purposes	16,624,952	
262	To provide for payment of expenses, law costs, refunds and awards arising out of seizures and charges of contravention of Customs or Excise Laws	200,000	
	TAXATION DIVISION		
263	General Administration	1,778,855	
264	Internal Inspection and Verification	1,199,355	
265	District Offices	26,310,140	
	INCOME TAX APPEAL BOARD		
266	Administration Expenses	73,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NATIONAL REVENUE—*Concluded*		
	B—Canadian Broadcasting Corporation		
	International Shortwave Broadcasting Station		
267	Maintenance and Operation	1,598,400	
268	Acquisition and Alterations: Equipment, Land and Structures, including Supervision	105,000	51,950,979
	POST OFFICE		
269	Departmental Administration	1,373,625	
270	Post Offices, including salaries and other expenses of Headquarters and Staff Post Offices and supplies and equipment for Revenue Post Offices	42,247,430	
271	Inspection and Investigation	1,895,370	
272	Railway Mail Service	15,857,170	
273	Air and Land Mail Services	22,094,857	
274	Financial Services, including audit of revenue, money order and savings bank business, and postage stamps	2,194,305	85,662,757
	PRIME MINISTER'S OFFICE		
275	Salaries of Staff and Allowances	.....	124,260
	PRIVY COUNCIL OFFICE		
276	General Administration	249,580	
277	To provide for expenses of the Royal Commission on National Development in the Arts, Letters and Sciences	175,000	
	Federal District Commission		
278	Maintenance and improvement of grounds adjoining Government Buildings, Ottawa, and improvements to the Parkway System under the control of the Federal District Commission	304,500	
279	Expenses of the National Capital Planning Committee	100,000	
280	To authorize payment of the third instalment to a special account in the Consolidated Revenue Fund, known as the National Capital Fund, established under Vote No. 809, Appropriation Act, No. 4, 1947-48	2,500,000	3,329,080
	PUBLIC ARCHIVES		
281	General Administration and Technical Services	.....	208,242
	PUBLIC PRINTING AND STATIONERY		
282	Departmental Administration	60,000	
283	Printing, Binding and Distributing the Annual Statutes	30,000	
284	Canada Gazette	130,000	
285	Plant Equipment and Replacements	30,000	
286	Distribution of Official Documents	108,730	
287	Printing and Binding Official Publications for Sale and Distribution to Departments and the Public	230,000	588,730

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS		
288	Departmental Administration	350,605	
	ARCHITECTURAL BRANCH		
289	Branch Administration	437,290	
290	Ottawa—Maintenance and Operation of Dominion Public Buildings and Grounds, including rents, repairs, furniture, heating etc., and to authorize commitments against future years in the amount of $500,000	8,617,000	
291	Maintenance and Operation of Dominion Public Buildings and Grounds, other than at Ottawa, including rents, repairs, furniture, heating, etc., and to authorize commitments against future years in the amount of $500,000	12,686,315	
	Construction, Repairs and Improvements of Public Buildings		
	Construction, acquisition, repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—		
292	Newfoundland	455,000	
293	Nova Scotia	1,350,000	
294	Prince Edward Island	900,000	
295	New Brunswick	2,200,000	
296	Quebec	8,500,000	
297	Ontario	10,000,000	
298	Manitoba	1,400,000	
299	Saskatchewan	1,700,000	
300	Alberta	2,600,000	
301	British Columbia	3,150,000	
302	Yukon and Northwest Territories	150,000	
303	Generally	2,000,000	
	Dominion Public Buildings— Improvements and repairs and to authorize commitments against future years in the total amount of $800,000, as follows:		
304	Newfoundland (Commitment authority $100,000)	300,000	
305	Maritime Provinces Generally (Commitment authority $100,000)	600,000	
306	Quebec (Commitment authority $100,000)	1,000,000	
307	Ontario (Commitment authority $100,000)	1,000,000	
308	Manitoba (Commitment authority $50,000)	225,000	
309	Saskatchewan (Commitment authority $50,000)	295,000	
310	Alberta (Commitment authority $50,000)	250,000	
311	British Columbia (Commitment authority $50,000)	525,000	
312	Public Buildings Generally (Commitment authority $200,000)	300,000	
	ENGINEERING BRANCH		
313	Branch Administration	352,885	
314	Engineering, including salaries of Engineers, Clerks, etc	1,743,094	
	Dredging		
315	General Superintendence	16,635	
316	Newfoundland	764,200	
317	Maritime Provinces	1,694,000	
318	Ontario and Quebec	1,679,264	
319	Manitoba, Saskatchewan, Alberta and Northwest Territories	389,000	
320	British Columbia and Yukon	722,800	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS—*Continued*		
	ENGINEERING BRANCH—*Concluded*		
	Maintenance and Operation of Graving Docks, Locks and Dams, etc.		
321	Champlain Graving Dock	168,510	
322	Esquimalt Graving Dock	131,170	
323	Esquimalt Old Dry Dock	9,000	
324	Lorne Graving Dock	179,345	
325	Selkirk—Repair Slip	6,000	
326	Locks and Dams	312,115	
327	Snagboats	106,270	
	Maintenance and Operation of Roads and Bridges		
328	Burlington Channel Bridge	93,950	
329	Kingston, La Salle Causeway	50,275	
330	New Westminster Bridge	65,620	
331	Towards International Bridge over the St. Croix River between St. Stephen, N.B. and Calais, Me., the State of Maine to pay a like amount (Revote)	10,000	
332	Generally	97,498	
	Construction, Repairs and Improvements—Harbours and Rivers		
	Construction, acquisition, repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—		
333	Newfoundland	1,100,000	
334	Nova Scotia	3,500,000	
335	Prince Edward Island	1,300,000	
336	New Brunswick	3,250,000	
337	Quebec	7,000,000	
338	Ontario	5,000,000	
339	Manitoba	398,000	
340	Saskatchewan, Alberta and Northwest Territories	228,500	
341	British Columbia and Yukon	4,200,000	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken, and to authorize commitments against future years in the total amount of $610,000, as follows:		
342	Newfoundland (Commitment authority $100,000)	400,000	
343	Nova Scotia (Commitment authority $100,000)	600,000	
344	Prince Edward Island (Commitment authority $35,000)	135,000	
345	New Brunswick (Commitment authority $65,000)	200,000	
346	Quebec (Commitment authority $125,000)	600,000	
347	Ontario (Commitment authority $75,000)	350,000	
348	Manitoba (Commitment authority $25,000)	60,000	
349	Saskatchewan, Alberta and Northwest Territories (Commitment authority $10,000)	25,000	
350	British Columbia and Yukon (Commitment authority $75,000)	425,000	
	Generally		
351	Fraser River—50% of cost of investigations to be carried out by the Dominion Provincial Board Fraser River Basin (Revote $45,000)	72,500	
352	Protection Works Generally—To provide for remedial works where damages are caused by, or endanger, navigation or Federal Government structures	750,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS—*Concluded*		
	GENERAL		
353	National Gallery of Canada	260,770	
354	Miscellaneous works not otherwise provided for, not more than $7,000 to be expended upon any one work	300,000	
355	National Capital Planning Service	117,910	
356	To supplement, on approval of Treasury Board except where less than $500 is required, any of the appropriations of the Department of Public Works	300,000	
357	To provide for balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1950-51	150,000	
			100,305,521
	RESOURCES AND DEVELOPMENT		
	A—DEPARTMENT		
358	Departmental Administration	370,640	
	DEVELOPMENT SERVICES BRANCH		
359	Branch Administration	55,215	
	Water Resources Division—		
360	Water Resources Division, including the Administration of the Dominion Water Power and Irrigation Acts, and including grant of $350 to the International Executive Council, World Power Conference	541,766	
361	To provide for studies and surveys of the Columbia River Watershed in Canada	380,000	
362	Lake of the Woods Control Board	12,480	
363	To provide for the expenses incurred under the agreement between Canada, Ontario and Manitoba, confirmed by the Lac Seul Conservation Act, 1928, moneys expended to be largely reimbursed	17,750	
364	To provide for excavation of a flood channel at Dalles Rapids in Winnipeg River in Ontario to reduce flooding of riparian property affected by regulation under the Lake of the Woods Control Board Act (Revote)	60,000	
	Wildlife Division—		
365	Wildlife Resources Conservation and Development, including Administration of the Migratory Birds Convention Act	300,000	
	National Parks and Historic Sites Division—		
366	National Parks and Historic Sites Services	10,138,886	
367	Trans-Canada Highway—Surveys of route in Banff and Yoho National Parks	25,000	
368	Grant to the Jack Miner Migratory Bird Foundation	5,000	
369	Grant to aid in the development of the International Peace Garden in Manitoba	15,000	
370	National Museum of Canada	250,000	
371	Lands Division—		
	Administration of Dominion, Ordnance and Admiralty, and Public Lands; Seed Grain Collections	282,200	
	NORTHERN ADMINISTRATIONS		
372	Administration	151,000	
	Mackenzie River Division—		
373	Operation and Maintenance of Services, including Wood Buffalo Park	678,415	
374	Forest Conservation, including Wood Buffalo Park	337,295	
375	Roads, Buildings and Other Works, as detailed in the Estimates	715,450	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	RESOURCES AND DEVELOPMENT—*Continued*		
	A—Department—*Continued*		
	Northern Administrations—*Concluded*		
	Yukon Division—		
376	Operation and Maintenance of Services, including Forest Conservation	174,500	
377	Roads, Buildings and Other Works, as detailed in the Estimates	2,741,000	
	Arctic Division—		
378	Operation and Maintenance of Services, including Eskimo Affairs	300,935	
379	Buildings and Other Works, as detailed in the Estimates	35,000	
	Engineering and Construction Service		
380	Engineering and Construction Services	500,000	
381	Stony Rapids—Black Lake Road— Contribution to the cost of constructing a mining road between Stony Rapids and Black Lake in Saskatchewan in accordance with the terms of an agreement to be entered into between Canada and the Province of Saskatchewan (Revote)	12,500	
382	Cranberry Portage Road— To provide funds for the 1950-51 contribution to the cost of Section B, Cranberry Portage to Cuprus Mines, of the proposed road between The Pas and Flin Flon in Manitoba, in accordance with the terms of the agreement between Canada and the Province of Manitoba, dated September 30, 1948	32,000	
	Forestry Branch		
383	Administrative Division	70,000	
384	Forest Research Division	819,675	
385	Forestry Operations Division	61,290	
386	Forest Products Division	644,450	
387	Grant to Canadian Forestry Association	4,000	
	Eastern Rockies Forest Conservation Board—		
388	To provide for the salaries and expenses of Federal members of the Board and their alternates, and sundry expenses in connection with the maintenance and operation of the Ottawa Office of the Board	22,300	
389	Federal contribution towards annual maintenance, including staff and expenses	175,000	
390	Forest Insects Control Board	13,780	
	Special Projects Branch		
391	Administrative Division	58,080	
392	Projects Division	32,550	
393	Trans-Canada Highway Division	300,000	
394	Capital Investment Data	12,935	
395	To provide for general investigations by the Northwest Territories Power Commission of the electric power requirements of settlements and industries in the Northwest Territories and the Yukon Territory	10,000	
396	To recoup the Minister of Finance for advances to be made to the Northwest Territories Power Commission during the fiscal year 1949-50 for power development as provided under section 17 (2) of the Northwest Territories Power Commission Act, Chapter 64, 11-12 George VI	30,000	
397	To provide, subject to allocation by the Treasury Board, for the design and planning of deferrable projects, the acquisition of sites and the initiation of construction	2,000,000	
398	To provide for contribution towards cost of Subway at Sudbury, Ontario to implement Agreement entered into in 1939 (Revote)	100,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	RESOURCES AND DEVELOPMENT—*Concluded*		
	A—Department—*Concluded*		
	Canadian Government Travel Bureau		
399	To assist in promoting the Tourist Business in Canada	1,514,421	
	Housing		
400	Emergency Shelter—Administration	300,000	
	B—National Film Board		
401	Administration, Production and Distribution of Films and Other Visual Materials, including authority to finance temporarily work performed for other public authorities or other agencies as the public interest requires	2,092,413	
402	Acquisition of Equipment	118,604	
			26,511,530
	ROYAL CANADIAN MOUNTED POLICE		
403	General Administration	315,742	
404	Landing Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses	16,496,326	
405	Marine Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses	1,044,888	
406	Aviation Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses	184,961	
407	Grant to the Chief Constables' Association of Canada	500	
	Pensions and Other Benefits		
408	To compensate members of the Royal Canadian Mounted Police for injuries received in the performance of duty	36,000	
409	Pensions to families of members of the Mounted Police who have lost their lives while on duty:—		
	Mrs. Mary Emma Bossange	457	
	Mrs. Margaret Johnson Brooke	840	
	Mrs. Margaret Cox	411	
	Mrs. Victoria Desjardins	411	
	Mrs. Georgina Harrison	677	
	Mrs. Letitia Kennedy	424	
	Mrs. Nora Jean Massan	300	
	Mrs. Margaret Nicholson	548	
	Mrs. Catherine Mildred Ralls	676	
	Mrs. Doris Freda Sampson	816	
	Mrs. Madelaine Mary Shoebotham	810	
	Mrs. Eunice Wainwright	603	
410	Pension to Basil Burke Currie	685	
411	Pension to Annie A. Greer	254	
			18,086,329
	SECRETARY OF STATE		
412	Departmental Administration	173,295	
413	Companies Branch	69,900	
414	Trade Marks Branch	124,395	
415	Bureau for Translations	698,100	
416	Canada Temperance Act	1,500	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	SECRETARY OF STATE—*Concluded*		
	PATENT AND COPYRIGHT OFFICE		
417	Administration Division	47,580	
418	Patent Division	530,180	
419	Copyright and Industrial Designs Division	16,820	
420	Patent Record Division	71,005	
421	Contribution to the International Office for the Protection of Industrial Property, International Copyright Union Office and Union for the Protection of Literary and Artistic Works	4,000	
	GENERAL		
422	Expenses in connection with the Bibliographic Centre (National Library)	41,240	
			1,778,015
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
423	Departmental Administration	482,875	
424	Commodities Branch, including assistance in the development of markets and the procurement of supplies, and contributions as detailed in the Estimates	574,460	
425	Trade Commissioner Service including payment of compensation to Trade Commissioners for damage to and loss of furniture and effects, under regulations approved by the Governor in Council	2,052,859	
426	Publicity and Advertising in Canada and Abroad	201,315	
427	Economic Research and Development Branch, including the conducting of investigations and reporting upon commercial relations and foreign tariffs, and the development of Canadian Industry, and a contribution of $6,300 to the International Customs Tariffs Bureau	442,480	
428	To provide for expenses of the Industrial Defence Branch	60,197	
	EXHIBITIONS		
429	Exhibitions Generally, including a contribution of $1,000 to the International Bureau of Exhibitions	284,184	
430	Canadian International Trade Fair, 1950, including authority to refund from revenue deposits received for contracts for space (Revote $115,000)	602,000	
	STANDARDS DIVISION		
431	Administration, including administration of the Precious Metals Marking Act	106,050	
432	Electricity and Gas Inspection Services, including Administration of the Electricity and Fluid Exportation Act	502,520	
433	Laboratory	48,740	
434	Weights and Measures Inspection Services	604,595	
	DOMINION BUREAU OF STATISTICS		
435	Administration	173,315	
436	Statistics, including contribution of $7,087 to the Inter-American Statistical Institute	3,483,102	
437	Census of Population, including contribution of $3,543 to the Inter-American Statistical Institute Committee on the 1950 Census of the Americas	1,278,838	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRADE AND COMMERCE—*Continued*		
	A—Department—*Concluded*		
	Wheat and Grain Division		
438	Salaries and other expenses	26,450	
439	To provide for the Canadian Government's annual assessment for membership in the International Wheat Council	25,577	
	Canada Grain Act		
440	Administration	124,190	
441	Operation and Maintenance, including inspection, weighing, registration, etc	2,328,536	
442	Canadian Government Elevators, including Equipment (Revote $144,628)	741,085	
	Terminable Services		
443	Emergency Import Control—Salaries and other expenses	224,115	
444	To provide for the liquidation of contracts, including commitments of previous years related to the acquisition of assets operated by the Department of Reconstruction and Supply or an agency of the Department of Reconstruction and Supply; and for miscellaneous and unforeseen expenses	250,000	
445	To provide for Production and Transportation Subsidies on Steel and Iron under such terms and conditions as may be approved by the Governor in Council	2,000,000	
446	To provide for Research and Development of Jet Engines and Aircraft	1,600,000	
	Special		
447	To reimburse the Canadian Commercial Corporation for expenses incurred in purchasing materials, supplies and equipment, etc., on behalf of the Department of National Defence, under Chapter 51, Statutes of 1947	900,000	
448	To reimburse the Canadian Wheat Board for the estimated expenses to be incurred from August 1, 1949 to July 31, 1950, the administration of delivery quotas and permit regulations, etc	125,000	
	B—General		
	Dominion Coal Board		
449	Administration and Investigations of the Dominion Coal Board	101,040	
450	Payments in connection with the movements of coal under conditions prescribed by the Governor in Council	4,500,000	
	National Research Council		
451	Salaries and Other Expenses of the National Research Council	9,874,903	
452	Construction of Buildings and Works listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects (Revote $915,000)	2,210,800	
453	Grant to the Royal Society of Canada	8,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRADE AND COMMERCE—*Concluded*		
	B—General—*Concluded*		
	Atomic Energy Control Board		
454	Administration Expenses of the Atomic Energy Control Board	57,000	
455	Researches and Investigations with respect to Atomic Energy	150,000	
	Atomic Energy (Chalk River) Project—		
456	Operation and Maintenance	6,113,530	
457	Construction of Buildings and Works	1,671,000	
	Canadian Arsenals Limited		
458	Administration and operation of Canadian Arsenals Limited	2,900,000	46,828,756
	TRANSPORT		
	A—Department		
459	Departmental Administration	1,012,455	
	Canals Service		
460	Canals Service—Administration	97,950	
461	Canals—Operation and Maintenance	4,398,395	
462	Canals—Construction and Improvements	3,648,572	
463	To provide for expenses in connection with St. Lawrence Ship Canal Surveys and Investigations	10,000	
464	Supervision and Control of water diverted for the Hydro Electric Power Development of the Beauharnois Light, Heat and Power Company, Limited	2,500	
	Marine Service		
465	Marine Service Administration	18,970	
466	Administration of Floating Equipment	41,300	
467	Nautical Service Administration	194,262	
468	Marine Service Steamers, including Icebreakers—Maintenance, Operation and Repairs	3,603,070	
469	Construction, Maintenance and Supervision of Aids to Navigation, including salaries and allowances to Lightkeepers	4,503,495	
470	Agencies—Salaries and Office Expenses	436,505	
471	Maintenance and Repairs to Wharves	5,000	
472	To provide for breaking ice in Thunder Bay, Lake Superior and other points deemed advisable in the interests of navigation	30,000	
473	To provide for Canada's share of the cost of the North Atlantic Ice Patrol	20,000	
474	Administration of Pilotage, including authority for temporary recoverable advances; contributions, and the operation and maintenance as required, of necessary pilotage vessels in certain Pilotage Districts	284,670	
475	Life Saving Service, including rewards for saving life	137,490	
476	To provide subsidies for wrecking plants—Quebec and British Columbia	65,000	
477	Grants of $300 each to the Royal Arthur Sailors' Institute at Port Arthur, Ontario and the Welland Canal Seamen's Institute	600	
478	Miscellaneous Services relating to Navigation and Shipping, including grants as detailed in the Estimates; and for repayment to a proper authority, or to the Government of the United Kingdom, under Section 296 of the Canada Shipping Act, of expenses incurred in respect of distressed seamen left behind out of Canada, including the repayment of excepted expenses, as defined in the said section	138,809	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Continued*		
	A—DEPARTMENT—*Continued*		
	MARINE SERVICE—*Concluded*		
479	Steamship Inspection and the carrying out of the provisions of the conventions for the safety of life at sea and load lines	394,280	
480	Marine Signal Service	158,643	
481	River St. Lawrence Ship Channel—Contract Dredging in the St. Lawrence River and Montreal Harbour, including cost of administration—Capital	3,128,052	
482	River St. Lawrence Ship Channel—Operation and Maintenance	628,505	
483	To provide towards the construction of an Icebreaking vessel to meet the St. Lawrence and Northern transportation requirements (Estimated cost $5,000,000)—Capital (Revote $400,000)	2,000,000	
484	To provide towards the construction of a Lighthouse Supply and Buoy Vessel for service in the Maritimes (Estimated cost $1,500,000)—Capital	200,000	
485	To provide towards the construction of a service vessel for the Eastern Arctic Patrol (Estimated cost $2,400,000)—Capital (Revote)	600,000	
486	To provide towards the construction of an auto-ferry vessel for service between Yarmourh, N.S., and the New England States (Estimated cost $3,000,000), subject to an agreement being entered into on the part of the Province of Nova Scotia for a contribution, upon such terms and conditions as the Governor in Council may determine, up to 50% of the cost of construction but not exceeding $1,500,000—Capital	1,000,000	
	RAILWAY SERVICE		
487	Repairs and expenses in connection with the operation and maintenance of Official Railway Cars under the jurisdiction of the Department	64,000	
488	Hudson Bay Railway—Construction and Improvements—Capital	35,000	
489	Hudson Bay Railway—To provide for the difference between the expenditures for operation and maintenance, and revenue accruing from operation during the year ending March 31, 1951, not exceeding	400,000	
490	Prince Edward Island Car Ferry and Terminals—Construction and Improvement of Terminal Facilities—Capital (Revote $238,568)	354,000	
491	Strait of Canso—Transportation improvements and facilities—Capital (Revote $200,000)	2,000,000	
492	Canadian Government Railways—Enlargement of Dock and Terminal Facilities at North Sydney, N.S. (Estimated cost $2,000,000)—Capital	1,500,000	
	Maritime Freight Rates Act—		
493	To hereby authorize and provide for the payment from time to time during the fiscal year 1950-51 to the Canadian National Railway Company of the difference (estimated by the Canadian National Railway Company and certified by the Auditors of the said Company to the Minister of Transport as and when required by the said Minister) occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (upon the same basis as set out in Section 9 of the said Act with respect to companies therein referred to) on all traffic moved during the calendar year 1950 under the tariffs approved on the Eastern Lines (as referred to in Section 2 of the said Act) of the Canadian National Railways	5,869,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Continued*		
	A—DEPARTMENT—*Continued*		
	RAILWAY SERVICE—*Concluded*		
	Maritime Freight Rates Act—*Concluded*		
494	Amount required to provide for payment from time to time during the fiscal year 1950-51 of the difference (estimated by the Board of Transport Commissioners for Canada and certified by the said Board to the Minister of Transport, as and when required by the said Minister) occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (referred to in section 9 of the said Act) on all traffic moved during the calendar year 1950 under the tariffs approved by the following companies: Canada and Gulf Terminal Railway; Canadian Pacific Railway, including: Fredericton and Grand Lake Coal and Railway Company and New Brunswick Coal and Railway Company; Cumberland Railway and Coal Company; Dominion Atlantic Railway; Maritime Coal, Railway and Power Company; Sydney and Louisburg Railway	1,450,000	
	PENSIONS AND OTHER BENEFITS		
495	Amount required to pay pensions at the rate of $300 per annum to former pilots Alphonse Asselin, Raoul Lachance, Adelard Delisle, George Larochelle, Wilhelm Langlois, Arthur Baquet, Auguste Santerre, Jules Lamarre	2,400	
496	Railway Employees' Provident Fund—To supplement pension allowances under the provisions of the Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act so as to make the minimum payment during the period January 1, 1950, to March 31, 1951, the sum of $30 per month instead of $20 as fixed by the said Act	15,500	
	GENERAL		
497	To provide for the expenses of the Royal Commission on National Transportation	100,000	
	AIR SERVICE		
498	Air Service Administration	203,890	
	Civil Aviation Division		
499	Control of Civil Aviation, including the Administration of the Aeronautics Act and Regulations issued thereunder	676,656	
	Airways and Airports—		
500	Construction and Improvements, including Radio facilities; and to authorize commitments against future years in the amount of $421,000—Capital	9,430,340	
	Operation and Maintenance—		
501	Civil Aviation Services	7,708,041	
502	Radio Aviation Services	4,489,730	
503	Airway and Airport Traffic Control	1,050,659	
504	Grants to Organizations for the development of Civil Aviation, in the amounts detailed in the Estimates	310,000	
505	Contributions, subject to the approval of the Governor in Council, to assist municipalities to improve existing airports, the sites of which have been provided by such municipalities (Revote $210,000)	137,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Continued*		
	A—DEPARTMENT—*Concluded*		
	AIR SERVICE—*Concluded*		
	Civil Aviation Division—Concluded		
506	To authorize contribution of an amount not exceeding $30,420 to the State of Michigan, U.S.A., Department of Aeronautics, towards the cost of operation and maintenance of certain airways facilities at Grand Marias, Michigan, for use of Canadian aircraft	30,420	
507	Contribution to the International Civil Aviation Organization as Canada's portion of the financial assistance to the Government of Iceland in respect of the provision, operation and maintenance of certain Air Navigation Services	37,000	
508	Contribution to the Government of Denmark as Canada's share in joint support of North Atlantic Air Navigation facilities in the Faroes and Greenland	71,000	
509	Contribution to the South Pacific Air Transport Council as Canada's share towards the maintenance and operation of air transport facilities in the South Pacific	112,000	
	Northwest Communication System—		
510	Additions and Betterments, including transport equipment —Capital	497,287	
511	To provide for the difference between the expenditures for operation and maintenance and revenue accruing from operations during the year ending March 31, 1951, including the acquisition of materials and supplies to an amount not exceeding $125,000	231,034	
	Meteorological Division		
512	Meteorological Services	4,958,450	
513	Construction and Improvements	600,625	
	Radio Division		
514	Administration of the Radio Act and Regulations	847,320	
515	Radio Direction Finding Stations, Radio Beacons and Radio Telegraph Stations, operation and maintenance	1,952,250	
516	Suppression of Radio Interferences	354,885	
517	Issue of Radio Receiving Licences—(Transport Department only)	705,340	
518	Telegraph and Telephone Service—Administration, Operation and Maintenance	1,354,845	
519	Telegraph and Telephone Service—Construction and Improvements	460,785	
	TERMINABLE SERVICES		
	Railway Service		
520	Acquisition of properties in Canada for U.S. Authorities	17,750	
521	Steep Rock Mines—Construction	62,000	
522	Steep Rock Mines—Subsidy	129,066	
	B—GENERAL		
	AIR TRANSPORT BOARD		
523	Salaries and other Expenses, including the Canadian Delegation to the International Civil Aviation Organization	229,335	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Concluded*		
	B—General—*Concluded*		
	Board of Transport Commissioners for Canada		
524	Board of Transport Commissioners for Canada—Administration, Maintenance and Operation	624,800	
	Canadian Maritime Commission		
525	Administration	190,170	
526	Mail Subsidies and Steamship Subventions, as detailed in the Estimates	3,317,000	
527	To provide assistance for Canadian flag ocean shipping industry	3,000,000	
			82,338,101
	VETERANS AFFAIRS		
528	Departmental Administration	2,175,279	
529	District Administration	2,894,311	
530	Veterans' Welfare Services	3,494,538	
531	Treatment Services	34,389,177	
532	Prosthetic Services	983,450	
	Canadian Pension Commission—		
533	Administration Expenses	2,132,824	
534	Veterans Bureau	436,791	
535	War Veterans' Allowance Board—Administration	203,960	
536	Veterans' Insurance	77,495	
	Payments to or for Veterans and Dependents		
537	Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order P.C. 45/8848 of 22nd November, 1944, which shall be subject to the Pension Act	99,739,000	
538	Newfoundland Special Awards	46,000	
539	War Veterans' Allowances	21,715,000	
540	Assistance Fund (War Veterans' Allowance)	750,000	
541	Unemployment Assistance	50,000	
542	Hospital and Other Allowances	3,720,000	
543	Gallantry Awards—World War II	18,000	
	Miscellaneous Payments		
544	Employers Liability Compensation	150,000	
545	Last Post Fund	125,000	
546	Grant to Canadian Legion	9,000	
	Soldier Settlement and Veterans' Land Act		
547	To provide for the cost of administration of Veterans' Land Act; Soldier Settlement and British Family Settlement	4,563,514	
548	To provide for the upkeep of property, Veterans' Land Act, including engineering and other investigational planning expenses that do not add tangible value to real property; taxes, insurance and maintenance of public utilities	132,500	
549	To provide for the payment to the Government of the United Kingdom on account of losses under the 3,000 British Family Agreement of August 20, 1924, and the New Brunswick 500 British Family Agreements of August 4, 1927, and August 27, 1935	10,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	VETERANS AFFAIRS—*Concluded*		
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT—*Concluded*		
550	To provide for the payment of grants to veterans settled on Provincial Lands in accordance with agreements with Provincial Governments under section 35 of the Veterans' Land Act, 1942 (as amended by Order in Council P.C. 2122, dated 13th April, 1945), and payment of grants to veterans settled on Dominion Lands, in accordance with an agreement with the Minister of Mines and Resources, under section 35 of the Veterans' Land Act, 1942, as amended (P.C. 1550 of 18th April, 1946)	1,700,000	
551	To provide for the payment of grants to Indian veterans settled on Indian Reserve Lands under Section 35A of the Veterans' Land Act 1942 (as amended by Order in Council P.C. 2122, dated 13th April, 1945)	500,000	
552	To provide for the reduction of indebtedness to the Director of Soldier Settlement of a settler under the Soldier Settlement Act, in respect of a property in his possession, the title of which is held by the Director, by an amount which will reduce his indebtedness to an amount in keeping with the productive capacity of the property and his ability to repay his indebtedness to the Director, under regulations approved by the Governor in Council	150,000	
553	To authorize and provide for necessary remedial work, to be approved by the Governor in Council, on properties sold under the Veterans' Land Act, under individual firm price contracts, to correct defects for which neither the veteran nor the contractor can be held financially responsible	30,000	
554	To authorize and provide, subject to the approval of the Governor in Council in each case, for the completion of necessary remedial work to houses and services constructed under the 1945 building programme	104,600	
	TERMINABLE SERVICES		
555	Post Discharge Rehabilitation Benefits including Out of Work Allowances, University and Vocational Training including the training of Merchant Seamen and Salt Water Fishermen Pensioners, Awaiting Returns Allowances, Temporarily Incapacitated Allowances and Unemployment Insurance Contributions	14,045,500	
556	Hospital Accommodation and Facilities, and to authorize commitments against future years in the amount of $11,319,414	4,535,000	
			198,880,939
	GOVERNMENT-OWNED ENTERPRISES		
	NON-ACTIVE ACCOUNTS		
	National Harbours Board		
557	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1950 on any or all of the following accounts:—		
	Reconstruction and Capital Expenditures—		
	Halifax 1,655,000		
	Saint John 282,000		
	Quebec 520,000		
	Port Colborne 176,000		
	Churchill 321,000		
	Generally Unforeseen and Miscellaneous 200,000		
	$ 3,154,000		
	Less amount to be expended from Replacement Fund 130,000		
		3,024,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	GOVERNMENT-OWNED ENTERPRISES—*Concluded*		
	DEFICITS		
	Transport		
558	Amount required to provide for the payment during the fiscal year 1950-51 to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport made from time to time by the National Company to the Minister of Finance and to be applied by the National Company in payment of the deficit (certified by the auditors of the National Company) in the operation of the Prince Edward Island Car Ferry and Terminals arising in the calendar year 1950	1,159,000	
559	Amount to provide for the payment from time to time to the Canadian National (West Indies) Steamships, Limited (hereinafter called "The Company") of the amount of the deficit occurring during the year ending December 31, 1950, in the operations of the Company and the vessels under the control of the Company, as certified by the Auditors of the Company, and upon applications made by the Company to the Minister of Finance and approved by the Minister of Transport, not exceeding	720,000	
	National Harbours Board		
560	To provide for payment to National Harbours Board of the amount hereinafter set forth, to be applied in payment of the deficit (exclusive of interest on Dominion Government Advances and depreciation on capital structures) arising in the calendar year 1950, in the operation of the Churchill Harbour	203,100	
			5,106,100
	LOANS AND INVESTMENTS		
	NATIONAL HARBOURS BOARD		
561	Advances to National Harbours Board, subject to the provisions of section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1950 on any or all of the following accounts: Reconstruction and Capital Expenditures— Montreal $ 1,718,700 Vancouver 106,500 $ 1,825,200 *Less* amount to be expended from Replacement Funds 328,247	1,496,953	
	CENTRAL MORTGAGE AND HOUSING CORPORATION		
562	To provide for advances to Central Mortgage and Housing Corporation for the acquisition of land, the installation of services and improvements in respect thereof, the purchase of building materials and the construction or conversion of housing projects for veterans under the authority of section 34 of the National Housing Act, 1944, and, with the approval of Treasury Board, for the Department of National Defence, including construction of school buildings	75,000,000	

SCHEDULE A—*Concluded*

No. of Vote	Service	Amount	Total
		$	$
	LOANS AND INVESTMENTS—*Concluded*		
	VETERANS AFFAIRS		
	Soldier Settlement and Veterans Land Act		
563	To provide for protection of security—Soldier Settlement, and refunds of surplus to veterans	25,000	
564	To provide for purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment, refund of surplus to veterans (Section 19); and for protection of security under the Veterans' Land Act	29,000,000	
			105,521,953
	Total		*1,403,022,068

* Net total $1,044,731,265.43.

SCHEDULE B.

Based on Supplementary Estimates, 1950-51. The amount hereby granted is $1,666,666.67 being the amount of the item in the Estimates as contained in this Schedule, less the amount voted on account of the said item by *The Appropriation Act, No. 3, 1950.*

No. of Vote	Service	Amount	Total
		$	$
	LABOUR		
	B—Unemployment Insurance Act, 1940		
635	To provide for the payment of unemployment assistance to certain residents of Newfoundland to give effect to the Terms of Union of Newfoundland with Canada, in accordance with regulations of the Governor in Council, and such assistance shall be deemed to be a benefit or payment within the meaning of sections 33 and 67 of the Unemployment Insurance Act, 1940—Further amount required.....	.....	*2,500,000

*Net total $1,666,666.67.

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SCHEDULE C.

Based on the Further Supplementary Estimates, 1950-51. The amount hereby granted is $82,451,398 being the amount of each of the items in the Estimates as contained in this Schedule.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
	SCIENCE SERVICE		
636	Science Service Administration—Further amount required	508,000	
637	Animal and Poultry Pathology—Further amount required	13,900	
638	Botany and Plant Pathology—Further amount required	75,000	
639	Agricultural Entomology—Further amount required	80,500	
640	Forest Entomology—Further amount required	255,000	
	EXPERIMENTAL FARMS SERVICE		
641	Central Experimental Farm—Further amount required	45,700	
642	Branch Farms and Stations and Illustration Stations—Further amount required	175,265	
	PRODUCTION SERVICE		
	Health of Animals—		
643	Administration of Animal Contagious Diseases Act, and Meat and Canned Foods Act—Further amount required	111,580	
644	Compensation for animals slaughtered, including compensation for eggs destroyed from infected premises in accordance with regulations of the Governor in Council—Further amount required	550,000	
645	To provide for payment of compensation to owners of animals affected with diseases coming under the operation of the Animal Contagious Diseases Act, which have died or have been slaughtered under circumstances unprovided for under the above Act and Regulations thereunder, in the amounts detailed in the Estimates	3,745	
646	To provide for the payment of additional compensation to owners of pure-bred dairy cattle from fully accredited herds which reacted to tuberculin tests in circumstances that left a reasonable doubt as to the accuracy of the tests, in the amounts detailed in the Estimates	4,860	
647	Live Stock and Poultry—Further amount required	16,500	
648	Grants to Fairs and Exhibitions, under such terms and conditions as may be approved by the Governor in Council and subject to allocation by the Treasury Board—Further amount required	8,000	
649	Grants to Agricultural Organizations, as detailed in the Estimates—Further amount required	10,000	
	MARKETING SERVICE		
650	Subsidies for Cold Storage Warehouses under the Cold Storage Act, and Grants, in the amounts detailed in the Estimates—Further amount required	267,893	
	TERMINABLE SERVICES		
651	Freight Assistance on Western Feed Grains—Further amount required	13,000,000	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE—*Concluded*		
	SPECIAL		
652	Amount required to recoup the Agricultural Prices Support Account to cover the net operating loss of the Agricultural Prices Support Board during the fiscal year 1949–50	3,484,918	
653	To provide assistance to the apple growers in British Columbia under such terms and conditions as may be approved by the Governor in Council	2,000,000	
654	To provide assistance to the apple growers in Nova Scotia under such terms and conditions as may be approved by the Governor in Council	500,000	
655	Major Irrigation and Water Conservation Projects in the Prairie Provinces—Further amount required	769,000	
656	Land Protection and Reclamation; Clearing and Settlement of New Lands under such terms and conditions as may be approved by the Governor in Council—Further amount required	150,000	
			22,029,861
	CITIZENSHIP AND IMMIGRATION		
657	Departmental Administration—Further amount required	44,728	
	CITIZENSHIP		
658	Citizenship Branch (Revote $10,000)—Further amount required	12,000	
	IMMIGRATION BRANCH		
659	Field and Inspectional Service, Canada—Further amount required	280,797	
660	Field and Inspectional Service, Abroad — Further amount required	72,896	
	INDIAN AFFAIRS BRANCH		
661	Branch Administration—Further amount required	45,461	
662	Indian Agencies—Further amount required	125,988	
	Welfare—		
663	Welfare of Indians—Further amount required	232,643	
	Education—		
664	Indian Education—Further amount required	172,910	
			987,423
	EXTERNAL AFFAIRS		
	A—DEPARTMENT AND MISSIONS ABROAD		
665	Passport Office Administration—Further amount required	4,500	
666	Representation Abroad—including payment of salaries of High Commissioners, Ambassadors, Ministers Plenipotentiary, Consuls, Secretaries and staff appointed as directed by the Governor in Council, notwithstanding anything to the contrary in the Civil Service Act or any of its amendments—Further amount required	280,000	
667	Grant to Fairfield Trust Committee towards expenses of the International Friendship Celebration to be held from August 13 to 15, 1950	2,000	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	EXTERNAL AFFAIRS—*Concluded*		
	B—General		
	The Canadian Government's Assessment for Membership in the Following International or Commonwealth Organizations		
668	Food and Agricultural Organization of the United Nations—Further amount required	20,900	
669	United Nations Expanded Programme for Technical Assistance to the Under-developed Countries	850,000	
	Terminable Services		
670	United Nations International Childrens Emergency Fund	600,000	
671	United Nations Relief and Works Agency for Palestine Refugees in the Near East	750,000	
672	Commonwealth Consultative Committee on South and South East Asia	400,000	
			2,907,400
	FINANCE		
	General Administration		
673	Departmental Administration—Further amount required	63,205	
	Administration of Various Acts and Costs of Special Functions		
674	To reimburse the Saskatchewan Government for the cost of administering provincial rent control in that province	100,000	
	General Items of Payroll Costs Including Superannuation Payments		
675	To provide, subject to the approval of the Treasury Board, for supplementing other votes for the payment of salaries, wages and other paylist charges—Further amount required	1,000,000	
	Special		
676	To authorize and provide for an initial grant to the province of Manitoba to assist it in meeting costs incurred as a result of the Red River floods in 1950	12,500,000	
677	To provide for costs to be incurred in the planning and construction of emergency works to safeguard against the dangers of floods in the Red River Valley and the Winnipeg area generally, under an agreement or agreements with the province of Manitoba which shall provide that Canada shall meet 75% of the costs of such works, excluding the costs of land, and that Manitoba, or its municipalities or residents, shall meet the remaining cost, including the cost of land	1,000,000	
678	To authorize and provide for a grant to assist the province of Quebec to meet costs incurred as a result of the large fire in Rimouski in May, 1950	2,500,000	
679	To authorize and provide for a grant to assist the province of Quebec to meet costs incurred as a result of the large fire in Cabano in May, 1950	300,000	
			17,463,205

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FISHERIES		
680	Departmental Administration—Further amount required.....	17,495	
681	Fisheries Inspection, including Fishery Officers and Guardians, Fisheries Patrol and Protection Services—Further amount required.....	317,650	
682	Educational Extension Service—Further amount required.....	25,000	
683	Fish Culture Development—Further amount required.....	29,045	
	Fisheries Research Board of Canada—		
684	Operation and Maintenance—Further amount required.....	50,600	
685	Construction and Improvements—Further amount required	238,000	
	SPECIAL		
686	Amount required to recoup Fisheries Prices Support Account, to cover the net operating loss of the Fisheries Prices Support Board during the fiscal year 1949-50.....	869,794	
			1,547,584
	INSURANCE		
687	Departmental Administration—Further amount required.....	19,652	
688	Expenses of work in the interests of Fire Prevention—Further amount required.....	5,840	
			25,492
	JUSTICE		
	A—DEPARTMENT		
689	Remission Service, including remuneration to members of the Royal Canadian Mounted Police, other Police Forces and members of Social Welfare organizations (to be expended under Order in Council and not to exceed $3,800 additional to the amount of $1,600 in Vote 134, Main Estimates, 1950-51) for assistance to this Service—Further amount required..	14,541	
690	Yukon Territorial Court—Administration—Further amount required.....	500	
691	Combines Investigation Branch—Further amount required..	24,434	
	B—PENITENTIARIES		
	OFFICE OF THE COMMISSIONER OF PENITENTIARIES		
692	Operation and maintenance of penitentiaries including administration, construction, purchase of land, supplies, equipment and livestock; maintenance, discharge and transfer of convicts; compensation to discharged convicts permanently disabled while in penitentiaries—Further amount required.	856,078	
693	To provide for the establishment and construction by contract of a new institution in the Province of Quebec for the confinement and reformation of Federal prisoners and to reduce the authority for commitments against future years from $500,000, included in Vote 148, Main Estimates, 1950-51, to $235,000—Further amount required.....	265,000	
			1,160,553

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LABOUR		
	A—Department		
	General Administration		
694	Departmental Administration—Further amount required.....	15,061	
	Annuities Act—		
695	To authorize the Minister of Labour, notwithstanding the Government Annuities Act, where he has entered into a contract under the Government Annuities Act, the effective date of which is after May 31, 1920, for payment of a deferred annuity to any two persons during their joint lives with continuation to the survivor and one such person dies before the due date of first instalment, at the request of the survivor and in accordance with regulations made by the Governor in Council or the provisions of the contract or both, to convert such contract into a contract for the payment of an annuity to the survivor of an amount not exceeding the maximum amount that might have been paid under the original contract and to recalculate the premium to conform to the premium that would have been payable had the survivor been the only annuitant under the original contract; and to provide for payment out of the Government Annuities Account in the current and any subsequent fiscal years in accordance with any contract so converted; and, where conversion has been made as aforesaid, to authorize and provide for payment out of the Government Annuities Account in the current and subsequent fiscal years to the surviving purchaser under the original contract, or his legal representatives, of any amount by which the sums paid in under the original contract, with interest at the rate applicable under that contract, exceed the amount required for the purchase of the maximum annuity payable under the contract as converted.....	1	
696	Fair Wages, Conciliation, Industrial Relations, Industrial Disputes Investigations, including the administration of legislation relating thereto, and for activities *re* promotion of co-operation in industry between Labour and Management—Further amount required.....	14,868	
	Government Employees' Compensation		
697	Administration of the Government Employees' Compensation Act—Further amount required.....	1,600	
	B—Unemployment Insurance Act, 1940		
698	Administration, including expenditures incurred in connection with the activities of the National Employment Service as delegated by the Minister of Labour in accordance with Section 88 of the Act—Further amount required.....	341,825	
			373,355
	LEGISLATION		
	The Senate		
699	To provide for the payment of the full sessional indemnity for the session of 1950 to Members of the Senate for days lost through absence caused by public business, by illness, or on account of death. Payments to be made as the Treasury Board may direct.....	25,000	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LEGISLATION—*Concluded*		
	THE SENATE—*Concluded*		
700	To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment to each Member of the Senate who attended the first part of the present session which commenced on February 16, 1950, and ended on April 5, 1950, of an amount representing the actual transportation and living expenses of such Member while on the journey between Ottawa and his place of residence after the Easter adjournment of Parliament on April 5, 1950, and on the return journey from his place of residence to Ottawa at the end of the recess which commenced on that date, or at any other one time during the present session	5,000	
701	General Administration—Further amount required	12,868	
	HOUSE OF COMMONS		
702	To provide for the full sessional indemnity to Members of the House of Commons—days lost through absence caused by illness, official public business, or Order of the House, or on account of death during the session of 1950 — notwithstanding anything to the contrary in Chapter 147 of the Revised Statutes, 1927, an Act respecting the Senate and House of Commons, or any amendment thereto. Payments to be made as the Treasury Board may direct	10,000	
703	To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment to each Member of the House of Commons who attended the first part of the present Session, which commenced on February 16, 1950, and ended on April 5, 1950, of an amount representing the actual transportation and living expenses of such Member while on the journey between Ottawa and his place of residence after the Easter adjournment of Parliament on April 5, 1950, and on the return journey from his place of residence to Ottawa at the end of the recess which commenced on that date, or at any other one time during the session	15,000	
704	General Administration—Estimates of the Clerk—Further amount required	46,900	
705	Estimates of the Sergeant-at-Arms—Further amount required	3,000	
	LIBRARY OF PARLIAMENT		
706	General Administration—Further amount required	6,040	123,808
	MINES AND TECHNICAL SURVEYS		
	Mines Branch—		
707	Mineral Resources Investigations—Further amount required	95,490	
708	Investigations of Radio-active Ores—Further amount required	20,560	
	Geological Survey of Canada—		
709	Geological Surveys—Further amount required	59,726	
	Surveys and Mapping Branch—		
710	Topographical Surveys, including expenses of the Canadian Board on Geographical Names—Further amount required	117,060	
711	Canadian Hydrographic Service—Further amount required	87,186	
	Dominion Observatories—		
712	Dominion Observatory, Ottawa—Further amount required	12,048	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	MINES AND TECHNICAL SURVEYS—*Concluded*		
713	Gratuity to Mrs. Michael Feniak, widow of the late Dr. Feniak, a former employee of the Geological Survey of Canada, who lost his life while on duty in the Northwest Territories..	2,000	
714	To authorize and provide for a compassionate payment, by way of reimbursement to the Province of Manitoba, of the Department's share of the costs in connection with an accident to Angus Thomas, employed by the Ontario-Manitoba Boundary Commission, who was severely burned while engaged in survey work in Northern Manitoba.....	7,000	
			401,070
	NATIONAL HEALTH AND WELFARE		
	NATIONAL HEALTH BRANCH		
	Health Services		
715	Opium and Narcotic Drugs—Further amount required.....	32,000	
716	Industrial Health—Further amount required.....	22,379	
	General Health Grants		
717	To authorize and provide for Health Grants to the Provinces upon the terms set out in the details of the Main Estimates for the fiscal year ending March 31, 1951, and in the amounts detailed in these Supplementary Estimates, in accordance with regulations prescribed by the Governor in Council and to authorize, notwithstanding Section 29 of the Consolidated Revenue and Audit Act, additional commitments for the current year not exceeding $1,144,437.....	1	
			54,380
	NATIONAL REVENUE		
	A—DEPARTMENT		
	CUSTOMS AND EXCISE DIVISIONS		
718	Ports, Outports and Preventive Stations, including pay for overtime, notwithstanding anything in the Civil Service Act, and buildings and rentals for temporary purposes—Further amount required.....	255,557	
	B—CANADIAN BROADCASTING CORPORATION		
719	To provide for advances to the Canadian Broadcasting Corporation, subject to such terms and conditions as the Governor in Council may prescribe, for working capital and to partially finance the deficit of the Corporation pending determination of the provision to be made for its future financial requirements.....	650,000	
	INTERNATIONAL SHORTWAVE BROADCASTING STATION		
720	Acquisition and Alterations: Equipment, Land and Structures, including Supervision (Revote $638,961)—Further amount required.....	938,961	
			1,844,518

SCHEUDLE C—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	POST OFFICE		
721	Post Offices, including salaries and other expenses of Headquarters and Staff Post Offices and supplies and equipment for Revenue Post Offices—Further amount required	1,266,143	
722	Inspection and Investigation—Further amount required	32,675	
723	Air and Land Mail Services—Further amount required	669,500	
			1,968,318
	PRIVY COUNCIL OFFICE		
	FEDERAL DISTRICT COMMISSION		
724	Maintenance and improvement of grounds adjoining Government Buildings, Ottawa, and improvements to the Parkway System under the control of the Federal District Commission—Further amount required	12,000	
725	To authorize entry into and performance of an agreement, including payment of expenditures incurred by the Federal District Commission thereunder out of the National Capital Fund, between the Federal District Commission and the Canadian National Railway Company to provide, on such terms and conditions as may be approved by the Governor in Council, that (*a*) the Federal District Commission will acquire from His Majesty lands now held by His Majesty for the purpose of a railway cutoff line and freight yard in South Ottawa in accordance with the Master Plan for the National Capital District and will construct, at its expense, the requisite railway facilities thereon; (*b*) the Federal District Commission will grant a right of user in perpetuity over the new facilities to the Canadian National Railway Company in exchange for a conveyance free of charge of lands and facilities now used by the Railway Company for which the new facilities are to be substituted, such right of user not to exclude use by other railways of the facilities as may be agreed by the Commission; (*c*) the Federal District Commission will reimburse the Canadian National Railway Company for costs incurred by the Company by reason of the abandonment of existing facilities and transfer of operations to the new facilities; (*d*) the Canadian National Railway Company, together with any other railway using the new facilities, will operate and maintain the new facilities at their own expense; and for matters incidental thereto	1	
			12,001
	PUBLIC PRINTING AND STATIONERY		
726	Plant Equipment and Replacements—Further amount required		139,375
	PUBLIC WORKS		
727	Departmental Administration—Further amount required	11,500	
	ARCHITECTURAL BRANCH		
728	Branch Administration—Further amount required	40,000	
729	Maintenance and Operation of Dominion Public Buildings and Grounds, other than at Ottawa, including rents, repairs, furniture, heating, etc.—Further amount required	265,000	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS—*Continued*		
	ARCHITECTURAL BRANCH—*Concluded*		
	Construction, Repairs and Improvements of Public Buildings		
	Construction, acquisition, repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amounts required—		
730	Newfoundland	480,000	
731	Nova Scotia	133,000	
732	Prince Edward Island	50,000	
733	New Brunswick	300,000	
734	Quebec	400,000	
735	Ontario	1,611,000	
736	Manitoba	40,000	
737	Saskatchewan	135,000	
738	Alberta	247,000	
739	British Columbia	216,000	
740	Generally	10,150	
	ENGINEERING BRANCH		
	Dredging		
741	Newfoundland—Further amount required	140,000	
742	Manitoba, Saskatchewan, Alberta and Northwest Territories—Further amount required	150,000	
	Maintenance and Operation of Graving Docks, Locks and Dams, etc.		
743	Locks and Dams—Further amount required	73,000	
	Maintenance and Operation of Roads and Bridges		
744	Kingston, LaSalle Causeway—Further amount required	15,000	
745	Generally—Further amount required	16,500	
	Construction, Repairs and Improvements—Harbours and Rivers		
	Construction, acquisition, repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amounts required—		
746	Newfoundland	12,000	
747	Nova Scotia	284,000	
748	Prince Edward Island	89,500	
749	New Brunswick	350,000	
750	Quebec	2,079,900	
751	Ontario	1,562,700	
752	Saskatchewan, Alberta and Northwest Territories	17,000	
753	British Columbia and Yukon	1,707,000	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS—*Concluded*		
	GENERAL		
754	National Gallery of Canada—Further amount required	23,184	
755	To supplement, on approval of Treasury Board except where less than $500 is required, any of the appropriations of the Department of Public Works—Further amount required	100,000	
756	To provide for balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1950-51—Further amount required	100,000	
757	Portrait of the late Sir Charles Fitzpatrick	1,500	
			10,659,934
	RESOURCES AND DEVELOPMENT		
	A—DEPARTMENT		
758	Departmental Administration—Further amount required	23,239	
	DEVELOPMENT SERVICES BRANCH		
	Water Resources Division—		
759	Water Resources Division, including the Administration of the Dominion Water Power and Irrigation Acts—Further amount required	71,597	
	Wildlife Division—		
760	Wildlife Resources Conservation and Development, including Administration of the Migratory Birds Convention Act—Further amount required	20,307	
	National Parks and Historic Sites Division—		
761	National Parks and Historic Sites Services—Further amount required	106,500	
762	National Museum of Canada—Further amount required	16,284	
	NORTHERN ADMINISTRATIONS		
763	Administration—Further amount required	18,095	
	Mackenzie River Division—		
764	Roads, Buildings and Other Works, as detailed in the Estimates—Further amount required	102,000	
	Arctic Division—		
765	Operation and Maintenance of Services, including Eskimo Affairs—Further amount required	28,240	
766	Buildings and Other Works, as detailed in the Estimates—Further amount required	3,000	
	ENGINEERING AND CONSTRUCTION SERVICE		
767	Engineering and Construction Services—Further amount required	67,125	
	FORESTRY BRANCH		
768	Forest Research Division—Further amount required	56,888	
769	Forest Products Division—Further amount required	14,211	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	RESOURCES AND DEVELOPMENT—*Concluded*		
	A—Department—*Concluded*		
	Special Projects Branch		
770	Projects Division—Further amount required	4,000	
771	Notwithstanding the Trans-Canada Highway Act, to authorize and provide for a payment to the Provinces of Prince Edward Island, New Brunswick, Ontario, Manitoba, Saskatchewan, Alberta, British Columbia and Newfoundland, which have entered into an Agreement with Canada for construction of a part of the Trans-Canada Highway, in respect of construction of the Highway carried out between December 10, 1949, and the day on which these Provinces respectively signed the Agreement with Canada, in accordance with regulations of the Governor in Council; the amount paid to each Province, however, not to exceed fifty per centum of the cost to the Province of the said construction as determined by the Governor in Council; the maximum amount authorized to be expended by Section 7 of the Trans-Canada Highway Act to be decreased to the extent of any amount paid pursuant to this Vote	250,000	
772	To provide for a contribution by Canada to the improvement and reconstruction of the road between Patricia Bay Airport, Vancouver Island, and the city limits of Victoria, B.C., subject to the completion of an Agreement between Canada and the Province of British Columbia (Revote)	150,000	
	B—National Film Board		
773	Administration, Production and Distribution of Films and Other Visual Materials, including authority to finance temporarily work performed for other public authorities or other agencies as the public interest requires—Further amount required	78,524	
774	Acquisition of Equipment—Further amount required	5,600	
			1,015,610
	ROYAL CANADIAN MOUNTED POLICE		
775	Land Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses—Further amount required	1,050,449	
776	Marine Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses—Further amount required	48,529	
			1,098,978
	SECRETARY OF STATE		
777	Companies Branch—Further amount required	3,145	
778	Bureau for Translations—Further amount required	34,715	
	Patent and Copyright Office		
779	Patent Division—Further amount required	115,950	
780	Contribution to the International Office for the Protection of Industrial Property, International Copyright Union Office and Union for the Protection of Literary and Artistic Works—Further amount required	500	
			154,310

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRADE AND COMMERCE		
	A—Department		
	Exhibitions		
781	Exhibitions Generally—Further amount required	15,000	
782	Canadian International Trade Fair, 1951, including authority to refund from revenue deposits received for contracts for space	296,500	
	Dominion Bureau of Statistics		
783	Statistics—Further amount required	119,335	
	Special		
784	To reimburse the Canadian Commercial Corporation for expenses incurred in purchasing materials, supplies and equipment, etc., on behalf of the Department of National Defence, under Chapter 51, Statutes of 1947 — Further amount required	31,736	
	B—General		
	Atomic Energy Control Board		
785	Atomic Energy (Chalk River) Project— Construction of Buildings and Works—Further amount required	100,000	
			562,571
	TRANSPORT		
	A—Department		
	Canals Service		
786	Canals—Construction and Improvements—Further amount required	1,783,947	
	Marine Service		
787	Nautical Service Administration—Further amount required	275,000	
788	Marine Service Steamers, including Icebreakers—Maintenance, Operation and Repairs—Further amount required	600,000	
789	Construction, Maintenance and Supervision of Aids to Navigation, including salaries and allowances to Lightkeepers—Further amount required	351,100	
790	Administration of Pilotage, including authority for temporary recoverable advances, and contributions to various Pilotage Funds to the extent of expenses incurred by the pilots in the operation and maintenance, as required, of necessary pilotage vessels—Further amount required	126,770	
791	To authorize the write-off from active assets to Consolidated Deficit Account of the balances of advances or loans made to the Halifax and Sydney Pilotage Districts	8,359	
792	Steamship Inspection and the carrying out of the provisions of the conventions for the safety of life at sea and load lines—Further amount required	12,500	
793	To provide for the construction of a general service workboat for use at St. John's, Nfld.—Capital	38,000	
794	To provide towards the construction of a Lighthouse Supply and Buoy Vessel for the East Coast (Estimated cost $1,725,000) —Capital	103,000	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Continued*		
	A—DEPARTMENT—*Continued*		
	MARINE SERVICE—*Concluded*		
795	To provide towards the construction of a Lightship for the port of Saint John, N.B. (Estimated cost $732,000)—Capital	126,000	
796	To provide for the construction of a general service workboat to be operated out of Parry Sound, Ont., Agency—Capital.	12,000	
797	To provide towards the construction of a Lighthouse Supply and Buoy Tender Vessel for service at Victoria, B.C. (Estimated cost $1,100,000)—Capital	100,000	
798	To provide towards the construction of a Lighthouse Supply and Buoy Vessel for the West Coast (Estimated cost $1,034,000) —Capital	367,000	
799	To provide towards the reconditioning and refitting of vessels for Pacific Ocean Weather Station "P" and the expenses of transporting vessels to station operating base—Capital	960,000	
	RAILWAY SERVICE		
800	To provide towards the construction of an auto-ferry vessel for service between North Sydney, N.S., and Port aux Basques, Nfld.—Capital	300,000	
801	To reimburse the Canadian National Railway Company for expenditures to be incurred for a special railway maintenance work programme in the Province of Newfoundland	750,000	
802	Canadian Government Railways—Repairs to Ogden Point Piers, Victoria, B.C.	43,000	
	GENERAL		
803	To provide for the expenses of the Royal Commission on National Transportation—Further amount required	94,545	
	AIR SERVICE		
	Civil Aviation Division		
	Airways and Airports—		
804	Construction and Improvements, including Radio facilities —Capital—Further amount required	1,101,000	
805	Operation and Maintenance—Civil Aviation Services— Further amount required	333,683	
806	Contributions, subject to the approval of the Governor in Council, to assist municipalities to improve existing airports or to provide new airports, the sites of which have been provided by such municipalities—Further amount required	127,000	
807	Contribution to the South Pacific Air Transport Council as Canada's share towards the maintenance and operation of air transport facilities in the South Pacific—Further amount required	112,500	
808	Contribution to the International Civil Aviation Organization as Canada's portion of the financial assistance to the Government of Iceland in respect of the provision, operation and maintenance of certain Air Navigation Services—Further amount required	8,000	
	Meteorological Division		
809	Meteorological Services—Further amount required	328,575	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Concluded*		
	A—Department—*Concluded*		
	Air Service—*Concluded*		
	Radio Division		
810	Administration of the Radio Act and Regulations—Further amount required	59,520	
811	Telegraph and Telephone Service—Construction and Improvements—Further amount required	38,650	
	B—Canadian Maritime Commission		
812	Mail Subsidies and Steamship Subventions, as detailed in the Estimates—Further amount required	122,000	
			8,282,149
	VETERANS AFFAIRS		
813	Treatment Services—Further amount required	750,000	
814	Canadian Pension Commission—Administration Expenses, including salaries for the Chairman of the Canadian Pension Commission at $2,000 per annum, and the Deputy Chairman and each of the other Commissioners, including ad hoc Commissioners, at $1,000 per annum additional to the salaries provided under Chapter 23, Statutes of 1948—Further amount required	15,000	
	Payments To or For Veterans and Dependents		
815	Newfoundland Special Awards—To authorize and provide for payment of pension in accordance with the provisions of Section 32(2) of the Pension Act to a widow of a former member of the Newfoundland Forces whose death took place prior to Union where the former member of the Forces was in receipt of pension of 50% or more at the time of death and the widow would have been entitled to pension if the husband had died after the date of Union, such payments to be made from Vote 538, Main Estimates, 1950–51	1	
816	War Veterans' Allowances—Further amount required	3,895,000	
	Miscellaneous Payments		
817	Employers Liability Compensation—Further amount required	30,000	
	Soldier Settlement and Veterans' Land Act		
818	To provide for the cost of administration of Veterans' Land Act; Soldier Settlement and British Family Settlement——Further amount required	104,500	
			4,794,501
	LOANS AND INVESTMENTS		
	National Harbours Board		
819	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1950 on the following account: Reconstruction and Capital Expenditures—Montreal—Further amount required	300,000	

SCHEDULE C—*Concluded*

No. of Vote	Service	Amount	Total
		$	$
	LOANS AND INVESTMENTS—*Concluded*		
	CENTRAL MORTGAGE AND HOUSING CORPORATION		
820	To hereby extend the application of the terms of Vote 562 in the Main Estimates, 1950–51, to include the acquisition of land, the installation of services and improvements in respect thereof, the purchase of building materials and the construction or conversion of housing projects for residents of Deep River, Ontario, and to authorize commitments against future years for the purposes of the said Vote to an amount of $14,208,000	1	
	NATIONAL DEFENCE		
	Housing Projects		
821	To authorize the Minister of National Defence, on transfer to the Department of National Defence of works or buildings, or both, constructed or converted by Central Mortgage and Housing Corporation for the said Department, to assume the obligation of the Corporation to re-pay advances made to it in respect of the works and buildings so transferred, together with interest, in accordance with the terms of the relevant debentures delivered by Central Mortgage and Housing Corporation as evidence of the obligation, the Corporation to be fully discharged from the said obligation to the extent that it is so assumed	1	
	RESOURCES AND DEVELOPMENT		
822	To provide for advances to the Northwest Territories Power Commission for the construction on the Mayo River, Yukon Territory, of a storage and hydro-electric development, to serve the Mayo mining district	500,000	
	TRADE AND COMMERCE		
823	To provide, subject to the approval of Treasury Board, for advances to Canadian Arsenals Limited to increase the Working Capital Fund for the operations of the Company	2,500,000	
	VETERANS AFFAIRS		
	Soldier Settlement and Veterans' Land Act		
824	To provide for protection of security—Soldier Settlement, and refunds of surplus to veterans—Further amount required	45,000	
825	To provide for purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment, refund of surplus to veterans (Section 19); and for protection of security under the Veterans' Land Act—Further amount required	1,500,000	
			4,845,002
			82,451,398