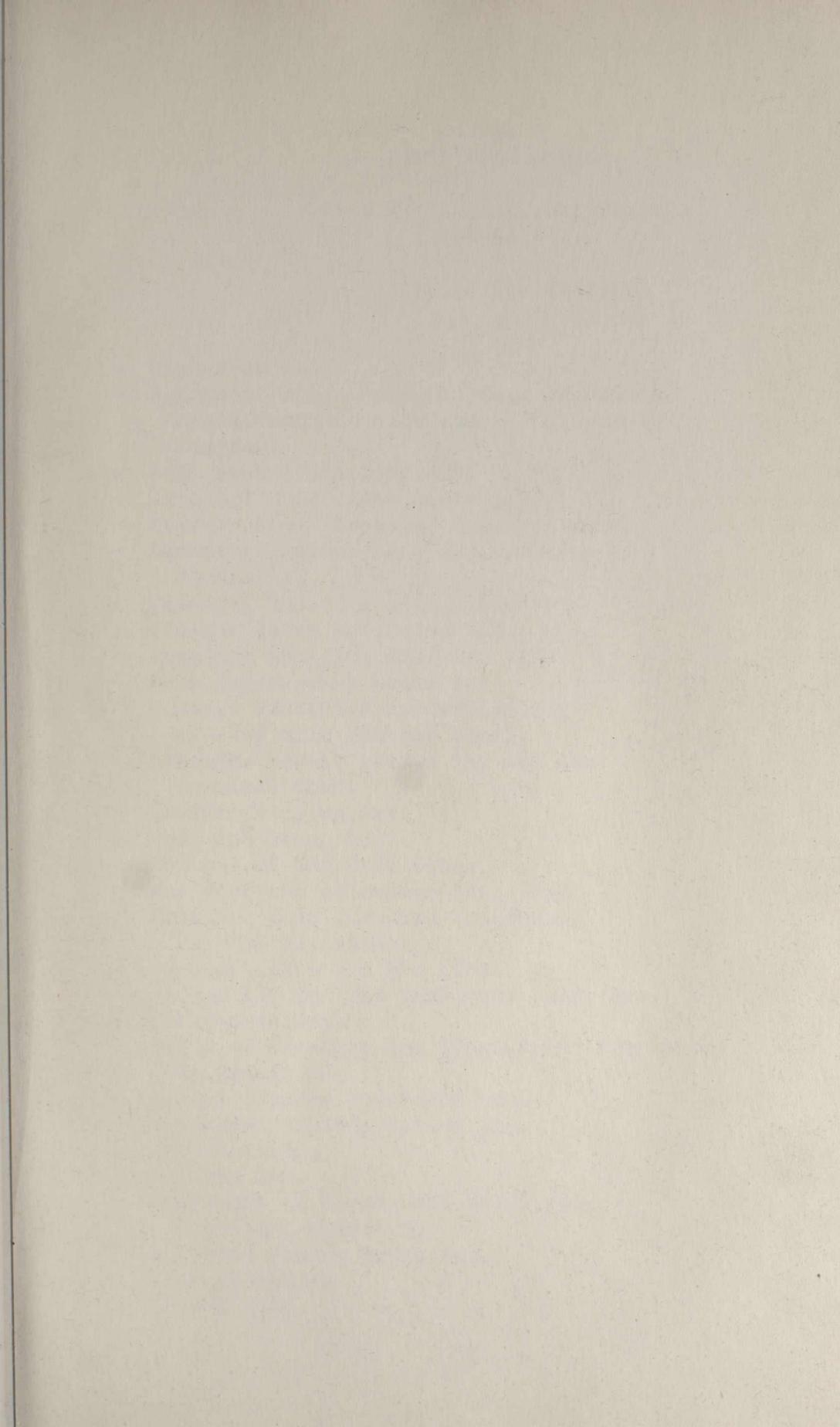


Canada. Laws, Statutes, etc.

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72
C36
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C86-C132



CANADA
HOUSE OF COMMONS

24th Parliament, 4th Session
1960-61

BILLS (First Reading)

Vol. II

- Fisheries Act. C- 86
- Agreement made under the Coal Production Assistance Act with Bras d'Or Company Limited. C- 87
- Army Benevolent Fund Act. C- 88
- Criminal Code (Race Meetings). C- 89
- Railway Act. (Rapeseed freight rates). C- 90
- Canada Elections Act. (Information to Electors). C- 91
- Criminal Code (Capital Murder). C- 92
- Freight Rates Reduction Act. C- 93
- Canadian National Railways Act. C- 94
- Farm Improvement Loans Act. C- 95
- Coastal Fisheries Protection Act (Twelve Mile Fishing Zone). C- 96
- Combines Investigation Act and the Criminal Code. C- 97
- Canada Shipping Act. C- 98
- Food and Drugs Act. C- 99
- Control of Narcotic Drugs. C-100
- War Veterans Allowance Act, 1952. C-101
- Criminal Code (Capital Punishment, Form of Sentence). C-102
- Appropriation Act #3, 1961. C-103
- Judges Act and the Exchequer Court Act. C-104
- Penitentiaries. C-105
- Bills of Exchange Act (Instalment Purchases). C-106
- Farm Credit Act. C-107
- Export Credits Insurance Act. C-108
- Financial Administration Act. C-109
- Criminal Code. C-110
- Railway Act. C-111
- Copyright in Canada and Universal Copyright Convention. C-112
- National Energy Board Act. C-113
- Bank of Canada. C-114
- Excise Act. C-115

- Customs Tariff.	C-116
- Industrial Development Bank Act.	C-117
- Excise Tax.	C-118
- Canadian Bill of Rights.	C-119
- Income Tax.	C-120
- Canadian National Railways Financing and Guarantee Act, 1961.	C-121
- Federal-Provincial Fiscal Arrangements Act.	C-122
- Appropriation Act #4, 1961.	C-123
- Indian Act.	C-124
- Canadian Wheat Board Act.	C-125
- Railway Line from Grimshaw to Great Slave Lake.	C-126
- Observance of the Centennial of Confederation in Canada.	C-127
- National Housing Act, 1954.	C-128
- Natural Resources Transfer (School Lands) Amendment Act, 1961.	C-129
- Canada Grain Act (Rapeseed and Mustard seed).	C-130
- Fitness and Amateur Sport.	C-131
- Appropriation Act #5, 1961.	C-132

C-86.

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299

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-86.

An Act to amend the Fisheries Act.

First reading, May 1, 1961.

THE MINISTER OF FISHERIES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-86.

An Act to amend the Fisheries Act.

R.S., c. 119.

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

1. Paragraph (f) of section 2 of the *Fisheries Act* is repealed and the following substituted therefor: 5

"Fishing vessel."

"(f) "fishing vessel" means any vessel used, outfitted or designed for the purpose of catching, processing or transporting fish;"

2. Subsection (2) of section 5 of the said Act is repealed and the following substituted therefor: 10

Authority to administer oaths.

"(2) The Governor in Council may authorize any fishery officer to administer oaths and take and receive affidavits, declarations and affirmations for any of the purposes of any Act or regulation administered by the Department of Fisheries." 15

3. Section 19 of the said Act is repealed.

4. Section 33 of the said Act is amended by adding thereto the following subsections:

Order of Governor in Council.

"(4) The Governor in Council may by order deem any substance to be a deleterious substance for the purposes of subsection (2). 20

Offences and penalties.

(5) Every person who violates any provision of this section is guilty of an offence and is liable upon summary conviction,

(a) for the first offence, to a fine of not less than one hundred dollars and not more than one thousand dollars or to imprisonment for a term of not less than one month and not more than six months, or to both such fine and imprisonment; and 25

(b) for a second and each subsequent offence, to a fine of not less than three hundred dollars and not more than two thousand dollars or to imprisonment for 30

EXPLANATORY NOTES.

Clause 1: Paragraph (f) of section 2 at present reads as follows:

“(f) “fishing vessel” includes any ship or boat, or any other description of vessel used in fishing.”

The new paragraph (f) would extend the definition to include vessels used for processing or transporting fish.

Clause 2: Subsection (2) of section 5 at present reads as follows:

“(2) Every fishery officer is for all the purposes of this Act and the regulations a justice of the peace during his term of office as a fishery officer.”

The purpose of this amendment is to remove the power of a fishery officer to act as a justice of the peace and to empower the Governor in Council to authorize a fishery officer to administer oaths in connection with the administration and enforcement of fishery laws.

Clause 3: The section being repealed reads as follows:

“19. (1) Every Customs officer, police officer or constable, clerk of a market or other person in charge of any market-place in any village, town or city, may seize and, upon view, confiscate any fish caught or killed during prohibited seasons, or that appears to have been killed by unlawful means.

(2) Every such seizure and confiscation, with the date, place and circumstance thereof, shall together with the name, residence and calling of the person in whose possession such fish was found, be duly reported to the nearest fishery officer.”

The repeal of this section is consequential upon the enactment of the new section 64 effected by Clause 10 of this Bill.

Clause 4: Section 33 at present reads as follows:

“33. (1) No one shall throw overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances in any river, harbour or roadstead, or in any water where fishing is carried on, or leave or deposit or cause to be thrown, left or deposited, upon the shore, beach or bank of any water or upon the beach between high and low water mark, remains or offal of fish, or of marine animals, or leave decayed or decaying fish in any net or other fishing apparatus; such remains or offal may be buried ashore, above high water mark.

(2) No person shall cause or knowingly permit to pass into, or put or knowingly permit to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance or thing, whether the same is of a like character to the substances named in this section or not, in any water frequented by fish, or that flows into such water, nor on ice over either such waters.

(3) No person engaging in logging, lumbering, land clearing or other operations, shall put or knowingly permit to be put, any slash, stumps or other debris into any water frequented by fish or that flows into such water, or on the ice over either such water, or at a place from which it is likely to be carried into either such water.”

a term of not less than two months and not more than twelve months, or to both such fine and imprisonment."

5. Section 34 of the said Act is repealed and the following substituted therefor: 5

Regulations.

"34. The Governor in Council may make regulations for carrying out the purposes and provisions of this Act and in particular, but without restricting the generality of the foregoing, may make regulations

- (a) for the proper management and control of the sea- 10
coast and inland fisheries;
- (b) respecting the conservation and protection of fish;
- (c) respecting the catching, loading, landing, handling,
transporting, possession and disposal of fish;
- (d) respecting the operation of fishing vessels; 15
- (e) respecting the use of fishing gear and equipment;
- (f) respecting the issue, suspension and cancellation of
licences and leases;
- (g) prescribing the terms and conditions under which a
licence or lease is to be issued; 20
- (h) respecting the obstruction and pollution of any
waters frequented by fish;
- (i) respecting the conservation and protection of spawn-
ing grounds;
- (j) respecting the export of fish or any part thereof from 25
Canada;
- (k) respecting the taking or carrying of fish or any part
thereof from one province of Canada to any other
province;
- (l) prescribing the powers and duties of persons engaged 30
or employed in the administration or enforcement of
this Act and providing for the carrying out of those
duties and powers; and
- (m) authorizing a person engaged or employed in the
administration or enforcement of this Act to vary 35
any close time or fishing quota that has been fixed
by the regulations."

6. Section 35 of the said Act is repealed.

Subsection (4) is new and its purpose is to permit the Governor in Council to determine what substances are to be considered deleterious for the purpose of subsection (2).

The new subsection (5) would increase the penalties for a violation of section 33. These penalties are presently set out in sections 60 and 61 which sections will be repealed.

Clause 5: Section 34 at present reads as follows:

- "34. (1) The Governor in Council may make regulations
- (a) to prevent or remedy the obstruction and pollution of streams;
 - (b) to regulate and prevent fishing;
 - (c) to prohibit the destruction of fish or eggs of fish;
 - (d) to forbid fishing except under authority of leases or licences;
 - (e) prescribing the time when and the manner in which fish may be fished for and caught;
 - (f) to prohibit the export of any fish or any portion of any fish from Canada or the taking or carrying of fish or any portion of any fish from any one province of Canada to any other province thereof;
- and without restricting the foregoing provisions of this section,
- (g) generally as may be necessary for the proper management and regulation of the sea-coast and inland fisheries.
- (2) Every offence against any regulation may be stated as in violation of this Act."

The purpose of this amendment is to clarify the powers of the Governor in Council to make regulations.

Clause 6: The section being repealed reads as follows:

"35. Any fishery officer or justice of the peace may, on view, convict any person committing any of the offences punishable under the provisions of this Act, or under any regulations, and may remove and detain any fish unlawfully caught and any boat, vessel, fishing apparatus or other materials used in committing any offence or in connection therewith, or which such fishery officer or justice of the peace has reason to believe was so used."

The repeal of this section would remove the power of a fishery officer and justice of the peace to convict on view.

7. Sections 45 to 47 of the said Act are repealed.

8. (1) Section 55 of the said Act is amended by adding thereto immediately after subsection (3) thereof the following subsection:

Exception.

“(3a) The Minister may also, by order, exempt any class of dragger or trawler defined by the regulations from the operation of subsection (3) in respect of any area that is not less than three miles from the nearest shore on the Atlantic seacoast of Canada.”

(2) Subsection (5) of section 55 of the said Act is amended by deleting the word “and” at the end of paragraph (c) thereof, by adding the word “and” at the end of paragraph (d) thereof, and by adding thereto the following paragraph:

“(e) classifying, for the purposes of this section, the vessels referred to in subsection (1) according to length, tonnage or otherwise.”

Clause 7: The sections being repealed read as follows:

"45. Any fishery officer, stipendiary magistrate, or commissioned officer of Her Majesty's navy, on board of any vessel belonging to or chartered by the Government of Canada, employed in the service of protecting the fisheries, and every commissioned officer of Her Majesty's navy serving on board of any vessel cruising and being in the waters, harbours or ports of Canada, shall, for the purpose of affording protection to Her Majesty's subjects engaged in the fisheries, and of enforcing any laws relating to such fisheries, have and exercise the powers of a justice of the peace, without property qualification, and without taking any oath of office, in all the waters, where for the time being and for the purposes above described, they are so engaged.

46. Property seized by any fishery officer, stipendiary magistrate, or naval officer, acting as aforesaid, may be removed for disposal to the nearest or most convenient port or place where any revenue officer or other public officer empowered to deal with the matter resides.

47. (1) Whenever it is impracticable for any fishery officer, stipendiary magistrate or naval officer, acting in such capacity, to cause any prisoner to be conveyed to, and committed to the nearest common gaol, he may detain him on board of the vessel, or transfer him to another vessel for conveyance to and delivery at the most convenient place, and with all convenient despatch, where he can be duly committed into the custody of the sheriff or other officer of the county or district in which the common gaol is situated to which he is ordered to be committed.

(2) Until such prisoner is so delivered into the immediate custody of any sheriff or gaoler the fishery officer, stipendiary magistrate or naval officer having him in charge, shall have, in all places through which it is necessary to convey such prisoner, the same authority and power in regard to such prisoner, and to command the aid of any of Her Majesty's subjects in preventing his escape, or in retaking him in case of escape, as any county or district sheriff or peace officer has while lawfully conveying a prisoner from one part of his own district to another.

(3) Every such offence shall be deemed to have been committed in the county or district to the common gaol of which the commitment has been actually made."

The repeal of these sections would remove the power of a fishery officer to act as a justice of the peace.

Clause 8. (1): Subsection (3) of section 55 at present reads as follows:

"(3) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless it restricts its fishing operations to waters that are at least twelve miles distant from the nearest shore on the Atlantic sea coast of Canada; the proof that such fishing operations are so restricted at all times lies on the captain of the vessel; but this subsection does not apply to small draggers operated by inshore fishermen if exempted from the provisions of this subsection by special permit which the Minister is hereby authorized to issue for that purpose; and in the application of this subsection to the coasts of Newfoundland the words "three miles" shall be substituted for the words "twelve miles"."

Subsection (3a) is new and its purpose is to permit the Minister to exempt any class of dragger or trawler from the operation of subsection (3) to within three miles of the nearest coast.

(2) Subsection (5) of section 55 at present reads as follows:

"(5) Regulations may be made under the provisions of section 34

- (a) prescribing the form of licence;
- (b) specifying the evidence to be submitted with an application for a licence;
- (c) fixing the conditions under which a licence shall be issued; and
- (d) making any other provisions respecting licences."

Paragraph (e) is new and its purpose is to permit the Governor in Council to classify draggers or trawlers according to length, tonnage or otherwise for the purpose of section 55.

9. Sections 60 and 61 of the said Act are repealed.

10. Section 64 of the said Act is repealed and the following substituted therefor:

Seizure of
vessels, etc.

“64. (1) A fishery officer may seize any fishing vessel, vehicle, fishing gear, implement, appliance, material, container, goods, equipment or fish where the fishery officer on reasonable grounds believes that

- (a) the fishing vessel, vehicle, fishing gear, implement, appliance, material, container, goods or equipment has been used in connection with the commission of an offence against this Act or the regulations;
- (b) the fish or any part thereof have been caught, taken, killed, transported, bought, sold or had in possession contrary to any provision of this Act or the regulations;
- (c) the fish or any part thereof have been intermixed with fish referred to in paragraph (b).

Custody of
seized
vessels, etc.

(2) Subject to this section, any vessel, vehicle, article, goods or fish seized pursuant to subsection (1) shall be retained in the custody of the fishery officer making the seizure or shall be delivered into the custody of such person as the Minister directs.

Perishable
goods.

(3) Where, in the opinion of the person having custody of an article, goods or fish seized pursuant to subsection (1), that article, goods or fish will rot, spoil or otherwise perish, that person may sell the article, goods or fish in such manner and for such price as that person may determine.

Clause 9: The sections being repealed read as follows:

60. Every one who, contrary to the provisions of this Act throws overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbour or roadstead or any water where fishing is carried on, or leaves or deposits or causes to be thrown, left or deposited, upon the shore, beach or bank of any water, or upon the beach between high and low water mark, remains or offal of fish or of marine animals, or leaves decayed or decaying fish in any net or other fishing apparatus, is liable, for each offence, to a penalty not less than twenty dollars and costs and not more than one hundred dollars and costs, or to imprisonment for a term not exceeding two months; and every one so offending, whether master or servant, and the master or owner of any vessel or boat from which such ballast or offal, or other prejudicial substance is thrown, is liable to penalty and imprisonment as aforesaid for each offence.

61. Every person who causes or knowingly permits to pass into, or puts or knowingly permits to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance or thing, whether the same is of the like character to the substances named in this section or not, in any water frequented by fish, is liable, for the first offence, to a penalty of twenty dollars and costs, for the second offence, to a penalty of not less than forty dollars and costs, and not more than eighty dollars and costs, and also in addition thereto a further penalty of not less than ten dollars and not more than twenty dollars for every day during which such offence is continued; and for the third or any subsequent offence, to a penalty of not less than one hundred dollars and costs, and not more than two hundred dollars and costs, and also in addition thereto a further penalty not exceeding twenty dollars for every day during which such offence is continued."

The repeal of these sections is consequential upon the amendment to section 33 effected by Clause 4 of this Bill.

Clause 10: Section 64 at present reads as follows:

64. All vessels, boats, canoes, rafts, vehicles of any description, nets, fishing gear, materials, implements or appliances used in violation of this Act or any regulation, or in connection with which a violation of this Act or any regulation, is committed and any fish, taken, caught, killed, conveyed, bought, sold or had in possession in violation of this Act or any regulation, and all other fish, otherwise legally taken, caught, killed, conveyed, bought, sold or had in possession and of whatever size and description, which are intermixed therewith, shall be confiscated to Her Majesty and may be seized and confiscated, on view, by any fishery officer, or taken and removed by any person for delivery to any fishery officer or justice of the peace."

The purpose of the new section 64 is to provide a more comprehensive procedure for the seizure of any vessel, vehicle or equipment that is used in violation of the Act and to make this provision of the Act more consistent with the provisions of the various fishery convention Acts.

The new section 64A would protect the interest of an innocent person in goods that have been forfeited to Her Majesty pursuant to subsection (5) of section 64.

Proceeds
of sale.

(4) The proceeds of a sale referred to in subsection (3) shall be paid to the Receiver General of Canada or shall be deposited in a chartered bank to the credit of the Receiver General of Canada.

Court may
order for-
feiture.

(5) Where a person is convicted of an offence under this Act or any regulations, the convicting court or judge may, in addition to any other penalty imposed, order that

(a) any vessel, vehicle, article, goods or fish seized pursuant to subsection (1), or

(b) the whole or any part of the proceeds of a sale referred to in subsection (3),

be forfeited, and upon such order being made the vessel, vehicle, article, goods, fish or proceeds so ordered to be forfeited, are forfeited to Her Majesty in right of Canada.

Forfeiture
where owner-
ship not
ascertain-
able.

(6) Notwithstanding subsection (5), where the ownership of any fishing gear, implement, appliance, material, container, goods, equipment or fish seized pursuant to subsection (1) cannot, at the time of the seizure, be ascertained by the fishery officer by whom the seizure is made, the fishing gear, implement, appliance, material, container, goods, equipment or fish are upon the seizure thereof forfeited to Her Majesty.

Re-delivery
on bond.

(7) Where any vessel, vehicle, article, goods or fish have been seized under subsection (1) and proceedings in respect of the alleged offence have been instituted, the court or judge may, except in the case of any article, goods or fish forfeited under subsection (6), order re-delivery thereof to the accused upon security by bond, with two sureties, in an amount and form satisfactory to the Minister, being given to Her Majesty or upon security of a cash deposit, in an amount satisfactory to the Minister, being given to Her Majesty.

Vessel or
goods to be
returned
unless pro-
ceedings
instituted.

(8) Any vessel, vehicle, article, goods or fish seized under subsection (1) or the proceeds realized from a sale thereof under subsection (3), except any article, goods or fish forfeited under subsection (6), shall be returned or paid to the person from whom the vessel, vehicle, article, goods or fish were taken if the Minister decides not to institute a prosecution in respect of the alleged offence, and in any event, shall be returned or paid upon the expiration of three months from the day of the seizure unless before that time proceedings in respect of the alleged offence are instituted.

Disposal of
forfeited
vessel, etc.

(9) Except as provided in section 64A, any vessel, vehicle, article, goods or fish forfeited under subsection (5) or (6) shall, after the expiration of thirty days from the date of the forfeiture, be disposed of as the Minister directs.

Disposal of
forfeited
lobster trap.

(10) Notwithstanding subsection (9), any lobster trap forfeited under subsection (6) may, at the time of forfeiture, be disposed of as the Minister directs.

Return of vessel or goods if no forfeiture ordered.

(11) Where any vessel, vehicle, article, goods or fish have been seized pursuant to subsection (1) and proceedings in respect of the offence have been instituted, but the vessel, vehicle, article, goods or fish or any proceeds realized from the sale thereof under subsection (3) are not at the final conclusion of the proceedings ordered to be forfeited under subsection (5) and have not been forfeited under subsection (6), they shall be returned forthwith, or the proceeds shall be paid forthwith, to the person from whom the vessel, vehicle, article, goods or fish were taken, unless there has been a conviction and a fine imposed, in which case the vessel, vehicle, article, goods or fish may be detained until the fine is paid, or the vessel, vehicle, article, goods or fish may be sold under execution in satisfaction of the fine, or the proceeds realized from a sale of any article, goods or fish pursuant to subsection (3) may be applied in payment of the fine. 5

Release of seized fish.

(12) Notwithstanding anything contained in this section, a fishery officer may, at the time of seizure, return to the water any fish seized pursuant to subsection (1) that the fishery officer believes to be alive. 20

"Judge."

64A. (1) In this section,

(a) "judge" means

- (i) in the Province of Quebec, a judge of the Superior Court for the district in which the vessel, vehicle, article, goods or fish in respect of which an application for an order under this section is made, were seized, 25
- (ii) in the Province of Newfoundland, a judge of the Supreme Court of Newfoundland, 30
- (iii) in the Yukon and Northwest Territories, a judge of the Territorial Court,
- (iv) in any province not referred to in subparagraphs (i) to (iii), a judge of the county or district court for the county or district in which any such vessel, vehicle, article, goods or fish were seized; and 35

"Court of appeal."

(b) "court of appeal" means, in the province in which an order under this section is made, the court of appeal for that province as defined in paragraph (9) of section 2 of the *Criminal Code*. 40

Application by person claiming interest.

(2) Where any vessel, vehicle, article, goods or fish are forfeited to Her Majesty under subsection (5) or (6) of section 64, any person (other than a person convicted of the offence that resulted in the forfeiture or a person in whose possession the vessel, vehicle, article, goods or fish were when seized) who claims an interest in the vessel, vehicle, article, goods or fish as owner, mortgagee, lienholder or holder of any like interest may, within thirty days after such forfeiture, apply by notice in writing to a judge for an order pursuant to subsection (5). 45 50

Date of
hearing.

(3) The judge to whom an application is made pursuant to subsection (2) shall fix a day not less than thirty days after the date of filing of the application for the hearing thereof.

Notice.

(4) The applicant shall serve a notice of the application 5 and of the hearing upon the Minister at least fifteen days before the day fixed for the hearing.

Order by
Judge.

(5) Where, upon the hearing of an application, it is made to appear to the satisfaction of the judge,

(a) in the case of a forfeiture under subsection (5) of 10 section 64, that the applicant is innocent of any complicity in the offence that resulted in the forfeiture and of any collusion in relation to that offence with the person who was convicted of the offence; 15

(b) in the case of a forfeiture under subsection (6) of section 64, that the applicant is innocent of any complicity in the alleged offence that resulted in the forfeiture and of any collusion in relation to that offence with any person who may have committed 20 the offence; and

(c) that the applicant exercised all reasonable care in respect of the person permitted to obtain the possession of the vessel, vehicle, article, goods or fish to satisfy himself that they were not likely to be 25 used contrary to the provisions of this Act or the regulations, or, in the case of a mortgagee or lienholder, that he exercised such care with respect to the mortgagor or the lien-giver,

the applicant is entitled to an order declaring that his 30 interest is not affected by such forfeiture and declaring the nature and extent of his interest.

Appeal.

(6) The applicant or the Minister may appeal to the court of appeal from an order made under subsection (5) and the appeal shall be asserted, heard and decided accord- 35 ing to the ordinary procedure governing appeals to the court of appeal from orders or judgments of a judge.

Application
to Minister.

(7) The Minister shall, upon application made to him by any person who has obtained a final order under this section, 40

(a) except in the case of any article, goods or fish disposed of pursuant to subsection (3) of section 64 direct that the vessel, vehicle, article, goods or fish to which the interest of the applicant relates be returned to the applicant; or 45

(b) direct that an amount equal to the value of the interest of the applicant, as declared in the order, be paid to him.

Exception.

- (8) This section does not apply to
 (a) any lobster trap disposed of under subsection (10) of section 64; or
 (b) any fish that have been returned to the water pursuant to subsection (12) of section 64.”

5

11. Section 69 of the said Act is repealed.

12. Section 71 of the said Act is repealed.

13. The said Act is further amended by adding thereto, immediately after section 75 thereof, the following heading and sections:

10

“APPLICATION OF ACT TO THE HIGH SEAS.

Application
to High Seas.

76. The provisions of this Act and the regulations that apply to any or all of the waters or territorial waters of Canada, without anything in the context of such provisions indicating that they apply to any specified area of the waters or territorial waters of Canada, shall, in relation to any fishing vessel on the High Seas that is subject to the jurisdiction of Canada, or any act or thing done or omitted to be done on, from or by means of any such fishing vessel, be deemed to extend and apply to the High Seas.

15

Jurisdiction.

77. All courts and justices in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the *Canada Shipping Act* and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*.”

25

Clauses 11 and 12: The repealed sections read as follows:

"69. (1) Every penalty or forfeiture imposed by this Act or by any regulation, may be recovered or enforced on parole complaint, before any fishery officer, stipendiary magistrate or justice of the peace, in a summary manner.

(2) Three days shall elapse between the service and the return day of the summons to any defendant served within fifteen miles, and one day more for each additional fifteen miles of the distance between the place at which the summons is issued and the place of service; but where it is expedient to proceed against a defendant without delay, any fishery officer or justice of the peace may issue a summons, returnable immediately, to compel the defendant to appear before him forthwith or may issue a warrant for the apprehension of such defendant simultaneously with the summons."

"71. Where any defendant has goods and chattels whereon the costs may be levied, the complainant may, under the warrant of any fishery officer or other justice of the peace, distrain for the amount thereof, notwithstanding the imprisonment of the person convicted."

The sections being repealed no longer have any practical application.

Clause 13: Sections 76 and 77 are new and their purpose is to extend the application of certain provisions of the Act and the regulations to the High Seas in order to confer on courts in Canada jurisdiction with respect to offences that occur on the High Seas.

Clause 11 and 12. The proposed sections read as follows:

11. (1) Every person who is a member of the Board of Directors of a corporation shall be a resident of the Province of Ontario at the time of his election to office and shall continue to be a resident of the Province of Ontario during his term of office.

(2) In the event that a member of the Board of Directors of a corporation ceases to be a resident of the Province of Ontario during his term of office, he shall nevertheless continue to be a member of the Board of Directors of that corporation until he has been replaced by another person who is a resident of the Province of Ontario.

12. (1) Every person who is a member of the Board of Directors of a corporation shall be a resident of the Province of Ontario at the time of his election to office and shall continue to be a resident of the Province of Ontario during his term of office.

(2) In the event that a member of the Board of Directors of a corporation ceases to be a resident of the Province of Ontario during his term of office, he shall nevertheless continue to be a member of the Board of Directors of that corporation until he has been replaced by another person who is a resident of the Province of Ontario.

The sections being reported no longer have any practical application.

Clause 13: Sections 70 and 71 are now and their purposes are to extend the application of certain provisions of the Act and the sections in the Bill have no effect in Ontario or in Canada in connection with respect to persons that occur on the High Seas.

Clause 14: Sections 72 and 73 are now and their purposes are to extend the application of certain provisions of the Act and the sections in the Bill have no effect in Ontario or in Canada in connection with respect to persons that occur on the High Seas.

Clause 15: Sections 74 and 75 are now and their purposes are to extend the application of certain provisions of the Act and the sections in the Bill have no effect in Ontario or in Canada in connection with respect to persons that occur on the High Seas.

C-87.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-87.

An Act to authorize certain Amendments to the Agreement made under the Coal Production Assistance Act with Bras d'Or Coal Company Limited.

First reading, May 1, 1961.

THE MINISTER OF MINES
AND TECHNICAL SURVEYS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-87.

An Act to authorize certain Amendments to the Agreement made under the Coal Production Assistance Act with Bras d'Or Coal Company Limited.

R.S., c. 173;
1958, c. 36;
1959, c. 39.

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

Amendment
of loan
agreement.

1. Notwithstanding anything in the *Coal Production Assistance Act*, the Minister of Mines and Technical Surveys (hereinafter called the "Minister") may enter into an agreement with Bras d'Or Coal Company Limited (hereinafter called the "Company") to amend the agreement made under the said Act with the Company on the 30th day of November, 1959, so as to provide for
- (a) the removal of any obligation on the part of the Company, during or in respect of the period commencing on the 1st day of July, 1960 and ending on the 30th day of June, 1962, to make any repayments of the loan made to the Company under the agreement,
 - (b) the resumption of repayments by the Company of the loan in consecutive semi-annual payments, to be computed as contemplated in the original repayment terms of the agreement, such repayments to commence on the 31st day of December, 1962, and to continue thereafter until the full amount of the loan has been repaid, and
 - (c) such other amendments with respect to the security given or to be given by the Company or with respect to any other provision of the agreement as the Minister may deem necessary for the proper carrying out of the amendments described in paragraphs (a) and (b).

EXPLANATORY NOTES.

The purpose of this Bill is to authorize amendments to a loan agreement made with Bras d'Or Coal Company Limited. The repayment terms of that agreement were in accordance with section 4 of the *Coal Production Assistance Act* which reads as follows:

"4. (1) A loan shall bear interest at a rate fixed by the Governor in Council based on the average rate of interest return that the Minister of Finance determines is yielded by bonds of the Government of Canada of a term comparable with that of the loan or, if there are no such bonds outstanding, that would in the opinion of the Minister of Finance be yielded by such bonds, and shall be repaid by semi-annual payments at a rate of not less than thirty cents per net ton of coal produced by the mines in respect of which the loan was made.

(2) The semi-annual payments mentioned in subsection (1) shall commence in the year after the last instalment of the loan is made or the date fixed in the agreement for the completion of the project, whichever is the earliest; and the loan shall be repaid within fifteen years after the first payment is due.

(3) A loan shall be secured by a first charge or mortgage in favour of Her Majesty on the mine and equipment in respect of which the loan is made or on other property of the coal producer or by such other security as the Minister may approve."

The proposed amendments to the loan agreement would remove the obligation of the Company to make repayments during or in respect of a period from July 1, 1960 to June 30, 1962, and would require the company to resume repayments on December 31, 1962 in accordance with the original repayment terms of the loan agreement.

C-88.

Fourth Session, Twenty-Fourth Parliament, 9 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-88.

An Act to amend the Army Benevolent Fund Act.

First reading, May 1, 1961.

THE MINISTER OF VETERANS AFFAIRS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

BILL C-88.

THE HOUSE OF COMMONS OF CANADA.

An Act to amend the Army Benevolent Fund Act.

R.S., cc. 10,
303.

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

R.S., c. 303,
s. 1(1).
Interest.

1. Subsection (7) of section 3 of the *Army Benevolent Fund Act* is repealed and the following substituted therefor: 5

“(7) The Receiver General shall credit to the Fund semi-annually interest on the minimum balance to the credit of the Fund in each month, at the following rates:

(a) four per cent per annum, to the extent that the minimum balance does not exceed five million dol- 10
lars, and

(b) three per cent per annum, to the extent that the minimum balance exceeds five million dollars.”

2. Subsection (1) of section 8 of the said Act is repealed and the following substituted therefor: 15

Secretary.

“**8.** (1) The Board shall appoint a veteran as Secretary to the Board at an annual salary to be fixed by the Board and may appoint such other officers, clerks and employees as may be required on such terms and conditions as it deems expedient; but where there is available a qualified veteran 20 to fill any position, preference in appointment shall be given such veteran.”

3. Subsection (1) of section 11 of the said Act is repealed and the following substituted therefor:

Audit.

“**11.** (1) The Auditor General shall examine, annually, 25 the accounts of the Board.”

EXPLANATORY NOTES.

Clause 1: The purpose of this clause is to increase the rates of interest to be credited to the Fund by the Receiver General semi-annually on the minimum balance to the credit of the Fund in each month.

Subsection (7) of section 3 at present reads as follows:

"(7) The Receiver General shall credit to the Fund semi-annually interest on the minimum balance to the credit of the Fund in each month, at the following rates:

- (a) *three and one-half* per cent per annum, to the extent that the minimum balance does not exceed five million dollars, and
- (b) *two and one-half* per cent per annum, to the extent that the minimum balance exceeds five million dollars."

Clause 2: The purpose of this clause is to remove the present statutory limit on the amount that the Army Benevolent Fund Board may fix as the salary to be paid to the Secretary to the Board.

Subsection (1) of section 8 at present reads as follows:

"8. (1) The Board shall appoint a veteran as Secretary to the Board at an annual salary *not exceeding six thousand five hundred dollars* and may appoint such other officers, clerks and employees as may be required on such terms and conditions as it deems expedient; but where there is available a qualified veteran to fill any position preference in appointment shall be given such veteran."

Clause 3: When the Act was first enacted it was anticipated that disbursements for grants would be made and accounted for directly by the various provincial committees. Subsequently arrangements were made for the disbursements to be made by the Comptroller of the Treasury and for the accounting to be centralized at the Head Office of the Board in Ottawa. The requirement contained in subsection (1) of section 11 that the Auditor General examine accounts of committees quarterly is, therefore, unnecessary and it is considered desirable that it be deleted.

Subsection (1) of section 11 at present reads as follows:

"11. (1) The Auditor General shall examine, annually, the accounts of the Board and shall examine accounts of committees quarterly."

C-89.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-89.

An Act to amend the Criminal Code (Race Meetings).

First reading, May 4, 1961.

THE MINISTER OF AGRICULTURE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

25029-0

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-89.

An Act to amend the Criminal Code (Race Meetings).

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 48;
1957-58, c. 28;
1958, c. 18;
1959, c. 41;
1960, cc. 37,
45, s. 21.

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

1953-54, c. 51.

1. (1) All that portion of paragraph (c) of subsection (1) of section 178 of the *Criminal Code* immediately following subparagraph (ii) thereof is repealed and the following substituted therefor: 5

“during the actual progress of a race meeting conducted by the association upon races being run thereon and if, as to race meetings at which there are running races, the following provisions are complied with, namely, no association shall hold, and on any one track there shall not be held, except as hereinafter provided, more than fourteen days of racing or more than two race meetings in any one calendar year, the racing during any such meeting to be held on consecutive days on which racing may be lawfully carried on and to consist of not more than eight races on any of those days;” 10 15

1955, c. 45,
s. 1(1).

(2) Subparagraph (ii) of paragraph (d) of subsection (1) of section 178 of the said Act is repealed and the following substituted therefor: 20

“(ii) no more than ten races shall be held during any one calendar day; and”

EXPLANATORY NOTES.

Clause 1: (1) The portion of the Act being amended presently provides as follows:

"during the actual progress of a race meeting conducted by the association upon races being run thereon and if, as to race meetings at which there are running races, the following provisions are complied with, namely,

- (iii) no race meeting shall continue for more than fourteen consecutive days on days on which racing may be lawfully carried on and there shall be not more than eight races on any of those days, and
- (iv) no association shall hold, and on any one track there shall not be held, except as hereinafter provided, in any one calendar year more than one race meeting, at which there are running races, of more than seven and not exceeding fourteen such days or two such race meetings having an interval of at least twenty days between them of not more than seven such days each;"

At present where an association holds two race meetings in any one calendar year neither of these meetings can be for a period of more than seven days. The purpose of this amendment is to provide that where an association holds two race meetings in any year either of these meetings may be held for any period if the combined total of the two meetings does not exceed fourteen days.

(2) The portion of the Act being amended presently provides as follows:

- "(ii) no more than eight races or dashes, or two dashes and four heat races of two heats each, or four heat races of three heats each, or six heat races of two heats each, shall be held during any twenty-four hour period, and"

The purpose of this amendment is to remove the restrictions now placed on associations conducting trotting and pacing races as to the type of races they may hold in any twenty-four hour period and to provide instead that such associations may hold no more than ten races during any such period.

BILL NO. 1111

REALTORRY NOTES

Chapter 1111, the portion of the Act being amended, is hereby amended as follows:

Section 1111.1. The portion of the Act being amended, is hereby amended as follows:

Section 1111.2. The portion of the Act being amended, is hereby amended as follows:

Section 1111.3. The portion of the Act being amended, is hereby amended as follows:

Section 1111.4. The portion of the Act being amended, is hereby amended as follows:

Section 1111.5. The portion of the Act being amended, is hereby amended as follows:

Section 1111.6. The portion of the Act being amended, is hereby amended as follows:

Section 1111.7. The portion of the Act being amended, is hereby amended as follows:

Section 1111.8. The portion of the Act being amended, is hereby amended as follows:

Section 1111.9. The portion of the Act being amended, is hereby amended as follows:

Section 1111.10. The portion of the Act being amended, is hereby amended as follows:

Section 1111.11. The portion of the Act being amended, is hereby amended as follows:

Section 1111.12. The portion of the Act being amended, is hereby amended as follows:

C-90.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61

THE HOUSE OF COMMONS OF CANADA.

BILL C-90.

An Act to amend the Railway Act.
(Rapeseed freight rates)

First reading, May 10, 1961.

MR. RAPP.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-90.

An Act to amend the Railway Act.
(Rapeseed freight rates).

R.S., c. 234;
1955, cc. 41,
55, s. 2; 1958,
c. 40;
1960, c. 35.

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

1. Section 328 of the *Railway Act* is amended by adding thereto, immediately after subsection (6) thereof, the following subsection: 5

Effective
1st August
1961, rapeseed
is a grain.

“(6a) On and from the 1st day of August, 1961, but not prior to that day, rapeseed is a grain within the meaning of that word as used in chapter 5 of the statutes of Canada, 1897, the provisions of the agreement made or entered into pursuant thereto, and subsection (6) of this section, but the provisions of this subsection shall not be used in any other wise to construe and interpret the meaning of the word ‘grain’.” 10

EXPLANATORY NOTES.

The purpose of this Bill is to apply to rapeseed the freight rates on grain that are applicable under the *Crow's Nest Pass Agreement*.

The Board of Transport Commissioners for Canada, in a decision dated the 10th June 1960 on the application of the Bogoch Seed Company Limited, unanimously found as a fact that since 1943, but not prior thereto, rapeseed has been a grain in the same sense that wheat, oats and barley are grain. On the legal interpretation whether rapeseed is a grain under the relevant legislation and Agreement, the Board split 3-2 against the inclusion of rapeseed as a grain (the Chief Commissioner giving the majority opinion).

Primarily, therefore, the legislative purpose of this Bill is to bring this specific legal meaning of rapeseed into accord with the meaning of rapeseed as used since 1943 by the Department of Agriculture, the Board of Grain Comissioners, Parliament in the *Canada Grain Act*, and the grain trade, as well by the railways themselves in the present local grain mileage freight rates.

Two secondary legislative effects are: (1) to apply the *Crow's Nest Pass* rates only at the commencement of the August 1961 season so that there can be no question under section 333(5) of the *Railway Act* that the tolls on past shipments of rapeseed are affected retroactively to 1943; (2) to prevent the use of this statutory definition of rapeseed in legal argument on interpretation in other cases.

C-91.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-91.

An Act to amend the Canada Elections Act.
(Information to Electors)

First reading, May 15, 1961.

Mr. McGEE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA

BILL C-91.

An Act to amend the Canada Elections Act.
(Information to Electors)

1960, c. 39.

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

1. Section 21 of the *Canada Elections Act* is amended by adding thereto, immediately after subsection (16) thereof, the following subsection:

Distribution of lists identifying candidates and agents by "Householder" mail.

"(16a) Except when an election is by acclamation, the returning officer shall prepare a list, in form approved by the Chief Electoral Officer, setting out the particulars of the name, address and occupation of each candidate as sufficiently to identify him together with the name, address and occupation of his official agent in like manner and, within four days from the close of the time for nominating candidates unless a candidate sooner dies, the returning officer shall hand in to the various post offices within his electoral district, as third class matter for distribution as "Householder" mail, at least as many printed copies of such list as there are electors in his electoral district; it is sufficient compliance by a postmaster with this subsection that he distribute copies of the list to as many electors as possible in accordance with his knowledge of and conditions prevailing in the area served by his office."

C-41

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THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of this Bill is to inform the public of the method by which contributions may be made to the campaign fund of the candidate of their choice.

An Act to amend the Criminal Code (Campaign Marketing)

First reading, May 15, 1967

The Minister of Justice

QUEEN'S PRINTER, KINGSTON
1967

C-92.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-92.

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

First reading, May 15, 1961.

THE MINISTER OF JUSTICE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-92.

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

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 48;
1957-58, c. 28;
1958, c. 18;
1959, c. 41;
1960, c. 37.

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

1. The *Criminal Code* is amended by adding thereto, immediately after section 202 thereof, the following section: 5

Classification of murder.

Capital murder defined.

“202A. (1) Murder is capital murder or non-capital murder.

(2) Murder is capital murder, in respect of any person, where

(a) it is planned and deliberate on the part of such 10 person, or

(b) it is within section 202 and such person

(i) by his own act caused or assisted in causing the bodily harm from which the death ensued,

(ii) by his own act administered or assisted in 15 administering the stupefying or over-powering thing from which the death ensued,

(iii) by his own act stopped or assisted in the stopping of the breath from which the death ensued,

(iv) himself used or had upon his person the weapon 20 as a consequence of which the death ensued, or

(v) counselled or procured another person to do any act mentioned in subparagraph (i), (ii) or (iii) or to use any weapon mentioned in subparagraph (iv). 25

Non-capital murder.

(3) All murder other than capital murder is non-capital murder.”

EXPLANATORY NOTES.

Clause 1: The purpose of the new section 202A is to divide murder into two kinds, capital and non-capital. There is no change in the law in so far as concerns the delineation of those things which constitute the crime of murder itself; these remain as set out in sections 201 and 202, which read as follows:

“201. Culpable homicide is murder

- (a) where the person who causes the death of a human being
 - (i) means to cause his death, or
 - (ii) means to cause him bodily harm that he knows is likely to cause his death, and is reckless whether death ensues or not;
- (b) where a person meaning to cause death to a human being or meaning to cause him bodily harm that he knows is likely to cause his death, and being reckless whether death ensues or not, by accident or mistake causes death to another human being, notwithstanding that he does not mean to cause death or bodily harm to that human being; or
- (c) where a person, for an unlawful object, does anything that he knows or ought to know is likely to cause death, and thereby causes death to a human being, notwithstanding that he desires to effect his object without causing death or bodily harm to any human being.”

“202. Culpable homicide is murder where a person causes the death of a human being while committing or attempting to commit treason or an offence mentioned in section 52, piracy, escape or rescue from prison or lawful custody, resisting lawful arrest, rape, indecent assault, forcible abduction, robbery, burglary or arson, whether or not the person means to cause death to any human being and whether or not he knows that death is likely to be caused to any human being, if

- (a) he means to cause bodily harm for the purpose of
 - (i) facilitating the commission of the offence, or
 - (ii) facilitating his flight after committing or attempting to commit the offence,and the death ensues from the bodily harm;
- (b) he administers a stupefying or overpowering thing for a purpose mentioned in paragraph (a), and the death ensues therefrom;
- (c) he wilfully stops, by any means, the breath of a human being for a purpose mentioned in paragraph (a), and the death ensues therefrom; or
- (d) he uses a weapon or has it upon his person
 - (i) during or at the time he commits or attempts to commit the offence, or
 - (ii) during or at the time of his flight after committing or attempting to commit the offence,and the death ensues as a consequence.”

What is provided by the new section 202A is that of all those crimes which may be murder as defined, only murder of a calculated and deliberate nature shall be capital, or murder committed in the course of carrying out any of the crimes mentioned in section 202—generally speaking a crime itself involving the use of force or stealth, thus importing the element of deliberation. Under the latter alternative, however, only the person who actually committed the act or applied the force causing death, or counselled the doing of it, would be guilty of capital murder.

All other murder is made non-capital.

2. Section 206 of the said Act is repealed and the following substituted therefor:

Punishment for capital murder.

"206. (1) Every one who commits capital murder is guilty of an indictable offence and shall be sentenced to death.

5

Punishment for non-capital murder.

(2) Every one who commits non-capital murder is guilty of an indictable offence and shall be sentenced to imprisonment for life.

Exception for persons under age of eighteen years.

(3) Notwithstanding subsection (1), a person who appears to the court to have been under the age of eighteen 10 years at the time he committed a capital murder shall not be sentenced to death upon conviction therefor but shall be sentenced to imprisonment for life.

Minimum punishment.

(4) For the purposes of Part XX, the sentence of imprisonment for life prescribed by this section is a minimum 15 punishment."

3. The said Act is further amended by adding thereto, immediately after section 492 thereof, the following section:

Capital murder to be specifically charged.

"492A. No person shall be convicted of capital murder unless in the indictment charging the offence he is specifically 20 charged with capital murder."

4. Subsections (1) and (2) of section 515 of the said Act are repealed and the following substituted therefor:

Pleas permitted.

"515. (1) An accused who is not charged with an offence punishable by death and is called upon to plead may plead 25 guilty or not guilty, or the special pleas authorized by this Part and no others.

Refusal to plead.

(2) Where an accused who is not charged with an offence punishable by death refuses to plead or does not answer 30 directly, the court shall order the clerk of the court to enter a plea of not guilty.

Pleas where offence punishable by death.

(2a) An accused who is charged with an offence punishable by death and is called upon to plead may plead not guilty, or the special pleas authorized by this Part and no others.

Where no plea offered.

(2b) Where an accused who is charged with an offence 35 punishable by death does not plead not guilty or one of the special pleas authorized by this Part or does not answer directly, the court shall order the clerk of the court to enter a plea of not guilty."

5. Subsection (4) of section 516 of the said Act is re- 40 pealed and the following substituted therefor:

Pleading over.

"(4) When the pleas referred to in subsection (3) are disposed of against the accused, he may plead guilty or not guilty, unless he is charged with an offence punishable by death, in which case the court shall order the clerk of 45 the court to enter a plea of not guilty."

Clause 2: The purpose of this amendment is to set out the punishments for capital murder and non-capital murder, respectively, as defined in the new section 202A. Section 206 at present reads as follows:

"206. Every one who commits murder is guilty of an indictable offence and shall be sentenced to death."

Clause 3: The purpose of this new section is to ensure that a person shall not be convicted of capital murder unless the indictment charging the offence specifically charges capital murder.

Clause 4: The purpose of this amendment is to provide that a person on trial for an offence punishable by death may not plead guilty of the offence. Subsections (1) and (2) at present read as follows:

"515. (1) An accused who is called upon to plead may plead guilty or not guilty, or the special pleas authorized by this Part and no others.

(2) Where the accused refuses to plead or does not answer directly the court shall order the clerk of the court to enter a plea of not guilty.

Clause 5: This amendment is related to, and is for the same purpose as, the amendment proposed in clause 4. Subsection (4) at present reads as follows:

"(4) When the pleas referred to in subsection (3) are disposed of against the accused he may plead guilty or not guilty."

6. Section 519 of the said Act is amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

Effect of previous charge of capital murder or non-capital murder.

“(2a) A conviction or acquittal on an indictment for capital murder bars a subsequent indictment for the same homicide charging it as non-capital murder, and a conviction or acquittal on an indictment for non-capital murder bars a subsequent indictment for the same homicide charging it as capital murder.” 5

7. Section 569 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

Where capital murder charged and part only proved.

“(1a) For greater certainty and without limiting the generality of subsection (1), where a count charges capital murder and the evidence does not prove capital murder, but proves non-capital murder, or an attempt to commit non-capital murder, the jury may find the accused not guilty of capital murder but guilty of non-capital murder or an attempt to commit non-capital murder, as the case may be.” 15 20

8. The said Act is further amended by adding thereto, immediately after section 583 thereof, the following section:

Right of appeal of person sentenced to death.

“**583A.** (1) Notwithstanding any other provision of this Act a person who has been sentenced to death may appeal to the court of appeal 25

(a) against his conviction on any ground of appeal that involves a question of law or fact or mixed law and fact; and

(b) against his sentence unless that sentence is one fixed by law. 30

Notice deemed to have been given.

(2) A person who has been sentenced to death shall, notwithstanding he has not given notice pursuant to section 586, be deemed to have given such notice and to have appealed against his conviction and against his sentence unless that sentence is one fixed by law. 35

Court of appeal may consider.

(3) The court of appeal, on an appeal pursuant to this section, shall

(a) consider any ground of appeal alleged in the notice of appeal, if any notice has been given, and

(b) consider the record to ascertain whether there are present any other grounds upon which the conviction ought to be set aside or the sentence varied, as the case may be.” 40

9. Section 586 of the said Act is amended by adding thereto the following subsection: 45

Suspension of execution of sentence of death.

“(5) Where, pursuant to a conviction, a sentence of death has been imposed, the execution of the sentence shall be suspended until after the determination of the appeal pursuant to section 583A whether or not the production of a certificate

Clause 6: The purpose of this amendment is to provide expressly that a person who has been convicted or acquitted of capital murder cannot then be tried for non-capital murder in respect of the same death, and *vice versa*. Subsection (2) contains a similar provision in respect of murder, and manslaughter or infanticide.

Clause 7: The purpose of this new subsection is to make it clear that where an accused is charged with capital murder and the evidence does not prove capital murder but does prove either non-capital murder or an attempt to commit non-capital murder, the jury can convict for non-capital murder or the attempt, as the case may be.

Clause 8: The purpose of this new section is to provide for an automatic appeal to the provincial court of appeal in every case where the death penalty has been imposed, on any ground of law or fact or mixed law and fact.

Clause 9: The purpose of this new subsection is to ensure that in every case where a sentence of death has been imposed, the execution of the sentence will be suspended until after the determination of the appeal provided by clause 8.

mentioned in subsection (4) has been made, and where, as a result of such suspension, a new time is required to be fixed for the execution of the sentence, it may be fixed by the judge who imposed the sentence or any judge who might have held or sat in the same court.”

5

10. (1) Subsection (2) of section 588 of the said Act is repealed and the following substituted therefor:

Transcript
of evidence.

“(2) A copy or transcript of

(a) the evidence taken at the trial,

(b) the charge to the jury, if any,

(c) the reasons for judgment, if any, and

(d) the addresses of the prosecutor and the accused or counsel for the accused by way of summing up, if

(i) a ground for the appeal is based upon either of the addresses, or

(ii) the appeal is pursuant to section 583A,

shall be furnished to the court of appeal, except in so far as it is dispensed with by order of a judge of that court.”

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(2) Subsection (4) of section 588 of the said Act is repealed and the following substituted therefor:

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Copies to
interested
parties.

“(4) A party to the appeal is entitled to receive

(a) without charge, if the appeal is against a conviction in respect of which a sentence of death has been imposed or against such sentence, or

(b) upon payment of any charges that are fixed by rules of court, in any other case,

a copy or transcript of any material that is prepared under subsections (2) and (3).”

25

11. The said Act is further amended by adding thereto, immediately after section 597 thereof, the following section: 30

Appeal on
law or fact or
mixed law
and fact.

“**597A.** Notwithstanding any other provision of this Act, a person

(a) who has been sentenced to death and whose conviction is affirmed by the court of appeal, or

(b) who is acquitted of an offence punishable by death and whose acquittal is set aside by the court of appeal,

may appeal to the Supreme Court of Canada on any ground of law or fact or mixed law and fact.”

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12. All that portion of subsection (1) of section 598 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

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Clause 10: (1) The purpose of this amendment is to provide that a copy of the addresses of the prosecutor and the accused or his counsel, by way of summing up, on the trial of an offence punishable by death, shall be furnished to the court of appeal as a matter of course.

(2) The purpose of this amendment is to provide that on an appeal against a conviction leading to a sentence of death or against such sentence, the appellant is entitled to receive a copy of the transcript of the proceedings of the trial without charge.

Clause 11: The purpose of this new section is to define the grounds on which a person may appeal from a provincial court of appeal to the Supreme Court of Canada in connection with a conviction for an offence punishable by death.

Clause 12: This amendment is consequential upon the addition to the Act of the new section 583A contained in clause 8.

Appeal by
Attorney
General.

“598. (1) Where a judgment of a court of appeal sets aside a conviction pursuant to an appeal taken under section 583 or 583A or dismisses an appeal taken pursuant to paragraph (a) of subsection (1) of section 584, the Attorney General may appeal to the Supreme Court of Canada” 5

Recommen-
dation by
jury.

13. The said Act is further amended by adding thereto, immediately after section 642 thereof, the following section:
“642A. Where a jury finds an accused guilty of an offence punishable by death, the judge who presides at the trial shall, before discharging the jury, put to them the following question: 10

You have found the accused guilty and the law requires that I now pronounce sentence of death against him (or “the law provides that he may be sentenced to death”, as the case may be). Do you wish to make any recommendation as to whether or not he should be granted clemency. You are not required to make any recommendation but if you do make a recommendation either in favour of clemency or against it, your recommendation will be included in the report that I am required to make of this case to the Minister of Justice and will be given due consideration.” 15 20

When judge
may
reprieve.

14. Subsection (2) of section 643 of the said Act is repealed and the following substituted therefor: 25

“(2) Where a judge who sentences a person to death or any judge who might have held or sat in the same court considers

(a) that the person should be recommended for the royal mercy, or 30

(b) that, for any reason, it is necessary to delay the execution of the sentence,

the judge may, at any time, reprieve the person for any period that is necessary for the purpose.”

15. Section 656 of the said Act is amended by adding thereto the following subsection: 35

Approval by
Governor in
Council of
release
after
commutation
of sentence.

“(3) If the Governor in Council so directs in the instrument of commutation, a person in respect of whom a sentence of death is commuted to imprisonment for life or a term of imprisonment, shall, notwithstanding any other law or authority, not be released during his life or such term, as the case may be, without the prior approval of the Governor in Council.” 40

Clause 13: The purpose of this new section is to require the trial judge, in the event of a guilty verdict on the trial of an offence punishable by death, to ask the jury whether or not they wish to make a recommendation for clemency.

Clause 14: The purpose of this amendment is to remove the anomaly whereby, although a reprieve from a sentence of death may be granted either by the judge who imposed the sentence or any other judge who might have sat in the same court, it may be granted only if the former judge considers the reprieve necessary.

Clause 15: The purpose of this new subsection is to enable the Governor in Council in commuting a sentence of death, to direct that the prisoner shall not be released from the imprisonment to which the sentence is commuted without the prior approval of the Governor in Council.

Coming into
force.

16. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Transitional.

17. (1) Where proceedings in respect of an offence that, under the provisions of the *Criminal Code* as it was before being amended by this Act, was punishable by death were commenced before the coming into force of this Act, the following rules apply, namely: 5

(a) subject to paragraph (b), the offence shall be dealt with, inquired into, tried and determined, and any punishment in respect of that offence shall be imposed, as if this Act had not come into force; 10

(b) where upon conviction for the offence a person is sentenced to death after the coming into force of this Act, the provisions of the *Criminal Code*, as amended by this Act, relating to appeals apply in respect of such conviction and sentence as if the offence had been committed after the coming into force of this Act; and 15

(c) where a new trial of a person for the offence has been ordered by the court of appeal or the Supreme Court of Canada and the new trial is commenced after the coming into force of this Act, the new trial shall be commenced by the preferring of a new indictment before the court before which the accused is to be tried, and thereafter the offence shall be dealt with, inquired into, tried and determined, and any punishment in respect of the offence shall be imposed, as if it had been committed after the coming into force of this Act. 20 25

Idem.

(2) Where proceedings in respect of an offence that would, if it had been committed before the coming into force of this Act, have been punishable by death are commenced after the coming into force of this Act, the offence shall be dealt with, inquired into, tried and determined, and any punishment in respect of the offence shall be imposed, as if it had been committed after the coming into force of this Act irrespective of when it was actually committed. 30 35

When
proceedings
deemed
commenced.

(3) For the purposes of this section, proceedings in respect of an offence shall be deemed to have commenced

(a) upon the preferring of a bill of indictment before the grand jury of the court, in the case of a court constituted with a grand jury, and 40

(b) upon the preferring of an indictment before the court, in any other case.

C-93.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-93.

An Act to amend the Freight Rates Reduction Act.

First reading, May 15, 1961.

THE MINISTER OF TRANSPORT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-93.

An Act to amend the Freight Rates Reduction Act.

1959, c. 27;
1960, c. 42.

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

Extension
of time.

1. The Board of Transport Commissioners for Canada may extend, but not beyond the 30th day of April, 1962, the period specified in any order made by the Board under subsection (1) of section 3 of the *Freight Rates Reduction Act*, during which the revised rates set forth in the order shall be applicable, and in such case the diminution in the gross revenue of a company resulting from the continuation in effect, after the 30th day of April, 1961 and before the day on which the extension became effective, of the revised rates set forth in the order shall, for the purposes of the *Freight Rates Reduction Act*, be deemed to have resulted from an order made by the Board under that Act.

Limit.

2. Subsection (2) of section 4 of the *Freight Rates Reduction Act* is repealed and the following substituted therefor:
“(2) The aggregate of all payments under this section shall not exceed fifty-five million dollars.”

THE HOUSE OF COMMONS OF CANADA

BILL C-34

EXPLANATORY NOTE.

The purpose of this Bill is to extend for not more than twelve months the period during which the revised freight rates under the *Freight Rates Reduction Act* shall be applicable.

The present subsection (2) reads as follows:

"(2) The aggregate of all payments under this section shall not exceed *thirty-five* million dollars."

The proposed amendment would increase the authorized expenditure under the Act by an additional twenty million dollars.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

1950

PHYSICS 300

PHYSICS 300
The purpose of this course is to provide a thorough understanding of the principles of physics and their applications. The course covers the following topics:

1. Mechanics
2. Electricity and Magnetism
3. Optics
4. Modern Physics

The course is designed for students who have completed the first two years of college and who are interested in pursuing a career in physics or engineering. The course is taught by Professor [Name] and is held in the Physics Department building.

The course is a required course for students majoring in physics and is also a recommended course for students majoring in engineering. The course is offered in the fall and spring semesters.

C-94.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-94.

An Act to amend the Canadian National
Railways Act.

First reading, May 15, 1961.

THE MINISTER OF TRANSPORT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

23965-7

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-94.

An Act to amend the Canadian National
Railways Act.

1955, c. 29.

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

1. Subsection (2) of section 6 of the *Canadian National Railways Act* is repealed and the following substituted therefor: 5

Number.

“(2) The Board of Directors of the National Company shall consist of twelve directors each of whom shall be a Canadian citizen.”

2. Subsection (2) of section 10 of the said Act is repealed and the following substituted therefor: 10

Quorum.

“(2) Seven directors constitute a quorum.”

Coming into force.

3. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

EXPLANATORY NOTE.

The purpose of this Bill is to increase the number of members of the Board of Directors of the Canadian National Railway Company from seven to twelve.

THE NATIONAL BOARD OF HEALTH ACT

SECTION 1

Short title and commencement

The purpose of this Act is to increase the number of members of the Board of Directors of the National Board of Health and to provide for the appointment of a Board of Health.

1. The Board of Health shall consist of 12 members, 6 of whom shall be appointed by the Governor and 6 by the Senate.

2. The Board of Health shall be a body corporate and shall have the right to sue and be sued, to acquire and hold real and personal property, and to do all such things as may be necessary for the purposes of this Act.

3. The Board of Health shall have the honor of the rank of a cabinet department.

4. The Board of Health shall have the honor of the rank of a cabinet department.

5. The Board of Health shall have the honor of the rank of a cabinet department.

C-95.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-95.

An Act to amend the Farm Improvement Loans Act.

First reading, May 15, 1961.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-95.

An Act to amend the Farm Improvement Loans Act.

R.S., c. 110;
1952-53, c. 36;
1956, c. 24;
1959, c. 25.

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

1952-53, c. 36,
s. 4;
1956, c. 24,
s. 3;
1959, c. 25,
s. 4.

1. Paragraph (d) of section 5 of the *Farm Improvement Loans Act* is repealed and the following substituted therefor: 5
“(d) made during the period commencing on the 1st day of April, 1959 and ending on the 30th day of June, 1962, after the aggregate principal amount of the guaranteed farm improvement loans made by all banks during that period exceeds four hundred 10 million dollars.”

C-4

First reading, June 22, 1961

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of this amendment is to increase by one hundred million dollars the aggregate principal amount of loans which may be made in the loan period ending on the 30th day of June, 1962.

First reading, May 11, 1961

C-96.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-96.

An Act to amend the Coastal Fisheries Protection Act
(Twelve Mile Fishing Zone).

First reading, May 19, 1961.

MR. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA

BILL C-96.

An Act to amend the Coastal Fisheries Protection Act
(Twelve Mile Fishing Zone).

1952-53, c.
15;
1960-61, c.
14.

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

1. Paragraph (b) of section 2 of the *Coastal Fisheries Protection Act* is repealed and the following substituted therefor: 5

"Canadian territorial waters."

"(b) 'Canadian territorial waters' means a fishing zone extending seaward to a limit twelve nautical miles from the baseline from which the breadth of the territorial seas of Canada are measured, and includes inland waters of Canada;" 10

Coming into force.

2. This Act shall come into force on the first day of July, 1963.

EXPLANATORY NOTE.

This Bill's intent is that it be a declaration by the Queen in Parliament that Canada within those twelve marine miles seaward of her coasts has, to the sole use and benefit of her nationals, the right to fish exclusive of all others: as well an affirmation of Canada's obligation to protect and conserve the live resources of those seas to that same end.

Subsection 2(b) of the *Coastal Fisheries Protection Act* is presently as follows:

"2. In this Act

(b) 'Canadian territorial waters' means any waters designated by any Act of the Parliament of Canada or by the Governor in Council as the territorial waters of Canada, or any waters not so designated being within three marine miles of any of the coasts, bays, creeks, or harbours of Canada, and includes the inland waters of Canada;"

At the First United Nations Conference on the Law of the Sea in 1958, Canada put forth her position on national fishing limits in these words:

"A State has a fishing zone contiguous to its territorial sea extending to a limit twelve nautical miles from the baseline from which the breadth of its territorial sea is measured in which it has the same rights in respect of fishing and the exploitation of the living resources of the sea as it has in its territorial sea."

To allow time for international negotiation which may result in agreement on national fishing limits, this Bill is deferred in effect until July 1st, 1963.

C-97.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-97.

An Act to amend An Act to amend the Combines
Investigation Act and the Criminal Code.

First reading, May 20, 1961.

THE MINISTER OF JUSTICE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-97.

An Act to amend An Act to amend the Combines Investigation Act and the Criminal Code.

1959, c. 40;
1960, c. 45.

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

1959, c. 40,
s. 1;
1960, c. 45,
s. 23.

1. Section 1 of *An Act to amend the Combines Investigation Act and the Criminal Code*, chapter 40 of the Statutes of 1959, as amended by section 23 of *An Act to Amend the Combines Investigation Act and the Criminal Code*, chapter 45 of the Statutes of 1960, is repealed and the following substituted therefor: 5

Application
of Acts to
fishing
agreements.

“1. Nothing in the *Combines Investigation Act* or in section 10 10
411 of the *Criminal Code* shall be construed to apply to
any contract, agreement or arrangement between fishermen
or associations of fishermen in British Columbia, and persons
or associations of persons engaged in the buying or proces- 15
sing of fish in British Columbia, relating to the prices,
remuneration or other conditions under which fish will be
caught and supplied to such persons by fishermen between
the 1st day of January, 1959 and the 31st day of December,
1962.”

EXPLANATORY NOTE.

Section 1 of the 1959 Act, which was continued for a further year in 1960, at present reads as follows:

"1. Nothing in the *Combines Investigation Act* or in section 411 of the *Criminal Code* shall be construed to apply to any contract, agreement or arrangement between fishermen or associations of fishermen in British Columbia, and persons or associations of persons engaged in the buying or processing of fish in British Columbia, relating to the prices, remuneration or other conditions under which fish will be caught and supplied to such persons by fishermen between the 1st day of January, 1959 and the 31st day of December, 1961."

The proposed amendment would continue this provision for a further year ending December 31, 1962.

C-98.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-98.

An Act to amend the Canada Shipping Act.

First reading, May 20 1961.

MINISTER OF TRANSPORT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-98.

An Act to amend the Canada Shipping Act.

R.S. c. 29;
1952-53, c. 20;
1956, c. 34;
1957, c. 4;
1960, c. 40.

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

1. (1) Paragraph (6) of section 2 of the *Canada Shipping Act* is repealed and the following substituted therefor: 5

“Builder’s mortgage.”

“(6) “builder’s mortgage” means a mortgage of a recorded vessel;”

(2) Paragraph (38) of section 2 of the said Act is repealed and the following substituted therefor:

“Home-trade voyage.”

“(38) “home-trade voyage” means a voyage not being 10 an inland or minor waters voyage between places within the area following, namely, Canada, the United States of America other than Hawaii, St. Pierre and Miquelon, the West Indies, Mexico, Central America and the northeast coast of South America, in the course of which a ship does 15 not go south of the sixth parallel of north latitude;”

(3) Paragraph (41) of section 2 of the said Act is repealed and the following substituted therefor:

“Inland waters of Canada.”

“(41) “inland waters of Canada” means all the rivers, lakes and other navigable fresh waters within Canada, and 20 includes the River St. Lawrence as far seaward as a straight line drawn

(a) from Cap des Rosiers to West Point Anticosti Island, and

(b) from Anticosti Island to the north shore of the River St. Lawrence along the meridian of longitude sixty-three degrees west;” 25

EXPLANATORY NOTES.

Clause 1: (1) Paragraph (6) of section 2 presently reads as follows:

“(6) “builder’s mortgage” means a mortgage of the character described by paragraph (c) of section 5 and having the effects described by sections 45 and 46;”

This amendment is consequential upon the amendments contained in clause 5 respecting recorded vessels.

(2) Paragraph (38) presently reads as follows:

“(38) “home-trade voyage” means a voyage not being an inland or minor waters voyage between places within the area following, namely, Canada, the United States of America, the Territory of Alaska not west of Cape Spencer, Newfoundland, Labrador, St. Pierre and Miquelon, the West Indies, Mexico, Central America and the northeast coast of South America, in the course of which a ship does not go south of the sixth parallel of north latitude or through Behring Strait;”

Under this definition voyages to Hawaii were not home-trade voyages. However, since Hawaii has become one of the United States of America, voyages to that State have, since they are not expressly excluded, become home-trade voyages. The purpose of this amendment is to continue the exclusion of Hawaii from the limits of a home-trade voyage.

As well, since Alaska has also become one of the United States of America, and Newfoundland one of the Provinces of Canada, it is no longer necessary to name these areas specifically as being included in home-trade voyages.

Finally, the amendment provides that voyages through the Behring Strait are to be home-trade voyages.

(3) Paragraph (41) presently reads as follows:

“(41) “inland waters of Canada” means all the rivers, lakes and other navigable fresh waters within Canada, and includes the River St. Lawrence as far seaward as a straight line drawn from Cap de Rosiers through West Point Anticosti Island extending to the north shore;”

The purpose of this amendment is to extend the limits of the inland waters of Canada in that part of the St. Lawrence River lying north of Anticosti Island from their present limits at the western end of that Island to the meridian of longitude sixty-three degrees west.

(4) Paragraph (55) of section 2 of the said Act is repealed and the following substituted therefor:

“Minor waters of Canada.”

“(55) “minor waters of Canada” means all inland waters of Canada other than Lakes Ontario, Erie, Huron (including Georgian Bay) and Superior and the River St. Lawrence east of a line drawn from Father Point to Point Orient, and includes all bays, inlets and harbours of or on the said lakes and Georgian Bay and such sheltered waters on the sea coasts of Canada as the Minister may specify;” 5

2. Section 5 of the said Act is repealed and the following substituted therefor: 10

Ownership of a recorded vessel to remain unchanged until bill of sale recorded.

Registrar to record bill of sale.

“5. (1) The bill of sale for a recorded vessel that is sold shall be filed with the registrar at the port at which the vessel is recorded and the ownership of that vessel shall be deemed unchanged until the bill of sale is recorded. 15

(2) On receipt of a bill of sale for a recorded vessel, the registrar shall enter the particulars thereof in the record book and endorse on the bill of sale the date and hour that the entry was made.”

3. Section 6 of the said Act is repealed and the following substituted therefor: 20

Qualification for owning British ship.

“6. A ship shall be deemed not to be a British ship unless it is owned wholly by a person qualified to be an owner of a British ship, namely, 25

- (a) a British subject; or
- (b) a body corporate incorporated under the law of a country of the Commonwealth or of the Republic of Ireland, and having its principal place of business in that country.”

(4) Paragraph (55) presently reads as follows:

"(55) "minor waters of Canada" means all inland waters of Canada other than Lakes Ontario, Erie, Huron (including Georgian Bay), Superior and Winnipeg and the River St. Lawrence east of a line drawn from Father Point to Point Orient, and includes all bays, inlets and harbours of or on the said lakes and said Georgian Bay and such sheltered waters on the sea coasts of Canada as the Minister may specify;"

The purpose of this amendment is to include Lake Winnipeg as part of the minor waters of Canada.

Clause 2: Section 5 of the present Act reads as follows:

"5. The following rules apply to recorded vessels:

- (a) subject to the operation of paragraph (d) of section 45, the ownership of such a vessel, in so far as it is material to any provision of this Part relating to recorded vessels, shall be deemed to remain unchanged unless the vessel is sold and a duly executed applicable bill of sale is produced to the registrar who recorded the vessel;
- (b) whenever such bill of sale is produced to that registrar he shall enter the particulars thereof in a record book which he shall keep with relation to recorded vessels, and he shall endorse on the bill of sale the fact of such entry having been made and the date and hour when it was made; and
- (c) whenever in any province wherein a recorded vessel is about to be built or is being built or equipped there exists by the law of that province a valid mortgage, or a charge in the nature of a mortgage, upon such a vessel, for payment or discharge whereof the vessel is security (the parties to such mortgage or charge being hereinafter termed the mortgagor and the mortgagee) and the mortgagor executes and delivers to the mortgagee (supplementing such mortgage or charge, and, for the purposes of such provisions of this Part, as relate to recorded vessels, representing it) an instrument in Form D in the Eleventh Schedule, or as near thereto as circumstances permit, (hereinafter termed a "builder's mortgage") charging, for the purposes of such provisions of this Part as relate to recorded vessels, the same vessel for the same consideration, upon the same terms and conditions, for the same period of time and in the same amount as the consideration, terms, and conditions, period and amount provided by or incident to such instrument of mortgage or of charge in the nature of a mortgage, the mortgagee of such builder's mortgage may produce it to the registrar at the port at which such vessel is recorded and that registrar shall, for the purposes of section 45, enter such builder's mortgage in the record book."

No provincial legislation exists that permits the registration of a mortgage on a vessel that is about to be built. The procedure set out in paragraph (c) making a builder's mortgage under this Act dependent upon and supplemental to a provincial mortgage is therefore no longer workable.

Mortgages on recorded vessels are now dealt with in the amendments to sections 45 and 46 of the Act as set out in clause 5.

Clause 3: Section 6 presently reads as follows:

"6. A ship shall not be deemed to be a British ship unless owned wholly by persons of the following description (in this Act referred to as persons qualified to be owners of British ships); namely

- (a) natural born British subjects or persons recognized by law throughout Her Majesty's dominions as having the status of natural born British subjects;
- (b) persons naturalized by or in pursuance of the law of some part of Her Majesty's dominions;
- (c) persons made denizens by letters of denization; and
- (d) bodies corporate established under and subject to the laws of some part of Her Majesty's dominions and having their principal place of business in those dominions;

1956, c. 34,
s. 2.

Exemption
from
registry.

4. Section 8 of the said Act is repealed and the following substituted therefor:

"8. Ships not exceeding fifteen tons register tonnage employed solely in navigation on the lakes, rivers or coasts of Canada and pleasure yachts not exceeding twenty tons register tonnage wherever employed or operated are exempted from registry under this Act." 5

5. Sections 45 and 46 of the said Act are repealed and the following substituted therefor:

Recorded
vessel may be
mortgaged.

"45. (1) A recorded vessel may be made security for the repayment of a debt or the discharge of any other obligation. 10

Form of
builder's
mortgage and
recording.

(2) A builder's mortgage shall be in Form D in the Eleventh Schedule and may be filed with the registrar at the port at which the vessel is recorded. 15

Registrar
to record
builder's
mortgage.

(3) On receipt of a builder's mortgage in the required form, the registrar shall enter the particulars thereof in the record book.

Effect
in law of
builder's
mortgage.

46. Every builder's mortgage

(a) binds the recorded vessel to which it relates during the period from the commencement of building until launching; 20

(b) binds the recorded vessel to which it relates at and from the time of its launching until its registration in Canada as a British ship; and 25

(c) operates in all respects as if it were a mortgage made after the registration of the recorded vessel to which it relates as a British ship pursuant to this Part, and the provisions of subsection (2) of section 47 and sections 48 to 54 respecting a registered mortgage apply *mutatis mutandis* to a builder's mortgage." 30

but any person who either

(i) being a natural born British subject or being recognized as aforesaid as having the status of a natural born British subject, has taken the oath of allegiance to a foreign sovereign or state or has otherwise become a citizen or subject of a foreign state, or

(ii) has been naturalized or made a denizen as aforesaid; is not qualified to be the owner of a British ship unless, after taking the said oath, or becoming a citizen or subject of a foreign state, or on or after being naturalized or made denizen as aforesaid, he has taken the oath of allegiance to Her Majesty the Queen, and is during the time he is owner of the ship either resident in Her Majesty's dominions or partner in a firm actually carrying on business in Her Majesty's dominions."

The purpose of this amendment is to give to ships owned by corporations incorporated in the Republic of Ireland the status of a British ship for the purposes of this Act.

Clause 4: Section 8 presently reads as follows:

"8. Ships not exceeding fifteen tons register tonnage employed solely in navigation on the lakes, rivers or coasts of Canada and pleasure yachts not exceeding fifteen tons register tonnage wherever employed or operated are exempted from registry under this Act."

The purpose of this amendment is to exempt pleasure yachts not exceeding twenty tons register tonnage from the requirement to be registered.

Clause 5: Sections 45 and 46 presently read as follows:

"45. Every builder's mortgage that is made and recorded pursuant to section 5 and that remains undischarged up to the time of the registration in Canada as a British ship of the recorded vessel to which it relates, has the following effects:

- (a) in so far as it may, it binds such recorded vessel during the period from the commencement of building until launching;
- (b) it so operates that any mortgage, or charge in the nature of a mortgage, that by the law of the province wherein such recorded vessel was built remains a charge upon it, shall be deemed to have merged, at the moment of the launching of such vessel, into the builder's mortgage that, pursuant to paragraph (c) of section 5 is supplemental to, and, for the purposes of such provisions of this Part as relate to recorded vessels, represents, such mortgage or charge in the nature of a mortgage;
- (c) it binds such recorded vessel at and from the time of its launching until its registration as aforesaid; and
- (d) it operates in all respects as if it were a mortgage made after the registration of such vessel as a British ship pursuant to this Part, and *mutatis mutandis* subsection (2) of section 47 and sections 48 to 54, inclusive, apply to builders' mortgages, substituting "recorded vessel" for "ship" or "registered ship", "builder's mortgage" for "mortgage", "recorded builder's mortgage" for "registered mortgage", "record" for "register", "recorded" for "registered", "record book" for "register book" and "Form E in the Eleventh Schedule" for "Form C in the Sixth Schedule" wherever in any of such sections such substitution may be required in order that this paragraph shall have effective operation.

"46. Notwithstanding anything in this Part, a builder's mortgage of a recorded vessel may be executed in Form D in the Eleventh Schedule, varied to provide that such mortgage shall be operative only from and after the launching of such vessel, and a builder's mortgage of a recorded vessel executed in such form without variation may be made after the launching of such vessel, and such a mortgage, so made, shall, when produced for recording, be recorded pursuant to section 5 although it is not supplemental to any mortgage or charge in the nature of a mortgage existing by virtue of the law of a province and to all such builder's mortgages the provisions of paragraph (c) of section 45 apply."

The amendments are consequential upon the amendments contained in clause 2.

Fees for
inspection
and copies of
register
book, etc.

6. (1) Subsection (1) of section 82 of the said Act is repealed and the following substituted therefor:

"82. (1) On application to the registrar during the hours of his official attendance, a person may

- (a) on payment of a fee of twenty-five cents inspect the entries respecting a ship in the register book or record book, and 5
 - (b) on payment of a fee of one dollar obtain
 - (i) a copy of the entries made in the register book or record book respecting a ship, or 10
 - (ii) a copy of any declaration or document that is by subsection (2) declared admissible in evidence, 10
- certified by the registrar to be a true copy of such particulars, declaration or document." 15

(2) Paragraph (a) of subsection (2) of section 82 of the said Act is repealed and the following substituted therefor:

"(a) any register book or record book under this Part on its production from the custody of the registrar or other person having the lawful custody thereof;" 20

7. Subparagraph (i) of paragraph (a) of subsection (1) of section 96 of the said Act is repealed and the following substituted therefor:

"(i) any space used exclusively for the accommodation of the master; and any space occupied by seamen or apprentices and appropriated to their use, that is certified in the manner required by the regulations made pursuant to section 234;" 25

8. Section 102 of the said Act is repealed and the following substituted therefor: 30

Surveyor
of ships.

"102. The Minister may appoint

- (a) in any port in Canada, and
- (b) at any place outside of Canada,

an officer, hereinafter called a surveyor of ships, to superintend the survey and measurement of ships in conformity with the provisions of this Act." 35

9. (1) Paragraph (c) of subsection (1) of section 115 of the said Act is repealed and the following substituted therefor:

"(c) steamships other than passenger steamships, of not more than twenty nominal horse power where the propelling machinery is compound steam or turbine 40

Clause 6: (1) Subsection (1) of section 82 presently reads as follows:

"82. (1) A person, on payment of a fee of twenty-five cents, may on application to the registrar at a reasonable time during the hours of his official attendance, inspect any register book."

The purpose of this amendment is to increase the fees payable for inspecting or obtaining copies from the register of ships and to make these fees applicable to the inspecting and obtaining of copies from the record book of the ships.

(2) The relevant portion of subsection (2) of section 82 presently reads as follows:

"(2) The following documents are admissible in evidence in any court in Canada, in manner provided by this Act, namely,

(a) any register book under this Part on its production from the custody of the registrar or other person having the lawful custody thereof;"

The purpose of this amendment is to add record books to the list of books and documents admissible in evidence in courts in Canada.

Clause 7: The relevant portion of subsection (1) of section 96 presently reads as follows:

"96. (1) In measuring or re-measuring a ship for the purpose of ascertaining her register tonnage, the following deductions shall be made from the space included in the measurement of the tonnage, namely,

(a) in the case of any ship

(i) any space used exclusively for the accommodation of the master; and any space occupied by seamen or apprentices and appropriated to their use, that is certified under the regulations set out in the Eighth Schedule with regard thereto;"

This amendment is consequential upon the amendment contained in clause 41 which repeals the Eighth Schedule of the Act and in clause 14 which amends section 234.

Clause 8: The purpose of this amendment is to authorize the Minister of Transport to appoint persons outside of Canada as measuring surveyors of ships for the purpose of this Act.

Clause 9: (1) Paragraph (c) of subsection (1) of section 115 presently reads as follows:

"(c) steamships other than passenger steamships, of not more than twenty nominal horse-power where the propelling machinery is compound steam engines, or of not more than ten nominal horse-power where the propelling machinery is of any other type,"

engines, or of not more than ten nominal horse power where the propelling machinery is of any other type,"

1952-53, c. 20,
s. 7.

(2) Paragraphs (i) to (vii) of subsection (1) of section 115 of the said Act are repealed and the following substituted therefor: 5

- (d) if the steamship is a foreign-going ship, of one hundred nominal horse power or upwards where the propelling machinery is compound steam or turbine engines, or of forty-five nominal horse power or upwards where the propelling machinery is of any other type, with at least two engineers, one of whom shall be a first class engineer, and the other at least a second class engineer, duly certificated; 10
- (e) if the steamship is a foreign-going ship of less than one hundred nominal horse power where the propelling machinery is compound steam or turbine engines, or of less than forty-five nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a second class engineer, duly certificated; 20
- (f) if the steamship is a foreign-going ship, solely employed in fishing, of more than twenty but not more than seventy-five nominal horse power where the propelling machinery is compound steam or turbine engines, with at least one engineer, who shall be at least a third class engineer, duly certificated; 25
- (g) if the steamship is a foreign-going ship, solely employed in fishing, of more than ten but not more than twenty-five nominal horse power where the propelling machinery is internal combustion engines, with at least one engineer, who shall be at least a chief engineer of a motor-driven fishing vessel, duly certificated; 30
- (h) if the steamship is a home-trade, inland waters or minor waters ship, of more than three hundred nominal horse power where the propelling machinery is compound steam or turbine engines, or of more than ninety nominal horse power where the propelling machinery is of any other type, with at least two engineers, one of whom shall be a first class engineer, duly certificated, or a second class engineer who was duly certificated prior to the coming into force of this paragraph and the other at least a second class engineer, duly certificated, or a fourth class engineer who was duly certificated prior to the coming into force of this paragraph. 35 40 45

The purpose of this amendment is to exempt from the requirement of this section steamships of the kind described in paragraph (c) that are propelled by turbine engines.

(2) The purposes of the amendments to these paragraphs are to provide

(a) that the numbers and grades of engineers to be carried on steamships described therein and fitted with turbine engines shall be the same as those required to be carried on similar ships fitted with compound steam engines;

(b) that on home-trade, inland and minor waters the numbers and grades of engineers to be carried on ships of over three hundred nominal horse-power where the propelling machinery is compound steam or turbine engines and on ships of over ninety nominal horse power where the propelling machinery is of any other type, shall be the same as for foreign going ships similarly propelled; and

(c) that every fishing vessel powered by internal combustion engines of more than ten nominal horse power but not more than twenty-five nominal horse power shall have at least one engineer who holds at least a certificate as chief engineer of a motor driven fishing vessel.

- (i) if the steamship is a home-trade, inland waters or minor waters passenger ship, of more than forty-five but not more than three hundred nominal horse power where the propelling machinery is compound steam or turbine engines, or of more than fifteen but not more than ninety nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a second class engineer, duly certificated; 5
- (j) if the steamship is a home-trade, inland waters or minor waters passenger ship, of not more than forty-five nominal horse power where the propelling machinery is compound steam or turbine engines, or of not more than fifteen nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a third class engineer, duly certificated, or, if the ship is of the nominal horse power in respect of which a temporary engineer certificate may be issued under the provisions of section 128, an engineer with a temporary certificate; 10
- (k) if the steamship is a home-trade, inland waters or minor waters ship, other than a passenger ship, of more than seventy-five but not more than three hundred nominal horse power where the propelling machinery is compound steam or turbine engines, or of more than twenty-five but not more than ninety nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a second class engineer, duly certificated; and 15 25 30
- (l) if the steamship is a home-trade, inland waters or minor waters ship, other than a passenger ship,
 (i) of more than twenty but not more than seventy-five nominal horse power where the propelling machinery is compound steam or turbine engines, with at least one engineer, who shall be at least a third class engineer, duly certificated, 35
 (ii) of more than ten but not more than twenty-five nominal horse power where the propelling machinery is internal combustion engines and the ship is solely engaged in fishing, with at least one engineer who shall be at least a chief engineer of a motor-driven fishing vessel, duly certificated, or 40 45

- (iii) of more than ten but not more than twenty-five nominal horse power where the propelling machinery is of any type other than compound steam or turbine engines and the ship is not solely engaged in fishing, with at least one 5
engineer, who shall be at least a third class engineer, duly certificated."

1956, c. 34,
s. 6.

(3) Subsection (2) of section 115 of the said Act is amended by striking out the word "and" at the end of paragraph (a) thereof, by adding the word "and" at the end of paragraph (b) thereof, and by adding thereto the following paragraph: 10

"(c) if the steamship is a tug of not more than one hundred and fifty tons gross tonnage and powered by internal combustion engines of not more than 15
fifteen nominal horse power that are fully controlled from the bridge, the Minister may, subject to such conditions as he may prescribe, exempt it from the requirements of this subsection when making voyages in waters not more open than would be encountered 20
in a home-trade voyage Class III or an inland voyage Class II;"

10. (1) Paragraph (c) of subsection (4) of section 116 of the said Act is repealed and the following substituted therefor: 25

"(c) ferry steamship;"

(2) Subsection (5) of section 116 of the said Act is repealed and the following substituted therefor:

"(5) The classes mentioned in subsection (4) shall rank according to the order stated for steamships and sailing 30
ships respectively, so that the lawful holder of a steamship certificate is entitled to all the rights and privileges of a holder of a certificate in a lower class of steamships, and so that the lawful holder of a certificate for sailing ships is entitled to all the rights and privileges of a holder of a 35
certificate for fore-and-aft rigged sailing ships; but the certificate for a ferry steamship is valid on this class of vessel only and on the waters described in the certificate."

Rank of
classes.

(3) The purpose of this amendment is to provide that tugs of not more than one hundred and fifty tons gross tonnage, powered by internal combustion engines of not more than fifteen nominal horse power fully controlled from the bridge may be exempted from carrying the additional certificated engineers required by subsection (2) of section 115 when making voyages not more open than home-trade voyages Class III or inland voyages Class II.

Clause 10: Subsections (4) and (5) of section 116 presently read as follows:

"(4) In the other grades, certificates may be granted for the following classes:

- (a) steamship;
- (b) steamship of under three hundred and fifty tons gross tonnage;
- (c) licensed ferry steamship;
- (d) tug;
- (e) sailing ship; and
- (f) fore-and-aft rigged sailing ship.

(5) The classes mentioned in subsection (4) shall rank according to the order stated for steamships and sailing ships respectively, so that the lawful holder of a steamship certificate is entitled to all the rights and privileges of a holder of a certificate in a lower class of steamships, and so that the lawful holder of a certificate for sailing ships is entitled to all the rights and privileges of a holder of a certificate for fore-and-aft rigged sailing ships; but the certificate for a licensed ferry steamship is valid on this class of vessel only."

This amendment deletes the reference to licensed ferry steamships in these subsections and adds the underlined words.

Certain provinces license for ferries ships that are coasting passenger steamships some of which go on voyages longer than that contemplated for ferry steamship master and mate certificates. The purpose of this amendment is to permit the certification of masters and mates for particular ferries.

11. (1) Section 118 of the said Act is amended by striking out the word "and" at the end of paragraph (e) thereof, by repealing paragraph (f) of the said section and substituting therefor the following paragraphs:

1956, c. 34,
s. 8.

"(f) chief engineer of a motor-driven fishing vessel; and 5
(g) watchkeeping engineer of a motor-driven fishing vessel."

(2) Section 118 of the said Act is further amended by adding thereto the following subsection:

Rank of
classes.

"(2) The grades mentioned in subsection (1), other than 10 that of temporary engineer, shall rank according to the order stated so that the lawful holder of a certificate of any grade is entitled to all the rights and privileges of a holder of a certificate of a lower grade; but the holder of a certificate of fourth class engineer is not entitled to the privileges of 15 a holder of a certificate of chief engineer of a motor-driven fishing vessel."

1956, c. 34,
s. 11.

12. Section 128 of the said Act is repealed and the following substituted therefor:

Temporary
engineers.

"**128.** A steamship inspector may grant a temporary 20 certificate to any person sufficiently qualified in the opinion of the inspector to act as engineer in a steamship carrying passengers and propelled by an internal combustion engine of not more than four nominal horse power, or in the case of a steamship making home-trade voyages, Class IV, or 25 minor waters voyages, Class II, propelled by an internal combustion engine of not more than six nominal horse power, and such certificate is valid only in respect of the steamship named therein while employed within the limits specified in the certificate, and for a period not exceeding 30 one year from the date of issue."

13. Subsection (1) of section 133 of the said Act is repealed and the following substituted therefor:

Recognition
of certi-
ficates.

"**133.** (1) The Governor in Council may direct, subject 35 to such conditions as he may impose, that any certificate as master, mate or engineer granted by any authority competent to issue such certificates under the laws of any country of the Commonwealth or the Republic of Ireland may be accepted in lieu of a certificate as master, mate or 40 engineer granted under this Part, if he is satisfied that examinations for the issue of such certificates are conducted as efficiently as the examinations for the same purpose provided for in this Part, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Part." 45

Clause 11: (1) Section 118 presently reads as follows:

"118. Certificates of competency as engineer shall be granted in accordance with this Act for the following grades:

- (a) first class engineer;
- (b) second class engineer;
- (c) third class engineer;
- (d) fourth class engineer;
- (e) temporary engineer; and
- (f) a watchkeeping engineer of a motor-driven fishing vessel."

The purpose of this amendment is to provide for a new class of engineer for motor driven fishing vessels.

(2) The purpose of this amendment is to provide for the order in which engineers' certificates are to rank.

Clause 12: Section 128 presently reads as follows:

"128. The Minister, upon the report of a steamship inspector, may grant a temporary certificate to any person sufficiently qualified in the opinion of the inspector to act as engineer in a steamship carrying passengers and propelled by an internal combustion engine of not more than four nominal horse power, or in the case of a steamship making home-trade voyages, Class IV, or minor waters voyages, Class II, propelled by an internal combustion engine of not more than six nominal horse power, and such certificate is valid only in respect of the steamship named therein while employed within the limits specified in the certificate, and for a period not exceeding one year from the date of issue."

At present a temporary engineer certificate can be granted only by the Minister upon the report of a steamship inspector. The purpose of this amendment is to permit these certificates to be granted by steamship inspectors.

Clause 13: Subsection (1) of section 133 presently reads as follows:

"133. (1) The Governor in Council may direct, subject to such conditions as he may impose, that any certificate as master, mate or engineer granted by any authority competent in respect of the issue of such certificates under the laws of any part of Her Majesty's dominions may be accepted in lieu of a certificate as master, mate, or engineer granted under the provisions of this Part, if he is satisfied that examinations for the issue of such certificates are so conducted as to be equally efficient with the examinations for the same purpose provided for in this Part, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Part."

The purpose of this amendment is to provide for the recognition in Canada of masters, mates and engineer certificates granted by the Republic of Ireland.

14. Section 234 of the said Act is repealed and the following substituted therefor:

Regulations
respecting
crew
accommo-
dation.

"**234.** (1) The Governor in Council may make regulations respecting the crew accommodation to be provided in Canadian ships, and, without restricting the generality of the foregoing, may make regulations 5

- (a) respecting the space and equipment to be provided for the sleeping rooms, wash rooms, mess rooms and galleys;
- (b) providing for the protection of the crew against injury, condensation, heat, cold and noise on a ship;
- (c) prescribing the water, heating, lighting, ventilation and sanitary facilities to be supplied on a ship; and
- (d) respecting the inspection, measuring and marking of crew accommodations on a ship and its certification for the purpose of ascertaining register tonnage and prescribing the fees to be charged therefor. 15

Penalty.

(2) Every owner of a Canadian ship that violates any regulation made under subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars." 20

15. Section 346 of the said Act is amended by adding thereto, immediately after paragraph (e) thereof, the following paragraph: 25

"(ee) ships registered in Canada or the United States

(i) whose operations are upon the Great Lakes or between ports in the Great Lakes and the River St. Lawrence, or

(ii) whose operations are primarily as described in subparagraph (i) and that make occasional voyages to ports in the maritime provinces of Canada 30

while operating in any pilotage district on the River St. Lawrence above the pilotage district of Mont- 35
real;"

1956, c. 34,
s. 15.

Penalty.

16. Section 356 of the said Act is repealed and the following substituted therefor:

"**356.** Every person who violates subsection (3) of section 354 is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars for each day of the violation." 40

Clause 14: Section 234 presently reads as follows:

"234. (1) Every place in any Canadian ship, occupied by seamen or apprentices, and appropriated to their use, shall have for each of those seamen or apprentices a space of not less than one hundred and twenty cubic feet, and of not less than fifteen superficial feet measured on the deck or floor of that place, and shall be subject to the regulations in the Eighth Schedule, and those regulations shall have effect as part of this section.

(2) In estimating the space available for the proper accommodation of seamen and apprentices, there may be taken into account the space occupied by any mess room, bathrooms, or washing places appropriated exclusively to the use of those seamen and apprentices, so, however, that the space in any place appropriated to the use of seamen or apprentices in which they sleep is not less than seventy-two cubic feet and twelve superficial feet for each seaman or apprentice.

(3) Nothing in this section affects

(a) any ship registered before the 1st day of August, 1936, or which was then in course of construction,

(b) any ship of not more than three hundred tons register tonnage, or

(c) any ship used exclusively in fishing.

(4) Every place so occupied and appropriated shall be kept free from goods and stores of any kind not being the personal property of the crew in use during the voyage, and if any such place is not so kept free, the master shall forfeit and pay to each seaman or apprentice lodged in that place the sum of twenty-four cents for each day during which, after complaint has been made to him by any two or more of the seamen so lodged, it is not so kept free.

(5) If any of the requirements of subsection (1) is not complied with in the case of any ship, the owner of the ship is for each offence liable to a fine not exceeding one hundred dollars."

The purpose of this amendment is to authorize the Governor in Council to make regulations respecting crew accommodations and to provide for penalties for the violation of these regulations.

Clause 15: Section 346 lists the kinds of vessels that are exempt from the payment of pilotage dues. The purpose of this amendment is to exempt those ships whose operations are primarily in the Great Lakes and the River St. Lawrence from the payment of pilotage dues while operating in the River St. Lawrence above Montreal.

Clause 16: Section 356 presently reads as follows:

"356. Every person who violates subsection (3) of section 354 is liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding one month."

The purpose of this amendment is to make the penalties that may be imposed on

(a) a person who is not a licensed pilot and who acts as a pilot of a ship, and

(b) a master of a ship who employs an unlicensed pilot

uniform with those that are imposed on similar persons under section 375D.

17. Section 376 of the said Act is repealed and the following substituted therefor:

Appointment
of steamship
inspectors.

“**376.** The Governor in Council may appoint at such places in Canada as he deems advisable, persons to inspect

- (a) the machinery of steamships,
- (b) the hulls of steamships,
- (c) the equipment of steamships, and
- (d) the electrical installations in steamships,

and a person so appointed shall hereinafter be referred to as a ‘steamship inspector’.”

18. Subsection (2) of section 386 of the said Act is repealed and the following substituted therefor:

Production of
certificate
of registry.

“(2) A steamship inspector shall demand of the owner or master of every steamship which he inspects the production of the certificate of registry or licence of the vessel, and the owner or master shall produce such certificate or licence on demand.”

19. Subsection (3) of the section 394 of the said Act is repealed and the following substituted therefor:

Inspection
by exclusive
surveyor or
other
inspector.

“(3) For the purposes of this section the Chairman may direct that a survey or inspection by

- (a) an exclusive surveyor to a society or association for the classification and registry of shipping, approved by the Minister, or

(b) a surveyor or inspector appointed by the government of a country other than Canada,

if made at a port or place outside Canada may, subject to any regulations the Minister may make, be deemed to have been made by a steamship inspector, and the report of such surveyor or inspector may be delivered to a steamship inspector who is entitled to act upon it and issue the necessary inspection certificate.”

20. (1) Paragraph (c) of subsection (1) of section 410 of the said Act is repealed and the following substituted therefor:

- “(c) the construction of equipment and the class and quantity of various types of equipment to be carried in any vessel including the marking of boats, life boats, life rafts and buoyant apparatus so as to show the dimensions thereof and the number of persons authorized to be carried thereon;”

Clause 17: Section 376 presently reads as follows:

"376. The Governor in Council may, from time to time, appoint at such places in Canada as he deems advisable, persons competent to inspect the machinery of steamships, and persons competent to inspect the hulls and equipment of steamships; a person so appointed is in this Part referred to as a steamship inspector; the same person may be appointed to both positions."

The purpose of this amendment is to permit the Governor in Council to appoint persons who are expert in the equipment requirements and electrical installations of steamships as steamship inspectors.

Clause 18: Subsection (2) of section 386 presently reads as follows:

"(2) A steamship inspector shall demand of the owner or master of every steamship which he inspects the production of the certificate of registry, and the owner or master shall produce such certificate on demand."

This amendment requires a steamship inspector to demand of the owner or master of every licensed steamship he inspects the production of the licence of that vessel and it requires the owner or master of such vessel to produce such licence when so asked by an inspector.

Clause 19: Subsection (3) of section 394 presently reads as follows:

"(3) For the purposes of this section the Chairman of the Board of Steamship Inspection may direct that survey or inspection by an exclusive surveyor to a society or association for the classification and registry of shipping, approved by the Minister, if made at a port or place outside Canada may, subject to any regulations the Minister may make, be deemed to have been made by a steamship inspector, and the report of the surveyor to any such classification society may be delivered to a steamship inspector who is entitled to act upon it and issue the necessary inspection certificate, which shall be in a special form as directed by the Minister."

The purpose of this amendment is to permit a steamship inspector to issue an inspection certificate on the basis of the report of a surveyor or inspector appointed by the government of a country other than Canada.

Clause 20: (1) Paragraph (c) of subsection (1) of section 410 presently reads as follows:

"410. (1) The Governor in Council may make regulations respecting (c) the construction of equipment and the class and quantity of various types of equipment to be carried in any steamship including the marking of boats, life boats, life rafts and buoyant apparatus so as to show the dimensions thereof and the number of persons authorized to be carried thereon;"

This amendment will permit the Governor in Council to make regulations under this section applicable to vessels that are not self propelled.

(2) Subsection (1) of section 410 of the said Act is further amended by adding thereto, immediately following paragraph (f) thereof, the following paragraph:

“(ff) the marking of vessels to show the recommended safe limits for engine horse power and gross load capacity;” 5

1952-53, c. 20,
s. 8(1).

21. Subsection (7) of section 411 of the said Act is repealed and the following substituted therefor:

Idem.

“(7) Subsection (6) also applies to all other steamships of five thousand tons gross tonnage or upwards going on any voyage outside a port.” 10

22. The said Act is further amended by adding thereto, immediately after section 457 thereof, the following section:

Minister may
designate
rescue
co-ordinators.

“**457A.** (1) The Minister may designate persons, to be known as rescue co-ordinators, to organize search and rescue operations in Canadian waters and on the high seas off the coasts of Canada. 15

Power of
rescue
co-ordinators.

(2) On being informed that a vessel, aircraft or survival craft thereof is in distress or is missing in Canadian waters or on the high seas off any of the coasts of Canada under circumstances that indicate it may be in distress, a rescue co-ordinator may 20

- (a) order all vessels within an area specified by him to report their positions to him,
- (b) order any vessel to take part in a search for that vessel, aircraft or survival craft or to otherwise render assistance, and 25
- (c) give such other orders as he deems necessary to carry out search and rescue operations for that vessel, aircraft or survival craft. 30

Penalty.

(3) Every master or person in charge of a vessel in Canadian waters or a Canadian vessel on the high seas off the coasts of Canada who fails to comply with an order given by a rescue co-ordinator or a person acting under his direction is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. 35

Defence of
danger to
ship and
passengers.

(4) No master or person in charge of a vessel shall be convicted of an offence under subsection (3) if he establishes that compliance with an order of a rescue co-ordinator or person acting under the direction thereof would have exposed his vessel or persons on board it to serious danger.” 40

(2) The purpose of this amendment is to permit the Governor in Council to make regulations requiring vessels to carry markings showing recommended safe limits for engine horse power and gross load capacity.

Clause 21: The subsection being amended presently reads as follows:

“(7) Subsection (6) also applies to all other steamships of five thousand tons gross tonnage or upwards going on any voyage outside of a port not being an inland voyage.”

The purpose of this amendment is to require non-passenger steamships of five thousand tons gross tonnage and upwards to carry radiotelegraph on inland voyages unless exempted under this Act.

Clause 22: The purpose of this amendment is to authorize the appointment of rescue co-ordinators with power to take charge of search and rescue operations and order vessels to assist therein, and to prescribe penalties for failure to comply with the said orders.

23. Subsection (1) of section 461 of the said Act is amended by striking out the word "and" at the end of paragraph (c) thereof, and by adding thereto the following paragraphs:

- "(e) the precautions to be taken by persons engaged in the loading, unloading or stowing of such goods; 5
- (f) the precautions to be taken by persons on or in the vicinity of any ship loading, unloading or carrying such goods;
- (g) the powers of a steamship inspector in respect of any ship loading, unloading or stowing such goods; and 10
- (h) such other requirement respecting the inspection of a ship carrying any such goods as he deems necessary." 15

1956, c. 34,
s. 19.

Boilers on
dredges, etc.,
subject to
inspection.

24. Subsection (1) of section 478 of the said Act is repealed and the following substituted therefor:

"**478.** (1) Where a dredge, rock drill, floating elevator, floating pile driver or like ship or vessel which is not self-propelling is fitted with a boiler or compressed air tank operating at pressure in excess of fifteen pounds per square inch, such boiler or compressed air tank is subject to inspection in a like manner and under the same conditions as a boiler or compressed air tank in a steamship; every such vessel is required to have a certificate of inspection in a form approved by the Minister and is subject to all the provisions of this Part in respect of payment of fees, detention and penalties. 20 25

Dredges, etc.,
to carry life
saving, and
fire
extinguishing
equipment.

(1a) Every dredge, rock drill, floating elevator, floating pile driver or like ship or vessel which is not self-propelling shall carry life saving and fire extinguishing equipment in accordance with the regulations made under this Part." 30

25. Sections 480 and 481 of the said Act are repealed and the following substituted therefor: 35

Regulations
affecting
pleasure
yachts.

"**480.** (1) Subject to subsection (2), pleasure yachts are exempt from annual inspection and from the regulations made under section 410 other than those regulations respecting 35

Clause 23: The purpose of this amendment is to permit the Governor in Council to prescribe regulations respecting the matters set out in paragraphs (e) to (h) of the amendment in respect of the handling of dangerous goods in and about ships.

Clause 24: Subsection (1) of section 478 presently reads as follows:

"478. (1) Where any dredge, rock drill, floating elevator, floating pile driver, or like ship or vessel, which is not self-propelling, has a boiler or compressed air tank fitted for power purposes, such boiler or compressed air tank is subject to inspection in a like manner and under the same conditions as a boiler or compressed air tank in a steamship; and any dredge, rock drill, floating pile driver or like ship or vessel shall carry life saving and fire extinguishing equipment in accordance with regulations made under this Part; every such vessel is required to have a certificate of inspection, in a form approved by the Minister, and is subject to all the provisions of this Part in respect to payment of fees, detention and penalties."

The purpose of this amendment is to provide that only boilers or compressed air tanks operating at pressure in excess of fifteen pounds per square inch are required to be inspected annually.

Clause 25: Sections 480 and 481 presently read as follows:

"480. Pleasure yachts in excess of five tons, gross tonnage, which are fitted with boilers for propelling purposes, are exempt from the provisions of this Part relating to annual inspection, except as regards inspection of their boilers and equipment for life saving and fire extinguishing.

481. Steamships not in excess of five tons gross tonnage, and pleasure yachts propelled by mechanical power but not fitted with boilers for propelling purposes, are exempt from annual inspection and from the regulations made under this Part except those respecting life saving equipment, fire extinguishing equipment, and precautions against fire."

- (a) the construction of equipment and the class and quantity of various types of equipment to be carried;
 (b) precautions against fire;
 (c) the construction of hulls; and
 (d) marking to show recommended safe limits for engine power and gross load capacity. 5
- Idem. (2) Every pleasure yacht in excess of five tons gross tonnage that is fitted with a boiler for purposes of propulsion is subject to the requirements of this Part relating to the annual inspection of boilers. 10

1956, c. 34,
s. 21.

Exemption
of certain
steamships
from
regulations.

481. Steamships not in excess of five tons gross tonnage that do not carry more than twelve passengers and that are not pleasure yachts are exempt from annual inspection and from the regulations made under section 410 other than those respecting 15

- (a) the construction of equipment and the class and quantity of various types of equipment to be carried; and
 (b) precautions against fire.”

1956, c. 34,
s. 22.

Exemption.

26. Subsections (1) and (2) of section 482 of the said Act are repealed and the following substituted therefor: 20

“**482.** (1) Subject to the provisions of subsection (2), steamships in excess of five tons gross tonnage, and not in excess of one hundred and fifty tons gross tonnage, which are not passenger steamships, are exempt from the provisions of this Part relating to annual inspection and in lieu therefor shall be inspected every fourth year, and such steamships, if fitted with a boiler operating at a pressure in excess of fifteen pounds per square inch, are in addition to such inspection every fourth year subject to inspection of their boilers, life saving equipment and fire extinguishing equipment annually, in like manner and as if they were steamships in excess of one hundred and fifty tons gross tonnage. 25

Idem.

(2) Steamships not in excess of fifteen tons gross tonnage, which are not passenger steamships, are exempt from inspection except that such steamships, if fitted with a boiler operating at a pressure in excess of fifteen pounds per square inch, are subject to inspection of their boilers, life saving equipment and fire extinguishing equipment as provided for in subsection (1).” 35 40

27. The said Act is further amended by adding thereto, immediately after section 491 thereof, the following section:

Directions
for payment
to muni-
cipality.

“**491A.** Notwithstanding section 491, where a provincial, municipal or local authority bears in whole or in part the expense of prosecuting a violation of this Part in respect of 45

The purpose of the amendment to these sections is to provide that

- (a) pleasure yachts shall not be exempted by the Act from the regulations respecting hull construction or the markings to show recommended safe limits of engine power and loading; and
- (b) passenger vessels carrying more than twelve passengers shall no longer be exempt from annual inspection or from any of the regulations respecting the safety of ships.

Clause 26: Section 482 of the Act presently reads as follows:

"482. (1) Subject to the provisions of subsection (2) steamships in excess of five tons, gross tonnage, and not in excess of one hundred and fifty tons, gross tonnage, which are not passenger steamships, are exempt from the provisions of this Part relating to annual inspection and in lieu thereof shall be inspected every fourth year, and such steamships, if propelled by steam, are in addition to such inspection every fourth year subject to inspection of their boilers, life saving equipment and fire extinguishing equipment annually, in like manner and as if they were steamships in excess of one hundred and fifty tons, gross tonnage.

(2) Steamships not in excess of fifteen tons, gross tonnage, which are not passenger steamships, are exempt from inspection except that such steamships, if propelled by steam, are subject to inspection of their boilers, life saving equipment and fire extinguishing equipment as provided for in subsection (1)."

The purpose of this amendment is to provide that the annual inspection of boilers on steamships described in the section shall only be required if the boiler operates at a pressure in excess of fifteen pounds per square inch.

Clause 27: The purpose of this amendment is to provide that the court, justice of the peace or magistrate imposing a fine under Part VII may direct that the proceeds of the fine be paid to the local authority bearing the expense of the prosecution.

which a fine is imposed, the court, justice of the peace or magistrate imposing the fine may direct that the proceeds of such fine be paid to that authority."

1956, c. 34,
s. 25.

28. The said Act is further amended by striking out the heading immediately preceding section 495A and substituting therefor the following heading: 5

"POLLUTION OF THE WATER AND AIR."

29. The said Act is further amended by adding thereto, immediately after section 495A thereof, the following section: 10

Regulations.

"**495B.** The Governor in Council may make regulations
(a) for regulating and preventing the pollution of the air by products of combustion from ships, and
(b) prescribing a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both fine and imprisonment to be imposed upon summary conviction as a penalty for violation of a regulation made under this section." 15

30. The said Act is further amended by adding thereto, immediately after section 616A thereof, the following section: 20

Appointment of persons to act as wardens at ports not designated by Governor in Council.

"**616B.** (1) The Minister may appoint a person to carry out the duties of a port warden for a harbour or district not designated by the Governor in Council as a harbour or district at which a port warden may be appointed. 25

Legal effect of acts.

(2) All acts done by or before such person have the same effect as if done by or before a port warden.

Fees.

(3) All fees received under this Part by a person appointed under this section shall be paid to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund." 30

31. Subsection (1) of section 647 of the said Act is repealed and the following substituted therefor:

Observance of regulations.

"**647.** (1) Every owner, master and person having the conduct of a vessel or raft shall obey the Collision Regulations as modified by any local rule pursuant to section 646, and shall not carry or exhibit any other lights, or use any other fog signals, than such as are required by the Collision Regulations as so modified." 35

Clauses 28 and 29: The purpose of this amendment is to permit the Governor in Council to make regulations for regulating and preventing the pollution of the air by products of combustion from ships and to prescribe penalties for violation of any such regulations.

Clause 30: The purpose of this amendment is to enable the Minister to appoint persons to act as port warden for areas where the appointment of a full-time port warden is considered unnecessary.

Clause 31: Subsection (1) of section 647 presently reads as follows:

“647. (1) All owners and masters of vessels and rafts shall obey the Collision Regulations as modified by any local rule pursuant to section 646, and shall not carry or exhibit any other lights, or use any other fog signals, than such as are required by the Collision Regulations as so modified.”

The purpose of the amendment is to make it clear that a person in charge of a vessel, whether or not he may be termed the master, is responsible for obeying the Collision Regulations.

32. Section 657 of the said Act is repealed and the following substituted therefor:

“**657.** (1) For the purpose of sections 657 to 663

“Ship” and
“gold franc”
defined.

- (a) “ship” includes any structure launched and intended for use in navigation as a ship or as a part of a ship; 5
and
- (b) “gold franc” means a unit consisting of sixty-five and one half milligrams of gold of millesimal fineness 900.

Limitation of
liability of
ship owners.

(2) The owner of a ship, whether registered in Canada or 10
not, is not, where any of the following events occur without
his actual fault or privity, namely:

- (a) where any loss of life or personal injury is caused to any person on board that ship;
- (b) where any damage or loss is caused to any goods, 15
merchandise or other things whatsoever on board that ship;
- (c) where any loss of life or personal injury is caused to any person not on board that ship through
 - (i) the act or omission of any person, whether on 20
board the ship or not, in the navigation or management of the ship, in the loading, carriage or discharge of its cargo or in the embarkation, carriage or disembarkation of its passengers, or
 - (ii) any other act or omission of any person on 25
board that ship; or
- (d) where any loss or damage is caused to any property, other than property described in paragraph (b), or any rights are infringed through
 - (i) the act or omission of any person, whether on 30
board that ship or not, in the navigation or management of the ship, in the loading, carriage or discharge of its cargo or in the embarkation, carriage or disembarkation of its passengers, or
 - (ii) any other act or omission of any person on 35
board that ship;

liable for damages beyond the following amounts, namely:

- (e) in respect of any loss of life or personal injury, either alone or together with any loss or damage to property or any infringement of any rights 40
mentioned in paragraph (d), an aggregate amount equivalent to 3,100 gold francs for each ton of that ship’s tonnage; and
- (f) in respect of any loss or damage to property or any infringement of any rights mentioned in para- 45
graph (d), an aggregate amount equivalent to
1,000 gold francs for each ton of that ship’s tonnage.

Clause 32: The general purpose of the amendments contained in clauses 32 to 37, inclusive, is to give effect to certain of the provisions of the International Convention Relating to the Limitation of Liability of Owners of Sea-Going Ships signed at Brussels on October 10th, 1957.

Section 657 presently reads as follows:

"657. (1) The owners of a ship, whether registered in Canada or not, are not, in cases where all or any of the following events occur without their actual fault or privity, that is to say,

- (a) where any loss of life or personal injury is caused to any person being carried in such ship;
- (b) where any damage or loss is caused to any goods, merchandise, or other things whatsoever, on board the ship;
- (c) where any loss of life or personal injury is, by reason of the improper navigation of the ship, caused to any person carried in any other vessel; and
- (d) where any loss or damage is, by reason of the improper navigation of the ship, caused to any other vessel, or to any goods, merchandise, or other things whatsoever on board any other vessel;

liable to damages in respect of loss of life or personal injury, either alone or together with loss or damage to vessels, goods, merchandise, or other things, to an aggregate amount exceeding seventy-two dollars and ninety-seven cents for each ton of their ship's tonnage; nor in respect of loss or damage to vessels, goods, merchandise, or other things, whether there be in addition loss of life or personal injury or not, to an aggregate amount exceeding thirty-eight dollars and ninety-two cents for each ton of the ship's tonnage.

(2) The provisions of this section extend and apply to the owners, builders, or other parties interested in any ship built at any port or place in Canada, from and including the launching of such ship until the registration thereof under the provisions of this Act.

Distinct occasions of damage.

(3) The limits on the liability of an owner of a ship set by this section apply in respect of each distinct occasion on which any of the events mentioned in paragraphs (a) to (d) of subsection (1) occur without that owner's actual fault or privity, and without regard to any liability incurred by that owner in respect of that ship on any other occasion. 5

Contract of service not affected.

(4) This section does not apply to limit the liability of an owner of a ship in respect of any loss of life or personal injury caused to, any loss of or damage to property or any infringement of any right of, a person who is employed on board or in connection with a ship under a contract of service if that contract is governed by the law of any country other than Canada and that law does not set any limit to that liability or sets a limit exceeding that set by this section." 15

33. Subsection (1) of section 658 of the said Act is repealed and the following substituted therefor:

Power of court to consolidate claims.

"**658.** (1) Where any liability is alleged to have been incurred by the owner of a ship in respect of any loss of life or personal injury, any loss of or damage to property or any infringement of any right in respect of which his liability is limited by section 657 and several claims are made or apprehended in respect of that liability a judge of the Exchequer Court may, on the application of that owner, determine the amount of his liability and distribute that amount rateably among the several claimants; such judge may stay any proceedings pending in any court in relation to the same matter, and he may proceed in such manner and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the owner, and as to payment of any costs, as the Court thinks just." 20 25 30

34. Section 659 of the said Act is repealed and the following substituted therefor: 35

Extension of limitation of liability.

"**659.** The provisions of sections 657 and 658 extend and apply to

- (a) the charterer of a ship;
- (b) any person having an interest in or possession of a ship from and including the launching thereof; and 40
- (c) the manager or operator of a ship

where any of the events mentioned in paragraphs (a) to (d) of subsection (1) of section 657 occur without their actual fault or privity, and to the master or any member of the crew of a ship or servant of the owner or of any person described in paragraphs (a) to (c) where any of the events 45

(3) The owner of every ship, or share therein, is liable in respect of every such loss of life, personal injury, loss of or damage to vessels, goods, merchandise, or things as aforesaid arising on distinct occasions, to the same extent as if no other loss, injury, or damage had arisen."

The purpose of the amendment to this section is

- (a) to extend the limitation of liability of ship-owners for loss or damage to property from negligent acts;
- (b) to increase the amount of a ship-owner's liability for loss of life or personal injury from \$72.97 for each ton of a ship's tonnage to 3,100 gold francs, or approximately \$206.00 per ton of a ship's tonnage and for any other damage from \$38.92 for each ton of ship's tonnage to 1,000 gold francs or approximately \$65.00 per ton of ship's tonnage; and
- (c) to provide that the limitation of liability set in this section does not affect contracts of service governed by the law of a country other than Canada.

Clause 33: Subsection (1) of section 658 presently reads as follows:

"658. (1) Where any liability is alleged to have been incurred by the owner of a British or foreign ship in respect of loss of life, personal injury or loss of or damage to vessels or goods, and several claims are made or apprehended in respect of that liability, the President or the Puisne Judge of the Exchequer Court may, on the application of that owner, determine the amount of his liability and distribute that amount rateably among the several claimants; such President or Puisne Judge may stay any proceedings pending in any court in relation to the same matter, and he may proceed in such manner and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the owner, and as to payment of any costs, as the Court thinks just."

The amendments to subsection (1) are consequential upon the amendments contained in clause 32.

Clause 34: Section 659 presently reads as follows:

"659. The limitation of the liability of the owners of any ship set by section 657 in respect of loss of or damage to vessels, goods, merchandise, or other things shall extend and apply to all cases where, without their actual fault or privity, any loss or damage is caused to property or rights of any kind, whether on land or on water, or whether fixed or movable, by reason of the improper navigation or management of the ship."

The purpose of this amendment is to extend the limitation of liability set out in section 657 for ship-owners to the classes of persons mentioned in this section.

mentioned in paragraphs (a) to (d) of subsection (1) of section 657 occur, whether with or without his actual fault or privity."

35. Subsection (1) of section 660 of the said Act is repealed and the following substituted therefor: 5

Limitation
of liability
of dock,
canal and
harbour
owners or
conservators.

"**660.** (1) The owners of any dock or canal, or a harbour commission, are not, where without their actual fault or privity any loss or damage is caused to any vessel or vessels, or to any goods, merchandise, or other things whatsoever on board any vessel or vessels, liable to damages beyond 10 an aggregate amount equivalent to one thousand gold francs for each ton of the tonnage of the largest registered British ship that, at the time of such loss or damage occurring is, or within a period of five years previous thereto has been, within the area over which such dock, or canal owner, or 15 harbour commission performs any duty or exercises any power, a ship shall not be deemed to have been within the area over which a harbour commission performs any duty or exercises any power by reason only that it has been built or fitted out within such area, or that it has taken shelter 20 within or passed through such area on a voyage between two places both situated outside that area, or that it has loaded or unloaded mails or passengers within that area.

36. Section 661 of the said Act is repealed and the following substituted therefor: 25

Tonnage
of small
vessel.

"**661.** For the purposes of sections 657 and 660, the tonnage of any ship that is less than three hundred tons shall be deemed to be three hundred tons."

37. (1) Subsection (2) of section 662 of the said Act is repealed and the following substituted therefor: 30

Not to
include space
occupied
by seamen.

"(2) There shall not be included in such tonnage any space occupied by seamen or apprentices and appropriated to their use which is certified under the regulations made pursuant to section 234."

(2) Subsection (4) of section 662 of the said Act is repealed 35 and the following substituted therefor:

Ship
incapable of
Canadian
measurement.

"(4) In the case of any ship, which is incapable of being measured under the law of Canada, the Minister shall, on receiving from or by direction of the court hearing the case, such evidence concerning the dimensions of the ship 40 as it is found practicable to furnish, give a certificate under his hand stating what would, in his opinion, have been the tonnage of such ship if she had been duly measured according to the law of Canada; and the tonnage so stated in such certificate shall, for the purposes of sections 657 and 45 660, be deemed to be the tonnage of such ship."

18

Clause 35: The purpose of the amendment to this section is to increase the limit of the liability of the person mentioned therein from \$38.92 per ton of ship's tonnage to 1,000 gold francs or approximately \$65.00 per ton of ship's tonnage.

Clause 36: Section 661 presently reads as follows:

"661. For the purposes of sections 657 to 660, inclusive, the word "owner" includes any charterer of the ship."

The purpose of this amendment is to provide that, for the purposes of calculating the limitation of liability of ship-owners and others, the tonnage of any ship of less than three hundred tons shall be deemed to be three hundred tons.

Clause 37: (1) Subsection (2) of section 662 presently reads as follows:

"(2) There shall not be included in such tonnage any space occupied by seamen or apprentices and appropriated to their use which is certified under the regulations contained in the Eighth Schedule with regard thereto."

This amendment is consequential upon the amendments contained in clause 14.

(2) Subsection (4) of section 662 presently reads as follows:

"(4) In the case of any foreign ship, which is incapable of being measured under the law of Canada, the Minister shall, on receiving from or by direction of the court hearing the case, such evidence concerning the dimensions of the ship as it is found practicable to furnish, give a certificate under his hand stating what would, in his opinion, have been the tonnage of such ship if she had been duly measured according to the law of Canada; and the tonnage so stated in such certificate shall, for the purposes of this section, be deemed to be the tonnage of such ship."

This subsection presently applies only to foreign ships. The purpose of the amendment is to extend it to ships and other structures in respect of which persons may limit their liability under sections 657 and 660.

38. Section 687 of the said Act is repealed and the following substituted therefor:

Appeal.

“**687.** A person convicted summarily of an offence under this Act may appeal his conviction, and the provisions of the *Criminal Code* respecting appeals from summary convictions shall apply to such appeal.” 5

39. Subsection (2) of section 705 of the said Act is repealed and the following substituted therefor:

Certified
copies
admissible.

“(2) A copy of any such document or extract therefrom is also admissible in evidence if proved to be an examined copy or extract, or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted, and that officer shall furnish such certified copy or extract to any person applying at a reasonable time for the same.” 15

40. Subsection (1) of section 707 of the said Act is repealed and the following substituted therefor:

Application
of
penalties.

“**707.** (1) Where a fine is imposed under this Act for which no specific application is provided, the court, justice of the peace or magistrate imposing the fine may direct that the whole or any portion of it may 20

- (a) be applied in compensating any person for any wrong or damage that may have been sustained by the act or default in respect of which the fine is imposed;
- (b) be applied in or towards payment of the expenses of the proceedings; or 25
- (c) be paid to the provincial, municipal or local authority bearing in whole or in part the expense of prosecuting the violation of this Act in respect of which the fine was imposed.” 30

41. The Eighth Schedule to the said Act is repealed.

Clause 38: Section 687 presently reads as follows:

“687. Where a person is convicted summarily of an offence under this Act, and the fine inflicted or the sum ordered to be paid exceeds twenty-five dollars, that person may appeal in manner provided by the provisions of the *Criminal Code* relating to summary convictions.”

The purpose of this amendment is to permit an appeal by a person convicted summarily under the Act regardless of the amount of the fine imposed or the sum ordered to be paid.

Clause 39: Subsection (2) of section 705 presently reads as follows:

“(2) A copy of any such document or extract therefrom is also so admissible in evidence if proved to be an examined copy or extract, or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted, and that officer shall furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of a reasonable sum for the same, not exceeding ten cents for every folio of ninety words, but a person is entitled to have

- (a) a certified copy of the particulars entered by the registrar in the register book on the registry of the ship, together with a certified statement showing the ownership of the ship at the time being, and
- (b) a certified copy of any declaration or document, a copy of which is made evidence by this Act,

on payment of twenty-five cents for each copy.”

This amendment is consequential upon the amendments contained in clause 6.

Clause 40: Subsection (1) of section 707 presently reads as follows:

“707. (1) Where any court, justice of the peace or other magistrate imposes a fine under this Act for which no specific application is provided in this Act, that court, justice of the peace or magistrate may if they think fit direct the whole or any part of the fine to be applied in compensating any person for any wrong or damage that he may have sustained by the act or default in respect of which the fine is imposed, or to be applied in or towards payment of the expenses of the proceedings.”

The purpose of this amendment is to provide that a court, justice of the peace or magistrate imposing a fine may, in addition to the manner presently set out in the section for the disposition of the fine, order the whole of the fine or any portion thereof to be paid to the local authority bearing the expense of the prosecution.

Clause 41: The repeal of the Eighth Schedule is consequential upon the amendment contained in clause 14.

Class 1: The word "person" means any individual, partnership, corporation, or other legal entity.

1.01. If a person is required to pay a fee, the fee shall be paid to the clerk of the court.

The purpose of this amendment is to provide that a person convicted under the law shall be liable for the payment of the fee imposed by the law.

Class 2: The word "person" means any individual, partnership, corporation, or other legal entity.

1.02. If a person is required to pay a fee, the fee shall be paid to the clerk of the court.

The purpose of this amendment is to provide that a person convicted under the law shall be liable for the payment of the fee imposed by the law.

Class 3: The word "person" means any individual, partnership, corporation, or other legal entity.

1.03. If a person is required to pay a fee, the fee shall be paid to the clerk of the court.

The purpose of this amendment is to provide that a person convicted under the law shall be liable for the payment of the fee imposed by the law.

Class 4: The word "person" means any individual, partnership, corporation, or other legal entity.

1.04. If a person is required to pay a fee, the fee shall be paid to the clerk of the court.

The purpose of this amendment is to provide that a person convicted under the law shall be liable for the payment of the fee imposed by the law.

Class 5: The word "person" means any individual, partnership, corporation, or other legal entity.

1.05. If a person is required to pay a fee, the fee shall be paid to the clerk of the court.

The purpose of this amendment is to provide that a person convicted under the law shall be liable for the payment of the fee imposed by the law.

Class 6: The word "person" means any individual, partnership, corporation, or other legal entity.

1.06. If a person is required to pay a fee, the fee shall be paid to the clerk of the court.

The purpose of this amendment is to provide that a person convicted under the law shall be liable for the payment of the fee imposed by the law.

C-99.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-99.

An Act to amend the Food and Drugs Act.

First reading, May 29, 1961.

THE MINISTER OF NATIONAL HEALTH AND WELFARE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-99.

An Act to amend the Food and Drugs Act.

1952-53, c. 38. HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Sections 30 and 31 of the *Food and Drugs Act* are repealed and the following substituted therefor: 5

Exports.

"30. This Act does not apply to any packaged food, drug other than a drug defined as a controlled drug by Part III, cosmetic or device, not manufactured for consumption in Canada and not sold for consumption in Canada, if the package is marked in distinct overprinting with the word "Export", and a certificate that the package and its contents do not contravene any known requirement of the law of the country to which it is or is about to be consigned, has been issued in respect thereof in prescribed form and manner. 10 15

PART III.

CONTROLLED DRUGS.

Definitions.

"Controlled drug."

"Possession."

"Traffic."

31. In this Part,

(a) "controlled drug" means any drug included in Schedule G;

(b) "possession" means possession as defined in the *Criminal Code*; and 20

(c) "traffic" means to manufacture, sell, import into Canada, transport or deliver, otherwise than under the authority of this Part or the regulations.

Trafficking in controlled drug.

32. (1) No person shall traffic in a controlled drug or any substance represented or held out by him to be a controlled drug. 25

EXPLANATORY NOTES.

The purpose of this Bill is to amend the *Food and Drugs Act* to add thereto a special part providing for more effective control of certain drugs, commonly referred to as "goof-balls", and for the licensing of persons dealing therewith; the keeping of special records therefor and other matters designed to limit the importation, manufacture, distribution and use of such drugs to medical purposes; and for the establishment of special offences with appropriate sanctions for the illicit trafficking in such drugs.

The provisions of the special part are new.

Possession
for pur-
pose of
trafficking.
Offence.

- (2) No person shall have in his possession any controlled drug for the purpose of trafficking.
- (3) Every person who violates subsection (1) or (2) is guilty of an offence and is liable
- (a) upon summary conviction to imprisonment for 5
eighteen months; or
- (b) upon conviction on indictment, to imprisonment
for ten years.

Procedure in
prosecution
for posses-
sion for the
purpose of
trafficking.
Idem.

33. (1) In any prosecution for a violation of subsection (2) of section 32, if the accused does not plead guilty, the 10
trial shall proceed as if the issue to be tried is whether the
accused was in possession of a controlled drug.

(2) If, pursuant to subsection (1), the court finds that
the accused was not in possession of a controlled drug, he
shall be acquitted, but, if the court finds that the accused 15
was in possession of a controlled drug, he shall be given
an opportunity of establishing

(a) that he acquired the controlled drug from a person
authorized under the regulations to sell or deal 20
with controlled drugs; or

(b) that he was not in possession of the controlled
drug for the purposes of trafficking,
and thereafter the prosecutor shall be given an opportunity
of adducing evidence to the contrary.

Idem.

(3) If the accused establishes the facts set forth in 25
paragraph (a) or (b) of subsection (2) he shall be acquitted
of the offence as charged; and if the accused fails to so
establish he shall be convicted of the offence as charged
and sentenced accordingly.

Burden of
proving
exception,
etc.

34. (1) No exception, exemption, excuse or qualifica- 30
tion prescribed by law is required to be set out or negated,
as the case may be, in an information or indictment for an
offence under section 32 or under section 406, 407 or 408 of
the *Criminal Code* in respect of an offence under section 32.

Idem.

(2) In any prosecution under this Part the burden of 35
proving that an exception, exemption, excuse or qualifica-
tion prescribed by law operates in favour of the accused is
on the accused, and the prosecutor is not required, except
by way of rebuttal, to prove that the exception, exemption,
excuse or qualification does not operate in favour of the 40
accused, whether or not it is set out in the information or
indictment.

Certificate
of analyst.

35. In any prosecution for an offence mentioned in
subsection (1) of section 34, a certificate of an analyst 45
stating that he has analyzed or examined a substance and
stating the result of his analysis or examination is admissible
in evidence and in the absence of any evidence to the con-

that is proof of the statements contained in the affidavits without proof of the signature or the official character of the person appearing to have signed the affidavits.

24. (1) A peace officer may, at any time, let without a warrant enter and search any place other than a dwelling house, and under the authority of a Writ of Assistance or a warrant issued under this section enter and search any dwelling house in which he reasonably believes there is a controlled drug by means of or in respect of which an offence under this Part has been committed;

(2) A peace officer who is satisfied by information upon oath that there are reasonable grounds for believing that there is a controlled drug, by means of or in respect of which an offence under this Part has been committed, in any dwelling house may issue a warrant under his hand authorizing a peace officer named therein at any time to enter the dwelling house and search for controlled drugs.

(3) A judge of the Superior Court of Canada shall issue a writ of Assistance, under the provisions of this section, and authorize the peace named therein to enter and search at any time to enter any dwelling house and search for controlled drugs.

(4) For the purpose of executing his authority under this section, a peace officer may, with such assistance as he deems necessary, break open any door, window, lock, shutter, door, wall, ceiling, compartment, plumbing fixture, box, container or any other thing.

(5) Where a controlled drug or other thing has been seized under this Part, any person may, within two months from the date of such seizure, upon prior notification having been given to the Crown in the manner prescribed by the regulations, apply to a magistrate within whose territorial jurisdiction the seizure was made, for an order of restitution under section 25.

(6) Subject to subsection (5), where, upon the hearing of an application made under subsection (5), the magistrate is satisfied

(a) that the applicant is entitled to possession of the controlled drug or other thing seized, and
(b) that the thing seized is not or will not be required as evidence in any proceedings in respect of an offence under this Part,

Section 24

Section 24

Section 24

Section 24

Section 24

Section 24

trary is proof of the statements contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.

Search and seizure.

- 36.** (1) A peace officer may, at any time
- (a) without a warrant enter and search any place other than a dwelling house, and under the authority of a Writ of Assistance or a warrant issued under this section, enter and search any dwelling house in which he reasonably believes there is a controlled drug by means of or in respect of which an offence under this Part has been committed;
 - (b) search any person found in such place; and
 - (c) seize and take away any controlled drug found in such place and any other thing that may be evidence that an offence under this Part has been committed.

Warrant to search dwelling house.

(2) A magistrate who is satisfied by information upon oath that there are reasonable grounds for believing that there is a controlled drug, by means of or in respect of which an offence under this Part has been committed, in any dwelling house may issue a warrant under his hand authorizing a peace officer named therein at any time to enter the dwelling house and search for controlled drugs.

Writ of Assistance.

(3) A judge of the Exchequer Court of Canada shall, upon application by the Minister, issue a Writ of Assistance authorizing and empowering the person named therein, aided and assisted by such person as the person named therein may require, at any time, to enter any dwelling house and search for controlled drugs.

Powers of peace officer.

(4) For the purpose of exercising his authority under this section, a peace officer may, with such assistance as he deems necessary, break open any door, window, lock, fastener, floor, wall, ceiling, compartment, plumbing fixture, box, container or any other thing.

Application for restoration.

(5) Where a controlled drug or other thing has been seized under this Part, any person may, within two months from the date of such seizure, upon prior notification having been given to the Crown in the manner prescribed by the regulations, apply to a magistrate within whose territorial jurisdiction the seizure was made, for an order of restoration under subsection (6).

Order of restoration.

(6) Subject to subsection (8), where, upon the hearing of an application made under subsection (5), the magistrate is satisfied

- (a) that the applicant is entitled to possession of the controlled drug or other thing seized, and
- (b) that the thing so seized is not or will not be required as evidence in any proceedings in respect of an offence under this Part,

(1) The first part of the contract is voidable at the option of the party who was induced to enter into it by fraud, duress, or undue influence. (2) The second part of the contract is voidable at the option of the party who was induced to enter into it by fraud, duress, or undue influence. (3) The third part of the contract is voidable at the option of the party who was induced to enter into it by fraud, duress, or undue influence. (4) The fourth part of the contract is voidable at the option of the party who was induced to enter into it by fraud, duress, or undue influence. (5) The fifth part of the contract is voidable at the option of the party who was induced to enter into it by fraud, duress, or undue influence. (6) The sixth part of the contract is voidable at the option of the party who was induced to enter into it by fraud, duress, or undue influence. (7) The seventh part of the contract is voidable at the option of the party who was induced to enter into it by fraud, duress, or undue influence. (8) The eighth part of the contract is voidable at the option of the party who was induced to enter into it by fraud, duress, or undue influence. (9) The ninth part of the contract is voidable at the option of the party who was induced to enter into it by fraud, duress, or undue influence. (10) The tenth part of the contract is voidable at the option of the party who was induced to enter into it by fraud, duress, or undue influence.

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he shall order that the thing so seized be restored forthwith to the applicant, and where the magistrate is satisfied that the applicant is entitled to possession of the thing so seized but is not satisfied as to the matters mentioned in paragraph (b), he shall order that the thing so seized be restored to the applicant 5

(c) upon the expiration of four months from the date of such seizure, if no proceedings in respect of an offence under this Part have been commenced before that time, or 10

(d) upon the final conclusion of any such proceedings, in any other case.

Where no application made.

(7) Where no application has been made for the return of any controlled drug or other thing seized pursuant to this Part within two months from the date of such seizure, or an application therefor has been made but upon the hearing thereof no order of restoration is made, the thing so seized shall be delivered to the Minister who may make such disposition thereof as he sees fit. 15

Forfeiture of controlled drug.

(8) Where a person has been convicted of an offence under this Part, any controlled drug seized pursuant to this Part, by means of or in respect of which the offence was committed, and any money so seized that was used for the purchase of that controlled drug, is forfeited to Her Majesty and shall be disposed of as the Minister directs. 20 25

Sections not applicable to seizure of controlled drug.

(9) Subsections (7) and (8) of section 21 and section 22 are not applicable in the case of any thing seized under this Part.

Regulations.

37. (1) The Governor in Council may make regulations for carrying out the purposes and provisions of this Part, and in particular but without restricting the generality of the foregoing, may make regulations, 30

(a) authorizing the manufacture, sale, importation, transportation, delivery or other dealing in controlled drugs and prescribing the circumstances and conditions under which and the persons by whom controlled drugs may be manufactured, sold, imported, transported, delivered or otherwise dealt in; 35

(b) providing for the issue of licences for the importation, manufacture or sale of controlled drugs; 40

(c) prescribing the form, duration and terms and conditions of any licence described in paragraph (b) and the fees payable therefor, and providing for the cancellation and suspension of such licences; 45

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ANNEXURE

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- (d) requiring persons who import, manufacture, sell, administer or deal in controlled drugs to maintain such books and records as the Governor in Council considers necessary for the proper administration and enforcement of this Part and the regulations made under this Part and to make such returns and furnish such information relating to the said controlled drugs as the Governor in Council may require; 5
- (e) authorizing the communication of any information obtained under the provisions of this Part or the regulations to provincial professional licensing authorities; and 10
- (f) prescribing a fine not exceeding five hundred dollars or a term of imprisonment not exceeding six months, or both, to be imposed upon summary conviction as a penalty for the violation of any regulation. 15

Amendment of Schedule.

(2) The Governor in Council may, from time to time, amend Schedule G by adding thereto or deleting therefrom any substance, the inclusion or exclusion of which, as the case may be, is deemed necessary by him in the public interest. 20

Sections 25, 28 and 29 not applicable.

38. Sections 25, 28 and 29 are not applicable in any proceedings in respect of an offence under this Part or the regulations made under this Part."

2. The said Act is further amended by adding thereto 25 the following Schedule:

"SCHEDULE G.

1. Amphetamine and its salts
2. Barbituric acid and its salts and derivatives
3. Methamphetamine and its salts"

Coming into force. ¶

3. This Act shall come into force on a day to be fixed by 30 proclamation of the Governor in Council.

C-100.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-100.

An Act to provide for the Control of Narcotic Drugs.

First reading, May 30, 1961.

THE MINISTER OF NATIONAL HEALTH AND WELFARE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-100.

An Act to provide for the Control of Narcotic Drugs.

HER 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 <i>Narcotic Control Act</i> .	
Definitions.	2. In this Act,	5
"Analyst."	(a) "analyst" means a person designated as an analyst under the <i>Food and Drugs Act</i> or under this Act;	
"Conveyance."	(b) "conveyance" includes any aircraft, vessel, motor vehicle or other conveyance of any description whatever;	10
"Marihuana."	(c) "marihuana" means <i>Cannabis sativa</i> L.;	
"Minister."	(d) "Minister" means	
	(i) with respect to Part I, the Minister of National Health and Welfare, and	
	(ii) with respect to Part II, the Minister of Justice;	15
"Narcotic."	(e) "narcotic" means any substance included in the Schedule or anything that contains any substance included in the Schedule;	
"Narcotic addict."	(f) "narcotic addict" means a person who through the use of narcotics,	20
	(i) has developed a desire or need to continue to take a narcotic, or	
	(ii) has developed a psychological or physical dependence upon the effect of a narcotic;	
"Opium poppy."	(g) "opium poppy" means <i>Papaver somniferum</i> L.;	25
"Possession."	(h) "possession" means possession as defined in the <i>Criminal Code</i> ; and	
"Traffic."	(i) "traffic" means	
	(i) to manufacture, sell, give, administer, transport, send, deliver or distribute, or	30

(b) to refer to its original meaning in sub-paragraph (b) otherwise than under the authority of this Act or the regulations.

PART I

OFFENCES AND PENALTIES

Provisional Offences

3. (1) Except as authorized by this Act or the regulations, no person shall have a narcotic in his possession. (2) Every person who violates subsection (1) is guilty of an indictable offence and is liable to imprisonment for seven years.

4. (1) No person shall traffic in a narcotic or any substance represented or held out by him to be a narcotic. (2) No person shall have in his possession any narcotic for the purpose of trafficking. (3) Every person who violates subsection (1) or (2) is guilty of an indictable offence and is liable to imprisonment for life.

5. (1) Except as authorized by this Act or the regulations, no person shall import into Canada or export from Canada any narcotic. (2) Every person who violates subsection (1) is guilty of an indictable offence and is liable to imprisonment for life or less than seven years.

6. (1) No person shall cultivate opium poppy or similar plant except under authority of and in accordance with a licence issued to him under the regulations. (2) Every person who violates subsection (1) is guilty of an indictable offence and is liable to imprisonment for seven years.

7. The Minister may cause to be destroyed any growing plant of opium poppy or marijuana cultivated otherwise than under authority of and in accordance with a licence issued under the regulations.

Provisions

8. (1) No explicit exemption, excuse or qualification provided by law is required to be set out or recited, as the case may be, in an information or indictment for an offence under this Act or under section 405, 407 or 408 of the Criminal Code in respect of an offence under this Act.

(ii) to offer to do anything mentioned in subparagraph (i) otherwise than under the authority of this Act or the regulations.

PART I.

OFFENCES AND ENFORCEMENT.

Particular Offences.

- 3.** (1) Except as authorized by this Act or the regulations, no person shall have a narcotic in his possession. 5
 (2) Every person who violates subsection (1) is guilty of an indictable offence and is liable to imprisonment for seven years.
- 4.** (1) No person shall traffic in a narcotic or any substance represented or held out by him to be a narcotic. 10
 (2) No person shall have in his possession any narcotic for the purpose of trafficking.
 (3) Every person who violates subsection (1) or (2) is guilty of an indictable offence and is liable to imprisonment for life. 15
- 5.** (1) Except as authorized by this Act or the regulations, no person shall import into Canada or export from Canada any narcotic.
 (2) Every person who violates subsection (1) is guilty of an indictable offence and is liable to imprisonment for life but not less than seven years. 20
- 6.** (1) No person shall cultivate opium poppy or marihuana except under authority of and in accordance with a licence issued to him under the regulations. 25
 (2) Every person who violates subsection (1) is guilty of an indictable offence and is liable to imprisonment for seven years.
 (3) The Minister may cause to be destroyed any growing plant of opium poppy or marihuana cultivated otherwise than under authority of and in accordance with a licence issued under the regulations. 30

Prosecutions.

- 7.** (1) No exception, exemption, excuse or qualification prescribed by law is required to be set out or negated, as the case may be, in an information or indictment for an offence under this Act or under section 406, 407 or 408 of the *Criminal Code* in respect of an offence under this Act. 35

(2) In any presentation for a violation of subsection (1) of section 4, if the accused does not plead guilty, the trial judge shall, after the close of the case for the prosecution and after the accused has had an opportunity to make full answer and defence, the court shall make a finding as to whether or not the accused was in possession of the narcotic contrary to section 4: if the court finds that the accused was not in possession of the narcotic contrary to section 4, he shall be acquitted; but if the court finds that the accused was in possession of the narcotic contrary to section 4, he shall be given an opportunity of establishing that he was not in possession of the narcotic for the purpose of subsection 1 and thereafter the procedure shall be given an opportunity of adducing evidence to establish that the accused was in possession of the narcotic for the purpose of subsection 1: the accused shall be acquitted if he was not in possession of the narcotic for the purpose of subsection 1: he shall be acquitted if the offence or offence he was committed in an offence under section 4 and subsection 1 and subsection 2 and if the accused fails to establish that he was not in possession of the narcotic for the purpose of subsection 1: he shall be acquitted if the offence is charged and subsection 1.

Section 4

Section 4
Presentation
for trial

(3) In any presentation for a violation of subsection (2) of section 4, if the accused does not plead guilty, the trial judge shall, after the close of the case for the prosecution and after the accused has had an opportunity to make full answer and defence, the court shall make a finding as to whether or not the accused was in possession of the narcotic contrary to section 4: if the court finds that the accused was not in possession of the narcotic contrary to section 4, he shall be acquitted; but if the court finds that the accused was in possession of the narcotic contrary to section 4, he shall be given an opportunity of establishing that he was not in possession of the narcotic for the purpose of subsection 2 and thereafter the procedure shall be given an opportunity of adducing evidence to establish that the accused was in possession of the narcotic for the purpose of subsection 2: the accused shall be acquitted if he was not in possession of the narcotic for the purpose of subsection 2: he shall be acquitted if the offence or offence he was committed in an offence under section 4 and subsection 2 and subsection 3 and if the accused fails to establish that he was not in possession of the narcotic for the purpose of subsection 2: he shall be acquitted if the offence is charged and subsection 2.

Section 4
Presentation
for trial

(4) In any presentation for an offence mentioned in subsection (1) of section 1, a certificate of an analyst stating that he has analysed or examined a substance and stating the results of his analysis or examination is admissible in evidence and in the absence of any evidence to the contrary is proof of the statements contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.

Section 1, 2 and 3

Section 1
Presentation
for trial

(5) (1) A peace officer may, at any time, (a) without a warrant issue and search any place other than a dwelling house, and under the authority of a writ of Assistance or a warrant issued under this section issue and search any dwelling house in

Idem.

(2) In any prosecution under this Act the burden of proving that an exception, exemption, excuse or qualification prescribed by law operates in favour of the accused is on the accused, and the prosecutor is not required, except by way of rebuttal, to prove that the exception, exemption, excuse or qualification does not operate in favour of the accused, whether or not it is set out in the information or indictment. 5

Procedure in prosecution for trafficking.

8. In any prosecution for a violation of subsection (2) of section 4, if the accused does not plead guilty, the trial shall proceed as if it were a prosecution for an offence under section 3, and after the close of the case for the prosecution and after the accused has had an opportunity to make full answer and defence, the court shall make a finding as to whether or not the accused was in possession of the narcotic contrary to section 3; if the court finds that the accused was not in possession of the narcotic contrary to section 3, he shall be acquitted but if the court finds that the accused was in possession of the narcotic contrary to section 3, he shall be given an opportunity of establishing that he was not in possession of the narcotic for the purpose of trafficking, and thereafter the prosecutor shall be given an opportunity of adducing evidence to establish that the accused was in possession of the narcotic for the purpose of trafficking; if the accused establishes that he was not in possession of the narcotic for the purpose of trafficking, he shall be acquitted of the offence as charged but he shall be convicted of an offence under section 3 and sentenced accordingly; and if the accused fails to establish that he was not in possession of the narcotic for the purpose of trafficking, he shall be convicted of the offence as charged and sentenced accordingly. 10 15 20 25 30

Certificate of analyst.

9. In any prosecution for an offence mentioned in subsection (1) of section 7, a certificate of an analyst stating that he has analyzed or examined a substance and stating the result of his analysis or examination is admissible in evidence and in the absence of any evidence to the contrary is proof of the statements contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate. 35 40

Search, Seizure and Forfeiture.

Search and seizure.

10. (1) A peace officer may, at any time,
(a) without a warrant enter and search any place other than a dwelling house, and under the authority of a Writ of Assistance or a warrant issued under this section, enter and search any dwelling house in 45

which he reasonably believes there is a narcotic
or means of which an offense under
this Act has been committed;

(b) search any person found in such place; and
(c) seize and take away any narcotic found in such
place or any thing in such place in which he reasonably
suspects a narcotic is concealed or concealed in
any other place by means of or in respect of which
he reasonably believes an offense under this Act has
been committed or that may be evidence of the
commission of such an offense.

(3) A magistrate who is satisfied by information upon
which there are reasonable grounds for believing that
there is a narcotic, by means of or in respect of which an
offense under this Act has been committed, in any dwelling
place may issue a warrant under his hand authorizing a
person named therein at any time to enter the dwelling
place and search for narcotics.

(4) A judge of the District Court of Canada shall,
upon application by the Minister, issue a Writ of Assistance
authorizing and empowering the person named therein
to enter and search at any time to enter any dwelling
place and search for narcotics.

(5) For the purpose of executing his authority under
this section a person named therein, with such assistance as he
deems necessary, shall open any door, window, lock,
fastening, chest, safe, cabinet, compartment, receptacle, or
box, container or any other thing.

(6) Where a warrant or other thing has been issued
under subsection (1), and twenty days within two months
from the date of such warrant, upon prior notification
having been given to the Crown in the manner prescribed
by the regulations, apply to a magistrate within whose
territorial jurisdiction the search was made for an order
of restoration under subsection (6).

(7) Subject to subsections (8) and (9), where upon the
expiry of an application made under subsection (6) the
magistrate is satisfied

(a) that the applicant is entitled to possession of the
amount or other thing seized, and

(b) that the thing so seized is not or will not be required
as evidence in any proceeding in respect of an
offense under this Act,

he shall order that the thing so seized be restored forthwith
to the applicant, and where the magistrate is satisfied that
the applicant is entitled to possession of the thing so seized
but is not satisfied as to the manner mentioned in para-
graph (b), he shall order that the thing so seized be restored
to the applicant.

which he reasonably believes there is a narcotic by means of or in respect of which an offence under this Act has been committed;

- (b) search any person found in such place; and
- (c) seize and take away any narcotic found in such place, any thing in such place in which he reasonably suspects a narcotic is contained or concealed, or any other thing by means of or in respect of which he reasonably believes an offence under this Act has been committed or that may be evidence of the commission of such an offence.

Warrant to search dwelling house.

(2) A magistrate who is satisfied by information upon oath that there are reasonable grounds for believing that there is a narcotic, by means of or in respect of which an offence under this Act has been committed, in any dwelling house may issue a warrant under his hand authorizing a peace officer named therein at any time to enter the dwelling house and search for narcotics.

Writ of Assistance.

(3) A judge of the Exchequer Court of Canada shall, upon application by the Minister, issue a Writ of Assistance authorizing and empowering the person named therein, aided and assisted by such person as the person named therein may require, at any time, to enter any dwelling house and search for narcotics.

Powers of peace officer.

(4) For the purpose of exercising his authority under this section, a peace officer may, with such assistance as he deems necessary, break open any door, window, lock, fastener, floor, wall, ceiling, compartment, plumbing fixture, box, container or any other thing.

Application for restoration.

(5) Where a narcotic or other thing has been seized under subsection (1), any person may, within two months from the date of such seizure, upon prior notification having been given to the Crown in the manner prescribed by the regulations, apply to a magistrate within whose territorial jurisdiction the seizure was made for an order of restoration under subsection (6).

Order of restoration.

(6) Subject to subsections (8) and (9), where upon the hearing of an application made under subsection (5) the magistrate is satisfied

- (a) that the applicant is entitled to possession of the narcotic or other thing seized, and
- (b) that the thing so seized is not or will not be required as evidence in any proceedings in respect of an offence under this Act,

he shall order that the thing so seized be restored forthwith to the applicant, and where the magistrate is satisfied that the applicant is entitled to possession of the thing so seized but is not satisfied as to the matters mentioned in paragraph (b), he shall order that the thing so seized be restored to the applicant

1. The first part of the report deals with the general situation of the country and the progress of the work done during the year. It is divided into two main sections, the first of which deals with the general situation and the second with the progress of the work done during the year.

2. The second part of the report deals with the results of the work done during the year. It is divided into three main sections, the first of which deals with the results of the work done during the year, the second with the results of the work done during the year, and the third with the results of the work done during the year.

3. The third part of the report deals with the conclusions drawn from the results of the work done during the year. It is divided into two main sections, the first of which deals with the conclusions drawn from the results of the work done during the year, and the second with the conclusions drawn from the results of the work done during the year.

4. The fourth part of the report deals with the recommendations made by the committee. It is divided into two main sections, the first of which deals with the recommendations made by the committee, and the second with the recommendations made by the committee.

- (c) upon the expiration of four months from the date of the seizure, if no proceedings in respect of an offence under this Act have been commenced before that time, or
- (d) upon the final conclusion of any such proceedings, 5
in any other case.

Where no application made.

(7) Where no application has been made for the return of any narcotic or other thing seized under subsection (1) within two months from the date of such seizure, or an application therefor has been made but upon the hearing 10 thereof no order of restoration is made, the thing so seized shall be delivered to the Minister who may make such disposition thereof as he thinks fit.

Forfeiture of narcotic upon conviction.

(8) Where a person has been convicted of an offence under section 3, 4 or 5, any narcotic seized under subsection 15 (1), by means of or in respect of which the offence was committed, any money so seized that was used for the purchase of that narcotic and any hypodermic needle, syringe, capping machine or other apparatus so seized that was used in any manner in connection with the offence 20 is forfeited to Her Majesty and shall be disposed of as the Minister directs.

Forfeiture of conveyance upon application.

(9) Where a person has been convicted of an offence under section 4 or 5, the court may, upon application by counsel for the Crown, order that any conveyance seized 25 under subsection (1) that has been proved to have been used in any manner in connection with the offence be forfeited, and upon such order being made the conveyance is forfeited to Her Majesty and, except as provided in section 11, shall upon the expiration of thirty days from 30 the date of such forfeiture be disposed of as the Minister directs.

Application by person claiming interest.

11. (1) Where any conveyance is forfeited to Her Majesty under subsection (9) of section 10, any person (other than a person convicted of the offence that resulted 35 in the forfeiture or a person in whose possession the conveyance was when seized) who claims an interest therein as owner, mortgagee, lienholder or holder of any like interest may, within thirty days after such forfeiture, apply by notice in writing to a judge for an order under subsection (4). 40

Date of hearing.

(2) The judge to whom an application is made under subsection (1) shall fix a day not less than thirty days after the date of filing of the application for the hearing thereof.

Notice.

(3) The applicant shall serve a notice of the application and of the hearing upon the Minister at least fifteen days 45 before the day fixed for the hearing.

(5) Where upon the hearing of an application, it is made to appear to the satisfaction of the judge

(a) that the applicant is a person of any capacity in the opinion that it is in the interests and of any relation in relation to that estate with the person who was convicted thereof; and

(b) that the applicant stands all reasonable cases in respect of the person permitted to obtain possession of the property to which it is not likely to be used in connection with the commission of an indictable offence, or in the case of a mortgage or charge, that he exercised such care with respect to the mortgage or charge;

the applicant is entitled to an order declaring that his interest is not affected by such forfeiture and declaring the nature and extent of his interest.

(3) The applicant on the interim may appeal to the court of appeal from an order made under subsection (4) and the appeal shall be treated, heard and decided accordingly to the ordinary procedure governing appeals to the court of appeal from orders or judgments of a judge.

(4) The Minister shall, upon application made to him by any person who has obtained a final order under this section

(a) direct that the chargees to which the interest of the applicant relates be returned to the applicant; or

(b) direct that an amount equal to the value of the interest of the applicant, as defined in the order, be paid to him.

(5) In this section

(a) "the Province of Quebec" means a judge of the Superior Court for the district in which the conveyance in respect of which an application for an order under this section is made was made;

(b) "the Province of Newfoundland" means a judge of the Supreme Court of Newfoundland;

(c) "the Yukon and Northwest Territories" means a judge of the Territorial Court; and

(d) in any province not referred to in the foregoing paragraphs (a) to (c), a judge of the county or district court for the county or district in which any such conveyance was made; and

(e) "court of appeal" means in the provinces in which an order under this section is made the court of appeal for that province as defined in paragraph (2) of section 2 of the Criminal Code.

Order by
judge.

(4) Where, upon the hearing of an application, it is made to appear to the satisfaction of the judge,

(a) that the applicant is innocent of any complicity in the offence that resulted in the forfeiture and of any collusion in relation to that offence with the person who was convicted thereof; and 5

(b) that the applicant exercised all reasonable care in respect of the person permitted to obtain possession of the conveyance to satisfy himself that it was not likely to be used in connection with the commission of an unlawful act or, in the case of a mortgagee or lienholder, that he exercised such care with respect to the mortgagor or lien-giver, 10

the applicant is entitled to an order declaring that his interest is not affected by such forfeiture and declaring the nature and extent of his interest. 15

Appeal.

(5) The applicant or the Minister may appeal to the court of appeal from an order made under subsection (4) and the appeal shall be asserted, heard and decided according to the ordinary procedure governing appeals to the court of appeal from orders or judgments of a judge. 20

Application
to Minister.

(6) The Minister shall, upon application made to him by any person who has obtained a final order under this section,

(a) direct that the conveyance to which the interest of the applicant relates be returned to the applicant; or 25

(b) direct that an amount equal to the value of the interest of the applicant, as declared in the order, be paid to him.

(7) In this section,

"Judge"
defined.

(a) "judge" means 30

(i) in the Province of Quebec, a judge of the Superior Court for the district in which the conveyance in respect of which an application for an order under this section is made, was seized, 35

(ii) in the Province of Newfoundland, a judge of the Supreme Court of Newfoundland,

(iii) in the Yukon and Northwest Territories, a judge of the Territorial Court, and

(iv) in any province not referred to in subparagraphs (i) to (iii), a judge of the county or district court for the county or district in which any such conveyance was seized; and 40

"Court of
appeal"
defined.

(b) "court of appeal" means, in the province in which an order under this section is made, the court of appeal for that province as defined in paragraph 45

(9) of section 2 of the *Criminal Code*.

General.

Regulations.

- 12.** The Governor in Council may make regulations
- (a) providing for the issue of licences
 - (i) for the importation, export, sale, manufacture, production or distribution of narcotics, and
 - (ii) for the cultivation of opium poppy or marihuana; 5
 - (b) prescribing the form, duration and terms and conditions of any licence described in paragraph (a) and the fees payable therefor, and providing for the cancellation and suspension of such licences;
 - (c) authorizing the sale or possession of or other dealing 10 in narcotics and prescribing the circumstances and conditions under which and the persons by whom narcotics may be sold, had in possession or otherwise dealt in;
 - (d) requiring physicians, dentists, veterinarians, phar- 15 macists and other persons who deal in narcotics as authorized by this Act or the regulations to keep records and make returns;
 - (e) authorizing the communication of any information obtained under the provisions of this Act or the 20 regulations to provincial professional licensing authorities;
 - (f) prescribing the punishment by a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months, or both, to be imposed upon 25 summary conviction for breach of any regulation; and
 - (g) generally, for carrying out the purposes and provisions of this Act.

Designation of analyst.

13. The Governor in Council may designate any person 30 as an analyst for the purpose of this Act.

Amendment of Schedule.

14. The Governor in Council may, from time to time, amend the Schedule by adding thereto or deleting therefrom any substance, the inclusion or exclusion of which, as the case may be, is deemed necessary by him in the 35 public interest.

PART II.

PREVENTIVE DETENTION AND CUSTODY FOR TREATMENT.

Sentence of preventive detention.

15. Where a person is convicted of an offence under section 4 or 5, the court shall, if that person

- (a) has been previously convicted on at least one separate and independent occasion of an offence under 40

section 4 or 5 of this Act or an offence under section (2) of section 4 of the Gaming and Yachting Act or

(5) has been previously sentenced to preventive detention under this section, impose a sentence of preventive detention in a penitentiary for an indeterminate period, in lieu of any other sentence that might be imposed for the offence of which he was convicted.

14. When any person is charged with an offence under section 3, 4 or 5, the court or any judge having jurisdiction to try the offence may, upon application by counsel for the Crown or upon application by the person charged with the offence or by counsel for such person, either before or after such person is committed for trial and before any sentence that might be imposed for the offence is passed, cause such person, by order in writing, to such custody as the court thinks for observation and examination for a period not exceeding seven days.

15. (1) Where a person who has been remanded to custody for observation and examination pursuant to section 14 is advised of the offence in respect of which he was remanded to such custody, the court shall, before passing sentence, consider the evidence adduced in respect of the observation and examination conducted and such other evidence as may be adduced, and where the court is satisfied upon consideration of such evidence, that the convicted person is a narcotic addict, the court shall, notwithstanding anything in section 14, sentence him to custody for treatment for an indeterminate period, in lieu of any other sentence that might be imposed for the offence of which he was convicted.

(2) A person who is sentenced to custody for treatment for an indeterminate period under this section may appeal to the court of appeal against the sentence on any ground of law or fact or mixed law and fact.

(3) The provisions of section 607 of the Criminal Code which relate to appeals against a sentence of preventive detention apply mutatis mutandis to an appeal under this section.

16. (1) Where a person is sentenced to custody for treatment for an indeterminate period, he shall be confined for treatment in an institution maintained and operated pursuant to the Penitentiary Act.

section 4 or 5 of this Act or an offence under subsection (3) of section 4 of the *Opium and Narcotic Drug Act*, or

(b) has been previously sentenced to preventive detention under this section,

5

impose a sentence of preventive detention in a penitentiary for an indeterminate period, in lieu of any other sentence that might be imposed for the offence of which he was convicted.

Remand for observation and examination.

16. Where any person is charged with an offence under section 3, 4 or 5, the court or any judge having jurisdiction to try the offence may, upon application by counsel for the Crown, or upon application by the person charged with the offence or by counsel for such person, either before or after such person is committed for trial and before any sentence that might be imposed for the offence is passed, remand such person, by order in writing, to such custody as the court directs for observation and examination for a period not exceeding seven days.

Sentence to custody for treatment.

17. (1) Where a person who has been remanded to custody for observation and examination pursuant to section 16 is convicted of the offence in respect of which he was remanded to such custody, the court shall, before passing sentence, consider the evidence arising out of the observation and examination, including the evidence of at least one duly qualified medical practitioner and such other evidence as may be adduced, and where the court is satisfied, upon consideration of such evidence, that the convicted person is a narcotic addict, the court shall, notwithstanding anything in section 15, sentence him to custody for treatment for an indeterminate period, in lieu of any other sentence that might be imposed for the offence of which he was convicted.

Appeal against sentence to custody for treatment.

(2) A person who is sentenced to custody for treatment for an indeterminate period under this section may appeal to the court of appeal against the sentence on any ground of law or fact or mixed law and fact.

Application of *Criminal Code*.

(3) The provisions of section 667 of the *Criminal Code* with respect to appeals against a sentence of preventive detention apply *mutatis mutandis* to an appeal under this section.

Confinement for treatment.

18. (1) Where a person is sentenced to custody for treatment for an indeterminate period, he shall be confined for treatment in an institution maintained and operated pursuant to the *Penitentiary Act*.

45

Application
of *Parole*
Act.

(2) A person who is sentenced to custody for treatment for an indeterminate period is subject to the *Parole Act* and, for all purposes of that Act, shall be deemed

(a) during his period of confinement to be an inmate within the meaning of that Act, and

(b) upon release under certificate of the Parole Board, to be a paroled inmate within the meaning of that Act.

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Limitation.

(3) A sentence of custody for treatment for an indeterminate period, where the person so sentenced has not, at any time before the conviction resulting in the sentence, been convicted of an offence under this Act or an offence under the *Opium and Narcotic Drug Act*, expires at the end of such period, not exceeding ten years from the date of his release under certificate of the Parole Board, as may be fixed by the Parole Board, unless before that time his parole is forfeited or revoked.

Agreement
with
province.

19. (1) Where the legislature of a province enacts legislation that is designed to provide custody for treatment for persons who, although not charged with the offence of possession of a narcotic, are narcotic addicts, the Minister may enter into an agreement with the province, subject to the approval of the Governor in Council, for the confinement and treatment of such persons in institutions maintained and operated pursuant to the *Penitentiary Act* and for the release and supervision of such persons pursuant to the *Parole Act*.

Idem.

(2) A narcotic addict who is committed to custody for treatment pursuant to an Act of the legislature of a province shall be deemed, for the purposes of the *Penitentiary Act* and the *Parole Act*, to have been sentenced to custody for treatment under this Act.

REPEAL AND COMING INTO FORCE.

Repeal.

20. The *Opium and Narcotic Drug Act*, chapter 201 of the Revised Statutes of Canada, 1952 is repealed.

Coming into
force.

21. This Act or any provision thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

SCHEDULE.

1. Opium Poppy (*Papaver somniferum*) its preparations, derivatives, alkaloids and salts, including:

- (1) Opium,
- (2) Codeine (methylnorphine),
- (3) Morphine,
- (4) Thebaine,

and their preparations, derivatives and salts, including:

- (5) Acetyldihydrocodeine,
- (6) Benzylmorphine,
- (7) Desomorphine (dihydrodeoxymorphine),
- (8) Diacetylmorphine (heroin),
- (9) Dihydrocodeine,
- (10) Dihydromorphine,
- (11) Ethylmorphine,
- (12) Hydrocodone (dihydrocodeinone),
- (13) Hydromorphone (dihydromorphinone),
- (14) Hydromorphinol (dihydro-14-hydroxymorphine),
- (15) Methyldesorphine (Δ^6 -deoxy-6-methylmorphine),
- (16) Methyldihydromorphine (dihydro-6-methylmorphine),
- (17) Metopon (dihydromethylmorphinone),
- (18) Morphine-N-oxide (morphine N-oxide),
- (19) Myrophine (benzylmorphine myristate),
- (20) Nalorphine (N-allylnormorphine),
- (21) Nicomorphine (dinicotinylmorphine),
- (22) Norcodeine,
- (23) Normorphine,
- (24) Oxycodone (dihydrohydroxycodeinone),
- (25) Oxymorphone (dihydrohydroxymorphinone),
- (26) Pholcodine (β -4-morpholinoethylmorphine), and
- (27) Thebacon (acetyldihydrocodeinone),

but not including:

- (28) Apomorphine,
- (29) Papaverine,
- (30) Narcotine, and
- (31) Poppy seed.

2. Coca (*Erythroxylon*), its preparations, derivatives, alkaloids and salts, including:

- (1) Coca leaves,
- (2) Cocaine, and
- (3) Ecgonine (3-hydroxy-2-tropane carboxylic acid).

3. *Cannabis sativa*, its preparations, derivatives and similar synthetic preparations, including:

- (1) Cannabis resin,
- (2) Cannabis (marihuana),
- (3) Cannabidiol,

SCHEDULE—Continued

- (4) Cannabinol (3-n-amyl-6,6,9-trimethyl-6-dibenzopyran-1-ol),
- (5) Pyrahexyl (3-n-hexyl-6,6,9-trimethyl-7,8,9,10-tetrahydro-6-dibenzopyran-1-ol), and
- (6) Tetrahydrocannabinol.

4. Phenylpiperidines, their preparations, derivatives and salts, including:

- (1) Allylprodine (3-allyl-1-methyl-4-phenyl-4-piperidyl propionate),
- (2) Alphameprodine (α -3-ethyl-1-methyl-4-phenyl-4-piperidyl propionate),
- (3) Alphaprodine (α -1,3-dimethyl-4-phenyl-4-piperidyl propionate),
- (4) Anileridine (ethyl 1-[2-(p-aminophenyl)ethyl]-4-phenylpiperidine-4-carboxylate),
- (5) Betameprodine (β -3-ethyl-1-methyl-4-phenyl-4-piperidyl propionate),
- (6) Betaprodine (β -1,3-dimethyl-4-phenyl-4-piperidyl propionate),
- (7) Benzethidine (ethyl 1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylate),
- (8) Diphenoxylate (ethyl 1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylate),
- (9) Etoxidine (ethyl 1-[2-(2-hydroxyethoxy)ethyl]-4-phenylpiperidine-4-carboxylate),
- (10) Furethidine (ethyl 1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylate),
- (11) Hydroxypethidine (ethyl 4-(m-hydroxyphenyl)-1-methyl-4-phenylpiperidine-4-carboxylate),
- (12) Ketobemidone (1-[4-(m-hydroxyphenyl)-1-methyl-4-piperidyl]-1-propanone),
- (13) Morpheridine (ethyl 1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylate),
- (14) Pethidine (ethyl 1-methyl-4-phenylpiperidine-4-carboxylate),
- (15) Phenoperidine (ethyl 1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylate),
- (16) Piminodine (ethyl 1-[3-(phenylamino)propyl]-4-phenylpiperidine-4-carboxylate),
- (17) Properidine (isopropyl 1-methyl-4-phenylpiperidine-4-carboxylate), and
- (18) Trimeperidine (1, 2, 5-trimethyl-4-phenyl-4-piperidyl propionate).

SCHEDULE - Continued

8. Phthalates, their preparations, derivatives and salts, in-
cluding:

- (1) Phthalic diethyl ester, 2-diethyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid, but not including diethyl phthalate;
- (2) Phthalic diethyl ester, 2-diethyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid.

9. Anilines, their preparations, derivatives and salts, including:

- (1) Diphenyl ether, 4,4'-diphenyl-3,3'-biphenylene;
- (2) Diphenyl ether, 2,2'-dimethyl-4,4'-diphenyl-3,3'-biphenylene;
- (3) Diphenyl ether, 4,4'-diphenyl-3,3'-biphenylene;
- (4) Diphenyl ether, 2,2'-dimethyl-4,4'-diphenyl-3,3'-biphenylene;
- (5) Diphenyl ether, 4,4'-diphenyl-3,3'-biphenylene.

10. Methacrylates, their preparations, derivatives and salts, including:

- (1) Acrylonitrile, 4-dimethylamino-4'-diphenyl-3-butenoic acid;
- (2) Acrylonitrile, 4-dimethylamino-4'-diphenyl-3-butenoic acid;
- (3) Acrylonitrile, 4-dimethylamino-4'-diphenyl-3-butenoic acid;
- (4) Acrylonitrile, 4-dimethylamino-4'-diphenyl-3-butenoic acid;
- (5) Acrylonitrile, 4-dimethylamino-4'-diphenyl-3-butenoic acid;
- (6) Acrylonitrile, 4-dimethylamino-4'-diphenyl-3-butenoic acid;
- (7) Acrylonitrile, 4-dimethylamino-4'-diphenyl-3-butenoic acid;
- (8) Acrylonitrile, 4-dimethylamino-4'-diphenyl-3-butenoic acid;
- (9) Acrylonitrile, 4-dimethylamino-4'-diphenyl-3-butenoic acid;
- (10) Acrylonitrile, 4-dimethylamino-4'-diphenyl-3-butenoic acid.

11. Esters, their preparations, derivatives and salts, in-
cluding:

- (1) Diethyl ether, 2-diethyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (2) Diethyl ether, 2-diethyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (3) Diethyl ether, 2-diethyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (4) Diethyl ether, 2-diethyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (5) Diethyl ether, 2-diethyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (6) Diethyl ether, 2-diethyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (7) Diethyl ether, 2-diethyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (8) Diethyl ether, 2-diethyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (9) Diethyl ether, 2-diethyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (10) Diethyl ether, 2-diethyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid.

12. Thiocarbonyl, their preparations, derivatives and salts, in-
cluding:

- (1) Thiocarbonyl, 2-thiocarbonyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (2) Thiocarbonyl, 2-thiocarbonyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (3) Thiocarbonyl, 2-thiocarbonyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (4) Thiocarbonyl, 2-thiocarbonyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (5) Thiocarbonyl, 2-thiocarbonyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (6) Thiocarbonyl, 2-thiocarbonyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (7) Thiocarbonyl, 2-thiocarbonyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (8) Thiocarbonyl, 2-thiocarbonyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (9) Thiocarbonyl, 2-thiocarbonyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid;
- (10) Thiocarbonyl, 2-thiocarbonyl-4-phenyl-4-oxo-1,3-dioxane-5-carboxylic acid.

SCHEDULE—Continued

5. Phenazepines, their preparations, derivatives and salts, including:

- (1) proheptazine (hexahydro-1, 3-dimethyl-4-phenyl-4-azepinyl propionate), but not including:
- (2) Ethoheptazine (ethyl hexahydro-1-methyl-4-phenyl-4-azepinecarboxylate).

6. Amidones, their preparations, derivatives and salts, including:

- (1) Dipipanone (4, 4-diphenyl-6-piperidino-3-heptanone),
- (2) Isomethadone (6-dimethylamino-5-methyl-4, 4-diphenyl-3-hexanone),
- (3) Methadone (6-dimethylamino-4, 4-diphenyl-3-heptanone),
- (4) Normethadone (6-dimethylamino-4, 4-diphenyl-3-hexanone), and
- (5) Phenadoxone (6-morpholino-4, 4-diphenyl-3-heptanone).

7. Methadols, their preparations, derivatives and salts, including:

- (1) Acetylmethadol (6-dimethylamino-4, 4-diphenyl-3-heptanolacetate),
- (2) Alphacetylmethadol (α -6-dimethylamino-4, 4-diphenyl-3-heptanol acetate),
- (3) Alphamethadol (α -6-dimethylamino-4, 4-diphenyl-3-heptanol acetate),
- (4) Betacetylmethadol (β -6-dimethylamino-4, 4-diphenyl-3-heptanol acetate),
- (5) Betamethadol (β -6-dimethylamino-4, 4-diphenyl-3-heptanol), and
- (6) Dimepheptanol (6-dimethylamino-4, 4-diphenyl-3-heptanol).

8. Phenalkoxams, their preparations, derivatives and salts, including:

- (1) Dimenoxadol (dimethylaminoethyl 1-ethoxy-1,1-diphenylacetate),
- (2) Dioxaphetyl butyrate (ethyl 2,2-diphenyl-4-morpholinobutyrate), and
- (3) Propoxyphene (4-dimethylamino-3-methyl-1, 2-diphenyl-2-butanol propionate).

9. Thiambutenes, their preparations, derivatives and salts, including:

- (1) Diethylthiambutene (N,N-diethyl-1-methyl-3,3-di-2-thienylallylamine),
- (2) Dimethylthiambutene (N,N,1-trimethyl-3,3-di-2-thienylallylamine), and
- (3) Ethylmethylthiambutene (N-ethyl-N,1-dimethyl-3,3-di-2-thienylallylamine).

SCHEDULE—Continued

10. Moramides, their preparations, derivatives and salts, including:

- (1) Dextromoramide (*d*-1-(3-methyl-4-morpholino-2,2-diphenylbutyryl) pyrrolidine),
- (2) Levomoramide (*l*-1-(3-methyl-4-morpholino-2,2-diphenylbutyryl) pyrrolidine), and
- (3) Racemoramide (*d,l*-1-(3-methyl-4-morpholino-2,2-diphenylbutyryl) pyrrolidine).

11. Morphinans, their preparations, derivatives and salts, including:

- (1) Levomethorphan (*l*-1,2,3,9,10,10a-hexahydro-6-methoxy-11-methyl-4H-10,4a-iminoethanophenanthrene),
- (2) Levorphanol (*l*-1,2,3,9,10,10a-hexahydro-11-methyl-4H-10,4a-iminoethanophenanthren-6-ol),
- (3) Levophenacymorphan (*l*-1,2,3,9,10,10a-hexahydro-11-phenacyl-4H-10,4a-iminoethanophenanthro-6-ol),
- (4) Norlevorphanol (*l*-1,2,3,9,10,10a-hexahydro-4H-10,4a-iminoethanophenanthren-6-ol),
- (5) Phenomorphan (*d,l*-1,2,3,9,10,10a-hexahydro-11-phenethyl-4H-10,4a-iminoethanophenanthren-6-ol),
- (6) Racemethorphan (*d,l*-1,2,3,9,10,10a-hexahydro-6-methoxy-11-methyl-4H-10,4a-iminoethanophenanthrene), and
- (7) Racemorphan (*d,l*-1,2,3,9,10,10a-hexahydro-11-methyl-4H-10,4a-iminoethanophenanthren-6-ol),

but not including:

- (8) Dextromethorphan (*d*-1,2,3,9,10,10a-hexahydro-6-methoxy-11-methyl-4H-10,4a-iminoethanophenanthrene),
- (9) Dextrorphan (*d*-1,2,3,9,10,10a-hexahydro-11-methyl-4H-10,4a-iminoethanophenanthren-6-ol), and
- (10) Levallorphan (*l*-11-allyl-1,2,3,9,10,10a-hexahydro-4H-10,4a-iminoethanophenanthren-6-ol).

12. Benzazocines, their preparations, derivatives and salts, including:

- (1) Phenazocine (1,2,3,4,5,6-hexahydro-6,11-dimethyl-3-phenethyl-2,6-methano-3-benzazocin-8-ol), and
- (2) Metazocine (1,2,3,4,5,6-hexahydro-3,6,11-trimethyl-2,6-methano-3-benzazocin-8-ol).

13. Ampromides, their preparations, derivatives and salts, including:

- (1) Diampromide (N-[2-(methylphenethylamino)-propyl]-propionanilide),
- (2) Phenampromide (N-[2-(1-methyl-2-piperidino ethyl)-propionanilide).

SCHEDULE—*Concluded*

14. Benzimidazoles, their preparations, derivatives and salts, including:

- (1) Clonitazene (2-(p-chlorobenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole),
- (2) Etonitazene (2-(p-ethoxybenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole).

C-101.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-101.

An Act to amend the War Veterans Allowance Act, 1952.

First reading, May 30, 1961.

THE MINISTER OF VETERANS AFFAIRS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-101.

An Act to amend the War Veterans Allowance Act, 1952.

R.S., c. 340;
1955, c. 13;
1957-58, c. 7;
1960, c. 36.

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

1957-58, c. 7,
s. 8.

1. Schedules A and B of the *War Veterans Allowance Act, 1952*, are repealed and the following substituted 5 therefor:

AMENDMENT TO THE ACT

RELATIVE TO THE PAYMENT OF ALLOWANCES TO THE BLIND

Table of Amendments

III	IV	I
Section 10	Section 10	Section 10
Section 11	Section 11	Section 11
Section 12	Section 12	Section 12

EXPLANATORY NOTES.

Clause 1: The purpose of the proposed amendment is to increase the monthly rate of allowance payable to recipients under this Act, to increase the maximum total annual income allowed to those recipients and to include as recipients certain persons who are blind.

"SCHEDULE A.
Table of Allowances.

I Class of Recipient	II Monthly Rate	III Maximum total annual income (income including allowance)
1. (a) Unmarried veteran without child or not residing with child.....	<u>\$84</u>	<u>\$1,296</u>
(b) Widow without child or not residing with child.....		
(c) Widower without child or not residing with child.....		
(d) Married veteran not residing with spouse, and without child or not residing with child.....		
(e) A person described in paragraph (a), (b), (c) or (d) who is blind within the meaning of the <i>Blind Persons Act</i>.....			$84	$1,416
2. Married veteran residing with spouse.....	<u>\$144</u>	<u>\$2,088</u> total for veteran and spouse
3. (a) Unmarried veteran residing with child... (b) Widow residing with child..... (c) Widower residing with child..... (d) Married veteran not residing with spouse and residing with child.....	<u>\$144</u>	<u>\$2,088</u>
4. (a) Married veteran residing with spouse who is blind within the meaning of the <i>Blind Persons Act</i> (b) Married veteran who is blind within the meaning of the <i>Blind Persons Act</i> and residing with spouse.....	<u>\$144</u>	<u>\$2,208</u> total for veteran and spouse
5. One orphan.....	<u>\$54</u>	<u>\$900</u>
6. Two orphans of one veteran.....	<u>\$94</u> total for the two orphans	<u>\$1,440</u> total for the two orphans
7. Three or more orphans of one veteran.....	<u>\$126</u> total for the three or more orphans	<u>\$1,800</u> total for the three or more orphans

EXPLANATORY NOTES (Continued)

Schedules A and B at present read as follows:

“SCHEDULE A

TABLE OF ALLOWANCES.

I. Class of Recipient	II. Monthly Rate	III. Maximum total annual income (income including allowance)
1. (a) Unmarried veteran without child or not residing with child (b) Widow without child or not residing with child (c) Widower without child or not residing with child (d) Married veteran not residing with spouse, and without child or not residing with child	\$70	\$1,080
2. Married veteran residing with spouse	\$120	\$1,740 total for veteran and spouse
3. (a) Unmarried veteran residing with child . . . (b) Widow residing with child (c) Widower residing with child (d) Married veteran not residing with spouse and residing with child	\$120	\$1,740
4. Married veteran residing with spouse who is blind within meaning of the <i>Blind Persons Act</i> .	\$120	\$1,860 total for veteran and spouse
5. One orphan	\$40	\$720
6. Two orphans of one veteran	\$70 total for the two orphans	\$1,200 total for the two orphans
7. Three or more orphans of one veteran	\$85 total for the three or more orphans	\$1,440 total for the three or more orphans

SCHEDULE B.
Table of Allowances.

I Class of Recipient	II Monthly Rate	III Maximum total monthly income (income including allowance)
1. (a) Unmarried veteran without child or not residing with child.....	<u>\$84</u>	<u>\$108</u>
(b) Widow without child or not residing with child.....		
(c) Widower without child or not residing with child.....		
(d) Married veteran not residing with spouse, and without child or not residing with child.....		
(e) A person described in paragraph (a), (b), (c) or (d) who is blind within the meaning of the <i>Blind Persons Act</i>.....			$84	$118
2. Married veteran residing with spouse.....	<u>\$144</u>	<u>\$174</u> total for veteran and spouse
3. (a) Unmarried veteran residing with child...	<u>\$144</u>	<u>\$174</u>
(b) Widow residing with child.....		
(c) Widower residing with child.....		
(d) Married veteran not residing with spouse and residing with child.....		
4. (a) Married veteran residing with spouse who is blind within the meaning of the <i>Blind Persons Act</i>	<u>\$144</u>	<u>\$184</u> total for veteran and spouse
(b) Married veteran who is blind within the meaning of the <i>Blind Persons Act</i> and residing with spouse.....		

EXPLANATORY NOTES (Continued)

SCHEDULE B.

TABLE OF ALLOWANCES.

I. Class of Recipient.	II. Monthly Rate	III. Maximum total monthly income (income including allowance).
1. (a) Unmarried veteran without child or not residing with child..... (b) Widow without child or not residing with child..... (c) Widower without child or not residing with child..... (d) Married veteran not residing with spouse, and without child or not residing with child.....	\$70	\$90
2. Married veteran residing with spouse.....	\$120	\$145 total for veteran and spouse
3. (a) Unmarried veteran residing with child... (b) Widow residing with child..... (c) Widower residing with child..... (d) Married veteran not residing with spouse and residing with child	\$120	\$145
4. Married veteran residing with spouse who is blind within meaning of the <i>Blind Persons Act</i> .	\$120	\$155 total for veteran and spouse

1955, c. 13,
s. 1(1).

2. (1) Paragraph (g) of subsection (1) of section 2 of the said Act is amended by deleting the word "or" at the end of subparagraph (i) thereof, by adding the word "or" at the end of subparagraph (ii) thereof and by adding thereto the following subparagraph:

"(iii) a child of unmarried parents who is bereft by death of his father and whose father was, at the time of his death, a recipient of an allowance in respect of that child;"

5

1957-58, c. 7,
s. 1.

(2) Section 2 of the said Act is further amended by 10 adding thereto, immediately after subsection (2) thereof, the following subsection:

Persons
Board may
deem
widows.

"(3) Notwithstanding anything in this Act, a woman who

(a) was residing with a veteran at the time of his death and was prohibited from celebrating a marriage with 15 him by reason of a previous marriage either of that veteran or of herself with another person; and

(b) shows to the satisfaction of the Board that that veteran had, during the seven years immediately prior to the date of his death, continuously main- 20 tained and publicly represented her as his wife,

may be deemed by the Board to be the widow of that veteran for the purposes of this Act."

1960, c. 36,
s. 1.

3. Section 3 of the said Act is amended by adding thereto the following subsection:

Payment to
widows and
orphans
resident
outside
Canada.

"(4) Notwithstanding anything in this section, the allow- 25 ance payable under this section to a widow or orphan may be paid to

(a) the widow of a recipient who dies outside of Canada if that widow resides outside of Canada and 30

(i) left Canada with that recipient or within a period of three months of the day on which that recipient left Canada,

(ii) had been resident in Canada for twelve months immediately preceding the day she left Canada, 35

(iii) was living with and being maintained by that recipient at the time of his death, and

(iv) applies for an allowance within twelve months from the date of that recipient's death; and

(b) an orphan of a recipient who dies outside of Canada 40 if that orphan resides outside of Canada and

(i) left Canada with that recipient or within a period of three months of the day on which that recipient left Canada, or

(ii) was born outside of Canada to that recipient 45 and his spouse, both of whom left Canada at the same time or within a period of three months of one another."

Clause 2: (1) Paragraph (g) of subsection (1) of section 2 of the Act at present reads as follows:

“(g) “orphan” means

- (i) a child who is bereft by death of his parents, or
- (ii) a child who is bereft by death of one parent and whose surviving parent has, in the opinion of a District Authority or the Board, abandoned or deserted the child;”

The purpose of this amendment is to include as an orphan a child of unmarried parents whose father was, at the time of his death, in receipt of an allowance for that child.

(2) New. The purpose of this amendment is to permit the Board to deem as the widow of a veteran a woman described in this section.

Clause 3: New. The purpose of this amendment is to permit a widow or child of a recipient who dies outside of Canada to be paid any allowance they are eligible for under the Act without their returning to Canada.

1957-58, c. 7,
s. 2(1).

4. (1) Paragraphs (a) and (b) of subsection (1) of section 5 of the said Act are repealed and the following substituted therefor:

“(a) one hundred and forty-four dollars a month, or

(b) the monthly rate that will produce a total income, including allowance, to the surviving spouse of two thousand and eighty-eight dollars a year.” 5

1955, c. 13,
s. 3.

(2) Subsections (2) and (3) of section 5 of the said Act are repealed and the following substituted therefor:

Dependant.

“(2) On the death of a spouse or child in respect of whom a veteran was, at the time of such death or at any time within the twelve months immediately preceding that death, a recipient of an allowance under section 3, the District Authority may, in its discretion, and within six months from the date of such death, award to such veteran an allowance not exceeding in the aggregate twelve times the lesser of the rates specified in paragraphs (a) and (b) of subsection (1). 15

Idem.

(3) On the death of a spouse or child in respect of whom a veteran was, at the time of such death or at any time within the twelve months immediately preceding that death, a recipient of an allowance under section 4, the District Authority may, in its discretion, and within six months from the date of such death, award to such veteran an allowance not exceeding in the aggregate twelve times the lesser of the following rates, namely, 25

1957-58, c. 7,
s. 2(2).

(a) one hundred and forty-four dollars a month; or

(b) the monthly rate that will produce a total income, including allowance, to the veteran of one hundred and seventy-four dollars a month.” 30

5. (1) Paragraph (i) of subsection (1) of section 6 of the said Act is repealed and the following substituted therefor:

“(i) interest on bank deposits and bonds and dividends on shares in the capital stock of any company to the extent of fifty dollars per annum from all such sources; and” 35

1957-58, c. 7,
s. 3(2)

(2) Subsection (2) of section 6 of the said Act is repealed and the following substituted therefor:

Home of
recipient.

“(2) In determining what shall be deemed to be the income of a recipient from any interest in real property, the value of any premises in which the recipient resides shall be taken into account only to the extent that it exceeds nine thousand dollars.” 40

Clause 4: (1) That portion of the section being amended at present reads as follows:

- “(a) one hundred and twenty dollars a month, or
- (b) the monthly rate that will produce a total income, including allowance, to the surviving spouse of one thousand seven hundred and forty dollars a year.”

The amendment to this section increases the rate of allowance that may be paid to the surviving spouse of a veteran who is in receipt of an allowance under this Act.

(2) Subsections (2) and (3) of section 5 at present read as follows:

“(2) On the death of a spouse or child in respect of whom a veteran was, at the time of such death, receiving an allowance under section 3, the District Authority may, in its discretion, award to such veteran an allowance not exceeding in the aggregate twelve times the lesser of the rates specified in paragraphs (a) and (b) of subsection (1).

(3) On the death of a spouse or child in respect of whom a veteran was, at the time of such death, a recipient of an allowance under section 4, the District Authority may, in its discretion, award to such veteran an allowance not exceeding in the aggregate twelve times the lesser of the following rates, namely,

- (a) one hundred and twenty dollars a month, or
- (b) the monthly rate that will produce a total income, including allowance, to the veteran of one hundred and forty-five dollars a month.”

The purpose of the amendments to these subsections is to bring them into conformity with subsection (1).

Clause 5: (1) The proposed amendment will increase from \$25.00 to \$50.00 the amount of interest on bank deposits and bonds and dividends on shares that is not to be included as income for the purpose of the Act.

(2) This amendment will increase from \$8,000.00 to \$9,000.00 the exemption of the value of any property in which a veteran resides for the purpose of determining income under this Act.

6. The said Act is further amended by adding thereto the following section:

Limitation
on payment
of allowance.

- “8. (1) No allowance is payable under section 3 or 4 to
- (a) a veteran, widow or widower described in Item 1 of Schedule A or Schedule B or an orphan described in Item 5 of Schedule A, who owns personal property of a value in excess of one thousand two hundred and fifty dollars; 5
 - (b) a veteran described in Item 2 or 4 of Schedule A or Schedule B who, together with his spouse, owns personal property of a value in excess of two thousand five hundred dollars; 10
 - (c) a veteran, widow or widower described in Item 3 of Schedule A or B who, together with his child, owns personal property of a value in excess of two thousand five hundred dollars; or 15
 - (d) orphans described in Item 6 or 7 of Schedule A who, either jointly or separately, own personal property of a value in excess of two thousand five hundred dollars. 20

Idem.

(2) No allowance is payable under section 5 to a veteran or to the surviving spouse of a veteran described in that section where the personal property owned by that spouse and the deceased veteran or by that veteran and his deceased spouse or child is in excess of two thousand five hundred dollars.” 25

7. Section 16 of the said Act is repealed and the following substituted therefor:

Indebtedness
to Director
of Soldier
Settlement
or Veterans'
Land Act.

“16. For the purpose of ensuring continued occupancy by a recipient of a home acquired by him under the *Soldier Settlement Act* or the *Veterans' Land Act*, a District Authority may, with the consent in writing of the recipient, enter into an arrangement with the Director of Soldier Settlement, or The Director, The Veterans' Land Act, as the case may be, to pay to him out of the recipient's allowance an amount not exceeding forty dollars per month to be applied against the indebtedness of the recipient under the *Soldier Settlement Act* or the *Veterans' Land Act*.” 30 35

8. Section 18 of the said Act is repealed and the following substituted therefor: 40

Transfer of
property to
qualify.

“18. When it appears to a District Authority or the Board that any applicant or recipient or his spouse has disposed of property for the purpose of qualifying for an allowance or for a larger allowance than he might otherwise have been entitled to, the value of such property shall, in determining the amount of allowance, if any, that such person should receive, be taken into account as if that disposition had not been made.” 45

Clause 6: New. This amendment transfers to the Act from the regulations made under the Act the limitations on the amount of personal property that may be owned by a veteran, widow, widower, or orphan to whom an allowance is payable under the Act and increases the value of the personal property that may be owned by such persons having single status from \$1,000.00 to \$1,250.00 and for such persons having married domestic status from \$2,000.00 to \$2,500.00.

Clause 7: The proposed amendment increases from \$20.00 to \$40.00 the amount that may be deducted at the request of a recipient from his allowance and paid to the Director of Soldier Settlement or The Director, The Veterans' Land Act, in respect of that recipient's indebtedness.

Clause 8: Section 18 at present reads as follows:

"18. When it appears to a District Authority or the Board that any applicant or recipient or his spouse has made a voluntary assignment or transfer of property for the purpose of qualifying for an allowance or for a larger allowance than he might otherwise have been entitled to, the value of such property shall, in determining the amount of allowance, if any, that such person should receive, be taken into account as if the assignment or transfer had not been made."

The purpose of this amendment is to provide that, in determining the allowance payable to a person under this Act, there shall be taken into account the value of any property disposed of by that person for the purpose of qualifying for an allowance or for a larger allowance, regardless of the way in which it is disposed.

9. Section 22 of the said Act is amended by deleting the word "and" at the end of paragraph (*k*) thereof, by adding the word "and" at the end of paragraph (*l*) thereof, and by adding thereto the following paragraph:

"(m) defining "casual earnings" and "personal property" for the purposes of this Act." 5

10. (1) Subsection (2) of section 25 of the said Act is repealed and the following substituted therefor:

Chairman
and Deputy
Chairman.

"(2) The Governor in Council shall designate one of the members to be Chairman of the Board and one of the members to be Deputy Chairman of the Board." 10

1957-58, c. 7,
s. 6.

(2) Subsection (6) of section 25 of the said Act is repealed and the following substituted therefor:

Duties of
Deputy
Chairman.

"(6) If the Chairman is absent or is unable to act or if the office is vacant, the Deputy Chairman has and may exercise all the powers and functions of the Chairman." 15

Salaries.

(6a) The Chairman, Deputy Chairman, the other members and the temporary members shall each be paid a salary to be fixed by the Governor in Council, except that the salary to be paid to the temporary members and to the other members shall be fixed at the same rate." 20

(3) Until the salaries of the Chairman, Deputy Chairman, members and temporary members are otherwise fixed by the Governor in Council under subsection (6a) of section 25 of the said Act, as enacted by subsection (2) of this section, each of the said persons shall continue to be paid the salary of which he was in receipt at the coming into force of this Act. 25

11. The said Act is further amended by adding thereto, immediately after section 27 thereof, the following section: 30

Additional
duties of
Board and
District
Authority.

"**27A.** The Governor in Council may impose upon the Board or a District Authority duties similar to those performed by a District Authority under this Act in respect of any allowances authorized to be paid under any other Act, and such effect shall be given to any such adjudication by the Board or a District Authority as the Governor in Council may direct." 35

12. (1) Subsection (2) of section 30 of the said Act is repealed and the following substituted therefor:

Veteran of
South
African
War.

"(2) A veteran of the South African War is 40
(a) any former member of a Canadian contingent who served in a theatre of actual war during the South

Clause 9: This amendment authorizes the Minister, on the advice of the Board and with the approval of the Governor in Council, to define "casual earnings" and "personal property" for the purposes of the Act.

Clause 10: (1) Subsection (2) of section 25 at present reads as follows:

"(2) One of the members shall be appointed by the Governor in Council to be Chairman of the Board."

The purpose of this amendment is to provide for the appointment of a Deputy Chairman of the Board.

(2) Subsection (6) of section 25 at present reads as follows:

"(6) The Chairman shall be paid a salary at the rate of twelve thousand five hundred dollars a year, and each of the other members, including temporary members, shall be paid a salary at the rate of eleven thousand dollars a year."

This amendment establishes the duties of a Deputy Chairman and provides that the salaries paid to members of the Board may be fixed by the Governor in Council.

Clause 11: New. This amendment will enable the Board or District Authority, when lawfully directed, to perform duties under other Acts in respect of allowances similar to duties performed by a District Authority under this Act.

Clause 12: (1) The subsection being amended at present reads as follows:

"(2) A veteran of the South African War is

(a) any former member of a Canadian contingent who served in a theatre of actual war during the South African War, or

(b) any former member of His Majesty's forces who served in a theatre of actual war during the South African War and was domiciled in Canada immediately prior to the 11th day of October, 1899,

if in either case the former member landed in South Africa prior to the 1st day of June, 1902."

African War or who had landed in or had embarked for South Africa prior to the 1st day of June, 1902; or

- (b) any former member of His Majesty's forces who served in a theatre of actual war during the South African War or who had landed in or had embarked for South Africa prior to the 1st day of June, 1902, and who was domiciled in Canada immediately prior to the 11th day of October, 1899, or has resided in Canada for a total period of at least ten years." 5 10

1957-58, c. 7,
s. 7(1).

(2) Subparagraph (ii) of paragraph (a) of subsection (3) of section 30 of the said Act is repealed and the following substituted therefor:

"(ii) is in receipt of a pension for injury or disease incurred or aggravated during his service in such forces or is declared to have been eligible for, or awarded, such a pension subsequent to his death, or" 15

(3) Section 30 of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsection: 20

Service in
United
Kingdom.

"(3a) In calculating for the purposes of section 3 the period served in the United Kingdom during World War I by a former member of His Majesty's Canadian forces, there shall be included the travelling time of that member 25

- (a) from the date of his embarkation for the United Kingdom until his arrival in that country; and
(b) from the date of his embarkation for Canada until his arrival in this country."

(4) Subparagraph (v) of paragraph (a) of subsection (4) of section 30 of the said Act is repealed and the following substituted therefor: 30

"(v) is in receipt of a pension for an injury or disease incurred or aggravated during his service in such force or is declared to have been eligible for, or awarded, such a pension subsequent to his death, or" 35

(5) Subparagraph (ii) of paragraph (b) of subsection (4) of section 30 of the said Act is repealed and the following substituted therefor: 40

"(ii) is in receipt of a pension for an injury or disease incurred or aggravated during his service in

The purpose of this amendment is to include as veterans of the South African War former members of the Canadian contingent or of His Majesty's other forces who had embarked for South Africa prior to June 1st, 1902 and who, though not domiciled in Canada immediately prior to October 11th, 1899, have resided in Canada for a total period of at least ten years.

(2) The portion of the Act being amended at present reads as follows:

“(ii) is in receipt of a pension for injury or disease incurred or aggravated during his service in such forces, or”

The purpose of this amendment is to include as a veteran a person who, after his death, is declared to have been eligible or is awarded a pension.

(3) New. The purpose of this amendment is to provide that the travelling time to and from the United Kingdom of a former member of the Canadian contingent be included in calculating his service in the United Kingdom during World War I.

(4) The portion of the Act being amended at present reads as follows:

“(v) is in receipt of a pension for an injury or disease incurred or aggravated during his service in such force, or”

The purpose of this amendment is to include as an allied veteran persons who, after their death, are declared eligible for or awarded a pension.

(5) The portion of the Act being amended at present reads as follows:

“(ii) 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”

The purpose of this amendment is to include as an allied veteran persons who, after their death, are declared eligible for or awarded a pension.

any such force during such war or is declared to have been eligible for, or awarded, such a pension subsequent to his death, or"

(6) Subparagraph (iii) of paragraph (a) of subsection (6) of section 30 of the said Act is repealed and the following substituted therefor: 5

"(iii) was a member of His Majesty's Canadian forces during World War II, enlisted or obligated to serve without territorial limitation, and"

1955, c. 13,
s. 7(1).

(7) Paragraph (b) of subsection (7) of section 30 of the said Act is repealed and the following substituted therefor: 10

"(b) is

(i) in receipt of a pension under the *Pension Act*,
or

(ii) declared to have been eligible for, or awarded, 15
a pension under the *Pension Act* subsequent to his death,

having become eligible for such pension by virtue of section 5 of *The Veterans Benefit Act, 1951*, or by virtue of section 5 of the *Veterans Benefit Act, 1954*." 20

(8) Paragraph (c) of subsection (8) of section 30 of the said Act is repealed and the following substituted therefor:

"(c) in the case of World War II

(i) with respect to a former member of His Majesty's Canadian forces, any place where he has been 25
on service involving duties performed outside the Western Hemisphere, including service involving duties performed outside of Canada, Newfoundland and the United States of America and the territorial waters thereof in aircraft or 30
anywhere in a ship or other vessel, which service is classed as "sea time" for the purpose of advancement of naval ratings, or which would be so classed were the ship or other vessel in the service of the naval forces of 35
Canada, and

(ii) with respect to a former member of His Majesty's forces other than His Majesty's Canadian forces, or of any of the forces of His Majesty's Allies or powers associated with His Majesty 40
in World War II, such places, zones or areas as the Board may prescribe."

Coming into
force.

13. This Act shall be deemed to have come into force on the 1st day of June, 1961.

(6) The portion of the section being amended at present reads as follows:

“(iii) was a member of His Majesty’s Canadian forces during World War II, enlisted or obligated to service without territorial limitation, and”

The purpose of this amendment is to correct a grammatical error in the subparagraph.

(7) The paragraph being amended at present reads as follows:

“(b) is in receipt of a pension under the *Pension Act*, having become eligible for such pension by virtue of section 5 of *The Veterans Benefit Act, 1951*, or by virtue of section 5 of the *Veterans Benefit Act, 1954*.”

The purpose of this amendment is to include as a Canadian forces veteran a person who, after his death, is declared to be eligible for or awarded a pension.

(8) The paragraph being amended at present reads as follows:

“(c) in the case of World War II, any place where the veteran has been on service involving duties performed outside the Western Hemisphere, including service involving duties performed outside of Canada, Newfoundland and the United States of America and the territorial waters thereof in aircraft or anywhere in a ship or other vessel, which service is classed as “sea time” for the purpose of advancement of naval ratings, or which would be so classed were the ship or other vessel in the service of the naval forces of Canada.”

As the section reads at present certain former members of His Majesty’s forces (other than the Canadian forces) and of forces allied or associated with His Majesty in World War II, are deemed to have served in an actual theatre of war without having left their home countries and in some instances these countries were not within an actual theatre of war. The purpose of this amendment is to provide that in such cases the Board may determine what should be considered service in an actual theatre of war in respect of these persons.

The purpose of this amendment is to correct a grammatical error in the subparagraph.

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C-102.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-102.

An Act to amend the Criminal Code
(Capital Punishment, Form of Sentence).

First reading, June 5, 1961.

Miss LAMARSH.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-102.

An Act to amend the Criminal Code
(Capital Punishment, Form of Sentence).

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 48;
1957-58, c. 28;
1958, c. 18;
1959, c. 41;
1960, c. 37.

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

1. Section 642 of the *Criminal Code* is repealed and the following substituted therefor:—

Form of
sentence.

“**642.** The sentence to be pronounced against a person who is sentenced to death shall be that he shall be administered lethal gas sufficient to cause his death.”

Coming
into force.

2. This Act shall not have effect in any province unless and until it is adopted and enacted as law by the Legislature 10 thereof.

THE HOUSE OF COMMONS OF CANADA.

BILL C-103.

EXPLANATORY NOTE.

Section 642 of the *Criminal Code* at present reads as follows:

"642. The sentence to be pronounced against a person who is sentenced to death shall be that he shall be *hanged by the neck until he is dead.*"

The purpose of this bill is, in the case of a sentence of death, to substitute the administration of lethal gas for hanging by the neck thus providing a more humane method of execution of the sentence.

Session of the Parliament of Canada, 1953-54

THE HOUSE OF COMMONS OF CANADA

BILL C-102

An Act to amend the Criminal Code
(Capital Punishment, Force of Sentences)

Enacted by Her Majesty in Council on the 10th day of June 1954.

Her Majesty, by Command of Her Majesty, the Queen, the following Proclamation in and to all Her Majesty's Colonies, Territories and Provinces, that the following Act, entitled "An Act to amend the Criminal Code (Capital Punishment, Force of Sentences)", be and the same are hereby enacted, that the same shall have effect as if they had been enacted by the Queen's most Excellent Majesty in Council on the 10th day of June 1954.

Enacted at Ottawa, this 10th day of June 1954.

W. L. MARSHALL, Secretary of State.

C-103.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-103.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

**AS PASSED BY THE HOUSE OF COMMONS,
JUNE 5th, 1961.**

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-103.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency, Major-General Georges Philias Vanier, DSO., MC., 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 31st day of March, 1962, 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 Queen'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, 1961.*

\$633,958,817.00
granted for
1961-62.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole six hundred and thirty-three million, nine hundred and fifty-eight thousand, eight hundred and seventeen dollars, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1961, to the 31st day of March, 1962, not otherwise provided for, and being the aggregate of

(a) one-sixth of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1962, as laid before the House of Commons at the present session of Parliament, \$614,823,482.50;

- (b) one-third of the total of the amounts of the several items in the Main Estimates set forth in Schedule A, \$946,866.67;
- (c) one quarter of the total of the amounts of the several items in the Main Estimates set forth in Schedule B, 5 \$7,184,844.50;
- (d) one-sixth of the total of the amounts of the several items in the Main Estimates set forth in Schedule C, \$3,709,604.00; and
- (e) one-twelfth of the total of the amounts of the several 10 items in the Main Estimates set forth in Schedule D, \$7,294,019.33.

Purpose
and effect
of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions 15 specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Account to
be rendered.
R.S., c. 116.

4. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in 20 accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A.

Based on the Main Estimates, 1961-62. The amount hereby granted is \$946,866.67, being one-third of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	FISHERIES		
	SPECIAL		
140	Canadian share of expenses of the International Commissions detailed in the Estimates.....	930,000	
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	DOMINION OBSERVATORIES		
226	Dominion Astrophysical Observatory, Victoria, B.C.— Construction or Acquisition of Buildings, Works, Land and Equipment.....	160,600	
	PRIVY COUNCIL		
	SPECIAL		
318	Expenses of the Royal Commission on Government Organization including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	750,000	
	PUBLIC WORKS		
	GENERAL		
370	Balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1961-62.....	1,000,000	
			*2,840,600

* Net total \$946,866.67.

SCHEDULE B.

Based on the Main Estimates, 1961-62. The amount hereby granted is \$7,184,844.50, being one-quarter of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS		
90	Bilateral Economic Aid Programs— West Indies Assistance Program.....	1,500,000	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
281	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them for Campground and Picnic Area Develop- ments.....	1,700,000	
282	Contributions to the Provinces to assist in the development of roads leading to resources in accordance with agreements entered into by Canada and the Provinces.....	12,000,000	
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
400	1961 Decennial Census of Canada.....	13,539,378	*28,739,378

* Net total \$7,184,844.50.

SCHEDULE C.

Based on the Main Estimates, 1961-62. The amount hereby granted is \$3,709,604.00, being one-sixth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	PRODUCTION AND MARKETING BRANCH		
16	Health of Animals Division—Compensation for Animals Slaughtered.....	2,220,000	
	CITIZENSHIP AND IMMIGRATION		
	INDIAN AFFAIRS BRANCH		
65	Grant to provide Additional Services to the Indians of British Columbia.....	100,000	
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	GEOLOGICAL SURVEY OF CANADA		
218	Administration, Operation and Maintenance including Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, and \$75,000 for grants in aid of Geological Research in Canadian Universities.....	4,937,624	
	LOANS, INVESTMENTS AND ADVANCES		
	TRANSPORT		
	<i>St. Lawrence Seaway Authority</i>		
493	Loans to the St. Lawrence Seaway Authority in such manner and subject to such terms and conditions as the Governor in Council may approve.....	15,000,000	
			*22,257,624

* Net total \$3,709,604.00.

SCHEDULE D.

Based on the Main Estimates, 1961-62. The amount hereby granted is \$7,294,019.33, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
MINES AND TECHNICAL SURVEYS			
A—DEPARTMENT			
SURVEYS AND MAPPING BRANCH			
208	Geodetic Survey of Canada.....	935,434	
209	International Boundary Commission including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the United States Government of the cost of binding annual reports and maintaining boundary range lights.....	88,799	
Topographical Surveys—			
210	Administration, Operation and Maintenance.....	2,209,626	
Canadian Hydrographic Service—			
212	Administration, Operation and Maintenance including Canada's fee for membership in the International Hydrographic Bureau.....	5,370,081	
214	Legal Surveys and Aeronautical Charts.....	844,905	
GEOGRAPHICAL BRANCH			
222	Administration, Operation and Maintenance including the expenses of the Canadian Board on Geographical Names (formerly under Surveys and Mapping Branch Administration) and a grant of \$500 to the Canadian Association of Geographers.....	500,626	
DOMINION OBSERVATORIES			
223	Dominion Observatory, Ottawa and Field Stations— Administration, Operation and Maintenance including the expenses of the National Committee for Canada of the International Astronomical Union, Canada's fee for membership in the International Astronomical Union and a grant of \$3,500 to the Royal Astronomical Society of Canada.....	1,568,575	
GENERAL			
227	Purchases of Air Photography and the expenses of the Inter-departmental Committee on Air Surveys.....	1,300,000	
228	Polar Continental Shelf Project.....	1,553,595	
PUBLIC WORKS			
PUBLIC BUILDINGS CONSTRUCTION AND SERVICES			
337	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, including expenditures on works on other than federal property, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects— Manitoba.....	715,000	

SCHEDULE D—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
399	Dominion Bureau of Statistics, including the fee for membership in the Inter-American Statistical Institute and a contribution of \$500 to the International Statistical Institute.....	12,596,591	
	VETERANS AFFAIRS		
	WAR VETERANS ALLOWANCES AND OTHER BENEFITS		
462	War Veterans Allowances	59,845,000	
			*87,528,232

* Net total \$7,294,019.33.

C-104.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-104.

**An Act to amend the Judges Act
and the Exchequer Court Act.**

First reading, June 6, 1961.

THE MINISTER OF JUSTICE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-104.

R. S., 1952,
c. 159;
1952-53, c. 4;
1953-54, c. 58;
1955, c. 48;
1956, c. 8;
1957, c. 30;
1958, c. 33;
1959, c. 28;
1960, cc. 46,
47.

An Act to amend the Judges Act
and the Exchequer Court Act.

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

1955, c. 48,
s. 1.

1. Paragraph (b) of section 5 of the *Judges Act* is repealed
and the following substituted therefor:

5

“(b) Five puisne judges, each 16,900.00”

1960, c. 46,
s. 1.

2. Paragraph (e) of section 9 of the said Act is repealed
and the following substituted therefor:

“(e) Fifty-seven puisne judges of the Superior Court,
each 16,900.00”

10

1955, c. 48,
s. 3.

3. Paragraph (b) of section 13 of the said Act is repealed
and the following substituted therefor:

“(b) Seven Justices of Appeal, each 16,900.00”

1958, c. 33,
s. 3.

4. (1) Paragraph (a) of section 19 of the said Act is
repealed and the following substituted therefor:

15

“(a) Seventy-two judges and junior judges of the County
and District Courts, each \$10,500.00”

1955, c. 48;
s. 3.

(2) Paragraph (h) of section 19 of the said Act is repealed
and the following substituted therefor:

“(h) Thirteen chief judges and judges of the District
Courts, each 10,500.00”

20

R.S. 1952,
c. 98.

5. Subsection (1) of section 4 of the *Exchequer Court Act*
is repealed and the following substituted therefor:

Constitution
of Court.

“(4. (1) The Exchequer Court shall consist of the Presi-
dent and five Puisne Judges, who shall be appointed by the
Governor in Council by letters patent under the Great
Seal.”

25

1960, c. 46.

6. Section 4 of *An Act to amend the Judges Act*, chapter 46
of the Statutes of 1960, is repealed.

C-103

Fourth Session, Twenty-Ninth Parliament, 1960

THE HOUSE OF COMMONS OF CANADA

BILL C-103

EXPLANATORY NOTES.

Clauses 1 to 4: The purpose of these clauses is to authorize the provision of salaries for seven additional judges as follows:

1. One puisne judge of the Exchequer Court of Canada.
2. Two puisne judges of the Superior Court of Quebec.
3. One judge of the Court of Appeal for British Columbia.
4. Two Ontario county court judges.
5. One Alberta district court judge.

Clause 5: The amendment to section 4 of the *Exchequer Court Act* is consequential upon the amendment proposed in clause 1 authorizing the provision of a salary for one additional puisne judge of the Exchequer Court of Canada.

Clause 6: Section 4 of chapter 46 of the Statutes of 1960 provided for the repeal of section 26 of the *Judges Act* relating to the retirement of county court judges upon attaining the age of seventy-five years. The repeal of section 4, which was stated to come into force on proclamation but has not been proclaimed in force, is consequential upon the restriction of the application of *The British North America Act, 1960* to superior court judges.

THE STATE OF INDIANA
OFFICE OF THE ATTORNEY GENERAL

1911-1912

IN SENATE,
JANUARY 15, 1912.

REPORT OF THE ATTORNEY GENERAL
ON THE STATE OF INDIANA
FOR THE YEAR 1911-1912

THE STATE OF INDIANA
OFFICE OF THE ATTORNEY GENERAL
INDIANAPOLIS, INDIANA
1912

THE STATE OF INDIANA
OFFICE OF THE ATTORNEY GENERAL
INDIANAPOLIS, INDIANA
1912

C-105.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-105.

An Act respecting Penitentiaries.

First reading, June 8, 1961.

THE MINISTER OF JUSTICE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-105.

An Act respecting Penitentiaries.

HER 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 *Penitentiary Act*.

INTERPRETATION.

- Definitions. **2.** (1) In this Act, 5
"Commissioner."
"Inmate."
"Minister."
"Penitentiary."
"Service."
Extended meaning of penitentiary.
- (a) "Commissioner" means the Commissioner of Penitentiaries;
- (b) "inmate" means a person who, having been sentenced or committed to penitentiary, has been received and accepted at a penitentiary pursuant to the sentence or committal and has not been lawfully discharged therefrom;
- (c) "Minister" means the Minister of Justice;
- (d) "penitentiary" means an institution or facility of any description, including all lands connected therewith, that is operated by the Service for the custody, treatment or training of persons sentenced or committed to penitentiary; and 15
- (e) "Service" means the Canadian Penitentiary Service referred to in section 3. 20
- (2) For the purposes of any law of Canada relating to escapes and rescues of prisoners, a penitentiary shall be deemed to include any place at or in which an inmate, prior to his lawful discharge from custody, is required by this Act or the regulations, or by an officer of the Service, to be or remain. 25

Lands consti-
tuting peni-
tentiary.

(3) In any proceedings before a court in Canada in which a question arises concerning the location or dimension of lands alleged to constitute a penitentiary, a certificate, purporting to be signed by the Commissioner, setting out the location or description of the said lands as constituting a penitentiary, is admissible in evidence and in the absence of any evidence to the contrary is proof that the lands as located or described in the certificate constitute a penitentiary. 5

PENITENTIARY SERVICE.

Canadian
Penitentiary
Service.

3. There shall continue to be a penitentiary service in 10 and for Canada which shall be known as the Canadian Penitentiary Service.

COMMISSIONER.

Com-
missioner.

4. (1) The Governor in Council may appoint and fix the salary of an officer to be known as the Commissioner of Penitentiaries who, under the direction of the Minister, 15 has the control and management of the Service and all matters connected therewith.

Deputy
Com-
missioner.

(2) The Governor in Council may appoint and fix the salary of an officer to be known as the Deputy Commissioner of Penitentiaries who, in the event that the Commissioner 20 is absent or unable to act or the office of Commissioner is vacant, has for the time being the control and management of the Service and all matters connected therewith and who, for such purposes, may exercise all the powers of the Commissioner under this or any other Act. 25

OFFICERS AND EMPLOYEES.

Directors.

5. (1) The Minister may appoint officers of the Service to be known as Directors of Divisions and Regional Directors.

Maximum
number.

(2) The maximum number of officers in each class and their salaries shall be as prescribed by the Treasury Board. 30

Other
officers and
employees.

6. (1) The Commissioner, under the direction of the Minister, may appoint such other officers and employees of the Service as are necessary for the administration of this Act, and, in respect of such appointments, the preferences provided in the *Civil Service Act* in respect of military 35 service shall apply.

Ranks and
grades.

(2) The ranks and grades of officers and employees appointed by the Commissioner under subsection (1), the maximum number of persons to be appointed to each such rank and grade and their salaries shall be as prescribed by 40 the Treasury Board.

Oath.

7. (1) Every officer and employee of the Service shall, before entering upon the duties of his office, take the oath of allegiance and, in the case of an officer, an oath of office in the following form:

I, AB, solemnly swear that I will faithfully, dili- 5
gently and impartially execute and perform the
duties required of me as an officer of the Canadian
Penitentiary Service and will well and truly obey and
perform all lawful orders that I receive as such,
without fear, favour or affection of or towards any 10
person. So help me God.

Authority
to
administer.

(2) The oath prescribed by subsection (1) and any other
oath or declaration that may be necessary or required may
be taken by the Commissioner before any judge, magistrate
or justice of the peace having jurisdiction in any part of 15
Canada, and by any other officer of the Service before the
Commissioner or any officer in charge of an institution or
any person having authority to administer oaths or affidavits.

Tenure.

8. (1) Officers and employees of the Service hold office
during pleasure. 20

Suspension.

(2) The Commissioner may, where he considers it in the
interests of the Service, suspend from duty any officer
or employee of the Service.

Idem.

(3) The officer in charge of a penitentiary may, where he
considers it in the interests of the Service, suspend from 25
duty any officer or employee of the Service who is under
his jurisdiction.

Authority
where Com-
missioner
and Deputy
Commis-
sioner
absent.

9. In the event that the Commissioner and Deputy
Commissioner are absent or unable to act or the offices
are vacant the senior Divisional Head at the headquarters 30
of the Service has, for the time being, the control and
management of the Service and all matters connected
therewith, and for such purposes he may exercise all the
powers of the Commissioner under this or any other Act.

Application
of *Civil*
Service Act.

10. (1) Every person who, immediately prior to the 35
coming into force of this Act, was employed in a position
in the penitentiary service by virtue of the *Civil Service Act*
continues, notwithstanding anything in this Act, to be
employed by virtue of and to be subject to that Act while
he occupies that position. 40

Gratuity.

(2) Where, immediately prior to the coming into force
of this Act, an officer or employee of the Service was
entitled, upon his retirement, to a gratuity under the
Penitentiary Act he shall, after the coming into force of
this Act, continue to be entitled to the same benefits, by 45
way of gratuity upon retirement, as if the former Act had
continued in force until his retirement.

Application
of Public
Service
Superannuation Act.

(3) Officers and employees of the Service other than those to whom subsection (2) applies shall be deemed to be employed in the Public Service for the purposes of the *Public Service Superannuation Act*.

Officers to be
peace
officers.

11. Every officer of the Service is a peace officer in every part of Canada and has all the powers, authority, protection and privileges that a peace officer has by law. 5

HEADQUARTERS.

Head-
quarters.

12. (1) The headquarters of the Service and the offices of the Commissioner shall be at Ottawa.

Regional
head-
quarters.

(2) The Commissioner may establish regional headquarters of the Service and fix the location of regional offices. 10

INVESTIGATIONS.

Investi-
gations.

13. The Commissioner may, from time to time, appoint a person to investigate and report upon any matter affecting the operation of the Service and, for that purpose, the person so appointed has all of the powers of a commissioner appointed under Part II of the *Inquiries Act*, and section 10 of that Act applies, *mutatis mutandis*, in respect of investigations carried on under the authority of this section. 15

COMMITTAL, RECEPTION AND TRANSFER OF INMATES.

Committal.

14. (1) Where a person is sentenced or committed to imprisonment for life, for an indeterminate period or for any term that is required to be served in a penitentiary, it is sufficient compliance with the law, notwithstanding anything in the *Criminal Code*, if the warrant of committal states that the person was sentenced or committed to imprisonment in penitentiary for life, for an indeterminate period or for the term in question, as the case may be, without stating the name of any penitentiary to which the person is sentenced or committed. 20 25

Rules.

(2) The Commissioner may make rules naming the penitentiaries in which, in the first instance, persons sentenced or committed in any part of Canada to penitentiary shall be received. 30

Transfer.

(3) Where a person has been sentenced or committed to penitentiary, the Commissioner or any officer directed by the Commissioner may, by warrant under his hand, direct that the person shall be committed or transferred to any penitentiary in Canada, whether or not that person has been received in the relevant penitentiary named in rules made under subsection (2). 35 40

(4) Where a person has been sentenced or committed to penitentiary, the officer in charge of the regional prison for the region in which the person is confined may, by warrant under his hand, direct the transfer of that person to any other penitentiary within the region.

Transfer of prisoners

(5) Notwithstanding anything in this Act, every person who is sentenced by any court in Newfoundland to imprisonment for life or for a term of years not less than two years shall be sentenced to imprisonment in the penitentiary operated by the Province of Newfoundland at the City of St. John's for the confinement of prisoners and shall be subject to the statutes, rules, regulations and other laws pertaining to the management and control of the said penitentiary.

Penitentiary

(6) Subject to the approval of the Governor in Council, the Minister of Justice may enter into an agreement with the Province of Newfoundland providing for the payment to the province of the cost of maintaining persons who are or have been sentenced or committed to penitentiary.

Agreement

(7) A person shall be deemed to be in lawful custody if he is in the custody of a person acting under the authority of the court that sentenced or committed him or

Custody

(8) Having been sentenced or committed to penitentiary, he is in the custody of a person acting under the authority of the court that sentenced or committed him or

(9) Having been directed to be transferred to another penitentiary, he is in the custody of a person acting under the authority of the officer who directed the transfer.

Yukon Territory and Northwest Territories

12. (1) The Minister may, subject to the approval of the Governor in Council, arrange with the Government of any province for the confinement in the prison or reformatory of that province of persons confined in the Yukon Territory or the Northwest Territories and for the compensation to be paid by the Government of that province to the Government of the province in respect of persons so confined.

Compensation

(2) Where an arrangement has been made under this section for the confinement of any other person in a prison or reformatory in the Yukon Territory or the Northwest Territories, the Government of that province shall, in respect of that person, be deemed to be a person confined in a prison or reformatory in a province in respect of whom an arrangement applies and the Government of that province shall be deemed to be a person confined in a prison or reformatory in that province.

Transfer

(3) A person who is confined in a prison or reformatory in the Yukon Territory or the Northwest Territories

Prison

Transfer
within a
region.

(4) Where a person has been sentenced or committed to penitentiary, the officer in charge of the regional headquarters for the region in which the person is confined may, by warrant under his hand, direct the transfer of that person to any other penitentiary within the region. 5

Newfound-
land.

(5) Notwithstanding anything in this Act, every person who is sentenced by any court in Newfoundland to imprisonment for life, or for a term of years, not less than two, shall be sentenced to imprisonment in the penitentiary operated by the Province of Newfoundland at the City 10 of St. John's for the confinement of prisoners, and shall be subject to the statutes, rules, regulations and other laws pertaining to the management and control of the said penitentiary.

Agreement.

(6) Subject to the approval of the Governor in Council, 15 the Minister of Justice may enter into an agreement with the Province of Newfoundland providing for the payment to the province of the cost of maintaining persons who are or have been sentenced or committed to penitentiary.

Custody in
transit.

(7) A person shall be deemed to be in lawful custody 20 anywhere in Canada if,

(a) having been sentenced or committed to penitentiary, he is in the custody of a person acting under the authority of the court that sentenced or committed him, or 25

(b) having been directed to be transferred to another penitentiary, he is in the custody of a person acting under the authority of the officer who directed the transfer.

YUKON TERRITORY AND NORTHWEST TERRITORIES.

Arrangements
with
provinces.

15. (1) The Minister may, subject to the approval of 30 the Governor in Council, arrange with the Lieutenant-Governor of any province for the confinement, in the prisons or reformatories of that province, of persons convicted in the Yukon Territory or the Northwest Territories and for the compensation to be paid by the Government of 35 Canada to the government of the province in respect of persons so confined.

Transfer.

(2) Where an arrangement has been made under sub section (1), the Commissioner or any officer directed by him may, by warrant under his hand, direct the transfer 40 of a person convicted in the Yukon Territory or the Northwest Territories to a prison or reformatory in a province in respect of which the arrangement applies, and the person shall, while he is being escorted to that prison, be deemed to be in lawful custody. 45

Deeming.

(3) A person who is confined in a prison or reformatory outside the Yukon Territory or the Northwest Territories

provision to an arrangement made under subsection (1) shall, during the term of his sentence or period of confinement, be deemed to be lawfully confined.

Statutory or Law Two Year

14. (1) The Minister with the approval of the Governor in Council may, on behalf of the Government of Canada enter into an agreement with the government of any province for the detention in penitentiaries or any other institution under the direction or supervision of the Service of persons sentenced or committed under the criminal law of Canada to imprisonment for more than six months but less than two years, but any such agreement shall include provisions whereby such persons shall be confined at the expense of the provincial government concerned.

Agreement

(2) A person who is confined in a penitentiary or other institution pursuant to an agreement made under subsection (1) shall, during the term of his sentence or period of confinement, be deemed to be lawfully confined.

Deeming

Expiration of Sentence

15. A person who has been sentenced or committed to penitentiary shall not be released in a penitentiary pending the determination of an appeal nor until after the expiration of the time limited by law for an appeal, but the person may, whether or not he has entered an appeal, give written notice to the court that sentenced or committed him that he does not to appeal or abandon his appeal, in the case of an appeal, and thereafter the time limited for appeal shall be deemed to have expired.

Release

16. Subject to any relevant agreement that may be made under section 14, the officer in charge of a penitentiary is not required to accept a person into custody under a warrant of commitment unless there is in relation to that person, a certificate of a duly qualified medical practitioner which certifies that the person is free from dangerous contagious or infectious disease.

Medical

Ministry has on Prisoner Matters

17. (1) The Minister may, with the approval of the Governor in Council enter into an agreement with the government of any province to provide for the custody in a special hospital or other appropriate institution operated by the province of persons who have been sentenced or committed in penitentiary, are found to be mentally ill or are medically defective at any time during confinement in penitentiary.

Mentally ill

pursuant to an arrangement made under subsection (1) shall, during the term of his sentence or period of committal, be deemed to be lawfully confined.

SENTENCES OF LESS THAN TWO YEARS.

Agreement. **16.** (1) The Minister, with the general or special approval of the Governor in Council, may on behalf of the Government of Canada enter into an agreement with the government of any province for the confinement in penitentiaries or any other institution under the direction or supervision of the Service, of persons sentenced or committed under the criminal law of Canada to imprisonment for more than six months but less than two years, but any such agreement shall include provisions whereby such persons shall be confined at the expense of the provincial government concerned. 5 10

Deeming. (2) A person who is confined in a penitentiary or other institution pursuant to an agreement made under subsection (1) shall, during the term of his sentence or period of committal, be deemed to be lawfully confined. 15

RECEPTION OF INMATES.

Pending appeal. **17.** A person who has been sentenced or committed to penitentiary shall not be received in a penitentiary pending the determination of an appeal nor until after the expiration of the time limited by law for an appeal, but the person may, whether or not he has entered an appeal, give written notice to the court that sentenced or committed him that he elects not to appeal or abandons his appeal, as the case may be, and thereupon the time limited for appeal shall be deemed to have expired. 20 25

Medical certificate. **18.** Subject to any relevant agreement that may be made under section 19, the officer in charge of a penitentiary is not required to accept a person into custody under a warrant of committal unless there is, in relation to that person, a certificate of a duly qualified medical practitioner which certifies that the person is free from dangerous, contagious or infectious disease. 30

MENTALLY ILL OR DISEASED INMATES.

Mentally ill inmates. **19.** (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with the government of any province to provide for the custody, in a mental hospital or other appropriate institution operated by the province, of persons who, having been sentenced or committed to penitentiary, are found to be mentally ill or mentally defective at any time during confinement in penitentiary. 35 40

Idem.

(2) Where no agreement has been made pursuant to subsection (1) between the Minister and the government of any province from which a mentally ill or mentally defective person is sentenced or committed to penitentiary, the officer in charge of the penitentiary may, on the advice of the penitentiary physician or psychiatrist, refuse to accept custody of that person under the sentence or committal or, if custody of that person has been accepted, may, under the authority of a written direction by the Commissioner, return that person to the prison or other place of confinement from which he was received.

Diseased inmates.

(3) The Minister may, with the approval of the Governor in Council, enter into an agreement with the government of any province to provide for the custody, in penitentiary hospitals, of persons who, having been sentenced or committed to a provincial prison, are found to be suffering from any dangerous, contagious or infectious disease at any time during the sentence.

Deeming.

(4) A person who, pursuant to subsection (1), is confined in a provincial hospital or other institution shall, during the term of his confinement therein, be deemed to be confined in a penitentiary.

Idem.

(5) A person who, pursuant to subsection (3), is confined in a penitentiary hospital shall, during the term of his confinement therein, be deemed to be confined in a provincial prison.

DISCHARGE OF DISEASED INMATES.

Diseased inmates.

20. Where, on the day appointed for the lawful discharge of an inmate from a penitentiary, he is found to be suffering from a disease that is dangerous, contagious or infectious, he shall be detained in the penitentiary until such time as the officer in charge has made appropriate arrangements for the treatment of the inmate in an appropriate provincial institution or until the inmate is cured, whichever is the earlier.

YOUNG INMATES.

Not to associate with adults.

21. (1) Where facilities exist for the separate confinement of young offenders within a region of Canada no person who, having been sentenced or committed to penitentiary, is under the age of sixteen years shall, within that region, be confined in association with persons who are twenty-one years of age or more unless the Commissioner otherwise directs in writing.

Transfer to provincial institution.

(2) Where, in any region of Canada, a person under the age of sixteen years is sentenced or committed to penitentiary and, within that region, an institution is operated by the government of a province for the custody and

transfer of persons under the age of twenty-one years, the Commission may, by warrant, authorize the transfer of that person to such institution and that person shall be dealt with accordingly.

(2) Where, in any region of Canada, a person under the age of sixteen years is confined in an institution operated by the government of a province for the custody and training of persons under the age of twenty-one years and the warden, superintendent or other officer in charge of that institution is of the opinion that the person is unmanageable or dangerous in that institution, he may, by warrant approved in writing by the Attorney General or other provincial officer of the Crown, authorize the transfer of that person to any institution operated by the Government of Canada within the realm for the separate confinement of young offenders.

Statutory Remission

22. (1) Every person who is sentenced or committed to penitentiary for a fixed term shall, upon being received into a penitentiary, be credited with statutory remission amounting to one-quarter of the period for which he has been sentenced or committed as time off subject to good conduct.

(2) Every inmate who, upon the coming into force of this Act, is serving a sentence for a fixed term shall be credited with statutory remission amounting to one-quarter of the period remaining to be served under his sentence, without prejudice to any statutory remission awarded to him immediately prior to the coming into force of this Act.

(3) Every inmate who, having been credited with statutory remission in accordance with (1) or (2), is convicted in a district court or any district court of any indictable offence that carries a term of imprisonment of more than three months shall be liable without the commutation of the Minister.

(4) Every inmate who is convicted by a criminal court of the offence of escape or attempt to escape forthwith forfeits three-quarters of the statutory remission standing to his credit at the time that offence was committed.

23. The Commission may, where he is satisfied that it is in the interest of the rehabilitation of an inmate, award any forfeiture of statutory remission but shall not award more than thirty days of forfeited statutory remission without the approval of the Minister.

training of persons under the age of twenty-one years, the Commissioner may, by warrant, authorize the transfer of that person to such institution and that person shall be dealt with accordingly.

Transfer to
penitentiary.

(3) Where, in any region of Canada, a person under the age of sixteen years is confined in an institution operated by the government of a province for the custody and training of persons under the age of twenty-one years and the warden, superintendent or other officer in charge of that institution is of the opinion that the person is unsuitable for training in that institution, he may, by warrant, approved in writing by the Attorney General or other provincial Minister of the Crown, authorize the transfer of that person to any institution operated by the Government of Canada within the region for the separate confinement of young offenders.

STATUTORY REMISSION.

One-quarter
remission.

22. (1) Every person who is sentenced or committed to penitentiary for a fixed term shall, upon being received into a penitentiary, be credited with statutory remission amounting to one-quarter of the period for which he has been sentenced or committed as time off subject to good conduct.

Effect on
coming into
force.

(2) Every inmate who, upon the coming into force of this Act, is serving a sentence for a fixed term shall be credited with statutory remission amounting to one-quarter of the period remaining to be served under his sentence, without prejudice to any statutory remission standing to his credit immediately prior to the coming into force of this Act.

Forfeiture.

(3) Every inmate who, having been credited with remission pursuant to subsection (1) or (2), is convicted in disciplinary court of any disciplinary offence is liable to forfeit, in whole or in part, the statutory remission that remains to his credit, but no such forfeiture of more than thirty days shall be valid without the concurrence of the Commissioner, nor more than ninety days without the concurrence of the Minister.

Forfeiture
for escape.

(4) Every inmate who is convicted by a criminal court of the offence of escape or attempt to escape forthwith forfeits three-quarters of the statutory remission standing to his credit at the time that offence was committed.

Remission of
forfeiture.

23. The Commissioner may, where he is satisfied that it is in the interest of the rehabilitation of an inmate, remit any forfeiture of statutory remission but shall not remit more than ninety days of forfeited statutory remission without the approval of the Minister.

2

General Provisions

24. Every inmate may, in accordance with the regulations, be credited with thirty days' remission of his sentence in respect of each calendar month during which he has applied himself industriously to his work, and any remission so earned is not subject to forfeiture for any reason.

3

General Provisions

25. Where, under the Penal Act, authority is granted to an inmate to be at large during the term of imprisonment, the term of imprisonment for all purposes in that Act, includes any period of statutory remission accruing to his credit when he is released, but does not include any period of earned remission tending to his credit at that time.

4

General Provisions

26. Where, in the opinion of the Commissioner or the officer in charge of a penitentiary, it is necessary or desirable that an inmate should be absent, with or without escort, for medical or humanitarian reasons or to assist in the rehabilitation of the inmate, his absence may be authorized for a period not exceeding—

- (a) by the Commissioner for an unlimited period for medical reasons and for a period not exceeding fifteen days for humanitarian reasons or to assist in the rehabilitation of the inmate; or
- (b) by the officer in charge, for a period not exceeding fifteen days for medical reasons and for a period not exceeding three days for humanitarian reasons or to assist in the rehabilitation of the inmate.

5

General Provisions

27. (1) There shall be a committee called the Advisory Committee on Penitentiary Industry, to be appointed by the Minister and to consist of not more than nine persons chosen from the fields of industry, labor, government and the general public, to advise the Commissioner concerning industrial operations to be carried on by inmates in connection with the service.

(2) Members of the Advisory Committee appointed pursuant to subsection (1) shall serve without remuneration but are entitled to be paid reasonable travelling and living expenses incurred by them while absent from their ordinary place of residence in connection with the work of the Committee.

EARNED REMISSION.

Earned remission.

24. Every inmate may, in accordance with the regulations, be credited with three days' remission of his sentence in respect of each calendar month during which he has applied himself industriously to his work, and any remission so earned is not subject to forfeiture for any reason.

5

PAROLE.

Term to include period of statutory remission.

25. Where, under the *Parole Act*, authority is granted to an inmate to be at large during his term of imprisonment, the term of imprisonment, for all purposes of that Act, includes any period of statutory remission standing to his credit when he is released but does not include any period of earned remission standing to his credit at that time.

TEMPORARY ABSENCE.

Temporary absence.

26. Where, in the opinion of the Commissioner or the officer in charge of a penitentiary, it is necessary or desirable that an inmate should be absent, with or without escort, for medical or humanitarian reasons or to assist in the rehabilitation of the inmate, the absence may be authorized from time to time

- (a) by the Commissioner, for an unlimited period for medical reasons and for a period not exceeding fifteen days for humanitarian reasons or to assist in the rehabilitation of the inmate, or
- (b) by the officer in charge, for a period not exceeding fifteen days for medical reasons and for a period not exceeding three days for humanitarian reasons or to assist in the rehabilitation of the inmate.

25

PENITENTIARY INDUSTRY.

Advisory Committee.

27. (1) There shall be a committee called the Advisory Committee on Penitentiary Industry, to be appointed by the Minister and to consist of not more than nine persons chosen from the fields of industry, labour, government and the general public, to advise the Commissioner concerning industrial operations to be carried on by inmate labour in connection with the Service.

Expenses.

(2) Members of the Advisory Committee appointed pursuant to subsection (1) shall serve without remuneration but are entitled to be paid reasonable travelling and living expenses incurred by them while absent from their ordinary place of residence in connection with the work of the Committee.

BUILDINGS AND WORKS.

Commissioner's powers.

28. The repair and maintenance of buildings and works in relation to Penitentiaries and, to the extent specified by any order of the Governor in Council, the construction of such buildings and works, are under the control and direction of the Commissioner.

5

REGULATIONS AND RULES.

Regulations.

29. (1) The Governor in Council may make regulations
 (a) for the organization, training, discipline, efficiency, administration and good government of the Service;
 (b) for the custody, treatment, training, employment and discipline of inmates; and
 (c) generally, for carrying into effect the purposes and provisions of this Act.

10

Penalty for violation.

(2) The Governor in Council may, in any regulations made under subsection (1) other than paragraph (b) thereof, provide for a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months, or both such fine and imprisonment, to be imposed upon summary conviction for the violation of any such regulation.

Rules and orders of Commissioner.

(3) Subject to this Act and any regulations made under subsection (1), the Commissioner may make rules, to be known as Commissioner's directives, for the organization, training, discipline, efficiency, administration and good government of the Service, and for the custody, treatment, training, employment and discipline of inmates and the good government of penitentiaries.

25

ANNUAL REPORT.

Annual report.

30. The Minister shall, on or before the 31st day of January next following the end of each fiscal year, or if Parliament is not then sitting on any of the first five days next thereafter that Parliament is sitting, submit to Parliament a report showing the operations of the Service for that fiscal year.

REPEAL AND COMING INTO FORCE.

R.S., c. 206; 1958, c. 39.

31. The *Penitentiary Act* is repealed.

Coming into force.

32. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

C-106.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-106.

An Act to amend the Bills of Exchange Act
(Instalment Purchases).

First reading, June 12, 1961.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

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THE HOUSE OF COMMONS OF CANADA.

BILL C-106.

An Act to amend the Bills of Exchange Act
(Instalment Purchases).

R.S., c. 15.

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

1. The *Bills of Exchange Act* is amended by adding thereto, immediately after section 16 thereof, the following section: 5

Consideration, retail credit instalment transaction.

“16A. (1) Every bill or note, the consideration of which consists in whole or in part of the purchase money or a part thereof in a retail credit instalment transaction, shall have written or printed prominently and legibly across the face thereof, before the same is issued, the words *Given in a retail credit instalment transaction*. 10

Absence of necessary words.

(2) Without such words thereon, such instrument and any renewal thereof is void except in the hands of a holder in due course without notice of such consideration. 15

Transferee to take with equities.

(3) The endorsee or other transferee of any such instrument having the words *Given in a retail credit instalment transaction* so written or printed thereon takes the instrument subject to any defence or set-off in respect of the whole or any part thereof that would have existed between the original parties. 20

Transferring defective note.

(4) Every one who issues, sells or transfers, by endorsement or delivery, any such instrument not having “the words *Given in a retail credit instalment transaction* written or printed across the face thereof in the manner prescribed by subsection (1), knowing the consideration of such instrument to have consisted in whole or in part of the purchase money or a part thereof in a retail credit instalment transaction, is guilty of an indictable offence and liable to imprisonment for any term not exceeding one year or to such fine, not exceeding two hundred dollars, as the court thinks fit.” 25 30

Indictable offence. Penalty.

EXPLANATORY NOTE.

The purpose of this Bill is for the better prevention of fraud in connection with retail credit instalment transactions. Its object is to protect persons who give bills or notes in retail credit instalment transactions and to enable them to defend themselves against transferees to the same extent as they could against the original payee.

Subclause 1: Any bill of exchange or promissory note given in a retail credit instalment transaction must so indicate on its face;

Subclause 2: When the warning words are omitted, the bill or note is void except against a holder in due course without notice of the transaction; in all such cases of omission, however, a person who negotiates the instrument, knowing that the instrument was given in a retail credit instalment transaction, is guilty of an indictable offence, *subclause 4*;

Subclause 3: When the warning words are on the bill or note, all the defences, set-offs and counterclaims that may arise out of the retail credit instalment transaction are available to the original parties against any subsequent holder.

These four subclauses are modelled respectively upon sections 14(1), 14(2), 15 and 16 of the Act; these sections provide for the better prevention of fraud in connection with the sale of patent rights. Sections 14(1), 15 and 16 were first enacted by Parliament in chapter 38 of the Acts of 1884 and ante-date the original *Bills of Exchange Act* of 1890. This 1884 anti-fraud statute was incorporated in that original Act; and section 14(2) was added by the Senate as an amendment.

C-107.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-107.

An Act to amend the Farm Credit Act.

First reading, June 12, 1961.

THE MINISTER OF AGRICULTURE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-107.

An Act to amend the Farm Credit Act.

1959, c. 43.

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

1. Section 12 of the *Farm Credit Act* is repealed and the following substituted therefor:

Capital.

"12. At the request of the Corporation, the Minister of Finance may with the approval of the Governor in Council pay to the Corporation, out of the Consolidated Revenue Fund, amounts not exceeding in the aggregate twelve million dollars, and the money paid to the Corporation under this section constitutes the capital of the Corporation."

5

10

C. 70

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of this Bill is to increase the capital of the Farm Credit Corporation from eight million dollars to twelve million dollars.

Section 13 of the Act authorizes the Minister of Finance to make loans to the Corporation not exceeding in the aggregate twenty-five times the amount of its capital. The effect of this Bill would, therefore, be to increase the maximum lending authority under section 13 of the Act from two hundred million dollars to three hundred million dollars.

1911-12

HOUSE OF COMMONS OF CANADA

BILL C-181

THE CANADIAN BANKING ACT

The purpose of this Bill is to amend the Canada Bank Act, 1871, in relation to the powers of the Board of Directors of the Bank of Canada.

Section 13 of the said Act is amended to read as follows: "The Board of Directors of the Bank of Canada may, subject to the approval of the Governor in Council, make loans to any person or corporation in the Dominion of Canada, and may, in connection therewith, accept deposits from any person or corporation in the Dominion of Canada, and may, in connection therewith, issue promissory notes, bills of exchange, and other negotiable instruments, and may, in connection therewith, do all such other things as may be necessary or proper for the carrying out of the purposes of this Act."

C-108.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-108.

An Act to amend the Export Credits Insurance Act.

First reading, June 12, 1961.

THE MINISTER OF TRADE AND COMMERCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA

BILL C-108.

An Act to amend the Export Credits Insurance Act.

R.S., c. 105;
1953-54, c. 15;
1957, c. 8;
1957-58, c. 15;
1959, c. 24.

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

1959, c. 24, s.4.

1. Section 21 of the *Export Credits Insurance Act* is amended by adding thereto the following subsections:

Limit of liability under contracts.

“(3) The liability of the Corporation under contracts of insurance entered into under this section and outstanding shall not at any time exceed two hundred million dollars and shall not be included in the liability of the Corporation for the purposes of section 14.

Separate account.

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

Moneys received.

(5) All moneys received by the Corporation by way of recovery of any amount paid by the Corporation in discharge of its liability under a contract of insurance entered into under this section shall be paid to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund.”

1959, c. 24, s. 5.

2. (1) Subsections (1) and (2) of section 21A of the said Act are repealed and the following substituted therefor:

Definitions. “Export transaction.”

“21A. (1) In this section,

(a) “export transaction” means a transaction within the meaning of subsection (1) of section 13;

“Guaranteed instrument.”

(b) “guaranteed instrument” means an instrument payment of which is guaranteed by the Corporation under this section;

EXPLANATORY NOTE.

The purpose of this Bill is to provide that the two hundred million dollar limit of liability specified in section 21B of the Act, now applicable to both contracts of insurance entered into by the Corporation under section 21 and instruments guaranteed by the Corporation under section 21A, be made applicable solely to contracts of insurance entered into under section 21. The Bill would also provide a separate limit, in the amount of two hundred million dollars, on the liability of importers under outstanding instruments guaranteed by the Corporation under section 21A.

Subsections (1) and (2) of section 21A at present read as follows:

- "21A. (1) In this section and in section 21B,
- (a) "exporter" means a person carrying on business in Canada;
 - (b) "export transaction" means a transaction within the meaning of subsection (1) of section 13;
 - (c) "guaranteed instrument" means an instrument payment of which is guaranteed by the Corporation under this section;
 - (d) "importer" means a person carrying on business or other activities outside Canada; and
 - (e) "instrument" means a promissory note, bill of exchange or other negotiable instrument payable by an importer.
- (2) When authorized by the Governor in Council, the Corporation may,
- (a) guarantee, by an appropriate endorsement or otherwise, the payment of an instrument given by an importer to an exporter or to the nominee of an exporter under or in respect of an export transaction entered into between the importer and the exporter;
 - (b) purchase a guaranteed instrument;
 - (c) lend money to the holder of a guaranteed instrument upon the security thereof; and
 - (d) sell a guaranteed instrument to any person."

- "Importer." (c) "importer" means a person carrying on business or other activities outside Canada; and
- "Instrument." (d) "instrument" means a promissory note, bill of exchange or other negotiable instrument payable by an importer. 5
- Power to guarantee, etc. (2) When authorized by the Governor in Council, the Corporation may,
- (a) guarantee, by an appropriate endorsement or otherwise, the payment of an instrument given by an importer under or in respect of an export transaction; 10
 - (b) purchase a guaranteed instrument;
 - (c) lend money to the holder of a guaranteed instrument upon the security thereof; and
 - (d) sell a guaranteed instrument to any person."

Limit of liability under guarantees.

Separate account.

Moneys received.

(2) Section 21A of the said Act is further amended by 15 adding thereto the following subsections:

"(4) The liability of importers under all outstanding guaranteed instruments shall not at any time exceed two hundred million dollars.

(5) The Corporation shall maintain a separate account 20 of all receipts and disbursements arising out of business transacted under this section and shall, if the Minister of Finance so directs, pay to the Receiver General of Canada any part of such receipts that the Minister considers to be in excess of the amount required to meet the expenses and 25 overhead of the Corporation arising out of such business.

(6) All moneys received by the Corporation

(a) in discharge of the liability of an importer under an instrument;

(b) from the sale of a guaranteed instrument; or 30

(c) pursuant to a loan made by the Corporation upon the security of a guaranteed instrument;

less any part thereof that the Minister considers to be required to meet the expenses and overhead of the Corporation arising out of business transacted under this 35 section, shall be paid to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund."

1959, c. 24,
s. 5.

Orders to be laid before Parliament.

3. Section 21B of the said Act is repealed and the following substituted therefor:

"**21B.** All orders in council made under sections 21 and 40 21A while Parliament is in session shall be laid before Parliament during such session and, if made while Parliament is not in session, shall be laid before Parliament at the next ensuing session."

Section 21B at present reads as follows:

"21b. (1) The aggregate of

- (a) the liability of the Corporation under contracts of insurance entered into under section 21 and outstanding, and
- (b) the liability of the importers under all outstanding guaranteed instruments,

shall not at any time exceed two hundred million dollars, and any liability under sections 21 and 21A shall not be included in the liability of the Corporation for the purposes of section 14.

(2) All moneys received by the Corporation

- (a) by way of recovery of any amount paid by the Corporation in discharge of its liability under a contract of insurance entered into under section 21;
- (b) in discharge of the liability of an importer under an instrument;
- (c) from the sale of a guaranteed instrument; or
- (d) pursuant to a loan made by the Corporation on the security of a guaranteed instrument;

shall be paid to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund.

(3) The Corporation shall maintain a separate account of all receipts and disbursements arising out of contracts entered into under section 21 and business transacted under section 21A and shall, if the Minister of Finance so directs, pay to the Receiver General of Canada any part of such receipts that the Minister considers to be in excess of the amount required to meet expenses and overhead arising out of such contracts and business.

(4) All orders in council made under sections 21 and 21A while Parliament is in session shall be laid before Parliament during such session and, if made while Parliament is not in session, shall be laid before Parliament at the next ensuing session."

C-109.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-109.

An Act to amend the Financial Administration Act.

First reading, June 12, 1961.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-109.

An Act to amend the Financial Administration Act.

R.S. c. 116;
1955, c. 3;
1958, c. 31.

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

1. Section 17 of the *Financial Administration Act* is amended by adding thereto the following subsection: 5

"Securities"
Defined.

"(5) In this section "securities" means securities of or guaranteed by Canada and includes any other securities described in paragraph (p) of section 2."

2. Subsections (1) and (1a) of section 23 of the said Act are repealed and the following substituted therefor: 10

Uncollect-
able debts.

"23. (1) The Governor in Council, on the recommendation of the Treasury Board, may, if he considers it in the public interest, delete from the accounts, in whole or in part, any obligation or debt due to Her Majesty or any claim by Her Majesty that does not exceed one thousand dollars. 15

1958, c. 31,
s. 1.
Regulations.

(1a) The Treasury Board may make regulations authorizing the deletion from the accounts of any obligation or debt due to Her Majesty or any claim by Her Majesty that does not exceed one hundred dollars."

3. Section 32 of the said Act is repealed and the following substituted therefor: 20

Payment for
work, goods
or services.

"32. No payment shall be made for the performance of work, the supply of goods or the rendering of services, whether under contract or not, in connection with any part of the public service, unless, in addition to any other voucher 25 or certificate that is required, the deputy of the appropriate Minister or other officer authorized by such Minister certifies

(a) that the work has been performed, the goods supplied or the service rendered, as the case may be, and that 30 the price charged is according to contract, or if not specified by contract, is reasonable, or

EXPLANATORY NOTES.

Clause 1: The purpose of this amendment is to permit the Minister to purchase, acquire and hold and to sell "securities guaranteed by Canada" in addition to "securities" as defined in section 2 (*p*) of the Act which reads as follows:

"securities" means securities of Canada and includes bonds, notes, deposit certificates, non-interest bearing certificates, debentures, treasury bills, treasury notes and any other security representing part of the public debt of Canada".

Clause 2: Subsections (1) and (1a) of section 23 at present read as follows:

"(1) The Governor in Council, on the recommendation of the Treasury Board, may, if he considers it in the public interest, delete from the accounts, in whole or in part, any obligation or debt due to Her Majesty or any claim by Her Majesty,

- (a) *that does not exceed five hundred dollars and has been outstanding for five years or more, or*
- (b) *that does not exceed one thousand dollars and has been outstanding for ten years or more.*
- (1a) The Treasury Board may make regulations authorizing the deletion from the accounts of any obligation or debt due to Her Majesty or any claim by Her Majesty that does not exceed *twenty-five* dollars."

This amendment would permit the Governor in Council on the recommendation of Treasury Board to authorize the deletion from the accounts of obligations or debts due to Her Majesty or any claim by Her Majesty not exceeding \$1,000. The amendment would also permit the Treasury Board to make regulations for the deletion from the accounts of small debts not exceeding \$100, rather than \$25 as at present.

Clause 3: Section 32 at present reads as follows:

"32. No payment shall be made for the performance of work or the supply of goods, whether under contract or not, in connection with any part of the public service, unless, in addition to any other voucher or certificate that is required, the deputy of the appropriate Minister or other officer authorized by such Minister certifies

- (a) that the work has been performed or the material supplied or both, as the case may be, and that the price charged is according to contract, or if not specified by contract, is reasonable, or
- (b) where a payment is to be made before completion of the work or delivery of the goods, that the payment is in accordance with the contract."

This amendment would make it clear that certificates for payment are required with respect to "services rendered" as well as for work performed and materials supplied. This will result in no change in the existing practice.

- (b) where a payment is to be made before the completion of the work, delivery of the goods or rendering of the service, as the case may be, that the payment is in accordance with the contract."

4. Section 35 of the said Act is repealed and the following substituted therefor: 5

Lapsing of appropriations.

"35. The balance of an appropriation granted for a fiscal year that remains unexpended at the end of the fiscal year shall lapse, except that during the thirty days immediately following the end of the fiscal year a payment 10 may be made under the appropriation for the purpose of discharging a debt payable for work performed, goods received or services rendered prior to the end of the fiscal year, and such payment may be charged in the accounts for the fiscal year." 15

5. (1) The said Act is further amended by adding thereto, immediately after Part VIII thereof, the following heading and Part:

"PART VIIIA.

ASSIGNMENT OF CROWN DEBTS.

Definitions.
"Appropriate paying officer."

SSA. In this Part,

(a) "appropriate paying officer" in relation to a Crown 20 debt means the paying officer who makes the payments in respect thereof;

"Contract."

(b) "contract" means a contract involving the payment of money by the Crown;

"Crown."

(c) "Crown" means Her Majesty in right of Canada; 25

"Crown debt."

(d) "Crown debt" means any existing or future debt due or becoming due by the Crown, and any other chose in action in respect of which there is a right of recovery enforceable by action against the Crown;

"Paying officer."

(e) "paying officer" means any person designated as 30 such by regulation; and

"Prescribed."

(f) "prescribed" means prescribed by regulation.

General prohibition.

SSB. Except as provided in this Act or any other Act of the Parliament of Canada,

(a) a Crown debt is not assignable, and 35

(b) no transaction purporting to be an assignment of a Crown debt is effective so as to confer on any person any rights or remedies in respect of such debt.

Clause 4: Section 35 at present reads as follows:

"35. The balance of an appropriation granted for a fiscal year that remains unexpended at the end of the fiscal year shall lapse, except that during the thirty days immediately following the end of the fiscal year a payment may be made under the appropriation for the purpose of discharging a debt payable

(a) during or prior to the fiscal year; or

(b) during the said thirty days for goods received or services rendered prior to the end of the fiscal year,

and such payment may be charged in the accounts for the fiscal year."

The proposed amendment is for the purpose of clarifying the wording of this section. This will result in no change in the existing practice.

Clause 5: The purpose of this new Part is to place the Crown in substantially the same position as a private person as regards an assignment of a Crown debt incurred under a contract where the assignment is made in accordance with certain specified provisions. The provisions referred to set out the manner in which such an assignment is to be made and the method by which notice of the assignment is to be given to the Crown.

The proposed amendment specifically provides that amounts payable by the Crown in respect of salary and wages may not be assigned.

Assignments
of specified
Crown debts.

88c. (1) Any absolute assignment, in writing, under the hand of the assignor, not purporting to be by way of charge only, of a Crown debt of any following description, namely:

(a) a Crown debt that is an amount due or becoming due under a contract; or

(b) any other Crown debt of a class prescribed by regulation,

of which notice has been given to the Crown as provided in section 88d, is effectual in law, subject to all equities that would have been entitled to priority over the right of the assignee if this section had not been enacted, to pass and transfer from the date service of such notice is effected

(c) the legal right to the Crown debt,

(d) all legal and other remedies for the Crown debt, and

(e) the power to give a good discharge for the Crown debt without the concurrence of the assignor.

Assignment
subject to
conditions.

(2) An assignment made in accordance with this Part is subject to all conditions and restrictions in respect of the right of transfer that relate to the original Crown debt or that attach to or are contained in the original contract.

Salary,
wages, pay
and allow-
ances not
assignable.

(3) Notwithstanding subsection (1), any amount due or becoming due by the Crown as or on account of salary, wages, pay or pay and allowances is not assignable and no transaction purporting to be an assignment of any such amount is effective so as to confer on any person any rights or remedies in respect of that amount.

Notice of
assignment.

88d. (1) Notice of any assignment referred to in subsection (1) of section 88c shall be given to the Crown by serving on or sending by registered post to the Comptroller or a paying officer notice thereof in prescribed form, together with a copy of the assignment accompanied by such other documents completed in such manner as may be prescribed.

When notice
deemed
served.

(2) Service of the notice referred to in subsection (1) shall be deemed not to have been effected until acknowledgment of the notice, in prescribed form, is sent to the assignee, by registered post, under the hand of the appropriate paying officer.

Limitation
of application
of this Part.

88e. This Part does not apply

(a) to any negotiable instrument,

(b) to any Crown debt incurred by or in the name of a corporation set out in Schedule C or D.

Regulations.

88f. The Governor in Council may make regulations (a) designating persons as paying officers for the purposes of this Part;

(b) prescribing additional classes of Crown debts for the purpose of subsection (1) of section 88c;

(c) prescribing the forms of notices of assignment and acknowledgments thereof;

- (d) prescribing the documents to be submitted in connection with a notice of assignment, the forms of such documents and the manner in which they are to be completed; and
- (e) generally, for carrying into effect the purposes and provisions of this Part.” 5

(2) This section does not apply to any assignment of a Crown debt made before the coming into force of this section.

(3) This section shall come into force on a day to be fixed by proclamation of the Governor in Council.

6. Section 95 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

Recovery.

“(1a) Notwithstanding subsection (1), the Comptroller may recover any overpayment made out of the Consolidated Revenue Fund on account of salary, wages, pay or pay and allowances out of any sum of money that may be due or payable by Her Majesty in right of Canada to the person to whom such overpayment was made.” 15 20

Parliamentary Paper, Number 114, Session 1962-63

THE HOUSE OF COMMONS OF CANADA

Clause 6: The proposed amendment would eliminate administrative delays in making recovery of overpayments of salary, wages, pay and pay and allowances. It would permit the Comptroller to recover such overpayments in the same manner as he is presently authorized to recover accountable advances under subsection (3) of section 36 of the Act.

An Act to amend the Criminal Code

The Budget, 1962-63

The Minister of Justice

(1) providing the documents to be submitted to the
Commissioner of the General Land Office, the form of
which shall be prescribed by the Secretary of the
Interior, and

(2) generally, the rules and regulations which the
Secretary of the Interior may deem proper.

(3) This section shall not apply to any assignment of a
Crown land right which is not a part of the
mineral estate.

(4) This section shall not apply to any assignment of a
Crown land right which is not a part of the
mineral estate.

Class 6: The proposed amendments would eliminate
the requirement that the assignor be a person who
is entitled to the land under the laws of the United States
or of any State, Territory, or Possession, and would
require the Commission to recover any amount which
it may be entitled to as a result of the assignment of
the land right as provided in section 5 of article 18 of
the proposed amendments, which would be the same as
the amount which is now provided in section 5 of
article 18 of the proposed amendments, and would be
the same as the amount which is now provided in section
5 of article 18 of the proposed amendments.

C-110.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-110.

An Act to amend the Criminal Code.

First reading, June 17, 1961.

THE MINISTER OF JUSTICE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-110.

An Act to amend the Criminal Code.

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 48;
1957-58, c. 28;
1958, c. 18;
1959, c. 41;
1960, c. 37.

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

1. Subparagraphs (k) and (l) of paragraph (9) of section 2 of the *Criminal Code* are repealed and the following substituted therefor: 5

“(k) in the Yukon Territory, the Court of Appeal, and
(l) in the Northwest Territories, the Court of Appeal;”

2. Section 3 of the said Act is amended by adding thereto the following subsection: 10

Service of
process.

“(7) Where, pursuant to this Act, any summons, notice or other process is required to be or may be served upon a corporation, and no other method of service is provided, such service may be effected by delivering the process

- (a) in the case of a municipal corporation, to the mayor, 15 secretary-treasurer or clerk of the corporation, and
- (b) in the case of any other corporation, to the manager, secretary or other executive officer of the corporation or of a branch thereof.”

3. Section 221 of the said Act is amended by adding 20 thereto the following subsection:

Dangerous
driving.

“(4) Every one who drives a motor vehicle on a street, road, highway or other public place in a manner that is dangerous to the public, having regard to all the circumstances including the nature, condition and use of such 25 places and the amount of traffic that at the time is or might reasonably be expected to be on such place, is guilty of

- (a) an indictable offence and is liable to imprisonment for two years, or
- (b) an offence punishable on summary conviction.” 30

EXPLANATORY NOTES.

Clause 1: The purpose of these amendments is to bring paragraphs (k) and (l) into line with recent amendments to the *Yukon Act* and the *Northwest Territories Act* which established courts of appeal for those Territories. Sub-paragraphs (k) and (l) at present read as follows:

- “(k) in the Yukon Territory, the Court of Appeal for the province of British Columbia, and
- (l) in the Northwest Territories
 - (i) for those parts of the Territories west of the one hundred and second meridian of west longitude, the court of appeal for the province of Alberta, and
 - (ii) for those parts of the Territories east of the one hundred and second meridian of west longitude, the court of appeal for the province of Saskatchewan, Manitoba, Ontario, Quebec, Nova Scotia, New Brunswick, Prince Edward Island or Newfoundland;”

Clause 2: The purpose of this amendment is to state the manner in which process may be served upon a corporation in cases where no manner is specifically provided.

Clause 3: The purpose of this amendment is to reinstate the offence of driving a motor vehicle in a manner dangerous to the public.

4. (1) All that portion of subsection (1) of section 225 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Order
prohibiting
driving.

"225. (1) Where an accused is convicted of an offence under section 192, 193 or 207 committed by means of a motor vehicle or of an offence under section 221, 222 or 223, the court, judge, justice or magistrate, as the case may be, may, in addition to any other punishment that may be imposed for that offence, make an order prohibiting him from driving a motor vehicle on the highway in Canada" 5 10

(2) Subsection (3) of section 225 of the said Act is repealed and the following substituted therefor:

Driving
while
disqualified.

"(3) Every one who drives a motor vehicle in Canada while he is disqualified or prohibited from driving a motor vehicle by reason of 15

(a) the legal suspension or cancellation, in any province, of his permit or licence to drive a motor vehicle in that province, or

(b) an order made pursuant to subsection (1), is guilty of 20

(c) an indictable offence and is liable to imprisonment for two years, or

(d) an offence punishable on summary conviction."

5. The said Act is further amended by adding thereto, immediately after section 226 thereof, the following section: 25

Dangerous
operation of
vessel, etc.

"226A. (1) Every one who navigates or operates a vessel or any water skis, surf board, water sled or other towed object on any of the waters or territorial waters of Canada, in a manner that is dangerous to navigation, life or limb, having regard to all the circumstances including the nature and condition of such waters and the use that at the time is or might reasonably be expected to be made of such waters, is guilty of 30

(a) an indictable offence and is liable to imprisonment for two years, or 35

(b) an offence punishable on summary conviction.

Failure to
keep watch
on person
towed.

(2) Every one who navigates or operates a vessel while towing a person on any water skis, surf board, water sled or other object, when there is not on board such vessel another responsible person keeping watch on the person being towed, is guilty of an offence punishable on summary conviction. 40

Towing of
person
after dark.

(3) Every one who navigates or operates a vessel while towing a person on any water skis, surf board, water sled or other object during the period from one hour after sunset to sunrise is guilty of an offence punishable on summary conviction. 45

Clause 4: (1) The purpose of this amendment is to permit the court before whom a person is convicted of the offence of dangerous driving (see clause 3) to make an order prohibiting him from driving a motor vehicle for a stated period. Subsection (1) of section 225 at present reads as follows:

"225. (1) Where an accused is convicted of an offence under section 192, 193 or 207 committed by means of a motor vehicle or of an offence under subsection (1) or (2) of section 221 or under section 222 or 223, the court, judge, justice or magistrate, as the case may be, may, in addition to any other punishment that may be imposed for that offence, make an order prohibiting him from driving a motor vehicle on the highway in Canada

- (a) during any period that the court, judge, justice or magistrate considers proper, if he is liable to imprisonment for life in respect of that offence, or
- (b) during any period not exceeding three years, if he is not liable to imprisonment for life in respect of that offence."

(2) The purpose of this amendment is to make the offence of driving while disqualified or prohibited, punishable not only on summary conviction, which is now the case, but also on indictment, in which case a heavier penalty may be incurred. Subsection (3) at present reads as follows:

"(3) Every one who drives a motor vehicle in Canada while he is disqualified or prohibited from driving a motor vehicle by reason of

- (a) the legal suspension or cancellation, in any province, of his permit or licence to drive a motor vehicle in that province, or
 - (b) an order made pursuant to subsection (1),
- is guilty of an offence punishable on summary conviction."

Clause 5: The purpose of this amendment is to enact, as part of the *Criminal Code*, certain provisions already contained in the Small Vessel Regulations made under the *Canada Shipping Act* relating to the operation of vessels on the waters or territorial waters of Canada. These provisions

- (a) forbid the dangerous operation of a vessel or of an object such as water skis that the vessel is towing;
- (b) forbid the operation of a vessel towing an object such as water skis unless there is on board, in addition to the operator of the vessel, another person keeping watch;
- (c) forbid the operation of a vessel towing a person on any object such as water skis during the hours of darkness;
- (d) forbid the operation of a vessel by a person whose ability is impaired by alcohol or a drug;
- (e) make it an offence for a person in charge of a vessel involved in an accident to leave the scene of the accident with intent to escape civil or criminal liability;
- (f) enable a court, upon convicting a person for certain offences involving the use of a vessel, to make an order prohibiting him from operating a vessel for a stated period; and
- (g) make it an offence to operate a vessel while prohibited from doing so by an order described in paragraph (f).

Operation of vessel while ability is impaired.

(4) Every one who, while his ability to navigate or operate a vessel is impaired by alcohol or a drug, navigates or operates a vessel is guilty of an offence punishable on summary conviction.

Failing to stop at scene of accident.

(5) Every one who, having the care, charge or control of a vessel that is involved in an accident with a person or another vessel in charge of a person, with intent to escape civil or criminal liability fails to stop his vessel, give his name and address and, where any person has been injured or appears to require assistance, offer assistance, is guilty of 5 10

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

Prime facie evidence.

(6) In proceedings under subsection (5), evidence that an accused failed to stop his vessel, offer assistance where any person has been injured or appears to require assistance and give his name and address is *prima facie* evidence of an intent to escape civil or criminal liability. 15

Order prohibiting operation of vessel.

(7) Where an accused is convicted of an offence under section 192, 193, 207 or subsection (1), (2), (3), (4) or (5) of this section, committed by means of a vessel, the court, judge, justice or magistrate, as the case may be, may, in addition to any other punishment that may be imposed for that offence, make an order prohibiting him from navigating or operating a vessel on any of the waters or territorial waters of Canada 25

(a) during any period that the court, judge, justice or magistrate considers proper, if he is liable to imprisonment for life in respect of that offence, or

(b) during any period not exceeding three years, if he is not liable to imprisonment for life in respect of that offence. 30

Saving provision.

(8) No order made under subsection (7) shall operate to prevent any person from acting as master, mate or engineer of a vessel that is required to carry officers holding certificates as master, mate or engineer. 35

Operating vessel while disqualified.

(9) Every one who navigates or operates a vessel on any of the waters or territorial waters of Canada while he is prohibited from navigating or operating a vessel by reason of an order made pursuant to subsection (7), is guilty of an offence punishable on summary conviction. 40

Provisions applicable.

(10) Subsections (3) to (7) of section 224 apply *mutatis mutandis* to proceedings under this section."

6. Section 273 of the said Act is repealed and the following substituted therefor: 45

"273. (1) Every one commits theft who fraudulently, maliciously, or without colour of right,

(a) abstracts, consumes or uses electricity or gas or causes it to be wasted or diverted; or

Theft of telecommunication service.

Clause 6: The purpose of this amendment is to extend paragraph (b) so as to make it theft to obtain fraudulently, maliciously or without color of right, in addition to telephone or telegraph service, any other telecommunication service, notably television or radio programs transmitted over private commercial wire systems. Section 273 at present reads as follows:

- "273. Every one commits theft who fraudulently or maliciously
- (a) abstracts, consumes or uses electricity or gas or causes it to be wasted or diverted, or
- (b) uses a telephone or telegraph line or obtains telephone or telegraph service."

"Telecommunication" defined.

(b) uses any telecommunication wire or cable or obtains any telecommunication service.
 (2) In this section, "telecommunication" means any transmission, emission or reception of signs, signals, writing, images or sounds or intelligence of any nature by wire or cable." 5

Presumption from cheque issued without funds.

7. Subsection (4) of section 304 of the said Act is repealed and the following substituted therefor:
 "(4) Where, in proceedings under paragraph (a) of subsection (1), it is shown that anything was obtained by the accused by means of a cheque that, when presented for payment within a reasonable time, was dishonoured on the ground that no funds or insufficient funds were on deposit to the credit of the accused in the bank or other institution on which the cheque was drawn, it shall be presumed to have been obtained by a false pretence, unless the court is satisfied by evidence that when the accused issued the cheque he had reasonable grounds to believe that it would be honoured if presented for payment within a reasonable time after it was issued." 15 20

"Cheque" defined.

(5) In this section, "cheque" includes, in addition to its ordinary meaning, a bill of exchange drawn upon any institution that makes it a business practice to honour bills of exchange or any particular kind thereof drawn upon it by depositors." 25

"Cheque" defined.

8. Section 307 of the said Act is amended by adding thereto the following subsection:
 "(3) In this section, "cheque" includes, in addition to its ordinary meaning, a bill of exchange drawn upon any institution that makes it a business practice to honour bills of exchange or any particular kind thereof drawn upon it by depositors." 30

False messages.

9. Section 315 of the said Act is repealed and the following substituted therefor:
 "315. (1) Every one who, with intent to injure or alarm any person, conveys or causes or procures to be conveyed by letter, telegram, telephone, cable, radio, or otherwise, information that he knows is false is guilty of an indictable offence and is liable to imprisonment for two years." 40

Indecent telephone calls.

(2) Every one who, with intent to alarm or annoy any person, makes any indecent telephone call to such person is guilty of an offence punishable on summary conviction."

Clause 7: The purpose of this amendment is to extend the presumption of false pretences, which now arises when a cheque drawn on a bank is dishonoured, to like instruments drawn upon institutions other than banks, that accept money on deposit and extend so-called chequing privileges. The amendment would also extend, for the purposes of the section, the ordinary meaning of "cheque" to include similar instruments drawn upon institutions, other than banks, that accept deposits and extend so-called chequing privileges. Subsection (4) at present reads as follows:

"(4) Where, in proceedings under paragraph (a) of subsection (1), it is shown that anything was obtained by the accused by means of a cheque that, when presented for payment within a reasonable time, was dishonoured on the ground that no funds or insufficient funds were on deposit to the credit of the accused in the bank on which the cheque was drawn, it shall be presumed to have been obtained by a false pretence, unless the court is satisfied by evidence that when the accused issued the cheque he had reasonable grounds to believe that it would be honoured if presented for payment within a reasonable time after it was issued."

Clause 8: The purpose of this amendment is to extend the definition of a cheque, for the purposes of this section, to include instruments similar to cheques drawn upon institutions other than banks, that accept deposits and extend so-called chequing privileges.

Clause 9: The purpose of this amendment is to make it clear that the telephone is included in the media through which it is an offence to convey false information with intent to injure or alarm; and to make it an offence to make indecent telephone calls. Section 315 at present reads as follows:

"315. Every one who, with intent to injure or alarm any person *sends* or causes or procures to be *sent* by telegram, letter, radio, cable or otherwise a message that contains matter that he knows is false is guilty of an indictable offence and is liable to imprisonment for two years."

Threatening
letters and
telephone
calls.

10. (1) Subsection (1) of section 316 of the said Act is repealed and the following substituted therefor:

“**316.** (1) Every one commits an offence who by letter, telegram, telephone, cable, radio, or otherwise, knowingly utters, conveys or causes any person to receive a threat 5

(a) to cause death or injury to any person, or

(b) to burn, destroy or damage real or personal property, or

(c) to kill, maim, wound, poison or injure an animal or bird that is the property of any person.” 10

Punishment.

(2) Subsection (3) of section 316 of the said Act is repealed and the following substituted therefor:

“(3) Every one who commits an offence under paragraph (b) or (c) of subsection (1) is guilty of

(a) an indictable offence and is liable for imprisonment 15 for two years, or

(b) an offence punishable on summary conviction.”

Saving
provision.

11. Subsection (2) of section 384 of the said Act is repealed and the following substituted therefor:

“(2) A land surveyor does not commit an offence under 20 subsection (1) where, in his operations as a land surveyor

(a) he takes up, when necessary, a boundary mark mentioned in paragraph (b) of subsection (1) and carefully replaces it as it was before he took it up, or 25

(b) he takes up a boundary mark mentioned in paragraph (b) of subsection (1) in the course of surveying for a highway or other work that, when completed, will make it impossible or impracticable for such boundary mark to occupy its original position, and 30 he establishes a permanent record of the original position sufficient to permit such position to be ascertained.”

Exception.

12. Subsection (3) of section 421 of the said Act is repealed and the following substituted therefor: 35

“(3) Where an accused is in custody and signifies in writing before a magistrate his intention to plead guilty to an offence with which he is charged that is alleged to have been committed in Canada outside the province in which he is in custody, he may, if the offence is not an 40 offence mentioned in subsection (2) of section 413, and the Attorney General or Deputy Attorney General of the province where the offence is alleged to have been committed

Clause 10: The purpose of this amendment is to include telegram, telephone, cable, radio and other means, among the media through which it is an offence to convey threats of injury or damage. Subsections (1) and (3) at present read as follows:

“316. (1) Every one commits an offence who *sends*, delivers, utters or directly or indirectly causes any person to receive

(a) a letter or writing that he knows contains a threat to cause death or injury to any person; or

(b) a letter or writing that he knows contains a threat

(i) to burn, destroy or damage real or personal property, or

(ii) to kill, maim, wound, poison or injure an animal or bird that is the property of any person.”

.....
“ (3) Every one who commits an offence under paragraph (b) of subsection (1) is guilty of

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.”

Clause 11: The purpose of this amendment is to make it lawful for a land surveyor, surveying for a public work which will necessarily obliterate an existing boundary mark, to remove such boundary mark provided he establishes a permanent record that permits its original location to be ascertained. Subsection (2) at present reads as follows:

“(2) A land surveyor does not commit an offence under subsection (1) where, in his operations as a land surveyor, he takes up, when necessary, a boundary mark mentioned in paragraph (b) of subsection (1) and carefully replaces it as it was before he took it up.”

Clause 12: The purpose of this amendment is to provide that the Deputy Attorney General as well as the Attorney General of a province may consent to have a person dealt with, upon plea of guilty, in another province for offences (except those mentioned in section 413(2)) committed in the first mentioned province. Subsection (3) at present reads as follows:

“(3) Where an accused is in custody and signifies in writing before a magistrate his intention to plead guilty to an offence with which he is charged that is alleged to have been committed in Canada outside the province in which he is in custody, he may, if the offence is not an offence mentioned in subsection (2) of section 413, and the Attorney General of the province where the offence is alleged to have been committed consents, be brought before a court or person that would have had jurisdiction to try that offence if it had been committed in the province where the accused is in custody, and where he pleads guilty to that offence, the court or person shall convict the accused and impose the punishment warranted by law, but where he does not plead guilty, he shall be returned to custody and shall be dealt with according to law.”

consents, be brought before a court or person that would have had jurisdiction to try that offence if it had been committed in the province where the accused is in custody, and where he pleads guilty to that offence, the court or person shall convict the accused and impose the punishment warranted by law, but where he does not plead guilty, he shall be returned to custody and shall be dealt with according to law." 5

13. Subsection (1) of section 421A is repealed and the following substituted therefor: 10

Offences
outstanding
in same
province.

"**421A.** (1) Where an accused is in custody and signifies in writing before a magistrate his intention to plead guilty to an offence with which he is charged that is alleged to have been committed in the province in which he is in custody, he may, if the offence is not an offence mentioned in subsection (2) of section 413, be brought before a court or person that would have had jurisdiction to try that offence if it had been committed in the place where the accused is in custody, and where he pleads guilty to that offence, the court or person shall convict the accused and impose the punishment warranted by law, but where he does not plead guilty, he shall be returned to custody and shall be dealt with according to law." 15 20

14. Section 435 of the said Act is repealed and the following substituted therefor: 25

By peace
officer.

"**435.** A peace officer may arrest without warrant
(a) a person who has committed an indictable offence or who, on reasonable and probable grounds, he believes has committed or is about to commit an indictable offence or is about to commit suicide, or 30
(b) a person whom he finds committing a criminal offence."

15. Subsections (4) and (5) of section 441 of the said Act are repealed.

Clause 13: The purpose of this amendment is to eliminate the necessity of obtaining the consent of the Attorney General before a person in custody in one part of a province can elect to plead guilty, before a court having jurisdiction in such part, to offences (except those mentioned in section 413(2)) committed in another part of the province. Subsection (1) at present reads as follows:

"421A. (1) Where an accused is in custody and signifies in writing before a magistrate his intention to plead guilty to an offence with which he is charged that is alleged to have been committed in the province in which he is in custody, he may, if the offence is not an offence mentioned in subsection (2) of section 413, and the Attorney General consents, be brought before a court or person that would have had jurisdiction to try that offence if it had been committed in the place where the accused is in custody, and where he pleads guilty to that offence, the court or person shall convict the accused and impose the punishment warranted by law, but where he does not plead guilty, he shall be returned to custody and shall be dealt with according to law."

Clause 14: The purpose of this amendment is to enable a peace officer who, on reasonable and probable grounds believes that a person is about to commit suicide, to arrest such person without a warrant. Section 435 at present reads as follows:

- "435. A peace officer may arrest without warrant
- (a) a person who has committed or who, on reasonable and probable grounds, he believes has committed or is about to commit an indictable offence, or
 - (b) a person whom he finds committing a criminal offence."

Clause 15: These subsections are no longer necessary in view of the amendment contained in clause 2 above. Subsections (4) and (5) at present read as follows:

"(4) Subject to subsection (5), where an accused is a corporation the summons shall be served by delivering it to the manager, secretary or other executive officer of the corporation, or of a branch thereof.

(5) Where an accused is a municipal corporation, the summons may be served by delivering it to the mayor, secretary-treasurer or clerk of the corporation."

16. Paragraph (a) of subsection (1) of section 463 of the said Act is repealed and the following substituted therefor:

“(a) where an accused is charged with an offence other than an offence punishable by death, an offence under sections 50 to 53, or non-capital murder, he may 5 apply to a judge of a county or district court, or a magistrate as defined in section 466, who has jurisdiction in the territorial division in which the accused was committed for trial or is confined; and”

17. Section 464 of the said Act is repealed and the 10 following substituted therefor:

Bail in
certain cases.

“**464.** Notwithstanding anything in this Act, no court, judge, justice or magistrate, other than a judge of or a judge presiding in a superior court of criminal jurisdiction for the province in which an accused is charged with an offence 15 punishable by death, an offence under sections 50 to 53 or non-capital murder may admit that accused to bail before or after committal for trial.”

18. Paragraph (c) of section 467 of the said Act is amended by adding thereto, immediately after subpara- 20 graph (vi) thereof, the following subparagraph:

“(via) subsection (3) of section 225,”

19. (1) Subsection (1) of section 475 of the said Act is repealed and the following substituted therefor:

Notice of
intention to
re-elect.

“**475.** (1) Where an accused elects or is deemed to have 25 elected to be tried by a court composed of a judge and jury, the accused may notify the sheriff in the territorial division in which he is to be tried that he desires to re-elect under this section.”

Clause 16: Section 463 presently provides in effect that an accused who is charged with an offence punishable by death may not apply for bail to a judge of a county or district court or to a magistrate but only to a judge of a superior court of criminal jurisdiction. The purpose of this amendment is to place an accused who is charged with non-capital murder in the same position. Paragraph (a) at present reads as follows:

“(a) where an accused is charged with an offence other than an offence punishable with death, or an offence under sections 50 to 53, he may apply to a judge of a county or district court, or a magistrate as defined in section 466, who has jurisdiction in the territorial division in which the accused was committed for trial or is confined; and”

Clause 17: Section 464 presently provides in effect that no court other than a judge of a superior court of criminal jurisdiction may admit to bail an accused who is charged with an offence punishable by death. The purpose of this amendment is to place an accused who is charged with non-capital murder in the same position. Section 464 at present reads as follows:

“464. Notwithstanding anything in this Act, no court, judge, justice or magistrate, other than a judge of or a judge presiding in a superior court of criminal jurisdiction for the province in which an accused is charged with an offence punishable with death or an offence under sections 50 to 53 may admit that accused to bail before or after committal for trial.”

Clause 18: The purpose of this amendment is to place the offence of driving a motor vehicle while disqualified or prohibited, within the absolute jurisdiction of a magistrate to try, when prosecuted as an indictable offence.

Clause 19: (1) The purpose of this amendment is to permit election, for trial without jury, by a person who has come before a magistrate on a charge within the magistrate's absolute jurisdiction, but whom the magistrate has decided to deal with by way of preliminary enquiry and has consequently committed for trial in a higher court. Subsection (1) at present reads as follows:

(2) Subsection (3) of section 475 of the said Act is repealed and the following substituted therefor:

Election.

“(3) The accused shall attend or, if he is in custody, shall be produced at the time and place fixed under subsection (2) and shall, after the charge upon which he has been committed for trial or ordered to stand trial has been read to him, be put to his election in the following words: 5

You have elected or are deemed to have elected
to be tried by a court composed of a judge and jury.
Do you now elect to be tried by a judge without a 10
jury?”

20. Paragraph (b) of section 477 of the said Act is repealed and the following substituted therefor:

“(b) he was committed for trial or ordered to stand trial
by a magistrate who, pursuant to section 469, con- 15
tinued the proceedings before him as a preliminary
inquiry.”

21. Subsection (1) of section 514 of the said Act is repealed and the following substituted therefor:

Release of
exhibits for
testing.

“**514.** (1) A judge of a superior court of criminal jurisdic- 20
tion or a court of criminal jurisdiction may, on summary
application on behalf of the accused or the prosecutor,
after three days’ notice to the accused or prosecutor,
as the case may be, order the release of any exhibit for
the purpose of a scientific or other test or examination, 25
subject to such terms as appear to be necessary or desirable
to ensure the safeguarding of the exhibit and its preservation
for use at the trial.”

"475. (1) Where an accused elects *under section 450 or 468* to be tried by a court composed of a judge and jury, the accused may notify the sheriff in the territorial division in which he is to be tried that he desires to re-elect under this section."

(2) The purpose of this amendment is to provide a suitable formula for putting an accused to his re-election, when he is deemed to have elected jury trial by reason of section 477. Subsection (3) at present reads as follows:

"(3) The accused shall attend or, if he is in custody, shall be produced at the time and place fixed under subsection (2) and shall, after the charge upon which he has been committed for trial or ordered to stand trial has been read to him, be put to his election in the following words:

You have elected to be tried by a court composed of a judge and jury.
Do you now elect to be tried by a judge without a jury?"

Clause 20: The purpose of this amendment is to make provision for the election and re-election, as to manner of trial, of a person charged before a magistrate with an offence within his absolute jurisdiction to try, but whom the magistrate has decided to deal with by way of preliminary enquiry and whom he has committed for trial. Paragraph (b) now makes provision only for the case of such a person who *elected* trial before the magistrate. By deleting the reference to the election section, 468, the paragraph becomes general and covers the case where the accused originally came before the magistrate by reason of the latter's absolute jurisdiction under section 467. Paragraph (b) at present reads as follows:

"(b) he elected under section 468 to be tried by a magistrate and the magistrate, pursuant to section 469, continued the proceedings as a preliminary inquiry."

Clause 21: The purpose of this amendment is to make clear that the authority to release an exhibit extends to a "court of criminal jurisdiction", when presided over by a magistrate. Subsection (1) at present reads as follows:

"514. (1) A judge of a superior court of criminal jurisdiction or of a court of criminal jurisdiction may, on summary application on behalf of the accused or the prosecutor, after three days' notice to the accused or prosecutor, as the case may be, order the release of any exhibit for the purpose of a scientific or other test or examination, subject to such terms as appear to be necessary or desirable to ensure the safeguarding of the exhibit and its preservation for use at the trial."

22. Section 524 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

Custody for
observation.

“(1a) A court, judge or magistrate may, at any time before verdict or sentence, when of the opinion, supported 5 by the evidence of at least one duly qualified medical practitioner, that there is reason to believe that

(a) an accused is mentally ill, or

(b) the balance of the mind of an accused is disturbed, where the accused is a female person charged with 10 an offence arising out of the death of her newly-born child,

remand the accused, by order in writing, to such custody as the court, judge or magistrate directs for observation 15 for a period not exceeding thirty days.”

23. Subsection (3) of section 529 of the said Act is repealed.

24. Section 569 of the said Act is amended by adding thereto the following subsection:

Conviction
for dangerous
driving, etc.,
where
criminal
negligence or
manslaughter
charged.

“(4) Where a count charges an offence under section 192, 20 193 or 207 arising out of the operation of a motor vehicle or the navigation or operation of a vessel, or an offence under subsection (1) of section 221, and the evidence does not prove such offence but does prove an offence under subsection (4) of section 221 or subsection (1) of section 25 226A, the accused may be convicted of an offence under subsection (4) of section 221 or subsection (1) of section 226A, as the case may be.”

25. Subsection (2) of section 584 of the said Act is repealed and the following substituted therefor: 30

Acquittal.

“(2) For the purposes of this section a judgment or verdict of acquittal includes an acquittal in respect of an offence specifically charged where the accused has on the trial thereof been convicted of an included or other offence.”

Clause 22: The purpose of this amendment is to permit a person on trial for an indictable offence, and who appears to be mentally ill, to be remanded for observation.

Clause 23: This subsection is no longer necessary in view of the amendment contained in clause 2 above. Subsection (3) at present reads as follows:

- (3) Where a corporation to which this section applies
- (a) is a municipal corporation, the notice shall be served by delivering it to the mayor, treasurer or clerk of the corporation, or
- (b) is a corporation other than a municipal corporation, the notice shall be served by delivering it to the manager, secretary or other executive officer of the corporation or of a branch thereof."

Clause 24: The purpose of this amendment is to enable the court to convict an accused of dangerous driving under section 221(4) or dangerous operation of a vessel under section 226A(1), when he is charged with an offence involving criminal negligence in the operation of a motor vehicle or vessel and the court is not satisfied that he is guilty of the offence charged but is satisfied that he is guilty of the lesser offence of dangerous driving or operation.

Clause 25: An "included offence" is one which is included in the description of the offence specifically charged as contained in the statute creating the offence or the indictment containing the charge. Where a trial court is not satisfied that the evidence proves the offence specifically charged but is satisfied that it proves an included offence, the accused may be acquitted of the offence specifically charged and convicted of the included offence. In such event the Attorney General may appeal against the result to the court of appeal on grounds of law. There are, however, a number of offences, which may or may not be "included offences" as described above, but for which an accused may be convicted when charged with certain other more serious offences. The purpose of the amendment is to permit the Attorney General to appeal, on the usual grounds of law, where the trial court has acquitted an accused of the offence specifically charged against him and convicted him for one of the other offences mentioned. Subsection (2) at present reads as follows:

- "(2) For the purposes of this section a judgment or verdict of acquittal includes an acquittal in respect of a *principal* offence where the accused has been convicted of an offence included in the principal offence."

26. (1) Paragraph (d) of subsection (1) of section 592 of the said Act is repealed and the following substituted therefor:

“(d) may set aside a conviction and find the appellant not guilty on account of insanity and order the appellant to be kept in safe custody to await the pleasure of the Lieutenant-Governor where it is of the opinion that, although the appellant committed the act or made the omission charged against him, he was insane at the time the act was committed or the omission was made, so that he was not criminally responsible for his conduct.”

(2) Subsection (5) of section 592 of the said Act is amended by striking out the word “and” at the end of paragraph (b) thereof, by adding the word “and” at the end of paragraph (c) thereof, and by adding thereto the following paragraph:

“(d) notwithstanding paragraph (a), if the conviction against which the accused appealed was for an offence mentioned in section 467 and was made by a magistrate, the new trial shall be held before a magistrate acting under Part XVI, other than the magistrate who tried the accused in the first instance, unless the court of appeal directs that the new trial be held before the magistrate who tried the accused in the first instance.”

27. (1) All that portion of subsection (1) of section 597 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Appeal from conviction.

“**597.** (1) A person who is convicted of an indictable offence other than an offence punishable by death and whose conviction is affirmed by the court of appeal may appeal to the Supreme Court of Canada”

(2) Paragraph (a) of subsection (2) of section 597 of the said Act is repealed and the following substituted therefor:

“(a) who is acquitted of an indictable offence other than an offence punishable by death and whose acquittal is set aside by the court of appeal, or”

28. Subsection (1) of section 604 of the said Act is repealed and the following substituted therefor:

How subpoena issued.

“**604.** (1) Where a person is required to attend to give evidence before a superior court of criminal jurisdiction, a court of appeal, an appeal court or a court of criminal jurisdiction other than a magistrate acting under Part XVI, the subpoena directed to that person shall be issued out of the court before which the attendance of that person is required.”

Clause 26: (1) The purpose of this amendment is to make the verdict substituted by the Court of Appeal, when it finds that an appellant was insane at the time of committing an offence, correspond with the verdict which the trial court would have given had it come to that conclusion. Under section 523, the verdict of the trial court would have been "acquitted on account of insanity". The amendment also has the effect of giving the Attorney General the same right of appeal to the Supreme Court of Canada, from the verdict substituted by the Court of Appeal in insanity cases as he already has, under section 598, in other cases in which the Court of Appeal sets aside a conviction. Paragraph (d) at present reads as follows:

"(d) may *quash* a sentence and order the appellant to be kept in safe custody to await the pleasure of the Lieutenant-Governor where it is of the opinion that, although the appellant committed the act or made the omission charged against him, he was insane at the time the act was committed or the omission was made, so that he was not criminally responsible for his conduct."

(2) The purpose of this amendment is to provide that if the indictable offence, in respect of which a new trial is ordered on appeal, is within the absolute jurisdiction of a magistrate to try, the new trial shall be before a magistrate.

Clause 27: The purpose of this amendment is to remove appeals, in respect of offences punishable by death, from the ambit of section 597. Such appeals are specifically dealt with in section 597A of the *Criminal Code*, contained in clause 11 of the Bill entitled *An Act to amend the Criminal Code (Capital Murder)*. The portion of subsection (1) being amended at present reads as follows:

"597. (1) A person who is convicted of an indictable offence whose conviction is affirmed by the court of appeal may appeal to the Supreme Court of Canada"

Paragraph (a) of subsection (2) at present reads as follows:

"(a) who is acquitted of an indictable offence and whose acquittal is set aside by the court of appeal, or"

Clause 28: The purpose of this amendment is to make provision for obtaining the attendance of a witness on an appeal from a summary conviction court. Subsection (1) at present reads as follows:

"604. (1) Where a person is required to attend to give evidence before a superior court of criminal jurisdiction, a court of appeal or a court of criminal jurisdiction other than a magistrate acting under Part XVI, the subpoena directed to that person shall be issued out of the court before which the attendance of that person is required."

29. Subsection (1) of section 607 of the said Act is repealed and the following substituted therefor:

Subpoena
effective
throughout
Canada.

“**607.** (1) A subpoena that is issued out of a superior court of criminal jurisdiction, a court of appeal, an appeal court or a court of criminal jurisdiction other than a magistrate acting under Part XVI has effect anywhere in Canada according to its terms.” 5

30. Subsection (1) of section 608 of the said Act is repealed and the following substituted therefor:

Warrant
effective
throughout
Canada.

“**608.** (1) A warrant that is issued out of a superior court of criminal jurisdiction, a court of appeal, an appeal court or a court of criminal jurisdiction other than a magistrate acting under Part XVI may be executed anywhere in Canada.” 10

31. Subsection (2) of section 637 of the said Act is repealed and the following substituted therefor:

Form of
recognizance.

“(2) A recognizance under this section may be in Form 28 and the provisions of subsections (2) and (3) of section 638 apply *mutatis mutandis* in respect of such recognizance.” 15

32. Paragraph (b) of section 659 of the said Act is repealed and the following substituted therefor:

“Dangerous
sexual
offender.”

“(b) “dangerous sexual offender” means a person who, by his conduct in any sexual matter, has shown a failure to control his sexual impulses, and who is likely to cause injury, pain or other evil to any person, through failure in the future to control his sexual impulses or is likely to commit a further sexual offence, and” 20 25

33. (1) All that portion of subsection (1) of section 660 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor: 30

Application
for
preventive
detention.

“**660** (1) Where an accused has been convicted of an indictable offence the court may, upon application, impose a sentence of preventive detention in lieu of any other sentence that might be imposed for the offence of which he was convicted or that was imposed for such offence, or in addition to any sentence that was imposed for such offence if the sentence has expired, if” 35

(2) Section 660 of the said Act is further amended by adding thereto the following subsection:

Presence of
accused.

“(3) At the hearing of an application under subsection (1), the accused is entitled to be present.” 40

Clause 29: The purpose of this amendment is to state that a subpoena issued to a witness by an appeal court, in a summary conviction matter, has effect anywhere in Canada. Subsection (1) at present reads as follows:

"607. (1) A subpoena that is issued out of a superior court of criminal jurisdiction, a court of appeal or a court of criminal jurisdiction other than a magistrate acting under Part XVI has effect anywhere in Canada according to its terms."

Clause 30: The purpose of this amendment is to state that a warrant issued to compel the attendance of a witness before an appeal court in a summary conviction matter may be executed anywhere in Canada. Subsection (1) at present reads as follows:

"608. (1) A warrant that is issued out of a superior court of criminal jurisdiction, a court of appeal or a court of criminal jurisdiction other than a magistrate acting under Part XVI may be executed anywhere in Canada."

Clause 31: The purpose of this amendment is to provide that where a convicted person is "bound over to keep the peace", the court may prescribe the same conditions for the recognizance into which he enters as may now be prescribed for the recognizance entered into by a convicted person upon whom the passing of sentence has been suspended. Subsection (2) at present reads as follows:

"(2) A recognizance under this section may be in Form 28."

Clause 32: The purpose of this amendment is to redescribe and redefine the sex offenders to which the provisions relating to preventive detention apply. Paragraph (b) at present reads as follows:

"(b) "*criminal sexual psychopath*" means a person who, by a course of misconduct in sexual matters, has shown a *lack of power* to control his sexual impulses and who as a result is likely to attack or otherwise inflict injury, pain or other evil on any person, and"

Clause 33: (1) The purpose of this amendment is to eliminate the determinate sentence, where a person is found to be an habitual criminal, leaving only the sentence of preventive detention to be imposed; and to make other changes in wording incidental to the amendment contained in clause 35. The portion of subsection (1) being amended at present reads as follows:

"660. (1) Where an accused is convicted of an indictable offence the court may, upon application, impose a sentence of preventive detention *in addition to* any sentence that is imposed for the offence of which he is convicted if"

(2) The purpose of this amendment is to provide that an accused person is entitled to be present in court upon the hearing of an application to have him found to be an habitual criminal.

34. The heading preceding section 661 and section 661 of the said Act are repealed and the following substituted therefor:

“DANGEROUS SEXUAL OFFENDERS.

Evidence.	661. (1) Where an accused <u>has been convicted of</u>	
Rape. Carnal knowledge. Indecent assault on female. Buggery or bestiality. Indecent assault on male. Gross indecenty.	(a) an offence under	5
	(i) section 136,	
	(ii) section 138,	
	(iii) section 141,	
	(iv) section 147,	
	(v) section 148, or	10
	(vi) section 149; or	
	(b) an attempt to commit an offence under a provision mentioned in paragraph (a),	
	the court <u>shall</u> , upon application, hear evidence as to whether the accused is a <u>dangerous sexual offender</u> .	15
Evidence of psychia- trists.	(2) On the hearing of an application under subsection (1) the court <u>shall hear any relevant evidence, and shall hear</u> the evidence of at least two psychiatrists, one of whom shall be nominated by the Attorney General.	
Sentence of preventive detention.	(3) Where the court finds that the accused is a <u>dangerous</u> <u>sexual offender</u> it shall, notwithstanding anything in this Act or any other Act of the Parliament of Canada, impose upon the accused a sentence of preventive detention <u>in</u> <u>lieu of any other sentence that might be imposed for the</u> <u>offence of which he was convicted or that was imposed for</u> <u>such offence, or in addition to any sentence that was imposed</u> <u>for such offence if the sentence has expired.</u>	20 25
Presence of accused.	(4) At the hearing of an application under subsection (1), the accused is entitled to be present.”	

35. (1) Subsections (1) and (2) of section 662 of the said Act are repealed and the following substituted therefor:

Notice of application.	“ 662. (1) The following provisions apply with respect to applications under this Part, namely,	
	(a) an application under subsection (1) of section 660 shall not be heard unless	35
	(i) the Attorney General of the province in which the accused is to be tried consents,	
	(ii) seven clear days' notice has been given to the accused by the prosecutor, <u>either before or after</u> <u>conviction or sentence but within three months</u> <u>after the passing of sentence and before the</u> <u>sentence has expired, specifying the previous</u>	40

Clause 34: The purpose of this amendment is to change section 661 to accord with the new description of sexual offender given by the amendment contained in clause 32.

The purpose of this amendment is also

- (a) to make it obligatory for the court to entertain an application to adjudge a convicted person a dangerous sexual offender;
- (b) to make it obligatory for the court to consider any evidence relevant to the issue;
- (c) to do away with the determinate sentence in the case of a dangerous sexual offender, leaving only the sentence of preventive detention;
- (d) to make it clear that where an application is made to have a person who has already been given a determinate sentence and is in custody declared a dangerous sexual offender, he is entitled to be present at the hearing; and
- (e) to make other changes in wording incidental to a subsequent amendment contained in clause 35.

Section 661 at present reads as follows:

“CRIMINAL SEXUAL PSYCHOPATHS.

661. (1) Where an accused is convicted of

(a) an offence under

- (i) section 136,
- (ii) section 138,
- (iii) section 141,
- (iv) section 147,
- (v) section 148, or
- (vi) section 149; or

(b) an attempt to commit an offence under a provision mentioned in paragraph (a),

the court *may*, upon application, before passing sentence hear evidence as to whether the accused is a *criminal sexual psychopath*.

(2) On the hearing of an application under subsection (1) the court *may* hear any evidence that it considers necessary, but shall hear the evidence of at least two psychiatrists, one of whom shall be nominated by the Attorney General.

(3) Where the court finds that the accused is a *criminal sexual psychopath* it shall, notwithstanding anything in this Act or any other Act of the Parliament of Canada, *sentence* the accused to a *term of imprisonment of not less than two years* in respect of the offence of which he was convicted and, *in addition*, impose a sentence of preventive detention.”

Clause 35: (1) The purpose of this amendment is to provide that notice of application to have an accused or convicted person adjudged an habitual criminal or a dangerous sexual offender and sentenced to preventive detention may be given either before or after conviction or sentence for the specific offence giving rise to the application but not later than three months after the passing of such sentence and before it has expired.

Subsections (1) and (2) of section 662 at present read as follows:

“**662.** (1) The following provisions apply with respect to applications under this Part, namely,

- (a) an application under subsection (1) of section 660 shall not be heard unless
 - (i) the Attorney General of the province in which the accused is to be tried consents,
 - (ii) seven clear days' notice has been given to the accused by the prosecutor specifying the previous convictions and the other circumstances, if any, upon which it is intended to found the application, and

convictions and the other circumstances, if any, upon which it is intended to found the application, and

(iii) a copy of the notice has been filed with the clerk of the court or the magistrate, as the case may be; and 5

(b) an application under subsection (1) of section 661 shall not be heard unless seven clear days' notice thereof has been given to the accused by the prosecutor either before or after conviction or sentence but within three months after the passing of sentence and before the sentence has expired, and a copy of the notice has been filed with the clerk of the court or with the magistrate, where the magistrate is acting under Part XVI. 10 15

Hearing of application.

(2) An application under this Part shall be heard and determined by the court without a jury."

(2) Section 662 of the said Act is further amended by adding thereto the following subsections:

Where application not heard before sentence.

"(4) Where an application under subsection (1) of section 660 or subsection (1) of section 661 has not been heard before the accused is sentenced for the offence for which he has been convicted, the application shall not be heard by the judge or magistrate who sentenced the accused but may be heard by any other judge or magistrate who might have held or sat in the same court. 20 25

Prima facie evidence.

(5) The production of a document purporting to contain any nomination or consent that may be made or given by the Attorney General under this Part and to be signed by the Attorney General is *prima facie* evidence of such nomination or consent." 30

36. Section 663 of the said Act is repealed and the following substituted therefor:

Evidence of character and repute.

"**663.** Without prejudice to the right of the accused to tender evidence as to his character and repute, evidence of character and repute may, where the court thinks fit, be admitted on the question whether the accused is or is not persistently leading a criminal life or is or is not a dangerous sexual offender, as the case may be." 35

37. Section 664 of the said Act is repealed. 40

38. Subsection (1) of section 665 of the said Act is repealed.

- (iii) a copy of the notice has been filed with the clerk of the court or the magistrate, as the case may be; and
- (b) an application under subsection (1) of section 661 shall not be heard unless seven clear days' notice thereof has been given to the accused by the prosecutor and a copy of the notice has been filed with the clerk of the court or with the magistrate, where the magistrate is acting under Part XVI.
- (2) An application under this Part shall be heard and determined before sentence is passed for the offence of which the accused is convicted and shall be heard by the court without a jury."

(2) The purpose of the new subsection (4) is to specify the judge or magistrate by whom an application to have an accused found to be an habitual criminal or a dangerous sexual offender shall be heard where the application has not been heard before the accused is sentenced for the offence giving rise to the application.

The new subsection (5) would avoid the necessity of proving the signature of the Attorney General on a document nominating a psychiatrist witness, for the trial of a person charged as a dangerous sexual offender, or consenting to the prosecution of a person as an habitual criminal, such nomination and consent being required by sections 661(2) and 662(1) respectively.

Clause 36: The purpose of this amendment is to replace the description "criminal sexual psychopath" with the new description "dangerous sexual offender". Section 663 at present reads as follows:

"663. Without prejudice to the right of the accused to tender evidence as to his character and repute, evidence of character and repute may, where the court thinks fit, be admitted on the question whether the accused is or is not persistently leading a criminal life or is or is not a *criminal sexual psychopath*, as the case may be."

Clause 37: Section 664 is no longer required. By reason of amendments to sections 660(1) and 661(3) the only sentence to be imposed upon a person adjudged an habitual criminal or dangerous sexual offender is one of preventive detention. This sentence will ordinarily commence when it is imposed, by virtue of section 624. The section being repealed reads as follows:

"664. A sentence of preventive detention shall commence immediately upon the determination of the sentence imposed upon the accused for the offence of which he was convicted, but the Governor in Council may, at any time, commute that sentence to a sentence of preventive detention."

Clause 38: Subsection (1) of section 665 is no longer required because, by reason of the amendments to sections 660(1) and 661(3), no separate sentence will now be imposed for the specific offence for which the accused was convicted. The subsection being repealed reads as follows:

"665. (1) Notwithstanding anything in this Act or any other Act of the Parliament of Canada an accused who is sentenced to preventive detention shall serve in a penitentiary the sentence for the offence of which he was convicted as well as the sentence of preventive detention."

39. Section 666 of the said Act is repealed and the following substituted therefor:

Review by
Minister of
Justice.

“**666.** Where a person is in custody under a sentence of preventive detention, the Minister of Justice shall, at least once in every year, review the condition, history and circumstances of that person for the purpose of determining whether he should be permitted to be at large on licence, and if so, on what conditions.” 5

40. Subsections (1) and (2) of section 667 of the said Act are repealed and the following substituted therefor: 10

Appeal.

“**667.** (1) A person who is sentenced to preventive detention under this Part may appeal to the court of appeal against that sentence on any ground of law or fact or mixed law and fact.

Appeal by
Attorney
General.

(2) The Attorney General may appeal to the court of appeal against the dismissal of an application for an order under this Part on any ground of law. 15

Court of
appeal may
consider.

(2a) On an appeal against a sentence of preventive detention the court of appeal may

(a) quash such sentence and impose any sentence that might have been imposed in respect of the offence for which the appellant was convicted, or 20

(b) dismiss the appeal.

Idem.

(2b) On an appeal against the dismissal of an application for an order under this Part the court of appeal may 25

(a) allow the appeal, set aside any sentence imposed in respect of the offence for which the respondent was convicted and impose a sentence of preventive detention, or

(b) dismiss the appeal. 30

Effect of
judgment.

(2c) A judgment of the court of appeal imposing a sentence pursuant to this section has the same force and effect as if it were a sentence passed by the trial court.”

41. Subsections (4) and (5) of section 697 of the said Act are repealed and the following substituted therefor: 35

Waiving of
jurisdiction.

“(4) A summary conviction court before which proceedings under this Part are commenced may, at any time before the trial, waive jurisdiction over the proceedings.

How waiver
may be made.

(5) A waiver pursuant to subsection (4) may be to a particular summary conviction court or it may be, generally, to any summary conviction court having jurisdiction to try the accused.” 40

Clause 39: The purpose of this amendment is to ensure that the cases of persons undergoing preventive detention be reviewed at least once a year. (By section 24(5) of the *Parole Act* the duties of the Minister under section 666 are exercised by the National Parole Board.) Section 666 at present reads as follows:

"666. Where a person is in custody under a sentence of preventive detention, the Minister of Justice shall, at least once in every *three* years, review the condition, history and circumstances of that person for the purpose of determining whether he should be permitted to be at large on licence, and if so, on what conditions."

Clause 40: The purpose of this amendment is to specify upon what grounds a person sentenced to preventive detention may appeal to the Court of Appeal against such sentence.

The amendment also specifies on what grounds the Attorney General of a province may appeal to the Court of Appeal against the dismissal of an application to have a person sentenced to preventive detention as an habitual criminal or dangerous sexual offender.

The amendment also sets out the powers of the Court of Appeal upon an appeal against a sentence of preventive detention or the dismissal of an application to have a person sentenced to preventive detention as an habitual criminal or dangerous sexual offender.

Subsections (1) and (2) of section 667 at present read as follows:

"667. (1) A person who is sentenced to preventive detention under this Part may appeal to the court of appeal against that sentence.

(2) The Attorney General may appeal to the court of appeal against the dismissal of an application for an order under this Part."

Clause 41: The purpose of this amendment is to repeal the present requirement whereby a summary conviction court that waives jurisdiction must (except in the case of certain courts in the Province of Quebec) waive it to another named court, and to permit the court so waiving jurisdiction to waive it either to a named court or, generally, to any other summary conviction court having jurisdiction. Subsections (4) and (5) at present read as follows:

"(4) A summary conviction court before which proceedings under this Part are commenced may, at any time before the trial, waive jurisdiction over the proceedings in favour of another summary conviction court that has jurisdiction to try the accused under this Part.

(5) A summary conviction court that waives jurisdiction in accordance with subsection (4) shall name the summary conviction court in favour of which jurisdiction is waived, except where, in the province of Quebec, the summary conviction court that waives jurisdiction is a judge of the Sessions of the Peace or a judge of the Municipal Court of the City of Montreal."

42. Section 710 of the said Act is amended by adding thereto the following subsection:

Custody for
observation.

“(5) Notwithstanding subsection (1), the summary conviction court may, at any time before convicting a defendant or making an order against him or dismissing the information, as the case may be, when of the opinion, supported by the evidence of at least one duly qualified medical practitioner, that there is reason to believe that the defendant is mentally ill, remand the defendant, by order in writing, to such custody as the court directs for observation for a period not exceeding thirty days.” 5

43. (1) Subsection (1) of section 721 of the said Act is repealed.

(2) Subsection (2) of section 721 of the said Act is repealed and the following substituted therefor:

British
Columbia,
Alberta,
Saskat-
chewan.

“(2) In the provinces of British Columbia, Alberta and Saskatchewan, an appeal under section 720 shall be heard at the sittings of the appeal court that is held nearest to the place where the cause of the proceedings arose, but the judge of the appeal court may, on the application of one of the parties, appoint a place for the hearing of the appeal.” 15 20

44. (1) Paragraph (a) of subsection (2) of section 734 of the said Act is repealed and the following substituted therefor:

“(a) the application 25
(i) shall be in writing and be directed to the summary conviction court,
(ii) shall be served upon the summary conviction court by leaving with that court a copy thereof within thirty clear days after the time when the adjudication that is questioned was made;” 30

(2) Paragraph (c) of subsection (2) of section 734 of the said Act is repealed and the following substituted therefor:

“(c) the appellant shall, within fifteen clear days after receiving the stated case, 35
(i) give to the respondent a notice in writing of the appeal with a copy of the stated case, and
(ii) transmit the stated case to the superior court.”

45. Subsection (2) of section 743 of the said Act is repealed and the following substituted therefor:

Sections
applicable.

“(2) Sections 581 to 595 apply *mutatis mutandis* to an appeal under this section.”

Coming
into force.

46. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. 45

Clause 42: The purpose of this amendment is to permit a defendant in summary conviction proceedings, who appears to be mentally ill, to be remanded for observation.

Clause 43: The purpose of this amendment is to provide that in British Columbia as well as in Alberta and Saskatchewan, a summary conviction appeal may, by approval of the judge of the appeal court, be held at a place other than the sittings of the appeal court nearest to where the cause of the proceedings arose. Subsections (1) and (2) at present read as follows:

"721. (1) In the province of British Columbia, an appeal under section 720 shall be heard at the sittings of the appeal court that is held nearest to the place where the cause of the proceedings arose.

(2) In the provinces of Alberta and Saskatchewan an appeal under section 720 shall be heard at the sittings of the appeal court that is held nearest to the place where the cause of the proceedings arose, but the judge of the appeal court may, on the application of one of the parties, appoint a place for the hearing of the appeal."

Clause 44: (1) The purpose of this amendment is to extend the time for applying to the court to "state a case" for appeal, in a summary conviction matter, where such time is not prescribed by rules of court, from seven to thirty days. Paragraph (a) at present reads as follows:

"(a) the application
(i) shall be in writing and be directed to the summary conviction court,
(ii) shall be served upon the summary conviction court by leaving with that court a copy thereof within *seven* clear days after the time when the adjudication that is questioned was made;"

(2) The purpose of this amendment is to extend the time for serving notice of appeal on the opposite party and for transmitting the matter to the court hearing the appeal, from seven to fifteen days where such time is not prescribed by rules of court. The amendment applies to appeals by way of "stated case" in summary conviction matters. Paragraph (c) at present reads as follows:

"(c) the appellant shall, within *seven* clear days after receiving the stated case,
(i) give to the respondent a notice in writing of the appeal with a copy of the stated case, and
(ii) transmit the stated case to the superior court."

Clause 45: The purpose of this amendment is to confer upon the provincial court of appeal, sitting on an appeal from an "appeal court" in a summary conviction matter, the powers, in so far as they are applicable, which sections 590-595 already confer on the court when dealing with indictable offences. Subsection (2) at present reads as follows:

"(2) Sections 581 to 589 apply *mutatis mutandis*, to an appeal under this section, and the court of appeal shall have the power to grant a new trial."

The purpose of this document is to provide a summary of the proceedings in the case of [Name] vs. [Name]. The proceedings were held on [Date] at [Location]. The judge presiding over the case was [Name]. The parties to the case are [Name] and [Name]. The judge found in favor of [Name] and awarded [Amount]. The reasons for the judgment are as follows:

The judge found that [Name] was liable for [Reason]. [Name] failed to provide sufficient evidence to support their claim. The judge also found that [Name] was not liable for [Reason]. [Name] provided sufficient evidence to support their claim. The judge awarded [Amount] to [Name] as compensation for [Reason]. The judge also awarded [Amount] to [Name] as costs of the proceedings. The judge's decision is final and binding on the parties.

The judge's decision is based on the following facts: [Name] failed to provide sufficient evidence to support their claim. [Name] provided sufficient evidence to support their claim. The judge found that [Name] was liable for [Reason]. The judge also found that [Name] was not liable for [Reason]. The judge awarded [Amount] to [Name] as compensation for [Reason]. The judge also awarded [Amount] to [Name] as costs of the proceedings.

The judge's decision is based on the following facts: [Name] failed to provide sufficient evidence to support their claim. [Name] provided sufficient evidence to support their claim. The judge found that [Name] was liable for [Reason]. The judge also found that [Name] was not liable for [Reason]. The judge awarded [Amount] to [Name] as compensation for [Reason]. The judge also awarded [Amount] to [Name] as costs of the proceedings.

C-111.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-111.

An Act to amend the Railway Act.

First reading, June 17, 1961.

THE MINISTER OF TRANSPORT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-111.

An Act to amend the Railway Act.

R.S. c. 234;
1955, cc. 41,
55;
1958, c. 40;
1960, c. 35.

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

1. Section 328 of the *Railway Act* is amended by adding thereto the following subsection:

Rapeseed.

“(8) For the purposes of subsections (6) and (7) and the Act and agreement therein referred to, the expression “grain” includes rapeseed, and the rates applicable to the movement of rapeseed from any point referred to in subsection (6) after the coming into force of this subsection shall not exceed the rates applicable to flaxseed.”

5

10

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of this amendment is to apply to rapeseed the rates applicable to flaxseed by virtue of the Crow's Nest Pass Agreement.

In accordance with the provisions of the Crow's Nest Pass Agreement...

Enacted by the House of Commons...

Mrs. J. G. ...

Printed and Published by the Queen's Printer...

THE HOUSE OF COMMONS OF CANADA

BILL C-111

AN ACT TO AMEND THE BANK ACT

The purpose of this amendment is to amend the Bank Act in order to give effect to the provisions of the International Convention on the Law of the Sea.

1. Section 2 of the Bank Act is amended by adding the following: "The purpose of this amendment is to amend the Bank Act in order to give effect to the provisions of the International Convention on the Law of the Sea."

C-112.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-112.

An Act to provide for Copyright in Canada and to
Implement the Universal Copyright Convention.

First reading, June 19, 1961.

Miss LAMARSH.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

COPYRIGHT ACT, 1961

ARRANGEMENT AND CONTENTS

	PAGE
Short Title.....	3
Interpretation.....	3
Supplementary Interpretation.....	5
Ratification of Universal copyright and protocols.....	6

PART I

COPYRIGHT IN ORIGINAL WORKS.

Nature of copyright under this Act.....	6
Copyright in literary, dramatic and musical works.....	8
Copyright in Artistic works.....	9
Ownership of copyright in literary, dramatic, musical and artistic works.....	10
General exceptions from protection of literary, dramatic and musical works.....	11
Special exceptions as respects libraries and archives.....	13
Special exceptions at exhibitions or fairs.....	15
Special exceptions as respects religious, educational or charitable organizations.....	15
Special exceptions in respect of records of literary, dramatic and musical works.....	15
General exceptions from protection of artistic works.....	17
Special exceptions in respect of Industrial designs.....	18
Anonymous and pseudonymous works.....	19
Works of joint authorship.....	20

PART II

COPYRIGHT IN SOUND RECORDINGS, MOTION PICTURE FILMS, BROADCASTS, ETC.

Copyright in sound recordings.....	21
Copyright in motion picture films.....	21
Copyright in television broadcasts and sound broadcasts.....	23

PART III

INFRINGEMENT OF COPYRIGHT.

Infringement of copyright by import, sale and other dealings...	24
---	----

PART IV

REMEDIES FOR INFRINGEMENTS OF COPYRIGHT.

	PAGE
Action by owner of copyright for infringement.....	25
Rights of owner of copyright.....	26
Proceedings—copyright subject to exclusive licence.....	27
Proof of facts in copyright action.....	29
Penalties and summary proceedings.....	31
Restrictions on import.....	32

PART V

EXTENSION OR RESTRICTION OF OPERATION OF ACT.

Extension of Act by Order in Council.....	33
Denial of copyright.....	34

PART VI

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS.

Assignments and licences in respect of copyright.....	35
Prospective ownership of copyright.....	36
Wills.....	37
Provision as to Crown and Government Departments.....	37
False attribution of authorship.....	37
General.....	39
Copies for Library of Parliament.....	39
Repeal.....	39

THE HOUSE OF COMMONS OF CANADA.

BILL C-112.

An Act to provide for Copyright in Canada and to Implement the Universal Copyright Convention.

HER 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 *Copyright Act, 1961*.

INTERPRETATION.

- 2.** (1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—
- Interpreta- **(a)** “adaptation”, in relation to a literary, dramatic or 5
tion. musical work, has the meaning assigned to it by
“Adapta- subsection (6) of section 6; 10
tion.” **(b)** “artistic work” has the meaning assigned to it by
“Artistic subsection (1) of section 7;
work.” **(c)** “building” includes any structure;
“Building.” **(d)** “construction” includes erection, and references to
“Construc- reconstruction, shall be construed accordingly; 15
tion.” **(e)** “dramatic work” includes a choreographic work or
“Dramatic entertainment in dumb show if reduced to writing
Work.” in the form in which the work or entertainment is
to be presented, but does not include a motion
picture film, as distinct from a scenario or script 20
for a motion picture film;
(f) “engraving” includes any etching, lithograph, wood-
cut, print or similar work, not being a photograph;
“Engrav- **(g)** “future copyright” and “prospective owner” have
ing.” the meanings assigned to them by subsection (4) 25
“Future of section 31;
copyright.”

- “Judicial proceedings.” (h) “judicial proceedings” means a proceeding before any court, tribunal or person having by law power to hear, receive and examine evidence on oath;
- “Literary Work.” (i) “literary work” includes any written table or compilation; 5
- “Manuscript.” (j) “manuscript”, in relation to a work, means the original document embodying the work, whether written by hand or not;
- “Motion picture film.” (k) “motion picture film” has the meaning assigned to it by subsection (9) of section 19; 10
- “Performance.” (l) “performance” includes delivery, in relation to lectures, addresses, speeches and sermons, and in general, subject to the provisions of subsection (3) of this section, includes any mode of visual or acoustic presentation, including any such presentation by the operation of wireless telegraphy apparatus, or by the exhibition of a motion picture film, or by the use of a record, or by any other means, and references to performing a work or an adaptation of a work shall be construed accordingly; 15
- “Photograph.” (m) “photograph” means any product of photography or of any process akin to photography, other than a part of a motion picture film, and “author”, in relation to a photograph, means the person who, at the time when the photograph is taken, is the owner of the material on which it is taken; 25
- “Qualified person.” (n) “qualified person” has the meaning assigned to it by subsection (5) of section 5;
- “Record.” (o) “record” means any disc, tape, perforated roll or other device in which sounds are embodied so as to be capable (with or without the aid of some other instrument) of being automatically reproduced therefrom, and references to a record of a work or other subject-matter are references to a record (as herein defined) by means of which it can be performed; 30
- “Reproduction.” (p) “reproduction”, in the case of a literary, dramatic or musical work, includes a reproduction in the form of a record or of a motion picture film, and, in the case of an artistic work, includes a version produced by converting the work into a three-dimensional form, or, if it is in three dimensions, by converting it into a two-dimensional form, and references to reproducing a work shall be construed accordingly; 35
- “Sculpture.” (q) “sculpture” includes any cast or model made for purposes of sculpture; 45
- “Sound recording.” (r) “sound recording” has the meaning assigned to it by subsection (6) of section 18;
- “Sufficient acknowledgment.” (s) “sufficient acknowledgment” has the meaning assigned to it by subsection (9) of section 9;

"Television broadcast."

"Work of joint authorship."

"Writing."

- (t) "television broadcast" and "sound broadcast" have the meanings assigned to them by section 20;
- (u) "work of joint authorship" has the meaning assigned to it by subsection (7) of section 17;
- (v) "writing" includes any form of notation, whether by hand or by printing, typewriting or any similar process. 5

References.

(2) References in this Act to the transmission of a work or other subject-matter to subscribers to a diffusion service are references to the transmission thereof in the course of a service of distributing broadcast programmes, or other programmes (whether provided by the person operating the service or other persons), over wires, or other paths provided by a material substance, to the premises of subscribers to the service; and for the purposes of this Act, where a work or other subject-matter is so transmitted,— 10 15

- (a) the person operating the service (that is to say, the person who, in the agreements with subscribers to the service, undertakes to provide them with the service, whether he is the person who transmits the programmes or not) shall be taken to be the person causing the work or other subject-matter to be so transmitted, and 20
- (b) no person, other than the person operating the service, shall be taken to be causing it to be so transmitted, notwithstanding that he provides any facilities for the transmission of the programmes: 25

Proviso.

Provided that, for the purposes of this subsection, and of references to which this subsection applies, no account shall be taken of a service of distributing broadcast or other programmes, where the service is only incidental to a business of keeping or letting premises where persons reside or sleep, and is operated as part of the amenities provided exclusively or mainly for residents or inmates therein. 30

Broadcasting not performance.

(3) For the purposes of this Act, broadcasting, or the causing of a work or other subject-matter to be transmitted to subscribers to a diffusion service, shall not be taken to constitute performance, or to constitute causing visual images or sounds to be seen or heard. 35

Supplementary provisions as to interpretation.

3. (1) In determining for the purposes of any provision of this Act— 40

- (a) whether a work or other subject-matter has been published, or
- (b) whether a publication of a work or other subject-matter was the first publication thereof, or 45
- (c) whether a work or other subject-matter was published or otherwise dealt with in the lifetime of a person,

no account shall be taken of any unauthorized publication or of the doing of any other unauthorized act. 50

Provided that nothing in this subsection shall affect any provisions of this Act as to the acts restricted by any copyright or as to acts constituting infringements of copyrights, or any provisions of section 30.

Reference to the time.

(2) Reference in this Act to the time at which, or the period during which, a literary, dramatic or musical work was made are references to the time or period at or during which it was first reduced to writing or some other material form. 5

Ratification of universal copyright and protocols.

4. (1) The Universal Copyright Convention signed at Geneva, September 6th, 1952, together with the three protocols annexed thereto, is approved and declared to have the force of law in Canada. 10

Inconsistent laws.

(2) In the event of any inconsistency between the provisions of this Act, or the Convention and protocols, and the operation of any other law, the provisions of this Act and the Convention and protocols prevail to the extent of the inconsistency. 15

Orders and regulations.

(3) The Governor in Council may make such orders and regulations as are deemed necessary for the purpose of carrying out the Convention and protocols or for giving effect to any of the provisions thereof. 20

PART I

COPYRIGHT IN ORIGINAL WORKS.

Nature of copyright under this Act.

5. (1) In this Act "copyright" in relation to a work (except where the context otherwise requires) means the exclusive right, by virtue and subject to the provisions of this Act, to do, and to authorize other persons to do, certain acts in relation to that work in Canada. 25

The said acts, in relation to a work of any description, are those acts which, in the relevant provision of this Act, are designated as the acts restricted by the copyright in a work of that description. 30

When copyright infringed.

(2) In accordance with the preceding subsection, but subject to the following provisions of this Act, the copyright in a work is infringed by any person who, not being the owner of the copyright, and without the license of the owner thereof, does, or authorizes another person to do, any of the said acts in relation to the work in Canada. 35

References.

(3) In the preceding subsections references to the relevant provision of this Act, in relation to a work of any description, are references to the provision of this Act whereby it is provided that (subject to compliance with the conditions specified therein) copyright shall subsist in works of that description. 40

Applications
of certain
provisions.

(4) The preceding provisions of this section shall apply, in relation to any subject-matter (other than a work) of a description to which any provision of Part II relates, as they apply in relation to a work.

"Qualified
person."

(5) For the purposes of any provision of this Act which specifies the conditions under which copyright may subsist in any description of work or other subject-matter, "qualified persons" means:

(a) in the case of an individual, a person who is a Canadian citizen, or who is domiciled, or resident, in Canada,

(b) in the case of a body corporate, a body incorporated under the laws of Canada, or of any Province thereof, and

(c) any class of persons to whom the provisions of this Act are extended by the Governor in Council.

"Publica-
tion."

(6) For the purposes of this Act, "publication" in reference to any literary, dramatic, musical or artistic work, means the issue of copies of the work to the public, but the following shall not be regarded as publication:

(a) the exhibition of an artistic work, the construction of a work of architecture, or the issue of photographs or engravings of a work of architecture or of a sculpture;

(b) except in so far as it may constitute an infringement of copyright, a publication which is merely colourable and not intended to satisfy the reasonable requirements of the public.

Notice of
intention to
reproduce
after twenty-
five years.

(7) (a) After the expiration of twenty-five years, from the death of the author of a published work, copyright in the work shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work, and that he has paid in the prescribed manner to, or for the benefit of, the owner of the copyright, royalties in respect of all copies of the work sold by him, calculated at the rate of ten per cent on the price at which he publishes the work.

(b) for the purposes of this section, the Governor in Council may make regulations prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time and frequency of the payment of royalties, including, if he thinks, fit, regulations requiring payment in advance or otherwise securing the payment of royalties.

COPYRIGHT IN LITERARY, DRAMATIC OR MUSICAL WORKS.

Copyright in
literary,
dramatic or
musical
works.

6. (1) Copyright shall subsist, subject to the provisions of this Act, in every original literary, dramatic or musical work which is unpublished, and of which the author was a qualified person at the time when the work was made, or, if the making of the work extended over a period, was a qualified person for a substantial part of that period. 5

Conditions
for copyright
to subsist.

(2) Where an original literary, dramatic or musical work has been published, then, subject to the provisions of this Act, copyright shall subsist in the work (or, if copyright in the work subsisted immediately before its first publication, shall continue to subsist) if, but only if,— 10

(a) the first publication of the work took place in Canada, or 15

(b) the author of the work was a qualified person at the time when the work was first published, or

(c) the author had died before that time, but was a qualified person immediately before his death.

Proviso.

Provided that a work shall be deemed to be first published in Canada notwithstanding that it has been published simultaneously in some other place; and a work shall be deemed to be published simultaneously in two places, if the time between the publication in one such place and the other place does not exceed thirty days. 20 25

Duration.

(3) Subject to the last preceding subsection, copyright subsisting in a work by virtue of this Act, shall, except as otherwise expressly provided by this Act, be for a period expiring at the end of fifty-six years from the first day of January next following the time of publication, or at the death of the author, whichever is later, and shall then expire. 30

Proviso.

Provided that if before the death of the author none of the following acts had been done, that is to say,—

(a) the publication of the work, 35

(b) the broadcasting of the work,

the copyright shall continue to subsist until the end of the period of seventy-five years after the author's death, or one hundred years after the work was made, whichever is later, and shall then expire. 40

(4) In the last preceding subsection reference to the doing of any act in relation to a work includes references to the doing of that act in relation to an adaptation of the work.

Restrictions.

(5) The acts restricted by the copyright in a literary, dramatic or musical work are— 45

(a) reproducing the work in any material form;

(b) publishing the work;

(c) performing the work in public;

(d) broadcasting the work; 50

- (e) causing the work to be transmitted to subscribers to a diffusion service;
- (f) making any adaptation of the work;
- (g) doing, in relation to an adaptation of the work, any of the acts specified in relation to the work in paragraphs (a) to (e) of this subsection. 5

“Adaptation.”

- (6) In this Act, “adaptation”—
- (a) in relation to a literary or dramatic work, means any of the following, that is to say,—
 - (i) in the case of a non-dramatic work, a version of 10 the work (whether in its original language or a different language) in which it is converted into a dramatic work;
 - (ii) in the case of a dramatic work, a version of the work (whether in its original language or a 15 different language) in which it is converted into a non-dramatic work;
 - (iii) a translation of the work;
 - (iv) a version of the work in which the story or action is conveyed wholly or mainly by means 20 of pictures; and
- (b) in relation to a musical work, means an arrangement of the work;

so however that the mention of any matter in this definition of “adaptation” shall not affect the generality of the words 25 “reproducing the work in any material form”.

COPYRIGHTS IN ARTISTIC WORKS.

Copyright in artistic works.

- 7. (1) In this Act, “artistic work” means a work of any of the following descriptions, that is to say,—
 - (a) the following, irrespective of artistic quality, namely paintings, sculptures, drawings, engravings and 30 photographs;
 - (b) works of architecture, being either buildings or models for buildings;
 - (c) works of artistic craftsmanship, not falling within either of the preceding paragraphs. 35
- (2) Copyright shall subsist, subject to the provisions of this Act, in every original artistic work which is unpublished, and of which the author was a qualified person at the time when the work was made, or if the making of the work extended over a period, was a qualified person for a 40 substantial part of that period.
- (3) Where an original artistic work has been published, then, subject to the provisions of this Act, copyright shall

Duration.

subsist in the work (or, if copyright in the work subsisted immediately before its first publication, shall continue to subsist) if, but only if—

- (a) the first publication of the work took place in Canada, or 5
- (b) the author of the work was a qualified person at the time when the work was first published, or
- (c) the author had died before that time, but was a qualified person immediately before his death.

Idem.

(4) Subject to the last preceding subsection, copyright subsisting in a work by virtue of this section shall continue to subsist for a period expiring at the end of fifty-six years from the first day of January next following the author's death, and shall then expire: 10

Provided that— 15

Proviso.

- (a) in the case of an engraving, if before the death of the author the engraving had not been published, the copyright shall continue to subsist until the end of the period of seventy-five years after the author's death, or one hundred years after the engraving was made, whichever is later, and shall then expire, and 20
- (b) in the case of an engraving where there has been publication within a period of seventy-five years after the author's death, or within one hundred years after the engraving was made, the copyright shall continue to subsist for a period expiring at the end of fifty-six years from the first day of January next following the publication, and shall then expire, and 30
- (c) the copyright in a photograph shall continue to subsist for a period expiring at the end of forty years from the first day of January next following the date upon which the photograph was taken.
- (5) The acts restricted by the copyright in an artistic work are— 35
 - (a) reproducing the work in any material form;
 - (b) publishing the work.

OWNERSHIP OF COPYRIGHT IN LITERARY, MUSICAL AND ARTISTIC WORKS.

Ownership
of copyright
in literary,
musical and
artistic
works.

S. (1) Subject to the provisions of this section, the author of a work shall be entitled to any copyright subsisting in the work by virtue of this Part. 40

(2) Where a literary, dramatic, musical or artistic work is made by the author in the course of his employment by another person, under a contract of service or apprenticeship, that other person shall be entitled to any copyright subsisting in the work by virtue of this Part.

8

(3) Where a person commissions the taking of a photograph or a painting or a drawing or the taking or an engraving and pays for it in money or money's worth, and the work is made in pursuance of that commission, the person who so commissioned the work shall be entitled to any copyright subsisting in the work by virtue of this Part.

10

(4) Where a person commissions a painting or a drawing (not a portrait) for a particular purpose, and the author agrees to pay for it in money's worth, and the work is made in pursuance of that commission, the author shall be entitled to any copyright subsisting in the work by virtue of this Part for any other than that particular purpose for which the work was commissioned.

12

(5) Where a work not falling within the two last preceding subsections, a work is made in the course of the author's employment by another person under a contract of service or apprenticeship, that other person shall be entitled to any copyright subsisting in the work by virtue of this Part.

22

(6) Where a person commissions a work for a particular purpose communicated to the author before the work was made and pays or agrees to pay for it in money's worth, and the work is made in pursuance of that commission, the author shall be entitled to any copyright subsisting in the work by virtue of this Part for any other than that particular purpose for which the work was commissioned.

30

(7) None of the three last preceding subsections shall have effect subject to any particular case to any effect stated regarding the question therein in that case.

32

(8) The preceding provisions of this section shall all have effect subject to the provisions of Part VI.

GENERAL EXCEPTIONS FROM PROTECTION BY COPYRIGHT, DRAMATIC AND MUSICAL WORKS

(1) He who deals with a literary, dramatic or musical work for purposes of research or private study shall not infringe an instrument of the copyright in the work.

40

(2) He who deals with a literary, dramatic or musical work shall constitute an infringement of the copyright in the work if it is for purposes of criticism or review, whether in print or on a cinematograph film, and is accompanied by a substantial commentary.

Copyright Act, 1911, s. 11

Section 11

Section 11

Section 11

Section 11

Section 11

Section 11

(2) Where a literary, dramatic, musical or artistic work is made by the author in the course of his employment by another person, under a contract of service or apprenticeship, that other person shall be entitled to any copyright subsisting in the work by virtue of this Part. 5

Person entitled to copyright in certain cases.

(3) Where a person commissions the taking of a photograph, or a painting or a drawing, or the making or an engraving, and pays for it in money or money's worth, and the work is made in pursuance of that commission, the person who so commissioned the work shall be entitled to any copyright subsisting in the work by virtue of this Part. 10

Proviso.

Provided that, where a person commissions a painting or a drawing (not a portrait) for a particular purpose communicated to the author before the work was made, and pays or agrees to pay for it in money's worth, and the work is made in pursuance of that commission, the author shall be entitled to any copyright subsisting in the work by virtue of this Part for any other than that particular purpose for which the work was commissioned. 15

Idem.

(4) Where, in a case not falling within the two last preceding subsections, a work is made in the course of the author's employment by another person under a contract of service or apprenticeship, that other person shall be entitled to any copyright subsisting in the work by virtue of this Part. 20

Proviso.

Provided that where a person commissions a work for a particular purpose communicated to the author before the work was made and pays or agrees to pay for it in money's worth, and the work is made in pursuance of that commission, the author shall be entitled to any copyright subsisting in the work by virtue of this Part for any other than that particular purpose for which the work was commissioned. 25

Agreement to govern.

(5) Each of the three last preceding subsections shall have effect, subject, in any particular case, to any agreement excluding the operation thereof in that case. 30

Effect of subsections.

(6) The preceding provisions of this section shall all have effect subject to the provisions of Part VI. 35

GENERAL EXCEPTION FROM PROTECTION OF LITERARY, DRAMATIC AND MUSICAL WORKS.

General exceptions from protection of literary, dramatic and musical works.

(1) No fair dealing with a literary, dramatic or musical work for purposes of research or private study shall constitute an infringement of the copyright in the work. 40

(2) No fair dealing with a literary, dramatic or musical work shall constitute an infringement of the copyright in the work if it is for purposes of criticism or review, whether of that work or of another work, and is accompanied by a sufficient acknowledgment. 45

Provision

(3) No fair dealing with a literary, dramatic or musical work shall constitute an infringement of the copyright in the work if it is for the purpose of reporting current events — (a) in a newspaper, magazine or similar periodical or (b) by means of broadcast, or in a motion picture film.

Provision

and in a case falling within paragraph (a) of this subsection, is accompanied by a sufficient acknowledgment.

Provision

Provided that for the purpose of this subsection, and not to the generality thereof, "a literary work" shall include a speech, lecture, sermon or other address delivered in public, whether or not from notes, provided the same is simultaneously with delivery, reduced to writing or some other material form.

Provision

(1) The copyright in a literary, dramatic or musical work is not abridged by reproducing it for the purpose of a judicial or quasi-judicial proceeding or for the purpose of a report of such a proceeding.

Provision

(2) The taking or retention in public by any person of any transmission made from a published literary or dramatic work, if accompanied by a sufficient acknowledgment, shall not constitute an infringement of the copyright in the work.

Provision

Provided that this subsection shall not apply to anything done for the purpose of broadcast.

Provision

(3) The copyright in a published literary or dramatic work is not abridged by the inclusion of a short passage therefrom in a collection intended for the use of schools.

Provision

(a) the collection is described in its title, and in any advertisement thereof issued by or on behalf of the publisher, as being an intended, and (b) the work in question was not published for the use of schools, and (c) the inclusion of the passage is accompanied by a sufficient acknowledgment.

Provision

Provided that this subsection shall not apply in relation to the copyright in a work if, in relation to the passage in question, two or more other extracts from works by the same author, or by the author in collaboration or jointly with one or more authors (being works in which copyright subsists at the time when the collection is published) are contained in that collection, or are contained in that collection taken together with every similar collection (if any) published by the same publisher within the period of five years immediately preceding the publication of that collection.

Provision

(4) The copyright in a published literary or dramatic work is not abridged by the inclusion of a short passage therefrom in a collection intended for the use of schools.

Provision

(5) The copyright in a published literary or dramatic work is not abridged by the inclusion of a short passage therefrom in a collection intended for the use of schools.

Provision

(6) The copyright in a published literary or dramatic work is not abridged by the inclusion of a short passage therefrom in a collection intended for the use of schools.

Provision

(7) The copyright in a published literary or dramatic work is not abridged by the inclusion of a short passage therefrom in a collection intended for the use of schools.

Provision

(8) The copyright in a published literary or dramatic work is not abridged by the inclusion of a short passage therefrom in a collection intended for the use of schools.

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(9) The copyright in a published literary or dramatic work is not abridged by the inclusion of a short passage therefrom in a collection intended for the use of schools.

Provision

(10) The copyright in a published literary or dramatic work is not abridged by the inclusion of a short passage therefrom in a collection intended for the use of schools.

Provision

(11) The copyright in a published literary or dramatic work is not abridged by the inclusion of a short passage therefrom in a collection intended for the use of schools.

Provision

(12) The copyright in a published literary or dramatic work is not abridged by the inclusion of a short passage therefrom in a collection intended for the use of schools.

- Fair dealing. (3) No fair dealing with a literary, dramatic or musical work shall constitute an infringement of the copyright in the work if it is for the purpose of reporting current events—
 (a) in a newspaper, magazine or similar periodical, or
 (b) by means of broadcasting, or in a motion picture film,
 and, in a case falling within paragraph (a) of this subsection, is accompanied by a sufficient acknowledgment. 5
- Proviso. Provided that for the purposes of this subsection, and not to the generality thereof, "a literary work" shall include a speech, lecture, sermon or other address, delivered in public, whether or not from notes, provided the same is, simultaneously with delivery, reduced to writing or some other material form. 10
- Saving. (4) The copyright in a literary, dramatic or musical work is not infringed by reproducing it for the purpose of a judicial, or quasi-judicial proceeding, or for the purposes of a report of such a proceeding. 15
- Idem. (5) The reading or recitation in public by one person of any reasonable extract from a published literary or dramatic work, if accompanied by a sufficient acknowledgment, shall not constitute an infringement of the copyright in the work: 20
- Proviso. Provided that this subsection shall not apply to anything done for the purposes of broadcasting. 25
- Idem. (6) The copyright in a published literary or dramatic work is not infringed by the inclusion of a short passage therefrom in a collection intended for the use of schools, if—
 (a) the collection is described in its title, and in any advertisements thereof issued by or on behalf of the publisher, as being so intended, and
 (b) the work in question was not published for the use of schools, and
 (c) the inclusion of the passage is accompanied by a sufficient acknowledgement; 35
- Proviso. Provided that this subsection shall not apply in relation to the copyright in a work if, in addition to the passage in question, two or more other excerpts from works by the author thereof or by the author in collaboration or jointly with one or more authors (being works in which copyright subsists at the time when the collection is published) are contained in that collection, or are contained in that collection taken together with every similar collection (if any) published by the same publisher within the period of five years immediately preceding the publication of that collection. 40 45

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- Idem. (7) Where a person is authorized to broadcast a literary, dramatic or musical work, but (apart from this subsection) would not be entitled to make reproductions of it in the form of a record or of a motion picture film, the copyright in the work is not infringed by his making such a reproduction of the work solely for the purpose of broadcasting the work; 5
- Proviso. Provided that such reproduction shall be used solely for the purpose of the authorized broadcasting within a period of thirty days after the day when it or a copy of it was first broadcast and thereafter for no purpose other than research or study. 10
- Application. (8) The preceding provisions of this section shall apply to the doing of any act in relation to an adaptation of a work as they apply in relation to the doing of that act in relation to the work itself. 15
- "Sufficient acknowledgment." (9) In this act "sufficient acknowledgment" means an acknowledgment identifying the work in question by its title or other description and, unless the work is anonymous or the author has previously agreed or required that no acknowledgment of his name should be made, also identifying the author. 20
- Special exceptions as respects libraries and archives. **10.** (1) The copyright in an article contained in a periodical publication is not infringed by the making or supplying of a copy of the article, if the copy is made or supplied by or on behalf of the librarian of a library of a class prescribed by regulations made under this subsection by the Governor in Council, and the conditions prescribed by those regulations are complied with. 25
- Regulations. (2) In making any regulations for the purpose of the preceding subsection the Governor in Council shall make such provision as it may consider appropriate for securing— 30
- (a) that the libraries to which the regulations apply are not established nor conducted for profit;
 - (b) that the copies in question are supplied only to persons satisfying the librarian, or a person acting on his behalf, that they require them for purposes of research or private study and will not use them for any other purpose; 35
 - (c) that no person is furnished under the regulation with two or more copies of the same article; and 40
 - (d) that no copy extends to more than one article, or if to more than one, then only to articles relating to the same subject matter, 40
- and may impose such other requirements (if any) as may appear to the Governor in Council to be expedient. 45
- Saving. (3) The copyright in a published literary, dramatic or musical work, other than an article contained in a periodical publication, is not infringed by the making or supplying

of a copy of part of the work, if the copy is made or supplied by or on behalf of the librarian of a library of a class permitted by regulations made under this subsection by the Governor in Council, and the conditions prescribed by these regulations are complied with.

(4) The provision of subsection (2) of this section shall apply for the purposes of the last preceding subsection: Provided that any regulations made under the last preceding subsection shall include such provision as the Governor in Council may consider appropriate for securing that no copy to which the regulations apply extends to more than a reasonable proportion of the work in question.

(5) The copyright in a published literary, dramatic or musical work is not infringed by the making or supplying of a copy of the work or of a part of it by or on behalf of the librarian of a library of a class specified by regulations made under this subsection by the Governor in Council.

(6) The copy is supplied to the librarian of any library or a class so prescribed:

(a) at the time when the copy is made, the librarian or the person to whom it is supplied does not know the name and address of any person entitled to demand the making of the copy, and could not do so by reasonable enquiry ascertain the name and address of such a person; and

(b) any other conditions prescribed by the regulations are complied with.

Provided that the condition specified in paragraph (b) of this subsection shall not apply in the case of an article contained in a periodical publication.

(7) In relation to an article or other work which is reproduced by one or more artists whose names are mentioned or mentioned in the subsection is (in this subsection referred to as "illustrations"), the preceding provisions of this section shall apply as if—

(a) whenever they provide that the copyright in the article or work is not infringed, the reference to that copyright included a reference to any copyright in any of the illustrations;

(b) in subsections (1) and (2), references to a copy of the article included references to a copy of the article together with a copy of the illustrations or any of them; and

(c) in subsections (3) to (5), references to a copy of the work included references to a copy of the work together with a copy of the illustrations or any of them, and references to a copy of part of the work

Authorised
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Governor

Section

Provided

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of a copy of part of the work, if the copy is made or supplied by or on behalf of the librarian of a library of a class prescribed by regulations made under this subsection by the Governor in Council, and the conditions prescribed by those regulations are complied with. 5

Application
of ss. (2).

(4) The provision of subsection (2) of this section shall apply for the purposes of the last preceding subsection:

Proviso.

Provided that any regulations made under the last preceding subsection shall include such provision as the Governor in Council may consider appropriate for securing 10 that no copy to which the regulations apply extends to more than a reasonable proportion of the work in question.

Saving.

(5) The copyright in a published literary, dramatic or musical work is not infringed by the making or supplying of a copy of the work, or of a part of it, by or on behalf of 15 the librarian of a library of a class prescribed by regulations made under this subsection by the Governor in Council, if—

(a) the copy is supplied to the librarian of any library of a class so prescribed; 20

(b) at the time when the copy is made, the librarian by or on whose behalf it is supplied does not know the name and address of any person entitled to authorize the making of the copy, and could not by reasonable enquiry ascertain the name and 25 address of such a person; and

(c) any other conditions prescribed by the regulations are complied with:

Proviso.

Provided that the condition specified in paragraph (b) of this subsection shall not apply in the case of an article 30 contained in a periodical publication.

In case of
"illustrations."

(6) In relation to an article or other work which is accompanied by one or more artistic works provided for explaining or illustrating it (in this subsection referred to as "illustrations"), the preceding provisions of this section 35 shall apply as if—

(a) wherever they provide that the copyright in the article or work is not infringed, the reference to that copyright included a reference to any copy-right in any of the illustrations; 40

(b) in subsections (1) and (2), references to a copy of the article included references to a copy of the article together with a copy of the illustrations or any of them; and

(c) in subsections (3) to (5), references to a copy of the 45 work included references to a copy of the work together with a copy of the illustrations or any of them, and references to a copy of part of the work

Included references to a copy of that part of the work together with a copy of the illustrations which were provided for explaining or illustrating that part.

(7) In this section "article" includes an item of any description.

"Article"

EXEMPTION

14. The copyright in a published musical work is not infringed by its public performance at any agricultural, agricultural-industrial exhibition or fair which receives a grant or is held under Licence, Provisional or Municipal authority.

Exhibition of picture or other exhibition or fair

Provided that this subsection shall not apply if such work is performed in a place, or to advertise or attract persons to a place, for a purpose to which any other than (a) or (b) applied for admission to such fair or exhibition.

Provision

15. The copyright in a published musical work is not infringed by its public performance in furtherance of a religious, educational or charitable object, which is authorized by a church, college, school or religious, charitable or literary organization.

Religious, educational or literary organization

16. (1) The copyright in a literary, dramatic or musical work is not infringed by a person in the section referred to as "the manufacturer" who makes a record of the work or of an adaptation of the work in Canada if—

Section 16

(a) all records of the work or of the adaptation of it are made for the purpose of sale or hire by or with the consent or agreement of the owner of the copyright in the work; and

(b) before making the record the manufacturer gives to the owner of the copyright the prescribed notice of his intention to make it; and

(c) the manufacturer intends to sell the record or let it for hire or to supply it for the purpose of its being sold or let for hire by another person or intends to use it for making other records which are to be sold or let for hire; and

(d) in the case of a record which is sold or let for hire the manufacturer pays to the owner of the copyright in the recorded matter and in the prescribed form a royalty of an amount determined as set out below.

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included references to a copy of that part of the work together with a copy of any of the illustrations which were provided for explaining or illustrating that part.

“Article.”

(7) In this section “article” includes an item of any description. 5

EXCEPTION.

Exceptions of performance at exhibitions or fairs.

11. The copyright in a published musical work is not infringed by its public performance at any agricultural, agricultural-industrial exhibition or fair which receives a grant or is held under Dominion, Provincial or Municipal authority: 10

Proviso.

Provided that this subsection shall not apply if such works are performed in a place, or to advertise or attract persons to a place, fees for admission to which are charged, other than a fee (if any) charged for admission to such fair or exhibition. 15

Special exceptions in performance in religious, educational or charitable objects.

12. The copyright in a published musical work is not infringed by its public performance in furtherance of a religious, educational or charitable object, which is authorized by a church, college, school or religious, charitable or fraternal organization. 20

Special exceptions—records.

13. (1) The copyright in a literary, dramatic or musical work is not infringed by a person (in this section referred to as “the manufacturer”) who makes a record of the work or of an adaptation of the work in Canada if— 25

- (a) records of the work or, as the case may be, of a similar adaptation of the work have previously been made for the purpose of sale or hire by or with the consent or acquiescence of the owner of the copyright in the work; and 30
- (b) before making the record the manufacturer gave to the owner of the copyright the prescribed notice of his intention to make it; and
- (c) the manufacturer intends to sell the record or let it for hire or to supply it for the purposes of its being sold or let for hire by another person or intends to use it for making other records which are to be sold or let for hire; and 35
- (d) in the case of a record which is sold or let for hire the manufacturer pays to the owner of the copyright in the prescribed manner and at the prescribed time a royalty of an amount ascertained as set out below. 40

"Owner of
copyright."

(2) "The owner of the copyright" as used in paragraph (a) of subsection (1) of this section means the owner of the copyright for the country in which the records previously made were made.

Royalties,
how
determined.

(3) The royalties referred to in this section shall be determined as follows: 5

- (a) for records, wire or tape recordings, or other devices reproducing a musical work, for each copy one-half cent per minute of playing time, but not less than four cents for any single work; 10
- (b) a medley of more than one musical work, the total playing time of which does not exceed four minutes, shall be considered a single musical work;
- (c) for new arrangements of musical works otherwise in the public domain, for each copy one-quarter 15 cent per minute of playing time, but not less than two cents for any single arrangement;
- (d) for commercial transcriptions and for records intended to be sold or let on hire, royalties as set out above, but not less than four dollars per copy; 20
- (e) where more than one copyright exists in a recording, not more than one royalty computed under this section shall be payable but the royalty shall be apportioned between copyright owners as they may agree, or in default of agreement, as may be determined by a Judge of the Exchequer Court; 25
- (f) where a recording consists of both copyright and non-copyright material, the royalty shall be computed on the playing time of the copyright material only at the rates herein above set out; 30
- (g) where for the purposes of paragraph (a) of subsection (1) of this section, a manufacturer makes enquiry of the owner of the copyright as to his consent or acquiescence in the previous recording of the work and the owner of the copyright defaults 35 in replying thereto for a period of six months after the said enquiry, the previous records shall be deemed to have been made with the consent or acquiescence of the owner of the copyright.

Application
of section.

(4) The provisions of this section shall apply to recordings of part of a work or adaptation as they apply to recordings of the whole of it. 40

Provided that subsection (1) of this section shall not apply to a record of the whole of a work or adaptation unless the previous records referred to in paragraph (a) of subsection (1) were records of the whole of the work or of a similar adaptation unless those previous records were records of or comprising that part of the work or of a similar adaptation. 45

(3) The copyright in a musical, literary or dramatic work is not infringed by a person who imports a record made outside of Canada which might be manufactured in Canada under subsection (1) of this section if he gives the notice and pays the royalties as though he were a manufacturer under subsection (1).

(4) The Governor in Council is empowered to make regulations for the purpose of this section.

(5) In this section "record" and "recording" includes any disc, tape, perforated roll or other device in which sounds are embodied so as to be capable (with or without the aid of some other instrument) of being automatically reproduced therefrom.

14. (1) No person dealing with an artistic work for purposes of research or private study shall constitute an infringement of the copyright in the work.

(2) No person dealing with an artistic work shall constitute an infringement of the copyright in the work if it is for the purpose of criticism or review, whether of that work or of another work and is accompanied by a sufficient acknowledgment.

(3) The copyright in a work to which this subsection applies which is permanently affixed in a public place or in premises open to the public is not infringed by the making of a painting, drawing, engraving or photograph of the work, or the inclusion of the work in a motion picture film.

The subsection applies to sculptures, and to such work of artistic craftsmanship as are mentioned in subsection (1) of section 13.

(4) The copyright in a work of architecture is not infringed by the making of a painting, drawing, engraving or photograph of the work, or the inclusion of the work in a motion picture film.

(5) Without prejudice to the two last preceding subsections, the copyright in an artistic work is not infringed by the inclusion of the work in a motion picture film if its inclusion therein is only by way of background or is otherwise only incidental to the principal matter represented in the film.

(6) The copyright in an artistic work is not infringed by the inclusion of a painting, drawing, engraving, photograph or motion picture film, if by virtue of any of the two last preceding subsections the making of that painting, drawing, engraving, photograph or film did not constitute an infringement of the copyright.

(7) Copyright in an artistic work is not infringed by its production if for the purpose of a festival or a quasi-judicial proceeding or for the purpose of a report of such a proceeding.

Copyright
 "Record"
 "Recording"
 General
 research
 private
 study
 motion
 picture
 film
 background
 incidental
 principal
 matter

Saving. (5) The copyright in a musical, literary or dramatic work is not infringed by a person who imports a record made outside of Canada which might be manufactured in Canada under subsection (1) of this section if he gives the notice and pays the royalties as though he were a manufacturer 5 under subsection (1).

Regulations. (6) The Governor in Council is empowered to make regulations for the purposes of this section.

"Record" and "recording." (7) In this section, "record" and "recording" includes any disc, tape, perforated roll or other device in which 10 sounds are embodied so as to be capable (with or without the aid of some other instrument) of being automatically reproduced therefrom.

General exceptions from protection of artistic works. **14.** (1) No fair dealing with an artistic work for purposes of research or private study shall constitute an infringement 15 of the copyright in the work.

(2) No fair dealing with an artistic work shall constitute an infringement of the copyright in the work if it is for purposes of criticism or review, whether of that work or of another work, and is accompanied by a sufficient acknow- 20 ledgment.

(3) The copyright in a work to which this subsection applies which is permanently situated in a public place, or in premises open to the public, is not infringed by the making of a painting, drawing, engraving or photograph of 25 the work, or the inclusion of the work in a motion picture film.

This subsection applies to sculptures, and to such work of artistic craftsmanship as are mentioned in subsection (1) of section 7. 30

(4) The copyright in a work of architecture is not infringed by the making of a painting, drawing, engraving or photograph of the work, or the inclusion of the work in a motion picture.

(5) Without prejudice to the two last preceding sub- 35 sections, the copyright in an artistic work is not infringed by the inclusion of the work in a motion picture film if its inclusion therein is only by way of background or is otherwise only incidental to the principal matters represented in the film. 40

(6) The copyright in an artistic work is not infringed by the publication of a painting, drawing, engraving, photograph or motion picture film, if by virtue of any of the three last preceding subsections the making of that painting, drawing, engraving, photograph or film did not constitute 45 an infringement of the copyright.

(7) Copyright in an artistic work is not infringed by reproducing it for the purpose of a judicial, or a quasi-judicial proceeding, or for the purposes of a report of such a proceeding.

1. The first part of the report is devoted to a general survey of the situation in the country. It shows that the country is in a state of general depression, and that the people are suffering from want and distress.

2. The second part of the report is devoted to a detailed account of the various causes of the depression. It shows that the principal causes are the failure of the harvest, the high price of food, and the want of employment.

3. The third part of the report is devoted to a description of the various measures which have been taken to relieve the distress. It shows that the Government has done much to relieve the distress, but that more must be done.

4. The fourth part of the report is devoted to a description of the various measures which should be taken to prevent a recurrence of the depression. It shows that the principal measures are to improve the agriculture, to reduce the price of food, and to create employment.

5. The fifth part of the report is devoted to a description of the various measures which should be taken to improve the condition of the people. It shows that the principal measures are to improve the education, to improve the health, and to improve the moral condition.

6. The sixth part of the report is devoted to a description of the various measures which should be taken to improve the condition of the country. It shows that the principal measures are to improve the government, to improve the law, and to improve the administration.

7. The seventh part of the report is devoted to a description of the various measures which should be taken to improve the condition of the world. It shows that the principal measures are to improve the peace, to improve the justice, and to improve the morality.

8. The eighth part of the report is devoted to a description of the various measures which should be taken to improve the condition of the future. It shows that the principal measures are to improve the science, to improve the art, and to improve the industry.

9. The ninth part of the report is devoted to a description of the various measures which should be taken to improve the condition of the present. It shows that the principal measures are to improve the economy, to improve the industry, and to improve the commerce.

10. The tenth part of the report is devoted to a description of the various measures which should be taken to improve the condition of the past. It shows that the principal measures are to improve the history, to improve the literature, and to improve the art.

THE
 REPORT
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 LAND REVENUE
 DEPARTMENT
 FOR THE YEAR
 1880-81

(8) The making of an object of any description which is in three dimensions shall not be taken to infringe the copyright in an artistic work in two dimensions, if the object would not appear, to persons who are not experts in relation to objects of that description, to be a reproduction of the artistic work. 5

(9) The copyright in an artistic work is not infringed by the making of a subsequent artistic work by the same author, notwithstanding that part of the earlier work—

- (a) is reproduced in the subsequent work, and 10
- (b) is so reproduced by the use of a mould, cast, sketch, plan, model or study made for the purposes of the earlier work,

if in making the subsequent work the author does not repeat or imitate the main design of the earlier work. 15

(10) Where copyright subsists in a building as a work of architecture, the copyright is not infringed by any reconstruction of that building; and where a building has been constructed in accordance with architectural drawings or plans in which copyright subsists, and has been so constructed by, or with the licence of, the owner of that copyright, any subsequent reconstruction of the building by reference to those drawings or plans shall not constitute an infringement of that copyright. 20

Special exceptions in respect of industrial designs.

15. (1) Where copyright subsists in an artistic work, 25 and a corresponding design is registered under the *Industrial Design and Union Label Act* (in this section referred to as "*The Industrial Design Act*"), it shall not be an infringement of the copyright in the work—

- (a) to do anything, during the subsistence of the copyright in the registered design under the *Industrial Design Act*, which is within the scope of the copyright in the design, or 30
- (b) to do anything, after the copyright in the registered design has come to an end, which, if it had been done while the copyright in the design subsisted, would have been within the scope of that copyright as extended to all associated designs and articles. 35

(2) Where copyright subsists in an artistic work, and—

- (a) a corresponding design is applied industrially by or with a license of the owner of the copyright in the work, and 40
- (b) articles to which the design has been so applied are sold, let for hire, or offered for sale or hire, and
- (c) at the time when those articles are sold, let for hire, or offered for sale or hire, they are not articles in respect of which design has been registered under the *Industrial Design Act*, 45

it shall not be an infringement of the copyright in the work to

do anything which, at the time when it is done, would, if the design had been registered immediately before that time, have been within the scope of the copyright in the design as extended to all associated designs and articles.

(3) In this section, references to the scope of the copyright in a registered design are references to the aggregate of the things, which, by virtue of the *Industrial Design Act*, the registered proprietor of the design has exclusive right to do, and references to the scope of the copyright in a registered design as extended to all associated designs and articles are references to the aggregate of the things which by virtue of that section, the registered proprietor would have had the exclusive right to do if—

(a) when that design was registered, there had at the same time been registered every possible design consisting of that design with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof, and the said proprietor had been registered as the proprietor of every such design, and

(b) the design in question, and every other design such as is mentioned in the preceding paragraph, had been registered in respect of all the articles to which it was capable of being applied.

(7) In this section “corresponding design”, in relation to an artistic work, means a design which, when applied to an article, results in a reproduction of that work.

“Corresponding design.”

Anonymous and pseudonymous works.

16. (1) Where the first publication

(a) of a literary, dramatic or musical work, of which there has been no previous performance in public, offer for sale to the public of records, or broadcast;

(b) of an engraving, or

(c) in the author’s lifetime, of any other artistic work (other than a photograph)

is anonymous or pseudonymous, any copyright subsisting in the work by virtue of this Act shall continue to subsist until the end of the period of fifty-six years from the end of the calendar year in which the work was first published, and shall then expire.

(2) Subsection (1) shall not apply where, if at any time before the end of the fifty-six year period mentioned, it is possible for a person without previous knowledge of the facts to ascertain the identity of the author by reasonable enquiry.

(3) A publication of a work under two or more names shall not be deemed to be pseudonymous unless all the names are pseudonymous.

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Works of
joint
authorship.

17. (1) Copyright shall subsist in a work of joint authorship if, and only if, at least one of the joint authors is an eligible author.

(2) Where, in the cause of joint authorship of a work, one or more of the authors are not eligible authors, the other author or authors shall be entitled to copyright in the work. 5

(3) Unless otherwise provided, any reference to an author of a work shall be constituted in relation to a work of joint authorship, by a reference to all the authors of the work.

(4) Copyright in a work of joint authorship shall continue to subsist until the end of the period of fifty-six years from the end of the calendar year in which the work was first published, publicly performed, offered for sale of records to the public, or broadcasts, or until the death of the last surviving eligible author (whichever is latest), and shall then expire. 10 15

(5) For the purposes of this Act, where necessary to ascertain the author's death for purposes of computing time, the date shall be the date of death of the last surviving author. 20

(6) Where, in a published work of joint authorship, the work was first published under two or more names and either

(a) one or more of the names (but not all) were pseudonymous, or

(b) all of the names were pseudonymous but it is possible for a person without previous knowledge of the facts to ascertain the identity of any one or more (but not all) of the authors by reasonable enquiry. 25

"Date of
death of
author."

"The date of death of the author" means the date of the death of the last surviving eligible author who did not publish under a pseudonym or whose identity a person without previous knowledge of the facts could, within fifty-six years of the first publication of the work, have ascertained by reasonable enquiry. 30

(7) For the purpose of this section, 35

"Work of
joint author-
ship."

"work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of each author is not separate from the contribution of the other author or authors;

"Eligible
author."

"eligible author" means an author who, if he had been the sole author of the work, would have been entitled to the copyright in it. 40

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PART II

COPYRIGHT IN SOUND RECORDINGS,
MOTION PICTURE FILMS,
BROADCASTS, ETC.Copyright
in sound
recordings.

18. (1) Copyright shall subsist, subject to the provisions of this Act, in every sound recording of which the maker was a qualified person when the recording was made.

(2) Without prejudice to the preceding subsection, copyright shall subsist, subject to the provisions of this Act, in every sound recording which has been published, if the first publication of the recording took place in Canada. 5

(3) Copyright subsisting in a sound recording by virtue of this section shall continue to subsist until the end of the period of forty years from first publication of the recording, and shall then expire. 10

(4) Subject to the provisions of this Act, the maker of a sound recording shall be entitled to any copyright subsisting in the recording by virtue of this section:

Proviso.

Provided that where a person commissions the making of a sound recording, and pays or agrees to pay for it in money or money's worth, and the recording is made in pursuance of that commission, that person, in the absence of any agreement to the contrary, shall, subject to the provisions of this Part, be entitled to any copyright subsisting in the recording by virtue of this section. 15 20

(5) The act restricted by the copyright in a sound recording is the making of a record embodying the recording.

"Sound-
recording."

(6) In this Act "sound recording" means the aggregate of the sounds embodied in, and capable of being reproduced by means of, a record of any description, other than a sound-track associated with a motion picture film and "publication", in relation to a sound recording, means the issue to the public of records embodying the recording or any part of it. 25 30

"Publica-
tion."Copyright
in motion
picture
films.

19. (1) Copyright shall subsist, subject to the provisions of this Act, in every motion picture film of which the maker was a qualified person for the whole or a substantial part of the period during which the film was made.

(2) Without prejudice to the preceding subsection, copyright shall subsist in every motion picture film which has been published, if the first publication of the film took place in Canada. 35

(3) Copyright subsisting in a motion picture film by virtue of this section shall continue to subsist from the time it is made until the film is first exhibited in public and thereafter until the end of the period of forty years, and shall then expire. 40

(4) Subject to the provisions of Part VI, the maker of a motion picture film shall be entitled to any copyright subsisting in the film by virtue of this section.

(5) The acts restricted by the copyright in a motion picture film are—

(a) making a copy of the film;

(b) causing the film, insofar as it consists of visual images, to be seen in public, or, in so far as it consists of sounds, to be heard in public;

(c) broadcasting the film;

(d) causing the film to be transmitted to subscribers to a diffusion service.

(6) (a) The copyright in a motion picture film is not infringed by a person who receives a broadcast, a diffusion or a rediffusion of a film and causes it to be heard or seen in public as and when it is broadcast, diffused or rediffused, as the case may be.

Proviso.

Provided that this subsection shall not apply if the broadcast, the diffusion, or the broadcast rediffused, was not authorized by the owner of the copyright in the film, and any causing to be heard or seen in public such motion picture film by a person receiving it, shall be considered in assessing damages in any proceeding against the broadcaster of person diffusing as the case may be, in respect of that copyright, in so far as that copyright was infringed by him in making the broadcast or diffusion.

(b) The copyright in a motion picture film is not infringed by a person who receives a broadcast, a diffusion or a rediffusion of a film and rediffuses it as and when it is broadcast, diffused or rediffused, as the case may be.

Proviso.

Provided that this subsection shall not apply if the broadcast, the diffusion, or the broadcast rediffused was not authorized by the owner of the copyright in the film, and any rediffusion of such motion picture film by a person receiving it, shall be considered in assessing damages in any proceeding against the broadcaster or person rediffusing, as the case may be, in respect of that copyright, in so far as that copyright was infringed by him in making such rediffusion.

(7) The copyright in a motion picture film is not infringed by making a copy of it for the purposes of a judicial or quasi-judicial proceeding, or by causing it to be seen or heard in public for the purposes of such a proceeding.

(8) Where by virtue of this section copyright has subsisted in a motion picture film, a person who, after that copyright has expired, makes a copy of the film, or causes it to be seen or to be seen and heard in public, or broadcasts

it, or causes it to be transmitted to a subscriber to a diffusion service, does not thereby infringe any copyright subsisting in a literary, dramatic, musical or artistic work.

Definitions.

"Motion picture film."

(9) In this Act—

- (a) "motion picture film" means any sequence of visual images recorded on material of any description (whether translucent or not) so as to be capable, by the use of that material—
- (i) of being shown as a moving picture, or
 - (ii) of being recorded on other material (whether translucent or not) by the use of which it can be shown.

"Publication."

- (b) "publication", in relation to a motion picture film, means the sale, letting on hire, or offer for sale or hire, of copies of the film to the public;

"Copy."

- (c) "copy", in relation to a motion picture film, means any print, negative, tape or other article on which the film or part of it is recorded.

For the purposes of this Act, a motion picture film shall be taken to include the sounds embodied in any sound-track associated with the film, and references to a copy of a motion picture film shall be construed accordingly.

Copyright in television and sound broadcasts.

20. (1) Copyright shall subsist, subject to the provisions of this Act—

- (a) in every television broadcast made in Canada, and
- (b) in every sound broadcast made in Canada.

(2) Copyright subsisting in a television or sound broadcast by virtue of this section shall continue to subsist until the end of the period of forty years from the time when the broadcast was made, and shall then expire.

(3) Subject to the provisions of this Act, the broadcasting person, or if a body corporate, the broadcasting body shall be entitled to any copyright subsisting in the television or sound broadcast by virtue of this section.

(4) The acts restricted by the copyright in a television broadcast or sound broadcast are—

- (a) the recording by a film, record or any other device, of the images or the sounds of the broadcast, or both;
- (b) the use of such a recording for broadcasting or diffusing;
- (c) the use of such a recording for causing the broadcast to be seen or heard in public;
- (d) rebroadcasting the broadcast.

Proviso.

Provided that paragraph (a) of this subsection shall not apply to the mere recording of a broadcast when it is effected for private purposes only of the person or body corporate so recording it.

(5) The copyright in a television broadcast or sound broadcast is not infringed by anything done in relation to the broadcast for the purposes of a judicial or quasi-judicial proceeding.

PART III

INFRINGEMENT OF COPYRIGHT.

Infringement
by import,
sales, etc.

21. (1) Copyright in a work shall be deemed to be 5
infringed by any person who, without the consent of the
owner of the copyright, does anything, the sole right to do
which is, by this Act, conferred on the owner of the copy-
right.

Proviso.

(2) The copyright in a literary, dramatic, musical or 10
artistic work, and in a sound recording, motion picture
film, television broadcast and sound broadcast, is infringed
by any person who, without the license of the owner of the
copyright, imports an article (otherwise than for his private
use) into Canada, if to his knowledge the making of that 15
article constituted an infringement of that copyright, or
would have constituted such an infringement if the article
had been made in Canada, provided however that it shall
not be an infringement to import any article for the use of
an institution of learning if the article was not imported 20
for sale or hire either to students or others, or to import
any article for the use of a public library if the article was
not imported for sale, but this proviso in so far as it applies
to public libraries, shall apply only to those of a class pre-
scribed by regulations made by the Governor in Council, 25
which shall secure that the libraries to which the regulations
apply are not conducted for profit.

(3) The copyright in a literary, dramatic, musical or
artistic work, and in a sound recording, motion picture film,
television broadcast and sound broadcast, is infringed by 30
any person who, in Canada, and without the license of the
owner of the copyright—

(a) sells, lets for hire, or by way of trade, offers or
exposes for sale or hire any article, or

(b) by way of trade, exhibits any article in public, if 35
to his knowledge, the making of the article consti-
tuted an infringement of the copyright or (in the
case of an imported article) would have constituted
an infringement of that copyright if the article had
been made in Canada. 40

(4) The last preceding subsection shall apply in relation
to the distribution of any articles either—

(a) for the purposes of trade, or

(b) for other purposes, but to such an extent as to affect prejudicially the owner of the copyright in question, just as it applies in relation to the sale of an article, but distribution of an imported article by an institution of learning, and not by way of sale or hire, or by a public library of the class prescribed by regulations enacted by the Governor in Council, and not by way of sale, shall not be an infringement. 5

PART IV

REMEDIES FOR INFRINGEMENT OF COPYRIGHT

Action by
owner of
copyright for
infringement.

22. (1) Subject to the provisions of this Act, infringement of copyright shall be actionable at the suit of the owner of the copyright; and in any action for such an infringement all such relief, by way of damages, injunction, accounts or otherwise, shall be available to the plaintiff as is available in any corresponding proceedings in respect of infringements of other proprietary rights; 10 15

Proviso.

Provided that no action for infringement of copyright shall be begun after the end of the period of three years beginning with the date on which the infringement occurred.

(2) Where in an action for infringement of copyright it is proved or admitted— 20

(a) that an infringement was committed, but

(b) that at the time of the infringement the defendant was not aware, and had no reasonable grounds for supposing that it was an infringement of copyright, the plaintiff shall not be entitled under this section to any pecuniary remedy against the defendant in respect of the infringement. 25

(3) Where, in an action under this section, an infringement of copyright is proved or admitted, and the court, having regard (in addition to all other material considerations) to— 30

(a) the flagrancy of the infringement, and

(b) any benefit shown to have accrued to the defendant by reason of the infringement,

is satisfied that effective relief would not otherwise be available to the plaintiff, the court, in assessing damages for the infringement, shall have power to award such additional damages by virtue of this subsection as the court may consider appropriate in the circumstances, such damages to be not less than the benefit shown to have accrued to the defendant by reason of the infringement. 35 40

(4) Where, in an action under this section, an infringement of copyright is proved or admitted, the court shall have power to order the defendant to deliver up to the plaintiff all infringing copies and plates used or intended to be used for making infringing copies, and in assessing 5 exemplary damages under the last preceding subsection, the court shall have power to take into account the value of infringing copies and plates ordered to be delivered up.

In an action for infringement of copyright in respect of the construction of a building, no injunction or other order 10 shall be made—

(a) after the construction of the building has been begun, so as to prevent it from being completed, or

(b) so as to require the building, insofar as it has been constructed, to be demolished. 15

“Action.”

(5) In this part of this Act “action” includes a counter-claim, and references to the plaintiff and to the defendant in an action shall be construed accordingly.

Rights of owners of copyright in respect of infringing copies, etc.

23. (1) In this part of this Act “infringing copy”—

(a) in relation to a literary, dramatic, musical or artistic 20 work means a reproduction otherwise than in the form of a motion picture film,

(b) in relation to a sound recording, means a record embodying that recording,

(c) in relation to a motion picture film, means a copy 25 of that film, and

(d) in relation to a television broadcast or a sound broadcast means a copy of a motion picture film of it or a record embodying a sound recording of it,

being (in any such case) an article, the making of which 30 constituted an infringement of the copyright in the work, edition, recording, film or broadcast, or, in the case of an imported article, would have constituted an infringement of that copyright if the article had been made in Canada; and “plate” includes any stereotype, stone, block, mould, 35 matrix, transfer, negative or other appliance.

“Plate.”

(2) Subject to the provision of this section, where a person has in his possession infringing copies or infringing plates, he shall be liable to deliver up to the owner of the copyright all such copies or plates used, or intended to be 40 used for the making of infringing copies or plates, without compensation and shall be liable in damages to the owner for failure to make such delivery upon notice of infringement.

(3) Where a person who has in his possession infringing copies and plates establishes that at the time such infringing 45 copies and plates came into his possession, he was not aware and had no reasonable grounds for supposing that they were

infringing copies or plates, the owner of the copyright may—
give notice to the person in possession—

- (a) demanding the delivery up of such infringing copies or plates, upon payment of the cost thereof, to the person in possession of such infringing copies or plates; who shall, upon such payment, forthwith deliver up all infringing copies and plates used or intended to be used for the making of infringing copies and plates; or alternatively
- (b) demanding an accounting of the profits accruing from the time of such notice to the person in possession from the infringement.

and thereafter the person who possesses the infringing copies and plates shall comply with such notice forthwith.

Proceedings
in case of
copyright
subject to
exclusive
license.

24. (1) The provisions of this section shall have effect as to proceedings in the case of any copyright in respect of which an exclusive licence has been granted and is in force at the time of the events to which the proceedings relate.

(2) Subject to the following provisions of this section—

- (a) the exclusive licensee shall (except against the owner of the copyright) have the same rights of action, and be entitled to the same remedies, under section 22 as if the license had been an assignment, and those rights and remedies shall be concurrent with the rights and remedies of the owner of the copyright under that section;
- (b) the exclusive licensee shall (except against the owner of the copyright) have the same rights of action, and be entitled to the same remedies, by virtue of the last preceding section, as if the license had been an assignment; and
- (c) the owner of the copyright shall not have any rights of action, or be entitled to any remedies, by virtue of the last preceding section which he would not have had or been entitled to if the license had been an assignment.

(3) Where an action is brought, either by the owner of the copyright or by the exclusive licensee, and the action, in so far as it is brought under section 22, related (wholly or partly) to an infringement in respect of which they have concurrent rights of action under that section, the owner or licensee, as the case may be, shall not be entitled, except with the leave of the court, to proceed with the action, in so far as it is brought under that section and relates to that infringement, unless the other party is either joined as a plaintiff in the action or added as a defendant:

Provided that this subsection shall not affect the granting of an interlocutory injunction on the application of either of them.

Proviso.

(4) In any action brought by the exclusive licensee by virtue of this section, any defence which would have been available to a defendant in the action if this section had not been enacted and the action had been brought by the owner of the copyright shall be available to that defendant as against the exclusive licensee.

(5) Where an action is brought in the circumstances mentioned in subsection (2) of this section, and the owner of the copyright and the exclusive licensee are not both plaintiffs in the action, the court, in assessing damages in respect of any such infringement as is mentioned in that subsection—

(a) if the plaintiff is the exclusive licensee, shall take into account any damages (in respect of royalties or otherwise) to which the licensee is subject, and

(b) whether the plaintiff is the owner of the copyright or the exclusive licensee, shall take into account any damages already awarded to the other party under section 17 in respect of that infringement, or, as the case may require, any right of action exercisable by the other party under that section in respect of that infringement.

(6) Where an action is so far as it is brought under section 17 brought (wholly or partly) in an infringement in respect of which the owner of the copyright and the exclusive licensee have concurrent rights of action under that section, and in that action (whether they are both parties to it or not) an account of profits is directed to be taken in respect of that infringement, then, subject to any agreement of which the court is aware, whereby the application of those provisions is determined as between the owner of the copyright and the exclusive licensee, the court shall apportion the profits between them as the court may consider just, and shall give such directions as the court may consider appropriate for giving effect to that apportionment.

(7) In an action brought either by the owner of the copyright or by the exclusive licensee—

(a) an injunction in order for the payment of damages in respect of an infringement of copyright shall be given or made under section 13, if a final judgment is given or made under that section in favour of the party who has been awarded an account of profits in that party under that section in respect of the same infringement; and

(b) an injunction or order for an account of profits in respect of an infringement of copyright shall be given or made under that section if a final judgment is given or made under that section in favour of the party who has been given or made an account of profits to the other party under that section in respect of the same infringement.

(4) In any action brought by the exclusive licensee by virtue of this section, any defence which would have been available to a defendant in the action, if this section had not been enacted and the action had been brought by the owner of the copyright, shall be available to that defendant as against the exclusive licensee. 5

(5) Where an action is brought in the circumstances mentioned in subsection (3) of this section, and the owner of the copyright and the exclusive licensee are not both plaintiffs in the action, the court, in assessing damages in respect of any such infringement as is mentioned in that subsection,— 10

- (a) if the plaintiff is the exclusive licensee, shall take into account any liabilities (in respect of royalties or otherwise) to which the license is subject, and 15
- (b) whether the plaintiff is the owner of the copyright or the exclusive licensee, shall take into account any pecuniary remedy already awarded to the other party under section 22 in respect of that infringement, or, as the case may require, any right of action exercisable by the other party under that section in respect thereof. 20

(6) Where an action, in so far as it is brought under section 22, relates (wholly or partly) to an infringement in respect of which the owner of the copyright and the exclusive licensee have concurrent rights of action under that section, and in that action (whether they are both parties to it or not) an account of profits is directed to be taken in respect of that infringement, then, subject to any agreement of which the court is aware, whereby the application of those profits is determined as between the owner of the copyright and the exclusive licensee, the court shall apportion the profits between them as the court may consider just, and shall give such directions as the court may consider appropriate for giving effect to that apportionment. 25 30 35

(7) In an action brought either by the owner of the copyright or by the exclusive licensee,—

- (a) no judgment or order for the payment of damages in respect of an infringement of copyright shall be given or made under section 22, if a final judgment or order has been given awarding an account of profits to the other party under that section in respect of the same infringement; and 40
- (b) no judgment or order for an account of profits in respect of an infringement of copyright shall be given or made under that section, if a final judgment or order has been given or made awarding either damages or an account of profits to the other party under that section in respect of the same infringement. 45 50

(8) Where, in an action brought in the circumstances mentioned in subsection (3) of this section, whether by the owner of the copyright or by the exclusive licensee, the other party is not joined as a plaintiff (either at the commencement of the action or subsequently), but is added as a defendant, he shall not be liable for any costs in the action unless he enters an appearance and takes part in the proceedings. 5

“Exclusive
licensee.”

(9) In this section “exclusive license” means a license in writing, signed by or on behalf of an owner or prospective owner of copyright, authorizing the licensee, to the exclusion of all other persons, including the grantor of the license, to exercise a right which, by virtue of this Act, would (apart from the license) be exercisable exclusively by the owner of the copyright, and “exclusive licensee” shall be construed accordingly; “the other party”, in relation to the owner of the copyright, means the exclusive licensee, and, in relation to the exclusive licensee, means the owner of the copyright; and “if the license had been an assignment” means if, instead of the license, there had been granted (subject to terms and conditions corresponding as nearly as may be with those subjects to which the license was granted) an assignment of the copyright in respect of its application to the doing, at the places and times authorized by the license, of the acts so authorized. 25

“Exclusive
licensee.”

“Other
party.”

Proof of
facts in copy-
right actions.

25. (1) In any action brought by virtue of this Part—

- (a) copyright shall be presumed to subsist in the work or other subject-matter to which the action relates, if the defendant does not put in issue the question whether copyright subsists therein, and 30
- (b) where the subsistence of the copyright is proved or admitted, or is presumed in pursuance of the preceding paragraph, the plaintiff shall be presumed to be the owner of the copyright if he claims to be the owner of the copyright and if the defendant does not put in issue the question of his ownership thereof. 35

(2) Subject to the preceding subsection, where in the case of a literary, dramatic, musical or artistic work, a name purporting to be that of the author appeared on copies of the work as published, or, in the case of an artistic work, appeared on the work when it was made, the person whose name so appeared (if it was his true name or a name by which he was commonly known) shall, in any action brought by virtue of this Part, be presumed, unless the contrary is proved,— 45

- (a) to be the author of the work, and
- (b) to have made the work in circumstances not falling within sections 6, 7 or 8.

(3) In the case of a work alleged to be a work of joint authorship, the last preceding subsection shall apply in relation to each person alleged to be one of the authors of the work, as if reference in that subsection to the author were references to one of the authors.

5

(4) Where in an action brought by virtue of this Part, with respect to a literary, dramatic, musical or artistic work, subsection (2) of this section does not apply, but it is established—

(a) that the work was first published in Canada, and 10
was so published within the period of fifty-six years ending with the beginning of the calendar year in which the action was brought, and

(b) that the name purporting to be that of the publisher appeared on copies of the work as first published, 15
then, unless the contrary is shown, copyright shall be presumed to subsist in the work and the person whose name so appeared shall be presumed to have been the owner of that copyright at the time of the publication.

For the purposes of this subsection a fact shall be taken 20
to be established if it is proved or admitted, or if it is presumed in pursuance of the following provisions of this section.

(5) Where in an action brought by virtue of this Part, with respect to a literary, dramatic, musical or artistic 25
work it is proved or admitted that the author of the work is dead—

(a) the work shall be presumed to be an original work unless the contrary is proved, and

(b) if it is alleged by the plaintiff that a publication 30
specified in the allegation was the first publication of the work, and it took place in a country and in a year specified, and a copy of the work is produced to the court which bears an identification that the copy was published in the country and in the year 35
so specified, and bears no indication that the work had first been published in some previous year, the publication alleged shall be presumed, unless the contrary is proved, to have been the first publication of the work and to have taken place in the country 40
and year alleged.

(6) Paragraphs (a) and (b) of the last preceding subsection shall apply where a work has been published, and—

(a) the publication was anonymous, or was under a name alleged by the plaintiff to have been a pseudonym, 45
and

(b) it is not shown that the work has ever been published under the true name of the author, or under a name by which he was commonly known, or that it is

possible for a person without previous knowledge of the facts to ascertain the identity of the author by reasonable inquiry,
 as those paragraphs apply in a case where it is proved that the author is dead. 5

(7) In any action brought by virtue of this Part, with respect to copyright in a sound recording, if records embodying that recording or part thereof have been issued to the public, and at the time when those records were so issued, they bore a label or other mark comprising any one 10 or more of the following statements, that is to say—

- (a) that a person named on the label or mark was the maker of the sound recording;
- (b) that the recording was first published in a year specified on the label or mark; 15
- (c) that the recording was first published in a country specified on the label or mark;

that label or mark shall be sufficient evidence of the facts so stated except in so far as the contrary is proved.

Penalties
 and
 summary
 proceedings
 in respect of
 dealings
 which
 infringe
 copyright.

26. (1) Subject to the provisions of section 10, any 20 person who, at the time when copyright subsists in a work,—

- (a) makes for sale or hire, or
- (b) sells or lets for hire, or by way of trade offers or exposes for sale or hire, or
- (c) by way of trade exhibits in public, or 25
- (d) imports into Canada, otherwise than for his private use, any article which he knows to be an infringing copy of the work, shall be guilty of an offence under this subsection.

(2) Subject to the provisions of section 10, any person 30 who, at the time when the copyright subsists in a work, distributes, either—

- (a) for purposes of trade, or
 - (b) for other purposes, but to such an extent as to affect prejudicially the owner of the copyright, 35
- articles which he knows to be infringing copies of the work, shall be guilty of an offence under this subsection.

(3) Any person who, at the time when copyright subsists in a work, makes or has in his possession a plate, knowing that it is to be used for making infringing copies of the 40 work, shall be guilty of an offence under this subsection.

(4) The preceding subsections shall apply in relation to copyright subsisting in any subject-matter by virtue of Part II, as they apply in relation to copyright subsisting 45 by virtue of Part I.

(5) Any person who causes a literary, dramatic or musical work to be performed in public, knowing that copyright subsists in the work and that the performance constitutes an infringement of the copyright, shall be 50 guilty of an offence under this subsection.

(6) A person guilty of an offence under subsection (1) or subsection (2) of this section shall on summary conviction—

(a) if it is his first conviction of an offence under this section, be liable to a fine not exceeding \$10.00 for each article to which the offence relates; 5

(b) in any other case, be liable to such a fine, or to imprisonment for a term not exceeding two months;

Proviso.

Provided that a fine imposed by virtue of this subsection shall not exceed \$200.00 in respect of articles comprised in the same transaction. 10

(7) A person guilty of an offence under subsection (3) or subsection (5) of this section shall on summary conviction—

(a) if it is his first conviction of an offence under this section be liable to a fine not exceeding \$200.00;

(b) in any other case, be liable to such a fine, or to 15 imprisonment for a term not exceeding two months.

(8) The court by which a person is convicted under this section may order that any article in his possession which appears to the court to be an infringing copy or to be a plate used, or intended to be used, for making infringing copies 20 shall be delivered up to the owner of the copyright in question, or otherwise dealt with as the court may think fit.

(9) An appeal shall lie as if from a conviction from any order made under the last preceding subsection by a court of 25 summary jurisdiction; and where such an order is made there shall be a like right of appeal against the order as if it were a conviction.

Provision for restricting importation of printed copies.

Minister.

27. (1) The owner, or his authorized agent, of the copyright in any published literary, dramatic or musical work 30 may give notice in writing, supported by a statutory declaration of verification, to the Minister of National Revenue (in this section referred to as "the Minister")—

(a) that he is the owner, or the agent (as the case may be) of the owner, of the copyright in the work, and 35

(b) that he requests the Minister, during the period specified in the notice, to treat as prohibited goods, copies of the work to which this section applies:

Proviso.

Provided that the period specified in a notice under this subsection shall not exceed five years and shall not extend 40 beyond the end of the period for which the copyright is to subsist; and provided that such notice shall not be renewable.

(2) This section applies, in the case of a work, to any printed copy made outside Canada which, if it had been 45 made in Canada, would be an infringing copy of the work.

(2) Where a notice has been given under this section in respect of a work and has not been withdrawn, the notice shall remain in force until the end of the period specified in the notice or any copy of the work to which this notice applies shall, subject to the following provisions of this section, be prohibited:

Provided that this subsection shall not apply to the importation of any article by a person for his private use or by an institution of learning if not imported for sale or for export to students or others or by a public library or a library established by regulations made by the Governor in Council, if not imported for sale.

(3) The Minister may make regulations prescribing the form in which notices are to be given under this section and requiring the person giving such notice either at the time of giving the notice or at the time when the goods in question are imported or at such other time as may be specified in the regulations to furnish to the Minister such information and to comply with such other conditions as may be specified in the regulations; and any regulations made under this section shall be made in accordance with the provisions of this section.

(4) Any person making a false statement, whether knowingly or not, under subsection (1) of this section, shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding \$5000.

ART V

Restrictions on Importation or Exportation of Goods

(1) The Governor in Council may by Order in Council make provision for restricting the exportation of any goods from the Dominion in the case of a country to which these provisions do not extend, in any case in which of the following ways, that is to say, to ensure that these provisions—

(a) apply in relation to literary, dramatic, musical or artistic works, sound recordings, motion pictures, films or other articles published in that country as they apply in relation to literary, dramatic, musical, artistic or scientific works, sound recordings, motion pictures, films or other articles published in Canada;

(b) apply in relation to persons who, at a material time, are citizens or subjects of that country as they apply to persons who, at such a time, are Canadian;

(3) Where a notice has been given under this section in respect of a work, and has not been withdrawn, the importation into Canada, at a time before the end of the period specified in the notice, or any copy of the work to which this section applies shall, subject to the following provisions 5 of this section, be prohibited:

Proviso.

Provided that this subsection shall not apply to the importation of any article by a person for his private use, or by an institution of learning if not imported for sale or hire either to students or others, or by a public library of a 10 class prescribed by regulations under this Act made by the Governor in Council, if not imported for sale.

(4) The Minister may make regulations prescribing the form in which notices are to be given under this section, and requiring the person giving such notice, either at the 15 time of giving the notice or at the time when the goods in question are imported, or at both those times, to furnish the Minister with such evidence, and to comply with such other conditions (if any) as may be specified in the regulations; and any such regulations may include such incidental 20 and supplementary provisions as the Minister considers expedient for the purposes of this section.

(5) Any person making a false statement, whether knowingly or not, under subsection (1) of this section, shall be guilty of an offence and shall, on summary con- 25 viction, be liable to a fine not exceeding \$500.00

PART V

EXTENSION OR RESTRICTION OF OPERATION OF ACT.

Extension
by Order
in Council.

28. (1) The Governor in Council may by Order in Council make provision for applying any of the provisions of this Act specified in the Order, in the case of a country to which those provisions do not extend, in any one or more 30 of the following ways, that is to say, so as to secure that those provisions—

- (a) apply in relation to literary, dramatic, musical or artistic works, sound recordings, motion picture films or editions first published in that country as 35 they apply in relation to literary, dramatic, musical or artistic works, sound recordings, motion picture films or editions first published in Canada;
- (b) apply in relation to persons who, at a material time, are citizens or subjects of that country as they apply 40 in relation to persons who, at such a time, are Canadian;

- (c) apply in relation to persons who, at a material time, are domiciled or resident in that country as they apply in relation to persons who, at such a time, are domiciled or resident in Canada;
- (d) apply in relation to bodies incorporated under the laws of that country as they apply in relation to bodies incorporated under the laws of Canada or any Province of Canada; 5
- (e) apply in relation to television broadcasts and sound broadcasts made from places in that country, by one or more organizations constituted in, or under the laws of, that country, as they apply in relation to television broadcasts and sound broadcasts made from places in Canada. 10
- (2) An Order in Council under this section— 15
- (a) may apply the provisions in question as mentioned in the preceding subsection, but subject to exceptions or modifications specified in the Order;
- (b) may direct that the provisions in question shall so apply either generally or in relation to such classes of works, or other classes of cases, as may be specified in the Order. 20
- (3) The Governor in Council shall not make an order in Council under this section applying any of the provisions of this Act in the case of a country, other than a country which is a party to a Convention relating to Copyright to which Canada is also a party, unless the Governor in Council is satisfied that, in respect of the class of works or other subject-matter to which those provisions relate, provision has been or will be made under the laws of that country whereby adequate protection will be given to owners of copyright under this Act. 25 30

Denial of
copyright to
citizens
of other
countries
not giving
adequate
protection
to Canadian
works.

29. (1) If it appears to the Governor in Council that the laws of a country fail to give adequate protection to Canadian works to which this section applies, or fail to give such protection in the case of one or more classes of such works (whether the lack of protection relates to the nature of the work or the country of its author or both), the Governor in Council may make an Order in Council designating that country and making such provision in relation thereto as is mentioned in the following provisions of this section. 35 40

(2) An Order in Council under this section shall provide that, either generally or in such classes of cases as are specified in the Order, copyright under this Act shall not subsist in works to which this section applies which were first published after a date specified in the Order, if at the time of their first publication the authors thereof were— 45

- (a) citizens or subjects of the country designated by the Order, not being at that time persons domiciled or resident in Canada or in another country to which the relevant provision of this Act extends, or
- (b) bodies incorporated under the laws of the country 5 designated by the Order.

(3) In making an Order in Council under this section, the Governor in Council shall have regard to the nature and extent of the lack of protection for Canadian works in consequence of which the Order is made. 10

(4) This section applies to the following works, that is to say, literary, dramatic, musical and artistic works, sound recordings and motion picture films.

(5) In this section—

Definition.
"Canadian
work."

"Canadian work" means a work of which the author, 15 at the time when the work was made, was a qualified person for the purposes of the relevant provision of this act;

"Author."

"author", in relation to a sound recording or a motion picture film, means the maker of the recording or 20 film;

"Relevant
provision of
this Act."

the "relevant provision of this Act", in relation to literary, dramatic and musical works means section 6, in relation to artistic work means section 7, in relation to sound recordings means section 18, and 25 in relation to motion picture films means section 19.

PART VI.

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS.

Assignments
and licenses
in respect of
copyright.

30. (1) Subject to the provisions of this section, copy-right shall be transmissible by assignment, by testamentary disposition, or by operation of law, as personal or moveable property. 30

(2) An assignment of copyright may be limited in any of the following ways, or in any combination of two or more of those ways, that is to say,—

(a) so as to apply to one or more, but not all, of the classes of acts which by virtue of this Act the owner 35 of the copyright has the exclusive right to do (including any one or more classes of acts not separately designated in this Act as being restricted by the copyright, but falling within any of the classes of acts designated); 40

(b) so as to apply to any one or more, but not all, of the countries in relation to which the owner of the copyright has by virtue of this Act that exclusive right;

(c) so as to apply to part, but not the whole, of the period for which the copyright is to subsist; and references in this Act to a partial assignment are references to an assignment so limited.

(3) No assignment of copyright (whether total or partial) shall have effect unless it is in writing signed by or on behalf of the assignor. 5

(4) A license granted in respect of any copyright by the person who, in relation to the matters to which the license relates, is the owner of the copyright shall be binding upon every successor in title to his interest in the copyright; and references in this Act, in relation to any copyright, to the doing of anything with, or (as the case may be) without, the license of the owner of the copyright shall be construed accordingly. 10 15

Prospective
ownership
of copyright.

31. (1) Where by an agreement made in relation to any future copyright, and signed by or on behalf of the prospective owner of the copyright, the prospective owner purports to assign the future copyright (wholly or partially) to another person (in this subsection referred to as "the assignee"), then if, on the coming into existence of the copyright, the assignee or a person claiming under him would, apart from this subsection, be entitled as against all other persons to require the copyright to be vested in him (wholly or partially, as the case may be), the copyright shall, on its coming into existence, vest in the assignee or his successor in title accordingly by virtue of this subsection and without further assurance. 20 25

(2) Where, at the time when any copyright comes into existence, the person who, if he were then living, would be entitled to the copyright is dead, the copyright shall devolve as if it had subsisted immediately before his death and he had then been the owner of the copyright. 30

(3) Subsection (4) of the last preceding section shall apply in relation to a license granted by a prospective owner of any copyright as it applies in relation to a license granted by the owner of a subsisting copyright, as if any reference in that subsection to the owner's interest in the copyright included a reference to his prospective interest therein. 35 40

"Future
copyright."

(4) In this Act "future copyright" means copyright which will or may come into existence in respect of any future work or class of works or other subject-matter, or on the coming into operation of any provisions of this Act, or in any other future event, and "prospective owner" shall be construed accordingly and, in relation to any such copyright, includes a person prospectively entitled thereto by virtue of such an agreement as is mentioned in subsection (1) of this section. 45

"Prospective
owner."

Copyright
to pass
under will
with
unpublished
work.

32. Where, under a bequest (whether specified or general) a person is entitled, beneficially or otherwise, to the manuscript of a literary, dramatic or musical work, or to an artistic work, and the work was not published before the death of the testator, the bequest shall, unless a contrary intention is indicated in the testator's will or a codicil thereto, be construed as including the copyright in the work in so far as the testator was the owner of the copyright immediately before his death. 5

Provisions
as to Crown
and
Government
Depart-
ments.

33. (1) When any literary, dramatic, musical or artistic work or any sound recording or motion picture film is, or has been, made by or under the direction or control of Her Majesty in right of Canada or any Department of Government, Her Majesty shall, subject to any agreement with the author, be entitled to the copyright. 10 15

(2) The provisions of this Act with respect to term of copyright in each class of work shall apply to Her Majesty under this section.

(3) Where Her Majesty in right of Canada or any Department of Government does any act in relation to any work in copyright or in relation to any sound recording, motion picture film or broadcast in copyright which, if done by any other person would be an infringement, Her Majesty shall be liable to the copyright owner for payment of compensation, which in the absence of agreement, shall be fixed by a Judge of the Exchequer Court. 20 25

False
attribution
of author-
ship.

34. (1) The restrictions imposed by this section shall have effect in relation to literary, dramatic, musical or artistic works; and any reference in this section to a work shall be construed as a reference to such a work. 30

"Offender."

(2) A person (in this subsection referred to as the "offender") contravenes those restrictions as respects another person if, without the license of that other person, he does any of the following acts in Canada, that is to say, he—

(a) inserts or affixes that other person's name in or on a work of which that person is not the author, or in or on a reproduction of such a work, in such a way as to imply that the other person is the author of the work, or 35

(b) publishes, or sells or lets for hire, or by way of trade offers or exposes for sale or hire, or by way of trade exhibits in public, a work in or on which the other person's name has been so inserted or affixed, if to the offender's knowledge that person is not the author of the work, or 40 45

- (c) does any of the acts mentioned in the last preceding paragraph in relation to, or distributes, reproductions of a work, being reproductions in or on which the other person's name has been so inserted or affixed, if to the offender's knowledge that person is not the author of the work, or 5
- (d) performs in public, or broadcasts, a work of which the other person is not the author, as being a work of which he is the author, if to the offender's knowledge that person is not the author of the work. 10
- (3) The last preceding subsection shall apply where, contrary to the fact, a work is represented as being an adaptation of the work of another person as it applies where a work is so represented as being the work of another person. 15

(4) In the case of a work which has been altered after the author parted with the possession of it, the said restrictions are contravened, in relation to the author, by a person in Canada, without the license of the author,—

- (a) publishes, sells or lets for hire, or by way of trade offers or exposes for sale or hire the work as so altered, as being the unaltered work of the author, or 20
- (b) publishes, sells or lets for hire, or by way of trade offers or exposes for sale or hire a reproduction of the work as so altered, as being a reproduction of the unaltered work of the author, 25
- if to his knowledge it is not the unaltered work, or, as the case may be, a reproduction of the unaltered work, of the author, and if any such act is prejudicial to the honour or reputation of the author. 30

(5) The three last preceding subsections shall not apply with respect to anything done with respect to another person after that person's death.

(6) In the case of an artistic work in which copyright subsists, the said restrictions are also contravened, in relation to the author of the work, by a person who in Canada— 35

- (a) publishes, or sells or lets for hire, or by way of trade offers or exposes for sale or hire, or by way of trade exhibits in public, a reproduction of the work, as being a reproduction made by the author of the work, or 40
- (b) distributes reproductions of the work as being reproductions made by the author of the work, 45
- if (in any such case) the reproduction or reproductions was or were to his knowledge not made by the author.

(7) The preceding provisions of this section shall apply (with the necessary modifications) with respect to acts done in relation to two or more persons in connection with the same work. 50

(8) The restrictions imposed by this section shall not be enforceable by any criminal proceedings; but any contravention of those restrictions, in relation to a person, shall be actionable at his suit, or, if he is dead, at the suit of his personal representatives, as a breach of statutory duty. 5

(9) Any damages recovered under this section by personal representatives, in respect of a contravention committed in relation to a person after his death, shall devolve as part of his estate, as if the right of action had subsisted and had been vested in him immediately before his death. 10

(10) Nothing in this section shall derogate from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than by virtue of this section:

Proviso. Provided that this subsection shall not be construed as requiring any damages recovered by virtue of this section to be disregarded in assessing damages in any proceedings instituted otherwise than by virtue of this section and arising out of the same transaction. 15

"Name." (11) In this section "name" includes initials or a monogram. 20

GENERAL

General. **35.** No copyright or right in the nature of copyright shall subsist otherwise than by virtue of this Act or some other enactment in that behalf:

Proviso. Provided that neither this provision nor anything in this Act shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence. 25

Copies for Library of Parliament. **36.** The publisher of every book published in Canada, within three months after the publication thereof, shall deliver or cause to be delivered, at his own expense, to the Librarian of Parliament, who shall give a written receipt therefor, two copies of the first edition and two copies of each subsequent edition if such subsequent edition contains additions or alterations either in the letter press or in the maps, prints or other engravings thereto belonging. 30 35

R.S., 1952,
c. 55 is
repealed.

37. The *Copyright Act* is repealed.

C-113.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-113.

An Act to amend the National Energy Board Act.

First reading, June 19, 1961.

MINISTER OF TRADE AND COMMERCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-113.

An Act to amend the National Energy Board Act.

1959, c. 46;
1960, c. 9.

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

1. (1) Paragraphs (e) and (f) of subsection (1) of section 2 of the *National Energy Board Act* are repealed and the following substituted therefor: 5

"Gas."

"(e) "gas" means any natural gas whether or not it has been subjected to processing, and includes any fluid hydrocarbons other than oil;"

(2) Paragraph (l) of subsection (1) of section 2 of the said Act is repealed and the following substituted therefor: 10

"Oil."

"(l) "oil" means

- (i) any crude oil or other hydrocarbons, regardless of gravity, that are or may be recovered in liquid form from an underground natural reservoir by ordinary production methods, 15
- (ii) any liquid hydrocarbons resulting from the processing or refining of any crude oil or other hydrocarbons described in subparagraph (i), and 20
- (iii) any natural gasoline resulting from the processing or refining of gas;"

2. Subsection (4) of section 3 of the said Act is repealed and the following substituted therefor:

Eligibility
to be
reappointed;
retirement.

"(4) A member appointed pursuant to subsection (2) or (3) is eligible to be reappointed to hold office during good behaviour for any term of seven years or less and every member ceases to hold office upon attaining the age of seventy years." 25

EXPLANATORY NOTES.

Clause 1: The purpose of this amendment is to redefine the expressions "gas" and "oil" at present contained in the Act, and to replace them with definitions more closely in conformity with the accepted nomenclature used in the gas and oil industry and in existing provincial and other legislation. The amendment would also delete the present definition of a hydrocarbon, which is made unnecessary by the proposed new definitions of gas and oil.

Paragraphs (e), (f) and (l) at present read as follows:

- (e) "gas" means any hydrocarbon that, at a temperature of 60 degrees Fahrenheit and a pressure of 14.73 pounds per square inch absolute, is in a gaseous state;
- (f) "hydrocarbon" means any chemical compound composed exclusively of carbon and hydrogen;
- (l) "oil" means any hydrocarbon other than gas;"

Clause 2: This amendment would make it clear that a person who has been appointed as a member of the National Energy Board is eligible to be reappointed as such for a further term of seven years or less.

3. Section 17 of the said Act is repealed and the following substituted therefor:

Review
of orders.

"**17.** (1) Subject to subsection (2), the Board may review, rescind, change, alter or vary any order or decision made by it, or may rehear any application before deciding it. 5

Changes in
certificates
or licences.

(2) The Board may change, alter or vary a certificate or licence issued by it but no such change, alteration or variation is effective until approved by the Governor in Council. 10

Assignment
or transfer of
certificates
or licences.

(3) No assignment or transfer of a certificate or licence issued by the Board is effective until approved by the Board and the Governor in Council, and the Board may, in approving any such assignment or transfer, impose, in addition to or in lieu of any terms and conditions to which the certificate or licence was previously subject, such further or other terms and conditions to which the certificate or licence shall be subject as the Board considers necessary or desirable in order to give effect to the purposes and provisions of this Act." 20

4. Section 20 of the said Act is repealed and the following substituted therefor:

Public
hearings.

"**20.** Hearings before the Board with regard to the issue, cancellation or suspension of certificates or of licences for the exportation of gas or power or the importation of gas shall be public, and the Board may hold public hearings in respect of any other matter if it considers it advisable to do so." 25

5. Subsection (1) of section 28 of the said Act is repealed and the following substituted therefor: 30

Application
for
certificate;
material to
be filed.

"**28.** (1) Upon an application for a certificate, the company shall file with the Board a map showing the general location of the proposed land, the termini, and all cities, towns, villages, railways and navigable waters through, under or across which the line is to pass, together with such further or other plans, specifications and information as the Board considers necessary." 35

6. Section 35 of the said Act is repealed and the following substituted therefor:

Further
plans.

"**35.** In addition to the plans, profiles and books of reference elsewhere provided for in this Act, a company shall, with all reasonable expedition, prepare and deposit with the Board such further or other material, including plans, specifications and drawings with respect to any portion of its pipe line or works, as the Board may from time to time order or require." 40 45

Clause 3: The purpose of this amendment is to define more specifically the powers of the Board to change, alter or vary certificates or licences issued by it. The amendment would also provide expressly that no assignment or transfer of such a certificate or licence is effective until approved by the Board and the Governor in Council, and that in approving any such assignment or transfer the Board may attach such terms and conditions as it considers appropriate in the circumstances. Section 17 at present reads as follows:

"17. The Board may review, rescind, change, alter or vary any order or decision made by it, or may rehear any application before deciding it, except that, where an order was made by the Board with the approval of the Governor in Council, no rescission, change, alteration or variation of such order is effective unless the Governor in Council approves of the rescission, change, alteration or variation, as the case may be."

Clause 4: This amendment would remove from section 20 the present requirement that, in the event of the application of Part VI of the Act being extended to oil pursuant to subsection (1) of section 87, would make it mandatory to hold a public hearing before the Board in every case involving the issue, cancellation or suspension of a licence for the importation or exportation of oil. Section 20 at present reads as follows:

"20. Hearings before the Board with regard to the issue, cancellation or suspension of certificates or licences shall be public, and the Board may hold public hearings in respect of any other matter if it considers it advisable to do so."

Clause 5: This amendment, which adds the underlined words, would require an applicant for a certificate, in any case where for example, the application relates to equipment and other works connected with a pipe line, to file with the Board such plans, specifications and other information in addition to the map now required by section 28 as the Board considers necessary.

Clause 6: This amendment would require a company in any case where for example, the certificate issued to the company relates to equipment or other works connected with a pipe line, to prepare and deposit with the Board such further or other material in addition to the plan, profile and book of reference now required by section 29 as the Board may from time to time require. Section 35 at present reads as follows:

"35. In addition to the plans, profiles and books of reference elsewhere provided for in this Act, a company shall, with all reasonable expedition, prepare and deposit with the Board any other or further plans, profiles or books of reference with respect to any portion of its pipe line or works, that the Board may, from time to time, order or require."

7. Section 46 of the said Act is repealed and the following substituted therefor:

Terms and conditions of certificates.

“46. The Board may issue a certificate subject to such terms and conditions as it considers necessary or desirable in order to give effect to the purposes and provisions of this Act.” 5

8. Subsection (1) of section 49 of the said Act is repealed and the following substituted therefor:

Exempting orders.

“49. (1) The Board may make orders 10

(a) exempting

(i) pipe lines or branches or extensions to pipe lines, not exceeding in any case twenty-five miles in length, and

(ii) such tanks, reservoirs, pumps, racks, compressors, loading facilities, interstation systems of communication by telephone, telegraph or radio, and real and personal property and works connected therewith, as the Board considers proper, 15

from any or all of the provisions of sections 25 to 29; and 20

(b) exempting international power lines or parts thereof, not exceeding in any case a maximum transfer capacity of five thousand kilowatts, from any or all of the provisions of sections 40, 41 and 43.” 25

9. Section 59 of the said Act is amended by adding thereto the following subsection:

Extended meaning of “oil.”

“(3) For the purposes of this section, “oil” includes any liquified gas that is or may be transported through a pipe line for the transmission of oil.” 30

Clause 7: The purpose of this amendment is to remove from section 46 the present restriction whereby the only terms and conditions to which a certificate may be made subject are those relating to the construction, ownership and operation of the line to which the certificate relates. Section 46 at present reads as follows:

"46. The Board may issue a certificate subject to such terms and conditions as to the construction, ownership and operation of the pipe line or international power line as it considers necessary or desirable in order to give effect to the purposes and provisions of this Act."

Clause 8: The purpose of this amendment is to clarify the power of the Board to make orders exempting lines or parts of lines not exceeding twenty-five miles in length from the sections of the Act referred to in section 49, to permit the Board in its discretion to exempt certain equipment or other works connected with a pipe line from those sections of the Act, and to include among the sections of the Act from which any such order of exemption may be made the provisions of section 29 requiring, in every case where the Board has issued a certificate, the filing of a plan, profile and book of reference.

The amendment would also permit the Board in its discretion to exempt from the sections referred to in the new paragraph (b) small international power lines having a maximum transfer capacity of not more than five thousand kilowatts. Section 49 at present reads as follows:

"49. (1) The Board may make orders exempting lines or parts of lines, not exceeding in any case a length of twenty-five miles, from any or all of the provisions of sections 25 to 28.

(2) In any order made under this section the Board may impose such terms and conditions as it considers proper."

Clause 9: The purpose of this amendment is to extend the provisions of section 59, relating to the transmission and delivery of oil offered to a company for transmission by means of its pipe line, to include liquified gas that is or may be transported through a pipe line for the transmission of oil. Section 59 at present reads as follows:

"59. (1) Subject to such exceptions, conditions or regulations as the Board may prescribe or approve, a company operating a pipe line for the transmission of oil shall, according to its powers, without delay and with due care and diligence, receive, transport and deliver all oil offered for transmission by means of its pipe line.

(2) The Board may, if it considers it necessary or desirable to do so in the public interest, require a company operating a pipe line for the transmission of oil to provide adequate and suitable facilities for the receiving, transmission and delivering of all oil offered for transmission by means of its pipe line and adequate and suitable facilities for the storage of oil and the junction of its line with other facilities for the transmission of oil, if the Board finds that no undue burden will be placed upon the company thereby."

10. Section 61 of the said Act is repealed and the following substituted therefor:

Tolls for transmission of gas.

“61. Where the gas transmitted by a company through its pipe line is the property of the company, the differential between the cost to the company of the gas at the point where it enters its pipe line and the amount for which the gas is sold by the company shall, for the purposes of this Part, be deemed to be a toll charged by the company to the purchaser for the transmission thereof.”

5

Clause 10: Section 61 of the Act at present reads as follows:

"61. Where the gas transmitted by a company through its pipe line from any place within a province to any place outside the province is the property of the company, such proportion as the Board may fix of the differential between the amount paid by the company for the gas and the amount for which the gas is sold by the company shall for the purposes of this Part be deemed to be a toll charged by the company to the purchaser for the transmission thereof."

The purpose of this amendment is twofold:

1. By deleting the words "from any place within a province to any place outside the province", to extend the application of the section to the intraprovincial transmission of gas by a company to which the Act applies where the gas transmitted through its pipe line is the property of the company. Since gas once injected into a pipe line becomes indistinguishable as to origin or destination, it is not possible to give practical effect to the distinction as to destination at present contained in the section.

2. By deleting the words "such proportion as the Board may fix" of the differential between the amount paid for the gas and the amount for which the gas is sold, to give recognition to the impracticability of devising any general formula for the equitable determination of the amount that is to be deemed a toll. The amendment would have the effect of permitting the Board to rely upon the differential between the cost to the company of the gas and the amount for which the gas is sold as the toll in the case of a company that owns the gas being transmitted. The use of this differential is considered appropriate to this industry inasmuch as recognized public utility accounting principles require that gas transmission companies calculate their earnings as a return on investment in facilities used in providing the transmission service, not as profit on the purchase and sale of gas.

The amendment would also substitute for the phrase "the amount paid by the company for the gas", the phrase "the cost to the company of the gas", to make it clear that any amount charged to the company for bringing the gas to the point where it enters the company's pipe line, for example an amount charged by a provincially-incorporated gathering system, shall be a part of the cost to the company of the gas and therefore excluded from the amount of the deemed toll subject to the jurisdiction of the Board.

11. Subsection (2) of section 74 of the said Act is repealed and the following substituted therefor:

Notice to owners.

“(2) The Board shall set a time for the hearing of the application which shall be sufficient to permit at least twenty-one days’ notice thereof to be given by the company to the owners or possessors of the additional lands required, and the company shall give notice thereof accordingly and shall, upon such hearing, furnish to the Board copies of such notices, with affidavits of the service thereof.” 5

12. Subsection (1) of section 77 of the said Act is repealed and the following substituted therefor:

Leave to construct highways, etc., across or along pipe lines.

“**77.** (1) No highway, private road, railway, irrigation ditch, drain, drainage ditch, sewer, telegraph, telephone line or line for the transmission of hydrocarbons, power or any other substance shall, except by leave of the Board, be carried across, along, upon or under any pipe line.” 15

13. Section 82 of the said Act is amended by adding thereto the following subsection:

Conditions.

“(3) Every licence issued under this Part is subject to the condition that the person to whom it is issued will comply with the provisions of this Act and the regulations as in force at the date of the issue thereof and as subsequently enacted, made or amended, and will comply with every order made under the authority of this Act.” 20

14. Subsection (2) of section 87 of the said Act is repealed and the following substituted therefor:

“Oil or gas” substituted for “gas.”

“(2) Upon the issue of a proclamation under subsection (1), the expression “oil or gas” shall be deemed to be substituted for the expression “gas” wherever it occurs in this Part and in section 88.” 30

Clause 11: This amendment would require the Board, in the case of an application under section 74 for the taking of additional lands for the purposes of a pipe line, to set a day for the hearing of the application that will permit at least twenty-one days' notice to be given to the owners or possessors of the lands. Subsection (2) at present reads as follows:

"(2) The company shall give to the owner or possessor of the additional lands required, ten days' notice of its application to the Board, and shall, upon such application, furnish to the Board copies of such notices, with affidavits of the service thereof."

Clause 12: This amendment would include drainage ditches and sewers among the utilities that, by section 77, require leave of the Board to be carried across or constructed along, upon or under a pipe line. Subsection (1) at present reads as follows:

"77. (1) A highway, private road, railway, irrigation ditch, drain, telegraph, telephone line or a line for the transmission of hydrocarbons, power or any other substance may, by leave of the Board, be carried across any pipe line and for such purposes may be constructed upon, along, under or across such pipe line."

Clause 13: This amendment would extend to Part VI of the Act relating to licences a provision similar to that contained in Part III (see section 48) relating to certificates, thus ensuring that a licence as well as a certificate will in every case be subject to the condition that the holder thereof will comply with the provisions of the Act and the regulations and any order made under the authority of the Act.

Clause 14: This amendment, which substitutes for the expression "hydrocarbons" in subsection (2) the expression "oil or gas", is consequential upon the amendment contained in clause 1 redefining the expressions oil and gas and deleting the present definition of a hydrocarbon.

Clause 14. This amendment would amend the Board in the case of an applicant who has been refused a licence to set out additional details for the purposes of a new licence to set out details for the purposes of the provisions that will apply to the licence. It is proposed to be given to the Board in the position of the Board. It is proposed to be given to the Board in the position of the Board. It is proposed to be given to the Board in the position of the Board.

Clause 15. This amendment would amend the Board in the case of an applicant who has been refused a licence to set out additional details for the purposes of a new licence to set out details for the purposes of the provisions that will apply to the licence. It is proposed to be given to the Board in the position of the Board. It is proposed to be given to the Board in the position of the Board.

Clause 16. This amendment would amend section 17 of the Act relating to licence provisions in relation to conditions contained in Part 11 of the regulations relating to conditions that may be imposed on a licence as well as conditions that may be imposed on the conditions that are contained in the regulations relating to the conditions of the licence and comply with the provisions of the Act and the regulations relating to the conditions of the licence.

Clause 17. This amendment would amend section 18 of the Act relating to licence provisions in relation to conditions contained in Part 12 of the regulations relating to conditions that may be imposed on a licence as well as conditions that may be imposed on the conditions that are contained in the regulations relating to the conditions of the licence and comply with the provisions of the Act and the regulations relating to the conditions of the licence.

C-114.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-114.

An Act respecting the Bank of Canada.

First reading, June 23, 1961.

The MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-114.

An Act respecting the Bank of Canada.

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

1. The office of Governor of the Bank of Canada shall be deemed to have become vacant immediately upon the coming into force of this Act. 5

Office of
Governor
deemed
vacant.

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE.

The purpose of this Bill is to provide that a vacancy in the office of Governor of the Bank of Canada shall arise upon its coming into force.

C-115.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-115.

An Act to amend the Excise Act.

First reading, June 30, 1961.

The MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-115.

An Act to amend the Excise Act.

R.S., cc. 99,
319;
1952-53, c. 34;
1953-54, c. 35;
1957, c. 25;
1959, c. 13.

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

Schedule amended.

1. Sections 2 and 3 of Part V of the Schedule to the *Excise Act* are repealed and the following substituted there- 5
for:

“2. Cigarettes weighing not more than three pounds per thousand, four dollars per thousand.

3. Cigarettes weighing more than three pounds per thousand, five dollars per thousand.” 10

Coming into force.

2. This Act shall come into force on the 1st day of April, 1962.

The Minister of Finance

ROGER ROYAL, CLERK
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, ONT.

C-115

Fourth Session, Twenty-Fourth Parliament, 5-13 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

EXPLANATORY NOTE.

The purpose of this Bill is to implement the Budget Resolution relating to the *Excise Act*.

An Act to amend the Excise Act.

First reading, June 20, 1961.

MINISTER OF FINANCE.

EDWIN WILSON, M.P.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

1. The Act shall come into force on the 1st day of
January, 1904.
2. Cigarettes weighing not more than three pounds per
thousand, and cigars not more than three pounds per
thousand, for export, shall be deemed to be
cigarettes and cigars respectively, and the following
provisions shall apply to them as if they were
cigarettes and cigars respectively.

BILL C-115

THE HOUSE OF COMMONS OF CANADA

1904

C-116.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-116.

An Act to amend the Customs Tariff.

First reading, June 30, 1961.

MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-116.

R.S., cc. 60,
316;
1952-53, c. 31;
1953-54, c. 53;
1955, c. 51;
1956, c. 36;
1957, c. 21;
1958, c. 27;
1959, c. 12;
1960, c. 27.

An Act to amend the Customs Tariff.

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

1. (1) All that portion of subsection (2) of section 3 of the *Customs Tariff* preceding the enumeration of countries contained therein is repealed and the following substituted therefor: 5

British
Preferential
Tariff.

“(2) The rates of Customs duties, if any, set forth in column (1), “British Preferential Tariff”, apply to goods the growth, produce or manufacture of the following 10 British countries when conveyed without transshipment from a port of any British country enjoying the benefits of the British Preferential Tariff into a port of Canada:”

(2) All that portion of subsection (2) of section 3 of the said Act following the enumeration of countries contained therein is repealed and the following substituted therefor: 15

“goods entitled to the benefits of the British Preferential Tariff shall be accorded such benefits when such goods are shipped on a bill of lading consigned to a consignee in a 20 specified port in Canada when such goods are transferred at a port in a British possession, and conveyed without further transshipment into a port of Canada.”

2. Subsections (1) and (2) of section 5 of the said Act are repealed and the following substituted therefor: 25

Discount on
importations
under British
Preference
into
Canadian
ports.

“5. (1) The importer of goods entitled to the benefits of the British Preferential Tariff is entitled to a discount of ten per cent on the amount of duty computed under such Tariff, when such goods are conveyed without transshipment from a port of a country enjoying the benefits of the 30 British Preferential Tariff into a port of Canada.

EXPLANATORY NOTES.

The purpose of this Bill is to implement the Budget Resolution relating to the *Customs Tariff*.

Clause 1: (1) The portion of subsection (2) being amended at present reads as follows:

“(2) The rates of Customs duties, if any, set forth in column (1), “British Preferential Tariff”, apply to goods the growth, produce or manufacture of the following British countries when conveyed without transhipment from a port of any British country enjoying the benefits of the British Preferential Tariff into a *sea, lake or river* port of Canada.”

(2) The portion of subsection (2) being amended at present reads as follows:

“goods entitled to the benefits of the British Preferential Tariff shall be accorded such benefits when such goods are shipped on a bill of lading consigned to a consignee in a specified port in Canada when such goods are transferred at a port in a British possession, and conveyed without further transhipment into a *sea, lake or river* port of Canada.”

Clause 2: Subsections (1) and (2) of section 5 at present read as follows:

“5. (1) The importer of goods entitled to the benefits of the British Preferential Tariff is entitled to a discount of ten per cent on the amount of duty computed under such Tariff, when such goods are conveyed without transhipment from a port of a country enjoying the benefits of the British Preferential Tariff into a *sea, lake or river* port of Canada.

(2) Goods entitled to the benefits of the British Preferential Tariff are entitled to the discount authorized by this section, when shipped on a through bill of lading consigned to a consignee in a specified port in Canada, when such goods are transferred at a port in a British possession and conveyed without further transhipment into a *sea, lake or river* port of Canada.”

Consigned to
a consignee in
a specified
port in
Canada.

(2) Goods entitled to the benefits of the British Preferential Tariff are entitled to the discount authorized by this section, when shipped on a through bill of lading consigned to a consignee in a specified port in Canada, when such goods are transferred at a port in a British possession and conveyed without further transshipment into a port of Canada." 5

Schedule A
amended.

3. Schedule A to the said Act is amended by striking out tariff items

- (a) 521(2), 522(4), 528, 529, 529a, 534(a), 534(b), 538b, 538e, 538f, 538g(1), 538g(2), 538h, 538j, 538k, 538m, 538n, 538p, 541b, 542a, 542b, 545, 554d, 554e, 554f, 555, 556, 556a, 556b, 562a, 563a, 568, 568a(i), 568a(ii), 574, 574a, 574b, 619, 685 and 810; 10
- (b) 9, 9a, 9b, 9c, 9e, 152(e), 187c, 197a, 198a, 199m, 202a, 409c(3), 425, 425a, 425b, 427e, 431, 438h, 445o(i), 445o(ii), 445o(iii) and 658; 15
- (c) 296g, 319, 321, 322, 409d, 413a, 430c, 430e, 440d, 462d, 462i, 475c, 505c, 571a(2), 597d and 611a(4);

and the enumerations of goods and the rates of duty set opposite each of those items, and by inserting therein the items, enumerations of goods and rates of duty specified in the Schedule to this Act. 20

Commence-
ment.

4. This Act and the Schedule to this Act shall be deemed to have come into force on the 21st day of June, 1961, and to have applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day, and to have applied to goods previously imported for which no entry for consumption was made before that day. 25

SCHEDULE.

PART I.

Tariff Item	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
522	Woven fabrics, wholly of cotton:		
	(4) Composed of yarns of counts of one hundred or more, including all such fabrics in which the average of the count of warp and weft yarns is one hundred or more, <i>not including labels or name-tapes</i>		
	Free	25 p.c.	35 p.c.
528	White cotton bobbinet, plain, in the web.....		
	Free	12½ p.c.	25 p.c.
532f	Woven billiard cloth composed wholly or in part of wool or hair; melton cloth for use in the manufacture of tennis balls.....		
	Free	20 p.c. 25 cts.	40 p.c. 35 cts.
	and, per pound		
532g	Fabrics, coated or impregnated, composed wholly or in part of yarns of wool or hair, but not containing silk nor synthetic textile fibres or filaments, n.o.p.....		
	25 p.c.	27½ p.c.	55 p.c.
533a	Clothing, wearing apparel and articles made from woven fabrics, and all textile manufactures, wholly or partially manufactured, composed wholly or in part of wool or hair, <i>when the textile component thereof is not more than fifty per cent, by weight, of silk</i> , n.o.p.....		
	25 p.c.	27½ p.c.	55 p.c.
533b	Felt, pressed, in the web, <i>wholly or in part of wool</i> , not consisting of or in combination with any woven, knitted or other fabric or material....		
	12½ p.c.	17½ p.c. 12½ cts.	25 p.c. 20 cts.
	and, per pound		
534a	(1) <i>Household blankets of any material except wholly of cotton</i>		
	20 p.c. 5 cts.	20 p.c. 15 cts.	40 p.c. 30 cts.
	and, per pound		
	(2) <i>Automobile rugs, steamer rugs, travel rugs and similar articles of any material except wholly of cotton</i>		
	20 p.c. 5 cts.	20 p.c. 15 cts.	40 p.c. 30 cts.
	and, per pound		
	<i>The total duty leviable shall not be in excess of</i>		37½ p.c.
534b	Press blankets or blanketing for use with printing presses and stereotypers' and typecasters' blankets or blanketing, of a class or kind not made in Canada.....		
	Free	5 p.c.	10 p.c.
534c	Blankets, blanketing and lapping for use by textile manufacturers <i>on machines used in the manufacture of textiles</i>		
	Free	Free	Free
541b	Woven fabrics, wholly of jute, not exceeding twelve inches in width.....		
	15 p.c.	22½ p.c.	30 p.c.
542a	Woven fabrics not exceeding twelve inches in width, wholly or in part of vegetable fibres, n.o.p., not to contain silk, synthetic textile fibres or filaments, nor wool.....		
	20 p.c.	25 p.c.	40 p.c.
562a	Woven fabrics, wholly or in part of man-made fibres or filaments or of glass fibres or filaments, not containing wool or hair, not including fabrics more than fifty per cent, by weight, of silk:		
	(1) <i>Exceeding twelve inches in width</i>		
	22½ p.c.	30 p.c. 20 cts.	45 p.c. 40 cts.
	and, per pound		

SCHEDULE—Continued

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
562a conc.	(2) <i>Not exceeding twelve inches in width</i> Woven fabrics containing five per cent or less, by weight, of man-made fibres or filaments or of glass fibres or filaments shall not be dutiable under this item but shall be dutiable as though composed wholly of the remaining constituents.	25 p.c.	27½ p.c.	55 p.c.
562j	<i>Bolting cloth for sifting flour in flour mills</i>	Free	Free	45 p.c.
565a	Wick, braided or not, with or without core, processed or not, for use in the manufacture of wax candles or tapers or for use in oil-burning sanctuary lamps.....	Free	Free	Free
565b	Braids of all kinds, n.o.p.....	20 p.c.	25 p.c.	40 p.c.
565c	Linen fire-hose, lined or unlined, with or without attached couplings.....	15 p.c.	30 p.c.	35 p.c.
565d	<i>Seamless woven textile jackets, in tubular form, for use in the manufacture of fire-hose; fire-hose made from such jackets, with or without attached couplings:</i>			
	(1) <i>The textile component of which is wholly cotton</i>	20 p.c.	22½ p.c.	40 p.c.
	(2) <i>The textile component of which is other than wholly cotton</i>	22½ p.c.	27½ p.c.	45 p.c.
566a	Fabrics, containing figured designs, woven in widths not exceeding twelve inches, lace, embroideries, emblems and medallions, for use in the manufacture of church vestments.....	10 p.c.	10 p.c.	20 p.c.
566b	Lace and netting, other than woven, bobbinet, embroideries, n.o.p.:			
	(1) <i>Wholly of vegetable fibres</i>	10 p.c.	12½ p.c.	25 p.c.
	(2) <i>Wholly or in part of other textile fibres or filaments</i>	17½ p.c.	22½ p.c.	35 p.c.
568	(1) <i>Knitted garments, knitted fabrics and knitted goods, n.o.p.</i>	20 p.c.	35 p.c.	55 p.c.
	(2) <i>Knitted garments, women's and girls', wholly or in chief part by weight of wool or hair, valued at not less than \$9.00 per pound</i>	20 p.c.	32½ p.c.	55 p.c.
568a	Socks and stockings:			
	(1) <i>Wholly or in chief part, by weight, of wool</i> and, per dozen pairs	20 p.c. 30 cts.	27½ p.c. \$1.20	40 p.c. \$1.50
	(2) <i>N.o.p.</i> and, per dozen pairs	17½ p.c.	17½ p.c. 75 cts.	35 p.c. \$1.50
619	Rubber or gutta percha hose; rubber mats or matting and rubber packing.....	17½ p.c.	20 p.c.	35 p.c.
685	Pantographs and parts thereof, including diamond points, and engraving mills, for engraving copper rollers used in printing textiles and wallpapers.....	Free	Free	Free

SCHEDULE—Continued

PART II.

Tariff Item	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
9a Live poultry, n.o.p.....per pound	2 cts.	2 cts.	5 cts.
9b Quails, partridges, and squabs, live or dead, n.o.p..	10 p.c.	12½ p.c.	30 p.c.
9c Turkey poults, baby ducklings and baby goslings....	12½ p.c.	12½ p.c.	20 p.c.
9e Dead poultry, n.o.p.....	12½ p.c.	12½ p.c.	20 p.c.
9f Eviscerated poultry, whether or not divided into portions and whether or not cooked..... but not less than, per pound or more than, per pound	12½ p.c. 5 cts. 10 cts.	12½ p.c. 5 cts. 10 cts.	35 p.c.
9g Game, n.o.p.....	12½ p.c.	12½ p.c.	20 p.c.
9h Horse meat, tripe and other animal offal, ground or unground, unfit for human consumption; whale meat; feeds consisting wholly or in part of cereals but not including baked biscuits; all the foregoing when for use exclusively in the feeding of fur-bearing animals or in the manufacture of feeds for such purposes.....	Free	Free	Free
105k Pineapples, mint flavoured, prepared, in air-tight cans or other air-tight containers, the weight of the containers to be included in the weight for duty.....per pound	1 ct.	2 cts.	5 cts.
152 Fruit juices and fruit syrups, n.o.p., viz.:— (e) Pineapple juice.....	7½ p.c.	7½ p.c.	25 p.c.
187c Photographic dry plates.....	10 p.c.	17½ p.c.	30 p.c.
197a Super-calendered or machine finish grades of book paper, not coated, when used exclusively in the production of magazines, newspapers and periodicals, printed, published and issued at regular intervals, not less frequently than four times a year, and bearing dates of issue.....	Free	Free	25 p.c.
197h Filter paper for use in the manufacture of vacuum cleaner bags.....	10 p.c.	10 p.c.	25 p.c.
198a Coated papers, when used exclusively in the production of magazines, newspapers and periodicals, printed, published and issued at regular intervals, not less frequently than four times a year, and bearing dates of issue.....	Free	Free	35 p.c.
199m Woven paper fabrics, open mesh, not less than nine feet in width, for use in the manufacture of carpets.....	15 p.c.	20 p.c.	35 p.c.
202a Twine or yarn of paper.....	10 p.c.	10 p.c.	35 p.c.
409c (3) Lawn or garden rollers, n.o.p.; parts thereof	Free	Free	Free
(5) Lawn or garden rollers, non-mechanical; parts thereof.....	15 p.c.	15 p.c.	15 p.c.
425a (1) Power lawn mowers, self-propelled or not, whether or not containing the power unit.....	15 p.c.	20 p.c.	32½ p.c.
(2) Gang-type lawn mowers designed to be drawn or pushed mechanically; parts thereof.....	10 p.c.	15 p.c.	32½ p.c.
(3) Lawn mowers, n.o.p.....	10 p.c.	22½ p.c.	32½ p.c.

SCHEDULE—Continued

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
425b	(1) Air-cooled internal combustion engines of greater than one and one-half horsepower rating, and parts thereof; parts of power lawn mowers; all the foregoing for use in the manufacture or repair of power lawn mowers.	5 p.c.	10 p.c.	32½ p.c.
	(2) Air-cooled internal combustion engines of not greater than one and one-half horsepower rating, and parts thereof, when for use in the manufacture or repair of power lawn mowers.	Free	10 p.c.	30 p.c.
427e	Automatic machines for making and packaging cigars and cigarettes, not to include tobacco-preparing machines; parts thereof.	Free	7½ p.c.	35 p.c.
431	(1) Shovels and spades, of iron or steel, n.o.p., and axes.	10 p.c.	15 p.c.	20 p.c.
	(2) Hoes, pronged forks, rakes, hand.	15 p.c.	15 p.c.	20 p.c.
438h	(1) Motor cycles having an engine capacity of 250 c.c. or less, engines or side cars therefor; parts of the foregoing.	Free	17½ p.c.	30 p.c.
	(2) Motor cycles having an engine capacity of more than 250 c.c., engines or side cars therefor; parts of the foregoing.	Free	12½ p.c.	30 p.c.
445o	(1) Acid-free capacitor tissue and paper, plain and gummed; Bias cells and holders; Cones, spiders, spider suspensions, voice coils and voice coil dust covers, separate or assembled; Frames, yokes, brackets, pole-pieces, gaskets and field covers, separate or assembled for use in speakers with mounting diameter not exceeding 6 3/8 inches; Glass dial crystals and scales and metal dials or scales made by the silk-screen process; High frequency circuit switches and essential components thereof; High frequency coil forms and tubing having an outside diameter not exceeding one inch; High frequency iron cores with or without inserts moulded therein; Magnetic structures and parts thereof for permanent magnet speakers; Metal cabinet escutcheons without crystals, plain or finished; Metal cans, extruded, plated or unplated; Motors and gears for automatic tuning; Parts for pickups; Radio frequency ceramics; Raw low loss mica; Sheets and punchings of low loss mica; Tube shields and parts thereof; Vibrators; Vulcanized fibre in sheets, rods, strips or tubing; For use in the manufacture or the repair of the goods enumerated in tariff items 445d, 597a, and other apparatus using radio tubes, or for use in the manufacture of parts therefor.	Free	Free	30 p.c.
	(2) Automatic record changers.	7½ p.c.	7½ p.c.	30 p.c.

SCHEDULE—Continued

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
445o conc.	(3) Alloy resistance wire having a diameter of less than .005 inch; Automatic record-centering mechanisms with tone arm, not including motors or turntables; Etched aluminum foil; Metal cabinet escutcheons with crystals, plain or finished; Metal powders; Spring-drive motors for record turntables; Textile fabrics, coated with aluminum; When of a class or kind not made in Canada and for use in the manufacture or the repair of the goods enumerated in tariff items 445d, 597a, and other apparatus using radio tubes, or for use in the manufacture of parts therefor . .	Free	Free	30 p.c.
	(4) Materials and parts, not including motors, for use by manufacturers of apparatus using radio tubes, or of parts therefor, in the manufacture, in their own factories, of the goods enumerated in tariff items 445o(1), 445o(2) and 445o(3).....	Free	Free	30 p.c.
463d	<i>Lenses, shutters, and parts thereof, for use in the manufacture of still and motion picture projectors..</i>	Free	10 p.c.	35 p.c.
658	Motion picture film, of 16 millimetre width and over, and video tape, not including filmed or video taped television commercials, when imported by recognized processors of motion picture film or video tape having duly equipped laboratories for processing motion picture film or video tape in Canada, for the sole purpose of having reproductions made therefrom, and if the original film or video tape is re-exported within six months from the date of importation, under such regulations as the Minister may prescribe per linear foot	Free	Free	3 cts.
658a	<i>Filmed or video taped television commercials.....</i>	15 p.c.	20 p.c.	30 p.c.
658b	<i>Video tape, n.o.p.....</i>	15 p.c.	20 p.c.	30 p.c.

PART III.

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
133a	<i>Trout, live, imported by commercial trout farms...</i>	Free	Free	25 p.c.
296g	Sodium calcium borate ore for use as a fire retardant..... On and after July 1, 1962	Free 15 p.c.	Free 20 p.c.	25 p.c. 25 p.c.
319	Plate glass, ground and polished on both surfaces, not further processed than cut into rectangles, and float glass not further processed than cut into rectangles.....	Free	5 p.c.	15 p.c.

SCHEDULE—Continued

Tariff Item	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff	
321	Sheet glass, plate glass, cast glass, rolled glass and <i>float glass</i> , n.o.p.....	Free	7½ p.c.	17½ p.c.
322	Laminated glass, of sheet glass, plate glass or <i>float glass</i> , or combinations thereof:			
	(1) Not further processed than cut into rectangles.....	5 p.c.	12½ p.c.	22½ p.c.
	(2) N.o.p.....	17½ p.c.	25 p.c.	35 p.c.
409d	Mowing machines, harvesters, either self-binding or without binders, binding attachments, reapers, harvesters in combination with threshing machine separators including the motive power incorporated therein; <i>cabs</i> and parts for the foregoing.....	Free.	Free	Free
413a	Machinery, of a class or kind not manufactured in Canada, and parts thereof, for use in the manufacture of nets or netting for the fisheries, but not for use in making nets or netting commonly used for sportsmen's purposes.....	Free	Free	10 p.c.
430c	Wire roofing nails of all sizes and wire nails one inch or more in length, of iron or steel, coated or not.....per one hundred pounds	85 cts.	\$1.00	\$1.50
430e	Wire nails less than one inch in length, and nails or tacks of all kinds, n.o.p., of iron or steel, coated or not.....	10 p.c.	22½ p.c.	30 p.c.
440d	Anchors for vessels:			
	(1) <i>Weighing less than forty pounds</i>	15 p.c.	15 p.c.	25 p.c.
	(2) <i>Weighing forty pounds or over</i>	Free	Free	Free
462d	Cinematograph and motion picture cameras for use by professional motion picture producers having studios in Canada equipped for motion picture production; parts of the foregoing..... On and after July 1, 1963	Free Free	Free 9 p.c.	15 p.c. 15 p.c.
462i	Optical sound equipment; Dollies, or other mobile mounting units for motion picture cameras; Booms, without wiring, for use with microphones; Motion picture editing equipment, namely: film editing machines, film splicers, film synchronizers, film viewers, rewinds; Parts of the foregoing; All the foregoing when for use in the production of motion pictures by professional producers having studios in Canada equipped for motion picture production..... (Expires 1st July, 1963)	Free	Free	15 p.c.
475c	Plates and electrotypes of metal and <i>positive and negative films</i> , for printing music.....	Free	Free	Free
505c	Flooring of beech, birch, maple or oak, tongued or grooved, or jointed; floor tiles made of individual strips of beech, birch, maple or oak, joined together.....	12½ p.c.	12½ p.c.	25 p.c.

SCHEDULE

Class	Subject	Text	Page
101	English	...	...
102	Mathematics	...	...
103	Science	...	...
104	History	...	...
105	Physical Education	...	...
106	Art	...	...

Approved by the Board of Education

1918

The Board of Education

SCHEDULE—*Concluded*

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
571a	(2) Mats, rugs, carpeting and matting of cocoa fibre, <i>n.o.p.</i>.....per square yard	6½ cts.	7 cts.	10 cts.
597d	Musical instruments, namely: Autoharps, clavichords, harpsichords, harps; Bass <i>viols</i> , violas, violins, violoncellos; Strings for the foregoing; Recorders, xylophones; Bassoons, clarinets, English horns, fifes, flutes, oboes, piccolos, saxophones; Parts of the foregoing.....	Free	Free	30 p.c.
611a	(4) Conductive shoes for use in hospitals..... On and after July 1, 1962	Free 20 p.c.	Free 27½ p.c.	40 p.c. 40 p.c.

C-117.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-117.

An Act to amend the Industrial Development
Bank Act.

First reading, June 30, 1961.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-117.

An Act to amend the Industrial Development Bank Act.

R.S., cc. 151,
326; 1956,
c. 25.

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

1956, c. 25,
s. 1.

1. Paragraph (d) of section 2 of the *Industrial Development Bank Act* is repealed and the following substituted 5
therefor:

“Industrial
enterprise.”

“(d) “industrial enterprise” means an enterprise in which is carried on any industry, trade or other business undertaking of any kind;”

1956, c. 25,
s. 2.

2. Subsection (1) of section 3 of the said Act is repealed 10
and the following substituted therefor:

Bank
continued.

“3. (1) There shall continue to be a bank called the Industrial Development Bank consisting of, as members, those persons for the time being comprising the Board of Directors of the Bank of Canada and the person for the 15
time being holding the office of Deputy Minister of Trade and Commerce, who shall constitute a corporation which for all purposes of this Act is an agent of Her Majesty in right of Canada.”

1956, c. 25,
s. 3.

3. Subsection (3) of section 5 of the said Act is repealed 20
and the following substituted therefor:

Directors’
fees.

“(3) The Directors, other than the Governor and Deputy Governor of the Bank of Canada, the Deputy Minister of Finance and the Deputy Minister of Trade and Commerce, are entitled to receive for attendance at meetings of the 25
Board and meetings of the Executive Committee such fees as may be fixed by the by-laws of the Bank, but the aggregate amount of the fees paid to all Directors exclusive of expenses shall not exceed twenty thousand dollars in 30
any fiscal year.”

EXPLANATORY NOTES.

Clause 1: The purpose of this amendment is to extend the definition of "industrial enterprise" now appearing in the Act to include all business enterprises without limitation as to the kind of business carried on. Paragraph (d) at present reads as follows:

"(d) "industrial enterprise" means an enterprise in which is carried on the business of

- (i) manufacturing, processing, assembling, installing, overhauling, reconditioning, altering, repairing, cleaning, packaging, transporting or warehousing of goods,
- (ii) logging, operating a mine or quarry, drilling, construction, engineering, technical surveys or scientific research,
- (iii) generating or distributing electricity or operating a commercial air service, or the transportation of persons, or
- (iv) supplying premises, machinery or equipment for any business mentioned in subparagraph (i), (ii) or (iii) under a lease, contract or other arrangement whereby title to the premises, machinery or equipment is retained by the supplier;"

Clause 2: This amendment would include as a member of the Industrial Development Bank the person holding the office of Deputy Minister of Trade and Commerce. Subsection (1) at present reads as follows:

"3. (1) There shall continue to be a bank, called the Industrial Development Bank, consisting of those persons as members who for the time being comprise the Board of Directors of the Bank of Canada, who shall constitute a corporation, which is for all purposes of this Act an agent of Her Majesty in right of Canada."

Clause 3: This amendment, relating to Directors' fees, is consequential upon the amendments contained in clauses 2 and 4, and would increase the aggregate amount of the fees that may be paid in any fiscal year from a maximum of ten thousand dollars to a maximum of twenty thousand dollars. Subsection (3) at present reads as follows:

"(3) The Directors, other than the Governor or Deputy Governor of the Bank of Canada or the Deputy Minister of Finance, are entitled to receive for attendance at Directors' meetings and Executive Committee meetings such fees as may be fixed by the by-laws of the Bank, but the aggregate amount of the fees paid to all Directors exclusive of expenses shall not exceed ten thousand dollars in any fiscal year."

4. Subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

Executive
Committee
of the
Board.

"7. (1) There shall be an Executive Committee of the Board consisting of the Directors who are members of the Executive Committee of the Bank of Canada, the person 5
for the time being holding the office of Deputy Minister of Trade and Commerce and one other Director selected by the Board."

5. The said Act is further amended by adding thereto, immediately after section 7 thereof, the following section: 10

Alternate
member.

"7A. All powers, duties and functions under this Act of the person for the time being holding the office of Deputy Minister of Trade and Commerce may, in the event that he is absent or unable to act or the office is vacant, be exercised by such other officer of the Department of Trade 15
and Commerce as the Minister of Trade and Commerce may nominate."

6. Section 12 of the said Act is repealed and the following substituted therefor:

Capitaliza-
tion.

"12. (1) The authorized capital of the Bank is fifty 20
million dollars divided into five hundred thousand shares of the par value of one hundred dollars each.

Bank of
Canada sub-
scription
for shares.

(2) The Bank of Canada shall subscribe for the said five hundred thousand shares at par and shall pay the amount of such subscription at such times and in such 25
amounts as the Board may determine."

7. Section 14 of the said Act is repealed and the following substituted therefor:

Aggregate
liabilities.

"14. The aggregate of the total direct liabilities of the Bank, including bonds and debentures issued by the Bank, 30
and of the total contingent liabilities of the Bank in the form of guarantees given or underwriting agreements entered into by it shall not, at any time, exceed five times the aggregate amount of the paid-up capital and the Reserve Fund, for which provision is made hereinafter." 35

1956, c. 25,
s. 5(1).

8. (1) Paragraph (e) of subsection (1) of section 15 of the said Act is repealed and the following substituted therefor:

"(e) purchase or otherwise acquire

(i) with a view to the resale thereof, the whole or 40
any part of any issue of stock, bonds or debentures of the corporation from the corporation or a shareholder thereof or from any person with whom the Bank has entered into an underwriting agreement in respect of the said issue, or 45

Clause 4: This amendment would include as a member of the Executive Committee of the Board of Directors the person holding the office of Deputy Minister of Trade and Commerce, and would also authorize the selection by the Board of one other director to be a member of the Executive Committee. Subsection (1) at present reads as follows:

"7. (1) There shall be an Executive Committee of the Board consisting of the Directors who are members of the Executive Committee of the Bank of Canada."

Clause 5: New. This amendment would provide for an alternate member to act in the place of the Deputy Minister of Trade and Commerce where necessary.

Clause 6: The purpose of this amendment is to increase the authorized capital of the Bank from twenty-five million dollars to fifty million dollars. Section 12 at present reads as follows:

"12. (1) The authorized capital of the Bank is *twenty-five* million dollars divided into *two hundred and fifty* thousand shares of the par value of one hundred dollars each.

(2) The Bank of Canada shall subscribe for the said *two hundred and fifty* thousand shares at par and shall pay the amount of such subscription at such times and in such amounts as the Board may determine."

Clause 7: The purpose of this amendment is to increase the authorized borrowing authority of the Bank to an amount not exceeding five times the aggregate amount of its paid-up capital and reserve fund. Section 14 at present reads as follows:

"14. The aggregate of the total direct liabilities of the Bank, including bonds and debentures issued by the Bank, and of the total contingent liabilities of the Bank in the form of guarantees given or underwriting agreements entered into by it, shall not at any time exceed *three* times the aggregate amount of the paid-up capital and the Reserve Fund, for which provision is made hereinafter."

Clause 8: (1) This amendment would enable the Bank to make funds available in respect of transportation equipment by the purchase of equipment trust certificates secured in the manner described. Paragraph (e) at present reads as follows:

"(e) purchase or otherwise acquire with a view to resale thereof the whole or any part of any issue of stock, bonds or debentures of the corporation from the corporation or from a shareholder of the corporation or from any person with whom the Bank has entered into an underwriting agreement in respect of the said issue and may subsequently sell or otherwise dispose of the said stock, bonds or debentures."

(ii) obligations or certificates issued by a trustee to finance the purchase of transportation equipment for the corporation, if the said obligations or certificates are fully secured by an assignment of the equipment to, or by the ownership of the equipment by, the trustee, or by a lease or conditional sale thereof by the trustee to the corporation, 5

and may subsequently sell or otherwise dispose of the said stock, bonds, debentures, obligations or certificates." 10

1956, c. 25,
s. 5(1).

(2) Subsection (2) of section 15 of the said Act is repealed and the following substituted therefor:

Purchase of
property
subject to
right of
redemption.

"(1a) Where, pursuant to subsection (1), the Bank may lend or guarantee loans of money to any person, the Bank may, subject to a right of redemption by that person, 15 acquire by purchase or otherwise and hold any tangible movable property used or to be used in an industrial enterprise, and may subsequently sell or otherwise dispose of any such property.

Limitation on
commit-
ments.

(2) Notwithstanding subsections (1) and (1a), the aggregate of the amounts of the loans or liabilities of the Bank and of the expenditures by the Bank for securities and other property held by it, specified in subsection (3), shall not at any time exceed two hundred million dollars." 20

1956, c. 25,
s. 5(2).

(3) Paragraphs (d) and (e) of subsection (3) of section 15 25 of the said Act are repealed and the following substituted therefor:

"(d) the amount of every expenditure by the Bank for stock, bonds, debentures, obligations or certificates held by it that were issued by, or to finance the 30 purchase of transportation equipment for, any one corporation if the amount of the expenditure for the purchase of the said stock, bonds, debentures, obligations or certificates so held exceeds two hundred 35 thousand dollars,

(da) the amount of every expenditure by the Bank for the acquisition, subject to a right of redemption by any one person, of tangible movable property used or to be used in an industrial enterprise (computed for the purposes of this paragraph and paragraph 40 (e) as the amount remaining after subtracting any amount repaid to the Bank in respect of the said property) if the amount of the expenditure for the acquisition of the said property exceeds two hundred 45 thousand dollars, and

(2) The new subsection (1a) would enable the Bank to acquire title to movable property and to make such property available to a borrower under a conditional sales agreement or other arrangement under which the borrower has a right of redemption.

The amendment to subsection (2) would increase the aggregate amount of loans, investments, guarantees and other liabilities of the Bank that exceed two hundred thousand dollars, from a maximum of seventy-five million dollars to a maximum of two hundred million dollars. Subsection (2) at present reads as follows:

"(2) Notwithstanding subsection (1), the aggregate of the amounts of the loans or liabilities of the Bank and of the expenditures by the Bank for securities held by it, specified in subsection (3), shall not at any time exceed *seventy-five* million dollars."

(3) These amendments are consequential upon the amendments contained in subclauses (1) and (2), and extend the provisions of subsection (3) of section 15, defining the amounts to be included in the aggregate amount referred to in subsection (2) of section 15, to include purchases of equipment trust certificates and acquisitions of movable property as described in subclauses (1) and (2). Paragraphs (d) and (e) at present read as follows:

"(d) the amount of every expenditure by the Bank for stock, bonds or debentures held by it issued by any one corporation if the amount of the expenditure for the purchase of the said stock, bonds or debentures so held exceeds two hundred thousand dollars, and

- (e) the total amount of loans owing by any person to the Bank, of loans to the said person guaranteed by the Bank to the extent that they are so guaranteed, and of expenditures by the Bank for the acquisition subject to a right of redemption by the said person of tangible movable property used or to be used in an industrial enterprise and, where the said person is a corporation, of liabilities of the Bank under any underwriting agreements with respect to the issue of stock, bonds or debentures by the corporation and of expenditures by the Bank for stock, bonds, debentures, obligations or certificates held by it that were issued by, or to finance the purchase of transportation equipment for, the corporation, if the said total amount exceeds two hundred thousand dollars, but there shall be deducted from the said total amount before including it in the said aggregate the amount of any loan, liability or expenditure included in the said aggregate under any of paragraphs (a) to (da)."

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(e) the total amount of loans owing by any person to the Bank and of loans to the said person guaranteed by the Bank to the extent that they are so guaranteed and, where the said person is a corporation, of liabilities of the Bank under any underwriting agreements with respect to the issue of stock, bonds or debentures by the corporation and of expenditures by the Bank for stock, bonds or debentures held by it issued by the corporation, if the said total amount exceeds two hundred thousand dollars, but there shall be deducted from the said total amount before including it in the said aggregate the amount of any loan, liability or expenditure included in the said aggregate under paragraph (a), (b), (c) or (d)."

THE HOUSE OF COMMONS OF CANADA

BILL G-118.

AN ACT TO AMEND THE BANK ACT.

Enacted by Her Majesty in Council.

REPORT OF THE

COMMISSIONERS OF THE GENERAL LAND OFFICE
IN CONNECTION WITH THE PROPOSED
AMENDMENT TO THE BANK ACT

C-118.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-118.

An Act to amend the Excise Tax Act.

First reading, July 1, 1961.

MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-118.

An Act to amend the Excise Tax Act.

R.S., cc. 100,
320;
1952-53, c. 35;
1953-54, c. 56;
1955, c. 53;
1956, c. 37;
1957, c. 26;
1957-58, c. 14;
1958, c. 30;
1959, c. 23;
1960, c. 30.

Tax on
premiums in
respect of
insurance
with British
or foreign
company.

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

1. Subsection (1) of section 4 of the *Excise Tax Act* is repealed and the following substituted therefor: 5

"4. (1) Every person resident in Canada who enters into or renews a contract of insurance, other than a contract of reinsurance, against a risk ordinarily within Canada at the time the contract is entered into or renewed, with

(a) any British or foreign company, or 10

(b) any exchange, having its chief place of business outside Canada, or having a principal attorney-in-fact whose chief place of business is outside Canada,

that at the time the contract is entered into or renewed is not authorized under the laws of Canada or of any province 15 to transact the business of insurance, shall, on or before the 1st day of March in each year, pay to the Minister, in addition to any other tax payable under any other law, a tax of ten per cent of the net premiums paid or payable by such person during the immediately preceding calendar year 20 in respect of such insurance.

Application. (1a) Subsection (1) does not apply to any contract of life insurance, personal accident insurance, sickness insurance or insurance against marine risks, or any contract of insurance against nuclear risks to the extent that such 25 insurance against nuclear risks is not, in the opinion of the Superintendent, available within Canada."

EXPLANATORY NOTES.

The purpose of this Bill is to implement the Budget Resolution relating to the *Excise Tax Act*.

Clause 1: Subsection (1) of section 4 at present reads as follows:

"4. Every person resident in Canada who insures property situated in Canada, in which he has an insurable interest otherwise than as an insurer, against risks other than marine risks, or who renews any such insurance, with

- (a) any British or foreign company, or
- (b) any exchange, having its chief place of business outside Canada, or having a principal attorney-in-fact whose chief place of business is outside Canada,

that at the time such insurance is effected or renewed is not authorized under the laws of Canada or of any province to transact the business of insurance, shall, on or before the 1st day of March in each year, pay to the Minister, in addition to any other tax payable under any other law, a tax of ten per cent of the net premiums paid or payable by such person during the immediately preceding calendar year in respect of such insurance."

2. Section 8 of the said Act is repealed and the following substituted therefor:

Export duty
on electrical
power.

“8. Every person who exports electrical power from Canada by a line of wire or other conductor shall pay an export duty of three one-hundredths of one cent per kilowatt hour on all electrical power so exported by him during any period specified pursuant to section 9, less any such electrical power reimported by him, or any electrical power imported by him as a result of an international equichange transfer of electrical power on the same or connected circuits, during that period.” 5 10

3. The heading immediately preceding section 22 of the said Act is repealed and the following substituted therefor:

“PART IV.

EXCISE TAXES ON COSMETICS, JEWELLERY, RADIOS, ETC.”

4. Section 24 of the said Act is repealed.

5. The said Act is further amended by adding thereto, immediately after section 50 thereof, the following section:

Evidence of
failure to
make return.

“50A. (1) Where a person is required by or pursuant to any Part except Part I to make a return, an affidavit of an officer of the Department of National Revenue, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after a careful examination and search of the records he has been unable to find that the return so required was made by such person, shall be received as *prima facie* evidence that such person did not make the return.” 20 25

Evidence
that person
was holder
of licence.

(2) In any prosecution for an offence under this Act or in any other proceedings for the recovery of any penalty incurred under this Act, an affidavit of an officer of the Department of National Revenue, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after a careful examination and search of the records he has found that during the period stated in the affidavit a person was the holder of a licence granted under or in respect of Part IV, V or VI, shall be received as *prima facie* evidence that such person was during that period the holder of such licence. 30 35

Clause 2: Section 8 at present reads as follows:

"8. Every person who exports electric power from Canada by a line of wire or other conductor shall pay an export duty of three one-hundredths of one cent per kilowatt hour on all electric power so exported by him."

Clause 3: The heading preceding section 22 at present reads as follows:

"PART IV.

EXCISE TAXES ON AUTOMOBILES, BEVERAGES, CIGARS, ETC."

Clause 5: The purpose of this new section is to facilitate proof of the non-filing of a return under any Part except Part I or of the fact that a person was the holder of a licence granted under Part IV, V or VI.

Presumption.

(3) Where evidence is offered under this section by an affidavit from which it appears that the person making the affidavit is an officer of the Department of National Revenue, it is not necessary to prove his signature or that he is such an officer nor is it necessary to prove the signature or official character of the person before whom the affidavit was sworn." 5

6. Section 68 of the said Act is amended by adding thereto the following subsection:

Joint and several liability of licensed purchaser and vendor.

"(2) Where a manufacturer or wholesaler holding a licence granted under or in respect of Part IV or VI has purchased goods from another such licensed manufacturer or licensed wholesaler and has incorrectly stated or certified that the goods were being purchased for a use or under conditions rendering the sale of such goods to him exempt from any tax imposed by Part IV or VI, such purchaser and the licensed manufacturer or licensed wholesaler from whom he purchased the goods are jointly and severally liable for payment of the tax and any penalty provided by subsection (4) of section 48." 10 15 20

7. (1) Section 1 of Schedule I to the said Act is repealed.

(2) Section 3 of Schedule I to the said Act is repealed and the following substituted therefor:

"3. Devices, commonly or commercially known as lighters, that produce sparks, flame or heat whether or not in combination with other articles on the separate or combined value, as the case may be..... ten per cent, but not less than ten cents per device." 25

(3) Section 5 of Schedule I to the said Act is repealed and the following substituted therefor: 30

"5. (a) Phonographs, record playing devices, radio broadcasting receiving sets or any combination of the foregoing; any apparatus or device that enables a person to hear programmes of music distributed by any means whatever or radio broadcasting programmes distributed by any means whatever; but this paragraph does not include any article coming within paragraph (b) of this section..... fifteen per cent; notwithstanding anything in this paragraph the excise tax in respect of radio broadcasting receiving sets, other than radio broadcasting receiving sets designed to operate independently of batteries or other sources of electrical power, shall not be less than two dollars per set. 35 40 45

(b) television receiving sets, any apparatus or device that enables a person to see or to see and hear television programs transmitted by any means whatever or television radio broadcasting programs transmitted by any means whatever fifteen per cent
(c) certain taxes not including excise tax under the

Clause 6: The purpose of this new subsection is to render a licenced purchaser who obtains goods from a licensed vendor free of tax, as a result of misrepresentation, jointly and severally liable with the vendor for payment of the tax that should have been paid and any penalty provided by section 48.

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- (b) television receiving sets; any apparatus or device that enables a person to see, or to see and hear, television programmes distributed by any means whatever or television radio broadcasting programmes distributed by any means whatever..... 5
fifteen per cent.
- (c) electron tubes, not including cathode ray tubes, the duty paid value or the sale price of which, as the case may be, does not exceed five dollars per tubefifteen per cent, but not less than 10
ten cents per tube.
- (d) cathode ray tubes for television receiving setsfifteen per cent."

8. (1) All that portion of Schedule III to the said Act under the heading "BUILDING MATERIALS" is repealed 15
and the following substituted therefor:

"Ash handling and fuel handling equipment for use with furnaces for the heating of buildings, when connected directly to such furnaces and installed in the same building 20
as such furnaces;

Blowers for use in warm air systems for the heating of buildings;

Bricks, building tile, building blocks curved or shaped and building stone;

Cast iron soil pipe and cast iron fittings therefor; 25

Chimneys for buildings, not including fireplaces; chimney caps;

Circulating pumps for use in forced hot water heating systems for the heating of buildings;

Doors for buildings and door and window screens; 30

Drainage, waste and vent copper tubing from two inches to six inches in diameter, with a wall thickness from .040 to .083 of an inch, for non-pressure applications, and fittings therefor;

Ducts for warm air, ventilating and air conditioning 35
systems for buildings, but not including materials used in their manufacture;

Electric heating equipment, designed for use on a system using 200 volts or greater, for permanent installation as part of an electric heating system for buildings, but not 40
including electric wiring or other materials leading to or connecting such equipment to the electric power supply;

Floor tile, hard surface composition yardage flooring for permanent bonding to floors and underlay therefor;

Fuel tanks for use with furnaces for the heating of build- 45
ings and connected directly to such furnaces;

Furnaces, stokers, oil or gas burners, hot water and steam radiators not including fittings, for the heating of buildings;

Glass for buildings;	
Hard surface plastic laminated building materials;	
Locks, not including padlocks; latch sets, lock sets, and parts thereof; hinges, not including checking floor hinges;	
Lumber; sash; shingles; lath; siding; stairways; cornice, frieze, pilasters and other units or members of wood milled for use as structural or architectural building components, not including assembled or unassembled cabinets, counters, cupboards, furniture, ironing boards, work benches and similar installations;	5
Material for waterproofing and moisture-proofing buildings;	10
Materials to be incorporated in terrazzo flooring;	
Paints, varnishes, white lead and paint oil;	
Plaster; lime; cement and additives for concrete;	15
Plaster boards, fibreboard, wall panels, building paper, wallpaper and materials, manufactured wholly or in part of vegetable or mineral substances, for ceilings, walls, building insulation or acoustical purposes;	
Precast concrete piles;	20
Prepared dry concrete mixes;	
Prepared roofings for buildings;	
Room thermostats for use with permanent heating systems for the heating of buildings;	
Septic tanks and grease traps therefor;	25
Shower baths, bath tubs, basins, faucets, closets, lavatories, urinals, sinks and rims therefor and laundry tubs, not including repair parts therefor, nor pipes and pipe fittings;	
Skylights;	
Structural steel for buildings;	30
Tar and asphalt for roofing;	
Ventilators and louvres, not motor operated;	
Articles and materials to be used exclusively in the manufacture or production of the foregoing building materials, except hardware for doors and sash;"	35

(2) All that portion of Schedule III to the said Act under the heading "COVERINGS" is repealed and the following substituted therefor:

"Usual coverings or usual containers to be used exclusively for covering or containing goods not subject to the consumption or sales tax but not including coverings or containers designed for dispensing goods for sale or designed for repeated use other than

- (a) barrels, boxes, baskets, crates and bags for packaging fruits and vegetables, 45
- (b) boxes and crates for eggs,
- (c) butter and cheese boxes,

(d) cans and insulated bags for ice cream,

(e) corrugated paper boxes for bread,

(f) flour bags,

(g) milk and cream bottles, milk and cream cans, milk
and cream plastic bags; 5

and materials to be used exclusively in the manufacture of the foregoing coverings and containers not subject to consumption or sales tax;"

(3) All that portion of Schedule III to the said Act under the heading "FARM AND FOREST" is repealed 10 and the following substituted therefor:

"Bees; Casein; Fertilizer; Hay; Hops; Shorts; Straw;

Alfalfa meal;

Animals, living;

Baling twine or baling wire for baling farm produce, and 15
articles and materials to be used or consumed exclusively in process of manufacture thereof;

Beet pulp, dried;

Boxes for farm wagons, and articles and materials to be
used exclusively in the manufacture thereof; 20

Creosote oil and other wood preservatives when for use
exclusively in the treatment of timber, poles or lumber;

Cut flowers;

Drain tiles for agricultural purposes;

Farm produce sold by the individual farmer of his own 25
production;

Feeds for poultry, cattle and other stock and for fur-
bearing or laboratory animals, supplements for addition to
such feeds, and materials to be used exclusively in the
manufacture of such feeds or supplements; 30

Forest products when produced and sold by the individual
settler or farmer;

Friction disc sharpeners;

Furs, raw;

Grain or seed cleaning machines and complete parts 35
therefor, including materials to be used exclusively in the
manufacture of such machines and parts;

Grains and seeds in their natural state;

Harness for horses and complete parts therefor, and
articles and materials to be used exclusively in the manu- 40
facture thereof; harness leather;

Hides, raw and salted;

Individual tree guards and tree protectors not exceeding
thirty-six inches in height;

Logs and round unmanufactured timber; 45

Nursery stock;

Oil cake, oil cake meal;

Peat moss when used for agricultural purposes, including
poultry litter;

Potted, flowering or bedding plants; dormant flower bulbs, corms, roots and tubers; cut foliage;

Poultry, living;

Preparations, chemicals or poisons (other than pharmaceuticals) for pest control purposes in agriculture or horticulture, and materials used in the manufacture thereof; 5

Rodent poisons, and materials for use exclusively in their manufacture;

Sap spouts and sap buckets, evaporators and complete parts therefor, when for use exclusively for the production of maple syrup; 10

Sawdust and wood shavings;

Self-propelled, self-unloading forage wagons for off-highway use for farm purposes and materials used in the manufacture thereof; 15

Settlers' effects;

Steel pens and complete parts thereof for farm animals, and articles and materials for use exclusively in the manufacture thereof;

Vegetable plants; 20

Vermiculite and perlite;

Wool not further prepared than washed;

Woollen rolls or wool yarn milled for a producer of wool from wool supplied by him for his own use;"

(4) All that portion of Schedule III to the said Act under the heading "MISCELLANEOUS" is repealed and the following substituted therefor: 25

"Additives for fuel oil for heating and materials used in the manufacture thereof;

Articles and materials purchased or imported by a government of a country designated by the Governor in Council under *Customs Tariff* item 708, or purchased or imported by a Canadian government agency on behalf of such a government, for the construction, maintenance or operation of military or defence establishments in Canada and not intended for resale, gift or other disposition except as may be authorized by the Minister of National Revenue; 30 35

British and Canadian coins and foreign gold coin;

Drain tile not exceeding four inches in inside diameter and twelve inches in length; 40

Electricity;

Fuel for lighting or heating, but not including fuel when for use in internal combustion engines; crude oil to be used in the production of fuel;

Identification tags or labels for designating the grades or quality of meat, poultry, fish, eggs, fruit and vegetables, and materials to be used exclusively in the manufacture thereof; 45

Natural gas and gas manufactured from coal, calcium carbide or oil for illuminating or heating purposes; 50

Perforated pipe for drainage purposes not exceeding four inches in inside diameter;

Railway ties;

Seismic shot-hole casing and materials used in the manufacture thereof;

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Seventy-five per cent of the sale price if manufactured in Canada, or seventy-five per cent of the duty paid value if imported, of trailers for use as homes;

Tanks for collecting milk and materials to be used exclusively in the manufacture thereof, but not including chassis or cabs;

Tires and tubes for use exclusively on the machinery enumerated in *Customs Tariff* item 411a;”

(5) All that portion of Schedule III to the said Act under the heading “MUNICIPALITIES” is repealed and the following substituted therefor:

“Certain goods sold to or imported by municipalities for their own use and not for resale, as follows:

Culverts;

Diesel fuel oil for use in generating electricity;

20

Equipment, at a price in excess of five hundred dollars per unit, specially designed for use directly for road making, road cleaning or fire fighting, but not including automobiles or ordinary motor trucks;

Fire hose including couplings and nozzles therefor;

25

Fire truck chassis for the permanent attachment thereon of fire fighting equipment to be used directly in fire fighting;

Goods for use as part of sewage and drainage systems, and for purposes of this exemption of such goods, any agency operating a sewage or drainage system for or on behalf of a municipality may be declared a municipality for such purposes by the Minister;

30

Laminated timber for bridges;

Precast concrete shapes for bridges in public highway systems;

35

Structural steel and aluminum for bridges;

Articles and materials to be used exclusively in the manufacture of the foregoing;”

9. (1) Section 1 of this Act is applicable in respect of any contract of insurance entered into or renewed after the 15th day of July, 1961, and section 2 of this Act is applicable in respect of any electrical power exported after the 31st day of August, 1961.

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(2) Sections 4, 7 and 8 of this Act shall be deemed to have come into force on the 21st day of June, 1961, and to have applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day and to have applied to goods previously imported for which no entry for consumption was made before that day.

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C-119.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-119.

An Act to amend the Canadian Bill of Rights.

First reading, July 3, 1961.

MR. PICKERSGILL.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-119.

An Act to amend the Canadian Bill of Rights.

1960, c. 44.

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

1. Section 2 of the *Canadian Bill of Rights* is amended by adding thereto the following subsection: 5

Cessation of
Canadian
citizenship
must be
voluntary.

“(2) A Canadian citizen ceases to be a Canadian citizen only if he voluntarily renounces his Canadian citizenship by his formal declaration or by his acceptance of the nationality or citizenship of a country other than Canada: no law of Canada, whether or not expressly declared by an Act of the Parliament of Canada that it operates notwithstanding the *Canadian Bill of Rights*, shall provide otherwise nor shall a law of Canada be so construed or applied as to deprive a Canadian citizen of his Canadian citizenship except by his voluntary renunciation so made.” 10 15

EXPLANATORY NOTE.

The purpose of this Bill is to guarantee, expressly and by inclusion in the *Canadian Bill of Rights*, that a Canadian citizen may only lose his Canadian citizenship by himself renouncing it: that no law of Canada, nor any person or authority acting under a law of Canada, may arbitrarily strip him of his Canadian citizenship. For greater certainty, the amendment provides that, in any law of Canada an express declaration under section 2(1) that such law operates outside the safeguards of the *Canadian Bill of Rights* cannot be used to erase this Right of Citizenship from the Bill of Rights.

C-120.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-120.

An Act to amend the Income Tax Act.

First reading, July 3, 1961.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-120.

An Act to amend the Income Tax Act.

R.S., c. 148;
1952-53, c. 40;
1953-54, c. 57;
1955, cc. 54,
55;
1956, c. 39;
1957, c. 29;
1957-58, c. 17;
1958, c. 32;
1959, c. 45;
1960, c. 43;
1961, c. 17.

HER 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 (1) of section 5 of the *Income Tax Act* is repealed and the following substituted therefor: 5

“(a) the value of board, lodging and other benefits of any kind whatsoever (except the benefit he derives from his employer’s contributions to or under a registered pension fund or plan, group life, sickness or accident insurance plan, medical services plan, supplementary unemployment benefit plan or deferred profit sharing plan) received or enjoyed by him in the year in respect of, in the course of, or by virtue of the office or employment; and” 15

(2) Subparagraph (i) of paragraph (b) of subsection (1) of section 5 of the said Act is repealed and the following substituted therefor:

“(i) travelling or personal or living expense allowances 20

(A) expressly fixed in an Act of the Parliament of Canada, or

(B) paid under the authority of the Treasury Board to a person who was appointed or whose services were engaged pursuant to the *Inquiries Act*, in respect of the discharge of his duties relating to such appointment or engagement,” 25

(3) Paragraph (b) of subsection (1) of section 5 of the said Act is further amended by striking out the word “or” at the end of subparagraph (vi) thereof, by adding the word “or” at the end of subparagraph (vii) thereof and by adding thereto, immediately after subparagraph (vii) thereof, the following subparagraph: 30

EXPLANATORY NOTES.

Clause 1: (1) This amendment, which adds the underlined words, provides that in computing income from an office or employment an employee will not be required to include the benefit he derives from his employer's contributions under a deferred profit sharing plan.

(2) This amendment, which adds the underlined words, provides that the travelling or personal or living allowances referred to need not be included in income.

(3) This new subparagraph provides that allowances up to \$300 received by a volunteer fireman need not be included in income. This implements paragraph 8 of the Income Tax Resolution which reads as follows:

"8. That for the 1958 and subsequent taxation years an amount not exceeding \$300 received by an individual in the year from a municipality as an allowance for expenses incurred while carrying out the duties of a volunteer fireman be not included in computing income."

“(viii) such part of the aggregate of allowances received by a volunteer fireman from a government, municipality or other public authority for expenses incurred by him in respect of, in the course of, or by virtue of the discharge of his duties as a volunteer fireman, as does not exceed \$300;” 5

(4) All that portion of paragraph (b) of subsection (1) of section 5 of the said Act that follows subparagraph (vii) thereof is repealed and the following substituted therefor: 10
 “minus the deductions permitted by paragraphs (i), (ib), (q) and (qa) of subsection (1) of section 11 and by subsections (5) to (11), inclusive, of section 11 but without any other deductions whatsoever.”

(5) Subsections (1), (2) and (4) are applicable to the 1961 and subsequent taxation years, and subsection (3) is applicable to the 1958 and subsequent taxation years. 15

2. (1) Subsection (1) of section 6 of the said Act is amended by striking out the word “and” at the end of paragraph (m) thereof, by adding the word “and” at the end of paragraph (n) thereof and by adding thereto the following paragraph: 20

Deferred profit sharing plan.

“(o) amounts received by the taxpayer in the year under a deferred profit sharing plan as provided by section 79c.” 25

(2) This section is applicable to the 1961 and subsequent taxation years.

3. (1) Subsection (1) of section 11 of the said Act is amended by adding thereto, immediately after paragraph (cc) thereof, the following paragraphs: 30

Certification fee paid to bank.

“(cd) an amount payable by the taxpayer in the year as a fee to a bank to which the *Bank Act* or the *Quebec Savings Banks Act* applies for the certification of a non-interest-bearing post-dated bill drawn by the taxpayer on the bank and payable not more than 35 ninety days from the date of the certification;

Sale of bill.

(ce) where a bill described in paragraph (cd) that was drawn by the taxpayer was sold by the taxpayer in the year, the amount, if any, by which the principal amount of the bill exceeds the consideration paid 40 by the purchaser to the taxpayer for the bill so sold;”

(2) Paragraph (da) of subsection (1) of section 11 of the said Act is repealed and the following substituted therefor:

Repayment of loan by shareholder.

“(da) where the taxpayer is an individual, such part of 45 any loan repaid by the taxpayer in the year as was, by the operation of subsection (2) of section (8),

(4) This amendment, which adds the underlined reference, provides that amounts deducted from income on account of legal expenses incurred in collecting salary or wages shall be deducted in computing income from an office or employment. This is consequential upon the amendment made by clause 3(3).

Clause 2: This new paragraph adds a reference to amounts received under a deferred profit sharing plan to the list of items in section 6 of the Act that must be included in computing income.

Clause 3: (1) The new paragraph (*cd*) provides that an amount paid by a taxpayer to a bank for guaranteeing payment of a banker's acceptance may be deducted in computing income.

The new paragraph (*ce*) provides that where a taxpayer sells a banker's acceptance at a discount the amount of the discount may be deducted in computing income.

(2) This amendment provides that a corporation that was deemed to have received a dividend because it received a loan from a corporation of which it was a shareholder shall be allowed a deduction in computing its income equal to the amount of the loan repaid in the year.

Paragraph (*da*) at present reads as follows:

"(*da*) where the taxpayer is an individual or a personal corporation, such part of any loan repaid by the taxpayer in the year as was, by the operation of subsection (2) of section 8, required to be included in computing income of the taxpayer for a previous year, if it is established, by subsequent events or otherwise, that the repayment was not made as a part of a series of loans and repayments;"

required to be included in computing the income of the taxpayer for a previous year, if it is established by subsequent events or otherwise, that the repayment was not made as a part of a series of loans and repayments;

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Idem.

(db) where the taxpayer is a corporation, such part of any loan repaid by the taxpayer in the year as was, by the operation of subsection (2) of section 8, required to be included in computing the income of the taxpayer for a previous year, to the extent that the amount of the loan deemed to have been received by the taxpayer as a dividend was not deductible under section 28 from the income of the taxpayer for the year in which the dividend was deemed to have been so received, if it is established by subsequent events or otherwise that the repayment was not made as a part of a series of loans and repayments;”

(3) Subsection (1) of section 11 of the said Act is further amended by adding thereto, immediately after paragraph (ia) thereof, the following paragraph:

Legal expenses of employee.

“(ib) an amount paid by the taxpayer in the year as or on account of legal expenses incurred by him in collecting salary or wages owed to him by an employer;”

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(4) Subsection (1) of section 11 of the said Act is further amended by adding thereto, immediately after paragraph (t) thereof, the following paragraph:

Employer's contribution under deferred profit sharing plan.

“(ta) an amount paid by the taxpayer to a trustee under a deferred profit sharing plan as permitted by subsection (7) of section 79c;”

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(5) All that portion of paragraph (u) of subsection (1) of section 11 of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

Transfer of pension fund contributions.

“(u) such part of any amount included in computing the income of the taxpayer for the year by virtue of subparagraph (iv) of paragraph (a) of subsection (1) of section 6 or subsection (9) of section 79c as does not exceed the amount by which”

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(6) All that portion of paragraph (v) of subsection (1) of section 11 of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

Estate tax and succession duties applicable to certain property.

“(v) that proportion of any superannuation or pension benefit, death benefit, benefit under a registered retirement savings plan (other than a refund of premiums as defined in section 79B) or benefit under a deferred profit sharing plan received by the taxpayer in the year, upon or after the death of a pre-

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(3) This new paragraph provides that an amount paid by a taxpayer on account of legal expenses incurred in collecting salary or wages may be deducted in computing income. This implements paragraph 7 of the Income Tax Act Resolution which reads as follows:

"7. That for the 1961 and subsequent taxation years an amount paid by an individual in the year on account of legal expenses incurred to collect salary or wages owing to him by an employer be deductible in computing income."

(4) This new paragraph adds a reference to an amount paid by an employer under a deferred profit sharing plan to the list of items in section 11 of the Act that are deductible in computing income.

(5) This amendment, which adds the underlined words, permits a taxpayer to deduct an amount that would otherwise be included in his income as a benefit under a deferred profit sharing plan if such an amount is paid by him in the year, or within 60 days after the end of the year, as a contribution to a registered pension plan or as a premium under a registered retirement savings plan.

(6) This amendment, which adds the underlined words, permits a taxpayer who receives a benefit under a deferred profit sharing plan in respect of which estate tax or succession duty has been paid to deduct a portion thereof determined by reference to the tax and duty applicable to that benefit.

The expression "benefit under a deferred profit sharing plan" is defined by clause 39 to mean the portion of any amount received by a beneficiary under a deferred profit sharing plan that must be included in computing his income.

decessor, in payment of or on account of property to which the taxpayer is the successor the value of which was required to be included in computing the aggregate net value of the property passing on the death of the predecessor for the purpose of Part I of the *Estate Tax Act* (or would have been so required to be included if the predecessor had been domiciled in Canada at the time of his death), that” 5

(7) Section 11 of the said Act is further amended by adding thereto, immediately after subsection (3d) thereof, the following subsection: 10

Sale of mortgage included in proceeds of disposition.

“(3e) Where depreciable property of a taxpayer has, in a taxation year, been disposed of to a person with whom the taxpayer was dealing at arm’s length, and the proceeds of disposition include a mortgage or hypothec on land that the taxpayer has, in a subsequent taxation year, sold to a person with whom he was dealing at arm’s length, there may be deducted in computing the income of the taxpayer for the subsequent year, an amount equal to the lesser of 15 20

(a) the amount, if any, by which the principal amount of the mortgage or hypothec outstanding at the time of the sale exceeds the consideration paid by the purchaser to the taxpayer for the mortgage or hypothec, or 25

(b) the amount determined under paragraph (a) less the amount, if any, by which the proceeds of disposition of the depreciable property exceed the capital cost to the taxpayer of that property.” 30

(8) This section is applicable to the 1961 and subsequent taxation years. 30

4. (1) Subsection (1) of section 12 of the said Act is amended by striking out the word “or” at the end of paragraph (f) thereof and by adding thereto the following paragraphs: 35

Limitation re employer’s contribution under deferred profit sharing plan.

“(i) an amount paid by an employer to a trustee under a deferred profit sharing plan except as expressly permitted by section 79c, or 35

(j) an amount paid by an employer to a trustee under a profit sharing plan that is not 40

Limitation re employer’s contribution under profit sharing plan.

(i) an employees profit sharing plan,
(ii) a deferred profit sharing plan, or
(iii) a registered pension fund or plan.” 40

(2) This section is applicable to the 1961 and subsequent taxation years. 45

5. (1) Section 16 of the said Act is repealed and the following substituted therefor:

Indirect payments.

“16. (1) A payment or transfer of property made pursuant to the direction of, or with the concurrence of, a

(7) This new subsection provides that where the principal amount of a mortgage or hypothec was included in the proceeds of disposition of depreciable property and in a subsequent year the mortgage or hypothec is sold at arm's length for less than the unpaid balance of the principal amount the loss may be deducted in computing the taxpayer's income. Clause 6 provides an amendment dealing with the situation where the mortgage or hypothec is sold in the same year as the depreciable property.

Clause 4: The new paragraph (i) provides that no deduction shall be made for an amount paid by an employer to a trustee under a deferred profit sharing plan except as expressly permitted by the new section 79C.

The new paragraph (j) provides that no deduction shall be made for any amount paid by an employer under a profit sharing plan unless such a plan is an employees profit sharing plan, a deferred profit sharing plan, or a registered pension fund or plan.

Clause 5: This amendment substitutes the word "property" for the expression "money, rights or things" in order to include real property.

taxpayer to some other person for the benefit of the taxpayer or as a benefit that the taxpayer desired to have conferred on the other person shall be included in computing the taxpayer's income to the extent that it would be if the payment or transfer had been made to him. 5

Undis-
tributed
payments or
profits.

(2) For the purposes of this Part, a payment or transfer in a taxation year of property made to the taxpayer or some other person for the benefit of the taxpayer and other persons jointly or a profit made by the taxpayer and other persons jointly in a taxation year shall be deemed to have 10 been received by the taxpayer in the year to the extent of his interest therein notwithstanding that there was no distribution or division thereof in that year."

(2) This section is applicable to the 1961 and subsequent 15 taxation years.

6. (1) Subsection (6) of section 20 of the said Act is amended by striking out the word "and" at the end of paragraph (g) thereof, by adding the word "and" at the end of paragraph (h) thereof and by adding thereto the following paragraph: 20

"(i) where depreciable property of a taxpayer has, in a taxation year, been disposed of to a person with whom the taxpayer was dealing at arm's length, and the proceeds of disposition include a mortgage or hypothec on land that the taxpayer has, in 25 the year, sold to a person with whom he was dealing at arm's length, in consideration for an amount less than the principal amount of the mortgage or hypothec, there shall be deducted in computing the proceeds of disposition the amount, if any, by 30 which the principal amount of the mortgage or hypothec outstanding at the time of the sale exceeds the consideration paid by the purchaser to the taxpayer for the mortgage or hypothec."

(2) This section is applicable to the 1961 and subsequent 35 taxation years.

7. (1) The said Act is further amended by adding thereto, immediately after section 24 thereof, the following section:

Bond
conversion.

"24A. Where a bond of a debtor is acquired by a taxpayer 40 in exchange for another bond of the same debtor and

- (a) the terms on which the bond for which it was exchanged was issued conferred upon the holder thereof the right to make the exchange, and
- (b) the amount payable to the holder of the bond on its 45 maturity is the same as the amount that would have been payable to the holder of the bond for which it was exchanged on the maturity of that bond,

Section 16 at present reads as follows:

"16. (1) A payment or transfer of money, rights or things made pursuant to the direction of, or with the concurrence of, a taxpayer to some other person for the benefit of the taxpayer or as a benefit that the taxpayer desired to have conferred on the other person shall be included in computing the taxpayer's income to the extent that it would be if the payment or transfer had been made to him.

(2) For the purposes of this Part, a payment or transfer in a taxation year of money, rights or things made to the taxpayer or some other person for the benefit of the taxpayer and other persons jointly or a profit made by the taxpayer and other persons jointly in a taxation year shall be deemed to have been received by the taxpayer in the year to the extent of his interest therein notwithstanding that there was no distribution or division thereof in that year."

Clause 6: This new paragraph provides that where the principal amount of a mortgage or hypothec was included in the proceeds of disposition of depreciable property and in the same year the mortgage or hypothec was sold at arm's length for less than the unpaid balance of the principal amount the loss may be deducted from the proceeds of disposition.

Clause 7: This new section provides rules for the determination of the purchase price and the sale price of a bond which is exchanged for another bond that was sold with a right of conversion.

the purchase price of the bond so acquired and the sale price of the bond for which it was exchanged shall be deemed to be,

- (c) in the event that the bond that was exchanged was property described in an inventory of a business carried on by the taxpayer, the amount at which it had been valued at the end of the last complete fiscal period of the business preceding the exchange, or
 5
- (d) in any other event, the purchase price of the bond that was exchanged.”
 10

(2) This section is applicable to the 1961 and subsequent taxation years and, if the taxpayer so elects, to the 1960 taxation year.

8. Subsection (1) of section 5 of chapter 39 of the Statutes of 1956 is applicable in respect of amounts paid under any enactment of the Parliament of Canada passed in the year 1961.
 15

9. (1) Subparagraph (vii) of paragraph (c) of subsection (1) of section 27 of the said Act is repealed and the following substituted therefor:
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“(vii) for or in respect of an artificial limb, iron lung, rocking bed for poliomyelitis victims, wheelchair, crutches, spinal brace, brace for a limb, ilioostomy or colostomy pad, truss for hernia, artificial eye, laryngeal speaking aid or aid to hearing for the taxpayer, his spouse or any such dependant,”
 25

(2) Paragraph (c) of subsection (1) of section 27 of the said Act is further amended by repealing all that portion thereof following subparagraph (viid) and substituting therefor the following:
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“if payment of the expenses is proven by filing receipts with the Minister;”

(3) Section 27 of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsection:
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“(3a) Paragraph (a) of subsection (1) does not apply to permit a taxpayer to deduct, for the purpose of computing his taxable income for a taxation year, any amount in respect of gifts made by the taxpayer in the year, until the amount deductible under that paragraph in respect of gifts made by the taxpayer in the immediately preceding year has been deducted.”
 40

(4) This section is applicable to the 1961 and subsequent taxation years.
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Clause 8: This clause extends to the 1961 taxation year the provision enacted in the 1956 Statutes that children in respect of whom amounts are paid as family assistance to immigrants and settlers shall be classed as children qualified for family allowance for income tax purposes.

Clause 9: (1) This amendment adds the underlined words to provide that an amount paid for a laryngeal speaking aid shall be included as a medical expense. This implements paragraph 6 of the Income Tax Act Resolution which reads as follows:

“6. That amounts paid on and after January 1, 1961 for or in respect of a laryngeal speaking aid be included in the medical expenses that are deductible in computing taxable income.”

(2) This amendment repeals the maximum limits on the amount deductible in computing taxable income on account of medical expenses. This implements paragraph 5 of the Income Tax Act Resolution which reads as follows:

“5. That for the 1961 and subsequent taxation years the present maximum limits on the amount deductible in computing taxable income on account of medical expenses be repealed.”

The portion of section 27(1)(c) being repealed reads as follows:

“but not exceeding the aggregate of

- (viii) \$3,000 in the case of a person who is entitled to a deduction of \$2,000 under paragraph (a) of subsection (1) of section 26 or would be so entitled if it were not for subsection (2) of the said section, and \$2,500 in the case of any other person (but a husband and wife are entitled to only one such deduction of \$3,000 between them), and
- (ix) \$750 for each dependant in respect of whom he may made a deduction from income under section 26 but not exceeding \$3,000 in respect of such dependants,

if payment of the expenses is proven by filing receipts with the Minister;”

(3) This new subsection provides that charitable donations in excess of 10% of income which a taxpayer may carry forward from a previous year are to be deducted before taking account of the current year's donations.

10. Subsection (2) of section 31 of the said Act is repealed.

11. (1) The said Act is further amended by adding thereto, immediately after section 31 thereof, the following section:

Income from
duties per-
formed in
Canada.

“31A. Where, in a taxation year, a payment is made by a person resident in Canada to an individual who is not resident in Canada and who during the 5 years immediately preceding the year in which the payment is made

(a) was resident in Canada, or

(b) was employed in Canada

for a period or periods the aggregate of which was at least 36 months, if the payment is

(c) a payment

(i) out of or pursuant to a superannuation or pension fund or plan,

(ii) upon retirement of an employee in recognition of long service and not made out of or under a superannuation fund or plan,

(iii) pursuant to an employees profit sharing plan in full satisfaction of all rights of the payee in or under the plan, to the extent that the amount thereof would otherwise be included in computing the payee's income for the year in which the payment was received if the payee had been resident in Canada throughout the taxation year in which the payment was received, or

(iv) pursuant to a deferred profit sharing plan upon the death, withdrawal or retirement from employment of an employee or former employee, to the extent that the amount thereof would otherwise be included in computing the payee's income for the year in which the payment was received if the payee had been resident in Canada throughout the taxation year in which the payment was received, or

(d) a payment made by an employer to an employee or former employee upon or after retirement in respect of loss of office or employment,

the payment shall be deemed to be income of the payee, for the year in which it was received, from duties performed by him in Canada, unless it can be established, by subsequent events or otherwise, that the payment was made as part of a series of annual or other periodic payments payable throughout the lifetime of the payee.”

(2) This section is applicable in the case of any payment made after June 20, 1961.

Clause 10: This subsection is being repealed because it is of no practical effect, in as much as it is overridden by the Canada-United States Income Tax Convention.

Subsection (2) at present reads as follows:

"(2) Where one or more non-resident persons rendered services in Canada as directors, officers or employees of a corporation carrying on business in Canada the majority of the voting shares of which were owned or controlled by him or them or a trustee acting on his or their behalf, all dividends and interest received by him or them or a trustee on his or their behalf from the corporation or a subsidiary thereof, shall be deemed to have been earned by him or them in Canada."

Clause 11: This new section provides that certain payments to non-residents in respect of employment in Canada shall be deemed to be income from duties performed in Canada. This implements paragraph 10 of the Income Tax Act Resolution which reads as follows:

"10. That after June 20, 1961 any payment by a resident of Canada which is

- (a) a lump sum payment out of or pursuant to a superannuation or pension fund or plan,
- (b) a payment upon retirement of an employee in recognition of long service,
- (c) a payment to an employee or former employee in respect of loss of office or employment,
- (d) a payment under a profit sharing plan (to the extent that the amount thereof would be included in computing the payee's income for the year if the payee were a resident of Canada),

made to an individual who is a non-resident of Canada and who during the five years preceding the year of payment was a resident of, or employed in Canada, for a period or periods the aggregate of which was 36 months or more, shall be deemed to be income for the year from duties performed by him in Canada but nothing in this paragraph shall apply to a payment which can be established to be one of a series of payments to be continued at regular intervals during the life of the recipient."

12. (1) Paragraph (a) of subsection (5) of section 32 of the said Act is repealed and the following substituted therefor:

“(a) salary or wages, superannuation or pension benefits, retiring allowances, death benefits, royalties in respect of a work or invention of which the taxpayer was the author or inventor, amounts included in computing the income of the taxpayer by virtue of paragraph (d), (da) or (db) of subsection (1) of section 6, amounts allocated to the taxpayer by a trustee under an employees profit sharing plan, amounts received by the taxpayer from a trustee under a supplementary unemployment benefit plan, amounts included in computing the income of the taxpayer by virtue of section 79B and amounts included in computing the income of the taxpayer by virtue of subsections (9) and (14) of section 79C,”

(2) This section is applicable to the 1961 and subsequent taxation years.

13. (1) The said Act is further amended by adding thereto the following section:

“**33.** (1) There may be deducted from the tax otherwise payable under this Part by an individual for a taxation year (hereinafter in this subsection referred to as the “basic tax”) such of the following amounts as is applicable:

- (a) in the case of an individual who resided in a province on the last day of the taxation year and had no income earned in the taxation year outside a province, an amount (hereinafter in this subsection referred to as the “basic deduction”) equal to
- (i) 16% of the basic tax, in respect of the 1962 taxation year,
 - (ii) 17% of the basic tax, in respect of the 1963 taxation year,
 - (iii) 18% of the basic tax, in respect of the 1964 taxation year,
 - (iv) 19% of the basic tax, in respect of the 1965 taxation year, and
 - (v) 20% of the basic tax, in respect of the 1966 taxation year; and
- (b) in the case of an individual
- (i) who resided in a province on the last day of the taxation year but had income earned in the taxation year outside a province, or
 - (ii) who did not reside in a province on the last day of the taxation year but had income earned in the taxation year in a province, an amount that bears the same relation to the basic deduction that

Deduction
from tax
when
resident,
etc. in
province.

Clause 12: This amendment, which adds the underlined words, provides that a benefit under a deferred profit sharing plan shall be classed as earned income.

Clause 13: This new section provides for a reduction of the personal income tax for the years 1962 to 1966 inclusive in accordance with new fiscal arrangements with the provinces commencing April 1, 1962. This implements part of paragraph 15 of the Income Tax Act Resolution which reads as follows:

"15. That rates of income tax be reduced and related changes made in order to implement certain fiscal arrangements with the provinces commencing April 1, 1962 and that the Act be amended as may be necessary to implement an offer of the Government of Canada to enter into agreements for the collection of income taxes imposed by the provinces and in particular

- (a) that the income tax otherwise payable by an individual in respect of income earned in a province of Canada be reduced by
 - (i) 16% for the 1962 taxation year
 - (ii) 17% for the 1963 taxation year
 - (iii) 18% for the 1964 taxation year
 - (iv) 19% for the 1965 taxation year
 - (v) 20% for the 1966 taxation year,
- (b) that the rate of tax on the taxable income earned in a province of Canada by a corporation other than a non-resident-owned investment corporation or a corporation specified in Schedule D to the Financial Administration Act that is an agent of Her Majesty be reduced by 9 percentage points in respect of taxable income earned after December 31, 1961 and before January 1, 1967."

	(iii) his income earned in the taxation year in a province,	
	bears to	
	(iv) his income for the taxation year.	
Reference to last day of taxation year.	(2) A reference in paragraph (a) or (b) of subsection (1) to the "last day of the taxation year" shall, in the case of an individual who resided in Canada at any time in the taxation year but ceased to reside in Canada before the last day thereof, be deemed to be a reference to the last day in the taxation year on which he resided in Canada.	5 10
Definitions.	(3) In this section,	
"Income earned in taxation year in province."	(a) "income earned in the taxation year in a province" and "income earned in the taxation year outside a province" mean amounts determined under rules prescribed for the purpose by regulations made on the recommendation of the Minister of Finance;	15
"Province."	(b) "province" does not include the Northwest Territories or the Yukon Territory; and	
"Tax otherwise payable under this Part."	(c) "tax otherwise payable under this Part" means the amount that, but for this section, would be the tax payable by a taxpayer under this Part for the taxation year in respect of which the expression is being applied, minus any amount included in computing that amount by virtue of subsection (3) of section 10 of the <i>Old Age Security Act</i> , plus any amount deducted in computing that amount by virtue of section 41."	20 25
	(2) This section is applicable to the 1962 to 1966 taxation years, each inclusive.	
Repeal.	14. Section 34 of the said Act is repealed.	30
	15. (1) Paragraph (a) of subsection (1) of section 35 of the said Act is repealed and the following substituted therefor:	
	"(a) the aggregate of the taxes otherwise payable by the taxpayer under this Part for the taxation year and the 2 years immediately preceding the taxation year (before making any deduction under section 33, 38 or 41),"	35
	(2) Paragraph (a) of subsection (2) of section 35 of the said Act is repealed and the following substituted therefor:	40
	"(a) the aggregate of the taxes that would have been payable by the taxpayer under this Part for the taxation year and the 2 immediately preceding taxation years (before making any deduction under section 33, 38 or 41) if he had been resident in Canada throughout those years and his incomes for those years had been from sources in Canada,"	45

Clause 14: This amendment is consequential upon the repeal of section 31(2) provided by clause 10.

Section 34 at present reads as follows:

"34. There may be deducted from the tax otherwise payable by a non-resident individual under this Part for a taxation year the amount deducted or withheld in the year under Part III from dividends or interest that are deemed by subsection (2) of section 31 to have been earned by him in Canada."

Clause 15: (1) and (2) These amendments delete a reference to section 34. This is consequential upon the amendment provided by clause 14 repealing section 34.

16. (1) Paragraph (a) of subsection (1) of section 36 of the said Act is amended by striking out the word "or" at the end of subparagraph (ii) thereof, by adding the word "or" at the end of subparagraph (iii) thereof and by adding thereto the following subparagraph:

"(iv) pursuant to a deferred profit sharing plan upon the death, withdrawal or retirement from employment of an employee or former employee, to the extent that the amount thereof would otherwise be included in computing the payee's income for the year in which the payment was received,"

Deferred profit sharing plan.

(2) Paragraph (i) of subsection (1) of section 36 of the said Act is repealed and the following substituted therefor:

"(i) the aggregate of the taxes otherwise payable by the employee under this Part for the 3 years immediately preceding the taxation year (before making any deduction under section 33, 38 or 41),"

(3) Paragraph (a) of subsection (2) of section 36 of the said Act is repealed and the following substituted therefor:

"(a) the aggregate of the taxes that would have been payable by the employee under this Part for the 3 years referred to in paragraph (ii) of subsection (1) (before making any deduction under section 33, 38 or 41) if he had been resident in Canada throughout those years and his incomes for those years had been from sources in Canada,"

(4) All that portion of subsection (3) of section 36 preceding paragraph (a) thereof is repealed and the following substituted therefor:

Amounts to be subtracted from payments out of pension fund or deferred profit sharing plan.

"(3) In determining the amount of any payment or payments made in a taxation year out of or under a superannuation or pension fund or plan or under a deferred profit sharing plan that shall be deemed, for the purposes of this section, not to be income of the taxpayer by whom it is or they are received, there shall be subtracted from the amount of the payment or payments so made"

(5) Subsections (1) and (4) are applicable to the 1961 and subsequent taxation years.

17. (1) Paragraph (ii) of subsection (1) of section 37 of the said Act is repealed and the following substituted therefor:

"(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

Clause 16: (1) This amendment adds a new paragraph to permit certain lump sum payments under a deferred profit sharing plan to be taxed under the special formula available under section 36 of the Act.

(2) and (3) These amendments delete a reference to section 34. This is consequential upon the amendment provided by clause 14 repealing section 34.

(4) This amendment, which adds the underlined words, provides that if a taxpayer may deduct an amount under section 11 of the Act from a benefit under a deferred profit sharing plan on account of estate tax or succession duty, or because all or a part of the benefit was paid by him as a contribution under a registered pension plan or as a premium under a registered retirement savings plan, the taxpayer does not also have the right to have an equal amount excluded from income and taxed under the special formula available under section 36 of the Act.

Clause 17: (1) This amendment relates to the method of calculating the tax by a special computation which an individual may elect to use when two or more fiscal periods of a business of which he is a proprietor, or of a partnership of which he is a member, end in the same taxation year. The amendment is consequential upon the reduction in personal income tax commencing in 1962 provided by clause 13. It is intended to prevent the reduction applying both to the tax used in the special computation and to the total tax after making the computation.

Paragraph (ii) at present reads as follows:

“(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),”

from the business or partnership for the year as determined under paragraph (i), equal to the proportion thereof that the tax computed under section 32 for the year on the assumption that his income from the business or partnership for the year is the amount determined under paragraph (i), is of his taxable income for the year computed on the same assumption," 5

(2) Paragraph (b) of subsection (3) of section 37 of the said Act is repealed and the following substituted therefor: 10

"(b) 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 such one or more businesses, partnerships or employments for the taxation year exceeds his income therefrom determined under paragraph (a), equal to the proportion thereof that the tax computed under section 32 for the year on the assumption that his income from such one or more businesses, partnerships or employments for the year is the amount determined under paragraph (a), is of his taxable income for the year computed on the same assumption;" 15 20

(3) This section is applicable to the 1962 and subsequent taxation years.

18. (1) Section 39 of the said Act is further amended by adding thereto, immediately after subsection (6) thereof, the following subsection: 25

Idem.

"(6a) Where one corporation would, but for this subsection, be associated with another corporation in a taxation year by reason of both of the corporations being controlled by the same trustee or executor and it is established to the satisfaction of the Minister 30

(a) that the trustee or executor did not acquire control of the corporations as a result of one or more trusts or estates created by the same individual or two or more individuals not dealing with each other at arm's length, and 35

(b) that the trust or estate under which the trustee or executor acquired control of each of the corporations arose only upon the death of the individual creating the trust or estate 40

the two corporations shall be deemed, for the purposes of this section, not to be associated with each other in the year."

(2) This section is applicable to the 1961 and subsequent taxation years. 45

(2) This amendment relates to the method of calculating the tax by a special computation which an individual may elect to use when by reason of having participated in one or more businesses, partnerships or employments he has to include income earned over a period longer than 12 months in his return for the year. The amendment is consequential upon the reduction in personal income tax commencing in 1962 provided by clause 13. It is intended to prevent the reduction applying both to the tax used in the special computation and to the total tax after making the computation.

Paragraph (b) at present reads as follows:

“(b) 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 such one or more businesses, partnerships or employments for the taxation year exceeds his income therefrom determined under paragraph (a), equal to the proportion thereof that the tax payable under this Part for the year (other than the tax payable under this paragraph) is of his taxable income for the year when the amount included as his income from such one or more businesses, partnerships or employments is the amount determined under paragraph (a);”

Clause 18: This new subsection provides that corporations which would otherwise be associated because they are controlled by the same trustee or executor shall be deemed not to be associated in certain circumstances.

Deduction
from
corporation
tax.

19. (1) The said Act is further amended by adding thereto the following section:

“**40.** There may be deducted from the tax otherwise payable by a corporation under this Part for a taxation year an amount equal to the lesser of

- (a) 9% of the corporation's taxable income earned in the year in a province, or
- (b) the amount of the tax otherwise payable by the corporation under this Part for the year, minus any amount included in computing that amount by virtue of subsection (5) of section 10 of the *Old Age Security Act*, plus any amount deducted in computing that amount by virtue of section 41.”

(2) This section is applicable to the 1962 to 1966 taxation years, each inclusive, but where a corporation has a taxation year part of which is before and part of which is after the commencement of 1962, the tax payable by the corporation under Part I of the said Act for that taxation year is the aggregate of

- (a) that proportion of the tax computed under Part I as that Part would have applied if the taxation year had coincided with 1961 that the number of days in that portion of the taxation year that is in 1961 is of the number of days in the whole taxation year, and
- (b) that proportion of the tax computed under Part I as amended by this section that the number of days in that portion of the taxation year that is in 1962 is of the number of days in the whole taxation year.

20. (1) Subsection (1) of section 43 of the said Act is repealed and the following substituted therefor:

Election.

“**43.** (1) Where an amount is included in computing a taxpayer's income for a taxation year by virtue of section 20, the taxpayer may elect to pay, as tax for the year under this Part, in lieu of the amount that would otherwise be payable, an amount equal to the aggregate of

- (a) the tax that would be payable by the taxpayer for the year under this Part (before making any deduction under section 33, 38, 40 or 41) if no amount were included in computing the taxpayer's income for the year by virtue of section 20, and
- (b) the aggregate of the amounts by which the taxpayer's taxes under this Part (before making any deduction under section 33, 38, 40 or 41) would have been increased if the portion of the amount so

Clause 19: This new section provides for a reduction in the rate of tax on corporations for the years 1962 to 1966 inclusive in accordance with new fiscal arrangements with the provinces commencing April 1, 1962. This implements part of paragraph 15 of the Income Tax Act Resolution quoted in the explanatory note opposite clause 13.

Clause 20: This amendment relates to the method of calculating the tax by a special computation which a taxpayer may elect to use when an amount has to be included in income for the year on account of recaptured capital cost allowances. The amendment is consequential upon the reduction in income tax for individuals and corporations commencing in 1962 provided by clauses 13 and 19. It is intended to prevent the reduction applying both to the tax used in the special computation and to the total tax after making the computation.

Subsection (1) at present reads as follows:

"43. (1) Where an amount is included in computing a taxpayer's income for a taxation year by virtue of section 20, the taxpayer may elect to pay, as tax for the year under this Part, in lieu of the amount that would otherwise be payable, an amount equal to the aggregate of

- (a) the tax that would be payable by the taxpayer for the year under this Part if no amount were included in computing the taxpayer's income for the year by virtue of section 20, and
- (b) the aggregate of the amounts by which the taxpayer's taxes under this Part would have been increased if the portion of the amount so included by virtue of section 20 determined under subsection (2) had been included in computing the taxpayer's income for each of the taxation years in the period determined under subsection (2)."

included by virtue of section 20 determined under subsection (2) had been included in computing the taxpayer's income for each of the taxation years in the period determined under subsection (2),
minus any amount deductible for the year under section 33, 5
38, 40 or 41."

(2) This section is applicable to the 1962 and subsequent taxation years.

21. (1) Subsection (1) of section 47 of the said Act is amended by striking out the word "or" at the end of 10 paragraph (e) thereof, by adding the word "or" at the end of paragraph (f) thereof and by adding thereto the following paragraph:

"(g) a payment under a deferred profit sharing plan or a 15
 plan referred to in section 79c as a revoked plan,"

(2) Subsection (4) of section 47 of the said Act is repealed and the following substituted therefor:

"(4) Where an amount has been received by a broker or dealer in securities in the period of twelve months immediately preceding a taxation year as or in respect of dividends 20
on shares the beneficial ownership of which is unknown
to him at the end of the taxation year, the broker or dealer
shall remit an amount equal to 25% thereof to the Receiver
General of Canada at such time as may be prescribed on
account of the beneficial owner's tax under this Part or 25
Part III for the taxation year in which the dividend was
received by the broker or dealer."

Dividends
 received
 by brokers.

(3) Subsection (1) is applicable to the 1961 and subsequent taxation years.

22. (1) Subparagraph (iii) of paragraph (f) of sub- 30
 section (1) of section 62 of the said Act is amended by striking out the word "or" at the end of clause (B) thereof and the word "and" at the end of clause (C) thereof, by adding the word "or" at the end of clause (C) thereof and by adding thereto immediately after clause (C) thereof the 35
 following clause:

"(D) a gift to Her Majesty in right of Canada
 or a province or to a Canadian muni-
 cipality, and"

Clause 21: (1) This new paragraph provides that the rules for withholding tax at the source shall apply to payments made to beneficiaries under a deferred profit sharing plan and to payments made under a plan referred to as a revoked plan.

(2) This amendment substitutes the underlined word for the word "or" to correct a previous error.

Clause 22: (1) This new clause permits a corporation constituted exclusively for charitable purposes to make donations to governments and municipalities in Canada. This implements paragraph 4 of the Income Tax Act Resolution which reads as follows:

"4. That for the 1961 and subsequent taxation years a corporation constituted exclusively for charitable purposes be permitted to include donations to Her Majesty in right of Canada, or a province or a Canadian municipality, in the amount such a corporation must expend each year in order to qualify for exemption from income tax."

(2) Subsection (1) of section 62 of the said Act is further amended by adding thereto immediately after paragraph (gb) thereof the following paragraph:

Non-profit corporation for scientific research.

“(gc) a corporation that was constituted exclusively for the purpose of carrying on or promoting scientific research, no part of whose income was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof, that has not acquired control of any other corporation and that, during the period, 5
 (i) did not carry on any business, and
 (ii) expended amounts in Canada each of which is 10
 (A) an expenditure on scientific research directly undertaken by or on behalf of the corporation, or 15
 (B) a payment to an association, university, college or research institution, described in subparagraph (ii) or (iii) of paragraph (a) of subsection (1) of section 72, to be used for scientific research, and 20
 the aggregate of which is not less than 90% of the corporation’s income for the period;”

(3) Subsection (1) of section 62 of the said Act is further amended by striking out the word “or” at the end of paragraph (rb) thereof and by adding thereto, immediately after paragraph (rb) thereof, the following paragraph: 25

Trust under deferred profit sharing plan.

“(rc) a trust under a deferred profit sharing plan to the extent provided by section 79c; or”

(4) Section 62 of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsection: 30

Idem.

“(3a) For the purpose of paragraph (gc) of subsection (1) (a) a corporation is controlled by another corporation if more than 50% of its issued share capital (having full voting rights under all circumstances) belongs to 35
 (i) the other corporation, or
 (ii) the other corporation and persons with whom the other corporation does not deal at arm’s length,
 but a corporation shall be deemed not to have 40
 acquired control of a corporation if it has not purchased (or otherwise acquired for a consideration) any of the shares in the capital stock of that corporation; and

(2) This new paragraph provides that a non-profit corporation constituted exclusively for promoting or carrying on scientific research in Canada shall be exempt from tax. This implements part of paragraph 3 of the Income Tax Resolution which reads as follows:

"3. That for the 1961 and subsequent taxation years a non-profit corporation constituted exclusively for promoting or carrying on scientific research in Canada that expends all amounts received by it on such research shall be exempt from tax and amounts contributed to it shall be deductible as current expenditures in respect of scientific research."

(3) This new paragraph adds a reference to a trust under a deferred profit sharing plan to the list of persons and organizations exempt from tax under section 62.

(4) This new subsection is consequential upon the amendment provided by subclause (2) above.

(b) there shall be included in computing a corporation's income all gifts received by the corporation and all amounts contributed to the corporation to be used for scientific research."

(5) All that portion of subsection (4) of section 62 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Rules.

"(4) In computing the income of a corporation or a trust for the purpose of determining whether it is described by paragraph (f), (g) or (gc) of subsection (1) for a taxation year,"

(6) Subsection (5) of section 62 of the said Act is repealed and the following substituted therefor:

Election by new charitable trust or corporation.

"(5) For the purpose of determining whether a corporation or trust has complied with the requirements of subparagraph (iii) of paragraph (f) or (g) or subparagraph (ii) of paragraph (gc) of subsection (1) for its first taxation year after its incorporation or creation, the whole or any part of amounts expended by it in the immediately subsequent taxation year shall, if it so elects, be deemed to have been expended by it in the first taxation year and not in the subsequent taxation year."

(7) Subsections (2), (4), (5) and (6) are applicable to the 1960 and subsequent taxation years and subsections (1) and (3) are applicable to the 1961 and subsequent taxation years.

23. (1) Subsection (1) of section 67 of the said Act is repealed and the following substituted therefor:

Distribution of income.

"**67.** (1) An amount equal to the taxable income of a personal corporation for a taxation year, whether actually distributed or not, shall be deemed to have been distributed to, and received by, the shareholders as a dividend on the last day of the taxation year of the corporation."

(2) Subsections (3), (4) and (5) of section 67 of the said Act are repealed and the following substituted therefor:

Division of income.

"(3) The amount that shall be deemed by this section to have been distributed to and received by a shareholder of a personal corporation as a dividend on the last day of a taxation year of the corporation is that part of the taxable income of the corporation for the taxation year that the shareholder would have been entitled to receive if the corporation had actually paid a dividend on that day equal to its taxable income for the taxation year."

(5) and (6). These amendments, which add the underlined words, are consequential upon the addition of the new subsection (*gc*) provided by subclause (2) above.

Clauses 23 and 24: These amendments revise the manner of taxing shareholders of a personal corporation and the definition of a personal corporation. This implements paragraph 14 of the Income Tax Act Resolution which reads as follows:

"14. That with respect to the taxation years of a personal corporation commencing on or after September 1, 1961 the manner of taxing shareholders of a personal corporation and the definition of a personal corporation be revised and in particular

- (a) that carrying on an active business shall not disqualify a corporation from being a personal corporation unless the income from carrying on a business exceeds 50% of the income of the corporation,
- (b) that a personal corporation may include a corporation controlled by any group of individuals resident in Canada all the members of which are related persons,
- (c) that a corporation controlled by one or more trusts or estates shall be a personal corporation if it otherwise qualifies,
- (d) that the income of a personal corporation for a year shall be deemed to have been distributed to its shareholders in proportion to their shareholdings instead of in proportion to amounts transferred to the corporation,
- (e) that where a taxpayer has transferred property to a personal corporation and he does not receive by way of dividends on shares in the corporation, or by way of interest on amounts owing to him by the corporation, an amount at least equal to 5% per annum of the value of the property or unpaid balance, any amount deemed to have been received as a dividend by his spouse or child shall be deemed to have been received as income from property transferred from the taxpayer to the extent of the difference between the said 5% and the amount he actually received,

(3) Section 67 of the said Act is further amended by adding thereto, immediately after subsection (9) thereof, the following subsections:

Transfer of
property.

“(9a) Where a person has, at any time before the end of a taxation year (whether before or after the coming into force of this subsection), transferred property, either directly or indirectly, by means of a trust or by any other means whatsoever, to a personal corporation, for the purpose of section 21 an amount equal to the lesser of

(a) the amount, if any, remaining after deducting

(i) the aggregate of

(A) the dividends deemed by this section to have been received in the year by the transferor from the corporation,

(B) each amount received in the year by the transferor from the corporation as or on account of interest, and

(C) each amount included by virtue of subsection (7) in computing the income for the year of the transferor in respect of a dividend actually paid by the corporation,

from

(ii) an amount equal to 5% of the amount, if any, by which

(A) the value of the property so transferred by the transferor at the time of the transfer of the property by him to the corporation, exceeds

(B) the aggregate of all amounts received by the transferor in the year or a previous year,

1. as consideration for the transfer, otherwise than by way of shares of the capital stock of, or bonds, debentures, mortgages, hypothecs, bills, notes or other similar obligations of the corporation,

2. as or on account of proceeds of the sale of, or on account or in payment of the principal amount of, bonds, debentures, mortgages, hypothecs, bills, notes or other similar obligations of the corporation, otherwise than by way of shares of the capital stock of the corporation, or

3. as or on account of proceeds of the sale of, or the redemption of, shares of the capital stock of the corporation or as or on account of the reduction of the capital stock of the corporation, received by him from the corporation as consideration for the transfer; or

- (f) that losses incurred in the previous five years that were not previously deductible shall be deductible in computing the amount of income of a personal corporation that is deemed to have been distributed to its shareholders in a year, and
- (g) that where an amount is included in the income of a personal corporation as a recapture of capital cost allowance by virtue of section 20 of the Act a shareholder may elect to pay a special reduced tax on his portion of the recaptured capital cost allowance in the same manner as if he had received the recaptured amount directly."

Subsection (1) at present reads as follows:

"67. (1) The income of a personal corporation whether actually distributed or not shall be deemed to have been distributed to, and received by, the shareholders as a dividend on the last day of each taxation year of the corporation."

Subsections (3), (4) and (5) at present read as follows:

"(3) The part of the income of a personal corporation that shall be deemed, under this section, to have been distributed to and received by a shareholder of the corporation, shall be the proportion thereof that the value of all property transferred or loaned to the corporation by the shareholder or any person by whom his share was previously owned is of the value of the property so acquired by the corporation from all its shareholders.

(4) The value of property transferred or loaned to a personal corporation shall be deemed, for the purposes of this section, to be its value at the time when the property was transferred or loaned to the corporation.

(5) For the purposes of this section, where the property of a personal corporation is transferred to or otherwise acquired by another personal corporation, the shareholders of the first corporation shall be deemed to have transferred to the second corporation the property that they or persons who previously owned their shares transferred to the first corporation."

(b) the aggregate of

- (i) the dividends deemed by this section to have been received in the year by the spouse of the transferor from the corporation, and
- (ii) each amount included by virtue of subsection (7) in computing the income for the year of the spouse of the transferor in respect of a dividend actually paid by the corporation;

shall be deemed to be income for the year from property transferred by the transferor to his spouse after August 1st, 1917.

Idem.

(9b) Where a person has, at any time before the end of a taxation year (whether before or after the coming into force of this subsection), transferred property, either directly or indirectly, by means of a trust or by any other means whatsoever, to a personal corporation, for the purpose of section 22 an amount equal to the lesser of

(a) the amount remaining after deducting

(i) the aggregate of

(A) the amount determined under subparagraph (i) of paragraph (a) of subsection (9a), and

(B) the amount, if any, deemed by subsection (9a) to be income for the year from property transferred by the transferor to his spouse at the time of the transfer of the property by him to the corporation,

from

(ii) the amount determined under subparagraph (ii) of paragraph (a) of subsection (9a); or

(b) the aggregate of

(i) the dividends deemed by this section to have been received in the year from the corporation by a child of the transferor under 19 years of age, and

(ii) each amount included by virtue of subsection (7) in computing the income for the year of a child of the transferor under 19 years of age in respect of a dividend actually paid by the corporation;

shall be deemed to be income for the year from property transferred since 1930 by the transferor to a person under 19 years of age."

(4) Subsection (10) of section 67 of the said Act is repealed and the following substituted therefor:

"(10) Where a dividend is deemed by this section to have been received from a personal corporation by an individual or another personal corporation on the last day of a taxation year of the corporation, the person by whom the dividend is so deemed to have been received shall, for the purpose of

Dividend
from
personal
corporation.

Subsection (10) at present reads as follows:

"(10) Where a dividend is deemed by this section to have been received from a personal corporation by an individual or another personal corporation on the last day of a taxation year, the person by whom the dividend is so deemed to have been received shall, for the purpose of section 38, be deemed to have received on that day from a taxable corporation that portion of the dividend that he is so deemed to have received that

(a) the income of the personal corporation (from which the dividend is so deemed to have been received) for the taxation year from shares of the capital stock of taxable corporations, including all amounts that it is, by subsection (3) of section 8, deemed to have received in the year as dividends, and the amount by which its income for the year was increased by the operation of section 81,

is of

(b) the income of that personal corporation for the taxation year."

section 38, be deemed to have received on that day from a taxable corporation an amount equal to the lesser of

(a) that proportion of the dividend that he is so deemed to have received that

(i) the income of the personal corporation (from 5
which the dividend is so deemed to have been
received) for the taxation year from shares
of the capital stock of taxable corporations,
including all amounts that it is, by subsection
(3) of section 8, deemed to have received in the 10
year as dividends, and the amount by which its
income for the year was increased by the opera-
tion of section 81,

is of

(ii) the income of that personal corporation for the 15
taxation year, or

(b) the dividend so deemed to have been received by
that person."

(5) Paragraph (d) of subsection (11) of section 67 of 20
the said Act is repealed and the following substituted
therefor:

"(d) the taxable income of the personal corporation
deemed to have been distributed to its shareholders
on that day." 25

(6) Section 67 of the said Act is further amended by
adding thereto, immediately after subsection (11) thereof,
the following subsection:

"(11a) Where a dividend is deemed by this section to
have been received by a person from a personal corporation 30
in a taxation year and there has been included in computing
the income of the corporation for a taxation year of the
corporation ending in the taxation year an amount by virtue
of section 20 for the purpose of section 43, an amount equal
to the lesser of 35

(a) that proportion of the dividend so deemed to have
been received by that person that

(i) the amount so included in computing the income
of the corporation by virtue of section 20,

is of 40

(ii) the income of the corporation for its taxation
year ending in the taxation year, or

(b) the dividend so deemed to have been received by
that person,

shall be deemed to have been included in computing the 45
income of that person for the taxation year by virtue of
section 20, but any election made by that person under
section 43 applicable to the taxation year is not valid
unless that person was a shareholder of the corporation
for each of the 3 taxation years immediately preceding the 50
taxation year."

Paragraph (d) at present reads as follows:

“(d) the income of the personal corporation deemed to have been distributed to its shareholders on that day.”

(7) Subsection (12) of section 67 of the said Act is repealed and the following substituted therefor:

Returns.

“(12) The shareholder by whom a personal corporation is controlled shall file with the return of his income for each taxation year a statement of the assets, liabilities and income of the corporation for the year, and if he fails to file such a statement for a taxation year there may be included in his income for that year double the amount of the dividends deemed by this section to have been received by him from the corporation in that year.” 5 10

“Business loss” defined.

(13) For the purpose of paragraph (e) of subsection (1) of section 27, a “business loss” sustained by a corporation in a taxation year during which it was a personal corporation means a loss computed by applying the provisions of this Act respecting computation of its income *mutatis mutandis.* 15

Application of s. 27(1)(e).

(14) In computing the taxable income of a corporation for a taxation year during which it was a personal corporation,

(a) subparagraph (iii) of paragraph (e) of subsection (1) of section 27 shall be read as follows:

“(iii) no amount is deductible in respect of losses from the income of any year except to the extent of the taxpayer’s income for the taxation year minus all deductions permitted by the provisions of this Division other than this paragraph or section 28.”; and 20 25

(b) no deduction may be made under section 28.”

(8) This section, except subsections (13) and (14) of the said Act as enacted by subsection (7) of this section, is applicable in respect of income received or deemed to have been received by a taxpayer from a personal corporation during a taxation year of the corporation commencing after 1961, and subsections (13) and (14) of the said Act as enacted by subsection (7) of this section is applicable in the case of a taxation year of a personal corporation commencing after 1961. 30 35

24. (1) Subsections (1) and (2) of section 68 of the said Act are repealed and the following substituted therefor:

“Personal corporation” defined.

“68. (1) In this Act, a “personal corporation” means a corporation that, during the whole of the taxation year of the corporation in respect of which the expression is being applied, 40

(a) was controlled, whether through holding a majority of the shares of the corporation or in any other manner whatsoever, by, on behalf of or for the use or benefit of, 45

(i) an individual resident in Canada on the last day of that taxation year,

Subsection (12) at present reads as follows:

"(12) The shareholder by whom a personal corporation is controlled shall file with the return of his income for each taxation year a statement of the assets, liabilities and income of the personal corporation for the year and if he fails to file such a statement for a year there may be included in his income for that year double the amount of the part of the income of the corporation for the year that under this section is deemed to have been received by him."

Subsections (1) and (2) at present read as follows:

"68. (1) In this Act, a "personal corporation" means a corporation that, during the whole of the taxation year in respect of which the expression is being applied,

- (a) was controlled, whether through holding a majority of the shares of the corporation or in any other manner whatsoever, by an individual resident in Canada, by such an individual and one or more members of his family who were resident in Canada or by any other person on his or their behalf;
- (b) derived at least one-quarter of its income from
 - (i) ownership of or trading or dealing in bonds, shares, debentures, mortgages, hypothecs, bills, notes or other similar property or an interest therein,
 - (ii) lending money with or without securities,
 - (iii) rents, hire of chattels, charterparty fees or remunerations, annuities, royalties, interest or dividends, or
 - (iv) estates or trusts; and
- (c) did not carry on an active financial, commercial or industrial business.

(2) For the purpose of paragraph (a) of subsection (1), the members of an individual's family are his spouse, sons and daughters whether or not they live together."

- (ii) a related group of individuals each of whom was resident in Canada on that day, or
- (iii) one or more trusts or estates resident in Canada on that day;
- (b) derived at least $\frac{1}{2}$ of its income from 5
- (i) ownership of bonds, shares, debentures, mortgages, hypothecs, bills, notes or other similar property or an interest therein,
- (ii) lending money with or without securities,
- (iii) rents from real property, annuities, royalties, interest or dividends, or 10
- (iv) trusts or estates; and
- (c) derived not more than $\frac{1}{2}$ of its income from carrying on a financial, commercial or industrial business other than the rental of real property. 15
- Limitation. (2) Notwithstanding subsection (1), a corporation shall be deemed not to be a personal corporation during a taxation year if the corporation had an immediately preceding taxation year during which it was not a personal corporation and 20
- (a) the aggregate of its income from a financial, commercial or industrial business carried on by it (other than the rental of real property) for each of the taxation years in the period determined under subsection (2a), 25
- is at least $\frac{1}{2}$ of
- (b) the aggregate of its incomes for each of those years.
- Idem. (2a) Where a corporation had immediately before the taxation year in respect of which subsection (2) is being applied, 30
- (a) not more than one taxation year, the period referred to in paragraph (a) of subsection (2) is the taxation year and the immediately preceding taxation year;
- (b) more than one taxation year and not more than 2 35 taxation years, the period referred to in paragraph (a) of subsection (2) is the taxation year and the 2 immediately preceding taxation years; and
- (c) more than 2 taxation years, the period referred to in paragraph (a) of subsection (2) is the taxation year 40 and the 3 immediately preceding taxation years.”
- (2) Subsection (4) of section 68 of the said Act is repealed and the following substituted therefor:
- Application of section 139(5c) and (5d). Control by trust or estate.
- “(4) Subsections (5c) and (5d) of section 139 are applicable *mutatis mutandis* to this section. 45
- (5) For the purpose of subsection (1), where two or more trusts or estates are in a position to control a corporation they shall be deemed to control the corporation.”
- (3) This section is applicable in the case of any taxation year commencing after 1961. 50

Subsection (4) at present reads as follows:

"(4) Where it has been determined for the purpose of subsection (1) of section 13 that a corporation's chief source of income for a taxation year is neither farming nor a combination of farming and some other source of income, its farming business shall be deemed, for the purpose of paragraph (c) of subsection (1), not to have been during the year an active financial, commercial or industrial business."

25. (1) Paragraph (a) of subsection (1) of section 72 of the said Act is amended by striking out the word "and" at the end of subparagraph (iii) thereof and by adding thereto the following subparagraph:

"(iv) by payments to a corporation resident in Canada and exempt from tax under this Part by paragraph (gc) of subsection (1) of section 62, and" 5

(2) Subparagraph (i) of paragraph (b) of subsection (1) of section 72 of the said Act is repealed and the following substituted therefor: 10

"(i) the expenditures of a capital nature made in Canada (by acquiring property other than land) in the year and any previous year ending after 1958 on scientific research relating to the business and directly undertaken by or on behalf of the taxpayer, or" 15

(3) Subsection (2) of section 72 of the said Act is repealed and the following substituted therefor:

Limitation.

"(2) Not more than 5% of the taxable income of the taxpayer for the year preceding the taxation year may be deducted under paragraph (b) of subsection (1) unless the research program in respect of which the expenditures were made has been approved." 20

(4) Subsection (1) is applicable to the 1960 and subsequent taxation years and subsections (2) and (3) are applicable to the 1961 and subsequent taxation years. 25

26. (1) Section 79 of the said Act is amended by adding thereto, immediately after subsection (7) thereof, the following subsection:

Taxation year of trust.

"(8) Where an employees profit sharing plan is accepted for registration by the Minister as a deferred profit sharing plan, the taxation year of the trust governed by the employees profit sharing plan shall be deemed to have ended immediately before the plan is deemed to have become registered as a deferred profit sharing plan pursuant to subsection (4) of section 79c." 30 35

(2) This section is applicable to the 1961 and subsequent taxation years.

27. (1) The said Act is further amended by adding thereto, immediately after section 79B thereof, the following heading and section: 40

"Deferred Profit Sharing Plan.

79c. (1) In this Act,

Clause 25: (1) This new subparagraph provides that payments to a non-profit corporation constituted exclusively for promoting or carrying on scientific research in Canada will be deductible as expenditures of a current nature on scientific research. This implements paragraph 3 of the Income Tax Act Resolution quoted in the explanatory note opposite subclause (2) of clause 22.

(2) This amendment will permit expenditures of a capital nature on scientific research in Canada to be deducted in full in the year incurred. This implements paragraph 1 of the Income Tax Act Resolution which reads as follows:

"1. That for the 1961 and subsequent taxation years the maximum annual rate at which a taxpayer carrying on business in Canada may deduct expenditures of a capital nature made by him in Canada in respect of scientific research shall be increased from 33 $\frac{1}{3}$ per cent to 100 per cent."

Subparagraph (i) at present reads as follows:

"(i) one-third of expenditures of a capital nature made in Canada (by acquiring property other than land) in the year and the two years immediately preceding that year on scientific research related to the business and directly undertaken by or on behalf of the taxpayer, or"

(3) This amendment provides that the requirement, that the amount deductible on account of expenditures on scientific research shall not exceed 5 per cent of the taxable income of the taxpayer unless the program has been approved, will in future apply only to expenditures of a capital nature. This implements paragraph 2 of the Income Tax Act Resolution which reads as follows:

"2. That for the 1961 and subsequent taxation years the requirement that the amount deductible on account of expenditures in respect of scientific research shall not exceed 5 per cent of the taxable income of the taxpayer in the preceding year unless the research program has been approved be removed with respect to expenditures which are not of a capital nature."

Subsection (2) at present reads as follows:

"(2) Not more than 5% of the taxable income of the taxpayer for the year preceding the taxation year may be deducted under this section unless the research program in respect of which the expenditures were made has been approved."

Clause 26: This new subsection is consequential upon the amendment provided by clause 27 which permits employees profit sharing plans to become registered as deferred profit sharing plans.

Section 27: This new heading and section make provision for a new class of profit sharing plans. This implements paragraph 9 of the Income Tax Act Resolution which reads as follows:

"9. That provision be made in respect of a new class of profit sharing plans under which

- (a) amounts allocated by the trustee shall not be included in the income of an individual who is a beneficiary under the plan until the year in which they are received,
- (b) no tax shall be payable by the trustee under the plan on the taxable income of the trust, and
- (c) an employer may deduct in computing income for the year an amount which when added to his contribution, if any, under a registered pension fund or plan does not exceed \$1500 per employee."

"Deferred profit sharing plan" defined.

"Profit sharing plan" defined.

Acceptance of plan for registration.

- (a) "deferred profit sharing plan" means a profit sharing plan accepted by the Minister for registration for the purposes of this Act, upon application therefor in prescribed manner by a trustee under the plan and an employer of employees who are beneficiaries under the plan, as complying with the requirements of this section; and 5
- (b) "profit sharing plan" means an arrangement under which payments computed by reference to his profits from his business or by reference to his profits from his business and the profits, if any, from the business of a corporation with whom he does not deal at arm's length are made by an employer to a trustee in trust for the benefit of employees of that employer or employees of any other employer, whether or not payments are also made to the trustee by the employees. 10
- (2) The Minister shall not accept for registration for the purposes of this Act any profit sharing plan unless, in his opinion, it complies with the following conditions: 20
- (a) the plan provides that each payment made by an employer to a trustee in trust for the benefit of employees of that employer or employees of any other employer who are beneficiaries thereunder, is an amount that is the aggregate of amounts each of which is identifiable as a specified amount in respect of an individual employee; 25
- (b) the plan does not provide for the payment of any amount to an employee or other beneficiary thereunder by way of loan; 30
- (c) the plan provides that no part of the funds of the trust governed by the plan may be invested in notes, bonds, debentures or similar obligations of
- (i) an employer by whom payments are made in trust to a trustee under the plan for the benefit of beneficiaries thereunder, or 35
- (ii) a corporation with whom that employee does not deal at arm's length;
- (d) the plan provides that no part of the funds of the trust governed by the plan may be invested in shares of a corporation at least 50% of the property of which consists of notes, bonds, debentures or similar obligations of an employer or a corporation described in paragraph (c); 40
- (e) the plan includes a provision stipulating that no right or interest under the plan of an employee who is a beneficiary thereunder is capable, either in whole or in part, of surrender or assignment; 45
- (f) the plan includes a provision stipulating that each of the trustees under the plan shall be resident in Canada; and 50

Subsection (1) of the new section 79c defines a deferred profit sharing plan.

Subsection (2) states the conditions with which plans must comply in order to be accepted for registration.

- (g) the plan, in all other respects, complies with regulations of the Governor in Council made on the recommendation of the Minister of Finance.
- Acceptance of employees profit sharing plan for registration. (3) The Minister shall not accept for registration for the purposes of this Act any employees profit sharing plan unless all the capital gains made by the trust governed by the plan before the date of application for registration of the plan and all the capital losses sustained by the trust before that date have been allocated by the trustee under the plan to employees and other beneficiaries thereunder. 5 10
- Registration date. (4) Where a profit sharing plan is accepted by the Minister for registration as a deferred profit sharing plan, the plan shall be deemed to have become registered as a deferred profit sharing plan
- (a) on the date the application for registration of the plan was made, or 15
- (b) where in the application for registration a later date is specified as the date upon which the plan is to commence as a deferred profit sharing plan, on that date. 20
- Deferred plan not employees profit sharing plan. (5) For a period during which a plan is a deferred profit sharing plan, the plan shall be deemed, for the purposes of this Act, not to be an employees profit sharing plan.
- No tax while trust governed by plan. (6) No tax is payable under this Part by a trust on the taxable income of the trust for a period during which 25
- (a) the trust was governed by a deferred profit sharing plan, and
- (b) not less than 90% of the income of the trust for the period was from sources in Canada, and for the purpose of this paragraph contributions to or under 30 the plan shall not be included in computing the income of the trust.
- Amount of employer's contribution deductible. (7) There may be deducted in computing the income of an employer for a taxation year the aggregate of each amount paid by the employer in the year or within 120 days 35 after the end of the year, to a trustee under a deferred profit sharing plan for the benefit of employees of the employer who are beneficiaries under the plan, not exceeding, however, in respect of each individual employee in respect of whom the amounts so paid by the employer 40 were paid by him, an amount equal to the lesser of
- (a) the aggregate of each amount so paid by the employer in respect of that employee, or
- (b) \$1,500 minus the amount, if any, deductible under paragraph (g) of subsection (1) of section 11 in 45 respect of that employee in computing the income of the employer for the taxation year,
- to the extent that such amount was not deductible in computing the income of the employer for a previous taxation year. 50

Subsection (3) requires that capital gains and capital losses shall be allocated by the trustee before an employees profit sharing plan will be accepted for registration as a deferred profit sharing plan.

Subsection (4) fixes the time at which an employees profit sharing plan that is accepted for registration as a deferred profit sharing plan shall be deemed to have become registered as such.

Subsection (5) provides that a deferred profit sharing plan shall be deemed not to be an employees profit sharing plan.

Subsection (6) exempts from tax a trust governed by a deferred profit sharing plan if the trust receives 90% of its income from sources in Canada.

Subsection (7) fixes the maximum amount deductible on account of employer contributions under a deferred profit sharing plan.

Limitation
on deduction.

(8) Where each of two or more taxpayers not dealing at arm's length would, but for this subsection, be entitled to a deduction under subsection (7) in computing his income for a taxation year in respect of amounts paid by him to a trustee under one or more deferred profit sharing plans in respect of the same person, not more than one of the taxpayers is entitled, in computing his income for that year, to a deduction under that subsection in respect of that person, and in the event of failure on the part of the taxpayers otherwise entitled to a deduction under that subsection to agree as to the taxpayer by whom the deduction may be made, no deduction thereunder may be made by either or any of them in computing his income for that year. 5 10

Amounts
received
taxable.

(9) There shall be included in computing the income of a beneficiary under a deferred profit sharing plan for a taxation year each amount received by him in the year from a trustee under the plan, minus any amounts deductible under subsections (10) and (11) in computing the income of the beneficiary for the year. 15

Portion of
receipts
deductible.

(10) For the purpose of subsection (9), where an amount was received in a taxation year from a trustee under a deferred profit sharing plan by an employee or other beneficiary thereunder, and the employee was a beneficiary under the plan at a time when the plan was an employees profit sharing plan, the amount deductible under this subsection in computing the income of the beneficiary for the taxation year is such portion of the aggregate of the amounts so received in the year as does not exceed 20 25

(a) the aggregate of

- (i) each amount included in computing the income of the employee for a previous taxation year by virtue of section 79, 30
- (ii) each amount paid by the employee to a trustee under the plan at a time when it was an employees profit sharing plan, and 35
- (iii) each amount that was allocated to the employee or other beneficiary by a trustee under the plan, at a time when it was an employees profit sharing plan, in respect of a capital gain made by the trust, 40

minus

(b) the aggregate of

- (i) each amount received by the employee or other beneficiary in a previous taxation year from a trustee under the plan at a time when it was an employees profit sharing plan, 45
- (ii) each amount received by the employee or other beneficiary in a previous taxation year from a trustee under the plan at a time when it was a deferred profit sharing plan, and 50

Subsection (8) provides that if two or more taxpayers not dealing at arm's length are contributing under one or more deferred profit sharing plans in respect of the same person only one of the taxpayers is entitled to claim a deduction on account of his contribution.

Subsection (9) provides that subject to the deduction of certain non-taxable portions all amounts received by a beneficiary under a deferred profit sharing plan shall be included in income in the year received.

Subsections (10) and (11) provide for the determination of the non-taxable portions of amounts received by a beneficiary under a deferred profit sharing plan. The beneficiary will be allowed to receive tax-free an amount equal to the aggregate of the amounts that he was required to include in computing income in previous years by virtue of an allocation made to him under an employees profit sharing plan but which he has not previously received. He will also be allowed to receive tax-free the return of all his own contributions not previously received and net capital gains made by the trust and allocated to him when the plan was an employees profit sharing plan.

(iii) each amount allocated to the employee or other beneficiary by a trustee under the plan, at a time when it was an employees profit sharing plan, in respect of a capital loss sustained by the trust. 5

Idem.

(11) For the purpose of subsection (9), where an amount was received in a taxation year from a trustee under a deferred profit sharing plan by an employee or other beneficiary thereunder, and the employee has made a payment in the year or a previous year to a trustee under the plan at a time when the plan was a deferred profit sharing plan, the amount deductible under this subsection in computing the income of the beneficiary for the taxation year is such portion of the aggregate of the amounts so received in the year (minus any deduction allowed for the year by subsection (10)) as does not exceed 10 15

(a) the aggregate of each amount so paid by the employee in the year or a previous year,

minus

(b) the aggregate of each amount received by the employee or other beneficiary from a trustee under the plan, at a time when it was a deferred profit sharing plan, that was deductible under this subsection in computing his income for a previous taxation year. 25

Appropriation of trust property by employer.

(12) Where funds or property of a trust governed by a deferred profit sharing plan have been appropriated in any manner whatsoever to or for the benefit of a taxpayer who is

(a) an employer by whom payments are made in trust to a trustee under the plan, or 30

(b) a corporation with whom that employer does not deal at arm's length,

otherwise than in payment of or on account of shares of the capital stock of the taxpayer purchased by the trust, the amount or value of the funds or property so appropriated shall be included in computing the income of the taxpayer for the taxation year of the taxpayer in which the funds or property were so appropriated, unless such funds or property or an amount in lieu thereof equal to the amount or value of such funds or property was repaid to the trust within one year from the end of the taxation year, and it is established by subsequent events or otherwise that the repayment was not made as part of a series of appropriations and repayments. 40 45

Revocation of registration.

(13) Where, at any time after a profit sharing plan has been accepted by the Minister for registration for the purposes of this Act,

(a) the plan has been revised or amended or a new plan has been substituted therefor, and the plan as revised or amended or the new plan substituted 50

Minister in the case may be deemed to comply with the requirements of this section for the purposes of this Act.

(10) Any provision of the plan has not been complied with, the Minister may revoke the registration of the plan as to any case following the date that the plan ceased to comply or that any provision of the plan was not so complied with and he shall thereupon give notification of the action by registered trust to a trustee under the plan and to an employer of employees who are beneficiaries under the plan.

(11) Where the Minister revokes the registration of a deferred profit sharing plan, the plan shall be deemed to be a deferred profit sharing plan for the purposes of this Act and to be a deferred profit sharing plan and the provisions of this Act shall apply to the plan as if it were a deferred profit sharing plan.

Subsection (12) provides that where property of a trust governed by a deferred profit sharing plan has been appropriated to or for the benefit of the employer the value of such property may be included in his income.

(12) Where property of a trust governed by a deferred profit sharing plan has been appropriated to or for the benefit of the employer the value of such property may be included in his income.

(13) The Minister may revoke the registration of a deferred profit sharing plan under certain circumstances.

Subsection (13) provides that the Minister may revoke the registration of a deferred profit sharing plan under certain circumstances.

therefor, as the case may be, ceased to comply with the requirements of this section for its acceptance by the Minister for registration for the purposes of this Act, or

(b) any provision of the plan has not been complied with, 5
the Minister may revoke the registration of the plan as of any date following the date that the plan ceased so to comply or that any provision of the plan was not so complied with and he shall thereupon give notification of his action by registered mail to a trustee under the plan and to an 10
employer of employees who are beneficiaries under the plan.

(14) Where the Minister revokes the registration of a deferred profit sharing plan, the plan (hereinafter referred to as the "revoked plan") shall be deemed, for the purposes of this Act, not to be a deferred profit sharing plan, and 15
notwithstanding any other provision of this Act, the following rules shall apply:

- (a) the revoked plan shall not be accepted for registration for the purposes of this Act or be deemed to have become registered as a deferred profit sharing plan 20
at any time within a period of one year commencing on the date the plan became a revoked plan;
- (b) subsection (6) does not apply to exempt the trust governed by the plan from tax under this Part upon the taxable income of the trust for a taxation year 25
in which, at any time therein, the trust was governed by the revoked plan;
- (c) no deduction shall be made by an employer in computing his income for a taxation year in respect of an amount paid by him to a trustee under the plan 30
at a time when it was a revoked plan;
- (d) there shall be included in computing the income of a taxpayer for a taxation year
- (i) all amounts received by him in the year from a trustee under the revoked plan that, by virtue 35
of subsection (9), would have been so included if the revoked plan had been a deferred profit sharing plan at the time he received those amounts, and
- (ii) the amount or value of any funds or property 40
appropriated to or for the benefit of the taxpayer in the year that, by virtue of subsection (12), would have been so included if the revoked plan had been a deferred profit sharing plan at the time of the appropriation of the funds or 45
property; and
- (e) the revoked plan shall be deemed, for the purposes of this Act, not to be an employees profit sharing plan.

Rules
applicable
to revoked
plan.

Subsection (14) provides rules to apply in the case of
revoked plans.

Payments
out of
profits.

(15) Where the terms of an arrangement under which an employer makes payments to a trustee specifically provide that the payments shall be made "out of profits", such arrangement shall be deemed, for the purpose of subsection (1), to be an arrangement for payments "computed by reference to his profits from his business". 5

"Other
beneficiary"
defined.

(16) Where the expression "employee or other beneficiary" under a profit sharing plan occurs in this section, the words "other beneficiary" shall be construed as meaning any person, other than the employee, to whom any amount is or may become payable by a trustee under the plan as a result of payments made to the trustee under the plan in trust for the benefit of employees, including the employee." 10

(2) This section is applicable to the 1961 and subsequent taxation years. 15

28. (1) Paragraph (a) of subsection (6) of section 82 of the said Act is repealed and the following substituted therefor:

"(a) the aggregate of the dividends deemed by subsection (1) of section 67 to have been distributed to its shareholders while it was a personal corporation prior to that time," 20

(2) All that portion of subsection (8) of section 82 of the said Act following paragraph (b) thereof is repealed and the following substituted therefor: 25

"amounts that were not included in computing the shareholders' income but that would have been so included if it were not for section 67, and the aggregate of those amounts exceeds the aggregate of the dividends deemed by subsection (1) of section 67 to have been distributed to its shareholders, the undistributed income of the corporation on hand at that time shall be deemed to be the amount that it would be if the aggregate of the deductions permitted by subparagraphs (i) to (vii) of paragraph (a) of subsection (1) were reduced by an amount equal to the excess." 30 35

(3) Subsection (12) of section 82 of the said Act is repealed and the following substituted therefor:

Tax-paid
undistributed
income
deemed
received.

"(12) Where a corporation is deemed by section 81 to have received a dividend on or after June 30, 1950, its undistributed income on hand immediately thereafter, as determined under paragraph (a) of subsection (1), shall be deemed to be the amount otherwise determined thereunder plus the amount of the dividend that was not included in computing the corporation's income for the year by virtue of subsection (4) of section 81; and, in any such case, the 40 45

Subsection (15) provides that a payment "out of profits", even although it is not expressed as a percentage of profits, may be deemed to be a payment computed by reference to profits.

Subsection (16) defines the phrase "other beneficiary" when used in the expression "employee or other beneficiary".

Clause 28: (1) and (2) These amendments are consequential upon the amendments concerning personal corporations provided by clauses 23 and 24.

Paragraph (a) at present reads as follows:

"(a) the aggregate of the incomes deemed under section 67 to have been distributed to its shareholders while it was a personal corporation prior to that time,"

The portion of subsection (8) being repealed reads as follows:

"amounts that were not included in computing the shareholders' income but that would have been so included if it were not for section 67, and the aggregate of those amounts exceeds the aggregate of the incomes of the corporation that were by section 67 deemed to have been distributed to its shareholders, the undistributed income of the corporation on hand at that time shall be deemed to be the amount that it would be if the aggregate of the deductions permitted by subparagraphs (i) to (vii) of paragraph (a) of subsection (1) were reduced by an amount equal to the excess."

(3) This amendment replaces a reference to subsection (3) of section 81 by a reference to section 81. This permits the tax-paid undistributed income received from a corporation on winding up to be included in the tax-paid undistributed income of the receiving corporation.

Subsection (12) at present reads as follows:

"(12) Where a corporation is deemed by subsection (3) of section 81 to have received a dividend on or after June 30, 1950, its undistributed income on hand immediately thereafter, as determined under paragraph (a) of subsection (1), shall be deemed to be the amount otherwise determined thereunder plus the amount of the dividend that was not included in computing the corporation's income for the year by virtue of subsection (4) of section 81; and, in any such case, the receiving corporation's tax-paid undistributed income immediately after the dividend is deemed to have been received, as determined under paragraph (b) of subsection (1), shall be deemed to be the amount otherwise determined thereunder plus the amount of the dividend that was not included in computing the corporation's income for the year by virtue of subsection (4) of section 81."

receiving corporation's tax-paid undistributed income immediately after the dividend is deemed to have been received, as determined under paragraph (b) of subsection (1), shall be deemed to be the amount otherwise determined thereunder plus the amount of the dividend that was not included in computing the corporation's income for the year by virtue of subsection (4) of section 81." 5

29. (1) Subsection (4) of section 83A of the said Act is repealed and the following substituted therefor:

Deduction
from income
from
businesses of
associations,
etc.

"(4) There may be deducted in computing the income of a taxpayer for a taxation year under this Part from the businesses of all associations, partnerships or syndicates formed for the purpose of exploring or drilling for petroleum or natural gas and of which he was a member or partner, the lesser of 10 15

- (a) the aggregate of his share of such of the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by all such associations, partnerships or syndicates while he was a member or partner thereof, on or in respect of exploring or drilling for petroleum or natural gas in Canada as were incurred after the calendar year 1948 and before the end of the taxation year, to the extent that they were not deductible in computing his income for a previous taxation year, or 20 25
- (b) of that aggregate, an amount equal to his income from the businesses of all such associations, partnerships or syndicates for the taxation year computed before making any deduction under this subsection."

(2) Section 83A of the said Act is amended by adding thereto, immediately after subsection (6) thereof, the following subsection: 30

Idem.

"(6a) In applying the provisions of subsection (8a) to determine the amount that may be deducted by a successor corporation in computing its income under this Part for a taxation year, where the predecessor corporation has paid an amount (other than a rental or royalty) to the government of Canada or of a province for 35

- (a) the right to explore for petroleum or natural gas on a specified parcel of land in Canada (which right is, for greater certainty, declared to include a right of the type commonly referred to as a "licence", "permit" or "reservation"), or 40
- (b) a legal lease of the right to take or remove petroleum or natural gas from a specified parcel of land in Canada, 45

if, before the predecessor corporation was entitled, by virtue of subsection (6), to any deduction in computing its income

Clause 29: (1) This amendment provides that a member of an association, partnership or syndicate formed for the purpose of exploring or drilling for petroleum or natural gas may deduct his share of the drilling and exploration expenses of such associations from his income from other such associations.

Subsection (4) at present reads as follows:

"(4) There may be deducted in computing the income for a taxation year under this Part from the business of an association, partnership or syndicate formed for the purpose of exploring or drilling for petroleum or natural gas, the lesser of

- (a) the aggregate of such of the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by it on or in respect of exploring or drilling for petroleum or natural gas in Canada as were incurred after the calendar year 1948 and before the end of the taxation year, to the extent that they were not deductible in computing income therefrom for a previous taxation year, or
- (b) of that aggregate, an amount equal to the income therefrom for the taxation year if no deduction were allowed under this subsection."

(2) This new subsection provides that bonus payments for the right to explore for petroleum or natural gas, or for a lease of a right to remove petroleum or natural gas, that would have been deductible by a predecessor corporation may be deducted by a successor corporation.

for a taxation year in respect of the amount so paid, the property of the predecessor corporation was acquired by the successor corporation in the manner set out in subsection (8a), and the successor corporation did, before any well came into production in reasonable commercial quantities, on the land referred to in paragraph (a) or (b), surrender all the rights so acquired by the predecessor corporation (including in respect of a right of the kind described in paragraph (a), all rights thereunder to any lease and all rights under any lease made thereunder) without receiving any consideration therefor or payment of any part of the amount so paid by the predecessor corporation, the amount so paid by the predecessor corporation shall be added to the amount determined under paragraph (e) of subsection (8a).”

(3) Subsection (8a) of section 83A of the said Act is amended by striking out the word “or” at the end of paragraph (c) thereof, by adding the word “or” at the end of paragraph (d) thereof and by adding thereto, immediately after paragraph (d) thereof, the following paragraph:

“(da) as a result of the distribution of such property to the successor corporation upon the winding-up of the predecessor corporation where the predecessor corporation was at all times a subsidiary wholly-owned corporation subsidiary to the successor corporation,”

(4) All that portion of subsection (8b) of section 83A of the said Act preceding paragraph (c) thereof is repealed and the following substituted therefor:

“(8b) A reference in subsection (3), (6), (8) or (8a) to a corporation whose principal business is mining or exploring for minerals shall, for the purposes of this section and subsection (5a) of section 82, be deemed to include a reference to a corporation whose principal business is

(a) processing mineral ores for the purpose of recovering metals therefrom,

(b) a combination of

(i) processing mineral ores for the purpose of recovering metals therefrom, and

(ii) processing metals recovered from the ores so processed, or

(ba) fabricating metals,

but in making applicable the provisions of this section and subsection (5a) of section 82 to any such corporation there shall be substituted”

(5) This section is applicable to the 1961 and subsequent taxation years.

(3) This new paragraph extends the rules under which a successor corporation may deduct drilling and exploration expenses incurred by a predecessor corporation to include the case where the predecessor corporation was at all times prior to its winding up a wholly-owned subsidiary of the successor corporation.

(4) This amendment implements paragraph 13 of the Income Tax Act Resolution which reads as follows:

"13. That for the 1961 and subsequent taxation years the deduction from income allowed to a corporation whose principal business is mining or producing petroleum or natural gas or processing mineral ores or metals recovered from mineral ores, in respect of expenses incurred in searching for minerals in Canada or exploring or drilling for petroleum or natural gas in Canada be extended to a corporation whose principal business is fabricating metals."

30. (1) Subparagraph (i) of paragraph (b) of subsection (2) of section 85A of the said Act is repealed and the following substituted therefor:

“(i) the proportion of the benefit so deemed to have been received that the aggregate of the taxes that would have been payable by the employee under this Part for the 3 years immediately preceding the taxation year (before making any deduction under section 33, 38 or 41), if no benefit were deemed by paragraph (a), (b), (c) or (d) of subsection (1) to have been received by him in those years, is of the aggregate of the employee’s incomes for those years minus the benefit deemed by paragraph (a), (b), (c) or (d) of subsection (1) to have been received by him in those years,”

(2) Subparagraph (i) of paragraph (b) of subsection (3) of section 85A of the said Act is repealed and the following substituted therefor:

“(i) the proportion of the benefit so deemed to have been received that the aggregate of the taxes that would have been payable by the employee under this Part for the 3 years referred to in subsection (2) (before making any deduction under section 33, 38 or 41), if he had been resident in Canada throughout those years and his incomes for those years had been from sources in Canada, and if no benefit were deemed by paragraph (a), (b), (c) or (d) of subsection (1) to have been received by him in those years, is of the aggregate of the employee’s incomes for those years minus the benefit deemed by paragraph (a), (b), (c) or (d) of subsection (1) to have been received by him in those years,”

31. (1) Paragraph (d) of subsection (1) of section 85B of the said Act is repealed and the following substituted therefor:

“(d) where an amount has been included in computing the taxpayer’s income from the business for the year or for a previous year in respect of property sold in the course of the business and that amount or a part thereof is not receivable,

- (i) where the property sold is property other than land, until a day that is
 - (A) more than 2 years after the day on which the property was sold, and
 - (B) after the end of the taxation year, or
- (ii) where the property sold is land, until a day that is after the end of the taxation year,

Clause 30: (1) and (2) These amendments delete a reference to section 34. This is consequential upon the amendment provided by clause 14 repealing section 34.

Clause 31: (1) This amendment provides that where an amount has been included in computing a taxpayer's income from a business in respect of land sold in the course of the business and that amount is not receivable until a day after the end of the taxation year a reasonable amount as a reserve may be deducted in computing income for the year.

Paragraph (d) at present reads as follows:

"(d) where an amount has been included in computing the taxpayer's income from the business for the year or for a previous year in respect of property sold in the course of the business and that amount or a part thereof is not receivable until a day

(i) more than two years after the day on which the property was sold, and

(ii) after the end of the taxation year,

there may be deducted a reasonable amount as a reserve in respect of that part of the amount so included in computing the income that can reasonably be regarded as a portion of the profit from the sale; and"

there may be deducted a reasonable amount as a reserve in respect of that part of the amount so included in computing the income that can reasonably be regarded as a portion of the profit from the sale; and”

5

(2) Subsection (5) of section 85B of the said Act is repealed and the following substituted therefor:

Policy
reserve.

“(5) Paragraph (c) of subsection (1) does not apply to allow a deduction as a reserve in respect of insurance, but an insurance corporation, other than a life insurance corporation, shall, in computing its income from its insurance business for a taxation year, deduct as policy reserves such amounts as have been prescribed for the purposes of this subsection.”

(3) This section is applicable to the 1961 and subsequent taxation years.

(4) For the purpose of computing income from a business for the 1961 taxation year, any amount that is or should be outstanding on the taxpayer's books at the end of the 1960 taxation year (if subsection (1) of section 85B of the *Income Tax Act* as amended by this section had been applicable to that and all previous years) and that is, in effect, a reserve or other allowance in respect of one of the matters referred to in the said subsection (1) shall, to the extent that it, in fact, has not been included, or has been deducted, in computing the taxpayer's income from the business for the 1960 or a previous taxation year, be deemed, for the purposes of paragraph (e) of the said subsection (1), to be an amount deducted under paragraph (c) or (d) of the said subsection (1) in computing the income from the business for the 1960 taxation year.

32. (1) Subsection (4) of section 85E of the said Act is repealed and the following substituted therefor:

Election.

“(4) Where any amount is included in computing the income of a taxpayer for a taxation year by virtue of this section, the taxpayer may elect to pay, as tax for the year under this Part, in lieu of the amount that would otherwise be payable, an amount equal to the aggregate of

- (a) the tax that would be payable by him for the year under this Part (before making any deduction under section 33, 38, 40 or 41) if no amount were included in computing his income for the year by virtue of this section, and
- (b) the aggregate of the amounts by which his taxes under this Part (before making any deduction under section 33, 38, 40 or 41) would have been increased

(2) This amendment provides that an insurance corporation, other than a life insurance corporation, in computing its income from its insurance business for a year shall deduct as a policy reserve such amounts as have been prescribed. Subsection (5) at present reads as follows:

"(5) Paragraph (c) of subsection (1) does not apply to allow a deduction as a reserve in respect of insurance, but an insurance corporation, other than a life insurance corporation, may, in computing its income from its insurance business for a taxation year, deduct as policy reserves such amounts as have been approved for the purposes of this subsection by the Superintendent of Insurance."

(4) This is a transitional provision which is consequential upon the amendment provided by subclause (1) above.

Clause 32: This amendment relates to the method of calculating the tax by a special computation which a taxpayer may elect to use when, upon ceasing to carry on a business, the property that was included in the inventory is deemed to have been sold by him during the last year of the business. The amendment is consequential upon the reduction in income tax for individuals and corporations commencing in 1962 provided by clauses 13 and 19. It is intended to prevent the reduction applying both to the tax used in the special computation and to the total tax after making the computation.

Subsection (4) at present reads as follows:

"(4) Where any amount is included in computing the income of a taxpayer for a taxation year by virtue of this section, the taxpayer may elect to pay, as tax for the year under this Part, in lieu of the amount that would otherwise be payable, an amount equal to the aggregate of

(a) the tax that would be payable by him for the year under this Part if no amount were included in computing his income for the year by virtue of this section, and

if 1/3 of the amount so included by virtue of this section had been included in computing his income for each of the 3 taxation years ending with the last taxation year in which he carried on the business or the part of the business referred to in subsection (1), 5

minus any amount deductible for the year under section 33, 38, 40 or 41; and in any such case, the election is not valid unless the taxpayer was, during each of those 3 years, carrying on that business." 10

(2) This section is applicable to the 1962 and subsequent taxation years.

33. (1) Subparagraph (ii) of paragraph (d) of subsection (2) of section 85I of the said Act is amended by striking out the word "and" at the end of clause (B) thereof, 15 by adding the word "and" at the end of clause (C) thereof and by adding thereto the following clause:

"(D) where depreciable property that is deemed by subsection (5) of section 72 to be of a separate prescribed class is acquired by the 20 new corporation from a predecessor corporation, the property shall continue to be deemed to be of that same separate prescribed class;"

(2) Subsection (2) of section 85I of the said Act is further 25 amended by adding thereto, immediately after paragraph (j) thereof, the following paragraph:

Scientific
research.

"(ja) for the purpose of section 72 any expenditure of a capital nature on scientific research made by a predecessor corporation in its last taxation year or 30 a previous taxation year that would have been deductible by the predecessor corporation by virtue of paragraph (b) of subsection (1) of section 72 in computing its income for its last taxation year shall, to the extent such expenditure has not been deducted 35 by the predecessor corporation, be deemed to have been an expenditure of a capital nature on scientific research made in Canada by the new corporation in its first taxation year;"

(3) Subsection (3) of section 85I of the said Act is amended 40 by striking out the word "or" at the end of paragraph (c) thereof, by adding the word "or" at the end of paragraph (d) thereof and by adding thereto, immediately after paragraph (d) thereof, the following paragraph:

"(da) fabricating metals," 45

(4) Section 85I of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

(b) the aggregate of the amounts by which his taxes under this Part would have been increased if $\frac{1}{3}$ of the amount so included by virtue of this section had been included in computing his income for each of the 3 taxation years ending with the last taxation year in which he carried on the business or the part of the business referred to in subsection (1);

and, in any such case, the election is not valid unless the taxpayer was, during each of those 3 years, carrying on that business."

Clause 33: (1) This new clause provides that depreciable property acquired by a predecessor corporation as a result of expenditures of a capital nature on scientific research in Canada and deemed to be of a separate prescribed class shall continue to be of that same class when acquired by a new corporation formed as a result of an amalgamation.

(2) This new paragraph provides that expenditures of a capital nature on scientific research in Canada made by a predecessor corporation but not deducted by it shall be available for deduction by a new corporation formed as a result of an amalgamation.

(3) This new paragraph provides that the extension of the right to deduct drilling and exploration expenses to corporations whose principal business is fabricating metals as provided by clause 29 (4) shall also apply to a new corporation formed as the result of an amalgamation.

(4) This new subsection provides that bonus payments for the right to explore for petroleum or natural gas, or for a lease of a right to remove petroleum or natural gas, that would have been deductible by a predecessor corporation may be deducted by a new corporation formed as a result of an amalgamation.

Idem.

“(3a) In applying the provisions of subsection (3) to determine the amount that may be deducted by the new corporation in computing its income under this Part for a taxation year, where a predecessor corporation has paid an amount (other than a rental or royalty) to the government of Canada or of a province for

(a) the right to explore for petroleum or natural gas on a specified parcel of land in Canada (which right is, for greater certainty, declared to include a right of the type commonly referred to as a “licence”, “permit” or “reservation”), or

(b) a legal lease of the right to take or remove petroleum or natural gas from a specified parcel of land in Canada,

if, before the predecessor corporation was entitled, by virtue of subsection (6) of section 83A, to any deduction in computing its income for a taxation year in respect of the amount so paid, the property of the predecessor corporation was acquired by the new corporation and the new corporation did, before any well came into production in reasonable commercial quantities, on the land referred to in paragraph (a) or (b), surrender all the rights so acquired by the predecessor corporation (including in respect of a right of the kind described in paragraph (a), all rights thereunder to any lease and all rights under any lease made thereunder) without receiving any consideration therefor or payment of any part of the amount so paid by the predecessor corporation, the amount so paid by the predecessor corporation shall be added to the amount determined under paragraph (e) of subsection (3).”

(5) This section is applicable to the 1961 and subsequent taxation years.

34. (1) Subparagraph (ii) of paragraph (c) of subsection (2) of section 105 of the said Act is repealed and the following substituted therefor:

“(ii) the dividends that were, by section 81, deemed to have been received by shareholders of the corporation in the taxation years referred to in subparagraph (i),”

(2) Subparagraph (ii) of paragraph (c) of subsection (2a) of section 105 of the said Act is repealed and the following substituted therefor:

“(ii) the dividends that were, by section 81, deemed to have been received by shareholders of the corporation in the taxation years referred to in subparagraph (i),”

Clause 34: (1) and (2) These amendments replace a reference to subsection (3) of section 81 by a reference to section 81. This will permit a corporation which desires to pay the special 15% tax on an amount of undistributed income equal to the dividends it has paid in a certain period to include in the calculation all dividends that were by section 81 deemed to have been received by its shareholders in that period.

35. (1) Subparagraph (iii) of paragraph (b) of subsection (1) of section 106 of the said Act is amended by striking out the word "or" at the end of clause (D) thereof, by adding the word "or" at the end of clause (E) thereof and by adding thereto, immediately after clause (E) thereof, the following clause: 5

"(F) any obligation entered into by the payer after December 20, 1960, upon assuming an obligation referred to in clause (A) in consideration for the purchase by the payer 10 of the property of the vendor that constituted the security for that obligation, if the payer upon entering into the obligation undertook to pay the same amount of money on or before the same date and at 15 the same rate of interest as the vendor of the property had undertaken in respect of the obligation under which he was the obligee,"

(2) This section is applicable in respect of interest paid 20 or credited after December 20, 1960.

36. (1) Section 108 of the said Act is amended by adding thereto, immediately after subsection (2a) thereof, the following subsection:

Idem.

"(2b) Subsection (2) does not apply in respect of any 25 redemption by a corporation of shares of capital stock that were paid by the corporation as a stock dividend, to the extent that, by virtue of subsections (3) and (6) of section 81, the shareholders of the corporation were deemed to have received a dividend." 30

(2) Subsection (5) of section 108 of the said Act is repealed and the following substituted therefor:

Deemed to be dividend.

"(5) Where section 8 or section 16 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 35 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."

37. Section 112 of the said Act is amended by adding thereto the following subsection: 40

Election.

"(5) Notwithstanding subsection (4), a gift described in paragraph (ba) of subsection (4) that would, but for this subsection, be exempt from tax under this Part by virtue of that paragraph, shall, if the gift does not exceed \$4,000 in value, be deemed not to be exempt from tax under this 45 Part by virtue of that paragraph, unless the donor thereof elects that the gift be exempt from the tax by virtue of that paragraph."

Clause 35: This new clause provides that the exemption from the 15% non-resident withholding tax for interest payable in a foreign currency where the evidence of indebtedness was entered into on or before December 20, 1960 shall also apply to interest on an obligation entered into after December 20, 1960 in the circumstances described.

Clause 36: (1) This new subsection provides an exception to the rule that the redemption of stock by certain kinds of companies shall be deemed to be a payment of a dividend for purposes of the 15% non-resident withholding tax.

(2) This amendment adds the underlined words to provide that the 15% non-resident withholding tax shall apply to deemed dividends which a non-resident arranges to have conferred on someone else who is not a shareholder.

Clause 37: This new subsection provides that a gift of an interest in real property which does not exceed \$4,000 shall be deemed to be exempt under subsection (2) or (3) of section 112 and not by virtue of paragraph (ba) of subsection (4) of that section unless the donor elects otherwise.

38. Subsection (10) of section 123 of the said Act is repealed and the following substituted therefor:

Assessment.

"(10) The Minister may assess any person for any amount payable by that person under Part III, this section or section 129 and, upon his sending a notice of assessment to that person, Division F of Part I is applicable *mutatis mutandis*." 5

39. (1) Subsection (1) of section 139 of the said Act is amended by adding thereto, immediately after paragraph (d) thereof, the following paragraph: 10

"Benefit under a deferred profit sharing plan."

"(da) "benefit under a deferred profit sharing plan" received by a taxpayer in a taxation year means the aggregate of each amount received by the taxpayer in the year from a trustee under the plan minus any amounts deductible under subsections (10) and (11) of section 79c in computing the income of the taxpayer for the year;" 15

(2) Paragraph (o) of subsection (1) of section 139 of the said Act is repealed and the following substituted therefor: 20

"Exempt income."

"(o) "exempt income" means property received or acquired by a person in such circumstances that it is, by reason of any provision in Part I, not included in computing his income and includes amounts that are deductible under section 28 or that would be so deductible if it were not for subsection (2) of section 28;" 25

(3) All that portion of subsection (3) of section 139 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor: 30

Extended meaning of resident.

"(3) For the purposes of this Act, a person shall, subject to subsection (3a), be deemed to have been resident in Canada throughout a taxation year if" 35

(4) Subsection (3) of section 139 of the said Act is further amended by striking out the word "or" at the end of paragraph (b) thereof and by adding thereto, immediately after paragraph (c) thereof, the following paragraphs: 35

"(d) he was resident in Canada in any previous year and was, at any time in the year, the spouse of a person described by paragraph (b) or (c) living with that person, or 40

(e) he was, at any time in the year, a child described in paragraph (c) of subsection (1) of section 26 of a person described by paragraph (b) or (c)."

Clause 38: This amendment provides that the Minister may assess a non-resident for an amount payable on account of the non-resident withholding tax or for an amount that is payable as a penalty for failure to make a return.

Subsection (10) at present reads as follows:

"(10) The Minister may assess any person for any amount that has been deducted or withheld under this Act or a regulation or that is payable under this section and, upon his sending a notice of assessment to that person, Division F of Part I is applicable *mutatis mutandis*."

Clause 39: (1) This new paragraph defines the expression "benefit under a deferred profit sharing plan" to mean the portion of any amount received by a beneficiary under a deferred profit sharing plan that must be included in computing his income.

(2) This amendment substitutes the word "property" for the expression "money rights or things".

Paragraph (o) at present reads as follows:

"(o) "exempt income" means money, rights or things received or acquired by a person in such circumstances that they are, by reason of any provision in Part I, not included in computing his income and includes amounts that are deductible under section 28 or that would be so deductible if it were not for subsection (2) of section 28;"

(3) This amendment adds a reference to a new subsection (3a) which is added by subclause 5 below. It also changes the word "in" to read "throughout".

The portion of subsection (3) being repealed reads as follows:

"(3) For the purposes of this Act, a person shall be deemed to have been resident in Canada in a taxation year if"

(4) These new paragraphs extend the circumstances under which an individual shall be deemed to be resident in Canada. This implements paragraph 11 of the Income Tax Act Resolution which reads as follows:

"11. That for the 1961 and subsequent taxation years where an individual residing outside of Canada is deemed to be resident in Canada because he is an officer or servant of Canada or a province his wife residing with him (if she was previously resident in Canada) or his dependent child shall also be deemed to be resident in Canada."

(5) Section 139 of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

Idem.

"(3a) Where, at any time in a taxation year, a person described by paragraph (b) or (c) of subsection (3) ceases to be a person so described, he shall be deemed to have been resident in Canada during the part of the year preceding that time and his spouse and child who by virtue of paragraph (d) or (e) of subsection (3) would, but for this subsection, be deemed to have been resident in Canada throughout the year, shall be deemed to have been resident in Canada during that part of the year." 5 10

(6) Section 139 of the said Act is further amended by adding thereto, immediately after subsection (4) thereof, the following subsection:

Corporation deemed resident.

"(4a) For the purposes of this Act, a corporation incorporated in Canada shall be deemed to have been resident in Canada throughout a taxation year if it carried on business in Canada at any time in the year." 15

(7) Subsection (5d) of section 139 of the said Act is amended by striking out the word "and" at the end of paragraph (a) thereof, by repealing paragraph (b) thereof and by substituting therefor the following paragraphs:

"(b) a person who had a right under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation, or to control the voting rights of shares in a corporation, shall, except where the contract provided that the right is not exercisable until the death of an individual designated therein, be deemed to have had the same position in relation to the control of the corporation as if he owned the shares; and 25 30

(c) where a person owns shares in two or more corporations, he shall as shareholder of one of the corporations be deemed to be related to himself as shareholder of each of the other corporations." 35

(8) Subsections (1) to (5) and subsection (7) are applicable to the 1961 and subsequent taxation years, and subsection (6) is applicable to the 1962 and subsequent taxation years. 40

40. (1) Subsection (8) of section 141 of the said Act is repealed.

(2) This section is applicable in the case of any taxation year commencing after 1961.

(5) This new subsection provides that a member of the armed forces of Canada, or an ambassador or other servant of Canada or a province, who resigns from his position while posted abroad and who remains abroad for the remainder of the year shall be deemed to have been resident in Canada only until the time of the resignation. The spouse or child of such a servant shall also be deemed to be resident in Canada only until the date of the resignation.

(6) This new subsection implements paragraph 12 of the Income Tax Act Resolution which reads as follows:

"12. That for the 1962 and subsequent taxation years a corporation incorporated in Canada that is carrying on business in Canada shall be deemed to be resident in Canada."

(7) These amendments concern the rules for defining when persons are considered to be related to each other. The amendment to paragraph (b) provides an exception to the present rule concerning control of a corporation through rights to acquire shares.

The new paragraph (c) provides that in certain circumstances a person may be deemed to be related to himself.

Paragraph (b) at present reads as follows:

"(b) a person who had a right under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation, or to control the voting rights of shares in a corporation, shall be deemed to have had the same position in relation to the control of the corporation as if he owned the shares."

Clause 40: The repeal of this subsection is consequential upon the change in the definition of personal corporation provided by clause 24.

Subsection (8) at present reads as follows:

"(8) A corporation that would, by virtue of subsection (2) of section 30 of chapter 25 of the statutes of 1949, be deemed not to be a personal corporation for the purpose of *The 1948 Income Tax Act* if that Act were applicable to a taxation year to which this Act is applicable, shall be deemed not to be a personal corporation for the purpose of this Act for the taxation year."

1. The Commission has received information that a number of individuals have been identified as having been involved in the activities of the Communist Party of Canada in a number of provinces, and it is requested that you advise the Commission of any such individuals who have been identified in your province.

2. The Commission is also interested in any information you may have regarding the activities of the Communist Party of Canada in your province, and it is requested that you advise the Commission of any such information.

3. The Commission is also interested in any information you may have regarding the activities of the Communist Party of Canada in your province, and it is requested that you advise the Commission of any such information.

4. The Commission is also interested in any information you may have regarding the activities of the Communist Party of Canada in your province, and it is requested that you advise the Commission of any such information.

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7. The Commission is also interested in any information you may have regarding the activities of the Communist Party of Canada in your province, and it is requested that you advise the Commission of any such information.

8. The Commission is also interested in any information you may have regarding the activities of the Communist Party of Canada in your province, and it is requested that you advise the Commission of any such information.

9. The Commission is also interested in any information you may have regarding the activities of the Communist Party of Canada in your province, and it is requested that you advise the Commission of any such information.

10. The Commission is also interested in any information you may have regarding the activities of the Communist Party of Canada in your province, and it is requested that you advise the Commission of any such information.

11. The Commission is also interested in any information you may have regarding the activities of the Communist Party of Canada in your province, and it is requested that you advise the Commission of any such information.

C-121.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-121.

An Act to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System for the period from the 1st day of January, 1961 to the 30th day of June, 1962, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

First reading, July 6, 1961.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-121.

An Act to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System for the period from the 1st day of January, 1961 to the 30th day of June, 1962, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

HER 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 *Canadian National Railways Financing and Guarantee Act, 1961.*

5

INTERPRETATION.

Definitions.

2. In this Act,

"National Company."

(a) "National Company" means the Canadian National Railway Company;

"National System."

(b) "National System" means the National Railways as defined in the *Canadian National Railways Act* and 10 any companies controlled by the National Company through stock ownership; and

"Securities."

(c) "securities" means the notes, equipment trust certificates, bonds, debentures and other securities described in subsection (1) of section 4.

15

CAPITAL EXPENSE.

Capital expenditures authorized.

3. (1) The National System is authorized,

(a) to make capital expenditures in the calendar year 1961 in the following amounts and for the following purposes:

Gross Capital Expenditures

Board property	\$ 122,755,000
Board line construction	18,300,000
Other	1,322,000
Investment in affiliated companies	14,212,000
Other	2,932,000
Investment in affiliated companies	\$ 19,770,000
Other	2,932,000
	<u>\$ 22,612,000</u>

\$ 178,900,000

- (b) To make capital expenditures not exceeding in the aggregate \$10,000,000 in the calendar year 1962 prior to the last day of that year, by investing in securities of Trans-Canada Air Lines in accordance with the terms of the debt obligations that were incurred prior to that year and have become due and payable before that day and to discharge obligations that were incurred by the National Company for equipment, for loans and interest there and for general additions and betterments to road property prior to that year and have become due and payable before that day; and
- (c) To make any contracts prior to the last day of July, 1962, for the acquisition of new equipment and for general additions and betterments that will come in course of payment after the calendar year 1962 in amounts not exceeding in the aggregate \$10,000,000.
- (2) The National Company, with the approval of the Government as Council is authorized
- (a) at any time prior to the last day of July, 1962, to borrow money by the issue and sale of securities or by way of loan from the Minister of Finance to provide the amounts required for the purposes of paragraphs (a) and (b) of subsection (1); and
- (b) by the issue and sale of securities, to borrow money to carry into effect under section 8
- (3) A statement of the amounts borrowed by the National Company pursuant to this section shall be included in the annual report of the National Company.
- (4) An estimate of the amounts required for the purposes of paragraph (b) of subsection (1) shall be included in the annual budget of the National System for the calendar year 1962.

Capital expenditures
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Gross Capital Expenditures:

Road property.....	\$ 122,735,000	
Branch line construction.....	14,599,000	
Hotels.....	1,732,000	
Equipment.....	14,212,000	5
Investment in affiliated companies:		
Trans-Canada Air Lines		
financial requirements... \$	19,700,000	
Others.....	5,922,000	
		25,622,000 10
		\$ 178,900,000

Capital expenditures in 1962.

- (b) to make capital expenditures not exceeding in the aggregate \$76,000,000 in the calendar year 1962 prior to the 1st day of July of that year, by investing in securities of Trans-Canada Air Lines to enable Trans-Canada Air Lines to discharge obligations that were incurred prior to that year and have become due and payable before that day and to discharge obligations that were incurred by the National Company for equipment, for hotels and branch lines and for general additions and betterments to road property prior to that year and have become due and payable before that day; and
- (c) to enter into contracts prior to the 1st day of July, 1962, for the acquisition of new equipment and for general additions and conversions that will come in course of payment after the calendar year 1961, in amounts not exceeding in the aggregate \$44,000,000.

Contracts for new equipment, additions and conversions prior to July 1, 1962.

Power to borrow money.

- (2) The National Company, with the approval of the Governor in Council, is authorized
 - (a) at any time prior to the 1st day of July, 1962, to borrow money by the issue and sale of securities or by way of loan from the Minister of Finance to provide the amounts required for the purposes of paragraphs (a) and (b) of subsection (1); and
 - (b) by the issue and sale of securities, to borrow money to repay loans made under section 6.

Statement of amounts borrowed.

- (3) A statement of the amounts borrowed by the National Company pursuant to this section shall be included in the annual report of the National Company.

Estimate of amounts required.

- (4) An estimate of the amounts required for the purposes of paragraph (b) of subsection (1) shall be included in the annual budget of the National System for the calendar year 1962.

10. Any amount payable under a contract entered into in the course of the business of the National System for the year in which it is payable shall be included in the amount payable for that year.

11. The amount payable for a purpose mentioned in section 9 shall be the amount authorized by the Commission in respect of that purpose and for the purpose of this subsection any expenditure made under paragraph (b) of subsection (1) of section 9 in the financial year shall be deemed to be an expenditure under paragraph (a) of subsection (1) of this section.

Section 10

Section 11

12. (1) Subject to the provisions of this Act and with the approval of the Governor in Council, the National System may, for any purpose mentioned in section 9, borrow money from any source and may, for that purpose, sell or lease any property owned by it or may, for that purpose, acquire any property or may, for that purpose, incur any liability.

Section 12

(2) All moneys borrowed or received by the National System for any purpose mentioned in section 9 shall be paid into the Consolidated Revenue Fund and shall be available for the purposes of that section.

Section 12

Section 12

13. (1) The amount payable for any purpose mentioned in section 9 shall not exceed the amount necessary to provide for the purpose of that section with the net amount of \$1,000,000 less the amount that the National System receives in respect of the purpose of that section in the financial year in which it is payable.

Section 13

(2) The amount payable for any purpose mentioned in section 9 shall not exceed the amount necessary to provide for the purpose of that section with the net amount of \$1,000,000 less the amount that the National System receives in respect of the purpose of that section in the financial year in which it is payable.

Section 13

14. (1) The Governor in Council may, subject to the approval of the Senate, in respect of any purpose mentioned in section 9, make such regulations as may be necessary for the purpose of carrying out the provisions of this Act.

Section 14

(2) The Governor in Council may, subject to the approval of the Senate, make such regulations as may be necessary for the purpose of carrying out the provisions of this Act.

Section 14

Amount payable included in budget.

(5) Any amount payable under a contract entered into pursuant to paragraph (c) of subsection (1) shall be included in the annual budget of the National System for the year in which it will become due and payable.

Limitations.

(6) No amounts shall be spent for a purpose mentioned in this section in excess of the amount authorized by this section in respect of that purpose, and for the purposes of this subsection any expenditure made under paragraph (b) of subsection (1) of section 3 of the *Canadian National Railways Financing and Guarantee Act, 1960*, shall be deemed to be an expenditure under paragraph (a) of subsection (1) of this section.

Issue of securities.

4. (1) Subject to the provisions of this Act and with the approval of the Governor in Council, the National Company may issue notes, equipment trust certificates, bonds, debentures or other securities, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve, to provide amounts required for the purposes of section 3.

Application of amounts available.

(2) Amounts available from reserves for depreciation and debt discount amortization shall be applied towards meeting the expenditures authorized by section 3.

Maximum amount of securities.

(3) The aggregate principal amount of securities issued under this section outstanding at any one time shall not exceed the amount necessary to provide the National Company with the net amount of \$76,800,000 less the amount that the National Company receives in respect of the period from the 1st day of January, 1961 to the 30th day of June, 1962, both inclusive, from the sale to the Minister of Finance of preferred stock of the National Company, and for the purposes of this subsection, any securities issued under the *Canadian National Railways Financing and Guarantee Act, 1960*, in respect of the amounts required for capital expenditures under paragraph (b) of subsection (1) of section 3 of that Act, shall be deemed to have been issued under this section.

GUARANTEES.

Guarantee.

5. (1) The Governor in Council may authorize the guarantee by Her Majesty in right of Canada of the principal and interest of the securities and may approve or decide the form, manner and conditions of such guarantees.

Signature of guarantee.

(2) A guarantee under this Act may be signed on behalf of Her Majesty by the Minister of Finance or by such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes that the guarantee is valid and that the relative provisions of the Act have been complied with.

EXPLANATORY NOTES.

Clause 4(3): The amount of \$76,800,000 appearing in this subclause is computed as follows:

Road property.....	\$122,735,000		
Branch line construction.....	14,599,000		
Hotels.....	1,732,000		
Equipment.....	14,212,000		
Investment in affiliated companies:			
Trans-Canada Air Lines financial requirements.....	\$ 19,700,000		
Others.....	5,922,000		
		25,622,000	\$178,900,000
 <i>Less:</i>			
Uncompleted work.....			16,000,000
			162,900,000
 <i>Add:</i>			
Interim financing authority January 1 to June 30, 1962, on obligations incurred prior to January 1, 1962.....			76,000,000
			238,900,000
 <i>Less:</i>			
Depreciation accruals and amortization of discount on funded debt, etc., in relation to calendar year 1961.....		108,100,000	
Depreciation accruals and amortization of discount on funded debt, etc., in relation to period January 1 to June 30, 1962.....		54,000,000	
		162,100,000	
			\$ 76,800,000

LOANS.

Minister may
make loans to
National
Company.

6. (1) The Minister of Finance, upon application by the National Company approved by the Minister of Transport, may, with the approval of the Governor in Council, make loans to the National Company out of the Consolidated Revenue Fund of amounts required for the purposes of section 3 at such rates of interest and subject to such other terms and conditions as the Minister of Finance, with the approval of the Governor in Council, may determine, and secured by securities that the National Company is authorized to issue pursuant to this Act. 5 10

Maximum
aggregate
principal
amount of
loan.

(2) The aggregate principal amount of loans made pursuant to subsection (1) shall not exceed \$76,800,000 less the amount that the National Company receives in respect of the period from the 1st day of January, 1961 to the 30th day of June, 1962, both inclusive, from the sale to the Minister of Finance of preferred stock of the National Company. 15

Securities
for re-
payment.

(3) Securities issued to secure a loan made by the Minister of Finance under this section are deemed not to be included in the amount specified in subsection (3) of section 4 if securities have been issued and sold to repay that loan. 20

GENERAL.

Power to
aid other
companies.

7. The National Company may aid and assist, in any manner not inconsistent with section 3, any others of the companies and railways comprised in the National System and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any others of the said companies and railways 25

(a) apply the proceeds of any issue of securities towards meeting expenditures authorized by section 3 on its own account or on account of any others of the said companies and railways, and 30

(b) make advances of amounts required for meeting expenditures authorized by section 3 to any others of the said companies and railways upon or without any security, at discretion. 35

Proceeds
paid to
credit of
Minister of
Finance
in trust.

8. The proceeds of any sale, pledge or other disposition of any guaranteed securities shall, in the first instance, be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance, in trust for the National Company, in one or more banks designated by him, and upon application to the Minister of Finance by the National Company approved by the Minister of 40

Transport, shall be paid to the National Company by the Minister of Finance out of the Consolidated Revenue Fund, or on instructions from the Minister of Finance by the banks in which they are deposited, as the case may be, for the purposes stated in such application. 5

Minister may place amounts at disposal of Company.

9. (1) Where, at any time before the 1st day of July, 1962, the available revenues of the National System are not sufficient to pay all the operating and income charges of the National System as and when due, the Minister of Finance, upon application by the National Company approved by 10 the Minister of Transport, may, with the approval of the Governor in Council, place at the disposal of the National Company such amounts as may be required to enable the National Company to meet all such charges.

Amounts reimbursed to Minister from annual revenues.

(2) All amounts placed at the disposal of the National 15 Company pursuant to subsection (1) shall be reimbursed to the Minister of Finance from the annual revenues of the National System in so far as such revenues are sufficient, and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament. 20

Trans-Canada Air Lines.

10. (1) Where, at any time before the 1st day of July, 1962, the available revenues of Trans-Canada Air Lines are not sufficient to pay all the operating and income charges thereof as and when due, the Minister of Finance, upon application by Trans-Canada Air Lines approved by the 25 Minister of Transport, may, with the approval of the Governor in Council, place at the disposal of Trans-Canada Air Lines such amounts as may be required to enable Trans-Canada Air Lines to meet all such charges.

Amounts reimbursed from annual revenues.

(2) All amounts placed at the disposal of Trans-Canada 30 Air Lines pursuant to subsection (1) shall be reimbursed to the Minister of Finance from the annual revenues of Trans-Canada Air Lines in so far as such revenues are sufficient, and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament. 35

Extension of period in respect of which no interest payable.

11. Notwithstanding anything in section 4 of the *Canadian National Railways Capital Revision Act* or in any instrument in writing delivered by the National Company pursuant thereto, interest shall not be payable by the National Company on the sum of one hundred million 40 dollars mentioned therein in respect of the further period of one year commencing on the 1st day of January, 1962.

Continuation
for further
year of
application
of R.S., c. 311,
s. 6(1).

12. Notwithstanding anything in the *Canadian National Railways Capital Revision Act* or in the *Canadian National Railways Financing and Guarantee Act, 1960*, subsection (1) of section 6 of the *Canadian National Railways Capital Revision Act* applies in respect of the fiscal year of the National Company commencing in 1962. 5

Issue of
substituted
securities:
1955, c. 31,
s. 3.

13. Section 3 of the *Canadian National Railways Refunding Act, 1955* shall be read and construed as if for the reference to the amount of two hundred million dollars therein there were substituted a reference to the amount of two hundred and thirty million dollars. 10

Auditors.

14. J. A. de Lalanne of Montreal, Chartered Accountant, is appointed as independent auditor to make a continuous audit of the accounts for the year 1962 of National Railways as defined in the *Canadian National Railways Act*. 15

C-122.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-122.

An Act to authorize the Minister of Finance to make payments to the Governments of the Provinces and to authorize the Government of Canada to enter into tax collection agreements with the Governments of the Provinces.

First reading, July 12, 1961.

THE MINISTER OF FINANCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-122.

An Act to authorize the Minister of Finance to make payments to the Governments of the Provinces and to authorize the Government of Canada to enter into tax collection agreements with the Governments of the Provinces.

HER 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 *Federal-Provincial Fiscal Arrangements Act*. 5

INTERPRETATION.

Definitions. **2.** (1) In this Act,
"Fiscal year." (a) "fiscal year" means the period of twelve months commencing on the 1st day of April and ending on the 31st day of March next following;
"Minister." (b) "Minister" means the Minister of Finance; 10
"Natural resources revenues." (c) "natural resources revenues", as applied to a province for a fiscal year, means the natural resources revenues for the fiscal year as shown in the Table "Gross General Revenue" in the publication of the Dominion Bureau of Statistics entitled "Financial Statistics 15 of Provincial Governments";
"Province." (d) "province" does not include the Northwest Territories or the Yukon Territory;
"Standard corporation income tax." (e) "standard corporation income tax", as applied to a province for a fiscal year, means the amount, as 20 determined by the Minister, that would be derived from a tax on the income earned in the province

EXPLANATORY NOTES.

The purpose of this Bill is to provide the necessary authority for carrying out the new fiscal arrangements with the provinces. This will be for the five-year period commencing at the conclusion of the present arrangements with the provinces under the *Federal-Provincial Tax-Sharing Arrangements Act*. The Bill would authorize the implementation of the offer made by the Government of Canada to the governments of the provinces as a result of the several conferences that have been held in the past year.

by each corporation (other than a non-resident-owned investment corporation as defined in the *Income Tax Act* or a corporation specified in Schedule D to the *Financial Administration Act* that is an agent of Her Majesty in right of Canada) that maintained a permanent establishment in the province at any time during its taxation year, for the purposes of the *Income Tax Act*, ending in the calendar year that ends in the fiscal year, at the rate of nine per cent on its taxable income earned in the province in that taxation year, such tax to be computed as if imposed under the *Income Tax Act* and regulations thereunder;

“Standard estate tax.”

- (f) “standard estate tax”, as applied to a province for a fiscal year, means the amount, as determined by the Minister, that would be derived from a tax equal to fifty per cent of the total amount of estate tax payable pursuant to the *Estate Tax Act* in respect of
- (i) property situated in the province and included in the estates of persons dying in the fiscal year domiciled in the province,
 - (ii) property (other than real property) situated outside Canada passing to persons domiciled or resident in the province and included in the estates of persons dying in the fiscal year domiciled in the province, and
 - (iii) property situated in the province included in the estates of persons dying in the fiscal year domiciled outside the province;

“Standard individual income tax.”

- (g) “standard individual income tax”, as applied to a province for a fiscal year, means the amount, as determined by the Minister, that would be derived from a tax
- (i) on the incomes (other than incomes from businesses) of individuals resident in the province on the last day of the taxation year, within the meaning of the *Income Tax Act*, ending in the fiscal year,
 - (ii) on the incomes (other than incomes from businesses) earned in the province in that taxation year by individuals not resident in Canada at any time during that taxation year, within the meaning of the *Income Tax Act*, and
 - (iii) on the incomes from businesses earned in the province in that taxation year by individuals, within the meaning of the *Income Tax Act*, equal to
 - (iv) sixteen eighty-fourths, in respect of the taxation year ending in the fiscal year that ends in 1963,
 - (v) seventeen eighty-thirds, in respect of the taxation year ending in the fiscal year that ends in 1964,

- (vi) eighteen eighty-seconds, in respect of the taxation year ending in the fiscal year that ends in 1965,
- (vii) nineteen eighty-firsts, in respect of the taxation year ending in the fiscal year that ends in 1966, 5
and
- (viii) twenty eightieths, in respect of the taxation year ending in the fiscal year that ends in 1967,
of the total amount of tax payable under the *Income Tax Act* on those incomes, but not including the Old 10
Age Security tax imposed by subsection (3) of
section 10 of the *Old Age Security Act*;

“Standard
taxes.”

- (h) “standard taxes”, as applied to a province for a fiscal year, means the aggregate of
 - (i) the standard individual income tax and the 15
standard corporation income tax applicable to
the province for the fiscal year, and
 - (ii) the average of the standard estate tax applicable
to the province for the fiscal year and the two
fiscal years immediately preceding it; and 20
- (i) “tax collection agreement” means an agreement
entered into pursuant to section 6.

“Tax collec-
tion agree-
ment.”

Population.

- (2) For the purposes of this Act,
 - (a) the population of a province
 - (i) for a calendar year in which a census thereof was 25
taken, means the population as ascertained by
the census, and
 - (ii) for any other calendar year, means the popu-
lation on the 1st day of June in that year as
estimated by the Dominion Statistician, on the 30
assumption that the population changed by
the same number of persons annually between
censuses; and
 - (b) the population of a province for a fiscal year is the
population determined in accordance with this sub- 35
section for the calendar year in which the fiscal year
begins.

PAYMENTS TO PROVINCES.

Payments to
provinces.

- 3. (1) Subject to this Act, the Minister may pay to a
province in respect of each fiscal year in the period commen-
cing on the 1st day of April, 1962 and ending on the 31st day 40
of March, 1967,
 - (a) a tax equalization payment not exceeding the amount
computed in accordance with section 4, and
 - (b) a provincial revenue stabilization payment not
exceeding the amount computed in accordance with 45
section 5.

(2) The Minister may pay, in respect of each fiscal year in the period commencing on the 1st day of April, 1982 and ending on the 31st day of March, 1987, in addition to all other payments, grants, subsidies and allowances, an annual grant of ten and one-half million dollars to each of the Province of Nova Scotia, New Brunswick and Newfoundland and an annual grant of three and one-half million dollars to the Province of Prince Edward Island.

(3) The Minister may pay, in respect of each fiscal year in the period commencing on the 1st day of April, 1982 and ending on the 31st day of March, 1987, in addition to all other payments, grants, subsidies and allowances, an annual grant of eight million dollars to the Province of Newfoundland.

Additional
Provisions
relating
to
grants

Additional
Provisions
relating
to
grants

(4) Where a province does not levy a succession duty as defined in the regulations in respect of succession or testamentary transmission upon or on property passing upon any death occurring during a fiscal year in the period commencing on the 1st day of April, 1982 and ending on the 31st day of March, 1987, the Minister may pay to the province, in respect of the fiscal year, an amount equal to the amount that the province would have paid for the fiscal year.

Additional
Provisions
relating
to
grants

(5) The amounts authorized to be paid by this section shall be paid out of the Consolidated Revenue Fund as that name and in such manner as may be prescribed by the regulations.

Consolidated
Revenue
Fund

Tax Equalization Payments

4. (1) The tax equalization payments applicable to a province for a fiscal year is an amount equal to the greater of

(a) the base equalization amount applicable to the province for the fiscal year computed in accordance with subsection (2);

(b) the guaranteed equalization amount applicable to the province for the fiscal year computed in accordance with subsection (3); or

(c) where the tax equalization amount determined in accordance with paragraph (a) of subsection (2) in respect of the province for the fiscal year is less than the tax equalization amount determined in accordance with paragraph (b) of that subsection in respect of the province for the fiscal year, the guaranteed equalization amount applicable to the province for the fiscal year computed in accordance with subsection (3).

Equalized
Provisions
relating
to
payments

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Atlantic
Provinces
additional
grants.

(2) The Minister may pay, in respect of each fiscal year in the period commencing on the 1st day of April, 1962 and ending on the 31st day of March, 1967, in addition to all other payments, grants, subsidies and allowances, an annual grant of ten and one-half million dollars to each of the Provinces of Nova Scotia, New Brunswick and Newfoundland and an annual grant of three and one-half million dollars to the Province of Prince Edward Island. 5

Additional
grants to
Newfound-
land.

(3) The Minister may pay, in respect of each fiscal year in the period commencing on the 1st day of April, 1962 and ending on the 31st day of March, 1967, in addition to all other payments, grants, subsidies and allowances, an annual grant of eight million dollars to the Province of Newfoundland. 10

Succession
duties
payments.

(4) Where a province does not levy a succession duty, as defined in the regulations, in respect of successions or transmissions consequent upon, or on property passing upon, any death occurring during a fiscal year in the period commencing on the 1st day of April, 1962 and ending on the 31st day of March, 1967, the Minister may pay to the province, in respect of the fiscal year, an amount equal to the standard estate tax applicable to the province for the fiscal year. 15 20

Consolidated
Revenue
Fund.

(5) The amounts authorized to be paid by this section shall be paid out of the Consolidated Revenue Fund at such times and in such manner as may be prescribed by the regulations. 25

TAX EQUALIZATION PAYMENTS.

Tax equali-
zation
payments.

4. (1) The tax equalization payment applicable to a province for a fiscal year is an amount equal to the greatest of
- (a) the basic equalization amount applicable to the province for the fiscal year computed in accordance with subsection (2), 30
 - (b) the guaranteed equalization amount applicable to the province for the fiscal year computed in accordance with subsection (3), or 35
 - (c) where the per capita amount determined in accordance with paragraph (c) of subsection (2) in respect of the province for the fiscal year is less than the per capita amount determined in accordance with paragraph (d) of that subsection in respect of the province for the fiscal year, the guaranteed equalization amount applicable to the province for the fiscal year computed in accordance with subsection (4). 40

Basic
equalization
amount.

(2) The basic equalization amount applicable to a province for a fiscal year referred to in paragraph (a) of subsection (1) is the amount, as determined by the Minister, that when added to the total of

(a) the standard taxes of the province for the fiscal year, and 5
(b) fifty per cent of the average natural resources revenues of the province for the three fiscal years immediately preceding the fiscal year,

will cause 10

(c) the per capita amount derived by dividing

(i) the sum so obtained,

by

(ii) the population of the province for the fiscal year, 15

to equal

(d) the per capita amount derived by dividing the total of

(i) the standard taxes of all the provinces for the fiscal year, and 20

(ii) fifty per cent of the average natural resources revenues of all the provinces for the three fiscal years immediately preceding the fiscal year,

by

(iii) the total population of all the provinces for the fiscal year. 25

Guaranteed
equalization
amount.

(3) The guaranteed equalization amount applicable to a province for a fiscal year referred to in paragraph (b) of subsection (1) is the amount, as determined by the Minister, that when added to the total of 30

(a) the standard taxes of the province for the fiscal year, and

(b) the amount of any grant that may be paid to the province in respect of the fiscal year pursuant to subsection (2) of section 3, 35

will equal the greater of

(c) the total of the following amounts applicable to the province for the fiscal year ending in 1962 pursuant to the *Federal-Provincial Tax-Sharing Arrangements Act*, namely, 40

(i) the amount of the standard taxes as defined in that Act,

(ii) the amount of the tax equalization payment under section 4 of that Act,

(iii) the amount of the provincial revenue stabilization payment under section 5 of that Act, and 45

(iv) the amount of any grant under section 11 of that Act, or

- (b) The average of the value of the following amounts applicable to the province for each of the fiscal years ending in 1901 and 1902 pursuant to the Federal Provincial Tax Sharing Arrangement Act, namely:
 - (i) the amount of the standard taxes as defined in that Act;
 - (ii) the amount of the tax equalization payment under section 4 of that Act;
 - (iii) the amount of the provincial revenue stabilization payment under section 5 of that Act; and
 - (iv) the amount of any grant under section 11 of that Act.
- (c) The guaranteed equalization amount applicable to a province for a fiscal year referred to in paragraph (b) of subsection 11.2 of the Act, as determined by the Minister that year added to the total of
 - (i) the standard taxes of the province for the fiscal year; and
 - (ii) the amount of any grant that may be paid to the province in respect of the fiscal year pursuant to subsection 11.2 of section 7.
- (d) The total of the following amounts that would have been applicable to the province for the fiscal year pursuant to the Federal Provincial Tax Sharing Arrangement Act if that Act applied to the province for the fiscal year:
 - (i) the amount of the standard taxes as defined in that Act;
 - (ii) the amount of the tax equalization payment under section 4 of that Act; and
 - (iii) the amount of any grant under section 11 of that Act.

Provincial Revenue Stabilization Payments

- 2. (1) The provincial revenue stabilization payment applicable to a province for a fiscal year is the amount, as determined by the Minister, by which
 - (a) ninety-five per cent of the average of the value of the standard taxes, the tax equalization payments and the provincial revenue stabilization payments applicable to the province for the two fiscal years immediately preceding the fiscal year;
 - (b) the total of the standard taxes and the tax equalization payment applicable to the province for the fiscal year;

Provincial Revenue Stabilization Payment

- (d) the average of the totals of the following amounts applicable to the province for each of the fiscal years ending in 1961 and 1962 pursuant to the *Federal-Provincial Tax-Sharing Arrangements Act*, namely,
- (i) the amount of the standard taxes as defined in that Act, 5
 - (ii) the amount of the tax equalization payment under section 4 of that Act,
 - (iii) the amount of the provincial revenue stabilization payment under section 5 of that Act, and 10
 - (iv) the amount of any grant under section 11 of that Act.

Idem.

(4) The guaranteed equalization amount applicable to a province for a fiscal year referred to in paragraph (c) of subsection (1) is the amount, as determined by the Minister, that when added to the total of 15

(a) the standard taxes of the province for the fiscal year, and

(b) the amount of any grant that may be paid to the province in respect of the fiscal year pursuant to subsection (2) of section 3, 20

will equal the total of the following amounts that would have been applicable to the province for the fiscal year pursuant to the *Federal-Provincial Tax-Sharing Arrangements Act* if that Act applied to the province for the fiscal year, namely, 25

(c) the amount of the standard taxes as defined in that Act,

(d) the amount of the tax equalization payment under section 4 of that Act, and 30

(e) the amount of any grant under section 11 of that Act.

PROVINCIAL REVENUE STABILIZATION PAYMENTS.

Provincial
revenue
stabilization
payments.

5. (1) The provincial revenue stabilization payment applicable to a province for a fiscal year is the amount, as determined by the Minister, by which 35

(a) ninety-five per cent of the average of the totals of the standard taxes, the tax equalization payments and the provincial revenue stabilization payments applicable to the province for the two fiscal years immediately preceding the fiscal year, 40

exceeds

(b) the total of the standard taxes and the tax equalization payment applicable to the province for the fiscal year.

Idem.

(2) A reference in paragraph (a) of subsection (1) to the standard taxes, the tax equalization payment and the provincial revenue stabilization payment applicable to a province for a fiscal year shall, where that fiscal year commenced before 1962, be construed as a reference to the standard taxes as defined in the *Federal-Provincial Tax-Sharing Arrangements Act*, the tax equalization payment under section 4 of that Act, and the provincial revenue stabilization payment under section 5 of that Act, applicable to the province for that fiscal year pursuant to the *Federal-Provincial Tax-Sharing Arrangements Act*. 5 10

TAX COLLECTION AGREEMENTS.

Tax collection agreements.

6. (1) Where a province imposes taxes on the income of individuals or corporations or both, the Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, enter into an agreement with the government of the province pursuant to which the Government of Canada will collect the provincial taxes on behalf of the province and will make payments to the province in respect of the taxes so collected, in accordance with such terms and conditions as the agreement prescribes. 15 20

Amendments to agreements.

(2) The Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, enter into an agreement amending the terms and conditions of an agreement entered into pursuant to subsection (1).

Advance payments under agreements.

7. Where a province has entered into a tax collection agreement, the Minister, in accordance with the regulations, may make advance payments to the province out of the Consolidated Revenue Fund on account of any amount that may become payable to the province pursuant to the agreement. 25 30

PROVINCIAL CORPORATION TAXES.

Provincial corporation taxes.

8. Where a tax that a province or a municipality in the province levies and collects on corporations (other than a tax that is excluded by the regulations from the operation of this section) is allowed, in whole or in part, as a deduction in computing the income of a corporation for the purposes of the *Income Tax Act* for any of the taxation years 1962 to 1966, the amount, as determined by the Minister, by which the income tax payable by the corporation under the *Income Tax Act* is reduced by reason of the tax being so allowed as a deduction, may be deducted from any payment to the province pursuant to this Act or otherwise recovered as a debt due to Canada by the province. 35 40

REGULATIONS.

Regulations.

9. The Governor in Council may make such regulations as he deems necessary for carrying out the purposes and provisions of this Act and, without restricting the generality of the foregoing, may make regulations respecting

- (a) payment to a province of advances on account of any amount that may become payable to the province pursuant to this Act or a tax collection agreement, the adjustment of other payments by reason of such advances, and the recovery of overpayments; 5
- (b) the time and manner of making any payment under this Act or a tax collection agreement; 10
- (c) the accounts to be kept and their management;
- (d) the determination of any matter that, under this Act, is to be determined by the Minister; and
- (e) any matter that, by this Act, is to be defined or prescribed by or done in accordance with the regulations. 15

C-123.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-123.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

**AS PASSED BY THE HOUSE OF COMMONS,
13th JULY, 1961.**

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-123.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency, Major-General Georges Philias Vanier, DSO., MC., 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 31st day of March, 1962, 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 Queen'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, 1961.*

\$1,045,379,927.94
granted for
1961-62.

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-five million, three hundred and seventy-nine thousand, nine hundred and twenty-seven dollars and ninety-four cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1961, to the 31st day of March, 1962, not otherwise provided for, and being the aggregate of

(a) one-quarter of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1962, as laid before the House of Commons at the present session of Parliament, \$922,235,223.75;

(b) one-third of the total of the amounts of the several items in the Main Estimates set forth in Schedule A, \$271,666.67;

- (c) one-sixth of the total of the amounts of the several items in the Main Estimates set forth in Schedule B, \$4,271,818.84;
- (d) one-twelfth of the total of the amounts of the several items in the Main Estimates set forth in Schedule C, 5 \$3,591,936.92;
- (e) seven-twelfths of the total of the amounts of the items set forth in the Supplementary Estimates, for the fiscal year ending the 31st day of March, 1962, as laid before the House of Commons at the 10 present session of Parliament, \$88,926,648.41;
- (f) one-third of the total of the amounts of the several items in the Supplementary Estimates set forth in Schedule D, \$1,181,383.34;
- (g) one-quarter of the total of the amounts of the several 15 items in the Supplementary Estimates set forth in Schedule E, \$12,515,000.00;
- (h) seven-twelfths of the total of the amounts of the items set forth in the Further Supplementary Estimates (1) for the fiscal year ending the 31st 20 day of March, 1962, as laid before the House of Commons at the present session of Parliament, \$11,844,583.34; and
- (i) one-third of the total of the amounts of the several items in the Further Supplementary Estimates (1) 25 set forth in Schedule F, \$541,666.67.

Purpose and effect of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any 30 amount pursuant to the item has such operation and effect as may be stated or described therein.

Power to raise loan of \$1,000,000,000 for public works and general purposes.

4. 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 35 passed, raise by way of loan, under the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums 40 of money, not exceeding in the whole, the sum of one billion dollars, as may be required for public works and general purposes.

Account to be rendered. R.S., c. 116.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in 45 accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A.

Based on the Main Estimates, 1961-62. The amount hereby granted is \$271,666.67, being one-third of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS		
99	Special Aid Programs— Contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.....	500,000	
	FISHERIES		
	SPECIAL		
141	Acquisition of land and construction of a Research Field Station for the International Pacific Salmon Fisheries Commission	110,000	
148	Destruction of dogfish and other predators.....	150,000	
	LEGISLATION		
	HOUSE OF COMMONS		
195	Expenses of the Canada-United States Inter-Parliamentary Group, of delegates attending other inter-parliamentary conferences, expenses connected with visits of delegates from other legislatures and Canada's fee for membership in the Inter-Parliamentary Union.....	20,000	
196	Canada's share of the expenses of the Commonwealth Parli- amentary Association including subscriptions to publications of the Association.....	21,000	
197	Grant to the Canadian North Atlantic Treaty Organization Parliamentary Association.....	14,000	
			*815,000

* Net total \$271,666.67.

SCHEDULE B.

Based on the Main Estimates, 1961-62. The amount hereby granted is \$4,271,818.84, being one-sixth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	PRODUCTION AND MARKETING BRANCH		
16	Health of Animals Division— Compensation for animals slaughtered.....	2,220,000	
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	CONTRIBUTIONS TO INTERNATIONAL AND SPECIAL AID PROGRAMS		
101	Special Aid Programs— Expenses in connection with Canada's participation in the World Refugee Year, additional to those provided for in Vote 648, Appropriation Act No. 3, 1960, for the completion of the Tuberculous Refugee Program.....	50,000	
	FORESTRY		
154	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them in establishing forest access roads and trails for the attainment of adequate fire protection as well as other aspects of forest management.....	4,170,000	
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	ADMINISTRATION SERVICES		
204	Explosives Act Administration.....	111,648	
	SURVEYS AND MAPPING BRANCH		
208	Geodetic Survey of Canada.....	935,434	
209	International Boundary Commission including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the United States Government of the cost of binding annual reports and main- taining boundary range lights.....	88,799	
210	Topographical Surveys— Administration, Operation and Maintenance.....	2,209,626	
212	Canadian Hydrographic Service— Administration, Operation and Maintenance including Canada's fee for membership in the International Hydrographic Bureau.....	5,370,081	
214	Legal Surveys and Aeronautical Charts.....	844,905	

SCHEDULE B—*Concluded.*

No. of Vote	Service	Amount	Total
		\$	\$
MINES AND TECHNICAL SURVEYS—<i>Concluded</i>			
GEOLOGICAL SURVEY OF CANADA			
218	Administration, Operation and Maintenance including Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, and \$75,000 for grants in aid of Geological Research in Canadian Universities.....	4,937,624	
GEOGRAPHICAL BRANCH			
222	Administration, Operation and Maintenance including the expenses of the Canadian Board on Geographical Names (formerly under Surveys and Mapping Branch Administration) and a grant of \$500 to the Canadian Association of Geographers.....	500,626	
DOMINION OBSERVATORIES			
223	Dominion Observatory, Ottawa and Field Stations— Administration, Operation and Maintenance including the expenses of the National Committee for Canada of the International Astronomical Union, Canada's fee for membership in the International Astronomical Union and a grant of \$3,500 to the Royal Astronomical Society of Canada.....	1,568,575	
GENERAL			
228	Polar Continental Shelf Project.....	1,553,595	
PUBLIC WORKS			
PUBLIC BUILDINGS CONSTRUCTION AND SERVICES			
Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, including expenditures on works on other than federal property, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—			
337	Manitoba.....	715,000	
342	Outside Canada.....	250,000	
TRADE AND COMMERCE			
A—DEPARTMENT			
GENERAL ADMINISTRATION			
396	Trade Commissioner Service— Construction or Acquisition of Buildings, Land, Equipment and Furnishings.....	105,000	*25,630,913

* Net total \$4,271,818.84.

SCHEDULE C.

Based on the Main Estimates, 1961-62. The amount hereby granted is \$3,591,936.92, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	FORESTRY		
	FOREST RESEARCH BRANCH		
156	Operation and Maintenance.....	1,949,410	
	FOREST ENTOMOLOGY AND PATHOLOGY BRANCH		
158	Operation and Maintenance, including \$11,600 for grants in aid of Forestry Research.....	3,258,429	
	NATIONAL FILM BOARD		
251	Administration, Production and Distribution of Films and Other Visual Materials.....	4,988,112	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	NATIONAL PARKS BRANCH		
284	National Parks and Historic Sites and Monuments— Administration, Operation and Maintenance.....	8,248,914	
	PUBLIC WORKS		
	HARBOURS AND RIVERS ENGINEERING SERVICES		
360	Dredging— Construction or Acquisition of Plant and Equipment.....	2,676,000	
	DEVELOPMENT ENGINEERING SERVICES		
365	Towards installation of a water supply system at Churchill, Manitoba.....	967,000	
368	Trans-Canada Highway— Construction through National Parks.....	7,476,000	
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
400	1961 Decennial Census of Canada.....	13,539,378	
			*43,103,243

* Net total \$3,591,936.92.

SCHEDULE D.

Based on the Supplementary Estimates, 1961-62. The amount hereby granted is \$1,181,383.34, being one-third of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	OTHER PAYMENTS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS		
516	Assessment for the United Nations Congo Ad Hoc Account for 1961 in an amount of \$3,080,733 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of May, 1961, which is	3,044,150	
	FORESTRY		
527	Contribution to the Province of New Brunswick for assistance in a program designed to combat the spruce budworm infestation, in accordance with an agreement entered into by Canada and the Province	500,000	
			*3,544,150

* Net total \$1,181,383.34.

SCHEDULE A

Based on the Supplementary Budget, 1961-62. The amount here-
 by granted is Rs. 51,00,000 being equivalent of the total of the
 amounts of the several items in the said Schedule as contained in
 the Budget.

Items included in the Budget for the financial year ending
 31st March, 1962, and the projects for which they are granted.

Sl. No.	Particulars	Amount	Total
1.	REVENUE ACCOUNTS		
	A. Government		
	Department of Government Printing and Stationery		
	The Government of India, New Delhi Government of Madhya Pradesh, Bhopal Government of Uttar Pradesh, Lucknow Government of West Bengal, Calcutta Government of Bihar, Patna Government of Assam, Dispur Government of Jammu and Kashmir, Srinagar Government of Mysore, Bangalore Government of Kerala, Thiruvananthapuram Government of Karnataka, Bangalore Government of Andhra Pradesh, Hyderabad Government of Tamil Nadu, Chennai Government of Madhya Pradesh, Bhopal Government of Uttar Pradesh, Lucknow Government of West Bengal, Calcutta Government of Bihar, Patna Government of Assam, Dispur Government of Jammu and Kashmir, Srinagar Government of Mysore, Bangalore Government of Kerala, Thiruvananthapuram Government of Karnataka, Bangalore Government of Andhra Pradesh, Hyderabad Government of Tamil Nadu, Chennai		
	B. State		
	Total of Governmental Expenditure		
	The amount here- by granted is Rs. 51,00,000 being equivalent of the total of the amounts of the several items in the said Schedule as contained in the Budget.		

SCHEDULE E.

Based on the Supplementary Estimates, 1961-62. The amount hereby granted is \$12,515,000.00, being one-quarter of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS		
514	Special Aid Programs— Expenses in connection with Canada's participation in the World Refugee Year, for the completion of the Tubercu- lous Refugee Program—Further amount required...	60,000	
	TRANSPORT		
	B—GENERAL		
	BOARD OF TRANSPORT COMMISSIONERS		
590	Interim payments, related to recommendations of the Royal Commission on Railway Problems pending its complete report, to Companies as defined in the Freight Rates Re- duction Act of an aggregate amount in respect of the calendar year 1961 of \$50,000,000, to be paid in instalments at such times and in accordance with such method of allocation as may be determined by the Board of Transport Commis- sioners for Canada, as compensation to such Companies for the maintenance of their rates on freight traffic at reduced levels as provided for in the said Act.....	50,000,000	*50,060,000

* Net total \$12,515,000.

SCHEDULE E

Based on the Budget Supplementary Estimates (S) 1991-92, the amount hereby granted is \$241,000.00, being one-third of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

Even granted to Her Majesty by this Act for the financial year ending 31st March 1992 and the purposes for which they are granted.

No. of Vote	Description of Services	Amount	Total
100	<p style="text-align: center;">421-0-1111</p> <p style="text-align: center;">MINISTERS</p> <p style="text-align: center;">MINISTER OF JUSTICE</p> <p style="text-align: center;">MINISTER OF ATTORNEY GENERAL</p> <p style="text-align: center;">MINISTER OF SENIORS AND DISABILITY SERVICES</p> <p style="text-align: center;">MINISTER OF INDUSTRY</p> <p style="text-align: center;">MINISTER OF TRADE AND COMMERCE</p> <p style="text-align: center;">MINISTER OF FINANCE</p> <p style="text-align: center;">MINISTER OF NATIONAL DEFENCE</p> <p style="text-align: center;">MINISTER OF INTERIOR AFFAIRS</p> <p style="text-align: center;">MINISTER OF HEALTH</p> <p style="text-align: center;">MINISTER OF EDUCATION</p> <p style="text-align: center;">MINISTER OF AGRICULTURE</p> <p style="text-align: center;">MINISTER OF ENVIRONMENT</p> <p style="text-align: center;">MINISTER OF TRANSPORT</p> <p style="text-align: center;">MINISTER OF ENERGY</p> <p style="text-align: center;">MINISTER OF SCIENCE AND TECHNOLOGY</p> <p style="text-align: center;">MINISTER OF CULTURE</p> <p style="text-align: center;">MINISTER OF SENIORS AND DISABILITY SERVICES</p> <p style="text-align: center;">MINISTER OF INDUSTRY</p> <p style="text-align: center;">MINISTER OF TRADE AND COMMERCE</p> <p style="text-align: center;">MINISTER OF FINANCE</p> <p style="text-align: center;">MINISTER OF NATIONAL DEFENCE</p> <p style="text-align: center;">MINISTER OF INTERIOR AFFAIRS</p> <p style="text-align: center;">MINISTER OF HEALTH</p> <p style="text-align: center;">MINISTER OF EDUCATION</p> <p style="text-align: center;">MINISTER OF AGRICULTURE</p> <p style="text-align: center;">MINISTER OF ENVIRONMENT</p> <p style="text-align: center;">MINISTER OF TRANSPORT</p> <p style="text-align: center;">MINISTER OF ENERGY</p> <p style="text-align: center;">MINISTER OF SCIENCE AND TECHNOLOGY</p> <p style="text-align: center;">MINISTER OF CULTURE</p>	\$241,000.00	\$241,000.00

SCHEDULE F.

Based on the Further Supplementary Estimates (1), 1961-62. The amount hereby granted is \$541,666.67, being one-third of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	PRODUCTION AND MARKETING BRANCH		
	Plant Products Division—		
605	Contribution to Prince Edward Island, in accordance with terms and conditions prescribed by the Governor in Council, of one-half of amounts paid by that Province to potato growers in respect of their 1960 crop as compensation for losses due to fusarium rot to a maximum contribution by Canada of \$300 in respect of any one farm.....	125,000	
	EXTERNAL AFFAIRS		
	CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS		
	Special Aid Programs—		
606	Purchase of flour to be given to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.....	1,500,000	
			*1,625,000

* Net total \$541,666.67.

C-124.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-124.

An Act to amend the Indian Act.

First reading, 11 September, 1961.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-124.

An Act to amend the Indian Act.

R.S., c. 149;
1952-53, c. 41;
1956, c. 40;
1958, c. 19;
1960, c. 8;
1960-61, c. 9.

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

1. Section 93 of the *Indian Act* is repealed and the following substituted therefor: 5

Intoxicants
on a reserve.

“93. A person who, on a reserve,
(a) has intoxicants in his possession, or
(b) is intoxicated, or
(c) directly or indirectly by himself or by any other person on his behalf knowingly 10
(i) sells, barter, supplies or gives an intoxicant to any person, or
(ii) opens or keeps or causes to be opened or kept a dwelling house, building, tent, or place in which intoxicants are sold, supplied or given to 15 any person, or
(iii) makes or manufactures intoxicants,

Offence.

is guilty of an offence and is liable on summary conviction, for a violation under paragraphs (a) or (b) 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 and, for a violation under paragraph (c) 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 25 months, with or without hard labour, or to both fine and imprisonment.”

EXPLANATORY NOTES.

The Joint Committee of the Senate and the House of Commons on Indian Affairs, in its Second and Final Report presented on the 8th July, 1961, under paragraph (b) of heading VII, recommended as follows:

"Liquor

- (b) In view of the fact that the possession and consumption of intoxicants OFF RESERVES by Indians is dependent on a request by the province, your Committee recommends that all existing liquor restrictions in the *Indian Act* be deleted; and that the same rights extended to non-Indian citizens of the various provinces be applicable to Indians, except that the right of possession and consumption ON THE RESERVE be granted only after the approval by a majority vote of the band."

The purpose of this Bill is to implement the recommendation of the Joint Committee in order that the present inequities may be removed as soon as possible.

The *Interpretation Act*, section 19, continues the effectiveness of Proclamations issued under the sections repealed.

2. Section 94 of the said Act is repealed and the following substituted therefor:

Exception to offences.

"94. (1) An offence is not committed under paragraph (a) or subparagraph (i) of paragraph (c) of section 93 if intoxicants are had in possession or sold by any person in accordance with the law of the province in which the reserve is. 5

Coming into or ceasing to be in force.

(2) Subsection (1) shall come into force, or cease to be in force, if a proclamation declaring it to be in force, or to cease to be in force, as the case may be, is issued by the Governor in Council. 10

When proclamation may issue.

(3) A proclamation shall not be issued under subsection (2)

(a) unless the council of the band has transmitted to the Minister a resolution of the council requesting that subsection (1) be in force or cease to be in force, as the case may be; and 15

(b) the wish of the band has been expressed by a majority of the electors who voted at a referendum thereon.

Regulations.

(4) The Governor in Council may make regulations 20

(a) respecting the taking of votes and the holding of referendums for the purposes of this section; and

(b) defining a reserve for the purposes of subsection (2) to consist of one or more reserves or any part thereof."

Repeal.

3. Sections 95, 96 and 96A of the said Act are repealed. 25

C-125.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-125.

An Act to amend the Canadian Wheat Board Act.

First reading, 11 September, 1961.

Mr. ARGUE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-125.

An Act to amend the Canadian Wheat Board Act.

R.S., c. 44;
1952-53, c. 26;
1957, c. 6.

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

1. The *Canadian Wheat Board Act* is amended by adding thereto, immediately after section 16 thereof, the following section: 5

Board to fix standard quota and provide storage.

“16A. (1) The Board, insofar as possible, shall fix the quota of each kind of grain that may be delivered by producers to a specified delivery point within a period ending on the 31st July in each crop year at seven to eight bushels an acre and shall provide storage space for grain so delivered. 10

Board may purchase undelivered quota.

(2) When for any reason delivery of a quota so fixed is not possible, then notwithstanding anything in this or any other Act of Canada, the Board shall authorize its agents at the appropriate delivery point to purchase grain of the kind undelivered, if adequately stored, from the producer who owns or controls such grain in an amount not exceeding the quota so fixed or the quantity undeliverable within the quota, as the case may be. 15

Delivery after purchase.

(3) The producer shall deliver grain so purchased to a specified delivery point forthwith upon instructions from the Board or its agent. 20

Construction and administration.

(4) The provisions of this section shall be construed and administered, as nearly as may be, with the other provisions of this Act and those of any other Act of Canada but, in case of doubt or conflict, the provisions of this section shall prevail. 25

C-126.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-126.

An Act respecting the Construction of a Line of Railway in the Province of Alberta and in the Northwest Territories by Canadian National Railway Company from a point at or near Grimshaw, in the Province of Alberta, in a northerly direction to Great Slave Lake, in the Northwest Territories.

First reading, September 15, 1961.

THE MINISTER OF TRANSPORT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-126.

An Act respecting the Construction of a Line of Railway in the Province of Alberta and in the Northwest Territories by Canadian National Railway Company from a point at or near Grimshaw, in the Province of Alberta, in a northerly direction to Great Slave Lake, in the Northwest Territories.

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

Construction and completion.

1. In order to establish transportation services to and from mining properties in the area of Great Slave Lake, in the Northwest Territories, and otherwise to assist in the development of Northern Canada, the Governor in Council may provide for the construction and completion by the Canadian National Railway Company (in this Act called "the Company") prior to the 31st day of December, 1966, or such later date as the Governor in Council may fix, of the line of railway (in this Act called "the railway line") described in the Schedule. 5 10

Competitive bids or tenders.

2. The Company shall adopt the principle of competitive bids or tenders in respect of the construction of the railway line in so far as the Company decides not to perform such work or any part thereof with its own forces, but the Company is not bound to accept the lowest or any bid or tender made or obtained nor precluded from negotiating for better prices or terms. 15 20

Maximum expenditure.

3. Estimates of the mileage of the railway line, the amount to be expended on the construction thereof and the average expenditure per mile are set out in the Schedule, and, except with the approval of the Governor in Council, such estimates shall not be exceeded by more than fifteen per cent. 25

Subsidy to
Canadian
National
Railway
Company for
construction
of railway.

4. The Governor in Council shall pay to the Company a subsidy equal to the cost to the Company of constructing the railway line, including the cost of acquisition of the land required for the railway line, but not exceeding, in any case, the sum of eighty-six million, two hundred and fifty thousand dollars. 5

How subsidy
shall be paid.

5. The subsidy hereby authorized shall be paid to the Company out of the Consolidated Revenue Fund by the payment from time to time, at the direction of the Governor in Council upon the report of the Minister of Transport as to the mileage of railway line constructed or to be constructed, of such amounts, in such manner and subject to such conditions, if any, as the Governor in Council deems expedient. 10

Agreement
required.

6. Notwithstanding anything contained in this Act, construction of the railway line shall not be commenced and no payment on account of the subsidy referred to in section 4 shall be made until an agreement, satisfactory to the Governor in Council, has been entered into between Her Majesty, the Company, Consolidated Mining and Smelting Company of Canada Limited and Pine Point Mines Limited providing, among other things, 20

(a) for payments to Her Majesty not exceeding twenty million dollars, on behalf of Pine Point Mines Limited towards the cost of constructing the railway line, such payments to be based on the average annual value per ton of ore and concentrates shipped, to commence after the completion of construction of the railway line and to continue for a period of ten years; 30

(b) a guarantee to the Company by Pine Point Mines Limited, and, to the extent of the payments referred to in paragraph (a), by Her Majesty, of such traffic volume over the railway line as will, in the opinion of the Company, be sufficient to ensure recovery of the cost of operating and maintaining the railway line based on such freight rates and for such period of time as may be set out in the agreement; and 35

(c) for the routing, in a manner satisfactory to the Company, of the railway traffic originating at or from the properties of Pine Point Mines Limited at Pine Point and moving by railway to any place or point beyond the southern terminal of the railway line, for the purpose of ensuring to the Company an equitable share of such traffic. 40 45

How
guarantee
shall be paid.

7. Any amount payable by Her Majesty pursuant to the guarantee referred to in paragraph (b) of section 6 shall be paid to the Company out of the Consolidated Revenue Fund at the direction of the Governor in Council, upon the report of the Minister of Transport that such amount is payable. 5

Fencing.

8. Except as otherwise ordered by the Board of Transport Commissioners for Canada, the Company is not required to fence any part of the right-of-way of the railway line and is not liable in respect of any loss or injury sustained by 10 reason only of the absence of fencing.

Report to
Parliament.

9. The Minister of Transport shall present to Parliament during the first thirty days of each session held prior to the date of completion fixed by or under section 1 a statement showing in detail the nature and extent of the work done 15 under the authority of this Act during the previous calendar year, and the expenditure thereon, and the estimated expenditure for the current calendar year, together with the amount of any payments made under section 5 and such further information as the Minister of Transport 20 may direct.

SCHEDULE.

Location	Estimates		
	Mileage	Cost of Construction	Average cost per mile
From a point of connection on the Northern Alberta Railways at or near Grimshaw, in the Province of Alberta, in a northerly direction to Hay River on Great Slave Lake and to the area of the mineral claims held by Pine Point Mines Limited and located at or near Pine Point south of Great Slave Lake, in the Northwest Territories.....	Approx. 438 miles	\$75,000,000	\$171,233

C-127.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-127.

An Act respecting the Observance of the
Centennial of Confederation in Canada.

First reading, September 18, 1961.

THE PRIME MINISTER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-127.

An Act respecting the Observance of the Centennial of Confederation in Canada.

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

SHORT TITLE.

Short title.

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

5

INTERPRETATION.

Definitions.
"Administration."

2. In this Act,

"Commissioner."

(a) "Administration" means the National Centennial Administration referred to in section 3;

"Conference."

(b) "Commissioner" means the Commissioner of the Administration;

10

"Deputy Commissioner."

(c) "Conference" means the National Conference on Canada's Centennial referred to in section 17;

"Director."

(d) "Deputy Commissioner" means the Deputy Commissioner of the Administration;

"Fund."

(e) "director" means a director of the Administration; 15

(f) "Fund" means the National Centennial Fund established by this Act;

"Member."

(g) "member" means a member of the Conference; and

"Minister."

(h) "Minister" means the Prime Minister of Canada or such other member of the Queen's Privy Council for Canada as is designated by the Governor in Council. 20

PART I.

CONSTITUTION OF ADMINISTRATION.

National Centennial Administration.

3. There shall be a corporation to be called the National Centennial Administration consisting of a Commissioner, a Deputy Commissioner and not more than eight directors each of whom shall be appointed by the Governor in Council to hold office during pleasure. 25

Commissioner chief officer.

Deputy Commissioner to act.

4. (1) The Commissioner is the chief executive officer of the Administration.

(2) If the Commissioner is absent or unable to act or the office is vacant, the Deputy Commissioner has and may exercise all the powers and functions of the Commissioner. 5

Salaries.

5. (1) The Commissioner and Deputy Commissioner shall be paid a salary to be fixed by the Governor in Council.

Remuneration and expenses of directors.

(2) The directors shall serve without remuneration but are entitled to be paid reasonable travelling and living expenses while absent from their ordinary place of residence 10 in the course of their duties.

Staff.

6. (1) The Commissioner, under the direction of the Minister and with the approval of the Governor in Council, may appoint such officers and employees and such consultants and advisers as he deems necessary for the purposes 15 of this Part and may fix their remuneration and terms and conditions of employment.

Idem.

(2) Every person who, immediately prior to his appointment by the Commissioner, was employed by virtue of the *Civil Service Act* continues, notwithstanding anything in 20 this Act, to be employed by virtue of and to be subject to that Act.

Administration agent of Her Majesty.

7. (1) The Administration is, for all purposes of this Act, an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty. 25

Contracts.

(2) Subject to the approval of the Governor in Council, the Administration may, on behalf of Her Majesty, enter into contracts in the name of Her Majesty or in the name of the Administration.

Property.

(3) Property acquired by the Administration is the 30 property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Administration.

Proceedings.

(4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the 35 Administration on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Administration in the name of the Administration in any Court that would have jurisdiction if the Administration were not an agent of Her 40 Majesty.

Head office.

8. (1) The head office of the Administration shall be at the City of Ottawa.

Meetings.

(2) The Administration shall meet at least four times a year at such places as the Commissioner may designate. 45

OBJECTS AND POWERS.

Objects of
Adminis-
tration.

9. (1) The objects of the Administration are to promote interest in, and to plan and implement programmes and projects relating to, the Centennial of Confederation in Canada in order that the Centennial may be observed throughout Canada in a manner in keeping with its national and historical significance. 5

Powers.

(2) Subject to the approval of the Governor in Council, the Administration may, for the purposes of this Act,

(a) acquire by purchase, lease or otherwise any real or personal property, including securities, and own, hold, sell, manage or deal therewith or therein as the Administration may determine; 10

(b) expend any moneys appropriated by Parliament for the work of the Administration or received by the Administration through the conduct of its operations or by gift, donation, bequest or otherwise; 15

(c) undertake programmes and projects relating to the observance of the Centennial of Confederation in Canada; and

(d) engage in joint projects with, or make grants to, any province, or any organization the objects of which are similar to the objects of the Administration, for the observance of the Centennial of Confederation in Canada. 20

FINANCIAL.

National
Centennial
Fund.

10. (1) There shall be a special account in the Consolidated Revenue Fund, to be known as the National Centennial Fund, to which shall be credited the amounts appropriated by Parliament for the purposes of the Fund. 25

Payments
out of
Consolidated
Revenue
Fund.

(2) Subject to subsection (3), the Minister of Finance may, on the recommendation of the Minister, out of the Consolidated Revenue Fund pay to the Administration such amounts as are from time to time required for the purpose of making grants to any province, or to any organization the objects of which are similar to the objects of the Administration, for the observance of the Centennial of Confederation in Canada. 30 35

Limit on
payments.

(3) The amounts paid by the Minister of Finance to the Administration under subsection (2) shall be charged to the Fund, but a payment out of the Consolidated Revenue Fund under subsection (2) shall not exceed the balance standing to the credit of the Fund. 40

Expenditures.

11. All expenditures of the Administration, other than grants made by it pursuant to subsection (2) of section 10, shall be paid out of moneys appropriated by Parliament therefor. 45

BY-LAWS.

By-laws.

12. The Administration may make by-laws for the conduct and management of its activities and for carrying out the provisions of this Act.

GENERAL.

Gifts,
bequests,
etc.

13. The Administration may, if it sees fit, accept any property by way of gift, bequest or devise and may, notwithstanding anything in this Act, expend, administer or dispose of any such property for the purposes of this Act subject to the terms, if any, upon which such property was given, bequeathed or devised to the Administration. 5

Adminis-
tration
deemed
charitable
organization.

14. The Administration shall be deemed to be a charitable organization in Canada 10

(a) as described in paragraph (e) of subsection (1) of section 62 of the *Income Tax Act*, for the purposes of that Act; and

(b) as described in subparagraph (i) of paragraph (d) of subsection (1) of section 7 of the *Estate Tax Act*, for the purposes of that Act. 15

Audit.

15. The accounts and financial transactions of the Administration shall be audited annually by the Auditor General, and a report of the audit shall be made to the Administration and to the Minister. 20

Report to
Parliament.

16. The Commissioner shall, within three months after the termination of each fiscal year, submit to the Minister a report of all proceedings under this Act for that fiscal year, including the financial statements of the Administration, and the Auditor General's report thereon, and the Minister shall cause such reports to be laid before Parliament within fifteen days after the receipt thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting. 25 30

PART II.

NATIONAL CONFERENCE ON CANADA'S CENTENNIAL.

National
Conference on
Canada's
Centennial.

17. There shall be a National Conference on Canada's Centennial consisting of the Minister and not more than sixty members each of whom shall be appointed by the Minister, including at least two members from each of the ten provinces who shall be appointed by the Minister on the recommendation of the governments of each of the provinces. 35

Chairman
and Vice-
Chairman.

18. (1) The Minister shall be the Chairman of the Conference and may appoint one of the members to be Vice-Chairman.

Vice-
Chairman
to act.

(2) In the event of the absence or incapacity of the Minister, the Vice-Chairman shall act as Chairman.

5

Objects of
Conference.

19. The objects of the Conference are the consideration and discussion of plans and programmes relating to the Centennial of Confederation in Canada.

Staff.

20. (1) In order to carry out its objects the Conference may utilize the services of such officers and employees 10 employed in the National Centennial Administration as the Commissioner may designate for that purpose.

Advisors.

(2) Subject to subsection (1), the Minister may provide the Conference with such professional and technical assistance for temporary periods or for specific work as the 15 Conference may request, but no such assistance shall be provided otherwise than from the public service of Canada except with the approval of the Treasury Board.

Meetings.

21. The Conference shall meet at least twice a year at such places as the Minister may designate. 20

Procedure.

22. The Conference may make rules for regulating its proceedings and the performance of its functions and may provide therein for the delegation of any of its duties to any special or standing committees of its members.

Quorum.

23. Twenty members constitute a quorum of the 25 Conference and a vacancy in the membership of the Conference does not impair the right of the remaining members to act.

Remunera-
tion and
expenses.

24. Members of the Conference shall serve without remuneration but are entitled to be paid reasonable travel- 30 ling and living expenses while absent from their ordinary place of residence in the course of their duties.

Not agent
of Her
Majesty.

25. The Conference is not an agent of Her Majesty and the members of the Conference as such are not part of the public service of Canada. 35

Expend-
itures.

26. All expenditures of the Conference shall be paid out of moneys appropriated by Parliament for the purpose.

Regulations.

27. The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect. 40

C-128.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-128.

An Act to amend the National Housing Act, 1954.

First reading, September 18, 1961.

THE MINISTER OF PUBLIC WORKS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-128.

An Act to amend the National Housing Act, 1954.

1953-54, c. 23;
1956, c. 9;
1957-58, c. 18;
1958, c. 3;
1959, c. 6;
1960, c. 10;
1960-61, c. 1.

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

1960, c. 10,
s. 2.

1. The portion of subsection (1) of section 22 of the *National Housing Act, 1954* that precedes paragraph (a) thereof is repealed and the following substituted therefor: 5

Advances out
of C.R.F.

“**22.** (1) The Minister may, upon terms and conditions approved by the Governor in Council, out of the Consolidated Revenue Fund, not exceeding in the aggregate two billion dollars,” 10

1956, c. 9,
s. 14.

2. Paragraph (a) of subsection (2) of section 35 of the said Act is repealed and the following substituted therefor:
“(a) ten million dollars, and”

1960-61, c. 1,
s. 7.

3. The portion of subsection (2) of section 36c of the said Act that precedes paragraph (a) thereof is repealed and the following substituted therefor: 15

Limits on
payments out
of C.R.F.

“(2) The amount of an advance or reimbursement under subsection (1) shall not be greater than the amount by which one hundred million dollars exceeds the aggregate of”

1960-61, c. 1,
s. 7.

4. Paragraph (a) of subsection (3) of section 36H of the said Act is repealed and the following substituted therefor: 20
“(a) two hundred million dollars, and”

EXPLANATORY NOTES.

Clause 1: The relevant portion of subsection (1) at present reads as follows:

"22. (1) The Minister may, upon terms and conditions approved by the Governor in Council, out of the Consolidated Revenue Fund, not exceeding in the aggregate *one billion five hundred million* dollars,"

The purpose of this amendment is to increase from one billion five hundred million dollars to two billion dollars the maximum charge on the Consolidated Revenue Fund for direct loaning by Central Mortgage and Housing Corporation.

Clause 2: Paragraph (a) at present reads as follows:

"(a) *five million* dollars, and"

The purpose of this amendment is to increase from five million dollars to ten million dollars the maximum charge on the Consolidated Revenue Fund for housing research and community planning.

Clause 3: The relevant portion of subsection (2) at present reads as follows:

"(2) The amount of an advance or reimbursement under subsection (1) shall not be greater than the amount by which *fifty million* dollars exceeds the aggregate of"

The purpose of this amendment is to increase from fifty million dollars to one hundred million dollars the maximum charge on the Consolidated Revenue Fund for loans for university housing projects.

Clause 4: Paragraph (a) at present reads as follows:

"(a) *one hundred million* dollars, and"

The purpose of this amendment is to increase from one hundred million dollars to two hundred million dollars the maximum charge on the Consolidated Revenue Fund for loans for municipal sewage treatment projects.

C-129.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-129.

An Act to amend certain Agreements Respecting the
Administration and Control of Natural Resources in
the Provinces of Manitoba, Alberta and Saskatchewan.

**AS PASSED BY THE HOUSE OF COMMONS,
18th SEPTEMBER, 1961.**

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-129.

An Act to amend certain Agreements Respecting the Administration and Control of Natural Resources in the Provinces of Manitoba, Alberta and Saskatchewan.

HER 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 *Natural Resources Transfer (School Lands) Amendment Act, 1961.* 5
- Agreements confirmed. **2.** The Memorandum of Agreement between the Government of Canada and the Government of the Province of Manitoba made on the thirteenth day of July, 1961, the Memorandum of Agreement between the Government of Canada and the Province of Alberta made on the thirteenth 10 day of July, 1961, and the Memorandum of Agreement between the Government of Canada and the Government of the Province of Saskatchewan made on the fourteenth day of July, 1961, set forth in Schedules A, B and C respectively, are hereby confirmed and declared to have the 15 force of law in Canada.

SCHEDULE A

Memorandum of Agreement

Made this twentieth day of July, 1951

BETWEEN

THE GOVERNMENT OF CANADA REPRESENTED HEREIN BY
THE HONOURABLE WALTER DIXON, MINISTER OF
ECONOMIC AFFAIRS AND NATIONAL RESOURCES

AND

THE GOVERNMENT OF THE PROVINCE OF MANITOBA, REP-
RESENTED HEREIN BY THE HONOURABLE STEWART H.
MILLER, MINISTER OF EDUCATION

EXPLANATORY NOTE.

The purpose of this Bill is to confirm agreements entered into between the Government of Canada and the Governments of the Provinces of Manitoba, Alberta and Saskatchewan whereby certain agreements respecting the administration and control of natural resources in those Provinces are amended in order to vest those Provinces with full power to administer and dispose of the school lands and the school lands funds referred to in the said agreements.

SCHEDULE A.

Memorandum of Agreement.

Made this thirteenth day of July, 1961.

BETWEEN:

THE GOVERNMENT OF CANADA, REPRESENTED HEREIN BY
THE HONOURABLE WALTER DINSDALE, MINISTER OF
NORTHERN AFFAIRS AND NATIONAL RESOURCES,

AND:

THE GOVERNMENT OF THE PROVINCE OF MANITOBA, REP-
RESENTED HEREIN BY THE HONOURABLE STEWART E.
MCLEAN, MINISTER OF EDUCATION.

Whereas paragraph 7 of a Memorandum of Agreement between the Government of Canada and the Government of the Province of Manitoba made on the 14th day of December, 1929, (which Memorandum of Agreement is hereinafter referred to as the "original Agreement") duly approved by the Parliament of Canada and the Legislature of the Province and, upon an address by the Senate and House of Commons of Canada, confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom entitled the British North America Act, 1930, was amended by a Memorandum of Agreement between the Government of Canada and the Government of the Province of Manitoba made the 11th day of June, 1951, duly approved by the Parliament of Canada and the Legislature of the Province;

And whereas the said paragraph 7, as amended, provides:

"7. The School Lands Fund to be transferred to the Province as aforesaid, and such of the school lands specified in section thirty-seven of the Dominion Lands Act, being chapter one hundred and thirteen of the Revised Statutes of Canada, 1927, as pass to the administration of the Province under the terms hereof, shall be set aside and shall continue to be administered by the Province in accordance, *mutatis mutandis*, with the provisions of sections thirty-seven to forty of the Dominion Lands Act, for the support of schools organized and carried on therein in accordance with the law of the Province. The Province will, notwithstanding anything in this Agreement, invest money to which this paragraph applies in securities of Canada, or of a Province, or of a municipal corporation or school district in the Province of Manitoba, or in securities guaranteed by Canada or a Province, to form a school fund, and will apply the interest arising therefrom, after deducting the cost of management, for the support of schools organized and carried on in accordance with the law of the Province."

And whereas in and by paragraph 24 of the original Agreement it is provided that the foregoing provisions of the said Agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

SCHEDULE A—*Concluded.*

And whereas it is considered desirable to vest the Province with full control of the School Lands Fund and the school lands referred to in the said paragraph 7 as amended.

Now, therefore, this Agreement witnesseth as follows:

1. Paragraph 7 of the original Agreement, as amended, is deleted and the following substituted therefor:

“7. The School Lands Fund transferred to the Province under the terms hereof, and such of the school lands specified in section 37 of the Dominion Lands Act, chapter 113 of the Revised Statutes of Canada, 1927, as passed to the administration of the Province under the terms hereof, shall be administered or disposed of in such manner as the Province may determine.”

2. This Agreement shall take effect upon being duly approved by the Parliament of Canada and the Legislature of the Province.

IN WITNESS WHEREOF the Honourable Walter Dinsdale, Minister of Northern Affairs and National Resources, on behalf of the Government of Canada and the Honourable Stewart E. McLean, Minister of Education, on behalf of the Government of the Province of Manitoba, have hereunto set their hands:

Signed on behalf of the Government of Canada
by the Honourable Walter Dinsdale, Minister of
Northern Affairs and National Resources, in the
presence of

(Sgd.)
Walt. Dinsdale

(Sgd.) A. B. Miller

Signed on behalf of the Government of the
Province of Manitoba by the Honourable
Stewart E. McLean, Minister of Education, in
the presence of

(Sgd.)
Stewart E. McLean

(Sgd.) R. W. Dalton

SCHEDULE B.

Memorandum of Agreement.

Made this thirteenth day of July, 1961.

BETWEEN:

THE GOVERNMENT OF CANADA, REPRESENTED HEREIN BY
THE HONOURABLE WALTER DINSDALE, MINISTER OF
NORTHERN AFFAIRS AND NATIONAL RESOURCES,

AND:

THE GOVERNMENT OF THE PROVINCE OF ALBERTA, REPRESENTED
HEREIN BY THE HONOURABLE NORMAN ALFRED
WILLMORE, MINISTER OF LANDS AND FORESTS.

Whereas paragraph 7 of a Memorandum of Agreement between the Government of Canada and the Government of the Province of Alberta made on the 14th day of December, 1929, (which Memorandum of Agreement is hereinafter referred to as the "original Agreement") duly approved by the Parliament of Canada and the Legislature of the Province and, upon an address by the Senate and House of Commons of Canada, confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom entitled the British North America Act, 1930, was amended by a Memorandum of Agreement between the Government of Canada and the Government of the Province of Alberta made the 31st day of March, 1951, duly approved by the Parliament of Canada and the Legislature of the Province;

And whereas the said paragraph 7, as amended, provides:

"7. The School Lands Fund to be transferred to the Province as aforesaid, and such of the school lands specified in section thirty-seven of the Dominion Lands Act, being chapter one hundred and thirteen of the Revised Statutes of Canada, 1927, as pass to the administration of the Province under the terms hereof, shall be set aside and shall continue to be administered by the Province in accordance, *mutatis mutandis*, with the provisions of sections thirty-seven to forty of the Dominion Lands Act, for the support of schools organized and carried on therein in accordance with the law of the Province. The Province will, notwithstanding anything in this Agreement, invest money to which this paragraph applies in securities of Canada, or of a Province, or of a municipal corporation, school district or school division in the Province of Alberta, or in securities guaranteed by Canada or a Province, to form a school fund, and will apply the interest arising therefrom, after deducting the cost of management, for the support of schools organized and carried on in accordance with the law of the Province."

And whereas in and by paragraph 24 of the original Agreement it is provided that the foregoing provisions of the said Agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

SCHEDULE B—*Concluded.*

And whereas it is considered desirable to vest the Province with full control of the School Lands Fund and the school lands referred to in the said paragraph 7, as amended.

Now, therefore, this Agreement witnesseth as follows:

1. Paragraph 7 of the original Agreement, as amended, is deleted and the following substituted therefor:

“7. The School Lands Fund transferred to the Province under the terms hereof, and such of the school lands specified in section 37 of the Dominion Lands Act, chapter 113 of the Revised Statutes of Canada, 1927, as passed to the administration of the Province under the terms hereof, shall be administered or disposed of in such manner as the Province may determine.”

2. This Agreement shall take effect upon being duly approved by the Parliament of Canada and the Legislature of the Province.

IN WITNESS WHEREOF the Honourable Walter Dinsdale, Minister of Northern Affairs and National Resources, on behalf of the Government of Canada and the Honourable Norman Alfred Willmore, Minister of Lands and Forests, on behalf of the Government of the Province of Alberta, have hereunto set their hands:

Signed on behalf of the Government of Canada
by the Honourable Walter Dinsdale, Minister of
Northern Affairs and National Resources, in
the presence of

(Sgd.)
Walt. Dinsdale

(Sgd.) A. B. Miller

Signed on behalf of the Government of the
Province of Alberta by the Honourable Norman
Alfred Willmore, Minister of Lands and Forests,
in the presence of

(Sgd.)
Norman Willmore

(Sgd.) Grace A. M. Matheson

SCHEDULE C.

Memorandum of Agreement.

Made this fourteenth day of July, 1961.

BETWEEN:

THE GOVERNMENT OF CANADA, REPRESENTED HEREIN BY
THE HONOURABLE WALTER DINSDALE, MINISTER OF
NORTHERN AFFAIRS AND NATIONAL RESOURCES,

AND:

THE GOVERNMENT OF THE PROVINCE OF SASKATCHEWAN,
REPRESENTED HEREIN BY THE HONOURABLE WOODROW
STANLEY LLOYD, PROVINCIAL TREASURER.

Whereas paragraph 7 of a Memorandum of Agreement between the Government of Canada and the Government of the Province of Saskatchewan made on the 20th day of March, 1930, (which Memorandum of Agreement is hereinafter referred to as the "original Agreement") duly approved by the Parliament of Canada and the Legislature of the Province and, upon an address by the Senate and House of Commons of Canada, confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom entitled the British North America Act, 1930, was amended by Memoranda of Agreement between the Government of Canada and the Government of the Province of Saskatchewan made the 25th day of May, 1948, and the 29th day of March, 1951, duly approved by the Parliament of Canada and the Legislature of the Province;

And whereas the said paragraph 7, as amended, provides:

"7. The School Lands Fund to be transferred to the Province as aforesaid, and such of the school lands specified in section thirty-seven of the Dominion Lands Act, being chapter one hundred and thirteen of the Revised Statutes of Canada, 1927, as pass to the administration of the Province under the terms hereof, shall be set aside and shall continue to be administered by the Province in accordance, *mutatis mutandis*, with the provisions of sections thirty-seven to forty of the Dominion Lands Act, for the support of schools organized and carried on therein in accordance with the law of the Province. School lands may be sold to veterans qualified to participate in the benefits of the Veterans Land Act, 1942, and amendments thereto, under and subject to terms and conditions to be prescribed by regulations made by the Lieutenant-Governor in Council. The Province will, notwithstanding anything in this Agreement, invest money to which this paragraph applies in securities of Canada, or of a Province, or of a municipal corporation, school district or school unit in the Province of Saskatchewan, or in securities guaranteed by Canada or a Province, to form a school fund, and will apply the interest arising therefrom, after deducting the cost of management, for the support of schools organized and carried on in accordance with the law of the Province."

SCHEDULE C—*Concluded.*

And whereas in and by paragraph 26 of the original Agreement it is provided that the foregoing provisions of the said Agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

And whereas it is considered desirable to vest the Province with full control of the School Lands Fund and the school lands referred to in the said paragraph 7, as amended.

Now, therefore, this Agreement witnesseth as follows:

1. Paragraph 7 of the original Agreement, as amended, is deleted and the following substituted therefor:

"7. The School Lands Fund transferred to the Province under the terms hereof, and such of the school lands specified in section 37 of the Dominion Lands Act, chapter 113 of the Revised Statutes of Canada, 1927, as passed to the administration of the Province under the terms hereof, shall be administered or disposed of in such manner as the Province may determine."

2. This Agreement shall take effect upon being duly approved by the Parliament of Canada and the Legislature of the Province.

IN WITNESS WHEREOF the Honourable Walter Dinsdale, Minister of Northern Affairs and National Resources, on behalf of the Government of Canada and the Honourable Woodrow Stanley Lloyd, Provincial Treasurer, on behalf of the Government of the Province of Saskatchewan, have hereunto set their hands:

Signed on behalf of the Government of Canada
by the Honourable Walter Dinsdale, Minister of
Northern Affairs and National Resources, in
the presence of

(Sgd.)
Walt. Dinsdale

(Sgd.) E. M. Chalkman

Signed on behalf of the Government of the
Province of Saskatchewan by the Honourable
Woodrow Stanley Lloyd, Provincial Treasurer,
in the presence of

(Sgd.) W. S. Lloyd

(Sgd.) Lorna P. Stuhr

C-130.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-130.

An Act to amend the Canada Grain Act
(Rapeseed and Mustard seed).

First reading, September 22, 1961.

Mr. RAPP.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-130.

An Act to amend the Canada Grain Act
(Rapeseed and Mustard seed).

R.S., cc. 25,
308; 1955, c. 9.

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

Schedules One
and Two
amended.

1. Schedules One and Two to the *Canada Grain Act* are amended by repealing the tables for Rapeseed respectively therein and by substituting therefor in each Schedule the table set forth in Schedule A to this Act. 5

Schedule One
amended.

2. Schedule One to the said Act is further amended by adding thereto, immediately after the table for Peas therein, the table set forth in Schedule B to this Act. 10

EXPLANATORY NOTES.

The purposes of this amending Bill are:

Clause One—To revise the present statutory grades for rapeseed, in both Eastern and Western Divisions, to meet present day trade requirements.

Clause Two—To reclassify, within the purview of the *Canada Grain Act*, the definition of the grades of domestic mustard seed from the present “commercial” definition to a “statutory” definition. This question of definition is clearly explained on page 2 of the official *Canadian Grain Grading Guide*, 2nd printing, issued by the Minister of Agriculture and effective 1st August 1961:

“DEFINITIONS OF GRADES

The grades of Canadian grain, and grain screenings, are established under authority of the *Canada Grain Act*, as follows:

- Statutory Grades —defined in the *Canada Grain Act*;
- Commercial Grades—defined by the Committees on Grain Standards;
- Off Grades —defined by Regulation of the Board;
- Grades of Screenings—defined by Regulation of the Board.

These definitions take precedence, one over another in the above order, and over any of the factors dealt with in this publication, whenever any inconsistencies may be found. Similarly, any procedures that are established in the Act, or by Regulation or Order of the Board, take precedence in the same order of sequence.”

The Committee on Western Grain Standards established “commercial” grades for domestic mustard seed on the 4th November 1953. These grades have since been revised to meet trade requirements. The effect of this amendment is to raise these revised “commercial” grades to the precedence of “statutory” grades.

SCHEDULE A.

RAPESEED

Grade Name	Standard of Quality		Standard of cleanliness (see note)
	Minimum test weight per bushel in pounds	Degree of soundness	
No. 1 Canada Rapeseed.....	52	Reasonably sound, cool and sweet; may contain 3% damaged seeds. Of good natural colour.	May contain not more than 1% of other seeds that are conspicuous and that are not readily separable from Rapeseed, to be assessed as dockage.
No. 2 Canada Rapeseed.....	50	Cool and sweet; may contain not more than 20% damaged seeds.	May contain not more than 1.5% of other seeds that are conspicuous and that are not readily separable from Rapeseed, to be assessed as dockage.
No. 3 Canada Rapeseed.....	48	Cool and sweet; may contain not more than 40% damaged seeds.	May contain not more than 2% of other seeds that are conspicuous and that are not readily separable from Rapeseed, to be assessed as dockage.

NOTE: Assignment of rapeseed to any of the above grades shall not imply any guarantee with respect to content of other seeds that blend with rapeseed.

The percentage of "other seeds that are conspicuous and that are not readily separable" shall include weed seeds that do not blend with rapeseed and whole or broken kernels of other grains, when these are not removable by means of appropriate sieves and other cleaning devices.

SCHEDULE B.

DOMESTIC MUSTARD SEED

Grade Name	Standard of Quality			Standard of cleanliness
	Minimum test weight per bushel in pounds	Class (See note)	Degree of soundness	
Extra No. 1 Canada Western Yellow . .	57	Not less than 99.8% yellow.	Well matured and sweet. Of good natural colour. May contain 1% damaged seeds.	May contain not more than 0.1% of other seeds that are conspicuous and that are not readily separable from yellow mustard seed.
No. 1 Canada Western	55	Not less than 99% of one class.	Matured and sweet. Of good natural colour. May contain 2% damaged seeds.	May contain not more than 1% of other seeds that are conspicuous and that are not readily separable from mustard seed, to be assessed as dockage.
No. 2 Canada Western	53	Not less than 97% of one class.	Matured and sweet. May contain 5% damaged seeds, including a maximum of 0.25% heated.	May contain not more than 1.5% of other seeds that are conspicuous and that are not readily separable from mustard seed, to be assessed as dockage.
No. 3 Canada Western	51	Not less than 95% of one class.	May contain 20% damaged seeds, including a maximum of 5% heated, but shall be sweet.	May contain not more than 2% of other seeds that are conspicuous and that are not readily separable from mustard seed, to be assessed as dockage.

NOTE: *Class* of Mustard Seed shall refer to Yellow, Brown and Oriental varieties.

Domestic Mustard Seed shall be graded according to the above definitions and the class shall be added to and form part of the grade name, except that when classes are mixed beyond the tolerances in the respective grades, the word "Mixed" shall instead be added to and form part of the grade name. The use of the name of a class of Mustard Seed in certifying to a grade shall not imply any guarantee as to purity of class or variety. Assignment of mustard seed to any of the above grades shall not imply any guarantee with respect to content of other seeds that blend with mustard seed.

C-131.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-131.

An Act to Encourage Fitness and Amateur Sport.

First reading, September 22, 1961.

THE MINISTER OF NATIONAL HEALTH
AND WELFARE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

4th Session, 24th Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-131.

An Act to Encourage Fitness and Amateur Sport.

HER 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 *Fitness and Amateur Sport Act*.

5

INTERPRETATION.

Definitions.

2. In this Act,

“Agreement.”

(a) “agreement” means an agreement entered into under this Act;

“Council.”

(b) “Council” means the National Advisory Council on Fitness and Amateur Sport established by this 10 Act;

“Member.”

(c) “member” means a member of the Council; and

“Minister.”

(d) “Minister” means the Minister of National Health and Welfare.

OBJECTS AND POWERS.

Objects and powers.

3. The objects of this Act are to encourage, promote 15 and develop fitness and amateur sport in Canada, and, without limiting the generality of the foregoing, the Minister may, in furtherance of such objects,

(a) provide assistance for the promotion and develop- 20 ment of Canadian participation in national and international amateur sport;

(b) provide for the training of coaches and such other personnel as may be required for the purposes of this Act;

(c) provide business or technical assistance to assist in the making of business personnel.

(d) undertake or assist in research or surveys in respect of finance and economic growth.

(e) arrange for national and regional conferences designed to promote and further the objects of this Act.

THE HOUSE OF COMMONS OF CYPRUS

(f) assist co-operatively with and under the aid of any group industry in furthering the objects of this Act.

(g) encourage technical activities related to the encouragement, promotion and development of finance and economic growth in co-operation with any other department or agency of the Government or any other person.

(h) in relation to the provision of services and facilities or the provision of assistance in respect of business and economic growth as are designed to promote the objects of this Act.

(i) The Minister in furtherance of the objects of this Act may with the approval of the Council make grants or any other financial assistance in the field of finance or economic growth.

(j) The Council may with the approval of the House of Commons make grants or any other financial assistance in the field of finance or economic growth.

(k) The Minister may with the approval of the House of Commons make grants or any other financial assistance in the field of finance or economic growth.

(l) The objects of this Act are to encourage, promote and develop finance and economic growth in the Republic of Cyprus without limiting the generality of the foregoing the Minister may in furtherance of such objects.

(m) provide assistance for the promotion and development of financial institutions in the Republic of Cyprus.

(n) provide for the training of teachers and other personnel as may be required for the purpose of this Act.

- (c) provide bursaries or fellowships to assist in the training of necessary personnel;
- (d) undertake or assist in research or surveys in respect of fitness and amateur sport;
- (e) arrange for national and regional conferences designed to promote and further the objects of this Act; 5
- (f) provide for the recognition of achievement in respect of fitness and amateur sport by the grant or issue of certificates, citations or awards of merit;
- (g) prepare and distribute information relating to fitness and amateur sport; 10
- (h) assist, co-operate with and enlist the aid of any group interested in furthering the objects of this Act;
- (i) co-ordinate federal activities related to the encouragement, promotion and development of fitness and amateur sport, in co-operation with any other departments or agencies of the Government of Canada carrying on such activities; and 15
- (j) undertake such other projects or programmes, including the provision of services and facilities or the provision of assistance therefor, in respect of fitness and amateur sport as are designed to promote and further the objects of this Act. 20

Grants authorized.

4. The Minister, in furtherance of the objects of this Act, may with the approval of the Governor in Council make grants to any agency, organization or institution that is carrying on activities in the field of fitness or amateur sport. 25

AGREEMENTS AUTHORIZED.

Agreements authorized.

5. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province, for a period not exceeding six years, to provide for the payment by Canada to the province of contributions in respect of costs incurred by the province in undertaking programmes designed to encourage, promote and develop fitness and amateur sport. 30 35

"Costs" defined.

(2) In this section, "costs" incurred by a province means the costs incurred by the province determined as prescribed in the agreement made under this section between the Minister and the province. 40

"Programmes designed to encourage, promote and develop fitness and amateur sport" defined.

(3) In this section the expression "programmes designed to encourage, promote and develop fitness and amateur sport" in respect of a province, means programmes, as defined in the agreement made under this section between the Minister and the province, that are designed to further the objects of this Act. 45

Amendment
of agreement.

- 6.** Any agreement made under this Act may be amended
- (a) with respect to the provisions of the agreement in respect of which a method of amendment is set out in the agreement, by that method; or
 - (b) with respect to any other provision of the agreement, by the mutual consent of the parties thereto with the approval of the Governor in Council. 5

COUNCIL ESTABLISHED.

Council
established.

7. (1) There shall be a Council to be called the National Advisory Council on Fitness and Amateur Sport, consisting of not more than thirty members to be appointed by the Governor in Council. 10

Tenure.

(2) Each of the members of the Council shall be appointed to hold office for a term not exceeding three years.

Chairman.

(3) The Governor in Council shall designate one of the members to be chairman. 15

Composition
of Council.

(4) Of the members of the Council, at least one shall be appointed from each province.

Quorum.

(5) A majority of the members constitute a quorum of the Council, and a vacancy in the membership of the Council does not impair the right of the remaining members to act. 20

Absence or
incapacity.

(6) In the event of the absence or temporary incapacity of any member, the Governor in Council may appoint a person to act in his stead during such absence or incapacity.

Procedure.

(7) The Council may make rules for regulating its proceedings and the performance of its functions and may provide therein for the delegation of any of its duties to any special or standing committee of its members. 25

Remunera-
tion of
chairman.

8. (1) The chairman of the Council shall be paid such remuneration for his services as may be fixed by the Governor in Council. 30

Travelling
and living
expenses of
members.

(2) The members other than the chairman shall serve without remuneration, but each member is entitled to be paid reasonable travelling and other expenses incurred by him in the performance of his duties.

Reference to
Council.

9. (1) The Minister may refer to the Council for its consideration and advice such questions relating to the operation of this Act as he thinks fit. 35

Council to
consider and
advise.

(2) The Council shall give consideration to and advise the Minister on

- (a) all matters referred to it pursuant to subsection (1); and 40
- (b) such other matters relating to the operation of this Act as the Council sees fit.

GENERAL.

Payments out
of C.R.F.

10. The Minister of Finance shall, upon the certificate of the Minister, pay out of the Consolidated Revenue Fund such amounts not exceeding in the aggregate five million dollars in any one fiscal year as may be required for the purposes of this Act.

5

Officers,
clerks and
employees.

11. Such officers, clerks and other employees as are necessary for the administration of this Act shall be appointed under the provisions of the *Civil Service Act*.

Regulations.

12. The Governor in Council may make regulations

- (a) defining for the purposes of this Act the expressions "fitness" and "amateur sport";
- (b) respecting the provision of facilities in respect of fitness and amateur sport; and
- (c) generally, for carrying into effect the purposes and provisions of this Act.

15

Report to
Parliament.

13. The Minister shall, within three months after the termination of each fiscal year, prepare an annual report on the work done, moneys expended and obligations contracted under this Act and cause a report to be laid before Parliament if Parliament is then sitting or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

20

Commence-
ment of Act.

14. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

C-132.

Fourth Session, Twenty-Fourth Parliament, 9-10 Elizabeth II, 1960-61.

THE HOUSE OF COMMONS OF CANADA.

BILL C-132.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

AS PASSED BY THE HOUSE OF COMMONS,
28th SEPTEMBER, 1961.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE HOUSE OF COMMONS OF CANADA.

BILL C-132.

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency, Major-General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and His Excellency the Honorable Patrick Kerwin, P.C., Administrator of the Government 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 31st day of March, 1962, 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 Queen'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. 5, 1961.*

\$1,543,443,482.96
granted
for 1961-62.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one billion, five hundred and forty-three million, four hundred and forty-three thousand, four hundred and eighty-two dollars and ninety-six cents towards defraying the several charges and expenses of the public service, from the 1st day of April, 1961, to the 31st day of March, 1962, not otherwise provided for, and being the aggregate of

(a) the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1962, as contained in Schedule A, less the amounts voted on account of the said items by the *Appropriation Act No. 1, 1961*, the *Appropriation Act No. 3, 1961*, and the *Appropriation Act No. 4, 1961*, \$1,485,702,081.72;

- (b) the total of the amounts of the items set forth in the Supplementary Estimates for the fiscal year ending the 31st day of March, 1962, as contained in Schedule B, less the amounts voted on account of the said items by the *Appropriation Act No. 4, 1961*, \$49,822,651.25; and 5
- (c) the total of the amounts of the items set forth in the Further Supplementary Estimates (1) for the fiscal year ending the 31st day of March, 1962, as contained in Schedule C, less the amounts voted on account of the said items by the *Appropriation Act No. 4, 1961*, \$7,918,749.99. 10

Purpose and effect of each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein. 15

(2) The provisions of each item in the Schedules shall be deemed to have been enacted by Parliament on the 1st day of April, 1961. 20

Account to be rendered.

4. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*. 25

SCHEDULE A

Based on the Main Statement 1981-82. The amount hereby granted is \$1,485,700.00 being the total of the amounts of the items in the said Statement as contained in the Schedule. The amount is voted on account of the said items by the Appropriation Act No. 1, 1981, the Appropriation Act No. 2, 1981, and the Appropriation Act No. 3, 1981.

Now granted to Her Majesty, by this Act for the financial year ending 31st March 1982 and the purposes for which they are granted.

Particulars	Amount	Total
MINISTERIAL		
Governmental Services		
1. Governmental Services, including (a) the salaries and allowances payable to Ministers of the Crown, (b) the salaries and allowances payable to Ministers of the Crown, and (c) the salaries and allowances payable to Ministers of the Crown.	1,485,700.00	1,485,700.00
Governmental Services		
2. Governmental Services, including (a) the salaries and allowances payable to Ministers of the Crown, (b) the salaries and allowances payable to Ministers of the Crown, and (c) the salaries and allowances payable to Ministers of the Crown.	1,485,700.00	1,485,700.00
Governmental Services		
3. Governmental Services, including (a) the salaries and allowances payable to Ministers of the Crown, (b) the salaries and allowances payable to Ministers of the Crown, and (c) the salaries and allowances payable to Ministers of the Crown.	1,485,700.00	1,485,700.00
Governmental Services		
4. Governmental Services, including (a) the salaries and allowances payable to Ministers of the Crown, (b) the salaries and allowances payable to Ministers of the Crown, and (c) the salaries and allowances payable to Ministers of the Crown.	1,485,700.00	1,485,700.00
Governmental Services		
5. Governmental Services, including (a) the salaries and allowances payable to Ministers of the Crown, (b) the salaries and allowances payable to Ministers of the Crown, and (c) the salaries and allowances payable to Ministers of the Crown.	1,485,700.00	1,485,700.00
Governmental Services		
6. Governmental Services, including (a) the salaries and allowances payable to Ministers of the Crown, (b) the salaries and allowances payable to Ministers of the Crown, and (c) the salaries and allowances payable to Ministers of the Crown.	1,485,700.00	1,485,700.00
Governmental Services		
7. Governmental Services, including (a) the salaries and allowances payable to Ministers of the Crown, (b) the salaries and allowances payable to Ministers of the Crown, and (c) the salaries and allowances payable to Ministers of the Crown.	1,485,700.00	1,485,700.00
Governmental Services		
8. Governmental Services, including (a) the salaries and allowances payable to Ministers of the Crown, (b) the salaries and allowances payable to Ministers of the Crown, and (c) the salaries and allowances payable to Ministers of the Crown.	1,485,700.00	1,485,700.00
Governmental Services		
9. Governmental Services, including (a) the salaries and allowances payable to Ministers of the Crown, (b) the salaries and allowances payable to Ministers of the Crown, and (c) the salaries and allowances payable to Ministers of the Crown.	1,485,700.00	1,485,700.00
Governmental Services		
10. Governmental Services, including (a) the salaries and allowances payable to Ministers of the Crown, (b) the salaries and allowances payable to Ministers of the Crown, and (c) the salaries and allowances payable to Ministers of the Crown.	1,485,700.00	1,485,700.00
Governmental Services		
11. Governmental Services, including (a) the salaries and allowances payable to Ministers of the Crown, (b) the salaries and allowances payable to Ministers of the Crown, and (c) the salaries and allowances payable to Ministers of the Crown.	1,485,700.00	1,485,700.00
Governmental Services		
12. Governmental Services, including (a) the salaries and allowances payable to Ministers of the Crown, (b) the salaries and allowances payable to Ministers of the Crown, and (c) the salaries and allowances payable to Ministers of the Crown.	1,485,700.00	1,485,700.00
Governmental Services		
13. Governmental Services, including (a) the salaries and allowances payable to Ministers of the Crown, (b) the salaries and allowances payable to Ministers of the Crown, and (c) the salaries and allowances payable to Ministers of the Crown.	1,485,700.00	1,485,700.00
Governmental Services		
14. Governmental Services, including (a) the salaries and allowances payable to Ministers of the Crown, (b) the salaries and allowances payable to Ministers of the Crown, and (c) the salaries and allowances payable to Ministers of the Crown.	1,485,700.00	1,485,700.00

SCHEDULE A.

Based on the Main Estimates, 1961-62. The amount hereby granted is \$1,485,702,081.72 being the total of the amounts of the items in the said Estimates as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 1, 1961*, the *Appropriation Act No. 3, 1961*, and the *Appropriation Act No. 4, 1961*.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
AGRICULTURE			
ADMINISTRATION BRANCH			
1	Departmental Administration, including Advisory Committee on Agricultural Services.....	911,098	
2	Information Division including a grant of \$26,000 to the Agricultural Institute of Canada.....	710,519	
3	Contributions to Commonwealth Agricultural Bureaux in a total amount of £46,384, notwithstanding that payments may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1960, which is.....	127,092	
4	Economics Division.....	848,188	
RESEARCH BRANCH			
5	Branch Administration including Canada's fee for membership in the International Society for Horticultural Science and \$139,045 for grants in aid of agricultural research in universities and other scientific organizations in Canada.....	1,899,219	
6	Institutes, Stations, Farms, Laboratories and Services— Operation and Maintenance including the costs of publishing departmental research papers as supplements to the <i>Canadian Entomologist</i>	21,175,694	
7	Construction or Acquisition of Buildings, Works, Land and Equipment.....	5,710,538	
PRODUCTION AND MARKETING BRANCH			
8	Branch Administration including contributions to Agricultural Organizations to assist in the Marketing of Agricultural Products, subject to the approval of Treasury Board (also includes the former item for Agricultural Products Board Administration).....	1,001,970	
9	Agricultural Stabilization Act Administration.....	536,013	
Dairy Products Division—			
10	Operation and Maintenance including Canada's fee for membership in the International Dairy Federation.....	904,988	
11	Grants and other assistance in accordance with the Cheese and Cheese Factory Improvement Act.....	1,150,398	
Fruit and Vegetable Division including Maple Products and Honey—			
12	Operation and Maintenance.....	1,882,522	
13	Assistance in construction of potato warehouses under terms and conditions approved by the Governor in Council..	134,015	
Health of Animals Division—			
14	Operation and Maintenance including Canada's fee for membership in the Office International des Epizooties and authority, notwithstanding the Financial Administration Act, to spend revenue received during the year from packers requiring special services.....	9,940,601	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
AGRICULTURE—Continued			
PRODUCTION AND MARKETING BRANCH—Concluded			
Health of Animals Division—Concluded			
15	Construction or Acquisition of Buildings, Works, Land and Equipment.....	431,910	
16	Compensation for Animals Slaughtered.....	2,220,000	
Livestock Division—			
17	Operation and Maintenance including premiums on pure bred sires and contributions for livestock improvement; stockyard supervision and furs.....	2,861,681	
18	Supervision of Race Track Betting.....	682,786	
19	Grants to Agricultural Fairs, Exhibitions and Museums in accordance with regulations of the Governor in Council; payments pursuant to agreements in force on March 31, 1961, with Exhibitions covering the construction of buildings and other major undertakings; and a grant of \$50,000 to the Royal Agricultural Winter Fair, Toronto, and Freight Assistance on Livestock Shipments for exhibition thereat.....	967,600	
20	Special Grant to Royal Agricultural Winter Fair, Toronto.	450,000	
21	Special Grant to Pacific National Exhibition, Vancouver..	200,000	
22	Grants to Agricultural Organizations as detailed in the Estimates.....	260,250	
23	To authorize, notwithstanding sections 33 and 35 of the Financial Administration Act, the issue by the Minister of Agriculture, in accordance with terms and conditions prescribed by the Governor in Council, of Premium Warrants for High Grade Hog Carcasses, and to authorize the charging to this Vote of the value of Premium Warrants at the time they are issued and the value of any unredeemed Premium Warrants issued in previous fiscal years, notwithstanding that the total value of all Premium Warrants to be charged may exceed the estimated cost of the program which is.....	6,865,000	
Plant Products Division—			
24	Operation and Maintenance including Seeds, Feeds, Fertilizers, Insecticides and Fungicides Control.....	2,121,639	
25	Freight Assistance on Western Feed Grains.....	20,000,000	
26	Agricultural Lime Assistance.....	1,300,000	
27	Plant Protection Division.....	1,283,468	
28	Poultry Division.....	1,248,856	
BOARD OF GRAIN COMMISSIONERS (Canada Grain Act)			
29	Administration.....	166,215	
30	Inspection and Weighing of Grain, and Related Services.....	4,721,225	
Canadian Government Elevators—			
31	Operation and Maintenance including authority to purchase screenings.....	1,595,740	
32	Construction or Acquisition of Buildings, Works, Land and Equipment.....	3,000	
LAND REHABILITATION, IRRIGATION AND WATER STORAGE PROJECTS			
Irrigation and Water Storage Projects in the Western Provinces including the South Saskatchewan River Project; the Prairie Farm Rehabilitation Act Program; Land Protection, Reclamation and Development—			
33	Administration, Operation and Maintenance.....	7,843,075	
34	Construction or Acquisition of Buildings, Works, Land and Equipment.....	18,322,297	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	<i>AGRICULTURE—Concluded</i>		
	<i>LAND REHABILITATION, IRRIGATION AND WATER STORAGE PROJECTS—Concluded</i>		
35	Maritime Marshland Rehabilitation Act including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the Province of Nova Scotia of the cost of the Annapolis River Aboiteau-Causeway Project.....	1,034,873	
	SPECIAL		
36	Prairie Farm Assistance Act Administration.....	690,483	122,202,953
	ATOMIC ENERGY		
	ATOMIC ENERGY CONTROL BOARD		
37	Administration Expenses of the Atomic Energy Control Board.	69,515	
38	Grants for Researches and Investigations with respect to Atomic Energy.....	700,000	
	ATOMIC ENERGY OF CANADA LIMITED (RESEARCH PROGRAM)		
39	Current Operation and Maintenance, including expendable research equipment.....	29,756,200	
40	Construction or Acquisition of Buildings, Works, Land and Equipment and to authorize Central Mortgage and Housing Corporation to undertake construction of works near the Whiteshell Nuclear Research Establishment for Atomic Energy of Canada Limited.....	9,197,700	39,723,415
	AUDITOR GENERAL'S OFFICE		
41	Salaries and Expenses of Office.....		1,115,400
	BOARD OF BROADCAST GOVERNORS		
42	Salaries and Other Expenses.....		331,170
	CANADIAN BROADCASTING CORPORATION		
	CANADIAN BROADCASTING CORPORATION		
43	Grant in respect of the net operating requirements of the Radio and Television Services.....	70,418,000	
44	Grant for the capital requirements, including the replacement of existing capital assets, of the Radio and Television Services	9,640,000	
	INTERNATIONAL BROADCASTING SERVICE		
45	International Broadcasting Service including authority to credit to the Appropriation revenue from the rental of facilities in Montreal, Sackville and Vancouver to an amount of \$420,500 and to re-expend these moneys for the purposes of the International Broadcasting Service.....	1,694,300	81,752,300

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
OFFICE OF THE CHIEF ELECTORAL OFFICER			
46	Salaries and Expenses of Office.....		83,685
CITIZENSHIP AND IMMIGRATION			
47	Departmental Administration.....	1,001,840	
CITIZENSHIP			
48	Citizenship Registration Branch.....	845,871	
49	Citizenship Branch.....	808,322	
50	Grants to Organizations as detailed in the Estimates.....	40,000	
IMMIGRATION BRANCH			
51	Administration of the Immigration Act.....	1,388,640	
52	Field and Inspectional Service, Canada, including \$13,000 for grants to Immigrant Welfare Organizations.....	7,507,122	
53	Field and Inspectional Service, Abroad.....	2,298,559	
54	Trans-Oceanic and Inland Transportation and Other Assistance for Immigrants and Settlers, subject to the approval of Treasury Board, including care en route and while awaiting employment; and payments to the Provinces pursuant to agreements entered into, with the approval of the Governor in Council, in respect of expenses incurred by the Provinces for indigent immigrants.....	2,100,000	
INDIAN AFFAIRS BRANCH			
55	Administration.....	792,099	
Indian Agencies—			
56	Operation and Maintenance.....	4,406,145	
57	Construction or Acquisition of Buildings, Works, Land and Equipment.....	1,610,285	
Reserves and Trusts—			
58	Operation and Maintenance.....	384,755	
Welfare of Indians—			
59	Operation and Maintenance, including a grant to the Province of Manitoba of one-half of the cost of a program of community development not exceeding \$50,000.....	9,176,563	
60	Construction or Acquisition of Buildings, Works, Land and Equipment.....	2,010,000	
Economic Development—			
61	Operation and Maintenance, including an amount of \$6,500 for grants to promote Indian Agriculture, Handicrafts and Economic Enterprises Generally.....	1,113,148	
62	Construction or Acquisition of Buildings, Works, Land and Equipment.....	511,407	
Education—			
63	Administration, Operation and Maintenance.....	21,164,850	
64	Construction or Acquisition of Buildings, Works, Land and Equipment including payments under agreements to provide Joint Educational Facilities to Indian Pupils...	7,705,000	
65	Grant to provide Additional Services to the Indians of British Columbia.....	100,000	
			64,964,606
CIVIL SERVICE COMMISSION			
66	Salaries and Contingencies of the Commission including compensation in accordance with the Suggestion Award Plan of the Public Service of Canada.....		4,486,681

MONTICELLI A - Continued

No. of Acres	Description	Value	Total
DRAFT HORSE PRODUCE TAX			
A - Landmarks			
2	...	1,200.00	
10	...	200.00	
20	...	4,000.00	
30	...	6,000.00	
40	...	8,000.00	
50	...	10,000.00	
60	...	12,000.00	
70	...	14,000.00	
80	...	16,000.00	
90	...	18,000.00	
100	...	20,000.00	
B - Other			
110	...	2,000.00	
120	...	4,000.00	
130	...	6,000.00	
140	...	8,000.00	
150	...	10,000.00	
160	...	12,000.00	
170	...	14,000.00	
180	...	16,000.00	
190	...	18,000.00	
200	...	20,000.00	
C - Other			
210	...	2,000.00	
220	...	4,000.00	
230	...	6,000.00	
240	...	8,000.00	
250	...	10,000.00	
260	...	12,000.00	
270	...	14,000.00	
280	...	16,000.00	
290	...	18,000.00	
300	...	20,000.00	
D - Other			
310	...	2,000.00	
320	...	4,000.00	
330	...	6,000.00	
340	...	8,000.00	
350	...	10,000.00	
360	...	12,000.00	
370	...	14,000.00	
380	...	16,000.00	
390	...	18,000.00	
400	...	20,000.00	
E - Other			
410	...	2,000.00	
420	...	4,000.00	
430	...	6,000.00	
440	...	8,000.00	
450	...	10,000.00	
460	...	12,000.00	
470	...	14,000.00	
480	...	16,000.00	
490	...	18,000.00	
500	...	20,000.00	
F - Other			
510	...	2,000.00	
520	...	4,000.00	
530	...	6,000.00	
540	...	8,000.00	
550	...	10,000.00	
560	...	12,000.00	
570	...	14,000.00	
580	...	16,000.00	
590	...	18,000.00	
600	...	20,000.00	
G - Other			
610	...	2,000.00	
620	...	4,000.00	
630	...	6,000.00	
640	...	8,000.00	
650	...	10,000.00	
660	...	12,000.00	
670	...	14,000.00	
680	...	16,000.00	
690	...	18,000.00	
700	...	20,000.00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
DEFENCE PRODUCTION			
A—DEPARTMENT			
67	Departmental Administration.....	9,574,385	
68	Care, Maintenance and Custody of Standby Defence Plants, Buildings, Machine Tools and Production Tooling.....	888,700	
69	For the establishment of production capacity and for capital assistance for the construction, acquisition, extension or improvement of capital equipment or works by private contractors engaged in defence contracts, or by Crown Plants operated on a management-fee basis, or by Crown Companies under direction of the Minister of Defence Production, subject to the approval of Treasury Board.....	1,590,000	
70	Grants to municipalities in lieu of taxes on Crown-owned defence plants operated by private contractors.....	145,300	
71	To establish qualified sources for the production of component parts and materials, subject to the approval of Treasury Board, and to authorize commitments against future years in the amount of \$300,000.....	607,000	
72	To sustain technological capability in Canadian industry by supporting selected defence development programs, on terms and conditions approved by Treasury Board, and to authorize, notwithstanding section 30 of the Financial Administration Act, total commitments of \$16,500,000 for the foregoing purposes during the current and subsequent fiscal years....	5,500,000	
B—CROWN COMPANIES			
73	Expenses incurred by Defence Construction (1951) Limited in procuring the construction of defence projects on behalf of the Department of National Defence and procuring the construction of such other projects as are approved by Treasury Board.....	3,462,317	
74	Canadian Arsenals Limited— Administration and Operation.....	3,880,230	
75	Construction, Improvements and Equipment.....	302,075	
			25,950,007
EXTERNAL AFFAIRS			
A—DEPARTMENT			
76	Departmental Administration.....	6,924,915	
77	Representation Abroad—Operational—including authority, notwithstanding the Civil Service Act, for the appointment and fixing of salaries of High Commissioners, Ambassadors, Ministers Plenipotentiary, Consuls, Secretaries and staff by the Governor in Council.....	11,271,043	
78	Representation Abroad—Construction, acquisition or improvement of buildings, works, land, equipment and furnishings, and to the extent that blocked funds are available for these expenditures, to provide for payment from these foreign currencies owned by Canada and provided only for governmental or other limited purposes.....	1,377,900	
79	Canada's civilian participation as a member of the International Commissions for Supervision and Control in Indo-China including authority, notwithstanding the Civil Service Act, for the appointment and fixing of salaries of Commissioners, Secretaries and staff by the Governor in Council.....	224,810	

BANK OF AMERICA

DATE	AMOUNT	DESCRIPTION
1917	100.00	...
1918	100.00	...
1919	100.00	...
1920	100.00	...
1921	100.00	...
1922	100.00	...
1923	100.00	...
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2016	100.00	...
2017	100.00	...
2018	100.00	...
2019	100.00	...
2020	100.00	...
2021	100.00	...
2022	100.00	...
2023	100.00	...
2024	100.00	...
2025	100.00	...
2026	100.00	...
2027	100.00	...
2028	100.00	...
2029	100.00	...
2030	100.00	...

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
EXTERNAL AFFAIRS—Continued			
A—DEPARTMENT—Continued			
80	Special Administrative Expenses including payment of remuneration, subject to the approval of the Governor in Council and notwithstanding the Civil Service Act, in connection with the assignment by the Canadian Government of Canadians to the international staff of the North Atlantic Treaty Organization (part recoverable from the North Atlantic Treaty Organization), and authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the North Atlantic Treaty Organization of such expenses.....	44,136	
		45,000	
81	Official Hospitality.....		
82	Relief and repatriation of distressed Canadian citizens abroad and their dependents and for the reimbursement of the United Kingdom for relief expenditures incurred by its Diplomatic and Consular Posts on Canadian account (part recoverable).....	20,000	
83	Canadian Representation at International Conferences.....	321,500	
84	Grant to the United Nations Association in Canada.....	12,000	
85	Grant to the Canadian Atlantic Co-ordinating Committee.....	2,500	
86	Gift to commemorate the sesquicentennial anniversary of the independence of the Republic of Mexico.....	3,500	
87	Gift to commemorate the independence of Nigeria.....	10,000	
EXTERNAL AID OFFICE			
88	Salaries and Expenses.....	525,923	
CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS			
Bilateral Economic Aid Programs—			
89	Colombo Plan.....	50,000,000	
90	West Indies Assistance Program.....	1,500,000	
91	Special Commonwealth Africa Aid Program.....	3,500,000	
92	Technical Assistance to Commonwealth Countries and Territories other than those eligible for assistance under the Colombo Plan, the West Indies Assistance Program or the Special Commonwealth Africa Aid Program....	120,000	
93	Commonwealth Scholarship Plan.....	1,000,000	
Multilateral Economic Aid Programs—			
94	Contribution to the United Nations Special Fund in an amount of \$2,350,000 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1960, which is.	2,298,594	
95	Contribution to the United Nations Expanded Program for Technical Assistance to Under-Developed Countries in an amount of \$2,150,000 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1960, which is.	2,102,969	
96	Contribution to the Operational Budget of the International Atomic Energy Agency in an amount of \$52,020 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1960, which is.....	50,882	
Special Aid Programs—			
97	Contribution to the Program of the United Nations High Commissioner for Refugees.....	290,000	
98	Contribution to the United Nations Children's Fund.....	650,000	
99	Contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.....	500,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS—Concluded		
	A—DEPARTMENT—Concluded		
	CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS—Concluded		
	Special Aid Programs—Concluded		
100	Contribution towards the Refugee Program of the Inter-governmental Committee for European Migration	60,000	
101	Expenses in connection with Canada's participation in the World Refugee Year, additional to those provided for in Vote 648, Appropriation Act No. 3, 1960, for the completion of the Tuberculous Refugee Program	50,000	
	OTHER PAYMENTS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS		
102	Assessments for Membership in the International (including Commonwealth) Organizations that are detailed in the Estimates, including authority to pay such assessments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December, 1960, which is	4,709,895	
103	Contribution to the program of the North Atlantic Treaty Organization's Science Committee in an amount of \$117,840 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1960, which is	115,262	
104	Payment to the International Civil Aviation Organization in part reimbursement of compensation paid to its Canadian employees for Quebec income tax for the 1960 taxation year	11,500	
105	To provide the International Civil Aviation Organization with office accommodation at less than commercial rates	247,789	
106	Contribution to the United Nations Technical Assistance Administration Training Centre at the University of British Columbia	10,000	
107	Grant to the International Committee of the Red Cross	15,000	
108	Grant to the Commonwealth Institute in an amount of £500, notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1960, which is	1,375	
	B—INTERNATIONAL JOINT COMMISSION		
109	Salaries and Expenses of the Commission including, subject to the approval of the Governor in Council and notwithstanding the International Boundary Waters Treaty Act, as amended, payment of salary of the Chairman at \$17,500 per annum	108,885	
110	Canada's share of the expenses of studies, surveys and investigations of the International Joint Commission	52,000	
			88,177,378
	FINANCE		
	GENERAL ADMINISTRATION		
111	Departmental Administration	1,911,211	
112	Comptroller of the Treasury— Central Office and Branch Offices Administration	21,579,725	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
<i>FINANCE—Concluded</i>			
ADMINISTRATION OF VARIOUS ACTS AND COSTS OF SPECIAL FUNCTIONS			
113	Superannuation and Retirement Acts Administration	851,916	
114	The Bank Act—Salaries and Expenses of the Inspector General of Banks' Office	34,330	
115	Administration of the Farm Improvement Loans Act, the Veter- ans' Business and Professional Loans Act, the Fisheries Improvement Loans Act, the Prairie Grain Producers' Interim Financing Act, the Prairie Grain Loans Act and the Small Businesses Loans Act	108,293	
Tariff Board—			
116	Administration	207,288	
Royal Canadian Mint—			
117	Administration, Operation and Maintenance	1,446,230	
118	Construction or Acquisition of Equipment	103,620	
SUBSIDIES AND OTHER PAYMENTS TO PROVINCES			
<i>Special Payments to Provinces</i>			
119	Payments to the Government of each Province, in respect of income tax collected from corporations whose main business is the distribution to or generation for distribution to the public of electrical energy, gas or steam, of amounts com- puted in accordance with section 6 of The Tax Rental Agree- ments Act, 1952, as if the last two lines of subsection (1) of that section read as follows: ". . . ending on the thirty-first day of December, one thousand nine hundred and fifty-nine"	6,000,000	
PAYMENTS TO MUNICIPALITIES			
120	Grants to Municipalities in accordance with the Municipal Grants Act and Regulations made thereunder	24,700,000	
CONTINGENCIES AND MISCELLANEOUS			
121	Miscellaneous minor or unforeseen expenses, subject to the ap- proval of the Treasury Board, including authority to re-use any sums repaid to this appropriation from other appropria- tions, and for awards under the Public Servants Inventions Act	1,500,000	
122	Telephone Service at Ottawa for all Departments	1,562,700	
123	Losses incurred on foreign exchange tendered in payment of accounts receivable	500	
GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS			
124	Government's contributions to Pension Plans (and Death Bene- fit Plans) for employees engaged locally outside Canada who are excluded from the Public Service Superannuation Act . .	85,000	
125	To supplement other votes, subject to the approval of the Treas- ury Board, for the payment of salaries, wages and other pay list charges	3,000,000	
126	Government's contribution, as an Employer, to the Unemploy- ment Insurance Fund in respect of Government Employees paid through the Central Pay Office	1,100,000	
127	Government's contribution to the Hospital Insurance (Outside Canada) Plan	130,000	
128	Government's share of surgical-medical insurance premiums determined in accordance with regulations made pursuant to Vote 124, Appropriation Act No. 6, 1960	8,000,000	
MISCELLANEOUS GRANTS			
129	Canadian Association of Consumers	10,000	
130	Institute of Public Administration of Canada	6,000	
			72,336,813

RECORDS OF THE

No.	Date	Description	Page
101,278			128
101,279			129
101,280			130
101,281			131
101,282			132
101,283			133
101,284			134
101,285			135
101,286			136
101,287			137
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101,339			189
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101,341			191
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101,344			194
101,345			195
101,346			196
101,347			197
101,348			198
101,349			199
101,350			200

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
FISHERIES			
131	Departmental Administration.....	473,500	
132	Information and Educational Service including grant of \$3,000 to Nova Scotia Fisheries Exhibition.....	236,470	
133	Economics Service including the expenses of an international meeting on the economic effect of fishery regulation.....	373,770	
134	Industrial Development Service.....	806,750	
135	Field Services Administration.....	1,060,400	
Conservation and Development Service—			
136	Operation and Maintenance.....	6,495,000	
137	Construction or Acquisition of Buildings, Works, Land and Equipment.....	2,258,200	
138	Inspection and Consumer Service.....	2,438,950	
139	Fishermen's Indemnity Plan Administration.....	278,000	
SPECIAL			
140	Canadian share of expenses of the International Commissions detailed in the Estimates.....	930,000	
141	Acquisition of land and construction of a Research Field Station for the International Pacific Salmon Fisheries Commission.....	110,000	
142	Newfoundland Bait Service.....	534,700	
143	Educational work in fisheries techniques and co-operative producing and selling among fishermen.....	115,000	
144	Fisheries Prices Support Act Administration.....	66,000	
145	Payment, subject to such terms and conditions as the Governor in Council prescribes, of assistance to producers of salted fish on products designated by the Governor in Council, in the amount of 50% of the laid down cost of salt purchased for their production, including authority to charge administrative costs to the Vote in these Estimates which provides for administration of the Fisheries Prices Support Act.....	600,000	
146	Assistance in the construction of vessels of the dragger or long liner type, subject to such terms and conditions as may be approved by the Governor in Council.....	350,000	
147	Assistance in the construction of bait freezing and storage facilities, subject to the regulations established by the Governor in Council.....	30,000	
148	Destruction of dogfish and other predators.....	150,000	
FISHERIES RESEARCH BOARD OF CANADA			
149	Headquarters Administration.....	221,850	
150	Operation and Maintenance including an amount of \$55,000 for contributions towards Fisheries Research and for Scholarships, and authority to make recoverable advances of amounts not exceeding in the aggregate the amount of the share of the International Great Lakes Fishery Commission of the cost of work on lamprey control and lamprey research.....	4,653,075	
151	Construction or Acquisition of Buildings, Works, Land and Equipment.....	1,469,700	
			23,651,365
FORESTRY			
152	Departmental Administration.....	1,090,452	
153	Contributions to the Provinces for assistance in forest inventory, reforestation and forest fire protection in accordance with agreements entered into by Canada and the Provinces.....	2,650,000	
154	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them in establishing forest access roads and trails for the attainment of adequate fire protection as well as other aspects of forest management.....	4,170,000	

SCHEMATIC A - Continued

Line No.	Description	Amount	Total
100	100.00	100.00
101	100.00	200.00
102	100.00	300.00
103	100.00	400.00
104	100.00	500.00
105	100.00	600.00
106	100.00	700.00
107	100.00	800.00
108	100.00	900.00
109	100.00	1,000.00
110	100.00	1,100.00
111	100.00	1,200.00
112	100.00	1,300.00
113	100.00	1,400.00
114	100.00	1,500.00
115	100.00	1,600.00
116	100.00	1,700.00
117	100.00	1,800.00
118	100.00	1,900.00
119	100.00	2,000.00
120	100.00	2,100.00
121	100.00	2,200.00
122	100.00	2,300.00
123	100.00	2,400.00
124	100.00	2,500.00
125	100.00	2,600.00
126	100.00	2,700.00
127	100.00	2,800.00
128	100.00	2,900.00
129	100.00	3,000.00
130	100.00	3,100.00
131	100.00	3,200.00
132	100.00	3,300.00
133	100.00	3,400.00
134	100.00	3,500.00
135	100.00	3,600.00
136	100.00	3,700.00
137	100.00	3,800.00
138	100.00	3,900.00
139	100.00	4,000.00
140	100.00	4,100.00
141	100.00	4,200.00
142	100.00	4,300.00
143	100.00	4,400.00
144	100.00	4,500.00
145	100.00	4,600.00
146	100.00	4,700.00
147	100.00	4,800.00
148	100.00	4,900.00
149	100.00	5,000.00
150	100.00	5,100.00
151	100.00	5,200.00
152	100.00	5,300.00
153	100.00	5,400.00
154	100.00	5,500.00
155	100.00	5,600.00
156	100.00	5,700.00
157	100.00	5,800.00
158	100.00	5,900.00
159	100.00	6,000.00
160	100.00	6,100.00
161	100.00	6,200.00
162	100.00	6,300.00
163	100.00	6,400.00
164	100.00	6,500.00
165	100.00	6,600.00
166	100.00	6,700.00
167	100.00	6,800.00
168	100.00	6,900.00
169	100.00	7,000.00
170	100.00	7,100.00
171	100.00	7,200.00
172	100.00	7,300.00
173	100.00	7,400.00
174	100.00	7,500.00
175	100.00	7,600.00
176	100.00	7,700.00
177	100.00	7,800.00
178	100.00	7,900.00
179	100.00	8,000.00
180	100.00	8,100.00
181	100.00	8,200.00
182	100.00	8,300.00
183	100.00	8,400.00
184	100.00	8,500.00
185	100.00	8,600.00
186	100.00	8,700.00
187	100.00	8,800.00
188	100.00	8,900.00
189	100.00	9,000.00
190	100.00	9,100.00
191	100.00	9,200.00
192	100.00	9,300.00
193	100.00	9,400.00
194	100.00	9,500.00
195	100.00	9,600.00
196	100.00	9,700.00
197	100.00	9,800.00
198	100.00	9,900.00
199	100.00	10,000.00
200	100.00	10,100.00

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FORESTRY—Concluded		
155	Grant to Canadian Forestry Association.....	20,000	
	FOREST RESEARCH BRANCH		
156	Operation and Maintenance.....	1,949,410	
157	Construction or Acquisition of Buildings, Works, Land and Equipment.....	367,725	
	FOREST ENTOMOLOGY AND PATHOLOGY BRANCH		
158	Operation and Maintenance including \$11,600 for grants in aid of forestry research.....	3,258,429	
159	Construction or Acquisition of Buildings, Works, Land and Equipment.....	773,768	
	FOREST PRODUCTS RESEARCH BRANCH		
160	Operation and Maintenance.....	1,103,298	
161	Construction or Acquisition of Buildings, Works, Land and Equipment.....	81,345	
			15,464,427
	GOVERNOR GENERAL AND LIEUTENANT-GOVERNORS		
162	Office of the Secretary to the Governor General.....	220,633	
163	To authorize reimbursement to the Lieutenant-Governors of the Provinces of Canada of the costs of travelling and hospitality incurred in the exercise of their duties up to a maximum per annum for each as follows: (a) where the population of the province at the last decennial census did not exceed 500,000, \$5,000; (b) where the population of the province at the last decennial census exceeded 500,000, \$5,000 plus \$1,000 per each 100,000 or fraction of 100,000 of population over 500,000, but not exceeding \$12,000 in any case.....	86,000	
			306,633
	INSURANCE		
164	Departmental Administration.....		783,123
	JUSTICE		
	A—DEPARTMENT		
165	Departmental Administration including annual contribution of \$200 to the Conference of Commissioners on Uniformity of Legislation in Canada and \$167,500 as grants to Recognized Private After-Care Agencies as may be approved by Treasury Board.....	1,194,583	
166	Parole Act Administration.....	654,790	
	Supreme Court of Canada—		
167	Administration.....	242,715	
	Exchequer Court of Canada—		
168	Administration.....	151,110	
	Northwest Territories—		
169	Administration of Justice in the Northwest Territories including the Northwest Territories Territorial Court... Yukon Territory—	154,794	
170	Administration of Justice in the Yukon Territory including the Yukon Territorial Court.....	140,451	

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SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
JUSTICE—Concluded			
A—DEPARTMENT—Concluded			
Combines Investigation Act—			
171	Restrictive Trade Practices Commission.....	94,840	
172	Office of Investigation and Research.....	574,372	
173	Bankruptcy Act Administration.....	118,770	
PENSIONS AND OTHER BENEFITS			
174	Gratuities to the widows or other dependents of Judges who die while in office.....	15,000	
B—PENITENTIARIES			
175	Administration of the Office of the Commissioner of Penitentiaries.....	696,650	
176	Operation and Maintenance of Penitentiaries, including compensation to discharged inmates permanently disabled while in penitentiaries.....	17,484,919	
177	Construction, Improvements and Equipment.....	5,850,865	27,373,859
LABOUR			
A—DEPARTMENT			
GENERAL ADMINISTRATION			
178	Departmental Administration including a grant of \$10,000 to Frontier College and the expenses of the International Labour Conferences.....	1,373,104	
179	Economics and Research Branch including research grants and related expenses.....	821,935	
Annuities Act—			
180	Administration.....	1,240,305	
181	To authorize the Governor in Council to make regulations establishing a pension plan (hereinafter called the "plan") for agents of the Minister of Labour engaged pursuant to the Government Annuities Regulations and for former agents now employed in the Government Annuities Branch, providing for, <i>inter alia</i> , rates of contributions and benefits under the plan, establishment of a special account in the Consolidated Revenue Fund for the plan, compulsory contributions by agents, payment out of the account of pensions and other benefits to or in respect of members of the plan and payment of interest on the outstanding balance of the account; Government's contribution.....	46,000	
182	Industrial Relations activities including the administration of the Industrial Relations and Disputes Investigation Act, the Canada Fair Employment Practices Act, the Female Employees Equal Pay Act, the Fair Wages and Hours of Labour Act, the Annual Vacations Act, and Regulations, and the promotion of labour-management co-operation.....	643,798	
183	Civilian Rehabilitation Branch including payments to the Provinces to implement a program for the rehabilitation of disabled persons, in accordance with terms and conditions approved by the Governor in Council.....	270,655	
SPECIAL SERVICES			
184	Special Services Branch including the promotion of a program for combatting seasonal unemployment, the organization and use of workers for farming and related industries and assistance to the Provinces under agreements entered into with the Provinces by the Minister of Labour with the approval of the Governor in Council.....	498,860	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
<i>LABOUR—Concluded</i>			
<i>A—DEPARTMENT—Concluded</i>			
TECHNICAL AND VOCATIONAL TRAINING ASSISTANCE			
185	Administration.....	146,905	
186	To carry out the purposes of the Technical and Vocational Training Assistance Act and agreements made thereunder, including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current fiscal year not to exceed a total of \$27,108,700—Payments to the Provinces.....	26,600,000	
GOVERNMENT EMPLOYEES COMPENSATION			
187	Administration of the Government Employees Compensation Act.....	121,391	
B—UNEMPLOYMENT INSURANCE COMMISSION			
188	Administration of the Unemployment Insurance Act including expenditures incurred in connection with other duties and responsibilities assumed and carried out as required by the Governor in Council on the recommendation of the Minister of Labour in accordance with section 4 of the Act.....	45,542,980	
189	Transfer of labour to and from places where employment is available and expenses incidental thereto, in accordance with regulations of the Governor in Council.....	75,000	
			77,380,933
LEGISLATION			
THE SENATE			
190	The Speaker of the Senate— Allowance in lieu of Residence.....	3,000	
191	General Administration.....	799,862	
HOUSE OF COMMONS			
192	The Speaker of the House of Commons— Allowance in lieu of Residence.....	3,000	
193	Deputy Speaker of the House of Commons— Allowance in lieu of Apartments.....	1,500	
194	Allowance to the Deputy Chairman of Committees.....	2,000	
195	Expenses of the Canada-United States Inter-Parliamentary Group, of delegates attending other inter-parliamentary conferences, expenses connected with visits of delegates from other legislatures and Canada's fee for membership in the Inter-Parliamentary Union.....	20,000	
196	Canada's share of the expenses of the Commonwealth Parliamentary Association including subscriptions to publications of the Association.....	21,000	
197	Grant to the Canadian North Atlantic Treaty Organization Parliamentary Association.....	14,000	
198	General Administration—Estimates of the Clerk.....	2,215,340	
199	Estimates of the Sergeant-at-Arms.....	1,032,470	
200	Pension to the unmarried sister of the late Colonel Harry Baker, M.P.....	700	
LIBRARY OF PARLIAMENT			
201	General Administration.....	352,828	
			4,465,700

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
MINES AND TECHNICAL SURVEYS			
A—DEPARTMENT			
ADMINISTRATION SERVICES			
Departmental Administration—			
202	Administration, Operation and Maintenance.....	1,087,947	
203	Acquisition of Common-Use Field Survey and Other Equipment.....	247,300	
204	Explosives Act Administration.....	111,648	
205	Mineral Resources Division.....	385,471	
206	Assessment for Membership in the Pan-American Institute of Geography and History.....	9,150	
SURVEYS AND MAPPING BRANCH			
207	Branch Administration including a grant of \$1,000 to the Canadian Institute of Surveying and Photogrammetry.....	171,588	
208	Geodetic Survey of Canada.....	935,434	
209	International Boundary Commission including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the United States Government of the cost of binding annual reports and maintaining boundary range lights.....	88,799	
Topographical Surveys—			
210	Administration, Operation and Maintenance.....	2,209,626	
211	Construction or Acquisition of Equipment.....	92,000	
Canadian Hydrographic Service—			
212	Administration, Operation and Maintenance including Canada's fee for membership in the International Hydrographic Bureau.....	5,370,081	
213	Construction or Acquisition of Buildings, Works, Land and Equipment.....	7,633,030	
214	Legal Surveys and Aeronautical Charts.....	844,905	
215	Provincial and Territorial Boundary Surveys including authority to make recoverable advances in amounts not exceeding in the aggregate the amounts of the shares of the Provincial Governments of the costs of the surveys.....	19,785	
Map Compilation and Reproduction—			
216	Administration, Operation and Maintenance.....	1,642,306	
217	Construction or Acquisition of Equipment.....	39,900	
GEOLOGICAL SURVEY OF CANADA			
218	Administration, Operation and Maintenance including Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, and \$75,000 for grants in aid of Geological Research in Canadian Universities.....	4,937,624	
219	Construction or Acquisition of Equipment.....	366,210	
MINES BRANCH			
220	Administration, Operation and Maintenance.....	4,480,543	
221	Construction or Acquisition of Buildings, Works and Equipment	327,552	
GEOGRAPHICAL BRANCH			
222	Administration, Operation and Maintenance including the expenses of the Canadian Board on Geographical Names (formerly under Surveys and Mapping Branch Administration) and a grant of \$500 to the Canadian Association of Geographers.....	500,626	

RECEIPTS & EXPENDITURES

Year	Amount	Particulars	No.
1911	1,000.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	100
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	101
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	102
	1,000.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	103
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	104
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	105
	1,000.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	106
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	107
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	108
	1,000.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	109
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	110
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	111
	1,000.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	112
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	113
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	114
	1,000.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	115
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	116
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	117
	1,000.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	118
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	119
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	120
	1,000.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	121
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	122
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	123
	1,000.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	124
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	125
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	126
	1,000.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	127
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	128
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	129
	1,000.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	130
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	131
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	132
	1,000.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	133
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	134
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	135
	1,000.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	136
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	137
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	138
	1,000.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	139
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	140
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	141
	1,000.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	142
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	143
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	144
	1,000.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	145
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	146
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	147
	1,000.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	148
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	149
	500.00	RECEIPTS FROM THE SALE OF LANDS - Cont'd	150

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
MINES AND TECHNICAL SURVEYS— <i>Concluded</i>			
A—DEPARTMENT— <i>Concluded</i>			
DOMINION OBSERVATORIES			
	Dominion Observatory, Ottawa and Field Stations—		
223	Administration, Operation and Maintenance including the expenses of the National Committee for Canada of the International Astronomical Union, Canada's fee for membership in the International Astronomical Union and a grant of \$3,500 to the Royal Astronomical Society of Canada.....	1,568,575	
224	Construction or Acquisition of Buildings, Works, Land and Equipment.....	493,050	
	Dominion Astrophysical Observatory, Victoria, B.C.—		
225	Administration, Operation and Maintenance.....	206,013	
226	Construction or Acquisition of Buildings, Works, Land and Equipment.....	160,600	
GENERAL			
227	Purchases of Air Photography and the expenses of the Inter-departmental Committee on Air Surveys.....	1,300,000	
228	Polar Continental Shelf Project.....	1,553,595	
B—DOMINION COAL BOARD			
229	Administration and Investigations of the Dominion Coal Board	126,345	
230	Payments in connection with the movements of coal under conditions prescribed by the Governor in Council.....	13,244,900	
231	Subventions in respect of eastern coal under agreements entered into pursuant to the Atlantic Provinces Power Development Act.....	1,700,000	
			51,854,603
NATIONAL DEFENCE			
232	Departmental Administration.....	3,455,378	
INSPECTION SERVICES			
233	Operation and Maintenance.....	7,224,436	
234	Construction or Acquisition of Buildings, Works, Land and Equipment.....	211,000	
ROYAL CANADIAN NAVY			
235	Operation and Maintenance.....	208,135,049	
236	Construction or Acquisition of Buildings, Works, Land and Major Equipment.....	71,823,500	
CANADIAN ARMY			
237	Operation and Maintenance.....	359,572,000	
238	Construction or Acquisition of Buildings, Works, Land and Major Equipment.....	60,556,000	
ROYAL CANADIAN AIR FORCE			
239	Operation and Maintenance.....	536,666,000	
240	Construction or Acquisition of Buildings, Works, Land and Major Equipment.....	235,887,000	

SCHEDULE A - Investments

No. of Shares	Description	Amount	Total
211	Federal Reserve Bank - Government Securities	24,000.00	
212	Construction or Installation of Buildings, Works, Land and Equipment	2,500.00	
213	Investments	12,000.00	
214	Federal Reserve Bank - Government Securities		
215	Federal Reserve Bank - Government Securities		
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242	Federal Reserve Bank - Government Securities		

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
NATIONAL DEFENCE—Concluded			
DEFENCE RESEARCH AND DEVELOPMENT			
	Defence Research Board—		
241	Operation and Maintenance.....	24,993,564	
242	Construction or Acquisition of Buildings, Works, Land and Equipment.....	5,810,813	
243	Development.....	14,200,000	
MUTUAL AID			
244	Contributions to infrastructure and military costs of the North Atlantic Treaty Organization and the transfer of defence equipment and supplies and the provision of services and facilities for defence purposes in accordance with section 3 of The Defence Appropriation Act, 1950, not exceeding a total of \$40,798,000 including the present value of defence equipment or supplies or the cost of services made available by the Canadian Forces estimated in the amount of \$24,848,000 and provided by appropriations for those forces in the current and former years in respect of which, notwith- standing subsection (3) of section 3 of the said Act, no amount shall be charged to this appropriation or paid into a special account; Provided by this vote.....	15,950,000	
NATIONAL DEFENCE GENERAL			
245	To authorize, notwithstanding section 30 of the Financial Ad- ministration Act, and subject to allotment by the Treasury Board, total commitments of \$2,674,046,619 for the pur- poses of the foregoing votes relating to National Defence, regardless of the year in which such commitments will come in course of payment (of which it is estimated that \$1,123,561,879 will come due for payment in future years)...	1	
GENERAL SERVICES			
246	Grants to Military Associations, Institutes and Others as de- tailed in the Estimates.....	230,795	
247	Grants to the Town of Oromocto, subject to the approval of Treasury Board, for municipal services including the main- tenance and operation of schools and to promote the develop- ment of the Town.....	2,000,000	
248	Grants to Provinces and Municipalities for Civil Defence and Related Purposes.....	4,350,000	
PENSIONS AND OTHER BENEFITS			
249	Civil Pensions, as detailed in the Estimates.....	3,406	
250	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, pay- ments 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 been mili- tary 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 organization.....	2,780	
		1,551,071,722	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
NATIONAL FILM BOARD			
251	Administration, Production and Distribution of Films and Other Visual Materials.....	4,988,112	
252	Acquisition of Equipment.....	172,380	
			5,160,492
NATIONAL GALLERY OF CANADA			
253	Administration, Operation and Maintenance including grants as detailed in the Estimates.....	975,116	
254	Payment to the National Gallery Purchase Account for the purpose of acquiring works of art in conformity with section 8 of the National Gallery Act.....	200,000	
			1,175,116
NATIONAL HEALTH AND WELFARE			
255	Departmental Administration.....	1,821,267	
NATIONAL HEALTH BRANCH			
Health Services, including Assistance to the Provinces—			
256	Administration.....	459,645	
257	Consultant and Advisory Services.....	835,749	
258	Laboratory and Advisory Services.....	2,402,074	
259	To authorize General Health Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current year not to exceed a total amount of \$37,954,391.....	30,000,000	
260	To authorize Hospital Construction Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current year not to exceed a total amount of \$29,660,152.....	17,000,000	
Indian and Northern Health Services—			
261	Operation and Maintenance.....	22,882,898	
262	Construction or Acquisition of Buildings, Works, Land and Equipment including payments to hospitals and other institutions which care for Indians and Eskimos as contributions toward the construction of hospitals and related facilities.....	2,087,800	
263	Medical Advisory, Diagnostic and Treatment Services.....	4,201,995	
264	Administration of the Food and Drugs and the Proprietary or Patent Medicine Acts.....	2,276,235	
265	Administration of the Opium and Narcotic Drugs Act.....	276,810	
WELFARE BRANCH			
Family Allowances and Old Age Security—			
266	Administration.....	3,341,497	
Old Age and Unemployment Assistance, Blind Persons and Disabled Persons Allowances—			
267	Administration.....	157,680	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL HEALTH AND WELFARE—Concluded		
	GENERAL		
268	Grants to Health and Welfare and Related Organizations, as detailed in the Estimates.....	262,750	
269	Emergency Health, Welfare and Training Services.....	8,004,165	96,010,565
	NATIONAL RESEARCH COUNCIL INCLUDING THE MEDICAL RESEARCH COUNCIL		
270	Salaries and Other Expenses.....	32,902,571	
271	Construction or Acquisition of Buildings, Works, Land and Equipment.....	5,162,943	38,065,514
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISIONS		
272	General Administration.....	5,278,399	
273	Inspection, Investigation and Audit Services.....	4,758,675	
274	Ports— Operation and Maintenance including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year from firms and individuals requiring special services.....	31,524,015	
275	Construction or Acquisition of Buildings, Works, Land and Equipment.....	579,000	
	TAXATION DIVISION		
276	General Administration.....	3,835,900	
277	District Offices.....	32,527,133	
	TAX APPEAL BOARD		
278	Administration Expenses.....	130,770	78,633,892
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
279	Departmental Administration including Canada's share of the expenses of the "Resources for Tomorrow" Conference.....	1,105,390	
280	Northern Co-ordination and Research including a grant of \$10,000 to the Arctic Institute of North America, and an amount of \$5,000 for grants in aid of northern research subject to approval by the Treasury Board.....	141,450	
281	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them for Camp-ground and Picnic Area Developments.....	1,700,000	
282	Contributions to the Provinces to assist in the development of roads leading to resources in accordance with agreements entered into by Canada and the Provinces.....	12,000,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
NORTHERN AFFAIRS AND NATIONAL RESOURCES—Continued			
NATIONAL PARKS BRANCH			
283	Branch Administration.....	268,584	
284	National Parks and Historic Sites and Monuments— Administration, Operation and Maintenance.....	8,248,914	
285	Construction or Acquisition of Buildings, Works, Land and Equipment.....	16,149,217	
286	National Aviation Museum.....	139,875	
287	Grant to Jack Miner Migratory Bird Foundation.....	5,000	
288	Grant in aid of the development of the International Peace Gar- den in Manitoba.....	15,000	
289	To authorize payment to the National Battlefields Commission for the purposes and subject to the provisions of an Act respec- ting the National Battlefields at Quebec (Chap. 57, Statutes of 1908, as amended).....	211,286	
290	Canadian Wildlife Service— Wildlife Resources Conservation and Development, includ- ing Administration of the Migratory Birds Convention Act.....	823,390	
WATER RESOURCES BRANCH			
291	Water Resources Branch— Administration, Operation and Maintenance, including Canada's share of the expenses of the International Exe- cutive Council, World Power Conference, and authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the shares of the Pro- vince of Manitoba and of the Province of Ontario of the cost of regulating the levels of Lake of the Woods and Lac Seul and the amount of the shares of Provincial and outside agencies of the cost of hydrometric surveys....	1,754,455	
292	Construction or Acquisition of Buildings, Works, Land and Equipment and authority to make recoverable ad- vances in amounts not exceeding in the aggregate the amount of the shares of Provincial and outside agencies of the cost of hydrometric surveys.....	201,950	
293	Studies and surveys of the Columbia River Watershed in Can- ada.....	47,310	
294	Fraser River—Federal expenditures in connection with investi- gations to be carried out by the Fraser River Board.....	322,500	
295	Contributions to the Provinces towards the construction of dams and other works to assist in the conservation and control of water resources in accordance with agreements entered into between Canada and the Provinces.....	1,950,000	
296	Nelson—Saskatchewan Basin Study—Expenditures in connec- tion with investigations to be carried out in accordance with terms and conditions approved by the Governor in Council	204,000	
NORTHERN ADMINISTRATION BRANCH			
297	Branch Administration including authority to make recoverable advances for services performed on behalf of the Govern- ments of the Northwest Territories and the Yukon Terri- tory.....	1,133,935	
298	Education Division— Administration, Operation and Maintenance including au- thority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the Government of the Northwest Territories of expendi- tures on education and vocational training.....	5,309,805	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
NORTHERN AFFAIRS AND NATIONAL RESOURCES—Concluded			
NORTHERN ADMINISTRATION BRANCH—Concluded			
<i>Education Division—Concluded</i>			
299	Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the Government of the Northwest Territories of expenditures on education and vocational training.....	2,112,200	
<i>Welfare and Industrial Divisions—</i>			
300	Administration, Operation and Maintenance.....	1,977,426	
301	Construction or Acquisition of Buildings, Works, Land and Equipment.....	555,050	
<i>Yukon Territory—</i>			
302	Operation and Maintenance including grants and contributions as detailed in the Estimates.....	1,518,775	
303	Construction or Acquisition of Buildings, Works, Land and Equipment.....	5,342,400	
<i>Northwest Territories and Other Field Services—</i>			
304	Operation and Maintenance including grants and contributions as detailed in the Estimates and authority to make recoverable advances for services performed on behalf of the Government of the Northwest Territories.....	6,332,049	
305	Construction or Acquisition of Buildings, Works, Land and Equipment including costs arising out of the relocation of the town of Aklavik and payment of such compensation as the Governor in Council prescribes to persons affected by such relocation.....	9,261,140	
NATIONAL MUSEUM OF CANADA			
306	Administration, Operation and Maintenance.....	855,972	
CANADIAN GOVERNMENT TRAVEL BUREAU			
307	To assist in promoting the Tourist Business in Canada including a grant of \$5,000 to the Canadian Tourist Association.....	3,019,963	82,707,036
POST OFFICE			
308	Departmental Administration including Canada's share of the upkeep of the International Bureaux at Berne and Montevideo.....	2,174,216	
309	Operations including salaries and other expenses of Staff Post Offices, District Offices, Railway Mail Service Staffs, and supplies, equipment and other items for Revenue Post Offices, including Administration.....	121,039,796	
310	Transportation—Movement of Mail by Land, Air and Water, including Administration.....	64,180,536	
311	Financial Services including audit of revenue, money order and Savings Bank business; and postage stamps.....	3,379,630	190,774,178

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
PRIVY COUNCIL			
312	Payment, notwithstanding anything in the Financial Administration Act or the Senate and House of Commons Act respecting the independence of Parliament, to each member of the Queen's Privy Council for Canada who is a Minister for whom no salary or allowance in addition to the allowances under section 33 and section 44 of the Senate and House of Commons Act is provided (the acceptance of which shall not render such member ineligible or disqualify him as a Member of the House of Commons) of a salary of \$7,500 per annum and pro rata for any period less than a year.....	7,500	
PRIVY COUNCIL OFFICE			
313	General Administration.....	563,390	
PRIME MINISTER'S RESIDENCE			
314	Maintenance and Operation.....	25,000	
EMERGENCY MEASURES			
315	Administration and Operation of the Emergency Measures Organization.....	1,053,453	
316	Construction of houses for officers at regional emergency headquarters.....	200,000	
SPECIAL			
317	Expenses of the Royal Commission on railway problems including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	40,870	
318	Expenses of the Royal Commission on Government Organization including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	750,000	
			2,640,213
PUBLIC ARCHIVES AND NATIONAL LIBRARY			
A—PUBLIC ARCHIVES			
319	General Administration and Technical Services.....	716,268	
B—NATIONAL LIBRARY			
320	General Administration.....	269,281	
321	Payment to the National Library Purchase Account for the purpose of acquiring books, in conformity with section 12 of the National Library Act.....	40,000	
			1,025,549

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
PUBLIC PRINTING AND STATIONERY			
322	Departmental Administration.....	767,360	
323	Purchasing, Stationery and Stores.....	1,212,540	
324	Distribution of Official Documents.....	560,521	
325	Printing and Binding Official Publications for Sale and Distribution to Departments and the public.....	750,000	
326	Printing of Canada Gazette.....	140,000	
327	Printing and Binding the Annual Statutes.....	35,000	
328	Plant Equipment and Replacements.....	250,577	
			3,715,998
PUBLIC WORKS			
329	General Administration including a grant of \$2,000 to the Canadian Good Roads Association.....	10,667,720	
PUBLIC BUILDINGS CONSTRUCTION AND SERVICES			
Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, including expenditures on works on other than federal property, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—			
330	Newfoundland.....	205,000	
331	Nova Scotia.....	1,425,000	
332	Prince Edward Island.....	45,000	
333	New Brunswick.....	1,070,000	
334	Quebec.....	4,680,000	
335	Ottawa.....	11,320,000	
336	Ontario (other than Ottawa).....	6,332,000	
337	Manitoba.....	715,000	
338	Saskatchewan.....	1,554,000	
339	Alberta.....	1,312,000	
340	British Columbia.....	2,680,000	
341	Yukon and Northwest Territories.....	1,410,000	
342	Outside Canada.....	250,000	
343	Improvements Generally and Miscellaneous Buildings— Not more than \$25,000 to be expended on any one project without the approval of Treasury Board.....	1,000,000	
344	Maintenance and Operation of Public Buildings and Grounds...	44,794,200	
345	Furniture and Furnishings for Government Departments.....	2,943,808	
346	Work in the interest of Fire Prevention including a grant of \$5,000 to the Canadian Joint Fire Prevention Publicity Committee	202,780	
HARBOURS AND RIVERS ENGINEERING SERVICES			
Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates, including expenditures on works on other than federal property, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—			
347	Newfoundland.....	6,593,500	
348	Nova Scotia.....	2,981,500	
349	Prince Edward Island.....	475,000	
350	New Brunswick.....	1,896,000	
351	Quebec.....	6,926,000	
352	Ontario.....	10,786,500	
353	Manitoba and Saskatchewan.....	130,000	
354	Alberta and Northwest Territories.....	292,000	
355	British Columbia and Yukon.....	2,414,500	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
PUBLIC WORKS—Continued			
HARBOURS AND RIVERS ENGINEERING SERVICES—Concluded			
356	Construction or Acquisition of Buildings, Works, Land and Equipment.....	220,500	
357	Remedial works where damages are caused by, or endanger, navigation or Federal Government structures.....	800,000	
358	Repairs and Upkeep, including reconstruction and replacements for the maintenance of services; no new works to be undertaken.....	3,000,000	
Dredging—			
359	Maintenance and Operation of Plant and Contract and Day Labour Works.....	4,090,205	
360	Construction or Acquisition of Plant and Equipment.....	2,676,000	
361	Maintenance and Operation of Graving Docks, Locks and Dams	808,765	
DEVELOPMENT ENGINEERING SERVICES			
362	Canada's share of the cost of International and Interprovincial bridges, as detailed in the Estimates.....	1,395,000	
363	Towards replacement of Low Level Burlington Canal Bridge...	1,900,000	
364	Towards an investigation to determine the feasibility of constructing a proposed Causeway across Northumberland Strait, including the opening of a test quarry.....	50,000	
365	Towards installation of a water supply system at Churchill, Manitoba.....	967,000	
366	Roads and Bridges—Maintenance and Operation including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the operating expenses of the New Westminster Bridge.....	300,735	
367	Testing Laboratories—Operation and Maintenance.....	1,112,591	
Trans-Canada Highway—			
368	Construction through National Parks.....	7,476,000	
GENERAL			
369	Advance planning of projects including acquisition of sites.....	1,500,000	
370	Balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1961-62.....	1,000,000	
371	Miscellaneous Works not otherwise provided for, including expenditures on works on other than federal property: a maximum of \$15,000 may be expended in respect of any one work and, with the approval of Treasury Board, that maximum may be increased to \$25,000.....	2,450,000	
372	To supplement, on approval of Treasury Board except where less than \$1,000 is required, any of the appropriations of the Department of Public Works.....	700,000	
CENTRAL MORTGAGE AND HOUSING CORPORATION			
373	Expenses incurred in constructing and supervising construction of married quarters, rental housing, schools and related services on behalf of the Department of National Defence....	540,000	
374	Additional amount for Housing Research and Community Planning as contemplated by Part V of the National Housing Act, 1954, and to authorize commitments against future years in the amount of \$585,900.....	1,649,000	

ACCOUNTS A—Continued

No. of Pages	Description	Amount	Total
717	Transfer from Management of Public Works and grounds	2,311,410	102,042,544
718	Transfer from Management of Public Works and grounds	1,400,000	
719	Transfer from Management of Public Works and grounds	2,100,000	
ACCOUNTS A—Continued			
720	Transfer from Management of Public Works and grounds	7,000,000	102,042,544
721	Transfer from Management of Public Works and grounds	25,000	
722	Transfer from Management of Public Works and grounds	1,717,000	
723	Transfer from Management of Public Works and grounds	4,822,000	
724	Transfer from Management of Public Works and grounds	1,582,500	
725	Transfer from Management of Public Works and grounds	100,000	
726	Transfer from Management of Public Works and grounds	100,000	
727	Transfer from Management of Public Works and grounds	100,000	
728	Transfer from Management of Public Works and grounds	100,000	
729	Transfer from Management of Public Works and grounds	100,000	
ACCOUNTS A—Continued			
730	Transfer from Management of Public Works and grounds	100,000	102,042,544
731	Transfer from Management of Public Works and grounds	100,000	
732	Transfer from Management of Public Works and grounds	100,000	
733	Transfer from Management of Public Works and grounds	100,000	
ACCOUNTS A—Continued			
734	Transfer from Management of Public Works and grounds	100,000	102,042,544
735	Transfer from Management of Public Works and grounds	100,000	
736	Transfer from Management of Public Works and grounds	100,000	
737	Transfer from Management of Public Works and grounds	100,000	
ACCOUNTS A—Continued			
738	Transfer from Management of Public Works and grounds	100,000	102,042,544
739	Transfer from Management of Public Works and grounds	100,000	
740	Transfer from Management of Public Works and grounds	100,000	
741	Transfer from Management of Public Works and grounds	100,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PUBLIC WORKS—Concluded		
	NATIONAL CAPITAL COMMISSION (formerly under Privy Council)		
375	Operation and Maintenance of parks, parkways and grounds adjoining Government Buildings at Ottawa and Hull, and General Administration.....	2,311,240	
376	Interest charges on outstanding loans that were made for the purpose of acquiring property in the National Capital Region.....	1,400,000	
377	Payment to the National Capital Fund.....	5,100,000	
			166,548,544
	ROYAL CANADIAN MOUNTED POLICE		
	Headquarters Administration and National Police Services—		
378	Operation and Maintenance.....	7,904,906	
379	Construction or Acquisition of Buildings, Works, Land and Equipment.....	85,088	
	Land, Air and Training Divisions—		
380	Operation and Maintenance.....	41,915,086	
381	Construction or Acquisition of Buildings, Works, Land and Equipment.....	4,051,062	
	Marine Services—		
382	Operation and Maintenance.....	1,886,590	
383	Construction or Acquisition of Buildings, Works, Land and Equipment.....	103,976	
384	Grant to the Canadian Association of Chiefs of Police.....	500	
385	Grant to the Royal Canadian Mounted Police Veterans' Association.....	500	
	PENSIONS AND OTHER BENEFITS		
386	Pensions to families of members of the Mounted Police who have lost their lives while on duty, as detailed in the Estimates.....	14,022	
			55,961,730
	SECRETARY OF STATE		
387	Departmental Administration.....	332,439	
388	Companies Division.....	143,140	
389	Trade Marks Division including a contribution to the International Office for the Protection of Industrial Property.....	223,658	
390	Bureau for Translations.....	1,811,686	
	PATENT AND COPYRIGHT OFFICE		
391	Administration Division.....	138,104	
392	Patent Division.....	2,464,547	
393	Copyright and Industrial Designs Division including a contribution to the International Office for the Protection of Literary and Artistic Works.....	38,265	
			5,151,839

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
394	Departmental Administration, including fees for membership in the International Organizations listed in the Details of the Estimates (also includes the National Industrial Design Council transferred from the National Gallery).....	3,275,445	
	Trade Commissioner Service—		
395	Administration and Operation.....	4,421,701	
396	Construction or Acquisition of Buildings, Land, Equipment and Furnishings.....	105,000	
397	Exhibitions Branch.....	1,241,309	
398	Standards Branch.....	2,758,668	
399	Dominion Bureau of Statistics, including the fee for membership in the Inter-American Statistical Institute and a contribution of \$500 to the International Statistical Institute.....	12,596,591	
400	1961 Decennial Census of Canada.....	13,539,378	
	B—NATIONAL ENERGY BOARD		
401	Administration.....	544,970	38,483,062
	TRANSPORT		
	A—DEPARTMENT		
402	Departmental Administration.....	3,395,700	
	MARINE SERVICES		
403	Marine Services Administration, including Agencies.....	1,032,610	
	Aids to Navigation—		
404	Administration, Operation and Maintenance including fees for membership in the International Organizations listed in the Details of the Estimates.....	6,783,790	
405	Construction or Acquisition of Buildings, Works, Land and Equipment.....	5,290,000	
	Canals—		
406	Administration, Operation and Maintenance.....	2,398,550	
407	Construction or Acquisition of Buildings, Works, Land and Equipment, including payments to Provinces or Municipalities as contributions towards construction done by those bodies.....	1,850,230	
	St. Lawrence and Saguenay Rivers Ship Channels—		
408	Administration, Operation and Maintenance.....	1,891,389	
409	Construction or Acquisition of Buildings, Works, Land and Equipment.....	4,952,000	
	Canadian Marine Service—		
410	Administration, Operation and Maintenance including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current fiscal year not to exceed a total amount of \$20,379,688.....	18,864,688	
411	Construction or Acquisition of Ships and Equipment.....	14,500,000	
	Marine Regulations including Pilotage and Marine Reporting Services—		
412	Administration, Operation and Maintenance including grants and contributions as detailed in the Estimates.....	3,600,129	
413	Construction or Acquisition of Buildings, Works Land and Equipment.....	2,229,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
TRANSPORT—Continued			
A—DEPARTMENT—Continued			
RAILWAY AND STEAMSHIP SERVICES			
414	Newfoundland Coastal Services—Construction or Acquisition of Passenger-Cargo Vessels and Equipment and Harbour Facilities.....	4,340,000	
415	Construction or Acquisition of Auto-Ferry Vessels and Equipment as listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended upon individual listed projects....	1,545,000	
416	Construction of Dock and Terminal Facilities at Port aux Basques, Newfoundland.....	134,300	
417	Enlargement of Dock and Terminal Facilities at North Sydney, Nova Scotia.....	31,900	
Payments to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport made by the Company to the Minister of Finance, to be applied by the Company in payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1961—			
418	Newfoundland Ferry and Terminals.....	6,585,000	
419	Prince Edward Island Car Ferry and Terminals.....	2,845,000	
420	Prince Edward Island Car Ferry and Terminals—Construction or Acquisition of Buildings, Works, Land and Equipment..	980,000	
421	Yarmouth, Nova Scotia—Bar Harbour, Maine, U.S.A., Ferry Service—Deficit, 1961.....	339,000	
422	Maritime Freight Rates Act—Payment to the Railway Companies operating in the select territory designated by the Act, of the difference occurring on account of the application of the Act, between the tariff tolls and normal tolls under approved tariffs (estimated and certified to the Minister of Transport by the Canadian National Railway Company and approved by auditors of the said Company respecting the Eastern Lines of the Canadian National Railways and in the case of the Other Railways by the Board of Transport Commissioners for Canada) on all traffic moved during the calendar year 1961.....	14,750,000	
423	Railway to Great Slave Lake—Location Survey.....	550,000	
424	Repairs and expenses in connection with the operation and maintenance of Official Railway Cars under the jurisdiction of the Department.....	62,200	
425	Degaussing Canadian Government Ships and Canadian-owned merchant ships, of 1,000 gross tons and over, of Canadian registry, or of United Kingdom registry if subject to re-transfer to Canadian registry under special inter-governmental arrangement.....	190,000	
PENSIONS AND OTHER BENEFITS			
426	Amount required to pay pensions at the rate of \$300 per annum to former pilots: Raoul Lachance; Jules Lamarre; Wilhelm Langlois; Auguste Santerre.....	1,200	
427	Railway Employees' Provident Fund—To supplement pension allowances under the Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act so as to make the minimum allowance payable in the calendar year 1961 \$30 per month instead of \$20 per month as fixed by the said Act.....	8,200	
428	Supplemental Pension Allowances to former employees of Newfoundland Railways Steamships and Telecommunications Services transferred to Canadian National Railways.....	105,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT—Continued		
	A—DEPARTMENT—Continued		
	AIR SERVICES		
	Administrative Branch		
429	Air Services Administration	1,852,117	
430	Construction Services Administration	3,708,165	
	Civil Aviation Branch		
431	Control of Civil Aviation including the Administration of the Aeronautics Act and Regulations issued thereunder	3,115,149	
432	Airports and Other Ground Services—Operation and Maintenance	21,508,485	
433	Air Traffic Control	7,680,749	
434	Construction or Acquisition of Buildings, Works, Land and Equipment with respect to national airports (as determined by the Minister of Transport) and related facilities; contributions towards construction done by local or private authorities with respect to such airports, amounts to be paid in settlement of claims for compensation by persons whose property is injuriously affected by the operation of a zoning regulation made under authority of paragraph (j) of subsection (1) of section 4 of the Aeronautics Act and authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current year not to exceed a total amount of \$69,893,200	60,900,000	
435	Contributions, in accordance with terms and conditions approved by the Governor in Council, to assist in the establishment or improvement of local airports and related facilities	161,000	
436	Grants for the development of Civil Aviation, in the amounts detailed in the Estimates	430,000	
437	Payments to the Other Governments or International Agencies that are detailed in the Estimates for the operation and maintenance of airports, air navigation and airways facilities, including authority to pay assessments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December, 1960, which is	215,592	
	Telecommunications and Electronics Branch		
	Radio Aids to Air and Marine Navigation—		
438	Administration, Operation and Maintenance	18,974,780	
439	Construction or Acquisition of Buildings, Works, Land and Equipment	14,400,000	
	Radio Act and Regulations—		
440	Administration, Operation and Maintenance including Canada's share of the costs of the international radio, telegraph and telephone organizations listed in the Details of the Estimates	2,971,548	
441	Construction or Acquisition of Buildings, Works, Land and Equipment	400,500	
	Telegraph and Telephone Service—		
442	Administration, Operation and Maintenance	72,115	
443	Construction or Acquisition of Buildings, Works, Land and Equipment	77,400	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT—Continued		
	A—DEPARTMENT—Concluded		
	AIR SERVICES—Concluded		
	Meteorological Branch		
444	Administration, Operation and Maintenance, including Canada's assessment for membership in the World Meteorological Organization and \$25,000 for grants in aid of meteorological research in Canadian universities.....	17,121,292	
445	Construction or Acquisition of Buildings, Works, Land and Equipment.....	1,769,800	
	B—GENERAL		
	AIR TRANSPORT BOARD		
446	Salaries and Other Expenses including the Canadian Delegation to the International Civil Aviation Organization.....	550,469	
	BOARD OF TRANSPORT COMMISSIONERS FOR CANADA		
447	Administration, Operation and Maintenance.....	1,249,433	
448	Amount to be credited to the Railway Grade Crossing Fund, in addition to the amount to be credited to the Fund under the Railway Act in the current fiscal year, for the general purposes of the Fund, and authority, notwithstanding section 30 of the Financial Administration Act, to make commitments pursuant to this item for the current and subsequent fiscal years not to exceed a total amount of \$10,000,000.....	5,000,000	
	CANADIAN MARITIME COMMISSION		
449	Administration.....	169,955	
450	Steamship Subventions for Coastal Services, as detailed in the Estimates.....	6,466,459	
	NATIONAL HARBOURS BOARD		
451	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 1961 on any or all of the following accounts:		
	Reconstruction and Capital Expenditures—		
	Halifax.....	\$ 905,065	
	Saint John.....	2,452,000	
	Chicoutimi.....	15,000	
	Quebec.....	2,120,000	
	Churchill.....	2,460,000	
	Generally—Unforeseen and Miscellaneous....	200,000	
		\$8,152,065	
	Less—Amount to be expended from Replacement and Other Funds.....	1,962,513	
		6,189,552	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT—Concluded		
	B—GENERAL—Concluded		
	ST. LAWRENCE SEAWAY AUTHORITY		
452	Operating deficit and capital requirements of Canals and Works entrusted to the St. Lawrence Seaway Authority with the approval of the Governor in Council, and to authorize, notwithstanding the Financial Administration Act or any other Act, the disbursement by the Authority of revenues derived from the operation and management of such Canals and Works.....	1,123,356	275,362,802
	VETERANS AFFAIRS		
453	Departmental Administration.....	2,550,941	
454	District Services—Administration.....	3,556,427	
455	Veterans' Welfare Services.....	3,891,673	
	Treatment Services—		
456	Operation of Hospitals and Administration including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year for hospital and related services.....	45,217,346	
457	Medical Research and Education.....	389,000	
458	Hospital Construction, Improvements, Equipment and Acquisition of Land.....	5,362,000	
459	Prosthetic Services—Supply, Manufacture and Administration including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year for prosthetic and related services.....	1,417,258	
460	Veterans' Bureau.....	716,012	
461	War Veterans Allowance Board—Administration.....	170,994	
	WAR VETERANS ALLOWANCES AND OTHER BENEFITS		
462	War Veterans Allowances.....	59,845,000	
463	Assistance Fund (War Veterans Allowances).....	3,745,000	
464	Treatment and Other Allowances.....	2,400,000	
	MISCELLANEOUS PAYMENTS		
465	Burials and Memorials.....	1,435,500	
466	Grant to Army Benevolent Fund.....	18,000	
467	Grant to Royal Canadian Legion.....	9,000	
	CANADIAN PENSION COMMISSION		
468	Administration Expenses.....	2,693,268	
469	Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; and including Newfoundland Special Awards.....	147,484,000	
470	Gallantry Awards—World War II and Special Force.....	24,500	
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT		
471	Administration of Veterans Land Act; Soldier Settlement and British Family Settlement.....	4,982,050	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
VETERANS AFFAIRS—Concluded			
SOLDIER SETTLEMENT AND VETERANS' LAND ACT—Concluded			
472	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.....	35,050	
473	Grants to veterans settled on Provincial Lands in accordance with agreements with Provincial Governments under section 38 of the Veterans' Land Act and grants to veterans settled on Dominion Lands, in accordance with an agreement with the Minister of Northern Affairs and National Resources under section 38 of the Veterans' Land Act.....	75,000	
474	Grants to Indian veterans settled on Indian Reserve Lands under section 39 of the Veterans' Land Act.....	60,000	
475	Reduction of indebtedness to the Director of Soldier Settlement of a settler in respect of a property in his possession, the title of which is held by the Director, or such Soldier Settler Loans which are administered by the Indian Affairs Branch of the Department of Citizenship and Immigration, by an amount which will reduce his indebtedness to an amount in keeping with the productive capacity of the property or his ability to repay his indebtedness under regulations approved by the Governor in Council.....	1,000	
476	To authorize, subject to the approval of the Governor in Council, necessary remedial work on properties constructed under individual firm price contracts and sold under the Veterans' Land Act and to correct defects for which neither the veteran nor the contractor can be held financially responsible; and for such other work on other properties as may be required to protect the interest of the Director therein.....	6,000	
TERMINABLE SERVICES			
477	Veterans Benefits, including Assistance and the training of certain Pensioners under regulations approved by the Governor in Council.....	769,450	
	Repayments in such amounts as the Minister of Veterans Affairs determines, not exceeding the whole of amounts equivalent to the compensating adjustments or payments made under the Acts hereunder referred to, where the persons who made the compensating adjustments or payments received no benefits under the Veterans' Land Act, or where, having had financial assistance under the last mentioned Act, they are deemed by the Minister on termination of their Veterans' Land Act contracts or agreements to have derived thereunder either no benefits or benefits that are less than the amounts of the compensating adjustments or payments—		
478	Repayments under subsection (3) of section 12 of the Veterans Rehabilitation Act.....	5,000	
			286,859,469
LOANS, INVESTMENTS AND ADVANCES			
ATOMIC ENERGY OF CANADA LIMITED			
479	Advances to Atomic Energy of Canada Limited in such amounts and on such terms and conditions (including the delivery to Her Majesty, in satisfaction of the advances, of obligations or shares of the Company) as the Governor in Council may approve, to finance the construction of the Douglas Point Generating Station (formerly described as an atomic reactor (CANDU) and auxiliary buildings, etc.).....	9,075,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES—Continued		
	CITIZENSHIP AND IMMIGRATION		
480	To authorize loans, in accordance with terms and conditions prescribed by the Governor in Council, to Indians in the current and subsequent fiscal years to assist them in acquiring housing.....	100,000	
	EXTERNAL AFFAIRS		
481	Additional advance to the Working Capital Fund of the World Health Organization in an amount of \$17,949 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1960, which is.....	17,556	
	NATIONAL DEFENCE		
482	To authorize loans to be made in the current and subsequent fiscal years in respect of housing projects constructed, pursuant to an agreement with the Minister of National Defence, for occupancy by members of the Canadian Forces; such loans to be at interest rates and in accordance with such terms and conditions as the Governor in Council prescribes	5,000,000	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	<i>Northern Administration Branch</i>		
483	To increase to \$250,000 the amount that may be charged at any time to the Eskimo Loan Fund, established by Vote 546, Appropriation Act No. 3, 1953; additional amount required.	100,000	
484	To authorize loans in the current and subsequent fiscal years in accordance with terms and conditions prescribed by the Governor in Council, not exceeding in the aggregate \$145,300, to the Government of the Yukon Territory to enable that Government to purchase land at a cost of \$17,800 and to loan to the City of Whitehorse an amount of \$127,500 to enable the City to build roads and construct water and sewer systems in a new sub-division.....	145,300	
485	To authorize loans in the current and subsequent fiscal years in accordance with terms and conditions prescribed by the Governor in Council, not exceeding in the aggregate \$75,000, to the Government of the Yukon Territory for the development of low rental accommodation, and to authorize the Commissioner in Council to make ordinances for the borrowing and lending of such money by the Commissioner of the Yukon Territory or by a housing authority established by an ordinance of the Commissioner in Council on behalf of the Territory and for the repayment thereof out of the Yukon Consolidated Revenue Fund.....	75,000	
	<i>Northern Canada Power Commission</i>		
486	Advances to the Northern Canada Power Commission for the purpose of capital expenditures in accordance with subsection (1) of section 15 of the Northern Canada Power Commission Act.....	242,000	
487	Advances in accordance with agreements entered into pursuant to the Atlantic Provinces Power Development Act.....	6,367,000	

EXHIBIT A - (Continued)

Date	Particulars	Amount	Total
	<p>1950</p> <p>1951</p> <p>1952</p> <p>1953</p> <p>1954</p> <p>1955</p> <p>1956</p> <p>1957</p> <p>1958</p> <p>1959</p> <p>1960</p> <p>1961</p> <p>1962</p> <p>1963</p> <p>1964</p> <p>1965</p> <p>1966</p> <p>1967</p> <p>1968</p> <p>1969</p> <p>1970</p> <p>1971</p> <p>1972</p> <p>1973</p> <p>1974</p> <p>1975</p> <p>1976</p> <p>1977</p> <p>1978</p> <p>1979</p> <p>1980</p> <p>1981</p> <p>1982</p> <p>1983</p> <p>1984</p> <p>1985</p> <p>1986</p> <p>1987</p> <p>1988</p> <p>1989</p> <p>1990</p> <p>1991</p> <p>1992</p> <p>1993</p> <p>1994</p> <p>1995</p> <p>1996</p> <p>1997</p> <p>1998</p> <p>1999</p> <p>2000</p> <p>2001</p> <p>2002</p> <p>2003</p> <p>2004</p> <p>2005</p> <p>2006</p> <p>2007</p> <p>2008</p> <p>2009</p> <p>2010</p> <p>2011</p> <p>2012</p> <p>2013</p> <p>2014</p> <p>2015</p> <p>2016</p> <p>2017</p> <p>2018</p> <p>2019</p> <p>2020</p> <p>2021</p> <p>2022</p> <p>2023</p> <p>2024</p> <p>2025</p> <p>2026</p> <p>2027</p> <p>2028</p> <p>2029</p> <p>2030</p>	<p>115,000</p> <p>1,500,000</p> <p>2,000,000</p> <p>4,000,000</p> <p>11,000,000</p> <p>17,000,000</p>	<p>115,000</p> <p>1,500,000</p> <p>2,000,000</p> <p>4,000,000</p> <p>11,000,000</p> <p>17,000,000</p>

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES—Continued		
	PUBLIC WORKS		
	<i>Central Mortgage and Housing Corporation</i>		
488	Advances to Central Mortgage and Housing Corporation for the purposes of subsection (1) of section 37 of the National Housing Act, 1954, in respect of planning the development of Corporation owned land.....	115,000	
	<i>National Capital Commission</i>		
489	Loans to the National Capital Commission in accordance with section 16 of the National Capital Act for the purpose of acquiring property in the National Capital Region, excluding property being acquired for the purpose of establishing what is commonly referred to as the "Greenbelt".....	2,300,000	
490	Loans to the National Capital Commission, in the current and subsequent fiscal years, in accordance with section 16 of the National Capital Act for the purpose of acquiring property in that area of the National Capital Region commonly referred to as the "Greenbelt".....	8,000,000	
	TRANSPORT		
	<i>Canadian Overseas Telecommunication Corporation</i>		
491	Loan to the Canadian Overseas Telecommunication Corporation in accordance with section 14 of the Canadian Overseas Telecommunication Corporation Act for additions and betterments to facilities.....	8,000,000	
	<i>National Harbours Board</i>		
492	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 1961 on any or all of the following accounts: Reconstruction and Capital Expenditures— Three Rivers.....\$ 410,000 Montreal..... 19,217,324 Vancouver..... 1,872,125 \$21,499,449 Less—Amount to be expended from Replacement and Other Funds..... 3,595,457	17,903,992	
	<i>St. Lawrence Seaway Authority</i>		
493	Loans to the St. Lawrence Seaway Authority in such manner and subject to such terms and conditions as the Governor in Council may approve.....	15,000,000	

SCHEDULE A—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES—<i>Concluded</i>		
	VETERANS AFFAIRS		
	<i>Soldier Settlement and Veterans' Land Act</i>		
494	Protection of security—Soldier Settlement, and refunds of surplus to veterans.....	3,300	
495	Purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; and protection of security under the Veterans' Land Act.....	34,743,975	
			107,188,123
			*3,688,940,895

* Net total \$1,485,702,081.72

SCHEDULE B.

Based on the Supplementary Estimates, 1961-62. The amount hereby granted is \$49,822,651.25, being the total of the amounts of the items in the said Estimates as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 4, 1961*.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
AGRICULTURE			
PRODUCTION AND MARKETING BRANCH			
496	Agricultural Stabilization Act Administration—Further amount required.....	142,479	
497	Contribution to Manitoba for expenses incurred in the period July 18, 1959, to May 24, 1961, in respect of crop insurance in the amount that would otherwise have been paid if the agreement entered into on the 24th day of May, 1961, by Canada with Manitoba pursuant to the Crop Insurance Act had been entered into on the 18th day of July, 1959.....	174,393	
498	Subsidies for Cold Storage Warehouses under the Cold Storage Act.....	250,161	
Dairy Products Division—			
499	Grants and Other Assistance in accordance with the Cheese and Cheese Factory Improvement Act — Further amount required.....	56,383	
Fruit and Vegetable Division, including Maple Products and Honey—			
500	Assistance in construction of potato warehouses under terms and conditions approved by the Governor in Council—Further amount required.....	69,594	
Health of Animals Division—			
501	Operation and Maintenance—Further amount required.....	582,690	
502	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	51,500	
503	Compensation for Animals Slaughtered—Further amount required.....	1,380,000	
504	Contributions to the Provinces, in accordance with regulations of the Governor in Council, of amounts not exceeding two-fifths of the amounts paid by the Provinces to owners of animals that have died as a result of rabies since the first day of July, 1960.....	15,000	
Livestock Division—			
505	Special grant to Calgary Exhibition and Stampede.....	200,000	
			2,922,200
CIVIL SERVICE COMMISSION			
506	Salaries and Contingencies of the Commission—Further amount required.....		211,455
DEFENCE PRODUCTION			
A—DEPARTMENT			
507	For the establishment of production capacity and for capital assistance—Further amount required.....		1,240,000

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
EXTERNAL AFFAIRS			
A—DEPARTMENT			
508	Representation Abroad—Operational Expenses—Further amount required.....	199,555	
509	Representation Abroad—Construction, acquisition or improvement of buildings, works, land, equipment and furnishings—Further amount required.....	44,600	
510	Gift to commemorate the independence of Sierra Leone.....	5,000	
EXTERNAL AID OFFICE			
511	Salaries and Expenses—Further amount required.....	87,054	
CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS			
Bilateral Economic Aid Programs—			
512	West Indies Assistance Program—Further amount required	390,000	
513	Educational Assistance for Independent French-Speaking African States.....	300,000	
Special Aid Programs—			
514	Expenses in connection with Canada's participation in the World Refugee Year, for the completion of the Tuberculous Refugee Program—Further amount required....	60,000	
OTHER PAYMENTS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS			
515	Contribution to the program of the North Atlantic Treaty Organization's Science Committee—To increase by \$61,400 U.S. the amount of the contribution provided for in Vote 103, Main Estimates, 1961-62; the equivalent in Canadian dollars, estimated as of May, 1961, is.....	60,570	
516	Assessment for the United Nations Congo Ad Hoc Account for 1961 in an amount of \$3,080,733 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of May, 1961, which is.....	3,044,150	4,190,929
FINANCE			
GENERAL ADMINISTRATION			
517	Comptroller of the Treasury—Central Office and Branch Offices Administration—Further amount required.....	104,000	
ADMINISTRATION OF VARIOUS ACTS AND COSTS OF SPECIAL FUNCTIONS			
518	Administration of the Farm Improvement Loans Act, the Veterans' Business and Professional Loans Act, the Fisheries Improvement Loans Act, the Prairie Grain Producers' Interim Financing Act, the Prairie Grain Loans Act and the Small Businesses Loans Act—Further amount required....	14,954	
CONTINGENCIES AND MISCELLANEOUS			
519	Miscellaneous minor or unforeseen expenses, subject to the approval of the Treasury Board—Further amount required..	1,500,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FINANCE—Concluded		
	GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS		
520	<p>To authorize the Governor in Council to add to Part I of Schedule A to the Public Service Superannuation Act</p> <p>(a) such part of the staff of Government House as is paid by the Governor General from his salary or allowance,</p> <p>(b) notwithstanding subsection (2) of section 9 of the Canadian Overseas Telecommunication Corporation Act, the Canadian Overseas Telecommunication Corporation, and</p> <p>(c) notwithstanding subsection (1) of section 5 of the Government Companies Operation Act, Canadian Arsenals Limited;</p> <p>and to authorize the Governor in Council to make regulations respecting the terms and conditions under which any employee of the Canadian Overseas Telecommunication Corporation or Canadian Arsenals Limited who is, on the addition of those corporations to Part I of Schedule A, a member of a pension plan to which either corporation contributes in respect of him, may elect not to become a contributor under the Public Service Superannuation Act.....</p>	1	1,618,955
	FISHERIES		
521	<p>Conservation and Development Service— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....</p>	263,866	
522	Inspection and Consumer Service—Further amount required..	155,000	
	SPECIAL		
523	Canadian share of expenses of the International Commissions detailed in the Estimates—Further amount required.....	200,000	
524	Newfoundland Bait Service—Further amount required.....	30,000	
525	Assistance in the construction of vessels of the dragger or long liner type—Further amount required.....	150,000	
	FISHERIES RESEARCH BOARD OF CANADA		
526	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	124,300	923,166
	FORESTRY		
527	Contribution to the Province of New Brunswick for assistance in a program designed to combat the spruce budworm infestation, in accordance with an agreement entered into by Canada and the Province.....	500,000	
	FOREST RESEARCH BRANCH		
528	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	63,000	563,000

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	GOVERNOR GENERAL AND LIEUTENANT-GOVERNORS		
529	To authorize reimbursement to the Lieutenant-Governors of the Provinces of Canada of the costs of travelling and hospitality incurred in the exercise of their duties—Further amount required and to increase the maximum amounts set out in Vote 163 of the Main Estimates, 1961-62, as follows: (a) where the population of the province at the last decennial census did not exceed 500,000, \$7,500; (b) where the population of the province at the last decennial census exceeded 500,000, \$7,500 plus \$1,500 per each 100,000 or fraction of 100,000 of population over 500,000, but not exceeding \$18,000 in any case.	.....	43,000
	JUSTICE		
	B—PENITENTIARIES		
530	Operation and Maintenance of Penitentiaries—To ratify all payments of gratuities purporting to have been granted pursuant to the Penitentiary Act to retired officers to whom Part II of the Civil Service Superannuation and Retirement Act applied but who did not contribute to the Retirement Fund, and to authorize the exemption of R. W. Read, A. W. Clermont, A. K. Gibson and J. N. Nadeau from the provisions of Part II of the Civil Service Superannuation and Retirement Act and the Public Service Superannuation Act in order that they may qualify for payment of gratuities on retirement under the provisions of section 37 of the Penitentiary Act and to provide a further amount of.....	350,185	
531	Construction, Improvements and Equipment—Further amount required.....	900,000	1,250,185
	LABOUR		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
532	Civilian Rehabilitation Branch including payments to the Provinces to implement a program for the rehabilitation of disabled persons, in accordance with terms and conditions approved by the Governor in Council—Further amount required.....	18,500	
	TECHNICAL AND VOCATIONAL TRAINING ASSISTANCE		
533	Administration—Further amount required.....	36,670	
534	To carry out the purposes of the Technical and Vocational Training Assistance Act and agreements made thereunder, including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current fiscal year in an amount of \$508,700 in excess of the total amount voted in this fiscal year—Payments to the Provinces—Further amount required.....	20,000,000	20,055,170
	LEGISLATION		
	THE SENATE		
535	General Administration—Further amount required.....		5,000

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
MINES AND TECHNICAL SURVEYS			
A—DEPARTMENT			
GEOLOGICAL SURVEY OF CANADA			
536	Administration, Operation and Maintenance—Further amount required.....	50,000	
MINES BRANCH			
537	Administration, Operation and Maintenance—To extend the purposes of Vote 220 of the Main Estimates for 1961-62 to include Canada's share of the cost of the Commonwealth Committee on Mineral Processing and to provide a further amount of.....	25,375	
DOMINION OBSERVATORIES			
538	Dominion Observatory, Ottawa and Field Stations— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	39,000	
539	Dominion Astrophysical Observatory, Victoria, B.C.— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	84,000	
GENERAL			
540	Purchases of Air Photography and the expenses of the Inter-Departmental Committee on Air Surveys—Further amount required.....	338,000	
			536,375
NATIONAL DEFENCE			
DEFENCE RESEARCH AND DEVELOPMENT			
541	Defence Research Board— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	1,100,000	
GENERAL SERVICES			
542	Final instalment on Grant to assist in the construction of the Soldiers' Memorial Hospital at Middleton, Nova Scotia (Revote).....	33,897	
PENSIONS AND OTHER BENEFITS			
543	To provide that Herbert John Weatherhead be deemed to have been designated by the Governor in Council pursuant to paragraph (f) of subsection (1) of section 4 of the Public Service Superannuation Act on the 1st day of October, 1960, and that he be deemed for all purposes of the said Act to have been a contributor thereunder during the period October 1, 1960, to November 20, 1960.....	1	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
NATIONAL DEFENCE— <i>Concluded</i>			
PENSIONS AND OTHER BENEFITS— <i>Concluded</i>			
544	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, payments 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 been 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—Further amount required.....	2,590	
545	To authorize the Governor in Council, in respect of persons that elected to come under Part V of the Militia Pension Act or the Defence Services Pension Act, to prescribe the terms and conditions under which a period of service in respect of which such persons, while subject to Parts I to IV of either of the said Acts, made a payment to the Receiver General that purported to be a deduction, shall be deemed to be pensionable service for all purposes of the Canadian Forces Superannuation Act (or a former Act as defined therein) from the date of such election to come under the said Part V.....	1	
546	To authorize the Treasury Board to make regulations respecting the counting as pensionable service, for the purposes of the Canadian Forces Superannuation Act, of any period not otherwise countable as such, during which a person, before becoming a contributor under the said Act, performed on a full-time basis duties of a kind specified in the regulations to be for the benefit of the Crown in right of Canada, and providing, except in the case of a person who has ceased to be a member of the regular forces (for which case the regulations may otherwise provide) that the Canadian Forces Superannuation Act shall apply as though such period were a period of service in a portion of the public service of Canada that is countable pursuant to clause (A) of subparagraph (ii) of paragraph (b) of section 5 of that Act with effect from a day specified in the regulations.....	1	
547	To authorize the Governor in Council to make regulations prescribing the terms and conditions under which a period of full-time service during time of war or otherwise in an organization or position that, in His opinion, was in support of any of the forces specified in clauses (E) and (F) of subparagraph (ii) of paragraph (b) of section 5 of the Canadian Forces Superannuation Act may, for the purposes of that Act, be counted by a contributor as if such service were a period of service in the forces specified in the said clauses..	1	
		1,136,491	
NORTHERN AFFAIRS AND NATIONAL RESOURCES			
548	Departmental Administration including Canada's share of the expenses of the "Resources for Tomorrow" Conference—Further amount required.....	31,334	
NATIONAL PARKS BRANCH			
549	National Parks and Historic Sites and Monuments—Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	987,750	

SCHEDULE B-Continued

No. of Pages	Description	Amount	Total
1	NORTHWEST TERRITORIES AND NUNAVUT REVENUE-Continued		
30	Continuation of the Revenue account for the period of dates from 1967-68 to 1970-71. This account is continued in the Revenue account for the period 1970-71-72. The balance forward from the previous period is \$1,000,000.	1,000,000	
301	Revenue-Administrative Expenses	25,000	
302	Revenue-Administrative Expenses-Continued	50,000	
303	Revenue-Administrative Expenses-Continued	1	
304	Revenue-Administrative Expenses-Continued	110,000	
305	Revenue-Administrative Expenses-Continued	1,111,000	
306	Revenue-Administrative Expenses-Continued	1,176,000	
307	Revenue-Administrative Expenses-Continued	1,176,000	
308	Revenue-Administrative Expenses-Continued	57,500	
309	Revenue-Administrative Expenses-Continued	1,177,500	
310	Revenue-Administrative Expenses-Continued	50,000	
311	Revenue-Administrative Expenses-Continued	50,000	
312	Revenue-Administrative Expenses-Continued	50,000	
313	Revenue-Administrative Expenses-Continued	50,000	
314	Revenue-Administrative Expenses-Continued	50,000	
315	Revenue-Administrative Expenses-Continued	50,000	
316	Revenue-Administrative Expenses-Continued	50,000	
317	Revenue-Administrative Expenses-Continued	50,000	
318	Revenue-Administrative Expenses-Continued	50,000	
319	Revenue-Administrative Expenses-Continued	50,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
NORTHERN AFFAIRS AND NATIONAL RESOURCES— <i>Concluded</i>			
WATER RESOURCES BRANCH			
550	Contributions to the Provinces towards the construction of dams and other works to assist in the conservation and control of water resources in accordance with agreements entered into between Canada and the Provinces—Further amount required.....	1,000,000	
NORTHERN ADMINISTRATION BRANCH			
Education Division—			
551	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	280,400	
Welfare and Industrial Divisions—			
552	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	66,600	
Yukon Territory—			
553	Operation and Maintenance—To extend the purposes of Vote 302 of the Main Estimates for 1961-62 to include the grant detailed in these Estimates.....	1	
Northwest Territories and Other Field Services—			
554	Operation and Maintenance—To extend the purposes of Vote 304 of the Main Estimates for 1961-62 to include authority to sell electric power and fuel oil (and to provide services in respect thereof), in accordance with the terms and conditions approved by the Governor in Council, to private consumers in remote locations where alternative local sources of supply are not available and to provide for grants as detailed in these Estimates....	110,000	
555	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	1,317,300	
			3,793,385
PRIVY COUNCIL			
SPECIAL			
556	Expenses of the Royal Commission on railway problems—Further amount required.....	56,580	
557	Expenses of the Royal Commission on Government Organization—Further amount required.....	1,577,480	
558	Expenses of the Royal Commission on Canadian Magazines and Other Periodicals including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	35,600	
559	Expenses of the Royal Commission on the Motor Vehicles Industries including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	16,000	
560	Expenses of the Royal Commission on Health Services including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	125,000	
			1,810,660

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
PUBLIC WORKS			
PUBLIC BUILDINGS CONSTRUCTION AND SERVICES			
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, including expenditures on works on other than federal property, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amounts required—		
561	Nova Scotia.....	119,000	
562	New Brunswick.....	75,000	
563	Quebec.....	1	
564	Ottawa.....	1	
565	Ontario (other than Ottawa).....	1	
566	Saskatchewan.....	1	
567	Alberta.....	175,000	
HARBOURS AND RIVERS ENGINEERING SERVICES			
	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates, including expenditures on works on other than federal property, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amounts required—		
568	Newfoundland.....	1	
569	Nova Scotia.....	320,000	
570	Prince Edward Island.....	181,000	
571	New Brunswick.....	1	
572	Quebec.....	1	
573	Ontario.....	1	
574	British Columbia and Yukon.....	1	
575	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	150,000	
576	Maintenance and Operation of Graving Docks, Locks and Dams—Further amount required.....	75,000	
CENTRAL MORTGAGE AND HOUSING CORPORATION			
577	To reimburse Central Mortgage and Housing Corporation for losses sustained by it during the fiscal year 1960-61 as a result of the operation of Federal-Provincial projects undertaken under section 36 of the National Housing Act, 1954...	253,790	
			1,348,799
ROYAL CANADIAN MOUNTED POLICE			
	Land, Air and Training Divisions—		
578	Operation and Maintenance—Further amount required....	202,627	
	Marine Services—		
579	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	10,888	
PENSIONS AND OTHER BENEFITS			
580	Pensions to families of members of the Mounted Police who have lost their lives while on duty, as detailed in the Estimates—Further amount required.....	1,872	
			215,387

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
581	Departmental Administration—Further amount required.....	299,335	
582	Exhibitions Branch—Further amount required.....	307,050	
			606,385
	TRANSPORT		
	A—DEPARTMENT		
583	Departmental Administration—Further amount required.....	47,585	
	MARINE SERVICES		
584	Marine Regulations including Pilotage and Marine Reporting Services— Administration, Operation and Maintenance—To extend the purposes of Vote 412 of the Main Estimates for 1961-62 to include the grants detailed in these Estimates.....	2,488	
	RAILWAY AND STEAMSHIP SERVICES		
585	Bell Island—Portugal Cove, Newfoundland Ferry Service—Repairs and Improvements to Terminal Facilities owned by Newfoundland.....	97,400	
586	Railway to Great Slave Lake—Location Survey—Further amount required.....	193,908	
	AIR SERVICES		
	Civil Aviation Branch		
587	Contributions, in accordance with terms and conditions approved by the Governor in Council, to assist in the establishment or improvement of local airports and related facilities—Further amount required.....	100,000	
	Telecommunications and Electronics Branch		
588	Radio Aids to Air and Marine Navigation—Administration, Operation and Maintenance—Further amount required.....	128,760	
	Meteorological Branch		
589	Administration, Operation and Maintenance—Further amount required.....	400,000	
	B—GENERAL		
	BOARD OF TRANSPORT COMMISSIONERS		
590	Interim payments, related to recommendations of the Royal Commission on Railway Problems pending its complete report, to Companies as defined in the Freight Rates Reduction Act of an aggregate amount in respect of the calendar year 1961 of \$50,000,000, to be paid in instalments at such times and in accordance with such method of allocation as may be determined by the Board of Transport Commissioners for Canada, as compensation to such Companies for the maintenance of their rates on freight traffic at reduced levels as provided for in the said Act.....	50,000,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT— <i>Concluded</i>		
	B—GENERAL— <i>Concluded</i>		
	CANADIAN MARITIME COMMISSION		
591	Steamship Subventions for Coastal Services, as detailed in the Estimates—Further amount required.....	179,000	
592	Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council.....	10,000,000	
	NATIONAL HARBOURS BOARD		
593	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 1961 on the following account: Reconstruction and Capital Expenditures—Quebec— Further amount required.....\$1,300,000 Less—Amount to be expended from Replacement and Other Funds..... 250,000	1,050,000	
	ST. LAWRENCE SEAWAY AUTHORITY		
594	Operating deficit and capital requirements of Canals and Works entrusted to the St. Lawrence Seaway Authority—Further amount required.....	366,000	62,565,141
	VETERANS AFFAIRS		
	Treatment Services—		
595	Operation of Hospitals and Administration—Further amount required.....	350,000	
596	Hospital Construction, Improvements, Equipment and Acquisition of Land—Further amount required.....	200,000	
	WAR VETERANS ALLOWANCES AND OTHER BENEFITS		
597	Treatment and Other Allowances—Further amount required..	525,000	
	MISCELLANEOUS PAYMENTS		
598	Burials and Memorials—Further amount required.....	185,000	
	CANADIAN PENSION COMMISSION		
599	Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; and including Newfoundland Special Awards—Further amount required.....	31,250,000	32,510,000

SCHEDULE B—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES		
	JUSTICE		
	<i>Penitentiaries</i>		
600	To increase to \$1,000,000 the amount that may be charged at any time to the revolving fund established by Vote 628 of the Appropriation Act No. 2, 1955, and extended by Vote 657 of the Appropriation Act No. 5, 1958, for the purpose of acquiring and managing any stores or materials required for penitentiary use; additional amount required.....	400,000	
	PUBLIC WORKS		
	<i>Central Mortgage and Housing Corporation</i>		
601	Advances pursuant to sub-section (4) of section 36 of the National Housing Act, 1954, in respect of housing and land development projects undertaken jointly with the governments of the provinces during the fiscal year 1960-61.....	12,500,000	
	TRANSPORT		
602	To increase to \$9,000,000 the amount that may be charged at any time to the revolving fund mentioned in subsection (2) of section 101 of the Financial Administration Act, Chap. 12, Statutes of 1951 (2nd Session), and extended by Vote 630 of the Appropriation Act No. 2, 1955, Vote 662 of the Appropriation Act No. 5, 1958, and Vote 710 of the Appropriation Act No. 3, 1960; additional amount required.....	2,000,000	
			14,900,000
			*152,445,683

* Net total \$49,822,651.25.

SCHEDULE C.

Based on the Further Supplementary Estimates (1), 1961-62. The amount hereby granted is \$7,918,749.99, being the total of the amounts of the items in the said Estimates as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 4, 1961*.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
AGRICULTURE			
PRODUCTION AND MARKETING BRANCH			
Livestock Division—			
603	To extend the purposes of Vote 23 of the Main Estimates for 1961-62 to authorize, subject to the terms and conditions thereof, the issue by the Minister of Agriculture of Premium Warrants for High Grade Lamb Carcasses, and to provide a further amount of.....	380,000	
Plant Products Division—			
604	Contributions to Alberta, Saskatchewan and Manitoba in accordance with terms and conditions prescribed by the Minister of Agriculture, of one-half of the amounts paid by those Provinces in respect of the transport of fodder and haying equipment and the movement of cattle to feed in the period from the 26th day of June, 1961, to the 31st day of March, 1962	1,500,000	
605	Contribution to Prince Edward Island, in accordance with terms and conditions prescribed by the Governor in Council, of one-half of amounts paid by that Province to potato growers in respect of their 1960 crop as compensation for losses due to fusarium rot to a maximum contribution by Canada of \$300 in respect of any one farm.....	125,000	
			2,005,000
EXTERNAL AFFAIRS			
CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS			
Special Aid Programs—			
606	Purchase of flour to be given to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.....		1,500,000
FINANCE			
CONTINGENCIES AND MISCELLANEOUS			
607	To supplement the Estimates of other Departments for programs which will provide employment in Cape Breton.....		120,000
FORESTRY			
608	Contribution to Nova Scotia, in accordance with such terms and conditions as the Governor in Council may approve, in respect of a program of forest stand improvement which will provide employment in Cape Breton.....		280,000

SCHEDULE C - Capital

Type	Amount	Description	Date
A	1	MONTGOMERY AVIATION AND AERIAL INDUSTRIES	1954
		National Capital District	
		National Capital and District of Columbia The National Capital and District of Columbia Government is a corporation of the District of Columbia incorporated under the laws of the District of Columbia and has its principal office in the District of Columbia.	
		TERRACON AVIATION	
		The Terracon Aviation Company is a corporation incorporated under the laws of the District of Columbia and has its principal office in the District of Columbia.	
1,100,000			
11,000,000			
12,100,000			

1954

SCHEDULE C—*Concluded.*

No. of Vote	Service	Amount	Total
		\$	\$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	NATIONAL PARKS BRANCH		
609	National Parks and Historic Sites and Monuments— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required in respect of a program which will provide employment in Cape Breton.....		1,100,000
	VETERANS AFFAIRS		
	WAR VETERANS ALLOWANCES AND OTHER BENEFITS		
610	War Veterans Allowances—Further amount required.....		15,300,000
			<u>*20,305,000</u>

* Net total \$7,918,749.99.

