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CANADA
HOUSE OF COMMONS

18th Parliament, 3rd Session
1938

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Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 2.

An Act to amend The Dominion Franchise Act.

First reading, January 31, 1938.

THE SECRETARY OF STATE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
47281 1938

3rd Session, 18th Parliament, 2 George VI, 1938

THE HOUSE OF COMMONS OF CANADA.

BILL 2.

An Act to amend The Dominion Franchise Act.

1934, c. 51; 1935, c. 37; 1936, cc. 4, 36; 1937, c. 9.

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

1. Section twenty of *The Dominion Franchise Act*, chapter fifty-one of the statutes of 1934, as enacted by section one of chapter nine of the statutes of 1937, is repealed, and the following substituted therefor:—

Annual revision of lists.

"**20.** Annually, beginning with the year one thousand nine hundred and thirty-five, except in the years one thousand nine hundred and thirty-six, one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight, and not later than the first day of April in any year, the Commissioner shall issue and publish in the *Canada Gazette* a Proclamation in Form No. 24 calling on a revision of the then existing lists of electors in all polling divisions, to commence on the fifteenth day of May next ensuing."

2. Section twenty-two of the said Act, as enacted by section two of chapter nine of the statutes of 1937, is repealed, and the following substituted therefor:—

Revisal period.

"**22.** The days between the fifteenth day of May and the first day of July in each year, except in the years one thousand nine hundred and thirty-six, one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight, shall be a revisal period during which all Registrars of Electors shall, pursuant to this Act and in the manner indicated in this Part, make and certify revised lists of electors for all polling divisions."

Explanatory Note.

The effect of the amendment is to postpone the revision of the existing lists for one year.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to amend the Civil Service Act.

First reading, January 31, 1938.

Mr. LACROIX.
(Quebec-Montmorency).

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51284

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to amend the Civil Service Act.

R.S., c. 22; 1929, c. 38; 1932, c. 40.

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

1. Section twenty of the *Civil Service Act*, chapter twenty-two of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

Method and tenure of appointments

"**20.** Except where otherwise expressly provided, all appointments to the civil service shall be upon competitive examination under and pursuant to the provisions of this Act, and shall be during pleasure: Provided that no appointment, whether permanent or temporary, shall be made to a local position within a province, and no employee shall be transferred from a local position in one province to a local position in another province, whether permanent or temporary, until and unless such candidate or employee has qualified, by examination, in the knowledge and use of the language of the majority of the citizens of such province requisite to the performance of the duties of the position in question."

Proviso.

Examinations in English or French.

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

"**32.** Subject to the provisions of section twenty of this Act, every examination under this Act shall be held in the English or French language, at the option of the candidate; and notice of every examination shall be published in the English and French languages in the *Canada Gazette*, and such notice shall state the number of positions that it is expected will be open for appointments, the positions that are then vacant, and in each case the qualifications required for such positions."

Explanatory Note.

Sections 20 and 32 of the Civil Service Act are amended by inserting at the end of section 20 and at the beginning of section 32 the words underlined on the opposite page.

The object of this amendment is to provide that all employees of the federal government who are appointed to positions within a province or transferred from one province to another, either as temporary or permanent employees, should before being appointed or transferred pass an examination as to their knowledge of the language of the majority of the province. For instance, no one might be appointed to a position in the Civil Service in the Provinces of British Columbia or Manitoba or Nova Scotia, unless he has the requisite knowledge of the English language, and no one might be appointed to a position in the province of Quebec unless he has the requisite knowledge of the French language.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act to amend the Criminal Code.

First reading, January 31, 1938.

Mr. WOODSWORTH.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
51280 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

R.S., c. 36; 1930, c. 11; 1931, c. 28; 1932, cc. 7, 8, 9, 28; 1932-33, cc. 25, 59. 1934, cc. 11, 47; 1935, cc. 36, 56; 1936, c. 29.

An Act to amend the Criminal Code.

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

1. The *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is amended by inserting immediately after section five hundred and two the following section:—

"**502A.** Any employer or his agent, whether an individual person, company or corporation, who

Refusing to employ, etc., members of a trade union.

(a) refuses to employ or dismisses from his employment any person for the reason that such person is a member of a trade union or of an association or combination of workmen or employees formed for the purpose of advancing in a lawful manner their interests and organized for their protection in the regulation of wages and conditions of work; or

Intimidation to prevent workmen from belonging to a trade union.

(b) seeks by intimidation, threat of loss of position or employment, or by actual loss of position or employment, or by threatening or imposing any pecuniary penalty, to prevent workmen or employees from belonging to a trade union or to such association or combination; or

Conspiring, etc., to do things mentioned.

(c) conspires, combines, agrees or arranges with any other employer or his agent to do any of the things mentioned in the preceding paragraphs;

Penalty.

is guilty of an indictable offence and liable, in the case of an individual, to a fine not exceeding one hundred dollars or to not more than three months' imprisonment, with or without hard labour, and in the case of a company or corporation, to a penalty not exceeding one thousand dollars.

Explanatory Note.

The purpose of this Bill is to prevent employers from refusing to employ, or from dismissing employees, or conspiring with others therefor, for the reason that they are members of a trade union.

As it is lawful for workmen or employees to form themselves into trade unions and to bargain collectively, it should, as a matter of public policy, be unlawful for employers to seek by overt acts or intimidation, threats or conspiracy to prevent them from belonging to such trade unions.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

An Act to amend the Railway Act.

First reading, January 31, 1938.

Mr. BOULANGER.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELENT MAJESTY
51698 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

An Act to amend the Railway Act.

R.S., c. 170; 1928, c. 43; 1929, c. 54; 1930, c. 36; 1932-33, c. 47.

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

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

Snow fences.

"**203.** (1) Every railway company may, on and after the first day of November, in each year, enter into and upon any lands of His Majesty or of any person lying along the route or line of the railway, and erect and maintain snow fences thereon, subject to the payment of such land damages, if any actually suffered, as are thereafter established by mutual agreement, and failing such agreement, by the Board of Railway Commissioners for Canada, who shall determine and fix the compensation to be paid the owner by way of damages. Such compensation shall be determined and fixed by the Board, where possible, in respect to future as well as present or past damages suffered by the said owner."

Compensation.

Explanatory Notes.

New methods used by the railways to prevent the accumulation of snow on their lines with the help of snow fences are causing more serious damages to the owners of land along the line of railway. The purpose of this Bill is to provide a more expeditious and less costly method of determining the damages actually suffered and would prevent the railway companies from taking the claimants from one court to another. The intention is to substitute for the jurisdiction of the ordinary courts that of the Board of Railway Commissioners.

Section two hundred and three reads as follows:—

"**203.** Every railway company may, on and after the first day of November, in each year, enter into and upon any lands of His Majesty or of any person lying along the route or line of the railway, and erect and maintain snow fences thereon, subject to the payment of such land damages, if any actually suffered, as are thereafter established, in the manner provided by law with respect to such railway.

2. Every snow fence so erected shall be removed on or before the first day of April then next following."

The words underlined on the opposite page are substituted for those underlined above.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend the Government Railways Act.

First reading, January 31, 1938.

Mr. BOULANGER.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51702

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend the Government Railways Act.

R.S., c. 173.

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

1. Paragraph *(l)* of section five of the *Government Railways Act*, chapter one hundred and seventy-three of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

Snow fences on adjoining lands.

"*(l)* enter into and upon any lands of His Majesty, or into and upon the lands of any person whomsoever, lying along the route or line of railway between the first day of November in any year and the fifteenth day of April next following, and erect and maintain temporary snow fences thereon, subject to the payment of such land damages, if any, as are thereafter established by mutual agreement to have been actually suffered, and failing such agreement, by the Board of Railway Commissioners for Canada who, where possible, shall determine and fix the amount of compensation to be paid the owner in respect to future as well as present or past damages suffered by the said owner: Provided that all such snow fences so erected shall be removed on or before the fifteenth day of April next following the erection thereof;"

Compensation.

Removal.

Explanatory Note.

1. The paragraph to be repealed reads as follows:—

"*(l)* enter into and upon any lands of His Majesty, or into and upon the lands of any person whomsoever, lying along the route or line of railway between the first day of November in any year and the fifteenth day of April next following, and erect and maintain temporary snow fences thereon, subject to the payment of such land damages, if any, as are thereafter established, in the manner by law provided, to have been actually suffered: Provided that all such snow fences so erected shall be removed on or before the fifteenth day of April next following the erection thereof;"

The only change consists in substituting the words underlined on the opposite page for those underlined above.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 7.

An Act respecting Industrial Loan and Finance Corporation.

First reading, February 1, 1938.

(PRIVATE BILL.)

Mr. VIEN.

OTTAWA
J. O. PATENAUDE, I.S.O
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51165

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 7.

An Act respecting Industrial Loan and Finance Corporation.

1930, c. 68.

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

1. Paragraph *(b)* of subsection one of section five of chapter sixty-eight of the statutes of 1930, except the first three lines thereof, is repealed and the following substituted therefor:—

Rate of charge.

"lend money in sums not exceeding five hundred dollars in amount, and may charge, contract for and receive thereon charges including interest at a rate not exceeding two and one-quarter percentum per month. Such charges shall not be paid, deducted or received in advance and they shall be computed and paid only on unpaid principal balances and shall not be compounded. The maximum charges permitted on such loans shall be computed on the basis of the number of days actually elapsed and for the purpose of such computations a month shall be any period of thirty consecutive days:

No further charges.

Provided that no further or other charge, or amount whatsoever for any examination, inquiry, service-brokerage commission, expense, fee, bonus, discount, fine, penalty, default, renewal or other matter or thing whatsoever shall be directly or indirectly charged, contracted for or received. If any such further or other charge or amount is directly or indirectly charged, contracted for or received, the contract of loan shall be void and the Company shall have no right to collect or receive any principal, interest or charges whatsoever unless the Company proves to the satisfaction of a court or judge of competent jurisdiction that such

Explanatory Notes.

The main objects of this Bill are:—

To change the operation of the Company from a discount to an interest plan and to vary and clarify its charges.

To set up a system of operation based on a simple flat and uniform rate not exceeding two and one-quarter per centum per month on money loaned.

The portions of section five (Powers of the Company) to be repealed read as follows:—

"(i) lend money secured by assignment of choses-in-action, chattel mortgages or such other evidence of indebtedness as the Company may require, and may charge interest thereon at the rate of not more than seven per centum per annum, and may on all loans deduct the interest in advance and provide for repayments in weekly, monthly or other uniform repayments: Provided that the borrower shall have the right to repay the loan at any time before the due date, and, on such repayment being made, to receive a refund of such portion of the interest paid in advance as has not been earned, except a sum equal to the interest for three months,

(ii) charge, in addition to interest as aforesaid, for all expenses which have been necessarily and in good faith incurred by the Company in making a loan authorized by the next preceding sub-paragraph (i), including all expenses for inquiry and investigation into the character and circumstances of the borrower, his endorsers, co-makers or sureties, for taxes, correspondence and professional advice, and for all necessary documents and papers, two per centum upon the principal sum loaned,

(iii) notwithstanding anything in the next two preceding sub-paragraphs (i) and (ii) the Company shall, when a loan authorized by the said sub-paragraph (i) has been made on the security of a chattel mortgage, or of subrogation of taxes, be entitled to charge an additional sum equal to the legal and other actual expenses disbursed by the Company in connection with such loan, but not exceeding the sum of ten dollars,

but, no charge for expenses of any kind shall be made or collected unless the loan has been actually made, or unless such a loan has been renewed after one year from the making thereof or after one year from the last renewal thereof."

further or other charge or amount was the result of a purely accidental and *bona fide* slip or error and was not the result of a regular course of dealing, in which case such court or judge may allow the Company to collect and recover such sum for principal, interest and charges as to such court or judge may seem just and equitable:

Prepayment

And further provided that the borrower may repay the loan or any part thereof at any time before its due date, without notice or bonus, but the Company may apply such payment first of all proper charges in full at the agreed rate up to the date of such payment."

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 8.

An Act respecting Central Finance Corporation and to change its name to Household Finance Corporation of Canada.

First reading, February 1, 1938.

(PRIVATE BILL.)

MR. MACDONALD (Brantford City).

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
51632 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 8.

An Act respecting Central Finance Corporation and to change its name to Household Finance Corporation of Canada.

1928, c. 77. 1929, c. 94.

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

Change of name.

1. Section one of chapter seventy-seven of the statutes of 1928 is amended by striking out from the seventh line thereof the words "Central Finance Corporation" and substituting therefor the words "'Household Finance Corporation of Canada' (which in the French language may be designated as 'La Corporation Canadienne de la Finance du Menage')".

Capital Stock.

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

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

Rate of charge.

3. Paragraph *(b)* of subsection one of section five of the said Act, as enacted by section two of chapter ninety-four of the statutes of 1929, except the first three lines thereof, is repealed and the following substituted therefor:—

"lend money in sums not exceeding five hundred dollars in amount, and may charge, contract for and receive thereon charges including interest at a rate not exceeding two and one-quarter percentum per month. Such charges shall not be paid, deducted or received in advance and they shall be computed and paid only on unpaid principal balances and shall not be compounded. The maximum charges permitted on such loans shall

Explanatory Notes.

The main objects of this Bill are:—To change the operation of the Company from a discount to an interest plan and to vary and clarify its charges. To set up a system of operation based on a simple flat and uniform rate not exceeding two and one-quarter percentum per month on money loaned.

To change the name of the Company and increase its capital.

1. The reason for this amendment is that the Company, though originally incorporated in 1928 and still locally managed and staffed by Canadians, was acquired in January, 1933, by and is now virtually a wholly owned subsidiary of Household Finance Corporation, incorporated under the laws of the State of Delaware.

2. The section to be repealed reads as follows:—

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

The whole of the authorized capital, except Directors' qualifying shares, is owned by Household Finance Corporation and is fully employed in the business. The Company is at the present time operating to a very large extent on money borrowed from the parent company and the parent company is willing to take additional capital stock in payment of the Company's present indebtedness and to acquire further stock from time to time.

3. The portions of section five (Powers of the Company) to be repealed read as follows:—

> "(i) lend money secured by assignment of choses-in-action, chattel mortgages or such other evidence of indebtedness as the Company may require, and may charge interest thereon at the rate of not more than seven per centum per annum and may deduct such interest in advance and provide for repayment in weekly, monthly or other uniform repayments: Provided that the borrower shall have the right to repay the loan at any time before the due date, and, on such repayment being made, to receive a refund of such

be computed on the basis of the number of days actually elapsed and for the purpose of such computations a month shall be any period of thirty consecutive days:

No further charge.

"Provided that no further or other charge, or amount whatsoever for any examination, inquiry, service-brokerage commission, expense, fee, bonus, discount, fine, penalty, default, renewal or other matter or thing whatsoever shall be directly or indirectly charged, contracted for or received. If any such further or other charge or amount is directly or indirectly charged, contracted for or received, the contract of loan shall be void and the Company shall have no right to collect or receive any principal, interest or charges whatsoever unless the Company proves to the satisfaction of a court or judge of competent jurisdiction that such further or other charge or amount was the result of a purely accidental and *bona fide* slip or error and was not the result of a regular course of dealing, in which case such court or judge may allow the Company to collect and recover such sum for principal, interest and charges as to such court or judge may seem just and equitable:

Prepayment.

"And further provided that the borrower may repay the loan or any part thereof at any time before its due date, without notice or bonus, but the Company may apply such payment first of all proper charges in full at the agreed rate up to the date of such payment."

portion of the interest paid in advance as has not been earned, except a sum equal to the interest for three months;

"(ii) charge, in addition to interest as aforesaid, for all expenses which have been necessarily and in good faith incurred by the Company in making a loan authorized by the next preceding sub-paragraph (i), including all expenses for inquiry and investigation into character and circumstances of the borrower, his co-maker or surety, for taxes, correspondence and professional advice, and for all necessary documents and papers, two per centum upon the principal sum loaned;

"(iii) notwithstanding anything in the next two preceding sub-paragraphs (1) and (ii) the Company shall, when a loan authorized by the said sub-paragraph (i) has been made on the security of a chattel mortgage, be entitled to charge an additional sum equal to the legal and other actual expenses disbursed by the Company in connection with such loan but not exceeding the sum of ten dollars;

but no charge for expenses of any kind shall be made or collected unless the loan has been actually made, or unless such a loan has been renewed after one year from the making thereof or after one year from the last previous renewal thereof."

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 9.

An Act to amend the Canada Shipping Act, 1934.

First reading, February 1, 1938.

The MINISTER OF TRANSPORT.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50527 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 9.

An Act to amend the Canada Shipping Act, 1934.

1934, c. 44; 1936, c. 23.

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

1. The *Canada Shipping Act, 1934*, chapter forty-four of the statutes of 1934, is amended by inserting immediately after section seven hundred and three the following section:—

Prohibition of shipment of articles of war to countries in a state of war.

"**703A.** (1) No article to which this section applies shall be discharged at any port or place in any territory designated by the Governor in Council for the purposes of this section or within the territorial waters adjacent to such territory from a ship registered in Canada, and no such article shall be transhipped on the high seas from any such ship into any vessel bound for any such port or place, and no such article consigned to or destined for any such port or place shall be taken on board or carried in any such ship.

Regulation by G. in C.

(2) The Governor in Council may from time to time by regulation

(a) designate any territory or territories in which there is a state of war or armed conflict, civil or otherwise, in respect of which the provisions of this section shall apply;

(b) prescribe the time or times during which such provisions shall so apply;

(c) exempt in the case of any territory so designated any article or class of articles referred to in the next following subsection from the application of the provisions of this section;

(d) provide otherwise for the carrying out of the intent of this section.

Articles defined.

(3) Subject to the provisions of subsection two of this section, the articles to which this section applies are arms, ammunition, implements or munitions of war, military,

Explanatory Note.

The purpose of this Bill is to enable the Government of Canada to control the carrying of munitions by ships registered in Canada to countries that are engaged in war or civil conflict.

naval or air stores, or any articles deemed capable of being converted thereinto or made useful in the production thereof, or provisions or any sort of victual which may be used as food by man or beast.

Discharging, etc., articles in contravention of this section.

(4) If any article is discharged or transhipped from, or taken on board or carried in, any ship in contravention of this section, any person being the owner, charterer or master of the ship shall, if he is privy to the contravention, be guilty of an indictable offence.

Exchequer Court jurisdiction to declare articles forfeited.

(5) Where any articles are taken on board or carried in any ship in contravention of this section, the Exchequer Court of Canada on its Admiralty side, or, in any other part of His Majesty's dominions, any court exercising jurisdiction under the provisions of subsection two of section seven hundred and ten of this Act, may declare those articles and any packages or receptacles in which they are contained, to be, and they shall thereupon be forfeited and when forfeited shall be disposed of as the court directs.

Powers of certain officers.

R.S., c. 42.

(6) Any officer mentioned in section seven hundred and three of this Act, any British consular officer, or an officer as defined for the purposes of the provisions of the *Customs Act* which relate to preventive measures, who has reason to suspect that a ship is contravening or has contravened the provisions of this section shall, without prejudice to the powers conferred by that section have the following powers, that is to say:—

(a) he may go on board the ship and for that purpose may detain the ship or require it to stop or to proceed to some convenient place;

(b) he may require the master to produce any documents relating to any cargo which is being carried or has been carried on the ship;

(c) he may search the ship and examine the cargo and require the master or any member of the crew to open any package or parcel which he suspects to contain any articles to which this section applies;

(d) he may make any other examination or inquiry which he deems necessary to ascertain whether this section is being or has been contravened;

(e) if it appears to him that this section is being or has been contravened, he may, without summons, warrant or other process, take the ship and her cargo and her master and crew to the nearest or most convenient port in Canada or in any other part of His Majesty's dominions in order that the alleged contravention may be adjudicated upon by a competent court.

Failing to stop or proceed if required to do so.

(7) If any ship duly required under the last preceding subsection to stop or to proceed to some convenient place fails to comply with that requirement, the master of the

ship shall be guilty of an indictable offence, and if a master or any other person fails to do any other thing duly required of him under that subsection or obstructs any officer in the exercise of his powers under that subsection, he shall be liable to a fine not exceeding five hundred dollars.

Publication of regulations in Gazette.

(8) Upon the publication in the *Canada Gazette* of any regulations made by the Governor in Council under the authority of this section, such regulations shall, as and from the date of the publication, or any later date mentioned therein, take effect as if they were enacted by Parliament."

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 10.

An Act to amend the Criminal Code.

First reading, February 1, 1938.

MR. CHURCH.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51288

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 10.

R.S., c. 36; 1930, c. 11; 1931, c. 28; 1932, cc. 7, 8, 9, 28; 1932–33, cc. 25, 59; 1934, cc. 11, 47; 1935, cc. 36, 56; 1936, c. 29.

An Act to amend the Criminal Code.

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

1. Subsection two of section two hundred and eighty-five of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

Liability of driver of car for failure to stop after accident happens.

"(2) Whenever, owing to the presence of a motor car on the highway, an accident has occurred to any person or to any horse or vehicle in charge of any person, any person driving the motor car shall be liable on summary conviction to a fine not exceeding fifty dollars and costs or to imprisonment for a term not exceeding thirty days and to the suspension of his driver's licence or permit for a period not exceeding six months if he fails to stop his car and, with intent to escape liability either civil or criminal, drives on without tendering assistance and giving his name and address."

2. The first four lines of subsection four of section two hundred and eighty-five of the said Act, as enacted by section six of chapter eleven of the statutes of 1930, and as amended by section four of chapter fifty-six of the statutes of 1935, are repealed and the following substituted therefor:

Driving while under influence of alcohol or narcotic.

"(4) Everyone who, while under the influence of alcohol or of any narcotic, to such a degree as to make him incapable of exercising a safe and proper control of any motor vehicle or automobile, drives or attempts to drive such motor vehicle or automobile is guilty of an offence, and liable,"

3. Section two hundred and eighty-five of the said Act, as amended by section six of chapter eleven of the statutes of 1930, by section eight of chapter forty-seven of

EXPLANATORY NOTES.

1. Subsection two of section 285 is hereby amended by inserting therein the words (underlined on the opposite page) "*and to the suspension of his driver's licence or permit for a period not exceeding six months*". An additional penalty is thus provided in the case of hit-and-run drivers by suspending their licence.

2. The underlined words "*under the influence of alcohol*" are being substituted for the word "*intoxicated*" because a person driving under the influence of alcohol is a menace to other drivers on the road and also because it is sometimes exceedingly difficult to prove that a person is intoxicated as there is not a complete agreement as to what constitutes intoxication.

3. (6) Subsection six provides a penalty for racing or inciting another to a dangerous speed, whether an accident happens or not, for driving recklessly or furiously, and for causing an accident by cutting in.

the statutes of 1934, by section four of chapter fifty-six of the statutes of 1935, and by sections one and two of this Act, is further amended by adding thereto the following subsections:—

Racing and cutting in.

"(6) Everyone is guilty of an indictable offence and liable to one year's imprisonment or to a fine of not more than fifty dollars, or to both fine and imprisonment, who drives any automobile or motor vehicle upon a street, road, highway or any other public place in a race, whether pre-arranged or not, or for a bet or wager or not, or incites another driver to a dangerous or furious speed by striving to pass him, or by endeavouring to cut in ahead of another automobile or motor vehicle causes an accident or injury to any other automobile or motor vehicle or person, or who engages in racing one automobile or motor vehicle against another on the spur of the moment, or drives or races wantonly or furiously or with reckless disregard of human life and safety, having regard to all the circumstances of the case.

Causing death in a culpably negligent manner.

"(7) Any person who, by the operation or use of any vehicle in a culpably negligent manner, but not wilfully or wantonly, occasions the death of another person, shall, upon conviction, be liable to imprisonment for a term not exceeding three months or to a fine of not more than one hundred dollars, or to both. The term "vehicle" shall be held to include every conveyance in, on or about which persons or property may be transported upon land, or upon, under or through water or in or through the air.

Negligence a question of fact for jury.

In any prosecution under this subsection, whether or not the accused was driving in a culpably negligent manner shall be a question of fact for a jury, and shall not depend upon the rate of speed fixed by law for operating such vehicle.

Person having caused death not to drive for two years.

"(8) Everyone is guilty of an indictable offence and liable to not more than six months' imprisonment and a fine not exceeding one hundred dollars who, having caused the death of any person while driving an automobile or motor vehicle, thereafter drives an automobile or motor vehicle at any time during the next ensuing two years, notwithstanding that such death was not caused entirely or partially by fault of such driver.

Not to drive if under eighteen years of age.

"(9) Everyone is guilty of an indictable offence and liable to a fine not exceeding ten dollars or to imprisonment not exceeding five days who being under eighteen years of age drives or attempts to drive any motor vehicle on any highway, driveway, street or avenue, designed and intended for use by the general public for the passage of motor vehicles."

4. The said Act is further amended by inserting immediately after section two hundred and eighty-five the following as section 285A:—

(7) The purpose of subsection seven is to provide that if a person is responsible for the death of another on account of the operation of a vehicle in a culpably negligent manner such person, although not guilty of wilfully or wantonly driving, should be punished for this minor offence.

(8) This subsection is for the purpose of preventing a person who has caused the death of another while driving an automobile from driving during the next ensuing two years.

(9) This subsection is for the purpose of preventing persons under eighteen years of age of driving automobiles on highways as many accidents are caused on account of the lack of judgment of such persons.

4. This section is new and makes it an offence for anyone to drive whilst his licence is suspended or revoked and provides a penalty therefor.

Driving when licence suspended or revoked.

"**285**A. Everyone who has already been convicted of reckless or furious driving or of gross negligence or of any offence under this Act or under any provincial highway traffic or motor vehicle Act, and whose permit or licence has been suspended or revoked, and who whilst his licence is so suspended or revoked again drives any motor vehicle or automobile shall be guilty of an offence and liable, on summary conviction, for a first offence, to a term of imprisonment not exceeding two months and not less than one month, and, for a second or any subsequent offence, to a term of imprisonment not exceeding four months and not less than two months."

5. The said Act is further amended by inserting immediately after section six hundred and twenty-two the following as section 622A:—

Court may impound motor vehicle.

"**622**A. The court of justice before whom any person is convicted of an offence under subsections one, two, four, five, six, seven and eight of section two hundred and eighty-five or under section two hundred and eighty-five A of the *Criminal Code* may impound, for such period of time as the Court may deem fit, the automobile or motor vehicle owned, driven or in charge of the person so convicted and shall cause the same to be disposed of as the attorney general of the province in which such forfeiture takes place may direct."

6. Subsection three of section nine hundred and fifty-one of the said Act, as enacted by section twenty-five of chapter eleven of the statutes of 1930, is repealed, and the following substituted therefor:—

Charge of manslaughter arising out of operation of motor vehicle, criminal or culpable negligence proved.

"(3) Upon a charge of manslaughter arising out of the operation of a motor vehicle the jury may find the accused not guilty of manslaughter but guilty of criminal negligence under section two hundred and eighty-four, or guilty of culpable negligence under subsection seven of section two hundred and eighty-five, and such conviction shall be a bar to further prosecution for any offence arising out of the same facts."

7 The said Act is further amended by inserting, immediately after section nine hundred and fifty-one, the following as section 951A:—

Jury to decide whether guilty or not guilty.

"**951**A. Notwithstanding any law, statute, usage, custom or doctrine of law as to the function of the judge or of the jury, on the trial by jury of any person charged with causing death or injury to another the judge shall, in every such case, leave the jury to decide the question of fact as to whether the accused is guilty or not guilty on the evidence adduced."

5. This section is new also and provides for impounding the motor vehicle when a person is convicted of certain offences under sections therein enumerated.

6. The purpose of this amendment is to define the powers of the jury in cases of manslaughter arising out of the operation of motor vehicles. The only change consists of the words underlined on the opposite page, and is necessitated by the insertion of subsection seven in section 285. (See section three of this Bill.)

7. This section is new. On the trial with a jury of persons charged with having caused death or serious injury, it is desirable that the functions of the jury should not be curtailed or abolished. There has been much criticism of many cases of gross negligence having been taken from the jury. The jury are required to take the law to be what the judge says it is, and, owing to the many cases withdrawn by order of the judge, trial by jury in those cases are negatived, and there are so many loopholes that many persons guilty of gross negligence get off. The increased accidents require that the law should be brought up to date to meet the changing conditions, while preserving also the liberty of the subject.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act respecting Japanese Immigration.

First reading, February 1, 1938

MR. NEILL.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51544

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act respecting Japanese Immigration.

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

Chinese Immigration Act to apply to Japanese.

1. The provisions of the *Chinese Immigration Act*, chapter ninety-five of the Revised Statutes of Canada, 1927, except section twenty-seven thereof, shall apply and have the same force and effect as to persons of Japanese origin or descent entering Canada for the purpose of acquiring Canadian domicile, as defined by the *Immigration Act*, as if such persons were persons of Chinese origin or descent, but a person shall not be deemed to be of Japanese origin or descent merely because his mother or his female ancestors or any of them are or were of Japanese origin or descent. And wherever the word "Chinese" appears in the said Act, except in section twenty-seven thereof, such word shall be read, construed and interpreted as applying in like manner and effect to Japanese.

Resident Japanese, except prohibited classes, may continue to reside in Canada.

R.S., c. 95.

2. Every person of Japanese origin or descent resident in Canada before the passing of this Act who was admitted under the provisions of any Act now or heretofore in force and did not secure such admission by fraudulent misrepresentations and does not belong to any of the prohibited classes of persons such as are described in section eight of the *Chinese Immigration Act* shall be deemed to be entitled to continue to reside in Canada.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 12.

An Act to amend The Copyright Amendment Act, 1931.

First reading, February 2, 1938.

Mr. ESLING.

OTTAWA
J. O PATENAUDE I.S.O
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
51531 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 12.

An Act to amend The Copyright Amendment Act, 1931.

R.S., c. 32. 1931, c. 8; 1935, c. 18; 1936, c. 28.

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

1. Subsection one of section ten of *The Copyright Amendment Act, 1931*, chapter eight of the statutes of 1931, as enacted by section two of chapter twenty-eight of the statutes of 1936, is repealed and the following substituted therefor:—

Performing rights.

"**10.** (1) Each society, association or company which carries on in Canada the business of acquiring copyrights of dramatico-musical or musical works or of performing rights therein, and which deals with or in the issue or grant of licences for the performance in Canada of dramatico-musical or musical works in which copyright subsists, shall, from time to time, file with the Minister at the Copyright Office lists of all dramatico-musical and musical works, in current use in respect of which such society, association or company has authority to issue or grant performing licences or to collect fees, charges or royalties for or in respect of the performance of its works in Canada, and with each application for a licence or for the renewal thereof, the society shall furnish to those from whom fees are to be collected in compensation for the use of music on which the society controls copyright, a list of all titles of dramatico-musical or musical works so owned or controlled. Such list shall give the title, the name of the author and the date on which and country in which the work was copyrighted and the date on which the society registered in the Copyright Office at Ottawa its ownership or control of such work, and such list shall be certified to by the Secretary of State as a correct list of the works so registered.

Explanatory Notes.

1. A person applying for a licence for the performance of dramatico-musical or musical works in which copyright subsists should be entitled to be furnished with a list of all titles of the works for which the association claims authority to issue licences, otherwise an applicant might be paying fees for the performances of works in respect of which such association has no authority to issue licences or collect fees.

The only change in subsection one of section ten consists in the addition at the end thereof of the words underlined on the opposite page.

2. Subsection eight of section ten B of the said Act, as enacted by section two of chapter twenty-eight of the statutes of 1936, is repealed and the following substituted therefor:—

Fees, charges and royalties which may be collected.

"(8) The statements of fees, charges or royalties so certified as approved by the Copyright Appeal Board shall be the fees, charges or royalties which the society, association or company concerned may respectively lawfully sue for or collect in respect of the issue or grant by it of licences for the performance of all or any of its works in Canada during the ensuing calendar year in respect of which the statements were filed as aforesaid.

Proviso.

Provided no licences shall be issued and no fees shall be collected by any society, association or company in compensation for the use of dramatico-musical or musical works through the means of radio or gramophone in any store, hotel, restaurant, skating rink, lodge hall, community hall, entertainment hall or other public place.

2. The only change in subsection eight consists in the proviso added at the end thereof, and underlined on the opposite page, to provide that no licences shall be issued or fees collected for radio reception or gramophone reproduction in public places.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 13.

An Act to amend the Lord's Day Act.

First reading, February 2, 1938.

Mr. BRUNELLE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
51499 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 13.

An Act to amend the Lord's Day Act.

R.S., c. 123; 1935, c. 14.

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

1. Section fourteen of the *Lord's Day Act*, chapter one hundred and twenty-three of the Revised Statutes of Canada, 1927, is amended by adding thereto the following subsection:—

Penalty for directors and officers permitting violations of the Act.

"(2) Any person, being a director, an officer, a superintendent or an employee of a corporation, to whose direction or orders any employee is by the terms or conditions of his employment bound to conform, who authorizes, directs or permits any such last mentioned employee of that corporation to carry on any part of the business of the corporation in violation of any of the provisions of this Act, shall be liable, on summary conviction before two justices of the peace, to the same penalties as those to which a corporation is liable under subsection one of this section or, for a first offence, to imprisonment for a term not exceeding three months and not less than one month, with or without hard labour, and for each subsequent offence, to imprisonment for a term not exceeding six months and not less than two months, with or without hard labour.

Explanatory Note.

Section fourteen reads as follows:—

"**14.** Every corporation which authorizes, directs or permits its employees to carry on any part of the business of such corporation in violation of any of the provisions of this Act, shall be liable, on summary conviction before two justices of the peace, for the first offence, to a penalty not exceeding two hundred and fifty dollars and not less than fifty dollars, and, for each subsequent offence, to a penalty not exceeding five hundred dollars and not less than one hundred dollars, in addition to any other penalty prescribed by law for the same offence."

The purpose of the Bill is to provide for the punishment by way of fine and imprisonment of directors and officers violating the provisions of the Act.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 14.

An Act to amend the Railway Act (Telephone Tolls).

First reading, February 3, 1938.

MR. LACROIX
(Quebec-Montmorency).

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51228

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 14.

An Act to amend the Railway Act. (Telephone Tolls).

R.S., c. 170; 1928, c. 43; 1929, c. 54; 1930, c. 36; 1932-33, c. 47.

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

Telephone companies.

1. Section three hundred and seventy-five of the *Railway Act*, chapter one hundred and seventy of the Revised Statutes of Canada, 1927, is amended by inserting therein, immediately after subsection five thereof, the following subsection:—

Tolls, rates and services.

"(5A) The Board may, from time to time upon application, deal with all questions of unreasonableness or unjust discrimination in respect of telephone tolls resulting from the establishment, redivision and readjustment of the boundaries of any base rate area or telephone exchange area and, where it considers such tolls to be unreasonable or unjust or contrary to any of the provisions of this Act, may require the company to substitute tolls satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls published by the company."

Explanatory Note.

The purpose of this Bill is to clarify the jurisdiction of the Board of Railway Commissioners in connection with base rate areas or exchange areas and telephone tolls and services applicable thereto.

This amendment is necessitated by the decision of the Board in the case of Quebec-Montmorency Chamber of Commerce v. Bell Telephone Co. (Canadian Railway Cases, Vol. XLVI, Part 2, Page 203).

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 15.

An Act to incorporate Niagara Falls Observation Bridge Company.

First reading, February 4, 1938.

(PRIVATE BILL).

Mr. DAMUDE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51410

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA

BILL 15.

An Act to incorporate Niagara Falls Observation Bridge Company.

Preamble.

WHEREAS a petition has been presented praying that the persons hereinafter mentioned may be constituted a corporation for the purpose of constructing, maintaining and operating a bridge across the Niagara River from a point between a point north of the present Upper Steel Arch Bridge and the north limit of Bender Street in the City of Niagara Falls, in the County of Welland, in the Province of Ontario, to a point in the City of Niagara Falls in the State of New York, one of the United States of America, north of the present Upper Steel Arch Bridge, for passage of pedestrians, vehicles, carriages, electric cars, street cars and other like purposes across the Niagara River and to charge a toll: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Wilbert George Welby of the City of Hamilton in the County of Wentworth, barrister-at-law, Robert Carl Young of the City of Niagara Falls in the County of Welland, Insurance Agent, James Close Scott of the City of Niagara Falls in the County of Welland, Contractor, John Charles Sheldon Kaumeyer of the Village of Chippawa, in the County of Welland, Wholesale Merchant and Reginald Claire Farrell of the Village of Jordon in the County of Lincoln, Fruit Grower, together with such persons as become shareholders in the Company are hereby incorporated under the name of "Niagara Falls Observation Bridge Company", hereinafter called "the Company".

Works for the general advantage of Canada.

2. The works and undertaking of the Company are hereby declared to be for the general advantage of Canada.

Provisional directors.

3. Wilbert George Welby, Robert Carl Young, James Close Scott, John Charles Sheldon Kaumeyer and Reginald Claire Farrell named in section one are constituted the provisional directors of the Company and they shall have all the powers which are conferred upon directors elected by the shareholders.

Capital stock.

4. The capital stock of the Company shall be five hundred thousand dollars of common stock divided into shares of one hundred dollars each and may be called up by the directors from time to time as they deem necessary.

Head Office.

5. The head office of the Company shall be at the City of Niagara Falls in the County of Welland in the Province of Ontario, but any general meeting of the shareholders whether annual or special, may be held elsewhere than at the head office of the Company.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the first Tuesday in February in each year.

Number of directors.

7. The number of directors shall not be less than five nor more than fifteen, one or more of whom may be paid directors.

Power to construct bridge.

8. The Company may construct, maintain and operate a bridge across the Niagara River for the passage of pedestrians, vehicles, carriages, electric cars, street cars and other like purposes with all necessary approaches, roads and works, from a point between a point north of the present Upper Steel Arch Bridge and the north limit of Bender Street in the City of Niagara Falls, in the County of Welland, in the Province of Ontario, to a point in the City of Niagara Falls in the State of New York, one of the United States of America, north of the present Upper Steel Arch Bridge, and may purchase, acquire and hold such real estate, including lands for sidings and bridge heads and other equipment required for the convenient working of traffic to, from and over the said bridge as the Company thinks necessary for any of the said purposes; but the Company shall not commence the actual construction of the said bridge nor exercise any of the powers hereunder, until an Act of Congress of the United States or other competent authority in the United States of America has been passed authorizing or approving such bridging of the said river, but the Company may, in the meantime acquire the lands, submit their plans to the Governor in Council and do all things authorized by this Act.

Construction subject to G. in C. regulations.

9. Subject to the provisions of section eight as to location, the said bridge shall be constructed and located under, and be subject to, such regulations as the Governor in Council prescribes, and to such end the Company shall submit to the Governor in Council for examination and approval, a design and drawing of the bridge, and a map of the location, showing the location of other bridges, and shall furnish such other information as is required for a full and satisfactory understanding of the subject; and until the said plans and location are approved by the Governor in Council, the bridge shall not be built or commenced, and if any change is made in the plans of the said bridge during its construction, such change shall be subject to the approval of the Governor in Council, and shall not be made or commenced until it is so approved.

Expropriation.

10. The Company may:—

(a) expropriate and take any lands actually required for the construction, maintenance and operation of the bridge, or may expropriate and take an easement in, over, under or through such lands without the necessity of acquiring a title in fee simple thereto, after the plan of such lands has been approved by the Governor in Council; and all the provisions of the *Railway Act*, applicable to such taking and acquisitions, shall apply as if they were included in this Act; and all the provisions of the *Railway Act*, which are applicable, shall in like manner apply to the ascertainment and the payment of the compensation for or damages to land arising out of such taking and acquisition, or the construction or maintenance of the works of the Company.

R.S. 170.

(b) in reduction of the damage or injury to any lands taken or affected by such authorized works, abandon or grant to the owner or party interested therein any portion of such lands, or any easement or interest therein, or make any structures, works or alterations in or upon its works for such purposes. And if the Company by its notice of expropriation or some subsequent notice, prior to the first meeting of the arbitrators, specifies its decision to take only such easement or undertake to abandon or grant such lands or easement or interest in lands, or to make such structures or works or alterations, the damages (including damages, if any, resulting from the change in the notice of expropriation) shall be assessed by the arbitrator or arbitrators appointed pursuant to the provisions of the *Railway Act*, in view of such specified decision or undertaking and the arbitrator or arbitrators shall declare the basis of their award accordingly, and such

award, as well as such specified decision or undertaking of the Company, may be enforced by the Board of Railway Commissioners for Canada;

Right of entry on lands, etc.

(c) enter into and upon any lands, buildings or structures proximate to the said bridge, for the purpose of ascertaining the state of repair thereof, and for devising the best means of avoiding any possible damages which the execution of the authorized works might occasion thereto, and make upon or in connection therewith any works, repairs or renewals, for the purpose of preventing or mitigating any such damage, and the Company shall make compensation in the manner specified in the *Railway Act*, to all persons interested for the damage sustained by them (if any) by reason of the exercise of the powers in this section contained; and section two hundred and thirty-nine of the *Railway Act*, shall apply to the exercise of the powers in this clause granted so far as is necessary to enable the Company to carry them into effect.

Tolls.

11. Subject to the provisions of the *Railway Act* the Company may charge tolls for the use of the said bridge, approaches and facilities, and may regulate the tolls to be charged.

Issue securities.

12. (1) The Company may issue bonds, debentures or other securities in aid of the construction herein mentioned, to an amount not exceeding seven million dollars.

(2) For the purpose of securing the issue of such bonds the Company may execute a mortgage or mortgages, not inconsistent with law or with the provisions of this Act, in such form and containing such provisions as are approved by a resolution passed at a special meeting of the shareholders called for the purpose.

(3) The Company may charge and bind the tolls and revenues of the property to which any such mortgage relates, in the manner and to the extent therein specified.

Issue stock in payment of any business franchise, etc., acquired.

1934, c. 33.

13. Subject to the provisions of the *Companies Act*, the directors may issue as paid-up stock shares of the capital stock of the Company in payment of any business, franchises, undertakings, rights, powers, privileges, letters patent, inventions, real estate, stocks, assets and other properties which the Company may lawfully acquire, and may for such considerations allot and hand over such shares to any person or corporation or its shareholders or directors; and any such issue or allotment of stock shall be binding upon the Company and such stock shall not be assessable for calls, nor shall the holder thereof be liable in any way thereon; or the Company may pay therefor wholly or partly in paid-up shares or wholly, or partly in bonds and debentures or as may be agreed upon.

May receive grants.

14. The Company may receive by grant from any government, municipality or persons, as aid in the construction, equipment and maintenance of the said bridge and works connected therewith, any real or personal estate or property, or any sums of money, debentures or subsidies either as gifts by way of bonus or guarantee, or in payment or as subventions for services and may dispose thereof and may alienate such of the said property as is not required for the purposes of the Company in carrying out the provisions of this Act.

Amalgamation with other companies or authorities.

15. The Company may unite with any company or companies incorporated under the laws of Canada or of the State of New York or of the United States of America, or any other state thereof, or with any public authority, body or commission constituted under the laws of Canada or of the State of New York or of the said United States or any other state thereof, in financing, controlling, building, working, managing, maintaining and using the said bridge, terminals and approaches, and may make agreements with any such company or companies, public authority, body or commission respecting the financing, control, construction, maintenance, management and use of the said bridge and appurtenances and acquiring the necessary approaches and lands therefor in the State of New York as well as in Canada, and may, subject to the provisions of sections one hundred and fifty-one, one hundred and fifty-two and one hundred and fifty-three of the *Railway Act*, make arrangements with any such company or companies, public authority, body or commission for conveying or leasing the said bridge to such company or companies, public authority, body or commission in whole or in part, or any rights or powers acquired by it, as also the franchise, surveys, plans, works, plant, machinery and other property to it belonging, or for an amalgamation with any such company, public authority, body or commission on such terms and conditions as are agreed upon and subject to such restriction as the directors deem fit; provided that such agreement has been first approved by the holders of two-thirds of the shares at a special general meeting of the shareholders, duly called for the purpose of considering it, at which meeting shareholders representing at least two-thirds in number of the subscribed shares of the Company are present, or represented by proxy, and that such agreement has also received the sanction of the Governor in Council; and certified copies of such agreement shall be filed forthwith in the office of the Secretary of State for Canada.

Effect of amalgamation agreement.

16. (1) Upon the agreement for amalgamation coming into effect as provided in the last preceding section, all and singular the property, real, personal and mixed, and all

rights and interest appurtenant thereto, all stock, subscriptions and other debts due on whatever account, and other things in action belonging to such companies or either of them, shall be taken and deemed to be transferred to and vested in such new company, without further act or deed; Provided, however, that all rights of creditors and all liens upon the property of either of such companies shall be unimpared by such amalgamation, and all debts, liabilities and duties of either of the said companies shall thenceforth attach to the new company and may be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; Provided, also, that no action or proceedings, legal or equitable, by or against the said companies so amalgamated or either of them, shall abate or be affected by such amalgamation, but for all the purposes of such action or proceeding such company may be deemed still to exist, or the new company may be substituted in such action or proceeding in the place thereof.

(2) At all meetings of the shareholders of the amalgamated company hereinbefore provided for, each shareholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy.

Borrowing powers of amalgamated company.

17. Subject to the approval of the Governor in Council, the said new or amalgamated company may from time to time borrow such sums of money, not exceeding seven million dollars, as may be necessary for constructing and completing the said bridge and for the acquiring of the necessary lands therefor, and may mortgage its property, assets, rents and revenues, present and future, or such portion thereof as may be described in the mortgage deed, to secure the payment thereof.

Commencement and completion of bridge.

18. The said bridge shall be commenced within two years after the Governor in Council and the Executive of the United States or other competent authority therein have approved of such bridging, and shall be completed within three years after such commencement, otherwise the powers granted by this Act shall cease, and be null and void as respects so much of the undertaking as then remains uncompleted; Provided however, that if such approval is not obtained within two years after the passing of this Act, the powers granted for the construction of the said bridge shall cease and be null and void.

Retirement of corporate obligations.

19. The Company and all companies or authorities mentioned in section fifteen and sixteen with which the Company has united or become amalgamated shall enact and prescribe by by-law the manner and periods in which the corporate obligations and stock of the ocmpany, com-

panies or authorities shall be retired, and the Company and each of said companies or authorities shall submit every such by-law so enacted to the Governor in Council for approval; and no issue of bonds of the Company or any such company or authority shall be sold or offered for sale unless and until such by-law or by-laws shall have been so enacted and approved.

Transfer of Bridge.

20. When the corporate obligations and stock of the Company and of any of the companies or authorities mentioned in sections fifteen and sixteen of this Act, with which this Company has united, or become amalgamated have been retired in the manner prescribed in their by-laws. then the said bridge and the approaches thereto and all appurtenant, structures, property, property rights and franchises, so far as the same are located in the United States of America, shall be conveyed without cost or expense, by the said company, its successors and assigns, to the State of New York, or as the Legislature of the said State may designate: and all of the said bridge and approaches thereto and all appurtenant structures, property rights and franchises located within the Dominion of Canada, shall be conveyed without cost or expense to the Province of Ontario or otherwise as the Lieutenant-Governor in Council thereof may designate, and all rights, title and interest of said Company, its successors and assigns therein, or in any of such works in the Dominion of Canada shall then cease and determine.

Consent of Niagara Parks Commission.

21. The Company shall not locate, construct or operate any of its works mentioned in this Act upon or over the Boulevard of the "Niagara Parks Commission" without first furnishing the said "Niagara Parks Commission" with a plan or design of the proposed bridge and location thereof and obtaining the consent of said Commission in writing to such location and construction.

Application of Fair Wages and Hours of Labour Act.

22. (1) The employment of labour in the construction, maintenance and supervision of the said bridge shall be subject to the terms and conditions of *The Fair Wages and Hours of Labour Act, 1935.*

Materials and labour.

(2) Canadian materials and labour to the extent of at least fifty per centum must be used in the construction of the said bridge and a certified statement shall be sent weekly to the Department of Labour giving the names and addresses of firms supplying materials and the quantity thereof.

1934, c. 33.

23. The *Companies Act* shall, so far as it is not inconsistent with the provisions of this Act, apply to the Company.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 16.

An Act to amend The Farmers' Creditors Arrangement Act, 1934.

First reading, February 4, 1938.

Mr. DOUGLAS.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51853

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 16.

An Act to amend The Farmers' Creditors Arrangement Act, 1934.

1934, c. 53; 1935, cc. 20, 61.

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

Interpretation.

1. Paragraph *(f)* of section two of *The Farmers' Creditors Arrangement Act, 1934*, chapter fifty-three of the statutes of 1934, is repealed and the following paragraphs substituted therefor:—

"farmer."

"*(f)* 'farmer' means a person whose principal occupation consists in farming or the tillage of the soil, or the legal representatives of such farmer deceased, during the period of one year from the date of the death of the decedent, or a person whose principal occupation previously consisted in farming or tillage of the soil and whose livelihood depends mainly on the revenues derived from a farm of which he is the owner."

"liability."

"*(ff)* 'liability' means not only debts and other liabilities for which the farmer is personally liable but also all other mortgages, hypothecs, pledges, liens or privileges, on or against the property or any part thereof, of the farmer, and the owner of such mortgages, hypothecs, pledges, liens or privileges shall be deemed a creditor under this Act."

2. Subsection three of section two of the said Act is amended by striking out the proviso at the end thereof and substituting the following therefor:—

Proviso.

"Provided that such failure shall not be deemed an act of bankruptcy if, in the opinion of the Court, such act was due to causes beyond the control of such farmer, and the Court may direct that no bankruptcy proceedings shall be

Explanatory Notes.

1. The definition of "farmer" at present reads as follows:—

"*(f)* 'farmer' means a person whose principal occupation consists in farming or the tillage of the soil."

The words underlined on the opposite page have been added so as to extend the benefits of the Act, not only to insolvent farmers, but also to insolvent estates of farmers deceased and their legal representatives. The amendment would permit insolvent owners who have leased their farms to come under the protection of this Act.

The definition of "liability" is new and is intended to establish privity of contract.

2. Subsection three of section two at present reads as follows:— (The only change consists in the addition thereto of the words underlined on the opposite page).

"(3) In any case where the affairs of a farmer have been arranged by a proposal approved by the court or confirmed by the Board as hereinafter provided, Part I of the *Bankruptcy Act* shall notwithstanding section seven thereof

taken against such farmer, and may make such further order as it deems to be expedient under the circumstances."

3. Subsection one of section eleven of the said Act, as enacted by section three of chapter twenty of the statutes of 1935, is repealed and the following substituted therefor:—

Stay of proceedings.

"**11.** (1) On the filing with the Official Receiver of a proposal, no creditor whether secured or unsecured, shall have any remedy against the property or person of the debtor, or shall commence or continue any proceedings under the *Bankruptcy Act*, or any action, execution or other proceedings for the recovery of a debt provable in bankruptcy, or the realization of any security until such proposal shall have been either accepted or rejected, unless with leave of the Court and on such terms as the Court may impose.

R.S., c. 11.

4. Section twelve of the said Act, as amended by sections four, five, six and seven of chapter twenty of the statutes of 1935, is amended by adding thereto the following subsection as subsection seven A:—

Re-hearing and amending proposals.

"(7A) The Board shall have power to re-hear and amend proposals formulated prior to the first day of December, 1936."

thereafter apply to such farmer but only failure on the part of such farmer to carry out any of the terms of the proposal shall be deemed to be an act of bankruptcy. Provided that such failure shall not be deemed an act of bankruptcy if, in the opinion of the Court, such act was due to causes beyond the control of such farmer."

This addition to the proviso permits the Court, where it thinks fit, to forbid bankruptcy proceedings against a farmer who has failed to carry out the terms of the proposal, providing that such failure is due to causes beyond the farmer's control.

3. Subsection one of section eleven at present reads as follows:—

"**11.** (1) On the filing with the Official Receiver of a proposal, no creditor whether secured or unsecured, shall have any remedy against the property or person of the debtor, or shall commence or continue any proceedings under the *Bankruptcy Act*, or any action, execution or other proceedings for the recovery of a debt provable in bankruptcy, or the realization of any security unless with leave of the court and on such terms as the court may impose: *Provided, however, that the stay of proceedings herein provided shall not be effective for more than ninety days from the date of filing of the proposal with the Official Receiver, unless the court makes one or more orders extending the time for the purpose of any proceedings in connection with the proposal.*"

The proviso (in italics above) has been deleted. This amendment would remove the necessity for the farmer making application for a stay of proceedings every ninety days, as is now required. Under this amendment no action could be taken against a farmer until his case had been dealt with.

4. This subsection is new and is intended to permit those who appeared before the previous Board of Review to have a re-hearing before the present Board of Review.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

An Act respecting the appointment of Auditors for National Railways.

First reading, February 7, 1938.

The MINISTER OF TRANSPORT.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
51173 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

An Act respecting the appointment of Auditors for National Railways.

1932-33, c. 33; 1934, c. 3; 1935, c. 1; 1936, c. 21; 1937, c. 3.

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

Appointment of auditors.

1. Notwithstanding the provisions of section thirteen of *The Canadian National-Canadian Pacific Act, 1933*, chapter thirty-three of the statutes of 1933, as enacted by section three of chapter twenty-five of the statutes of 1936, respecting the appointment of auditors by joint resolution of the Senate and House of Commons, George A. Touche and Company, of the cities of Toronto and Montreal, chartered accountants, are appointed as independent auditors for the year 1938, to make a continuous audit under the provisions of the said section, of the accounts of National Railways as defined in the said Act.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 18.

An Act to amend the Railway Act. (Rates on grain).

First reading, February 8, 1938.

Mr. REID.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
51911 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 18.

An Act to amend the Railway Act. (Rates on grain).

R.S., c. 170.

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

Rates on grain and flour moving west.

1. Subsection five of section three hundred and twenty-five of the *Railway Act*, chapter one hundred and seventy of the Revised Statutes of Canada, 1927, is amended by striking out the proviso thereto and substituting the following therefor:—

"Provided that, notwithstanding anything in this subsection contained, rates on grain and flour shall be governed by the provisions of the agreement made pursuant to chapter five of the Statutes of Canada, 1897, but such rates shall apply to all such traffic moving from all points on all lines of railway west of Fort William to Fort William or Port Arthur, and to all such traffic moving westwardly from Fort William, and from all points on all lines of railway west of Fort William, to Vancouver, British Columbia and to ports on the Pacific Coast, over all lines now or hereafter constructed by any company subject to the jurisdiction of Parliament."

Explanatory Notes.

1. Subsection 5 of section 325, to be amended, reads as follows:—

"**5.** Notwithstanding the provisions of section three of this Act the powers given to the Board under this Act to fix, determine and enforce just and reasonable rates, and to change and alter rates as changing conditions or cost of transportation may from time to time require, shall not be limited or in any manner affected by the provisions of any Act of the Parliament of Canada, or by any agreement made or entered into pursuant thereto, whether general in application or special and relating only to any specific railway or railways, and the Board shall not excuse any charge of unjust discrimination, whether practised against shippers, consignees, or localities, or of undue or unreasonable preference, on the ground that such discrimination or preference is justified or required by any agreement made or entered into by the company: Provided that, notwithstanding anything in this subsection contained, rates on grain and flour shall, on and from the twenty-seventh day of June, one thousand nine hundred and twenty-five, be governed by the provisions of the agreement made pursuant to chapter five of the Statutes of Canada, 1897, but such rates shall apply to all such traffic moving from all points on all lines of railway west of Fort William to Fort William or Port Arthur over all lines now or hereafter constructed by any company subject to the jurisdiction of Parliament."

The amendment is to be made by the insertion in the proviso of the underlined words in the text of the Bill.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 19.

An Act respecting Appeals to the Judicial Committee of the Privy Council.

First reading, February 10, 1938.

Mr. CAHAN.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
52119 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 19.

An Act respecting Appeals to the Judicial Committee of the Privy Council.

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

Short title.

1. This Act may be cited as *The Privy Council Appeals Act, 1938.*

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

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

Abolition of appeals to His Majesty in Council.

R.S., c. 1; R.S., c. 35.

3. Notwithstanding any royal prerogative or anything contained in the *Interpretation Act* or in the *Supreme Court Act* or in any other Act of the Parliament of Canada no appeal shall lie or be brought from any judgment or order of any Court in Canada, in relation to any matter within the competence of the Parliament of Canada, to any court of appeal, tribunal or authority by which, in the United Kingdom of Great Britain and Northern Ireland, appeals or petitions to His Majesty in Council may be heard.

Explanatory Notes.

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

The Act of 1833 recites that

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

and proceeds to regulate the manner of such appeal.

The Act of 1844 recites that

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

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

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

The Orders in Council made by His Majesty in Council regulating such appeals are very lengthy, but several are published in Cameron's work entitled "The Canadian Constitution and The Judicial Committee," pp. 145 *et sequitur*.

This Bill is based on the provisions of the Statute of Westminster, 1931 (22 Geo. V, c. 4), sections two, three and subsection three of section seven, which read as follows:—

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

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

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

7. (3) The powers conferred by this Act upon the Parliament of Canada or upon the legislatures of the Provinces shall be restricted to the enactment of laws in relation to matters within the competence of the Parliament of Canada or of any of the legislatures of the Provinces respectively."

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 20.

An Act to amend the Post Office Act (Newspaper Ownership).

First reading, February 10, 1938.

Mr. CHURCH.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
52200 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 20.

An Act to amend the Post Office Act (Newspaper Ownership).

R.S., c. 161; 1931, c. 45; 1932-33, c. 46; 1935, c. 46.

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

R.S., c. 161.

1. The *Post Office Act*, chapter one hundred and sixty-one of the Revised Statutes of Canada, 1927, is amended by inserting the following section immediately after section twenty-three thereof:—

Sworn statement of names and addresses of editors, owners, stockholders, etc., to be made semi-annually.

"**23A.** (1) The editor, publisher, business manager or owner, of every newspaper, magazine, periodical, or other publication, shall file with the Postmaster General and the postmaster of the post office designated by the regulations, not later than the first day of April and the first day of October of each year, on blanks furnished by the Post Office Department, a sworn statement setting forth the names and post office addresses of the editor and managing editor, publisher, business managers and owners, and, in addition, the stockholders, if the publication be owned by a corporation; and also the names of known bondholders, mortgagees or other security holders; and such additional information concerning the interest, direct or indirect, of any person in such publication or its stock, bonds, or other securities as the Postmaster General shall by regulation require, such information to disclose the ownership of such publication; and also, in the case of daily newspapers, there shall be included in such statement the average of the number of copies of each issue of such publication sold or distributed to paid subscribers during the preceding six months: Provided, that it shall not be necessary to include in such statement the name of any person owning less than one per centum of the total amount of stock, bonds, mortgages or other securities. A copy of such sworn statement shall be published in the second issue of such newspaper, magazine, or other publication

Small stock, holders omitted.

To be printed in next issue.

Explanatory Note.

The object of this Bill is to require in the public interest that the names and addresses of the owners, editors, publishers and stockholders in newspapers and periodicals published in Canada shall be filed with the Postmaster General and printed in such papers, and such additional information is to be given concerning the interest, direct or indirect, of any person in such publication or its stock, bonds, or other securities as the Postmaster General shall by regulation require; such information to disclose the ownership of such publication.

Denied admission to mails on failure.

printed next after the filing of such statement. Any such publication shall be denied the privileges of the mail if it shall fail to comply with the provisions of this subsection within ten days after notice by registered letter of such failure.

Paid editorials, etc., to be marked "advertisement."

Penalty for failure.

(2) All editorial or other reading matter published in any such newspaper, magazine, or periodical for the publication of which money or other valuable consideration is paid, accepted, or promised shall be plainly marked "advertisement." Any editor or publisher printing editorial or other reading matter for which compensation is paid, accepted or promised without so marking the same shall, upon summary conviction, be liable to a fine of not less than fifty dollars and not more than five hundred dollars.

Statements to be made in duplicate and delivered to postmaster.

(3) The statement required by this section shall be made in duplicate in the form prescribed by the Postmaster General and both copies shall be delivered to the postmaster designated by the regulations. The postmaster shall forward one copy to the Postmaster General and retain the other in the files of the Post Office. The postmasters shall furnish the publishers with copies of the said form at least ten days prior to the first day of April and the first day of October of each year.

Regulations.

(4) The Postmaster General may make such regulations as are required to carry out the provisions of this section.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

An Act to amend the Electricity and Fluid Exportation Act.

First reading, February 11, 1938.

THE PRIME MINISTER.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51414

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

An Act to amend the Electricity and Fluid Exportation Act.

R.S., c. 54.

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

Short title.

1. This Act may be cited as *The Electricity and Fluid Exportation Act Amendment Act, 1938.*

"Export" and "exportation" defined.

2. Subparagraph (i) of paragraph *(a)* of section two of the *Electricity and Fluid Exportation Act*, chapter fifty-four of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

"(i) when used with reference to electrical power or energy, respectively export and exportation from Canada by lines of wire or other conductor or contrivance,"

3. Section five of the said Act is repealed and the following substituted therefor:—

Licence to export fluid.

"**5.** (1) Subject to any regulations of the Governor in Council made in that behalf, the Governor in Council may grant licences, upon such conditions as he thinks proper, for the exportation of fluid.

Revocation.

(2) Such licence shall be revocable upon such notice to the licensee as the Governor in Council deems reasonable in each case.

Conditions.

(3) No person shall export any fluid,

(a) without a licence, or,

(b) in excess of the quantity permitted by his licence, or,

(c) otherwise than in accordance with the terms of his licence.

Explanatory Notes.

2. The only change is the addition of the words "or contrivance."

3. The repealed section reads:—

"**5.** No person shall export any power or fluid without a licence, or any power or fluid in excess of the quantity permitted by his licence, or otherwise than as permitted by such licence.

2. No person shall, without a licence, construct or place in position any line of wire or other conductor for the exportation of power, or any pipe line or other like contrivance for the exportation of fluid."

Conditions of licence.

(4) Any such licence may provide that the quantity of fluid to be exported shall be limited to the surplus, after the licensee has supplied for distribution to customers for use in Canada fluid to the extent defined by such licence, at prices and in accordance with conditions, rules and regulations prescribed by the Governor in Council, and the licence shall be revocable at will by the Governor in Council if the licensee refuses or neglects to comply with any of the conditions imposed with regard to the supply and distribution of fluid in Canada."

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

Export of power.

"**6.** (1) Except as otherwise provided in this Act no person shall export any power unless expressly authorized to do so by a private Act of Parliament, or otherwise than in accordance with the terms and conditions contained in such private Act.

Provincial O. in C. to be deposited with petition.

(2) With every petition for a private Act to authorize the exportation of power there shall be deposited a duly certified copy of an order of the Lieutenant Governor in Council of the province in which the power proposed to be exported is generated declaring that the said power is not required for use in the said province and that the Lieutenant Governor in Council makes no objection to the exportation thereof.

Idem.

(3) Similarly, if the power is proposed to be exported from a province other than that in which the same is generated there shall also be deposited with the petition a duly certified copy of an order of the Lieutenant Governor in Council of such province declaring that the said power is not required for use in such province and that the Lieutenant Governor in Council makes no objection to the exportation thereof."

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

Temporary licences.

"**7.** (1) Notwithstanding anything contained in this Act, the Governor in Council, in the event of conditions arising which are deemed to constitute a temporary international emergency, may, upon such terms and conditions as he sees fit, grant temporary licences for the exportation of power or authorize an increase in the amount of surplus power to be exported under existing licences: Provided, however, that any such temporary licence or authorization of an increase of power to be exported under an existing licence shall continue only during the period of such international emergency.

To be laid before Parliament.

(2) The Minister of Trade and Commerce shall lay before Parliament a copy of every temporary licence or of any authorization of an increase in the amount of surplus power to be exported under an existing licence granted

4. The repealed section reads:—

"**6.** Subject to any regulations of the Governor in Council in that behalf, the Governor in Council may grant licences, upon such conditions as he thinks proper, for the exportation of power or fluid where a right to export exists by lawful authority.

2. Such licence shall be revocable upon such notice to the licensee as the Governor in Council deems reasonable in each case. 1907, c. 16, s. 4."

5. The repealed section reads:—

"**7.** Any such licence may provide that the quantity of power or fluid to be exported shall be limited to the surplus, after the licensee has supplied for distribution to customers for use in Canada power or fluid to the extent defined by such licence, at prices and in accordance with conditions, rules and regulations prescribed by the Governor in Council."

2. Every such licence shall be revokable at will by the Governor in Council if the licensee refuses or neglects to comply with any of the conditions imposed with regard to the supply and distribution of power or fluid in Canada. 1907, c. 16, s. 5.

pursuant to this section, within fifteen days after the granting of the same or, if Parliament is not then sitting, within fifteen days after Parliament next sits."

6. Section eight of the said Act is amended by adding the following subsection thereto:—

Licence to construct or place wires or pipes.

"(2) No person shall, without a licence, construct or place in position any line of wire or other conductor or contrivance for the exportation of power or any pipe line or other like contrivance for the exportation of fluid."

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

Penalty for unlawful exportation.

"**9.** Every person who,

(a) exports power or fluid contrary to the provisions of this Act or of any regulation of the Governor in Council made hereunder, or,

(b) exports power contrary to, or otherwise than in accordance with the terms and conditions contained in the private Act of Parliament authorizing such export, or,

(c) being the holder of a licence to export, granted under this Act, exports power or fluid in excess of that permitted by, or otherwise than in accordance with the terms and conditions of such licence,

shall be guilty of an offence and liable on summary conviction, for each day on which such offence takes place, to a fine not exceeding five thousand dollars and not less than one thousand dollars."

Penalties for unlawfully placing wires.

8. Section ten of the said Act is amended by inserting the words "on summary conviction" after the word "liable" in the fifth line thereof.

Existing licences.

9. Nothing in this Act contained shall affect any licence existing at the date of the commencement of this Act, or the authority of the Governor in Council to renew or cancel any such licence.

6. The section presently reads:—

"8. Subject to any regulations of the Governor in Council in that behalf, the Governor in Council may grant licences for the construction, placing or laying of any line of wire or other conductor for the exportation of power, or of any pipe line or other like contrivance for the exportation of fluid. 1907, c. 16, s. 6."

7. The repealed section reads:—

"9. Every person who exports any such power or fluid contrary to the provisions of this Act shall, for each day on which any such export takes place, be liable to a penalty not exceeding five thousand dollars and not less than one thousand dollars. 1907, c. 16, s. 7."

8. The section presently reads:—

"10. Every person who, contrary to the provisions of this Act, constructs, places or lays in position any line of wire or other conductor for the exportation of power, or any pipe line or other like contrivance for the exportation of fluid, shall for each such offence be liable to a penalty not exceeding five thousand dollars and not less than one thousand dollars, and to forfeiture and confiscation of such line of wire or other conductor, or of such pipe line or other contrivance, which may forthwith upon such conviction be destroyed or removed by direction of the Governor in Council. 1907, c. 16, s. 8."

9. This section is new.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act respecting the Registration of Shop Cards by Labour Unions.

First reading, February 14, 1938.

THE SECRETARY OF STATE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

47572

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act respecting the Registration of Shop Cards by Labour Unions.

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

SHORT TITLE.

Short title.

1. This Act may be cited as *The Shop Cards Registration Act, 1938.*

INTERPRETATION.

Definitions.

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

"labour union," "union."

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

"Minister."

(b) "Minister" means the Secretary of State of Canada or such other Minister of the Crown as may be appointed by the Governor in Council to administer this Act;

"Register."

(c) "Register" means the Register of Shop Cards maintained pursuant to this Act;

"Registrar."

(d) "Registrar" means the officer appointed by the Governor in Council to act as Registrar under this Act;

"shop card."

(e) "Shop Card" means any design, emblem, figure, sign, seal, stamp, ticket, device or other form of advertisement adopted by a labour union.

Register.

3. The Minister shall cause to be kept, under the supervision of the Registrar, a Register of Shop Cards in which, subject as hereinafter provided, any labour union may cause to be registered any shop card it has adopted.

Application for registration.

4. A labour union may apply for the registration of a Shop Card by filing with the Registrar an application therefor accompanied by a declaration made by the Presi-

Explanatory Notes.

The Unfair Competition Act 1932 (22-23 Geo. V, Chap. 38) which repealed those sections of the Trade Mark and Design Act (R.S.C. 1927, Chap. 201) relating to trade marks, defines "trade mark" as follows:—

" 'trade mark' means a symbol which has become adapted to distinguish particular wares falling within a general category from other wares falling within the same category, and is used by any person in association with wares entering into trade or commerce for the purpose of indicating to dealers in, and/or users of such wares that they have been manufactured, sold, leased or hired by him, or that they are of a defined standard or have been produced under defined working conditions, by a defined class of persons, or in a defined territorial area, and includes any distinguishing guise capable of constituting a trade mark."

Under the Unfair Competition Act, therefore, there cannot be registered as a trade mark Shop Cards or designs adopted by a labour union unless the design is associated with wares. It is desired to afford labour unions, whose members do not engage in the production of wares but in performance of services, means of registering their distinctive cards, in order that establishments which employ, in the performance of services, members of these unions may be enabled to use, by arrangement with the unions, the union Shop Cards, and to prevent unauthorized use of the cards.

This Bill, therefore, establishes a system for the registration of Shop Cards by labour unions and authorizes the keeping of a Register of Shop Cards.

The Bill prescribes the conditions upon which registration may be granted and provides that a labour union may authorize the use of any Shop Cards registered by it under agreements for the use of the cards.

The Bill provides machinery for the cancellation of registrations and for correction of the Register.

dent, Secretary or other executive officer of such union thereunto authorized, specifying the name of the union on behalf of which such application is being made, the description of the Shop Card and the purpose of its use, and from the date of registration such union shall have the exclusive right of use of such shop card; and the said union shall, for the purposes of this Act, be considered the proprietor of such Shop Card.

Exclusive use.

Grounds for refusing registration.

5. The Minister may refuse to authorize the registering of any Shop Card:—

(a) if he is not satisfied that the applicant is entitled to the exclusive use of such Shop Card;

(b) if the Shop Card submitted for registration is identical with or resembles a Shop Card already registered;

(c) if it appears that the Shop Card is calculated to deceive or mislead the public;

(d) if the Shop Card contains any immoral or scandalous figure;

(e) if, in the opinion of the Minister, the registration of the Shop Card is otherwise on public grounds objectionable.

No assignment.

6. No Shop Card registered by any labour union may be assigned by any process of law or otherwise.

Authorized use by others.

7. A labour union may authorize the use of any Shop Card registered by it and such authorization shall be subject to cancellation only upon twelve months' notice, unless otherwise specified in any agreement for the use of such Shop Card, and the union shall grant the use of the Shop Card to any applicant who complies with the rules of the union.

Term of endurance and renewal.

8. A Shop Card, when registered, shall endure for the term of fifteen years, but may be renewed before the expiration of the said term by the proprietor thereof, or by his legal representative, for another term of fifteen years, and so on from time to time; but every such renewal shall be registered before the expiration of the current term of fifteen years.

Action for unauthorized use.

9. (1) An action or suit may be maintained in any court of record having jurisdiction to the amount claimed, by any labour union which has complied with the provisions of this Act as to registration, or by any authorized executive officer thereof, against any person, firm, labour union, association, or corporation, alleged to be using without permission the Shop Card of such labour union.

Limitation.

(2) Nothing in this Act contained shall enable any suit, action, garnishee, interpleader or other proceeding to be brought, had or maintained against a labour union, except for the purpose of this Act.

Petition for cancellation.

10. (1) A labour union which has registered a Shop Card may petition for the cancellation of the same by petition addressed to the Minister, and the Minister may on receiving such petition cause the registration of the Shop Card to be cancelled.

Cancellation.

(2) The Exchequer Court of Canada may, on application, direct the cancellation of the registration of any Shop Card registered by a labour union if, in the opinion of the Court, such action is justified by all the circumstances of the case.

Making, expunging or varying an entry.

(3) The Exchequer Court of Canada may, on the information of the Attorney General, or at the suit of any person aggrieved by any omission to make, without sufficient cause, any entry in the Register of Shop Cards, or by any entry made without sufficient cause in any such Register, make such order for making, expunging or varying any entry in any such Register as the Court thinks fit.

Additions or alterations.

(4) The proprietor of a registered Shop Card may apply to the Exchequer Court of Canada for leave to add to or alter any such Shop Card in any particular not being an essential particular, and the Court may refuse or grant leave on such terms as it may think fit.

Appeal to Exchequer Court.

(5) Due notice in writing of any intended application to the Court under this section for leave to add to or alter any such Shop Card shall be given by the applicant to the Minister, and he shall be entitled to be heard on the application.

Copy of order to be transmitted to the Minister.

(6) A certified copy of any order of the Court for the making, expunging or varying of any entry in the Register of Shop Cards, or for adding to or altering any registered Shop Card shall be transmitted to the Minister by the Registrar of the Court, and such Register shall thereupon be rectified or altered in conformity with such order, or the purport of the order otherwise duly entered therein, as the case may be.

Certificate to be received as *prima facie* evidence.

11. A certificate that any Shop Card has been duly registered in accordance with the provisions of this Act, which purports to be signed by the Minister or the Registrar shall, without proof of the signature, be received in all courts in Canada as *prima facie* evidence of the facts therein alleged.

Regulations.

12. The Governor in Council may make regulations deemed expedient for carrying into effect the objects of this Act and in particular with respect to the following matters:—

(*a*) the form of Register of Shop Cards and of the indexes thereto which are to be maintained pursuant to this Act and of the entries to be made therein;

(*b*) the form and contents of application for registration of any Shop Card;

(*c*) the form and contents of certificates of registration;

(*d*) the fees prescribed in respect of applications to register Shop Cards and in respect of all other services performed by the Registrar under the Act.

Commencement of Act.

13. This Act shall come into force upon a date to be fixed by proclamation of the Governor in Council.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

An Act to amend Part V of the Canada Shipping Act, 1934.
(Sick Mariners and Marine Hospitals.)

First reading, February 15, 1938.

THE MINISTER OF PENSIONS AND NATIONAL HEALTH.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

47236

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

An Act to amend Part V of the Canada Shipping Act, 1934. (Sick Mariners and Marine Hospitals.)

1934, c. 44; 1936, c. 23.

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

1. Subsection one of section three hundred and five of the *Canada Shipping Act, 1934*, chapter forty-four of the statutes of 1934, is repealed and the following substituted therefor:—

Duty on all vessels unless exempted.

"**305.** (1) There shall be levied and collected on every ship arriving in any port in the provinces of Quebec, Nova Scotia, New Brunswick, Prince Edward Island, British Columbia or in any port on Hudson Bay or James Bay in the provinces of Manitoba or Ontario, hereinafter called "the said provinces", a duty of two cents for every ton which such ship measures, register tonnage: Provided that such duty shall not be levied or collected on

(a) a ship engaged in the coasting trade of Canada which has not made a payment on account of such duty during the calendar year and which arrives at any port in any of the said provinces from any other port in the same province or which arrives at any port in the province of Quebec from any port in the province of Ontario; or

(b) a ship which came from and is returning or proceeding immediately to a place out of Canada and has piad duty since arrival in a previous port of call in Canada; or

(c) a ship which is a barge, scow or lighter, which does not carry any crew and is not self-propelling."

EXPLANATORY NOTES.

305. (1) The proviso underlined is substituted for the word "unless".

(a) There has been a slight re-arrangement for the purposes of greater clarity. The repealed paragraph reads as follows:—

"*(a)* the ship is engaged in the coasting trade of Canada and arrives at any port in any of the said provinces from any other port in the same province, or arrives at any port in the province of Quebec from any port in the province of Ontario, and has not during the calendar year made a payment on account of such duty; or unless"

(b) The proposed change removes a cause of irritation, as it is now sometimes necessary for a ship to pay dues on one voyage which was not intended. The repealed paragraph reads as follows:—

"*(b)* the ship is a ship which came from a place out of Canada and has paid duty on the same voyage in a previous port of call in Canada."

(c) This is new. At the present time it is necessary to collect dues on barges, etc., although they may carry no crew.

Third Session, Eighteen Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 24.

An Act to amend The Opium and Narcotic Drug Act, 1929.

First reading, February 16, 1938.

THE MINISTER OF PENSIONS AND NATIONAL HEALTH.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51745

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 24.

An Act to amend The Opium and Narcotic Drug Act, 1929.

R.S., c. 49; 1932, c. 22.

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

1. Paragraph *(a)* of subsection one of section three of *The Opium and Narcotic Drug Act, 1929*, chapter forty-nine of the statutes of 1929, is repealed and the following substituted therefor:—

Licences.

"*(a)* issue licences for the import, export, sale, manufacture, production and distribution at a stated place of any drug."

2. Paragraph *(f)* of subsection one of section four of the said Act is repealed and the following substituted therefor:—

Manufacture, sale, etc., without licence.

"*(f)* manufactures, sells, gives away, delivers or distributes or makes any offer in respect of any drug, or any substance represented or held out by such person to be a drug, to any person without first obtaining a licence from the Minister, or without other lawful authority;"

3. Subsection one of section four of the said Act is further amended by adding immediately after paragraph *(f)* thereof the following paragraph:—

Opium poppy or Cannabis Sativa, cultivation, etc.

"*(g)* cultivates, gathers or produces any opium poppy *(Papaver Somniferum)* or Cannabis Sativa, except under the authority of a licence from the Minister first had and obtained."

Explanatory Notes.

1. The addition of production to this paragraph gives the Minister power to issue licences for production, if necessary, such as in relation to Cannabis for commercial purposes under proper precautions.

This is the only change. The repealed paragraph with the introduction, reads as follows:—

"**3.** (1) With the approval of the Governor in Council, the Minister may

"*(a)* issue licences for the import, export, sale, manufacture and distribution at a stated place of any drug;"

2. The addition of the words "delivers" and "or makes any offer in respect of" is necessitated by the International Convention for the Suppression of the Illicit Traffic in Dangerous Drugs in relation to "delivery" or "offering".

The words "or without lawful authority" are necessary to exclude legitimate "offers" other than when in possession of a licence; for example, a person presenting a physician's prescription.

The repealed paragraph reads as follows:—

"*(f)* Every person who manufactures, sells, gives away or distributes any drug, or any substance represented or held out by such person to be a drug, to any person without first obtaining a licence from the Minister;"

3. This is a new paragraph.

Cultivation is referred to in the new Convention. The Opium Poppy and Cannabis Sativa have been known to be grown in Canada.

4. Paragraph *(a)* of subsection one of section nine of the said Act, as enacted by section four of chapter twenty of the statutes of 1932, is repealed and the following substituted therefor:—

Neglect to keep records.

"*(a)* manufactures, imports or exports any drug mentioned in the Schedule to this Act or sells or distributes any drug mentioned therein and neglects or refuses to keep the record required by any regulation made under this Act; or"

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

Burden of proof on charge of unlawful possession against persons occupying or in possession of premises, etc., where drug is found.

"**17.** Without limiting the generality of paragraph *(d)* of section four of this Act, any person who occupies, controls, or is in possession of any building, room, vessel, vehicle, enclosure or place, in or upon which any drug or article mentioned in section eleven is found, shall, if charged with having such drug or article in possession without lawful authority, be deemed to have been so in possession unless he prove that the drug or article was there without his authority, knowledge or consent, or that he was lawfully entitled to the possession thereof."

6. Section twenty-four of the said Act is repealed and the following substituted therefor:—

Additions to Schedule.

"**24.** The Governor in Council may, from time to time, add to or subtract from or change from one Part to the other of the Schedule to this Act, any alkaloids, derivatives or preparations of drugs or similar synthetic preparations, the inclusion or exclusion of which is by him deemed necessary in the public interest, and every order in council made in that behalf shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days from the date of such publication."

Publication.

7. Section twenty-seven A of the said Act, as enacted by section six of chapter twenty of the statutes of 1932, is repealed and the following substituted therefor:—

Application of certain sections of the Act.

"**27**A. The provisions of paragraph *(a)* of section four, except so far as they relate to importation or exportation, and of paragraphs *(d)* and *(e)* of the said section four,

4. This ensures that records are kept of all drugs mentioned in Parts I and II of the Schedule. Previously only Part I was mentioned.

The sub-section of which paragraph *(a)* is repealed, reads as follows:—

"**9.** (1) any person who

(a) manufactures, imports or exports any drug mentioned in the schedule to this Act or sells or distributes any drug mentioned in Part I thereof, and neglects or refuses to keep the record required by any regulation made under this Act; or"

5. The additions to this section will make applicable to opium pipes and opium smoking paraphernalia the same procedure as obtains in relation to opium and other narcotic drugs.

The repealed section reads as follows:—

"**17.** Without limiting the generality of paragraph *(d)* of section four of this Act, any person who occupies, controls or is in possession of any building, room, vessel, vehicle, enclosure or place, in or upon which any drug is found, shall if charged with having such drug in possession without lawful authority, be deemed to have been so in possession unless he prove that the drug was there without his authority, knowledge or consent, or that he was lawfully entitled to the possession thereof."

6. The amendments indicated to this section are necessary to enable the Schedule of drugs to be kept up to date in accordance with the recommendations of the League of Nations without an amending Act of Parliament on each occasion. The section previously covered only additions to the Schedule.

The repealed section reads as follows:—

"**24.** The Governor in Council may, from time to time, add to the Schedule to this Act any alkaloids, derivatives or preparations of the drugs named in the said Schedule, or similar synthetic preparations, the addition of which is by him deemed necessary in the public interest, and every order in council in that behalf shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days from the date of such publication."

7. This will bring Codeine in line with Morphine and Heroin insofar as treatment by physicians and obtaining from more than one physician are concerned.

Section 27A, at present, reads as follows:—

"**27**A. The provisions of paragraph *(a)* of section four, except so far as they relate to importation or exportation,

and sections five, seven, eight, eleven, twelve, thirteen and seventeen, of this Act, shall not apply to the drugs mentioned in Part II of the Schedule to this Act."

8. Paragraph (1) of Part I of the Schedule to the said Act, as enacted by section seven of chapter twenty of the statutes of 1932, is repealed and the following substituted therefor:—

"PART I.

Schedule Part I.

(1) Opium or its preparations, or any opium alkaloids, or their derivatives, or salts or preparations of opium alkaloids or their derivatives, but not including codeine, paracodeine or apomorphine."

9. Part I of the Schedule to the said Act is further amended by adding immediately after paragraph (8) thereof the following paragraph:—

Opium Poppy.

"(9) The Opium Poppy *(Papaver Somniferum)* or any portion thereof, whether dried or otherwise, except the seed."

10. Part II of the Schedule to the said Act, as enacted by section seven of chapter twenty of the statutes of 1932, is amended by adding at the end thereof the following:—

Dihydrocodeine (Paracodeine).

"Dihydrocodeine (Paracodeine)."

and of paragraphs *(d)* and *(e)* of the said section four, and sections five, six, seven, eight, ten, eleven, twelve, thirteen, sixteen and seventeen, of this Act, do not apply to the drugs mentioned in Part II of the Schedule to this Act."

8. The inclusion of Paracodeine in Part II of the Schedule (*see* section 10 of the bill) requires its exclusion from Part I.

The repealed paragraph reads as follows:—

"(1) Opium or its preparations, or any opium alkaloids, or their derivatives, or salts or preparations of opium alkaloids or their derivatives, but not including codeine or apomorphine,"

9. This is a new paragraph.

This is in relation to the new paragraph *(g)* of section four of the Act, as set forth in clause three of this Bill. The Opium Poppy has been grown in Canada and requires to be controlled.

10. The League of Nations, on the recommendation of the Health Committee, requests that the international movement of this drug be controlled in the same manner as Codeine.

Part II at present reads as follows:—

"Methylmorphine (codeine) and its salts."

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 25.

An Act to amend The Farmers' Creditors Arrangement Act, 1934.

First reading, February 18, 1938.

The MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

52385

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 25.

An Act to amend The Farmers' Creditors Arrangement Act, 1934.

1934, c. 53; 1935, cc. 20, 61.

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

Interpretation.

1. Paragraph *(d)* of subsection one of section two of *The Farmers' Creditors Arrangement Act, 1934*, chapter fifty-three of the statutes of 1934, is repealed and the following substituted therefor:—

"Creditor".

"*(d)* 'creditor' includes a secured creditor and every person holding a mortgage, hypothec, pledge, charge, lien or privilege on or against the property of the debtor, or any part thereof, notwithstanding the absence of privity of contract between the debtor and such person;"

2. The said Act is amended by inserting therein immediately after section six thereof the following section:—

Deceased farmers.

"**6A.** (1) In the event of the death of a farmer who

(a) has made a proposal under this Act which has not been finally disposed of at the date of his death, or

(b) was at the date of his death unable to meet his liabilities as they became due,

the legal representative of the decedent may apply to the Court

(i) for an order to continue proceedings under the proposal filed, or

(ii) for leave to make and file a proposal on behalf of the estate of the decedent

as the case may be.

Order of the Court.

(2) The Court, upon being satisfied that a member of the family of the decedent resides and will continue to

Explanatory Notes.

1. The change consists in the addition of the words underlined on the opposite page to the definition of the word "creditor". The purpose of this amendment is to include as a creditor of a farmer a person holding a mortgage, hypothec or other charge upon the property of the farmer, even though no privity of contract exists between the farmer and such person. If a farmer acquires property subject to a mortgage and there is no privity of contract between the farmer and the mortgagee, it has been held that such a mortgagee is not a creditor of the farmer within the meaning of the word "creditor" as used in the Act as it now stands and that a proposal formulated by a Board of Review would not be binding upon such a mortgagee.

2. A new section 6A is added to the Act. This section permits the legal representative of a deceased farmer to apply to the court for an order to continue proceedings under a proposal filed by a farmer before his death, or for leave to make a proposal on behalf of the estate of the deceased farmer. The court may grant the necessary application upon being satisfied that a member of the family of the deceased farmer resides and will continue to reside upon the farm, and intends and is able to operate the farm. The expression "member of the family" is restricted to mean a parent, or a widow or widower, or a brother or sister or a child of the deceased farmer.

reside upon the farm of the decedent and intends and is able to operate the same may, upon such terms and conditions as the Court deems fit, by order, grant such application.

Proposal to be proceeded with.

(3) Upon any such order being made, the legal representative of the decedent shall be entitled to proceed with a proposal filed or to be filed in the like manner and with the like results as the decedent might have done if death had not ensued, and the provisions of this Act shall in the case of such proposal apply in all respects as in the case of any other proposal made under this Act.

Interpretation.

(4) In this section unless the context otherwise requires, the expression

"legal representative".

(a) 'legal representative' means the executor, administrator or other personal representative of a person according to the law of that part of Canada to which the context extends;

"member of the family".

(b) 'member of the family' means a parent, or a widow or widower, or a brother or sister, or a child of the decedent."

3. Subsection one of section eleven of the said Act, as enacted by section three of chapter twenty of the statutes of 1935, is repealed and the following substituted therefor:—

Stay of proceedings.

"**11.** (1) On the filing with the Official Receiver of a proposal, no creditor whether secured or unsecured, shall have any remedy against the property or person of the debtor, or shall commence or continue any proceedings under the *Bankruptcy Act*, or any action, execution or other proceedings for the recovery of a debt provable in bankruptcy, or the realization of any security unless with leave of the court and on such terms as the court may impose: Provided, however, that the stay of proceedings herein provided shall only be effective until the date of the final disposition of the proposal."

R.S., c. 11.

3. Subsection 1 of section 11 of the Act now reads as follows:—

"**11.** (1) On the filing with the Official Receiver of a proposal, no creditor whether secured or unsecured, shall have any remedy against the property or person of the debtor, or shall commence or continue any proceedings under the Bankruptcy Act, or any action, execution or other proceedings for the recovery of a debt provable in bankruptcy, or the realization of any security unless with leave of the court and on such terms as the court may impose: *Provided, however, that the stay of proceedings herein provided shall not be effective for more than ninety days from the date of filing of the proposal with the Official Receiver, unless the court makes one or more orders extending the time for the purpose of any proceedings in connection with the proposal.*"

The only change in this subsection has been made in the proviso. The new proviso makes the stay of proceedings effective until the proposal has finally been disposed of. Under this subsection as it now stands, a stay of proceedings is only effective for ninety days subject to extension by order of the court. Where a delay in hearing a case occurs an Official Receiver has to apply to the court every ninety days for an extension order and in some cases many extension orders have to be obtained.

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

Board of Review.

"**12.** (1) The Governor in Council may, whenever he considers it expedient, establish in any province one or more Boards of Review which shall exercise in such province the jurisdiction hereinafter provided."

5. The said Act is amended by inserting therein immediately after section nineteen thereof the following section:—

No new proposal after a certain date.

"**20.** On and after a date to be fixed by proclamation of the Governor in Council, no new proposal shall be made or filed by any farmer or accepted by any Official Receiver in any province in respect of which the said proclamation is issued."

4. This amendment enables the Governor in Council to appoint more than one Board of Review in any province. The words (underlined on the opposite page) "one or more Boards" are substituted for the words "a Board".

The purpose of this amendment is to expedite the hearing of cases by enabling an additional Board of Review to be appointed in any province when delays occur because a large number of cases have been referred to the existing Board of Review.

5. This section is new and enables the Governor in Council by proclamation to provide that no proposal shall be filed in any province after a date fixed in such proclamation.

Third Session, Eighteen Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 26.

An Act to repeal The Companies' Creditors Arrangement Act, 1933.

First reading, February 22, 1938.

MR. BERTRAND (Laurier)

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

52531

3rd Session, 18th Parliement, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 26.

An Act to repeal The Companies' Creditors Arrangement Act, 1933.

1933, c. 36.

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

Act repealed.

1. Subject to the provisions of the next succeeding section, *The Companies' Creditors Arrangement Act, 1933*, chapter thirty-six of the statutes of 1933, is repealed.

Effect of repeal.

2. The provisions of the said Act shall apply in all necessary and relevant particulars in respect to applications, appeals and other proceedings instituted under the said Act before the coming into force of this Act as though the said Act had not been repealed, and any order or judgment made or rendered in respect to such applications, appeals or other proceedings shall have the same force and effect as though the said Act had not been repealed.

Explanatory Notes.

The purpose of this bill is to repeal *The Companies' Creditors Arrangement Act, 1933*, for the reason that when it was introduced in 1933 it was to be of a temporary nature and is not required any further as it lends itself to numerous abuses on account of the lack of control of the assets of the company by its creditors.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 27.

An Act to amend The Canada Grain Act.

First reading, February 23, 1938.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

48885

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 27.

An Act to amend The Canada Grain Act.

1930, c. 5; 1932-33, cc. 9, 24; 1934, c. 26.

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

1. Subsection two of section one hundred and twenty-five of *The Canada Grain Act*, chapter five of the statutes of 1930, is repealed and the following substituted therefor:—

Applies to specific grades in semi-public or private terminal elevators.

"(2) All western wheat received into any licensed semi-public or private terminal elevator and graded into any of the four grades first specified in Schedule One to this Act, or graded into the grades of No. 1 C.W. Garnet or No. 2 C.W. Garnet specified in the said schedule, shall be binned with grain of the same grade and not otherwise."

2. Subsection four of section one hundred and thirty-eight of the said Act is repealed and the following substituted therefor:—

Applies to specific grades in semi-public and private terminal elevators.

"(4) The provisions of the next preceding subsections shall apply to such western wheat of the four grades first specified in Schedule One to this Act and to the grades of No. 1 C.W. Garnet and No. 2 C.W. Garnet specified in the said schedule as is in or has been received into any semi-public or private terminal elevator."

Schedule One amended.

3. That part of Schedule One of the said Act, as amended by sections two and three of chapter twenty-six of the statutes of 1934, relating to Red Spring wheat and Canadian Western Garnet, is repealed and the Schedule to this Act substituted therefor.

Explanatory Notes.

The object of this Bill is to exclude Red Spring wheat of the Garnet variety from the statutory grades of No. 3 Manitoba Northern and No. 4 Manitoba Northern and to provide an additional grade of No. 3 C.W. Garnet in order that wheat of the Garnet variety may be further segregated in handling and marketed as a type of wheat distinct from the Manitoba grades. By this change the ground for complaint on the part of purchasers of Manitoba milling grades in the matter of mixtures of Garnet wheat in these grades will be removed.

To maintain the quality of export shipments of Garnet wheat of the first two grades, it is proposed that these two grades be made non-mixing grades, the same as the present first four grades of Hard Red Spring wheat.

1. Subsection (2) of section one hundred and twenty-five reads at present as follows:—

> "(2) All western wheat received into any licensed semi-public or private terminal elevator and graded into any of the four grades first specified in Schedule One to this Act shall be binned with grain of the same grade and not otherwise."

The amendment makes the grades of Nos. 1 and 2 C.W. Garnet non-mixing grades in semi-public and private terminal elevators.

2. Subsection (4) of section one hundred and thirty-eight reads at present as follows:—

> "(4) The provisions of the next preceding subsections shall apply to such western wheat of the four grades first specified in Schedule One to this Act as is in or has been received into any semi-public or private terminal elevator."

This amendment provides that any excess overages in semi-public and private terminal elevators in the grades of Nos. 1 and 2 C.W. Garnet, created by the mixing with such grades grain of lower grades, shall be collected by the Board on behalf of the Crown.

3. In the amended specifications the column entitled "Wheats of other Classes" in the present classification has been amended to read "Wheats of other Classes or Varieties" to provide for the allowance of specified small percent-

Commencement of Act.

4. This Act shall come into force on the first day of August, 1938.

ages of Garnet or other varieties of Red Spring wheat in grades for which the general variety qualifications prohibit the inclusion of Garnet or other varieties as the case may be.

The specification of the grade of No. 3 Manitoba Northern in regard to variety, which at present reads "Red Spring wheat of fair milling quality" has been amended to read "Red Spring wheat of fair milling quality *excluding Garnet.*"

The specification of the grade of No. 4 Manitoba Northern in regard to variety, which at present reads "Red Spring wheat" has been amended to read "Red Spring wheat *excluding Garnet.*"

The grade of No. 3 C.W. Garnet is new. This grade provides the means of grading, into a statutory grade of Garnet wheat, wheat of the Garnet variety which does not qualify for the statutory grades of Nos. 1 or 2 C. W. Garnet and which, on the exclusion of Garnet wheat from Nos. 3 and 4 Manitoba Northern, would have to be graded into the commercial grades of Red Spring wheat.

SCHEDULE.

STATUTORY GRADES OF WESTERN GRAIN

Red Spring Wheat

Number and name of grade	Minimum weight per bushel in pounds	Variety of grain	Percentage by weight of hard vitreous kernels	Standard of quality	Maximum Limits of:			
					Foreign material other than dockage		Wheats of other classes or varieties	
					Matter other than cereal grains	Total including cereal grains	Durum	Total including Durum
			%				%	%
No. 1 Manitoba Hard....	62	Marquis or equal to Marquis	80	Sound and well matured.....	Free.....	Free.....	.....	.....
No. 1 Manitoba Northern	60	Marquis or equal to Marquis	65	Well matured, practically free from damaged kernels.	Free.....	Practically Free.	Practically Free.	1
No. 2 Manitoba Northern	58	Marquis or equal to Marquis	50	Reasonably well matured, reasonably free from damaged kernels.	Free.....	About 1%..	1	3
No. 3 Manitoba Northern	57	Red Spring Wheat of fair milling quality excluding Garnet.	25	Reasonably well matured, reasonably free from damaged kernels.	Reasonably Free.	About 2%..	3	10
No. 4 Manitoba Northern	57	Red Spring Wheat excluding Garnet.	.....	Reasonably well matured, but excluded from preceding grades on account of frosted or otherwise damaged kernels.	Reasonably Free.	About 2½%.	4	10
or.....	55	Red Spring Wheat excluding Garnet.	.....	Rusted or shrunken but otherwise reasonably sound.	Reasonably Free.	About 2½%.	4	10
No. 1 C.W. Garnet.....	60	Garnet.....	65	Well matured. Practically free from damaged kernels.	Free.....	Practically Free.	Practically Free.	5
No. 2 C.W. Garnet.....	58	Garnet.....	50	Reasonably well matured, reasonably free from damaged kernels.	Practically Free.	About 1%..	1	10
No. 3 C.W. Garnet.....	57	Garnet.....	35	Reasonably well matured, reasonably free from damaged kernels.	Reasonably Free.	About 2%..	3	15

Third Session, Eighetenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 28.

An Act to amend the Criminal Code. (Sweepstakes).

First reading, February 24, 1938.

Mr. BERTRAND
(Laurier).

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

52381

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 28.

An Act to amend the Criminal Code. (Sweepstakes).

R.S., c. 36.

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

1. Paragraph *(e)* of subsection six of section two hundred and thirty-six of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

Sweepstakes.

"*(e)* sweepstakes organized by the Government of a province of Canada by or under a law of the Legislature of such province: Provided there shall not be held more than one sweepstake in any province in each calendar year, and provided also the net proceeds of the sweepstake shall be applied exclusively to or divided amongst recognized and legally constituted universities and/or hospitals of the province as may be determined by the said province.

"sweepstake" defined.

For the purposes of this paragraph 'sweepstake' means a gaming transaction on horse races in the United Kingdom or in Canada and authorized by the Legislature of the province of Canada in which the sweepstake is organized."

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 29.

An Act to amend The Trans-Canada Air Lines Act, 1937.

First reading, February 24, 1938.

THE MINISTER OF TRANSPORT.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

50221

3rd Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 29.

An Act to amend The Trans-Canada Air Lines Act, 1937.

1937, c. 43.

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

1. *The Trans-Canada Air Lines Act, 1937*, Chapter forty-three of the Statutes of 1937, is amended by adding immediately after section fourteen thereof, the following section:

Trans-Atlantic business.

"**14A.** The Corporation may, with the approval of the Governor in Council, purchase or otherwise acquire, hold, pledge and dispose of shares in the capital stock of a company to be incorporated under the laws of England upon application by the following companies, acting in co-operation, namely, Imperial Airways Limited or such other company as may be nominated by the Government of the United Kingdom, Aer-Rianta, Teoranta, or such other company as may be nominated by the Government of Eire, and the Corporation, for the purposes, *inter alia*, of establishing and carrying on the business of an aerial transport company operating a trans-Atlantic Air transport service between Europe and North America."

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

Minister may contract with Corporation.

"**15.** (1) The Governor in Council may authorize the Minister to enter into a contract with the Corporation (to be known as the Trans-Canada contract) for the organization, operation and maintenance by the Corporation of lines of aircraft (to be known as the Trans-Canada Lines) for the speedy and efficient transport of passengers and goods across Canada and between and within the several provinces thereof, and between points in Canada and points outside of Canada, over routes wholly within or partly within and partly outside of Canada."

Operation of lines within and outside Canada.

Explanatory Notes.

1. This is a new provision to enable the Corporation to associate itself as a shareholder with English and Irish air-line companies in the business of trans-Atlantic air-line service.

2. The only change in the repealed subsection is the addition thereto of the underlined words for the purpose of extending the operation of aircraft lines beyond the boundaries of Canada.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 30.

An Act to regulate the Inspection and Sale of Binder Twine and Salt, and to establish Weight of Bushel for certain Commodities commonly sold by the Bushel.

First reading, February 24, 1938.

The MINISTER OF AGRICULTURE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
49853 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 30.

An Act to regulate the Inspection and Sale of Binder Twine and Salt, and to establish Weight of Bushel for certain Commodities commonly sold by the Bushel.

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

SHORT TITLE

Short title.

1. This Act may be cited as *The Inspection and Sale Act, 1938.*

Application of Parts.

2. Parts I, II, and III of this Act shall apply respectively to binder twine, salt, and weight of bushel for certain commodities.

INTERPRETATION.

Definitions.

3. For the purposes of this Act and in any regulations made thereunder, unless the context otherwise requires,

"dealer".

(a) "dealer" means the person or firm manufacturing or importing or selling or having in possession for sale any binder twine;

"Minister".

(b) "Minister" means the Minister of Agriculture;

"inspector".

(c) "inspector" means any person designated by the Minister to carry out the provisions of this Act;

"official analyst".

(d) "official analyst" means any person designated by the Minister to perform tests necessary to carry out the provisions of this Act;

"packer".

(e) "packer" means any person or firm who packs or repacks salt for sale.

Analysts and inspectors.

4. The Minister may—

(a) designate such official analysts and inspectors as are deemed necessary to carry out the provisions of this Act;

Explanatory Notes.

The purpose of this Bill is to repeal and re-enact where necessary the provisions of the Inspection and Sale Act, R.S., c. 100:—

1. To provide more appropriate regulatory measures to the sale of salvaged binder twine.

2. To establish legal weight per bushel for additional commodities commonly sold by measure.

3. To repeal provisions duplicated by more recent legislation or rendered obsolete by changing conditions.

Re Part I. The Part on Binder Twine, slightly revised, is retained because of the need for continuing the control of Binder Twine.

Re Part II. The Part on Salt is revised and retained to provide for uniform labelling, including statement of weight, because some repackers of salt sell salt without the desired labelling. This recommendation is supported by the salt packers and others interested in Canada.

Re Part III. The Part on Weight of Bushel is retained and is revised to provide legal weight per bushel for a more complete list of commodities sold by the bushel. This recommendation is supported by the Department of Trade and Commerce.

3 *(a)* The definition of "dealer" was formerly given in a separate section under "Binder Twine".

Regulations.

(b) make regulations for establishing legal weight per bushel for such additional commodities not already established under section eighteen of this Act as may be deemed necessary; and

Regulations.

(c) make such regulations for any other purpose deemed by him necessary for carrying out the provisions of this Act.

Appointment of analysts and inspectors.

5. There may be appointed in the manner authorized by law such inspectors and analysts as the Minister may consider necessary for the effective carrying out of the provisions of this Act.

PART I.

BINDER TWINE.

Labels on binder twine for sale in Canada.

6. (1) Every ball of binder twine sold or offered for sale in Canada shall be properly and correctly labelled with the name of the dealer and the number of feet of twine per pound in the ball.

For export.

(2) Binder twine manufactured for export only and not to be sold for use in Canada need not be so labelled, but the onus of proof that any unlabelled binder twine is manufactured for export shall lie upon the dealer who has or has had the binder twine in his possession.

Reconditioned or rewound binder twine.

7. No person shall sell, offer, or have in possession for sale in Canada any reconditioned or rewound binder twine unless it has been approved by an inspector and sealed by him in the bales, and labelled "Reconditioned Binder Twine".

Prima facie evidence of improper labelling.

8. If it is shown that in any lot of binder twine one ball in every twenty or less number of balls in the lot is not properly and correctly labelled, it shall be *prima facie* evidence that all the balls in the lot are not properly and correctly labelled, and the burden of proof shall lie upon the dealer to show that the balls in the lot are properly and correctly labelled.

Right of entry and inspection.

9. Any inspector charged with the enforcement of the provisions of this Act may enter upon any premises and examine any bales or balls of binder twine, whether such bales or balls are on the premises of a dealer or are on other premises, or are in the possession of any common carrier or other carrier.

Offences. Penalties for first and subsequent offences.

10. (1) Any dealer who violates any of the provisions of Part I of this Act or Regulations thereunder shall be liable upon summary conviction, for a first offence, to

PART I.

BINDER TWINE.

6. This section corresponds to part of former section 170, The Inspection and Sale Act, R.S., c. 100. The penalty provisions in former section 170, for the sale in Canada of binder twine manufactured for export only, are now included in one section covering penalties for all offences under this Part except the offence of resisting an inspector.

7. This section is new and is designed to prevent recurrence of difficulties experienced in Western Canada from the sale of reconditioned binder twine salvaged from fires.

8. This section corresponds to former section 171.

9. This section corresponds to former section 172 and is amended to comprehend all forms of transportation companies and agencies.

10. Embraces all the penalty provisions contained in former sections 173, 174, and 175. A scale of penalties is here provided for the various offences in the sale of binder twine, and these penalties are in keeping with the penalties provided under other Acts administered by the Seed Branch.

a fine of not less than five dollars and not more than one hundred dollars, and for each subsequent offence to a fine of not less than fifty dollars and not more than five hundred dollars;

Deficiency limitation.

(2) No deficiency in the number of feet of twine contained in any ball shall be deemed to be a violation of this Part unless it exceeds five per centum of the length indicated by the label.

Seizure and confiscation.

11. Balls of binder twine not properly and correctly labelled may be seized by an inspector and confiscated and disposed of as directed by the Minister, whose decision therein shall be final.

Penalty for obstructing officers.

12. Every person who obstructs an inspector or other person charged with the enforcement of this Act from entering any premises to examine binder twine as provided by this Part, or who refuses to permit such examination, shall be liable on summary conviction to a fine of not less than fifty dollars and not more than five hundred dollars together with the costs of prosecution, and in default of payment of such penalty and costs shall be liable to imprisonment for a term not exceeding six months, unless such penalty is sooner paid.

PART II.

SALT.

Name and address of packer or importer on every container.

13. The name and address of the packer of salt, if it is packed in Canada, or of the importer, if it is packed elsewhere than in Canada, shall be marked plainly on every barrel, sack, carton or other container, or on a label durably attached to every container of salt sold or offered for sale in Canada.

Labelling on salt containers.

14. (1) Every barrel, sack, carton or other container of salt sold or offered for sale in Canada shall be properly and correctly labelled or marked in a plain and durable manner with the net weight and, in the case of a barrel, with the net and gross weights.

Allowable deficiency.

(2) No deficiency in the weight of the salt contained in any package shall be deemed a contravention of this Act unless it exceeds five per centum.

Markings on barrels and other containers.

15. When bags or cartons of salt are packed in barrels or in cardboard containers, the head of the barrel, or both ends of the cardboard container, as the case may be, shall be properly and correctly marked in a plain and durable manner with the number of bags or cartons therein and with the gross weight thereof.

11. Corresponds to former section 176.

12. This section corresponds to former section 177. The range of penalty has been changed to accord with the penalty for a similar offence under other Acts administered by the Seed Branch.

PART II.

SALT.

13. Corresponding to former section 168, is changed to include the greater variety of containers in which salt is now packed.

14. This section corresponds to former section 166 and is amended to include the greater variety of containers in which salt is now packed, and to no longer require a specific weight for a barrel of salt.

Subsection (2) is a repetition of subsection two of former section 179.

15. Corresponding to former section 167 and is changed to include the greater variety of containers in which salt is now packed.

Penalty.

16. Every person who violates any provision of Part II of this Act shall be liable, on summary conviction, to a penalty of not less than ten dollars for each offence.

Limitation of prosecution.

17. No packer shall be prosecuted for violation of any provision of Part II of this Act except within three months after packing or repacking of the salt with respect to which it is claimed that a provision of this Part has been violated.

PART III.

WEIGHT OF BUSHEL.

Manner of determining a bushel.

18. In contracts for the sale and delivery of any of the undermentioned articles the bushel shall be determined by weighing unless a bushel by measure is specially agreed upon between the parties to such sale, and the weight equivalent to a bushel shall be as follows:—

Description of Article	Weight in Dominion Standard Pounds
Alfalfa seed	60 lbs.
Bituminous coal	70 "
Beans	60 "
Barley	48 "
Buckwheat	48 "
Bluegrass seed	18 "
Brome seed	14 "
Castor beans	40 "
Clover seed, alsike	60 "
Clover seed, red	60 "
Clover seed, white	60 "
Clover seed, crimson	60 "
Clover seed, sweet	60 "
Crested wheat grass seed	22 "
Flax-seed	56 "
Fescue seed	22 "
Hemp seed	44 "
Indian corn	56 "
Lime	70 "
Malt	36 "
Millet seed (Fox tail type)	48 "
Millet seed (Proso type)	50 "
Oats	34 "
Orchard grass seed	14 "
Peas	60 "
Rye	56 "
Rye grass seed	20 "
Soy beans	60 "
Timothy seed	48 "
Vetch	60 "
Wheat	60 "
Slender Wheat Grass seed (Western Rye grass)	14 "

Offence and penalty.

19. Every person who violates any provision of Part III of this Act, providing that a bushel of any article shall be determined by weighing, and specifying the number of pounds such bushel shall contain, shall, for a first offence,

16. Corresponds to subsection one of former section 179.

17. This section corresponds to subsection three of former section 179 and is changed to allow more adequate time in which a prosecution, if necessary, may be undertaken.

PART III.

WEIGHT OF BUSHEL.

18. Corresponds to former section 154.

19. Corresponds to former section 180.

be liable, on summary conviction, to a penalty not exceeding twenty-five dollars, and for each subsequent offence to a penalty not exceeding fifty dollars.

Moneys from penalties to be paid to Receiver General.

20. Moneys derived from penalties imposed under any of the provisions of this Act, or derived from the confiscation of any binder twine under this Act, shall be paid to the Receiver General of Canada.

Repeal R.S., c. 100.

21. The *Inspection and Sale Act*, chapter one hundred of the Revised Statutes of Canada, 1927, is repealed.

20. Corresponds to former section 178.

21. Repeals the *Inspection and Sale Act*, chapter 100, R.S. 1927, etc., because:—

Part I of the said Act is no longer necessary because the essential regulations relating to the commodities left under the control of this Act are included in this Act, and the duties of inspectors are defined at the time of their appointment by the Civil Service Commission;

Part II of the said Act, which applied exclusively to flour, meal and feed, has not previously been repealed but is no longer necessary because the control of flour and meal is now under the *Food and Drugs Act* and the control of feed is under *The Feeding Stuffs Act, 1937;*

Part III of the said Act, which applied exclusively to beef and pork, has not previously been repealed but is no longer necessary because the control of these is now under the *Meat and Canned Foods Act* and the *Food and Drugs Act;*

Part IV of the said Act, which applied exclusively to leather and raw hides, has not previously been repealed but is no longer necessary because inspection of these is not now required, except the inspection performed under the *Animal Contagious Diseases Act;*

Part V of the said Act, which applied exclusively to pot and pearl ashes, has not previously been repealed but is no longer necessary because the trade in these products is now negligible and inspection is no longer required;

Part VI of the said Act, which applied exclusively to fish oils, was repealed by virtue of an amendment to the *Fish Inspection Act* (May 30, 1930);

Part VII. Sections 156 to 165, both inclusive, of this Part, which applied to hay and straw, were repealed by *The Hay and Straw Inspection Act, 1932.* Section 155 of this Part, which applied to eggs, has not previously been repealed but is no longer necessary because of the *Live Stock and Live Stock Products Act* and regulations thereunder.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 31.

An Act to establish a Board of Transport Commissioners for Canada, with authority in respect of transport by railways, ships and aircraft.

First reading, March 1, 1938.

The MINISTER OF TRANSPORT.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53096 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 31.

An Act to establish a Board of Transport Commissioners for Canada, with authority in respect of transport by railways, ships and aircraft.

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

SHORT TITLE.

Short title.

1. This Act may be cited as *The Transport Act, 1938.*

INTERPRETATION.

Definitions.

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

"agreed charge".

(a) "agreed charge" means a charge agreed upon between a carrier and a shipper as in this Act provided and includes the conditions attached thereto;

"aircraft".

(b) "aircraft" means and comprises all machines which can derive support in the atmosphere from reactions of the air;

"Board".

(c) "Board" shall have the meaning set forth in section three of this Act;

"carrier".

(d) "carrier" means any person engaged in the transport of goods or passengers for hire or reward to whom this Act applies, and shall include any company which is subject to the *Railway Act;*

R.S., c. 170.

"goods in bulk".

(e) "goods in bulk" means the following goods laden or freighted in ships and not bundled or enclosed in bags, bales, boxes, cases, casks, crates or any other container:

grain,
ores and minerals (crude, screened, sized, refined or concentrated, but not otherwise processed),
sand, stone and gravel,
coal and coke,
liquids,
pulpwood, poles and logs.

"licensee". *(f)* "licensee" means a person licensed under this Act to engage in transport by water or by air;

"Minister". *(g)* "Minister" means the Minister of Transport;

"ship". *(h)* "ship" includes every description of vessel exceeding one hundred and fifty tons gross tonnage;

"shipper". *(i)* "shipper" means a person sending or receiving or desiring to send or receive goods by means of any carrier to whom this Act applies;

"toll" or "charge". *(j)* "toll" or "charge" means and includes any toll, rate, charge or allowance charged or made in connection with the transport of passengers, or the shipment, transport, care, handling or delivery of goods, or for any services incidental to the business of a carrier; and includes also any toll, rate, charge or allowance as charged or made in connection with any instrumentality or facility of shipment or transport irrespective of ownership, or of any contract express or implied with respect to the use thereof, and includes also any toll, rate, charge or allowance so charged or made for furnishing passengers with sleeping accommodation, or for collecting, receiving, loading, unloading, stopping over, elevating, ventilating, refrigerating, icing, heating, switching, ferrying, carting, storing, caring for, handling or delivering goods transported or in transit or to be transported; and includes also any toll, rate, charge or allowance so charged or made for the warehousing of goods, wharfage or demurrage, or the like, and includes hangar and landing charges payable in respect of aircraft; and includes charges made in connection with any one or more of the above mentioned subjects, separately or conjointly;

"transport", "transported" and "transporting". *(k)* "transport" means the transport of goods or passengers whether by air, by water or by rail, for hire or reward, to which the provisions of this Act apply and "transported" and "transporting" shall have corresponding meanings;

"transport by air". *(l)* "transport by air" means the transport of goods or passengers for hire or reward by means of aircraft;

"transport by rail". *(m)* "transport by rail" means the transport of goods or passengers by a company to which the *Railway Act* applies;

"transport by water". *(n)* "transport by water" means the transport of goods or passengers for hire or reward by means of ships required to be licensed under this Act.

Application of Railway Act. (2) Unless it is otherwise provided or the context otherwise requires, expressions contained in this Act shall have the same meaning as in the *Railway Act*.

R.S., c. 170.

PART I.

THE BOARD OF TRANSPORT COMMISSIONERS FOR CANADA.

Board of Transport Commissioners.

R.S., c. 170, etc.

3. The Board of Railway Commissioners for Canada shall hereafter be and be known as The Board of Transport Commissioners for Canada, and the expression "Board", wherever it occurs in this Act and in the *Railway Act* and in any other Act in which the expression "Board" is used to designate the Board of Railway Commissioners for Canada, shall mean The Board of Transport Commissioners for Canada, and the expression "The Board of Transport Commissioners for Canada" shall be substituted for the expression "Board of Railway Commissioners for Canada" wherever that expression occurs in the *Railway Act* or in any other Act.

Railway Act procedure to apply.

4. The provisions of the *Railway Act* relating to sittings of the Board and the disposal of business, witnesses and evidence, practice and procedure, orders and decisions of the Board and review thereof and appeal therefrom, shall be applicable in the case of every inquiry, complaint, application or other proceeding under this Act, and the Board shall exercise and enjoy the same jurisdiction and authority in matters under this Act as are vested in the Board by the *Railway Act*.

Application for licence. Public convenience and necessity.

5. (1) Before any application for a licence is granted by the Minister for the transport of goods and/or passengers under the provisions of this Act, the Board shall determine whether public convenience and necessity require such transport, and in so determining the Board may take into consideration, *inter alia*,—

(a) any objection to the application which may be made by any person or persons who are already providing transport facilities, whether by rail, water or air, on the routes or between the places which the applicant intends to serve on the ground that suitable facilities are or, if the licence were issued, would be in excess of requirements, or on the ground that any of the conditions of any other transport licence held by the applicant have not been complied with;

(b) whether or not the issue of such licence would tend to develop the complementary rather than the competitive functions of the different forms of transport, if any, involved in such objections;

(c) the general effect on other transport services and any public interest which may be affected by the issue of such licence;

(d) the quality and permanence of the service to be offered by the applicant and his financial responsibility, including adequate provision for the protection of passengers, shippers and the general public by means of insurance.

Board may accept evidence.

(2) If evidence is offered to prove,—

(a) that during the period of twelve months next preceding the coming into force of the relevant Part of this Act on, in or in respect of the sea or inland waters of Canada, or the route between specified points or places in Canada or between specified points or places in Canada and specified points or places outside of Canada, or the part of Canada to which the application for a licence relates, the applicant was *bona fide* engaged in the business of transport, and

(b) that the applicant was during such period using ships or aircraft, as the case may be, for the purpose of such business, and

(c) the extent of the user of such ships or aircraft including the capacity of the same to transport goods or passengers and the services maintained or performed by means thereof,

the Board shall, if satisfied with such proof, accept the same as evidence of public convenience and necessity to the extent of the user so proved and issue its certificate accordingly: Provided, however, that a ship temporarily out of service during the period of twelve months aforesaid shall nevertheless be deemed to have been in use during such period.

Proviso.

Term of licence Fees.

6. (1) Every licence issued under this Act shall, subject to the provisions of this Act, be for one year or for such other period as the Board with the approval of the Governor in Council may determine, and a fee shall be payable therefor according to a tariff of fees to be fixed by the Board with the approval of the Governor in Council.

Fees payable to Receiver General.

(2) Fees for licences shall be paid to the Receiver General of Canada for the use of His Majesty.

Fines payable to Receiver General.

7. Every fine imposed under this Act or under any regulation shall be paid over to the Receiver General of Canada for the use of His Majesty.

Liability of officers and directors of corporation.

8. If any corporation is guilty of a breach of any provision of this Act for which a fine is provided to be imposed on such corporation, every officer or director of such corporation who has been party or privy to such breach also shall be liable on summary conviction to a fine not exceeding one thousand dollars.

Limitation of proceedings for violations.

9. No proceeding for any penalty for any breach of the provisions of this Act or of any regulation made or licence granted thereunder shall be commenced except within twelve months from the date of the breach complained of.

PART II.

TRANSPORT BY WATER.

Ministerial licence to ships.

10. (1) The Minister may, subject to the provisions of this Part, license ships to transport passengers and/or goods from a port or place in Canada to another port or place in Canada.

Licence in name of owner.

(2) The licence shall be issued in the name of the owner, lessee or other person entitled to engage in transport by water by means of such ship.

To one or more ships.

(3) The licence may apply to one or more ships.

Licence may name ports and schedules.

(4) The Minister may in the licence state the ports between which the ship or ships named therein may carry goods or passengers and the schedule of services which shall be maintained.

Minister shall issue licence upon certificate of the Board.

(5) The Minister shall issue a licence upon a certificate being issued by the Board in respect of a ship built, building, or about to be built, that the proposed service is and will be required by the present and future public convenience and necessity and in the absence of such a certificate no licence shall be issued.

Ships built 10 years before importation.

(6) No licence shall be issued in the case of a ship other than a British ship, hereafter imported into Canada, which was constructed more than ten years before such importation.

No goods or passengers transported except in licensed ships.

11. (1) No goods or passengers shall be transported by water, from one port or place in Canada to another port or place in Canada, either directly or by way of a foreign port or for any part of the transport, by means of any ship other than a ship licensed under this Part.

Penalty for contravention of this Part.

(2) If any goods or passengers are transported contrary to the provisions of this Part or otherwise than in accordance with the terms of the licence of the ship, the owner or any other person operating the ship shall be liable upon summary conviction to a fine in respect of goods so transported not exceeding fifty cents per ton gross tonnage of the ship or five hundred dollars, whichever is the greater, and a fine in respect of passengers so transported not exceeding two hundred dollars for each passenger or five hundred dollars, whichever is the greater.

Power of detention.

(3) The Collector of Customs at any port or place in Canada may, if he believes that any ship to which this Part applies is transporting, or after the coming into force of this Part has transported, passengers and/or goods without a licence, in contravention of this Part, may detain the ship pending the disposition of any complaint or charge and the payment of any fine imposed in respect of such offence.

Suspension or cancellation of licence.

(4) If any licensee is convicted of an offence under this Act, or if the Board is satisfied that a ship is operated otherwise than in accordance with the terms of a licence applicable thereto, the Board may suspend or cancel the licence of such licensee in respect of one or all of the ships licensed.

Coming into force by proclamation.

12. (1) This Part shall not come into force on, or in respect of, any sea or inland water of Canada until proclaimed by the Governor in Council to be in force on, or in respect of, such sea or inland water.

G. in C. exemption.

(2) The Governor in Council may by regulation exempt any ship or class of ships from the operation of this Part.

Extension by G. in C. to transport to places outside of Canada.

(3) The Governor in Council may on the recommendation of the Board by proclamation extend the application of this Part to transport by means of ships registered in Canada over any sea or inland water on or in respect of which this Part is in force between ports or places in Canada and ports or places outside of Canada.

Not to apply to transport of bulk goods.

(4) The provisions of this Part shall not apply in the case of the transport of goods in bulk.

Nor between certain ports.

(5) The provisions of this Part shall not apply in the case of ships engaged in the transport of goods or passengers

(a) between ports or places in British Columbia;

(b) between ports or places in Hudson Bay, Nova Scotia, New Brunswick, Prince Edward Island, and the Gulf and River St. Lawrence east of Father Point, or between any two or more places therein;

nor shall this Part apply between any of such ports or places and ports or places outside of Canada.

PART III.

TRANSPORT BY AIR.

Ministerial licence within and without Canada. R.S., c. 3.

13. (1) The Minister may, notwithstanding anything contained in the *Aeronautics Act*, subject to the provisions of this Part, license aircraft to transport passengers and /or goods between specified points or places in Canada or between specified points or places in Canada and specified points or places outside of Canada.

Licence in name of owner or agent.

(2) The licence shall be issued in the name of the owner, lessee or other person entitled to engage in transport by air by means of such aircraft.

To one or more aircraft.

(3) The licence may apply to one or more aircraft.

Prescribe in licence routes and schedules.

(4) The Minister may in the licence prescribe the route or routes which the aircraft named therein may follow and the schedule of services which shall be maintained.

Licence only upon Board certificate.

(5) The Minister shall not issue a licence without being first satisfied by certificate issued by the Board that the proposed service is and will be required by the present and future public convenience and necessity.

Transportation only by licensed aircraft.

14. (1) Subject to the provisions of this Part, no goods or passengers shall be transported by means of any aircraft other than an aircraft licensed under this Part.

Penalty.

(2) If any goods or passengers are transported contrary to the provisions of this Part or otherwise than in accordance with the terms of the licence of the aircraft, the owner or other person operating the aircraft shall be liable upon summary conviction to a fine not exceeding five hundred dollars.

Suspension or cancellation of licence.

(3) If any licensee is convicted of an offence under this Act, or if the Board is satisfied that an aircraft is operated otherwise than in accordance with the terms of a licence applicable thereto, the Board may suspend or cancel the licence of such licensee in respect of one or all of the aircraft licensed.

Application of Part.

15. (1) This Part is applicable to transport by air, only,

(a) by means of international or interurban air transport services between points and places named by the Governor in Council, and

(b) by means of reasonably regular air transport services between points and places or within particular stated areas named by the Governor in Council on the recommendation of the Board that, in the opinion of the Board, all the provisions of this Part may fittingly be applied to such air services.

Exemption by G. in C.

(2) The Governor in Council may by regulation exempt any aircraft or class of aircraft from the operation of this Part.

PART IV.

TRAFFIC, TOLLS AND TARIFFS.

Licensee subject to tolls.

16. (1) Every licensee shall be governed by the provisions of this Part in respect of tolls to be charged for the transport of goods and passengers.

Tolls may be for the whole or portion.

(2) Any tolls may be either for the whole or for any particular portion of the route of the licensee.

If licensee a corporation.

17. (1) If the licensee is a corporation, the licensee or the directors thereof by by-law, or any officer of the licensee who is thereunto authorized by by-law of the licensee or its directors may, from time to time, prepare and issue tariffs of the tolls to be charged in respect of the operation of its ships or aircraft, and may specify the persons to whom, the place where, and the manner in which, such tolls shall be paid.

By-laws to be submitted to the Board.

(2) All such by-laws shall be submitted to the Board for approval.

Approval.

(3) The Board may approve such by-laws in whole or in part, or change, alter or vary any of the provisions therein.

Tolls to be charged only after by-law approved by the Board.

(4) If the licensee is a corporation, no tolls shall be charged by the licensee or by any person in respect of the transport of goods or passengers until a by-law authorizing the preparation and issue of tariffs of such tolls has been approved by the Board; or, whether the licensee is a corporation or not, unless otherwise authorized by this Act, until a tariff of such tolls has been filed with, and, where such approval is required under this Act, approved by, the Board; or until any other requirements of this Act to bring such tariff into effect have been complied with; nor shall any tolls be charged under any tariff or portion thereof disallowed by the Board, or which has not been brought into operation in accordance with the provisions of this Act, nor shall the licensee charge, levy or collect any toll for any service except under and in accordance with the provisions of this Act.

Tolls to be as specified in tariff.

18. When a tariff is filed with and approved by the Board, where approval is necessary under this Act, the licensee shall thereafter, until such tariff is disallowed or suspended by the Board, or superseded by a new tariff, charge the toll or tolls as specified therein.

Licensee to file tariff with Board.

19. (1) Every licensee shall file a standard tariff or tariffs of tolls with the Board for approval and may file such other tariff or tariffs as are authorized by this Part.

Tariffs in force may be supplemented etc.

(2) Except as otherwise provided, any tariff in force may, subject to disallowance or change by the Board, be amended, supplemented, or superseded by new tariffs, in accordance with the provisions of this Part and regulations of the Board.

Division of tariffs.

20. The tariffs of tolls which a licensee shall be authorized to issue under this Part shall be divided into five classes:—

(a) Standard freight tariffs;
(b) Special freight tariffs;
(c) Competitive freight tariffs;
(d) Standard passenger tariffs;
(e) Special passenger tariffs.

Standard tariffs.

21. (1) The standard tariff or tariffs shall specify the maximum mileage tolls to be charged for passengers and for each class of the freight classification for all distances covered by the licensee.

Approval of Board required.

(2) Every standard tariff and every amendment and supplement thereto shall require the approval of the Board before it becomes effective.

Special tariffs.

22. Special tariffs shall specify a toll or tolls lower than in the standard tariffs.

Competitive freight tariffs.

23. (1) Competitive freight tariffs shall specify a toll or tolls lower than in the standard freight tariff to be charged between points which the Board may deem to have declared to be competitive points.

Competitive points.

(2) The Board may declare that any places are competitive points within the meaning of this Part.

Equal application of tolls.

24. (1) All tolls shall always under substantially similar circumstances and conditions, in respect of all traffic of the same description, and carried in like manner over the same route, be charged equally to all persons and at the same rate, whether by weight, mileage or otherwise.

No discrimination among persons.

(2) No reduction or advance in any such tolls shall be made either directly or indirectly, in favour of or against any particular passenger or shipper.

No discrimination between localities.

(3) No toll shall be charged which unjustly discriminates between different localities.

Licensee to offer proper facilities.

25. (1) Every licensee shall, according to his powers and within the limits of the capacity of the ships or aircraft specified in the licence, afford to all persons and companies all reasonable and proper facilities for the receiving, forwarding and delivering of traffic.

Offences.

(2) No licensee shall,—

(a) make or give any undue or unreasonable preference or advantage to, or in favour of any particular person or company, or any particular description of traffic, in any respect whatsoever;

(b) by any unreasonable delay or otherwise howsoever, make any difference in treatment in the receiving, loading, forwarding, unloading or delivery of the goods of a similar character in favour of or against any particular person or company;

(c) subject any particular person or company, or any particular description of traffic, to any undue, or unreasonable prejudice or disadvantage, in any respect whatsoever.

Commission may disallow tariffs or portions.

26. The Board may disallow any tariff or any portion thereof which it considers to be unjust or unreasonable, or contrary to any provisions of this Part and may require the licensee, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed.

Determination as to discrimination.

27. The Board may determine, as questions of fact, whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Part.

Onus on licensee *re* discrimination.

28. Whenever it is shown that any licensee charges one person, company, or class of persons, or the persons in any district, lower tolls for the same or similar goods, or lower tolls for the same or similar services, than it charges to other persons, companies or classes of persons, or to the persons in another district, or makes any difference in treatment in respect of such companies or persons, the burden of proving that such lower toll or difference in treatment does not amount to an undue preference, or an unjust discrimination, shall lie on the licensee.

Interest of the public to be considered when deciding whether there is unjust discrimination.

29. In deciding whether a lower toll, or difference in treatment, does or does not amount to an undue preference or an unjust discrimination, the Board may consider whether such lower toll, or difference in treatment, is necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made, and whether such object cannot be attained without unduly reducing the higher tolls.

Offences of licensees or agents.

30. (1) Any licensee or shipper or any officer, employee or agent of such licensee or shipper who

(i) offers, grants or gives or solicits, accepts or receives any rebate, concession or discrimination, or

(ii) knowingly is party or privy to any false billing, false classification, false report of weight or any other device,

whereby any person obtains transport by air or transport by water for less than the lawful tolls applicable thereto, shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

Doing or omitting act prohibited or required.

(2) Any licensee or officer or agent of such licensee who does or omits any act, the doing or omission whereof is required or prohibited, as the case may be, and for which no other penalty is provided under this Act, shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

Prosecution by leave of Board.

(3) No prosecution shall be had or instituted for any offence under this section without leave of the Board first being obtained.

Special rate notices to create trade may be permitted.

31. Notwithstanding anything in this Act, the Board may make regulations permitting the licensee to issue special rate notices prescribing tolls lower than the tolls in force upon the ships or aircraft of the licensee, to be charged for specific shipments between points on the route or routes of the licensee, not being competitive points, if it considers that the charging of the special tolls mentioned in any such notices will help to create trade, or develop the business of the licensee, or be in the public interest, and is not otherwise contrary to the provisions of this Act.

Traffic free or at reduced rates.

32. Notwithstanding anything in this Act contained a licensee engaged in transport by water may carry traffic free or at reduced rates to the same extent and subject to the same restrictions, limitations and control as are applied in the case of a railway company under the *Railway Act*.

Board regulations.

33. The Board may by regulation,—

(a) provide for the classification of freight and any changes therein from time to time, to be observed in connection with the operation and issue of all tariffs, which classification shall, in so far as it is practicable, be uniform throughout Canada;

(b) provide for the form, size and style of tariffs;

(c) provide for the notice that shall be given by a licensee of the issue of a tariff, or of any alteration or cancellation of a tariff, or any part thereof;

(d) provide for the publication and posting by a licensee of every tariff;

(e) provide for the date of coming into force of every tariff and of every alteration or cancellation of any tariff or any part thereof;

(f) declare what shall constitute substantially similar circumstances and conditions or unjust or unreasonable preferences, advantages, prejudices or disadvantages, within the meaning of this Act.

(g) require periodic returns to be made to the Board by licensees of their capital, traffic, expenditures and other information required by the Board;

(h) provide for the imposition and collection of fines for neglect or omission to comply with regulations made hereunder;

(i) provide generally for such matters as, in the opinion of the Board, may be required for the purpose of this Act.

Not to apply to transport of goods in bulk.

34. The provisions of this Part shall not apply in the case of transport of goods in bulk.

PART V.

AGREED CHARGES.

R.S., c. 170.

Charges by agreement between parties.

35. (1) Notwithstanding anything in the *Railway Act*, or in this Act or in any other statute, a carrier may make such charge or charges for the transport of the goods of any shipper or for the transport of any part of his goods as may be agreed between the carrier and that shipper: Provided that any such agreed charge shall require the approval of the Board, and the Board shall not approve such charge if, in its opinion, the object to be secured by the making of the agreement can, having regard to all the circumstances, adequately be secured by means of a special or competitive tariff of tolls under the *Railway Act* or this Act.

Particulars of agreed charges to be filed with Board.

(2) Particulars of an agreed charge shall be lodged with the Board within seven days after the date of the agreement and notice of an application to the Board for its approval of the agreed charge shall be given in such manner as the Board may direct.

Board approval of agreed charge.

(3) The Board may approve an agreed charge either for such period as it thinks fit or without restriction of time, and the date on which the charge shall become operative, or as from which it shall be deemed to have become operative, shall be such date, not being earlier than the date on which application for approval was lodged, as may be fixed by the Board.

Interested parties to be heard on application for approval of agreed charge.

(4) On an application to the Board for the approval of an agreed charge:—

(a) any shipper who considers that his business will be unjustly discriminated against if the agreed charge is approved and is made by the carrier, or that his business has been unjustly discriminated against as a result of the making of the charge by virtue of a previous approval;

(b) subject to the provisions of the next succeeding section, any representative body of shippers; and

(c) any carrier,

shall, after giving such notice of objection as may be prescribed by the Board, be entitled to be heard in opposition to the application.

Shipper may apply for a fixed charge to meet competition by an agreed charge.

(5) Any shipper who considers that his business will be unjustly discriminated against if an agreed charge is approved and is made by the carrier, or that his business has been unjustly discriminated against as a result of the making of an agreed charge, may at any time apply to the Board for a charge to be fixed for the transport of his goods

(being the same goods as or similar goods to and being offered for carriage under substantially similar circumstances and conditions as the goods to which the agreed charge relates) by the same carrier with which the agreed charge is proposed to be made, or is being made, and, if the Board is satisfied that the business of the shipper will be or has been so unjustly discriminated against, it may fix a charge (including the conditions to be attached thereto) to be made by such carrier for the transport of such goods.

Conditions as to a fixed charge.

(6) The Board, in fixing a charge, may fix it either for such period as it thinks fit or without restriction of time, and may appoint the date on which it is to come into operation, but no such charge shall be fixed for a period beyond that for which the agreed charge complained of by the shipper has been approved.

Applicant for fixed charge may object to agreed charge.

(7) An application under this section may, if it is convenient, be combined with an objection by the shipper to the application for the approval of the agreed charge of which he complains.

Application for withdrawal of agreed charge—approval after one year.

(8) Where the Board has approved an agreed charge without restriction of time:—

(a) any shipper who considers that his business has been unjustly discriminated against as a result of the making of the agreed charge,

(b) subject to the provisions of the next succeeding section, any representative body of shippers, and

(c) any carrier,

may, at any time after the expiration of one year from the date of the approval, apply to the Board for the withdrawal of its approval of the agreed charge, and, upon any such application, the Board may withdraw, or refuse to withdraw, its approval, or may continue its approval subject to such modifications being made in the charge as it thinks proper and as the carrier and the shipper to whose goods the charge is applicable are prepared to agree to:

Proviso.

Provided that, where the Board has fixed a charge in favour of a shipper complaining of an agreed charge, such shipper shall not be entitled to make an application under this subsection in respect of that agreed charge in so far as it relates to goods which are the same as or similar to any goods to which the charge so fixed relates.

Effect of approval or of withdrawal of approval.

(9) Where under this section the Board withdraws its approval of an agreed charge or continues its approval of an agreed charge, subject to modifications, any charges fixed under subsection five of this section in favour of a shipper complaining of that agreed charge shall cease to operate, or shall be subject to such corresponding modifications as the Board may determine.

Continuing approval.

(10) For the purpose of applications under this section a decision of the Board continuing its approval of a charge subject to agreed modifications shall be deemed to be the approval of an agreed charge.

Considerations to be given effect to on application.

(11) On any application under this section, the Board shall have regard to all considerations which appear to it to be relevant and, in particular, to the effect which the making of the agreed charge or the fixing of a charge is likely to have, or has had, on,—

(a) the net revenue of the carrier; and

(b) the business of any shipper by whom, or in whose interests, objection is made to approval being given to an agreed charge, or application is made for approval to be withdrawn.

"A representative body of shippers."

36. For the purpose of the provisions of the last preceding section, which relate to applications and objections to applications, the expression "a representative body of shippers" means an association or body of persons which satisfies the Board that it represents a substantial number of shippers interested in or likely to be affected by the decision of the application.

If agreed charge causes an unfair advantage.

37. (1) Upon complaint to the Minister by any representative body of carriers which, in the opinion of the Minister, is properly representative of the interests of persons engaged in the kind of business (transport by water, rail or air, as the case may be) represented by such body that any existing agreed charge places such kind of business at an undue or unfair disadvantage, the Minister may, if satisfied that in the national interest the complaint should be investigated, refer such complaint to the Board for investigation and if the Board after hearing finds that the effect of such agreed charge upon such kind of business is undersirable in the national interest the Board may make an Order varying or cancelling the agreed charge complained of or may make such other order as in the circumstances it deems proper.

Charge to cease to operate or be modified.

(2) Where under this section the Board cancels or varies an agreed charge, any charge fixed under this Part of this Act in favour of a shipper complaining of that agreed charge shall cease to operate, or shall be subject to such corresponding modifications as the Board may determine.

Rights preserved.

R.S., c. 79.

38. Nothing in this Part contained shall affect any right or obligation, granted or imposed, by the *Maritime Freight Rates Act*.

Coming into force by proclamation.

39. This Part shall not come into force until proclaimed as in force by the Governor in Council.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 32.

An Act to amend The Winnipeg and St. Boniface Harbour Commissioners Act.

First reading, March 2, 1938

THE MINISTER OF TRANSPORT.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53089 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 32.

An Act to amend The Winnipeg and St. Boniface Harbour Commissioners Act.

1912, c. 55.

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

1. Section three of *The Winnipeg and St. Boniface Harbour Commissioners Act*, chapter fifty-five of the statutes of Canada, 1912, is amended by adding thereto the following paragraph:—

"Municipality."

"*(g)* 'municipality' means a municipality contiguous to the city of Winnipeg or the city of St. Boniface, and lying along the Red River, and any such municipality shall, for the purposes of this Act, be deemed to include within its limits that portion of the Red River between such municipality and the centre line of the said River and between the productions respectively of the northerly and southerly boundaries of the said municipality from the points of intersection of the said boundaries with the said River to the points of intersection of the productions of the said boundaries with the centre line of the said River."

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

Harbour limits.

"**4.** (1) For the purposes of this Act, the harbour of Winnipeg and St. Boniface shall be deemed to include all the waters within the limits of the cities of Winnipeg and St. Boniface at the time of the passing of this Act and of such municipalities as may be brought within the provisions of this Act under subsection two hereof.

Additions to harbour.

(2) With the consent of any municipality, expressed by by-law of the council thereof, the waters within such municipality may be added to the harbour by a by-law to that effect made by the Corporation and confirmed by the Governor in Council and published in the *Canada Gazette*."

Explanatory Note.

The purpose of the Bill is to extend the jurisdiction of The Winnipeg and St. Boniface Harbour Commissioners to the waters of municipalities, contiguous to the cities of Winnipeg and St. Boniface, which desire to be brought under the Act.

3. Section six of the said Act is amended by adding thereto the following subsection:—

Additional commissioners.

"(4) Whenever the waters within any municipality are added to the harbour, in accordance with the provisions of this Act, the number of commissioners constituting the Corporation shall be increased by the addition of one commissioner appointed by by-law of the council of such municipality and all the provisions of this Act applicable to a commissioner shall apply to every commissioner so appointed."

4. Section nine of the said Act is amended by adding thereto the following subsection:—

Quorum.

"(2) If the number of commissioners is increased under the provisions of subsection four of section six of this Act the quorum for the transaction of business shall be increased by the addition of one commissioner for each additional commissioner appointed."

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

Surplus profits disposition.

"**15.** After providing for the cost of management of all the property which the Corporation owns, controls or manages under the preceding sections, and after providing for the cost of works or improvements under way or contemplation, and for the performance of the other duties imposed upon the Corporation and for capital charges and interest upon money borrowed by the Corporation for improvements, and for all other liabilities of the Corporation, and for a sinking fund to pay off any indebtedness incurred by the Corporation, any surplus profits shall be the property of the city of Winnipeg and the city of St. Boniface and such municipalities as may be brought within the provisions of this Act, as their respective interests may appear, and shall be paid over by the Corporation to the city or municipal treasurer in each case."

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

Books, etc., to be open to inspection.

"**16.** All books, documents and papers having reference to the management and development of any property under the control of the Corporation shall at all times be open for inspection by the audit departments of the city of Winnipeg and of the city of St. Boniface and of such municipalities as may be brought within the provisions of this Act, and the Corporation shall keep separate accounts as between the city of Winnipeg and the city of

Separate accounts.

St. Boniface and the said municipalities of all moneys borrowed, received and expended by it under the authority of this Act, and shall account for all moneys annually to the councils of the cities of Winnipeg and St. Boniface and the said municipalities and to the Governor in Council, in such manner or form as he may direct."

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 33.

An Act to amend the Soldier Settlement Act.

First reading, March 3, 1938.

THE MINISTER OF MINES AND RESOURCES.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50189 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 33.

An Act to amend the Soldier Settlement Act.

R.S., c. 188; 1928, c. 48; 1930, c. 42; 1931, c. 53; 1932, c. 53; 1932-33, c. 49; 1934, c. 41; 1935, c. 66; 1936, c. 10.

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

1. Subsection two of section sixty-six of the *Soldier Settlement Act*, chapter one hundred and eighty-eight of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

Payment of rates, taxes, insurance, etc., by Board in case of default on part of settler.

"(2) Notwithstanding anything to the contrary in this Act if the settler fails or neglects to pay any lawful rates, taxes or assessments or to keep such property insured as aforesaid then it shall be lawful for the Board to pay such rates, taxes or assessments or to insure such property as aforesaid and all moneys so expended by the Board either before or after the enactment hereof, shall be repaid by the settler on demand with interest at the rate of five per cent per annum computed from the time of advancing the same, and in the meantime the amount of such payment shall be added to the purchase price of such property or shall become a part of the principal secured by any charge, lien or mortgage in favour of the Board, as the case may be, and may in the discretion of the Board be made repayable at the time appointed for the payment of the next instalment in connection with the account to which such indebtedness is charged."

Amount added to purchase price and repayable at discretion of Board.

2. Subsection one of section seventy-three of the said Act, as enacted by section one of chapter ten of the statutes of 1936, is repealed and the following substituted therefor:—

Time extended for credit on payments of arrears.

"**73.** (1) Any settler or person indebted in respect of any contract or agreement made prior to the first day of January, 1933, under the provisions of this Act, who after the thirty-first day of March, 1933, makes payment on or before the thirty-first day of March, 1941, in respect of

Explanatory Notes.

1. There is at present a difference in the rate of interest chargeable for advances or payments made by the Board for taxes and insurance as provided by paragraph *(h)* of subsection (1) of section 59 and subsection 2 of section 66 the former providing five per centum and the latter seven per centum. It has been the policy of the Board to charge the lower rate under section 59 as if all such advances had actually been paid to the settler and by him to the person or corporation entitled thereto. The purpose of the amendment is to regularize such practice.

Paragraph *(h)* of subsection (1) section 59 reads—

"In all cases of sales of seed grain and feed or in cases of advances for the payment of taxes and insurance, to require that the settler's indebtedness to the Board in connection with such sale or advance be repaid within one year from the date of the advance, with interest at the rate of five per centum per annum. 1920, c. 19, s. 5."

Section 66 (2) in its present form reads—

"Notwithstanding anything to the contrary in this Act, if the settler fails or neglects to pay any lawful rates, taxes or assessments, or to keep such property insured as aforesaid, then it shall be lawful for the Board to pay such rates, taxes or assessments, or to insure such property as aforesaid, and all moneys expended by the Board with interest at the rate of seven per centum per annum computed from the time of advancing the same shall be repaid by the settler on demand, and in the meantime the amount of such payment shall be added to the purchase price of such property, or shall become a part of the principal secured by any charge, lien or mortgage in favour of the Board, as the case may be, and may in the discretion of the Board be made repayable at the time appointed for the payment of the next instalment in connection with the account to which such indebtedness is charged. 1920, c. 19, s. 8."

2. Subsection (1) of section 73. The effect of the proposed amendment is to extend for a further three years, that is from 31st March, 1938, to 31st March, 1941, the period within which certain purchasers of Soldier Settlement land may receive the dollar for dollar bonus.

The total of bonusable indebtedness is not increased. As heretofore, only such amounts as were due and payable before April 1st, 1938, may be repaid on the bonus basis.

The subsection at present reads as follows:

"**73.** (1) Any settler or person indebted in respect of any contract or agreement made prior to the first day of January, 1933, under the provisions of this Act, who after the thirty-first day of March, 1933, and up to and including the thirty-first day of March, 1938, makes payment in respect of any arrears or of any instalment due and payable within the said period shall, subject to the provisions of this section, receive credit toward payment of arrears or on the balance of such instalment or on any other such instalment for a further sum equal to the payment made."

any arrears due and payable before the first day of April, 1938, shall, subject to the provisions of this section, receive credit toward payment of such arrears for a further sum equal to the payment made."

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 34.

An Act to authorize an Agreement between His Majesty the King and the Corporation of the City of Ottawa.

AS PASSED BY THE HOUSE OF COMMONS, 3rd MARCH, 1938.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
52588 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 34.

1920, c. 15;
1924, c. 59;
1925, c. 21;
1931, c. 43;
1932, c. 11;
1932-33, c. 17;
1934, c. 7;
1935, c. 7;
1936, c. 14:
1937, c. 37.

An Act to authorize an Agreement between His Majesty the King and the Coporation of the City of Ottawa.

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

Agreement with City of Ottawa extended for one year.

1. The Minister of Public Works may on behalf of His Majesty the King enter into an Agreement with the Corporation of the City of Ottawa, hereinafter called "the Corporation", extending for a period of one year from the first day of July, 1937, the provisions of the existing Agreement between His Majesty the King and the said Corporation, dated the thirtieth day of March, 1920, which last mentioned Agreement, as amended, was extended to the first day of July, 1937, under the authority of chapter thirty-seven of the statutes of 1937.

Explanatory Notes.

The operation of the Agreement with the City of Ottawa of 30th March, 1920, was extended for one year by chapter 59 of the statutes of 1924. The Agreement itself is set out in full as a schedule to chapter 15 of the statutes of 1920.

In chapter 21 of the statutes of 1925, the period of the Agreement was extended for five years to July 1st, 1930, and the Minister was empowered to agree on behalf of His Majesty to pay to the Corporation annually the sum of $100,000.00 during the said period of five years from July 1st, 1925, instead of the annual sum of $75,000.00 as provided for in the said Agreement. By chapter 43 of the statutes of 1931, the period of the Agreement was extended for one year to July 1st, 1931 and has, since that date, been extended annually by Acts of Parliament to July 1st, 1937.

The present object is to extend the Agreement for one year.

Third Session, Eighteen Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 35.

An Act to amend The War Veterans' Allowance Act.

First reading, March 4, 1938.

The MINISTER OF PENSIONS AND NATIONAL HEALTH.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
51389 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 35.

An Act to amend The War Veterans' Allowance Act.

1930, c. 48; 1936, c. 48.

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

1. (1) Section two of *The War Veterans' Allowance Act,* chapter forty-eight of the statutes of 1930, is amended by adding immediately after paragraph *(h)* the following paragraph:—

"The South African War."

"*(hh)* 'The South African War' means the war waged by the United Kingdom of Great Britain and Ireland against the Dutch Republics in South Africa, the dates of the commencement and conclusion of which are to be deemed for the purpose of this Act to be the eleventh day of October, 1899, and the thirty-first day of May, 1902, respectively."

(2) The said section is further amended by adding immediately after sub-paragraph (ii) of paragraph (*i*) the following sub-paragraph:—

"Theatre of actual war."

"(iii) In the case of the Canadian contingents serving in the South African War, the zone of military operations in South Africa in which Canadian contingents were engaged prior to the first day of June, 1902."

(3) The said section is further amended by adding immediately after sub-paragraph (iv) of paragraph *(j)* the following sub-paragraph:—

"Veteran."

"(v) Any former member of a Canadian contingent who served in South Africa during the South African War; provided that such former member of a Canadian contingent landed in South Africa prior to the first day of June, 1902."

2. (1) Subsection one of section three of the said Act, as enacted by chapter forty-eight of the statutes of 1936, is repealed and the following substituted therefor:—

War Veterans' Allowance Board.

"**3.** (1) There shall be a Board to be known as the War Veterans' Allowance Board, hereinafter called the 'Board,'

Explanatory Notes.

The principal object of this bill is to extend the benefits of the War Veterans' Allowance Act to certain veterans of the Great War, who saw service in a theatre of actual war and who at present do not come within the scope of the Act. It is also proposed to include those who served in the South African War and who similarly saw service in a theatre of actual war. It is further intended to provide for enlargement of the Board to five members in order to cope with the increasing volume of work.

1. Paragraph *(hh)*, and subparagraphs (iii) and (v) are new and are necessary in order to include South African veterans as beneficiaries under the Act.

2. (1) The changes in the present section are indicated by the words underlined. The section now reads as follows:—

"**3.** (1) There shall be a Board to be known as the War Veterans' Allowance Board, hereinafter called the 'Board,'

which shall consist of not less than three nor more than five members to be appointed by the Governor in Council, one of whom shall be appointed chairman and shall receive a salary of seven thousand dollars a year, and each of the other members shall receive a salary of six thousand dollars a year; provided that the Governor in Council may appoint, to be additional members of the Board, without remuneration as such, the Deputy Minister and, as his alternate, the Assistant Deputy Minister, and one other person who is not on the staff of the Department."

(2) The said section is further amended by adding thereto the following subsection:—

Powers of Chairman of Board.

"(7) The Chairman of the Board shall have control and direction over the disposition and duties to be performed by the other members and shall have control over the duties to be performed by such staff as may be assigned to the Board by the Department."

3. Section four of the said Act, as enacted by chapter forty-eight of the statutes of 1936, is repealed and the following substituted therefor:—

Veterans to whom allowances payable.

"**4.** (1) Subject as hereinafter provided allowances under this Act shall be payable with the approval of the Board to any veteran who has been domiciled in Canada for the six months immediately preceding the date of the proposed commencement of the allowance, and who

(a) has attained the age of sixty years, or

(b) has not attained the age of sixty years, but is, in the opinion of the Board, permanently unemployable because of physical or mental disability, or

(c) does not qualify by age or disability under the two preceding paragraphs, but having served in a theatre of actual war, is in the opinion of the Board incapable and unlikely to become capable of maintaining himself because of economic handicaps combined with physical or mental disability or insufficiency.

Physically and mentally capable veterans not entitled.

(2) The provisions of paragraph *(c)* of subsection one shall not be construed to apply to any veteran who is, in the opinion of the Board, physically and mentally capable of maintaining himself if work were available.

Recipient of old age pension not entitled.

(3) An allowance shall not be awarded or continued under this Act to a veteran or a recipient while such veteran or recipient is in receipt of an old age pension awarded under any provincial old age pension legislation adopted in pursuance of an agreement made under the authority of the *Old Age Pensions Act*."

R.S., c. 156.

which shall consist of three members to be appointed by the Governor in Council, one of whom shall be appointed chairman and shall receive a salary of seven thousand dollars a year, and the other two of whom each shall receive a salary of six thousand dollars a year; provided that the Governor in Council may appoint, to be additional members of the Board, the Deputy Minister and, as his alternate, the Assistant Deputy Minister, and one other person who is not on the staff of the Department."

(2) This subsection is new and defines the powers of the Chairman with respect to the other members of the Board and the staff.

3. (1) Section four has been re-written and divided into subsections in order to extend the scope of the Act and for greater clarity. The repealed section reads as follows:—

"**4.** Subject as hereinafter provided, allowances under this Act shall be payable with the approval of the Board to any veteran who, at the date of the proposed commencement of the allowance, has attained the age of sixty years or is, in the opinion of the Board, permanently unemployable by reason of physical or mental disability, or having served in a theatre of actual war, has attained the age of fifty-five years and is, in the opinion of the Board, incapable of maintaining himself because of disability, pre-ageing and general unfitness, and in either case is, and has for the six months immediately preceding been domiciled in Canada. 1930, c. 48; 1936, c. 48."

(2) This is new and is necessary in view of the further class of veterans who, by these amendments, will become eligible for benefits.

(3) This is new and is intended to prevent the payment of allowances under the *Old Age Pensions Act* and the *War Veterans' Allowance Act* concurrently.

4. Section seven of the said Act, as enacted by chapter forty-eight of the statutes of 1936, is amended by adding thereto, immediately after paragraph *(b)*, the following paragraph:—

Certain deductions not to be made.

"*(bb)* any pension or grant received by him by reason of his having been awarded the Victoria Cross, the Military Cross or the Distinguished Conduct Medal, or"

4. This added paragraph is new and will enable the Board, when computing income, to disregard any income a veteran may have from a pension or grant awarded to him with respect to any of the decorations named. The section at present reads as follows:—

"**7.** No deduction shall be made from any allowance by reason of,—

(a) any sum payable to the veteran under the provisions of section twenty-six of the *Pension Act*,

(b) any additional allowance payable to him under the said Act on account of his children, or

(c) any casual earnings received by him not exceeding one hundred and twenty-five dollars in any year; and when a veteran is the owner of an interest in premises on which he resides, the allowance payable to him shall not be subject to any reduction in respect of the annual value of such interest, provided its capital value does not exceed two thousand dollars. 1930, c. 48; 1936, c. 48.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 36.

An Act to amend the Penitentiary Act.

First reading, March 7, 1938.

The MINISTER OF JUSTICE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53173 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 36.

An Act to amend the Penitentiary Act.

R.S., c. 154; 1932-33, c. 27.

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

1. Subsection four of section forty-four of the *Penitentiary Act*, chapter one hundred and fifty-four of the Revised Statutes of Canada, 1927, as enacted by section nine, chapter twenty-seven of the statutes of 1932-33, is repealed and the following substituted therefor:

Period of confinement not to be computed as time served. R.S., c. 36.

"(4) Subject to the provisions of subsection two of section one thousand and nineteen of the *Criminal Code*, any period during which a convict is detained in the gaol or other place of confinement pursuant to the authority of this section shall not be computed as time served in the execution of his sentence, unless he be so detained pending an appeal by the Attorney General or counsel for the Crown."

Explanatory Notes.

1. The object of this amendment is to make the section consistent with the provisions of section 1019 (2) of the *Criminal Code*, the relevant part of which subsection, reads as follows:

"(2) The time during which a person convicted is admitted to bail pending the determination of any appeal and, subject to any directions which the court of appeal may give to the contrary on any appeal, the time during which such person is detained in gaol or other place of confinement pending the determination of an appeal by him shall not count as part of any term of imprisonment under his sentence;"

37.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 37.

An Act to amend the Canada Evidence Act.

First reading, March 7, 1938.

The Minister of Justice.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

53169

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 37.

An Act to amend the Canada Evidence Act.

R.S., c. 59; 1931, c. 5.

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

1. Subsection two of section four of the *Canada Evidence Act*, chapter fifty-nine of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

Wife or husband competent and compellable witnesses for prosecution.

"(2) The wife or husband of a person charged with an offence against any of the sections two hundred and two to two hundred and six inclusive, two hundred and eleven to two hundred and nineteen inclusive, two hundred and thirty-eight, two hundred and thirty-nine, two hundred and forty-two subsection three, two hundred and forty-four, two hundred and forty-five, two hundred and ninety-eight to three hundred and two inclusive, three hundred and eight to three hundred and eleven inclusive, three hundred and thirteen to three hundred and sixteen inclusive, and three hundred and fifty-four of the *Criminal Code*, R.S., c. 36. shall be a competent and compellable witness for the prosecution without the consent of the person charged."

2. Section twenty-six of the said Act as amended by section one of chapter five of the statutes of 1931, is further amended by adding, immediately after subsection two thereof, the following subsection:

Proof of mailing departmental request, notice or demand.

"(3) Where by any statute of Canada or regulation thereunder provision is made for sending by mail any request for information, notice or demand by a department or other branch of the public service, an affidavit of an officer of the department or other branch of the public service sworn before any commissioner or other person authorized to take affidavits setting out that he has charge of the appropriate records, that he has a knowledge of the facts in the particular case, that such a request, notice or demand was sent by registered letter on a named date to the person or firm to whom it was addressed (indicating

Explanatory Notes.

1. The object of this amendment is to make the wife or husband competent and compellable witnesses for the prosecution in charges arising under section three hundred and fifty-four, theft by husband or wife of property of the other while living apart. The only change is the addition of the underlined words.

2. The object of this amendment is to permit the proof by affidavit of the sending of demands for information, otherwise it requires the sending of an official from Ottawa to the part of the Dominion wherein a charge is being laid especially for the purpose of proving the sending of such demand.

such address) and that he identifies as exhibits attached to such affidavit the Post Office certificate of registration of such letter and a true copy of such request, notice or demand, shall, upon production and proof of the Post Office receipt for the delivery of such registered letter to the addressee, be received as *prima facie* evidence of such sending and of such request, notice or demand."

3. Subsection two of section twenty-nine of the said Act is repealed and the following substituted therefor:—

Reception in evidence.

"(2) (*a*) A copy of an entry in such book or record shall not be received in evidence under this section unless it be first proved that the book or record was, at the time of the making of the entry, one of the ordinary books or records of the bank and that the entry was made in the usual and ordinary course of business, and that the book or record is in the custody or control of the bank and that such copy is a true copy thereof; and such proof may be given by the manager or accountant of the bank and may be given orally or by affidavit sworn before any commissioner or other person authorized to take affidavits.

Proof how given.

Cheques, proof of "no account."

(*b*) Where a cheque has been drawn on any bank or branch thereof by any person, an affidavit of the manager or accountant of such bank or branch, sworn before any commissioner or other person authorized to take affidavits, setting out that he is such manager or accountant, that he has made a careful examination and search of the books and records for the purpose of ascertaining whether or not such person has an account with the bank or branch, and that he has been unable to find such an account, shall be received as *prima facie* evidence that such person has no account in such bank or branch."

3. The object of this amendment is to permit the proof by affidavit that there is no account where a cheque has been issued, if such be the case. A copy of an entry in the books or records of the bank may now be proved by affidavit.

Subsection two is repealed and re-enacted without change as paragraph (a),—paragraph (b) is new.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 38.

An Act to amend the Immigration Act.

First reading, March 9, 1938.

MR. NEILL.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53731 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 38.

An Act to amend the Immigration Act.

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

1. Paragraph (t) of section three of the *Immigration Act*, chapter ninety-three of the Revised Statutes of Canada, 1937, is repealed and the following substituted therefor:—

Prohibited classes.

"(t) on and after the first day of July, one thousand nine hundred and thirty-nine, in addition to the foregoing "prohibited classes", the following persons shall also be prohibited from entering or landing in Canada:—

Illiterates

Persons over fifteen years of age, physically capable of reading who cannot read the English or the French language or some other language or dialect commonly spoken by and native to the people of any country, state, province or other political or territorial division of Europe: Provided that any admissible person or any person heretofore or hereafter legally admitted, or any citizen of Canada, may bring in or send for his father or grandfather, over fifty-five years of age, his wife, his mother, his grandmother or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not and such relative shall be permitted to enter;"

Coming into force.

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

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 40.

An Act to amend the Royal Canadian Mounted Police Act.

First reading, March 17, 1938.

THE MINISTER OF JUSTICE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53244 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 40.

An Act to amend the Royal Canadian Mounted Police Act.

R.S., c. 160; 1930, c. 39; 1931, c. 11; 1932, c. 37; 1932-33, c. 29; 1934, cc. 8, 40; 1935, c. 25; 1937, c. 38.

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

1. Subsection six of section twenty-eight of the *Royal Canadian Mounted Police Act*, chapter one hundred and sixty of the Revised Statutes of Canada, 1927, as enacted by section two of chapter thirty-eight of the statutes of 1937, is repealed and the following substituted therefor:—

Part I and rules and regulations applicable.

"(6) Every member of such Reserve on being called up for duty or training shall be subject to the provisions of Part I of this Act and of all rules and regulations made thereunder, from the date of his being called up, which date shall be the date on which he is advised by registered letter to report himself for duty. Should he become injured or killed in the performance of duty, but not otherwise, he or his dependents, if any, shall be eligible to receive the benefits provided under the provisions of Part III of this Act and under any regulations of the Force providing for the payment of compensation in respect of the injury or death of a member of the Force arising out of and in the course of the performance of duty, and this subsection shall be and be deemed to have been effective from and after the tenth day of April, 1937."

When Part III to apply.

2. Section twenty-eight of the said Act as enacted by section two of chapter thirty-eight of the statutes of 1937, is further amended by adding thereto the following subsection:—

Act not to apply except as specified.

"(11) Except as hereinbefore specified the provisions of this Act shall not be applicable to a member of such Reserve."

Explanatory Notes.

1. Subsection 6 of section 28, as enacted by chapter 38 of the statutes of 1937, which was assented to on the 10th April, 1937, at present reads as follows:—

"(6) Every member of such Reserve on being called up for duty or training *will* be subject to this Act, and all rules and regulations made thereunder from the date of his being called up, which date shall be the day on which he is advised by registered letter to report himself for duty."

It will be noted from the above that subsection 6 enacts that reservists are subject to the Royal Canadian Mounted Police Act and all rules and regulations made thereunder.

It is not desired that reservists shall be entitled to all the benefits of the Royal Canadian Mounted Police Act such as pensions, etc., unless they are injured or killed on duty, and therefore it is considered necessary to re-draft the subsection, and make it retroactive to the 10th April, 1937,—the date chapter 38 was assented to.

2. To ensure obtaining the object in view, a new subsection has been added, which is self-explanatory.

3. Subsection three of section thirty-one of the said Act, as enacted by section seven of chapter eight of the statutes of 1934, is repealed and the following substituted therefor:

Stoppage of pay.

"(3) Any such offender on being convicted of absence without leave, in addition to any other penalty which may be imposed under this section, shall be subject to complete stoppage of pay for each day he is so absent, within the meaning of the Royal Canadian Mounted Police rules and regulations."

4. Subsection eight of section forty-eight of the said Act, as enacted by section three of chapter thirty-eight of the statutes of 1937, is repealed and the following substituted therefor:—

Time in permanent forces included.

"(8) *(a)* Time served in the permament naval, military or air forces of Canada may also be included in the term of service of an officer for the purposes of pension under this Part.

Deduction reduced.

(b) In such cases the yearly deduction of five per centum upon average pay under this Part from any pension shall be reduced by the average yearly deduction from the officer's salary or pay as a member of the permanent naval, military or air forces, made under the *Militia Pensions Act.*"

R.S. c. 133.

5. Section sixty-five of the said Act, as enacted by section eleven of chapter eight of the statutes of 1934, is repealed and the following substituted therefor:—

Constable may be required to retire.

"**65.** When any constable has,

(a) completed a service of twenty years, or,

(b) completed a service of not less than ten years, and has reached the age limit,

the Commissioner may, with the approval of the Governor in Council, require him to retire upon the terms as to pension prescribed under this Part."

6. Subsection two of section sixty-six of the said Act is repealed and the following substituted therefor:—

Certain constables pensioned may be recalled.

"(2) Any constable, who receives a pension before he has completed twenty years' service, shall be subject to return to service, as provided by this Part, if he ceases to be incapacitated and has not reached the age limit."

3. Subsection three of section thirty-one of the R.C.M. Police Act, dealing with the disposal of charges against members of the Force (other than Commissioned Officers) reads at present as follows:—

"(3) Any such offender on being convicted of absence without leave, in addition to *a fine or imprisonment may* be subject to complete stoppage of pay each day he is so absent, within the meaning of the Royal Canadian Mounted Police Rules and Regulations."

In connection with this subsection it is desired to remove as far as possible, any doubt as to when "stoppage of pay" shall be made, on account of absence without leave. The new subsection is so drafted as to make "pay stoppage" an obligatory punishment.

4. Subsection 8 of section 48 at present reads as follows:

"8 *(a)* Time served in the permanent forces of Canada may also be included in the term of service of an officer for the purpose of pension under this Part.
(b) In such cases the yearly deduction of five per cent upon average pay under this Act from any pension shall be reduced by the average yearly deduction from the officer's salary or pay as a member of the Permanent Forces made under the Militia Pensions Act."

As it is not clear from existing statutory definitions that the expression "permanent forces of Canada" includes the permanent Canadian naval and air Forces as well as the permanent military forces of Canada, the subsection has been redrafted to conform to the original intention, namely, to include service in the permanent naval, military and air forces of Canada.

5. Section 65 at present reads as follows:—

"65. When any constable has completed a service of twenty years, or has reached the age limit, the Commissioner may, with the approval of the Governor in Council, require him to retire upon the terms as to pension prescribed by this Part."

It was intended when this section was enacted in 1934 that the Commissioner should have power when a constable has completed 20 years' service or has reached the age limit, whichever should first occur, to compel the constable to retire if his retirement was considered to be in the interests of the Force.

As the section is worded at present, the Department of Justice has ruled that the desired procedure is not now possible, because of the provisions of subsection 3 *(a)* of section 66 and therefore the section has been re-cast to conform with the original intention and with the stipulation of subsection 3 *(a)* of section 66.

6. In view of the alteration to section 65, it is also considered necessary to change subsection 2 of section 66 by adding the words "and has not reached the age limit" at the end of the subsection, to make it conform to the action authorized by section 65.

7. Subsection five of section sixty-seven of the said Act, as enacted by section four of chapter thirty-eight of the statutes of 1937, is repealed and the following substituted therefor:—

Time served in permanent forces included.

"(5) Time served in the permanent naval, military or air forces of Canada may also be included in the term of service of a constable for the purposes of pension under this Part."

7. Subsection 5 of section 67 at present reads as follows:

"(5) Time served in the permanent forces of Canada may also be included in the term of service of a constable for the purposes of pension under this Part."

As already mentioned in the Explanatory Notes regarding section 4 of this Act, in the case of commissioned officers, it is not clear that the expression "permanent forces of Canada" includes the naval and air forces as well as the military forces, and therefore it has been considered best to re-draft the subsection to include service in the permanent naval, military and air forces of Canada, as was originally intended.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 52.

An Act respecting Radio in Canada.

First reading, March 21, 1938.

The MINISTER OF TRANSPORT.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53802 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 52.

An Act respecting Radio in Canada.

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

SHORT TITLE.

Short title.

1. This Act may be cited as *The Radio Act, 1938.*

INTERPRETATION.

Definitions.

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

"Broadcasting."
(a) "broadcasting" means "broadcasting" as defined in *The Canadian Broadcasting Act, 1936.*

"Coast station."
(b) "coast station" means any radio station which is established on land or on board a ship permanently moored and which is used for communication with ships at sea;

"Land station."
(c) "land station" means any radio station or installation of radio apparatus which is not a coast, mobile, ship, or private receiving station;

"Minister."
(d) "Minister" means the Minister of Transport;

"Mobile station."
(e) "mobile station" means any radio station, other than a ship station, capable of being moved and which ordinarily does move;

"Private receiving station."
(f) "private receiving station" means a radio receiving set or radio apparatus intended for or capable of receiving broadcasting;

"Radio station" or "station."
(g) "radio station" or "station" means a station equipped with transmitting or receiving radio apparatus, or both;

"Radio."
(h) "radio" means and includes radiotelegraph, radiotelephone and any other form of radioelectric communication including the wireless transmission of writing, signs, signals, pictures, and sounds of all kinds by means of Hertzian waves;

"Ship station."
(i) "ship station" means any radio station established on board a ship which is not permanently moored.

Explanatory Notes.

The proposed Bill is a revision of the *Radiotelegraph Act*, R.S.C. 1927, c. 195. It is revised at this time primarily because those sections referring to ships have been transferred to the *Canada Shipping Act, 1934*. At the same time, this has provided an opportunity to clarify and somewhat strengthen some of the remaining sections of the Act, particularly with regard to the licensing of radio receiving sets used for broadcast reception.

1. This is the same as the existing title except that the word "radiotelegraph" is changed to read "radio".

2. *(a)* This is a new definition.

(b) This is existing section 2, paragraph *(a)* altered as follows:—

The word "radiotelegraph" is changed to read "radio" and the words "for the exchange of messages and electric signals with ships at sea" is changed to read "for communication with ships at sea".

(c) This is existing paragraph *(b)* reworded to conform to the new definitions.

(d) This is existing paragraph *(c)* appropriately revised.

(e) This is a new definition and is intended to cover aircraft, automobiles and other vehicles.

(f) This is a new definition and is intended clearly to establish that radio receiving sets used for the reception of broadcasting come within the scope of this Act.

(g) This is a new definition.

(h) This is a new definition of radio and replaces existing paragraph *(d)*.

(i) This is existing paragraph *(e)* with the word "radiotelegraph" changed to "radio".

R.S., c. 1.

Application to radio stations or apparatus owned or operated on behalf of His Majesty in the right of the Province.

Taxation.

(2) Notwithstanding anything contained in the *Interpretation Act* or any other statute or law, the provisions of this Act shall be deemed to apply and to have full force and effect according to their terms, in the case of all radio stations or radio apparatus owned or operated on behalf of His Majesty in the right of any province: Provided, however, that nothing herein contained is intended to impose or to declare the imposition of any tax upon or to make or to declare liable to taxation any property belonging to His Majesty in the right of any province.

Powers of Governor in Council.

3. The Governor in Council may

(a) prescribe the tariff of fees to be paid for licences and for examination for certificates of proficiency held and issued under the provisions of this Act;

(b) authorize the payment of a portion of the licence fees collected in respect of private receiving station licences to any person or department of government, approved by the Minister, for services rendered in connection with the issuance of such licences;

(c) accede to any international convention in connection with radio, and make such regulations as may be necessary to carry out and make effective the terms of such convention and prescribe penalties recoverable on summary conviction for the violation of such regulations: Provided that such penalties shall not exceed five hundred dollars and costs;

(d) make regulations for the censorship and controlling of radio signals and messages in case of actual or apprehended war, rebellion, riot or other emergency;

(e) make regulations imposing a penalty not exceeding fifty dollars and costs or three months' imprisonment for the violation of any regulation made under this section for which a penalty is not already herein prescribed, and to provide that any such penalty may be imposed upon summary conviction.

Ministerial regulations.

4. (1) The Minister may make regulations

(a) prescribing the form and manner in which applications for licences under this Act are to be made;

(b) classifying coast, land, and mobile stations, and prescribing the type of radio equipment to be installed, the frequencies to be used and the nature of the service to be rendered by the several classes of stations;

(c) defining the different kinds of licences that may be issued, their respective forms and the several periods for which they shall continue in force;

(d) prescribing the conditions and restrictions to which the several licences shall respectively be subject;

(2) This is a new subsection intended to apply the provisions of the Act in the case of radio stations owned or operated by any province.

3. *(a)* No change.

(b) Reworded to cover specifically amounts paid for the issuance of private receiving station licences.

(c) This is the existing paragraph *(c)*, save that the word "radiotelegraphy" is replaced by the word "radio."

(d) This is the existing paragraph *(d)*, save that the word "radiotelegraph" is replaced by the word "radio."

(e) This is a new paragraph authorizing the Governor in Council to make regulations imposing a penalty.

4. *(a)* No change.

(b) The word "ship" is deleted and the existing paragraph *(b)* reworded to conform to the new definitions and to include reference to frequencies and nature of service of stations.

(c) No change.

(d) No change.

(e) prescribing that no radio receiving set or radio apparatus for installation or use as, or in, a private receiving station may be sold or serviced by any person until a licence is first obtained for such station;

(f) prescribing the different classes of certificate of proficiency of operators and the class of certificate, if any, necessary to qualify persons as operators for coast, land and mobile stations;

(g) for the examination of persons desiring to obtain certificates of proficiency as radio operators and to determine the qualifications in respect of age, term of service, skill, character and otherwise to be required by applicants for such certificates;

(h) to provide against any person divulging information received by means of a private receiving station:

(i) prescribing the watches, if any, to be kept by operators and the number of operators, if any, to be maintained at coast, land and mobile stations;

(j) for the inspection of radio stations;

(k) to compel all radio stations to receive, accept, exchange and transmit signals and messages with such other radio stations and in such manner as he may prescribe;

(l) for the effective carrying out of the provisions of this Act.

Penalty for violation.

(2) The Minister may, by regulation, authorize the imposition of a penalty not exceeding fifty dollars and costs or three months' imprisonment for the violation of any regulation made under this section, and any such penalty may be recovered upon summary conviction.

Station licences.

5. No person shall establish any radio station or private receiving station, or install, operate or have in his possesion any radio apparatus at any place in Canada or on any aircraft registered in Canada, except under and in accordance with a licence granted in that behalf by the Minister:

Proviso.

Provided that the Governor in Council may exempt from the operation of this section any radio apparatus installed

Motor car radio.

in any automobile or other vehicle temporarily in Canada which is owned by a person who resides outside of Canada in a country which accords a similar privilege to residents of Canada.

Telegraph lines.

6. All persons operating land or cable telegraph lines shall transmit all messages destined to or coming from any ship via coast stations under such rules as may be made by the Board of Railway Commissioners for Canada.

(e) This is a new paragraph to clarify the Minister's authority requiring dealers and others to see that a licence is obtained for every set sold or serviced.

(f) This is the existing paragraph *(e)* reworded and the word "ship" deleted; otherwise the substance is unchanged.

(g) This is the existing paragraph *(f)* unchanged save that the word "radio" is substituted for "radiotelegraph."

(h) This is a new paragraph.

(i) This is existing paragraph *(g)*. "Ship" is deleted and the paragraph is reworded to more clearly indicate what is intended. Existing paragraph *(i)* is now included in the *Canada Shipping Act, 1934*, and is deleted here.

(j) This is existing paragraph *(h)*. The word "radio" is substituted for the word "radiotelegraph"; otherwise no change.

(k) This is existing paragraph *(j)*. "Radio" is substituted for "radiotelegraph"; otherwise no change.

(l) This is existing paragraph *(k)*. No change.

(2) No change.

5. This is existing section 6 reworded to clarify the intention. The reference to ships has been deleted and aircraft added.

The proviso is new.

6. This is existing section 8 unchanged except that the words "ship station" are replaced by the words "any ship".

Radio operator a British subject.

7. (1) No one shall be employed as a radio operator at any coast, land or mobile station unless he is a British subject.

Declaration of secrecy.

(2) All radio operators at coast or land stations, or on mobile stations shall take and subscribe a Declaration of Secrecy in the form set forth in the Schedule to this Act, before a judge of any court, a notary public, a justice of the peace or a commissioner for taking affidavits, having authority or jurisdiction within the place where the oath is administered.

Disclosing information an offence.

(3) Every person who has made the Declaration of Secrecy and who, either directly or indirectly, divulges to any person, except when lawfully authorized or directed so to do, any information which he acquired by virtue of his employment, is guilty of an offence and shall be liable, on summary conviction, to a penalty not exceeding one hundred dollars, and to imprisonment for a term not exceeding six months.

Transmitting false or fraudulent messages.

8. Any person who knowingly sends or transmits or causes to be sent or transmitted any false or fraudulent distress signal, message, call or radiogram of any kind, or who without lawful excuse interferes with or obstructs any radio-communication, shall be guilty of an offence and shall be liable, on summary conviction, to a penalty not exceeding five hundred dollars and costs or six months' imprisonment.

Search warrant.

9. (1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for believing that a radio station or a private receiving station has been established without a licence, or that any radio apparatus has been installed, or is being operated, or is in possession of any person in any place in Canada within his jurisdiction without a licence in that behalf, he may grant a search warrant to any police officer or any officer appointed in that behalf by the Minister and named in the warrant.

Warrant to enter and inspect premises.

(2) A warrant so granted shall authorize the officer named therein to enter and inspect the station or place and seize any radio apparatus there installed, or found in operation or in possession of any person.

Penalty for establishing stations without authority.

10. (1) Any person who establishes a radio station or private receiving station or installs, operates or has in his possession any radio apparatus, in violation of the provisions of this Act or any regulations made hereunder, shall be liable on summary conviction to a penalty not less than five dollars nor exceeding fifty dollars, and on conviction on indictment to a fine not exceeding five hundred dollars and to imprisonment for a term not exceeding twelve months, and in either case the aforesaid radio apparatus may be forfeited to His Majesty by order of the Minister.

7. (1) This is existing section 9, paragraph (1) reworded to conform with the new definitions. Section 7 has been transferred to the *Canada Shipping Act, 1934*, and it is, therefore, deleted here.

(2) This is existing section 9, paragraph (2). The reference to ships is deleted and the word "radio" substituted for "radiotelegraph". The new definition for stations is used; otherwise no change.

(3) This is existing section 9, paragraph (3) unaltered.

8. This is existing section 10 with the word "knowingly" added in the first line.

9. This is existing section 11, paragraph 1, reworded to clarify and conform to revision made in new section 5.

(2) This is paragraph 2 of existing section 11, reworded to clarify meaning; "or ship" is deleted and "radio" replaces "radiotelegraph."

10. This is existing section 12 reworded to conform to new section 5 and to provide a minimum penalty.

Burden of proof on accused.

(2) Whenever any person is charged with an offence against section five of this Act, the onus shall be upon the accused to prove that he had a licence at the time of the alleged commission of such offence, and if he is proved to be the owner, tenant or the person in control of the premises, place, aircraft, automobile or other vehicle where any radio station or private receiving station or radio apparatus is found, there shall be a presumption that he did establish the radio station or private receiving station or that he did install, operate or have the said apparatus in his possession.

Ministerial order required to start proceedings.

(3) No proceedings shall be taken against any person under this section except by order of the Minister.

Summary conviction.

Costs.

R.S., c. 36.

(4) In every case of a summary conviction under this section the magistrate or justice of the peace shall, in addition to any other penalty imposed, award and order that the defendant shall pay to the prosecutor or complainant such proper costs as may be allowed under the provisions of Part XV of the *Criminal Code*.

His Majesty may take possession of station.

11. (1) His Majesty may, at any time, assume, and for any length of time retain, possession of any radio station, and of all things necessary to the sufficient working thereof, and may, for the same time, require the exclusive service of the operators and other persons employed in working the same.

Control by Government of possessed station.

(2) The person owning or controlling the station shall give up possession thereof, and the operators and other persons so employed shall, during the time of such possession, diligently and faithfully obey such orders, and transmit and receive such signals, calls and radiograms as they are required to receive and transmit by any duly authorized officer of the Government of Canada.

Compensation.

(3) If the Minister and the person owning or controlling any radio station taken possession of by the Crown under the provisions of this section cannot agree as to the compensation to be paid by the Crown for such taking possession, the Minister shall refer the matter to the Exchequer Court of Canada for adjudication and the provisions of the *Expropriation Act*, shall, *mutatis mutandis*, be applicable for the purpose of determining the amount of the compensation, if any, aforesaid, and the amount of any judgment upon proceedings instituted hereunder shall be payable out of the Consolidated Revenue Fund.

R.S., c. 64.

Fines to be paid to Receiver General.

12. All fines imposed by this Act or regulations made thereunder shall belong to His Majesty in the right of the Dominion of Canada and they shall be paid to the Receiver General of Canada.

(2) This is a new subsection.

(3) This is paragraph (2) of existing section 12. No change.

(4) This new subsection is intended to avoid the possibility of costs being awarded against the department in any case of a summary conviction.

11. This is existing section 13. No change other than substituting "radio" for "radiotelegraph" and making the provisions of the Expropriation Act applicable.

12. This is a new section to ensure that all fines will be paid to the Dominion Government.

Action for offence to be taken within 2 years.

13. In the case of any offence against any of the provisions of this Act or any regulation made hereunder, the complaint shall be made, or the information shall be laid, within two years from the time when the matter of complaint or information arose and not otherwise.

Regulations to be published in *Gazette*.

14. All regulations made under this Act shall be published in the *Canada Gazette* and shall, as from the date of publication or any later date mentioned therein, take effect as if they were enacted by Parliament.

Repeal.

15. The *Radiotelegraph Act*, chapter one hundred and ninety-five of the Revised Statutes of Canada, 1927, is repealed.

SCHEDULE.

DECLARATION OF SECRECY.

I, A.B., solemnly and sincerely promise and declare that I will faithfully and honestly fulfil the duties which devolve upon me as radio operator, and that I will not, either directly or indirectly, divulge to any person, except when lawfully authorized or directed so to do, any information which I acquire by virtue of my employment as such operator, or which may come to my knowledge through the operation of any radio installation.

Declared before me at.....
.....this.....day
of.....19 ,.....

.....
(Signature of declarant)

13. This is a new section.

14. This section replaces existing section 5.

53.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 53.

An Act to amend An Act respecting The National Battlefields at Quebec.

First reading, March 23, 1938.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
54335 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 53.

An Act to amend An Act respecting The National Battlefields at Quebec.

1908, cc. 57, 58; 1910, c. 41; 1911, c. 5; 1914, c. 46; 1925, c. 47; 1928, c. 36.

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

1. Section eight of chapter fifty-seven of the statutes of 1908, *An Act respecting the National Battlefields at Quebec*, as enacted by chapter thirty-six of the Statutes of 1928, is repealed and the following substituted therefor:—

Payment of $750,000 authorized.

"**8.** The Minister of Finance is hereby authorized to pay out of the Consolidated Revenue Fund of Canada to the Commission the sum of seventy-five thousand dollars a year for a period not exceeding ten years from the first day of April 1938, to be expended by the Commission for the purposes and subject to the provisions of this Act. Such annual payments shall be made in four equal quarterly instalments payable on the first day of April, July, October and January, respectively, in each year, the first of such quarterly instalments to be paid on the first day of April, 1938."

Explanatory Note.

Section 8 of the Act respecting the National Battlefields at Quebec, which is being repealed, reads as follows:—

"**8.** The Minister of Finance is hereby authorized to pay out of the Consolidated Revenue Fund of Canada to the Commission the sum of seventy-five thousand dollars a year for a period not exceeding ten years from the first day of April, *1928*, to be expended by the Commission for the purposes and subject to the provisions of this Act. Such annual payments shall be made in four equal quarterly instalments payable on the first day of April, July, October and January, respectively, in each year, the first of such quarterly instalments to be paid on the first day of April, *1928*"

This section was enacted in 1928 and authorized the payment to The National Battlefields Commission of the sum of $75,000 a year for a period of ten years from April 1st, 1928. The amount payable under this section has been fully expended, and the new section 8 authorizes the Minister of Finance to pay the sum of $75,000 to the Commission for another period of ten years from April 1st, 1938.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 78.

An Act to assist the Provinces of Alberta and Saskatchewan in financing the cost of seed and seeding operations for the crop year 1938.

First reading, March 25, 1938.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53915 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA

BILL 78.

An Act to assist the Provinces of Alberta and Saskatchewan in financing the cost of seed and seeding operations for the crop year 1938.

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

Short title.

1. This Act may be cited as *The Seed Grain Loans Guarantee Act, 1938.*

Dominion guarantee of bank loans in respect to Alberta.

2. The Governor in Council, subject to the provisions of this Act, may authorize the guarantee of the principal and interest of any loans by any chartered bank guaranteed by the province of Alberta under the authority of *The Agricultural Relief Advances Act* of Alberta and any amendments thereto, or any Act passed in substitution therefor, for purchasing seed grain and providing other assistance to farmers in connection with seeding operations during the spring of 1938; provided however that the liability of the Government of Canada under all guarantees given under this section shall be limited to one million nine hundred thousand dollars.

Not to exceed $1,900,000.

Dominion guarantee of bank loans in respect to Saskatchewan.

3. The Governor in Council, subject to the provisions of this Act, may authorize the guarantee of the principal and interest of any loans by any chartered bank guaranteed by the province of Saskatchewan under the authority of *The Municipalities Seed Grain and Supply Act, 1938*, of Saskatchewan, *The Local Improvement Districts Act, 1936*, of Saskatchewan, or of *The Local Improvement Districts Relief Act* of Saskatchewan, and any amendments thereto, or any Acts passed in substitution therefor, for purchasing seed grain and providing other assistance to farmers in connection with seeding operations during the spring of 1938; provided however that the liability of the Government of Canada under all guarantees given under this section shall be limited to fourteen million five hundred thousand dollars.

Not to exceed $14,500,000.

Governor in Council to approve form and terms of guarantees.

4. The guarantee or guarantees given under the authority of this Act may be in such form and on such terms and conditions as the Governor in Council may approve and may be signed on behalf of His Majesty by the Minister of Finance or the Acting Minister of Finance or by such other person as the Governor in Council may from time to time designate.

Terms of guarantee.

5. No guarantees shall be given under the authority of this Act,

(i) unless provision is made that the liability of the province and the Government of Canada in respect of any such loan guaranteed by them shall be separate and successive and not joint and that the Government of Canada shall only be liable to fulfil its guarantee in respect of any loan to the amount that the province is unable to fulfil its guarantee in respect of the same loan;

(ii) unless the guarantee given by a province contains a condition providing that the province shall not be required to fulfil its guarantee before the expiration of three years after the date when any such loan was made by a chartered bank which condition, however, shall not prevent the province from making from time to time, before the expiration of such three years, voluntary payments of interest unpaid by the borrowers;

(iii) unless provision is made that if the Government of Canada is required to pay any amount in respect of any such guarantee, the province shall deliver to the Minister of Finance treasury bills or other obligations of the province in such form and subject to such terms and conditions as the Minister of Finance may approve, equal in principal amount to the amount which the Government of Canada is so required to pay.

Payment out of Consolidated Revenue Fund.

6. The Minister of Finance may pay out of any unappropriated moneys in the Consolidated Revenue Fund the amounts necessary to fulfil any guarantee given under the authority of this Act.

When province deemed unable to fulfil its guarantee.

7. The Governor in Council may by order define the circumstances under which a province shall be conclusively deemed unable to fulfil its guarantee.

Orders and regulations.

8. The Governor in Council may make all such orders and regulations as may be deemed necessary or desirable to carry out the purposes and intention of this Act.

Orders and regulations to be laid before House of Commons or published in *Canada Gazette*.

9. All Orders in Council and regulations made under this Act shall be laid before the House of Commons forthwith after the making thereof, if Parliament is then sitting, or, if not, such Orders in Council or regulations or any abstract thereof disclosing their essential provisions shall be published in the next following issue of the *Canada Gazette*.

79.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 79.

An Act respecting a certain Trade Agreement between Canada and Hayti.

First reading, March 28, 1938.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
54645 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 79.

An Act respecting a certain Trade Agreement between Canada and Hayti.

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

Short title.

1. This Act may be cited as the *Canada-Hayti Trade Agreement Act, 1938.*

Agreement approved.

2. The Trade Agreement between Canada and Hayti set out in the Schedule to this Act is hereby approved and shall have the force of law notwithstanding the provisions of any law in force in Canada.

Orders in Council authorized.

3. The Governor in Council may, notwithstanding the provisions of any law in force in Canada, make such orders and regulations and do such acts and things as are deemed necessary to carry out the provisions and intent of the said Trade Agreement.

Coming into force.

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

Explanatory Note.

The Trade Agreement signed on April 23, 1937, between Canada and Hayti provides for exchange of most-favoured-nation treatment in tariff matters. Each country also undertakes not to impose prohibitions or restrictions on imports from the other which are not applied to imports originating in a third country. In the event of quantitative restrictions or exchange control measures being established by either country, the Agreement provides that these measures will be administered in such a way as to give the other country a fair share of the trade. National treatment is exchanged, with a few exceptions, with respect to internal taxes. Preferences which Canada grants to other parts of the Empire and any advantages granted by Hayti to the Dominican Republic are excluded from the scope of the Agreement. Canada and Hayti have been according each other most-favoured-nation treatment since July 15, 1935, under Exchanges of Notes in force for limited periods. An Exchange of Notes of April 15, 1937, extended this provisional Agreement for one year, *i.e.*, until April 15, 1938, or until the ratification of the new Trade Agreement.

SCHEDULE.

Trade Agreement Between Canada and Hayti.

Signed at Port-au-Prince April 23, 1937.

The Government of Canada and the Government of the Republic of Hayti, desiring to facilitate the commercial relations existing between Canada and Hayti, have resolved to conclude a Trade Agreement and for this purpose have agreed upon the following Articles:

Article I.

Canada and Hayti will grant each other unconditional and unrestricted most-favoured-nation treatment in all matters concerning customs duties and subsidiary charges of every kind and in the method of levying duties, and, further, in all matters concerning the rules, formalities and charges imposed in connection with the clearing of goods through the customs, and with respect to all laws or regulations affecting the sale or use of imported goods within the country.

Accordingly, natural or manufactured products having their origin in either of the countries shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products having their origin in any third country are or may hereafter be subject.

Similarly, natural or manufactured products exported from the territory of Canada or Hayti and consigned to the territory of the other country shall in no case be subject with respect to exportation and in regard to the above-mentioned matters, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products when consigned to the territory of any third country are or may hereafter be subject.

Any advantage, favour, privilege or immunity which has been or may hereafter be granted by Canada or Hayti in regard to the above-mentioned matters, to a natural or manufactured product originating in any third country or consigned to the territory of any third country shall be accorded immediately and without compensation to the like product originating in or consigned to the territory of Hayti or Canada, respectively, and irrespective of the nationality of the carrier.

Article II.

Neither Canada nor Hayti shall establish any prohibition or maintain any restriction on imports from the territory of the other country which is not applied to the importation of any like article originating in any third country. Any abolition of an import prohibition or restriction which may be granted even temporarily by either country

in favour of an article of a third country shall be applied immediately and unconditionally to the like article originating in the territory of the other country. These provisions equally apply to exports.

In the event of quantitative restrictions being established by either Canada or Hayti for the importation of any article it is agreed that in the allocation of the quantity of restricted goods which may be authorized for importation, the other country will be granted a share equivalent to the proportion of the trade which it enjoyed in a previous representative period prior to the establishment of such quantitative restrictions.

In all matters concerning the rules, formalities or charges imposed in connection with any form of quantitative restriction on the importation of any article, Canada and Hayti agree to extend to each other every favour granted to a third country.

Article III.

Articles the growth, produce or manufacture of Canada or Hayti shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national origin or any other foreign origin.

The provisions of this Article in regard to the granting of national treatment to native products shall not apply to the laws at present in force in Hayti relative to excise duty on cigarettes, nor to the laws now in force in Canada whereby leaf-tobacco, spirits, beer, malt and malt syrup imported from abroad are subject to special taxes, nor shall they affect the applicability to goods produced or manufactured in Hayti of special excise taxes imposed by virtue of existing provisions of the *Special War Revenue Act*. In these respects, however, most-favoured-nation treatment shall apply.

Article IV.

In the event that Canada or Hayti establishes or maintains a monopoly for the importation, production or sale of a particular commonity or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce or sell a particular commodity, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, agrees that in respect of the foreign purchases of such monopoly or agency the commerce of the other country shall receive fair and equitable treatment. To this end it is agreed that in making its foreign purchases of any product such monopoly or agency will be influenced solely by those considerations, such as price, quality, marketability, and terms of sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing such product on the most favourable terms.

Article V.

If the Government of either country shall establish or maintain, directly or indirectly, any form of control of foreign exchange, it shall administer such control so as to insure that the nationals and commerce of the other country will be granted a fair and equitable share in the allotment of exchange.

With respect to the exchange made available for commercial transactions, it is agreed that the Government of each country shall be guided in the administration of any form of control of foreign exchange by the principle that, as nearly as may be determined, the share of the total available exchange which is allotted to the other country shall not be less than the share employed in a previous representative period prior to the establishment of any exchange control for the settlement of commercial obligations to the nationals of such other country.

The Government of each country shall give sympathetic consideration to any representations which the other Government may make in respect of the application of the provisions of this Article.

Article VI.

In the event that the Government of either country adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country to have the effect of nullifying or impairing any object of the Agreement, the Government which has adopted any such measure shall consider such representations and proposals as the other Government may make with a view to effecting a mutually satisfactory adjustment of the matter.

The Government of each country will accord sympathetic consideration to, and when requested will afford adequate opportunity for consultation regarding, such representations as the other Government may make with respect to the operation of customs regulations, quantitative restrictions or the administration thereof, the observance of customs formalities, and the application of sanitary laws and regulations for the protection of human, animal, or plant life.

Article VII.

Nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and in exceptional circumstances, all other military supplies.

Subject to the requirement that there shall be no arbitrary discrimination by either country against the other country in favour of any third country where similar conditions prevail, the provisions of this Agreement shall not extend to prohibitions or restrictions (1)

imposed on moral or humanitarian grounds; (2) designed to protect human, animal or plant life; (3) relating to prison-made goods; (4) relating to the enforcement of police or revenue laws; (5) directed against mis-branding, adulteration, and other fraudulent practices, such as are provided for in the pure food and drug laws of either country; and (6) directed against unfair practices in import trade.

ARTICLE VIII.

The advantages now accorded or which may hereafter be accorded by Canada exclusively to other territories under the sovereignty of His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, or under His Majesty's suzerainty, protection or mandate shall be excepted from the operation of this Agreement.

The advantages granted or to be granted by the Republic of Hayti to the Dominican Republic with a view to facilitating traffic shall not be affected by the present Agreement.

ARTICLE IX.

The present Agreement shall be ratified and shall enter into force immediately on the exchange of ratifications and shall remain in force for the term of one year thereafter.

Unless at least six months before the expiration of the aforeaid term of one year, the Government of either country shall have given to the other Government notice of intention to terminate the Agreement upon the expiration of the aforesaid term, the Agreement shall remain in force thereafter until six months from such time as the Government of either country shall have given notice to the other Government.

In Witness Whereof, the undersigned, duly authorized to that effect, have signed the present Agreement and have affixed their seals hereto.

Done in duplicate, in English and in French, both authentic, at the City of Port-au-Prince, on the 23rd day of April, 1937.

(L.S.) F. M. SHEPHERD.

(L.S.) G. N. LEGER.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 80.

An Act respecting a certain Trade Agreement between Canada and Guatemala.

First reading, March 28, 1938.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
54649 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 80.

An Act respecting a certain Trade Agreement between Canada and Guatemala.

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

Short title.

1. This Act may be cited as the *Canada-Guatemala Trade Agreement Act, 1938.*

Agreement approved.

2. The Trade Agreement between Canada and Guatemala set out in the Schedule to this Act is hereby approved and shall have the force of law notwithstanding the provisions of any law in force in Canada.

Orders in Council authorized.

3. The Governor in Council may, notwithstanding the provisions of any law in force in Canada, make such orders and regulations and do such acts and things as are deemed necessary to carry out the provisions and intent of the said Trade Agreement.

Coming into force.

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

Explanatory Note.

The Trade Agreement signed on September 28, 1937, between Canada and Guatemala provides for exchange of most-favoured-nation treatment in tariff matters. Each country also undertakes not to impose prohibitions or restrictions on imports from the other which are not applied to imports originating in a third country. In the event of quantitative restrictions or exchange control measures being established by either country, the Agreement provides that these measures will be administered in such a way as to give the other country a fair share of the trade. National treatment is exchanged with a few exceptions, with respect to internal taxes. Preferences which Canada accords to other parts of the Empire and advantages accorded by Guatemala to other Central American Republics are excluded from the scope of the Agreement. At the time of the signing of the Agreement, notes were exchanged providing for exchange of most-favoured-nation treatment, pending the coming into force of the Agreement.

SCHEDULE.

Trade Agreement between Canada and Guatemala.

The Government of Canada and the Government of Guatemala, desiring to further facilitate and develop the commercial relations existing between Canada and Guatemala, have resolved to conclude a Trade Agreement and for this purpose have agreed upon the following Articles:

Article I.

Canada and Guatemala will grant each other unconditional and unrestricted most-favoured-nation treatment in all matters concerning customs duties and subsidiary charges of every kind and in the method of levying duties, and further, in all matters concerning the rules, formalities and charges imposed in connection with the clearing of goods through the customs, and with respect to all laws or regulations affecting the sale or use of imported goods within the country.

Accordingly, natural or manufactured products having their origin in either country shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products having their origin in any third country are or may hereafter be subject.

Similarly, natural or manufactured products exported from the territory of Canada or Guatemala and consigned to the territory of the other country shall in no case be subject with respect to exportation and in regard to the above-mentioned matters to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products when consigned to the territory of any third country are or may hereafter be subject.

Any advantage, favour, privilege or immunity which is or may hereafter be granted by Canada or Guatemala in regard to the above-mentioned matters, to a natural or manufactured product originating in any third country or consigned to the territory of any third country shall be accorded immediately and without compensation to the like product originating in or consigned to the territory of Canada or Guatemala, respectively.

Article II.

Neither Canada nor Guatemala shall establish any prohibition or maintain any restriction on imports from the territory of the other country which is not applied to the importation of any like article originating in any third country. Any abolition of an import prohibition or restriction which may be granted even temporarily by either country in favour of an article of a third country shall be applied immediately and unconditionally to the like article originating in the territory of the other country. These provisions equally apply to exports.

In the event of quantitative restrictions being established by either Canada or Guatemala for the importation of any article, it is agreed that in the allocation of the quantity of restricted goods which may may be authorized for importation, the other country will be granted a share equivalent to the proportion of the trade which it enjoyed in a representative period prior to the establishment of such quantitative restrictions.

In all matters concerning the rules, formalities or charges imposed in connection with any form of quantitative restriction on the importation of any article, Canada and Guatemala agree to extend to each other every favour granted to a third country.

The advantages and provisions contained in the present article and in Article IV shall not be applicable to the importation, production or sale of matches, wax matches and lighters, in view of the existing laws in Guatemala on the monopoly of such goods.

Article III

Articles the growth, produce or manufacture of Canada or Guatemala shall, after importation into the other country be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national origin or any other foreign origin.

The provisions of this Article in regard to granting of national treatment shall not affect the laws now in force in Canada whereby leaf tobacco, spirits, beer, malt and malt syrup imported from abroad are subject to special taxes, nor shall they affect the applicability to goods produced or manufactured in Guatemala of special excise taxes imposed under existing provisions of the Special War Revenue Act. In these respects, however, most-favoured-nation treatment shall apply.

Article IV.

In the event that the Government of Canada or the Government of Guatemala establishes or maintains an official monopoly or centralized agency for the importation of or trade in a particular commodity, the Government establishing or maintaining such monopoly or centralized agency will give sympathetic consideration to all representations that the other Government may make with respect to alleged discriminations against its commerce in connection with purchases by such monopoly or centralized agency.

Article V

The tariff advantages and other benefits provided for in this Agreement are granted by Canada and Guatemala to each other subject to the condition that if the Government of either country shall establish or maintain, directly or indirectly, any form of control of foreign exchange, it shall administer such control so as to insure that the nationals and commerce of the other country will be granted a fair and equitable share in the allotment of exchange.

With respect to the exchange made available for commercial transactions, it is agreed that the Government of each country shall be guided in the administration of any form of control of foreign exchange by the principle that as nearly as may be determined, the share of the total available exchange which is allotted to the other country shall not be less than the share employed in a previous representative period prior to the establishment of any exchange control for the settlement of commercial obligations to the nationals of such other country.

The Government of each country shall give sympathetic consideration to any representations which the other Government may make in respect of the application of the provisions of this Article.

Article VI.

In the event that the Government of either country adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country to have the effect of nullifying or impairing any object of the Agreement, the Government which has adopted any such measure shall consider such representations and proposals as the other Government may make with a view to effecting a mutually satisfactory adjustment of the matter.

The government of each country will accord sympathetic consideration to, and when requested will afford adequate opportunity for consultation regarding, such representations as the other Government may make with respect to the operation of customs regulations, quantitative restrictions or the administration thereof, the observance of customs formalities, and the application of sanitary laws and regulations for the protection of human, animal, or plant life.

Article VII.

Nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies.

Subject to the requirement that there shall be no arbitrary discrimination by either country against the other country in favour of any third country where similar conditions prevail, the provisions of this Agreement shall not extend to prohibitions or restrictions (1) imposed on moral or humanitarian grounds; (2) designed to protect human, animal or plant life; (3) relating to prison-made goods; (4) relating to the enforcement of police or revenue laws; (5) directed against mis-branding, adulteration, and other fraudulent practices, such as are provided for in the food and drug laws of either country; and (6) directed against unfair practices in import trade.

ARTICLE VIII.

The advantages now accorded or which may hereafter be accorded by either country to adjacent countries in order to facilitate frontier traffic and advantages resulting from a customs union to which either country may become a party shall be excepted from the operation of this Agreement.

ARTICLE IX.

The advantages now accorded, or which may hereafter be accorded, by Canada exclusively to other territories under the sovereignty of His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, or under His Majesty's suzerainty, protection or mandate, shall be excepted from the operation of this Agreement.

The advantages now accorded or which may hereafter be accorded by Guatemala to the commerce of Costa Rica, El Salvador, Honduras, Nicaragua or Panama, so long as any such advantage is not accorded to any other country shall be excepted from the operation of this Agreement.

ARTICLE X.

The present Agreement shall be ratified and the instruments of ratification shall be exchanged at Guatemala as soon as possible. The Agreement shall come into force thirty days after the exchange of ratifications and shall remain in force for a period of three years. In case neither Government shall have given to the other Government at least six months before the expiration of the aforesaid period, notice of intention to terminate the Agreement, it shall remain in force thereafter until six months from such time as the Government of either country shall have given notice to the other Government.

In Witness Whereof, the undersigned, duly authorized to that effect, have signed the present Agreement and have affixed their seals hereto.

Done at Guatemala City, this twenty-eighth day of September nineteen hundred and thirty-seven, in duplicate in English and Spanish, both texts being equally authentic.

(L.S.) J. H. S. BIRCH

(L.S.) CARLOS SALAZAR

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 81.

An Act to amend The Canadian and British Insurance Companies Act, 1932.

First reading, March 28, 1938.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

54741

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 81.

An Act to amend The Canadian and British Insurance Companies Act, 1932.

1932, c. 46; 1932-33, c. 32; 1934, cc. 27,45; 1936, c. 18; 1937, c. 5.

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

Investment of company's funds.

1. Section sixty of *The Canadian and British Insurance Companies Act, 1932*, (so renumbered by section eleven of chapter twenty-seven of the statutes of 1934), as amended by chapter thirty-two of the statutes of 1932-33, by chapters twenty-seven and forty-five of the statutes of 1934, and by chapter eighteen of the statutes of 1936, is further amended by inserting after subparagraph (i-c) of paragraph *(b)* of subsection one of the said section, the following subparagraphs:—

Equipment trust certificates of Canadian railways.

"(i-d) equipment trust obligations or certificates issued to finance the purchase of transportation equipment for a railway company incorporated by or under the authority of an Act of the Parliament of Canada or of the Legislature of any province, or for a railway company owned or controlled by a railway company so incorporated which obligations or certificates are fully secured by an assignment of the transportation equipment to, or by the ownership thereof by, a trustee, and by a lease, or conditional sale, thereof to the railway company so incorporated.

Bonds, etc., of certain public bodies of the U.K. and of the Dominions.

(i-e) the bonds, debentures or other evidences of indebtedness issued by an authority constituted by Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland or of any British Dominion and responsible to the Government of such Kingdom or Dominion or to any Minister of such Government, with power to regulate the administration of any port or harbour or system of transport or the distribution of electricity, water or gas, and to levy, impose or make taxes, rates, fees or other charges fixed by the said Parliament or subject to the approval of the said Government or Minister."

Explanatory Note.

The effect of this amendment is to extend section sixty of the Act dealing with investments of Canadian insurance companies to permit the investment in equipment trust certificates of Canadian railways, and in the securities issued by certain public bodies or authorities in Great Britain and some of the Dominions which are charged by Acts of the Parliaments of those countries with the administration of certain public services such as port and transport regulation, and electricity, water and gas distribution under restrictions imposed by those Acts and with a measure of responsibility to the Governments or Ministers thereof.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 82.

An Act to amend the New Westminster Harbour Commissioners Act.

First reading, March 28, 1938.

THE MINISTER OF TRANSPORT.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

54769

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 82.

An Act to amend The New Westminster Harbour Commissioners Act.

1913, c. 158; 1931, c. 40.

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

1. Section four of *The New Westminster Harbour Commissioners Act*, chapter one hundred and fifty-eight of the statutes of 1913, is repealed and the following substituted therefor:—

Boundaries of harbour.

"4. For the purposes of this Act the Harbour of New Westminster shall be deemed to extend from a line drawn north and south, astronomically, to each shore of the Fraser river, from a point on the line of average high water mark, on the eastern end of Manson or Douglas Island, known as Point Sebastien and situate in the Fraser river at the mouth of the Pitt river; thence down stream, extending on both sides to the line of average high water mark, to lines drawn across the outlets of the Fraser river into the Gulf of Georgia from point to point at low water mark on each of the points of land forming the said outlets, but not extending further northerly than a point equidistant between the most southerly and the most northerly points of the western shore of Lulu Island; and shall also include the adjacent waters of the Gulf of Georgia, upon and over the Sand Heads as far seaward as are from time to time defined by the Governor in Council; but shall not include any portion of the North Arm of the Fraser River west or north of the following described line;

COMMENCING at the south-east corner of District Lot 172, Group 1, New Westminster District; thence due south astronomically to the centre line of the said North Arm; thence westerly following the centre line of the said North Arm to a point due north astronomically of the north-west corner of District Lot 758,

Explanatory Note.

The purpose of this Bill is to extend the Harbour of New Westminster to include a small area now lying between the Harbour of New Westminster and the North Fraser Harbour.

Group 1, New Westminster District thence due south (astronomic) to the north-west corner of said District Lot 758; and shall also be deemed to include all the foreshore and water lots, wharves, piers and docks, in or along the waters forming as aforesaid the said harbour, save and except the water front, water lots, piers, docks, shores and beaches situate lying and being westerly of a line drawn across the main Fraser River from the north-west corner of Lot 130, Group 2, New Westminster District, to the southerly south-east corner of Section 17, Block 4, North, Range 4, West, New Westminster District, now under the jurisdiction of the Government of the Province of British Columbia."

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 83.

An Act to amend the Naval Service Act.

First reading, March 31, 1938.

MR. MACNEIL.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
55086 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 83.

An Act to amend the Naval Service Act.

R.S., c. 139.

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

1. Section four of the *Naval Service Act*, chapter one hundred and thirty-nine of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

Command in Chief.

"**4.** The Command in Chief of the Naval Forces is declared to continue and be vested in the King, and shall be exercised and administered by the Governor General, acting by and with the advice of the King's Privy Council for Canada."

Service in the Royal Navy.

2. Section twenty of the said Act is repealed.

Explanatory Notes.

The purpose of this Act is to amend the Naval Service Act so as to make it conform with the status of Canada.

1. Section four, to be repealed, reads as follows:—

"**4.** The Command in Chief of the Naval Forces is declared to continue and be vested in the King, and shall be exercised and administered by His Majesty, or by the Governor General as His representative."

2. Section twenty, to be repealed, reads as follows:—

"**20.** In case of an emergency the Governor in Council may place at the disposal of His Majesty, for general service in the Royal Navy, the Naval Service or any part thereof, any ships or vessels of the Naval Service, and the officers and seamen serving in such ships or vessels, or any officers or seamen belonging to the Naval Service."

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 84.

An Act to amend the Militia Act.

First reading, March 31, 1938.

MR. MACNEIL.

OTTAWA
J. O. PATENAUDE, I.S.O
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
55082 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA

BILL 84.

An Act to amend the Militia Act.

R.S., c. 132.

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

1. Section four of the *Militia Act*, chapter one hundred and thirty-two of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

Command in chief vested in His Majesty.

"**4.** The command in chief of the Militia is declared to continue and be vested in the King, and shall be exercised and administered by the Governor General acting by and with the advice of the King's Privy Council for Canada."

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

Composition of Militia—age.

"**8.** (1) All the male inhabitants of Canada, of the age of eighteen years and upwards, and under sixty, not exempt or disqualified by law, and being British subjects, shall be liable to service in the Militia: Provided that the Governor General, acting by and with the advice of the King's Privy Council for Canada, may, if Parliament has passed an Act authorizing such action, require all the male inhabitants of Canada, capable of bearing arms, to serve in the case of a *levee en masse*."

Proviso.

3. Subsection two of section twenty-seven of the said Act is repealed and the following substituted therefor:—

Temporary command in his absence.

"(2) In the event of a vacancy in the office of general officer commanding, or in the absence of that officer from Canada, the Governor in Council may detail an officer of the headquarters staff, who shall be charged with the military command of the Militia."

Explanatory Notes

The purpose of this Bill is to amend the Militia Act so as to make it conform with the status of Canada as recognized by the resolutions of the Imperial Conferences, specially that of 1926, and by the Statute of Westminster, 1931.

Its object is further to provide that Canada shall not become involved in any war beyond Canada without the sanction of Parliament.

1. Section four, to be repealed, at present reads as follows:—

"**4.** The command in chief of the Militia is declared to continue and be vested in the King, and shall be exercised and administered by His Majesty or by the Governor General as his representative."

2. Subsection one of section eight, to be repealed, at present reads as follows:

"**8.** All the male inhabitants of Canada, of the age of eighteen years and upwards, and under sixty, not exempt or disqualified by law, and being British subjects, shall be liable to service in the Militia: Provided that the Governor General may require all the male inhabitants of Canada, capable of bearing arms, to serve in the case of a *levee en masse*."

3. Section twenty-seven, to be amended, at present reads as follows:—

"**27.** There may be appointed an officer, called the General Officer Commanding, who shall hold rank not below that of colonel in the Militia or in His Majesty's regular army, who may, subject to the regulations and under the direction of the Minister, be charged with the military command of the Militia.

2. In the event of a vacancy in the office of general officer commanding, or in the absence of that officer from Canada, the Governor may detail an officer of the headquarters staff, who shall be charged with the military command of the Militia."

4. Subsection one of section thirty-four of the said Act is repealed and the following substituted therefor:—

Governor's signature by stamp.

"**34.** (1) The Governor General, acting by and with the advice of the King's Privy Council for Canada, may cause his signature to be affixed to any commission granted or issued under this Act, by stamping the same on such commission with a stamp approved by him, and used for the purpose by his authority."

5. Section sixty-four of the said Act is repealed and the following substituted therefor:—

Active service.

"**64.** The Governor in Council may place the Militia, or any part thereof, on active service anywhere in Canada when it appears advisable so to do by reason of emergency and on active service beyond Canada, for the defence thereof, after Parliament has passed an Act authorizing such action."

6. Section sixty-six is repealed and the following substituted therefor:—

Calling of Parliament.

"**66.** Whenever the Governor in Council places the Militia, or any part thereof, on active service in Canada, and before he places the Militia, or any part thereof, on active service beyond Canada, if Parliament is then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within fifteen days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day."

Command in time of war.

7. Section sixty-seven of the said Act is repealed.

4. Subsection one of section thirty-four, to be repealed, at present reads as follows:—

"**34.** (1) The Governor General may cause his signature to be affixed to any commission granted or issued under this Act, by stamping the same on such commission with a stamp approved by him, and used for the purpose by his authority."

5. Section sixty-four, to be repealed, at present reads as follows:—

"**64.** The Governor in Council may place the Militia, or any part thereof, on active service anywhere in Canada, and also beyond Canada, for the defence thereof, at any time when it appears advisable so to do by reason of emergency."

6. Section sixty-six, to be repealed, at present reads as follows:—

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

7. Section sixty-seven, to be repealed, at present reads as follows:—

"**67.** In time of war, when the Militia is called out for active service to serve conjointly with His Majesty's regular forces, His Majesty may place in command thereof a senior general of His regular army."

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 88.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1938.

AS PASSED BY THE HOUSE OF COMMONS, 4th APRIL, 1938.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

55154

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 88.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1938.

MOST GRACIOUS SOVEREIGN,

Preamble.

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

Short title.

1. This Act may be cited as *The Appropriation Act, No. 2, 1938.*

$36,717,668.24 granted for 1937-38.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole thirty-six million, seven hundred and seventeen thousand, six hundred and sixty-eight dollars twenty-four cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-seven, to the thirty-first day of March, one thousand nine hundred and thirty-eight, not otherwise provided for, set forth in the Schedule to this Act.

Amounts chargeable to year ending 31st March, 1938.

3. Notwithstanding the provisions of *The Consolidated Revenue and Audit Act, 1931*, the amounts appropriated

by this Act may be paid at any time on or before the thirtieth day of April, one thousand nine hundred and thirty-eight, and such payments shall be deemed to have been made in and be chargeable to the fiscal year ending the thirty-first day of March, one thousand nine hundred and thirty-eight.

Account to be rendered in detail.

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

SCHEDULE

Based on Further Supplementary Estimates, 1937-38. The amount hereby granted is $36,717,668.24, being the amount of each of the items in the Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1938, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	AGRICULTURE		
441	Fruit—Further amount required	15,681 05	
442	To provide for payment of liabilities of Local Boards under the Natural Products Marketing Act, 1934	6,600 00	
			22,281 05
	SOLDIER AND GENERAL LAND SETTLEMENT		
443	To provide for payment to the Government of the Province of New Brunswick in accordance with the terms of the New Brunswick 500 British Family Amended Agreement of April 30, 1935, in respect of *(a)* the indebtedness of settlers on farms taken over by the Dominion Government listed in the schedule attached to the said Agreement to the extent provided in the said Agreement and *(b)* the Dominion Government proportion of losses on interest under section 8 *(b)* of the Agreement	.....	572,975 01
	TRANSPORT—CHARGEABLE TO INCOME		
	RAILWAY SERVICE		
	Maritime Freight Rates Act:—		
444	Additional amount, in excess of the sum of $1,800,000 already appropriated, to authorize and provide for the payment from time to time during the fiscal year 1937-38 to the Canadian National Railway Company of the difference (estimated by the auditors of the said Company and certified by the said auditors to the Minister of Transport as and when required by the said Minister) occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (upon the same basis as set out in section 9 of the said Act with respect to companies therein referred to) on all traffic moved during the year 1937, under the tariffs approved, on the Eastern Lines (as referred to in section 1 of the said Act) of the Canadian National Railways	587,505 81	
445	Additional amount in excess of the sum of $700,000 already appropriated to provide for payment from time to time during the fiscal year 1937-38 of the difference, estimated by the Board of Railway Commissioners and certified by the said Board to the Minister of Transport as and when required by him, occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (referred to in section 9 of the said Act) on all traffic moved during 1937 under the tariffs approved by the following companies: Canada and Gulf Terminal Railway; Canadian Pacific Railway, including: Fredericton & Grand Lake Coal & Railway Company, and New Brunswick Coal and Railway Company; Cumberland Railway & Coal Company; Dominion Atlantic Railway; Maritime Coal, Railway & Power Company; Sydney & Louisburg Railway; Temiscouata Railway Company	94,951 96	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	TRANSPORT—CHARGEABLE TO INCOME —*Concluded*		
	RAILWAY SERVICE—*Concluded*		
446	Hudson Bay Railway: Amount to provide for the difference between expenditures for operation and maintenance and revenue accruing from operation during the year ending March 31, 1938—Further amount required	40,000 00	
447	Interest on rails rolled for Canadian National Railways: To provide for payment under the terms and conditions of Orders in Council P.C. 1462 and P.C. 1533 of June 7, 1935, respecting orders of steel rails for Canadian National Railways—Further amount required	11,110 50	
448	To provide for the cost of preservation of rails on hand at the mills of the Dominion Steel and Coal Corporation Limited at Sydney, N.S., rolled for the Canadian National Railway Company under the terms and conditions of Orders in Council P.C. 1076 of June 2, 1933 and P.C. 1462 of June 7, 1935	8,721 75	
449	To authorize the writing off to Consolidated Revenue Fund of the amount of $53,895.18, being the amount charged to the Canadian National and the Canadian Pacific Railways, and representing the difference between the six per cent Sales Tax on which their contracts for railway equipment ordered under the provisions of the Supplementary Public Works Construction Act, 1935, were based, and the eight per cent Sales Tax imposed by Chapter 45 of the Statutes of 1936:		
	Canadian National Railways	24,394 34	
	Canadian Pacific Railway	29,500 84	
			796,185 20
	LABOUR		
450	Conciliation and Labour Act—Further amount required	13,000 00	
451	Employment Offices Co-ordination Act—Further amount required	2,000 00	
			15,000 00
	PUBLIC PRINTING AND STATIONERY		
452	Canada Gazette—Further amount required	3,000 00	
453	Codifying and printing 3,000 copies of the revised edition of the Criminal Code, 1927, English	4,041 77	
			7,041 77
	GOVERNMENT OF THE NORTHWEST TERRITORIES		
454	Expenses connected with the administration of the Territories—Further amount required	.....	15,000 00
	MISCELLANEOUS		
455	To provide for payments in connection with movements of coal under conditions prescribed by the Governor in Council—Further amount required	275,000 00	
456	Administration of the Old Age Pensions Act—Further amount required	10,000 00	
457	To provide for payment of honorarium to A. S. Whiteley, Secretary to the Royal Commission on the Textile Industry	1,000 00	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	MISCELLANEOUS—*Concluded*		
458	Additional temporary grant to the Province of Saskatchewan to enable that Province to continue essential services pending improvement in crop conditions and pending report of Royal Commission to investigate financial powers and responsibilities of the Dominion and the Provinces.....	2,000,000 00	
459	Federal District Commission—To provide for maintenance and improvement of properties under the control of the Federal District Commission—Further amount required.	8,000 00	
460	Patent Record—Further amount required.....	3,500 00	
461	Adjustment of War Claims—Department of the Secretary of State.....	13,990 78	
			2,311,490 78
			3,739,973 81
	ITEMS SUPPLEMENTING VOTES BASED ON THE SPECIAL SUPPLEMENTARY ESTIMATES		
	AGRICULTURE		
462	To provide for feed and fodder relief in the dried-out areas—Further amount required.....	1,000,000 00	
463	To provide for direct relief in the dried-out areas—Further amount required.....	2,000,000 00	
			3,000,000 00
	GOVERNMENT OWNED ENTERPRISES		
	CANADIAN NATIONAL RAILWAY COMPANY		
464	Additional amount, in excess of the sum of $35,000,000 already appropriated, and the sum of $6,890,000 authorized by Governor General's Warrant, to be paid from time to time, under such conditions as the Minister of Finance may prescribe, to the Canadian National Railway Company (hereinafter called "the National Company") and to be applied by the National Company in payment of the deficit arising in the calendar year 1937, including such supplementary contribution to the Intercolonial and Prince Edward Island Railway Employees' Provident Fund as may be necessary to provide for payment in full of monthly allowances under the provisions of the Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act, notwithstanding the limitation contained in section four of the said Act, and including such supplementary contribution to the Grand Trunk Railway of Canada Superannuation and Provident Fund as may be necessary to enable payment to be made of monthly allowances under the rules and regulations of the Fund, notwithstanding the limitation contained in section thirteen of chapter sixty-five of the Statutes of Canada, 1874, but not including amounts charged to proprietor's equity of the National Railway System as defined in chapter twenty-two of the Statutes of Canada, 1937.....	455,867 99	
	TRANS-CANADA AIR LINES		
465	To hereby authorize and provide for payments from time to time during the fiscal year 1937-38 to Trans-Canada Air Lines, to be applied by the said Trans-Canada Air Lines in payment of the deficit (certified by the Auditor of the said Trans-Canada Air Lines to the Minister of Transport as and when required by the said Minister) resulting from the operations of the said Trans-Canada Air Lines during the calendar year 1937.....	111,005 07	

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	GOVERNMENT OWNED ENTERPRISES—*Concluded*		
	NATIONAL HARBOURS BOARD		
466	To provide for payment to National Harbours Board of the amount of the deficit incurred in the calendar year 1937 in the operation of Prescott Elevator	23,858 32	
467	To provide for payment to National Harbours Board of the amount of the deficiency in working capital of the Harbour of Churchill, being the excess of accounts payable over accounts receivable as at January 1, 1937, the date of transfer to the said Board for administration	15,463 05	
			606,194 43
			3,606,194 43
	GOVERNOR GENERALS' WARRANTS, 1937-38		
468	To provide for assistance to sufferers from the flooding of areas in Western Ontario (Governor General's Warrant of May 5, 1937)	15,000 00	
469	To provide for the purchase and distribution of feed and fodder for live stock in the drought areas, and in rural municipalities and local improvement districts not included in the drought areas, of Saskatchewan and Alberta; for freight charges and for the cost of moving equipment used in providing feed requirements; also expenses of marketing cattle in the drought areas (Governor General's Warrants of August 6, and October 29, 1937, and January 19, 1938)	13,750,000 00	
470	To provide for direct relief expenditures in the drought areas of the Provinces of Saskatchewan and Alberta (Governor General's Warrant of September 29, 1937)	7,640,000 00	
471	To provide for the purchase and distribution of foodstuffs in the drought areas of the Provinces of Saskatchewan and Alberta (Governor General's Warrant of September 29, 1937)	1,000,000 00	
472	To provide for equipment for the Radio Station at Fort Smith, Northwest Territories, destroyed by fire on November 16, 1937 (Governor General's Warrant of December 15, 1937)	6,500 00	
473	To provide for additional expenses of the Royal Commission on Dominion-Provincial Relations (Governor General's Warrant of January 19, 1938)	70,000 00	
474	To provide an amount additional to that provided under Vote 361 of the Special Supplementary Estimates for 1937-38 to cover the net income deficit of the Canadian National Railways (Governor General's Warrant of January 26, 1938)	6,890,000 00	
			29,371,500 00
	Total		36,717,668 24

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 89.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1939.

AS PASSED BY THE HOUSE OF COMMONS, 4th APRIL, 1938.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

54864

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 89.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1939.

MOST GRACIOUS SOVEREIGN,

Preamble.

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

Short title.

1. This Act may be cited as *The Appropriation Act, No. 1, 1938.*

$39,057,624.49 granted for 1938-39.

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

Account to be rendered in detail.

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

90.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 90.

An Act respecting Political Expenditures.

First reading, April 5, 1938.

The MINISTER OF PENSIONS AND NATIONAL HEALTH.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

53972

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 90.

An Act respecting Political Expenditures.

Preamble.

WHEREAS it is desirable that the source and disposition of sums expended for federal political purposes should be readily traceable and that the amounts expended in promoting the return of members of the House of Commons should be limited: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short Title.

1. This Act may be cited as *The Political Expenditures Act.*

Interpretation.

2. In this Act, unless the context otherwise requires, the expression,

Bank. 1934, c. 24.

(a) "bank" means a bank as defined by *The Bank Act;*

By-election.

(b) "by-election", as an interval of time, means the interval between the occurrence during any Parliament of a vacancy in the representation of any electoral district and the return of a new member to fill such vacancy;

Candidate.

(c) "candidate" means a person who has announced himself or has to his knowledge been announced by others as likely to be put in nomination as a member of the House of Commons of Canada in any specified electoral district, or who has in fact been so placed in nomination;

Currency. R.S., c. 41. R.S., c. 40. 1934, c. 43.

(d) "currency" means and includes only Dominion notes as defined by the *Dominion Notes Act,* coins and notes which may be legal tender as defined by the *Currency Act* and the *Bank of Canada Act,* notes issued by a bank and like notes and coins and notes commonly current in the United States of America;

Election.

(e) "election", as an interval of time, means a general election or a by-election as herein defined;

Explanatory Notes.

The two objects of this Bill are concisely stated in the preamble. They are (1) to define a procedure such that the source and distribution of all contributions for federal political purposes shall be readily traceable, and (2) to limit the expenditures which may be incurred in promoting the election of any candidate for membership in the House of Commons.

The provisions designed to attain the first object operate at all times; those designed to attain the second operate only during elections.

The only staff necessary is an officer to be known as the Inspector General, who is appointed in the same way and holds office on the same tenure as the Chief Electoral Officer now is and does, an assistant to the Inspector General, two stenographers and a temporary clerical staff at general elections.

The definition of what constitutes a political expense is so drawn as to include all outlays designed to affect public opinion or governmental action other than such action as is consequent upon judicial or semi-judicial proceedings, outlays relating to the publication of books and newspapers and incidental expenses incurred by non-political organizations being excepted. The procedure laid down for providing a public record of the unexpected outlays is a simple one.

No political expense may be made or incurred except by special corporations sole, each consisting only of a responsible trustee. These corporations are constituted by the Inspector General on mere request without fee. All of them have an identical name and are distinguished only by numbers. The name proposed is "Political Corporation No. ". Contributions for political purposes may be made only to such corporations.

Each corporation must deposit all the money contributions it receives in a special account in a chartered bank, and every political expenditure must be made by cheque on such account. Deposit slips and cheques, which are required to show from whom the money was received or to whom and for what it was paid, are directed to be sent forward by the bank monthly to the Inspector General, who makes an annual report to the Speaker of the House of Commons giving particulars of every contribution and payment.

An offence is committed by anyone other than a political corporation who gives any consideration for goods supplied or services performed for a political purpose, and the acceptance of payment for any such goods or services is

General Election.

(f) "general election", as an interval of time, means the interval between the dissolution of a Parliament and the end of the day four weeks after the day fixed for the poll for the election of members of the House of Commons in a new Parliament;

Inspector General.

(g) "Inspector General" means the Inspector General of Political Corporations appointed under this Act;

Money, R.S., c. 16.

(h) "money" means and includes only currency and cheques as defined by the *Bills of Exchange Act*;

Political corporation.

(i) "political corporation" means a political corporation constituted pursuant to the provisions of this Act.

Political expense.

(j) "political expense" includes any outlay or transfer of money or other valuable consideration for doing or forbearing to do, or agreeing to do or forbearing from doing anything in furtherance of any political purpose, except such ordinary and reasonable outlays as are made

(i) by a publisher in relation to the publication of any book containing at least one hundred pages and of which there is published an edition of at least five hundred copies in a binding of boards or better,

(ii) by a publisher in relation to the publication of a newspaper or periodical recognised as such under the *Post Office Act*, R.S., c. 161.

(iii) by any of the parties to any proceeding before any court or other judicial or semi-judicial body or officer in relation to the employment of agents to support or oppose an application to the Governor-General in Council to confirm, set aside, modify or affect the operation of a judgment or order made by such court, body or officer, or

(iv) by an organized association, constituted primarily and in good faith for purposes other than political and whose members are required to pay an annual fee of at least two dollars, in relation to meetings, delegations or publications, provided that attendance at such meetings, the membership of such delegations or the circulation of such publications is substantially confined to paid-up members of the association;

Political purpose.

(k) "political purpose" means the purpose of promoting or opposing the selection of candidates or of any person as a candidate for membership in the House of Commons, the return of any such candidate, the enactment or repeal of any legislation either by Parliament or affecting its legislative jurisdiction, the adoption of any resolution by either House of Parliament or the adoption of any policy or the taking of any action by the Governor General in Council, and extends to and includes any analogous purpose.

also an offence. This latter provision is made possible because every cheque for a political expense must be signed on behalf of a political corporation and the recipient of any political payment can therefore not fail to know whether or not the person who pays him is authorized to do so.

The foregoing provisions operate continuously, their effect being merely to canalize the receipt and distribution of political funds through channels in which it is possible to measure their flow. There is no limitation whatever upon the right of any individual or group to constitute a political corporation, and except during elections there is no limitation of any kind upon the receipt or expenditure of money to promote any political purpose.

During elections it is necessary to impose some restriction in order to identify, and impose a maximum limit upon, expenditures made in the interest of any given candidate. This is done by the enactment of a general prohibition against the expenditure of money dur ng an election by any political corporation whose expenditures might affect the result, but the Inspector General is authorized to exempt from this prohibition not more than three political corporations concerned to promote the return of any candidate.

Of these three the first is a local political corporation whose only purpose is to promote the return of the candidate in question. A second may be the national corporation exempted on behalf of the party to which the candidate belongs, and the third, if there is a third, a provincial corporation exempted on behalf of the same party.

The maximum permissible expenditure in promoting the return of any candidate is calculated by reference to the number of electors on the lists in his electoral district, the number of such electors being multiplied by a number of cents which is left blank in the Bill.

The actual expenditure incurred on behalf of any candidate is ascertained by adding to the whole of the expenditure incurred by his local political corporation a proportionate part of that incurred by the national and provincial corporations of his party.

This proportionate part is ascertained by dividing the total expenditure by the national or provincial corporation equally among the electoral districts in which the purposes of the corporation are to be pursued and in which candidates of the party are placed in nomination.

Payment of Political Expenses.

Who may incur political expenses.

3. (1) Except as in this section provided, no political expense shall be incurred or paid by any one other than a political corporation and no one shall receive from anyone other than a political corporation any money or other valuable consideration the outlay or transfer of which he has reasonable ground for thinking would constitute a political expense.

Transportation, board and lodging.

(2) This section shall not apply to the payment or the receipt of payment at the tariff or ordinary rate for the transportation in any conveyance, or for the board or lodging of the person by whom the payment is made.

Contributions for political expenses.

4. No payment, gift or contribution of money or other property shall be made or accepted by or on behalf of anyone other than a political corporation with the intention on the part either of the person by whom or the person to whom it is made that such money or the value or any part of the value of such other property, should be expended in furtherance of any political purpose unless such payment, gift or contribution

(a) is made in currency on terms that it is to be paid over by the recipient to a political corporation in the form in which it was received by him, and, if the amount is in excess of five dollars, a receipt naming the political corporation or the political purpose in furtherance of which it is made is given at the time the currency is handed over, or

(b) is in the form of a bill, note or cheque as defined by the *Bills of Exchange Act* and is payable to the order of the political corporation.

R.S., c. 16.

Form of gift or contribution.

5. (1) No gift or contribution shall be made to any political corporation except

(a) in currency;

(b) in the form of such a bill, note or cheque as is described in the last preceding section;

(c) by permitting the temporary use, either gratuitously or at less than the fair market value, of real property in order to promote the political purpose for which the political corporation is constituted;

(d) in any other form with the previous approval in writing of the Inspector General.

Use of real property.

(2) No gift or contribution in the form of permission to use any real property gratuitously or at a rate less than the full fair market value shall be deemed to be within the foregoing exception unless within one week after the use is agreed upon or has commenced, whichever is the earlier, or within such further period as the Inspector General may

The total expenditure on behalf of any candidate being thus limited, it becomes possible to cancel certain existing limitations on expenditures which may be made in connection with elections. The Bill accordingly proposes that no one who assists in an election campaign for pay shall on that account be disqualified from voting. It also modifies, though it does not entirely remove, the prohibition against the hiring of vehicles for the conveyance of voters to the poll. On the other hand, there is for the protection of the public a special maximum limit imposed upon the expenditures which may be made during an election for radio broadcasting time.

Appropriate penalties are provided for the more serious and lesser infractions of the positive and negative enactments which the Bill contains.

allow, the donor or contributor has mailed to the Inspector General and to the political corporation to promote the purpose of which the use of the property is permitted, copies of a statement specifying the corporation benefited, the property in question, the nature and term of the use or proposed use, its fair market value, and the amount, if any, which has or will become payable therefor.

Prohibited contracts.

6. (1) Except on behalf of or with a political corporation no contract shall be made by virtue of which any money or other property is to be paid or transferred with the intention, on the part of either party to the contract, that such money or property or the proceeds of the disposition thereof are to be used in furtherance of any political purpose.

(2) For the purpose of this section the word "contract" includes any promise or undertaking, whether or not it is enforceable at law or in equity.

Offence.

7. Every one who makes or accepts any payment, gift or contribution or is a party to any contract made contrary to the provisions of the foregoing sections shall be guilty of a major offence under this Act.

Certain payments not corrupt.

8. No payment made by any political corporation during an election or otherwise for goods or services lawfully furnished or performed or to be furnished or performed shall be an offence or be deemed to be an illegal or corrupt practice provided the payment was not contrary to the provisions of this Act and that the amount was a reasonable and proper amount to pay for such goods or services to the person who received it in the circumstances in which it was paid or agreed to be paid.

Conveyance of voters.

9. Subject to the provisions of this Act and particularly of the last preceding section, a political corporation may pay or agree to pay for the use on polling day at any election of conveyances for the carriage of voters to and from the polls in the polling divisions in which they reside or on the lists for which their names appear, but this privilege shall not extend

(a) to any payment for the use of a conveyance for the purpose of the carriage either of the payee or members of his family to any such poll;

(b) to the payment of the whole or any part of the amount of the fare or expense which would be payable by the payee for his conveyance to or from any such poll; or

(c) to any payment by way of compensation for the time occupied by the payee in going to vote at any such poll.

Election services.

10. No person shall be disqualified from voting at any election by reason of his having received from any political corporation or been promised by any political corporation a reasonable and proper remuneration for services lawfully performed or to be performed by him in promoting the return of a candidate.

Radio broadcasting.

11. No political corporation shall during any election expend or promise to pay for radio broadcasting time an amount in excess of for each voter on the lists of electors in the area in which the purpose of the political corporation is to be pursued, and no radio broadcasting time shall be used, or permitted to be used in furtherance of any political purpose at rates other than the usual tariff charges therefor.

Constitution and Powers of Political Corporations.

How political corporations constituted.

12. (1) Any person or group of persons desirous of incurring any political expense may procure the constitution of a political corporation by filing with the Inspector General a request which shall

(a) define the political purpose for the furtherance of which it is desired that the corporation shall be constituted;

(b) specify by reference to electoral districts, municipalities or provinces the territorial area within which the political purpose is intended to be furthered by the expenditures of the corporation;

(c) name as trustee for the corporation a member in good standing of the bar of one of the provinces of Canada or a member of an association or institute of chartered accountants recognised by law, who shall be described accordingly and the address of whose ordinary place of business shall be given;

(d) specify the amount or the mode of determining the amount of the remuneration to which the trustee is to be entitled for his services as trustee or state that he is not to be entitled to any remuneration for such services;

(e) be signed by the applicant or applicants and specify their respective occupations and addresses.

Form of request.

(2) Any such request may be in Form No. 1 in the Schedule to this Act or in such other form as the Inspector General may from time to time direct.

"Person."

(3) For the purpose of this section the word "person" shall not be deemed to include any firm or corporation.

When candidate may be appointed trustee of political corporation.

13. (1) Notwithstanding the provisions of the last preceding section, a candidate may be appointed as trustee of a political corporation the sole purpose of which is defined as being the return of such candidate as a member of the House of Commons for a specified electoral district.

When candidate may not be appointed trustee.

(2) No candidate shall be appointed as trustee of a political corporation under this section unless the request for the constitution of the corporation is accompanied by a certificate in writing that his candidature has been publicly announced, and either that he is a supporter of a named party or that he is standing independently of any party.

Notification and number of corporation.

14. (1) If any person qualified to act as the trustee of a political corporation notifies the Inspector General by telegram or telephone that a request for the constitution of such a corporation, naming him as trustee, has been completed, properly addressed to the Inspector General and delivered to the post office for transmission, with the prescribed certificate, if one is required, the Inspector General may then assign a number to the corporation and forthwith notify such number by telegram to the trustee.

Date of certificate.

(2) The certificate of incorporation issued by the Inspector General on receipt of the request shall be dated on the day upon which the number of the corporation was so notified to the trustee, and the corporation shall be deemed to have been constituted on that day.

Misstatement an offence.

(3) Any misstatement in any communication to the Inspector General pursuant to this section shall be an offence under this Act.

Trustee's signature sufficient.

15. No request for the constitution of a political corporation shall be open to objection on the ground that it is signed only by the person named therein as trustee.

Misstatement in request.

16. If a request for the constitution of a political corporation contains any misstatement as to the status or address of the trustee or of the signatories thereto, each of the persons who sign such request shall be guilty of a major offence under this Act, unless he establishes that such misstatement was made without intention on his part and that he had taken all reasonable precautions to ensure that the facts were accurately stated in the request.

False certificate.

17. The making of any misstatement in any certificate accompanying any such request shall be a major offence under this Act.

Appointment new trustee.

18. Any request for the constitution of a political corporation may include a provision that a new trustee may at any time be appointed in substitution for the trustee therein named by the majority of not more than five persons whose names and addresses are set out in the request and who are living and competent to act at the time the trustee is sought to be replaced.

Certificate of incorporation

19. Upon the receipt by him of a request in proper form for the constitution of a political corporation, the Inspector General shall issue and send to the trustee named in the request a certificate substantially in Form No. 2 in the schedule to this Act, and on the issue of such certificate such trustee shall be a corporation sole under a name consisting of the words "Political Corporation" with, between them in brackets, the letters "No." and, in prominent figures below the said letters, the number assigned to the corporation by the Inspector General thus: "Political {No. **52**} Corporation."

No seal required.

20. The corporation shall not require a seal but the name in the form aforesaid shall appear on all documents binding the corporation, including all cheques drawn by it, and shall be verified by the signature of the trustee.

Property of political corporation.

21. Under such name or the name "Political Corporation No. —", (specifying the number) the corporation may sue and be sued, may acquire and hold property in the form of money, office furniture, books, papers and such other chattels, including leaseholds for not more than five years, as may be required for the promotion of the political purpose for which it is constituted, but shall not be entitled to acquire or hold any real property or any other personal property except with the previous written permission of the Inspector General specifying the property to the acquisition of which it extends and the length of time during which it may be retained; such time may, however, be stated in the permission to be unlimited.

Powers of political corporations.

22. (1) The only powers in addition to the foregoing which shall be exercisable by a political corporation shall be

(a) to receive, and make agreements for the receipt by it, of money to be expended in furtherance of the political purpose for which it is constituted or otherwise;

(b) to make agreements for the furnishing to it or on its behalf of goods, and the performance for it of services in furtherance of such purpose in the area specified in its certificate of incorporation;

(c) to expend any money belonging to it in any way not contrary to the provisions of this Act which may fairly be regarded as tending to further such purpose in the area aforesaid, and

(d) to pay over any such money to any other political corporation.

Persons party to use of excess powers, liable.

(2) Every one who is a party to the exercise by a political corporation of powers in excess of those conferred upon it shall be guilty of a major offence under this Act.

Agreements by political corporations.

23. Any agreement purporting to entitle a political corporation to the payment of any money or the receipt of any personal property which the corporation is permitted to acquire or to the performance of any services in furtherance of the purpose for which it has been constituted in the area in which such purpose is to be pursued, shall be enforceable independently of consideration, provided that such agreement is in writing and is signed by the person to be charged thereunder and provided further that, if the agreement purports to entitle the political corporation to receive any sum of money exceeding one hundred dollars or goods or services exceeding one hundred dollars in value after the expiration of one month from the date of the agreement, a copy of the agreement has, within one month from its date, been filed with the Inspector General.

How new trustee appointed.

24. The person or persons, if any, entitled to appoint a substitute trustee of any political corporation may do so by furnishing to the Inspector General an appointment in writing signed by him or them and any such new appointment shall take effect upon the issue by the Inspector General of a certificate substantially in Form No. 3 in the schedule to this Act.

Remuneration of trustee.

25. Such person or persons may also at any time alter the remuneration of either of the original or of any substitute trustee by writing signed by him or them, and the certificate of incorporation shall be amended accordingly.

Provision for second appointment.

26. Any request for the appointment of a substitute trustee of any political corporation may contain a fresh list of the names and addresses of persons who are to be entitled to make a fresh appointment in lieu of the substitute trustee, but if the request for the new appointment contains no such fresh list, the power to make a fresh appointment shall remain in the person or persons in whom the power of appointment was previously vested.

Qualification of new trustee.

27. Every substitute trustee shall have the same qualifications as an original trustee.

Powers of Court.

28. (1) If the request for the constitution of a political corporation or any subsequent appointment of a trustee does not name the person or persons by whom a new trustee may be appointed, or if all the persons named therein are dead or can no longer be found either at the addresses therein set out or in the territorial area therein specified, a judge of the superior court of any province of which any part is included in such area may, on application in that behalf, make an order for the appointment as a substitute trustee a person selected either by him or proposed by the

applicant as a person who can be relied upon to expend any moneys belonging to the political corporation in furtherance of its political purpose.

(2) Any such order may specify and identify by their occupations and addresses, not more than five persons who, on the death or resignation of the substitute trustee may make a fresh appointment as if they had been named in the original request for the constitution of the political corporation.

(3) A certified copy of any order made under this section shall be transmitted to the Inspector General and the person therein named shall become the trustee of the political corporation upon the issue by the Inspector General of an appropriate certificate of his appointment.

Trustee ceasing to be qualified.

29. Upon the trustee of any political corporation ceasing to possess the qualifications required for appointment as such trustee, the trusteeship shall be deemed to have been vacated and a new trustee shall be appointed in the same manner as if the trustee had died or resigned, or the corporation shall forthwith be wound up and dissolved by the disqualified trustee as liquidator.

Conduct of Business by Political Corporations.

Deposit of money.

30. Every sum of money received by a political corporation shall be deposited to the credit of the corporation in a chartered bank in the form in which it was received and shall be accompanied by a deposit slip in duplicate on which full particulars shall be given of any currency included in such deposit and of the drawers, indorsers and amounts of any cheques forming part thereof.

Deposits in currency.

31. (1) If any deposit includes any currency the trustee shall, within one week after it was made, send an extra copy of the deposit slip to the Inspector General with a return signed by him and specifying

Returns.

(a) the names and addresses of each of the persons from whom he received in currency any part thereof exceeding five dollars, and

(b) the circumstances in which he received in currency any part thereof representing contributions in amounts of five dollars or less,

and stating either

(c) that he has no reason to believe that any of the persons from whom he received any part of the currency were not absolutely entitled thereto, or

(d) that a defined amount of such currency was received by him from named persons whom he believes may not have been absolutely entitled thereto.

Currency received from person not entitled thereto.

(2) If any part of the currency covered by such return appears from the trustee's statement to have been received from a person who may not have been absolutely entitled thereto, the return shall be accompanied by statements signed by all the persons concerned in the collection and transmission of the money and tracing the same back to the original contributors absolutely entitled thereto.

Untrue statements.

(3) Any trustee or other person who, in any statement under this section fails to set out the true facts sufficiently and correctly, shall be guilty of a major offence under this Act, unless he establishes that his failure was due to an honest mistake and that he took every reasonable care to ensure that his statement was full and correct.

Bills of exchange and notes.

32. Every bill other than a cheque and every note received by any political corporation shall forthwith upon its receipt be delivered to a bank either for discount or collection and, if dishonoured without having been discounted shall be sent by the bank to the Inspector General.

Payments by political corporations.

33. Every payment made by a political corporation shall be made by cheque drawn on its bank account to the order of a named payee or payees and showing upon its face the date of its completion, the address of each payee and the consideration for which it has been issued.

Petty cash.

34. If any cheque is drawn by a political corporation for the payment of prospective or past petty office expenses, it shall be drawn in favour of the trustee who shall cause to be kept in a book provided by him for the purpose an accurate and complete record of the petty expenses paid out of the proceeds of the cheque.

Blank cheques.

35. Cheques of a political corporation may be drawn by the trustee in blank provided that they call for a dated countersignature and bear across their face the legend "Not good unless countersigned by *(some named person)*," and that the bank upon which the cheque is drawn is instructed not to pay any such cheque without the properly dated countersignature of the person specified, who shall be responsible for the proper completion of every cheque countersigned by him.

Payees of cheques.

36. Except cheques for petty office expenses or in favour of another political corporation, no cheque issued by or on behalf of any political corporation shall be made payable to any payee who is not honestly believed by the trustee or the person by whom the cheque is countersigned to be entitled to receive the money represented by the cheque in his own right free from any obligation, legal or otherwise, to pay over any part of such money to any other person.

Books of account.

37. The trustee of every political corporation shall keep a book or books in which every sum of money received or expended by the political corporation shall be entered in appropriate order with full particulars of the name and address of the person from whom such money has been received or to whom it has been paid.

Destruction of records.

38. No correspondence, accounts or books of record relating to the business or activities of a political corporation shall be destroyed without the written permission of the Inspector General, and all such papers and books shall upon request be produced for examination by the Inspector General or any person appointed by him for the purpose.

Duties of Banks.

Deposit slips.

39. It shall be the duty of every bank in which money is deposited to the credit of an account in the name of a political corporation to satisfy itself that the deposit slips relating to deposits in any such account appear on their face to comply with the provisions of this Act and that the duplicate of every such deposit slip exactly corresponds with the original.

Settling account.

40. (1) At the beginning of each calendar month every bank which carries the account of any political corporation shall furnish to such corporation a statement of all credits to and charges against such account which have been made during the preceding calendar month, and if no objection to such statement is made on behalf of the political corporation within the first two weeks of the month, the statement shall be deemed to be correct and the bank shall transmit to the Inspector General the duplicate copies of all the deposit slips which accompanied deposits made to the credit of such account during the next preceding month and all cheques on the account paid by the bank during such month, with a statement of the amounts deposited and withdrawn.

Cheques and deposit slips.

Objection to account.

(2) If any objection to the account is made to the bank on behalf of the political corporation, the transmission of the documents aforesaid shall be made forthwith upon the adjustment of the account.

Other items in account.

41. Every bank which has occasion to credit to or charge against the account of any political corporation any amount not covered by a deposit slip or cheque delivered to it or issued by such corporation shall include with the deposit slips or cheques an appropriate credit or debit slip giving full particulars of the source of the money constituting any credit and the nature and purpose of any charge.

Form of cheques.

42. No bank shall honour any cheque drawn by a political corporation unless it appears to bear upon its face the information required by this Act.

Inspector General of Political Corporations.

Inspector General.

43. An Inspector General of Political Corporations shall be appointed by resolution of the House of Commons, shall be paid a salary of dollars per annum and his reasonable travelling and living expenses while absent from Ottawa on the business of his office, shall hold office on the same tenure and be removable only for cause in the same manner as a judge of the Supreme Court of Canada, shall be entitled to superannuation on the same conditions as such a judge, shall devote himself exclusively to the performance of the duties of his office and shall rank as a deputy head of a department.

Seal.

44. (1) The Inspector General shall adopt an appropriate seal of office; he shall therewith seal all certificates and other documents required to be issued by him under this Act and shall verify the same under his hand.

Evidence.

(2) Any certificate purporting to be sealed as aforesaid shall be admitted in evidence in any court without proof either of the seal or of the signature of the Inspector General.

Assistant Inspector General.

45. (1) An assistant to the Inspector General may be appointed by resolution of the House of Commons; he shall hold office at the pleasure of the House and the salary payable to him shall be fixed by resolution.

(2) If the Inspector General dies or becomes unable to act, his assistant shall perform the duties of the office until either the Inspector General again becomes able to discharge them or a successor to or substitute for the Inspector General is appointed.

R.S., c. 24.

(3) The assistant to the Inspector General shall be eligible as a contributor under the *Civil Service Superannuation Act* with all the benefits therein prescribed.

Staff.

46. The Inspector General shall be entitled to appoint and fix the remuneration of two stenographers and two clerks who shall likewise be eligible as aforesaid, and such other temporary assistants as may from time to time be authorized by resolution of the House of Commons or as during the six months next following the dissolution of Parliament he considers necessary for the discharge of the duties of his office.

Duties.

Certificates of incorporation.

47. It shall be the duty of the Inspector General

(a) to receive requests for the constitution of political corporations and to issue certificates of the constitution

of such corporations upon requests made in accordance with this Act;

Statements, etc.

(b) to receive from trustees of political corporations and from banks the statements, deposit slips and cheques required to be sent to him;

Regularity of returns.

(c) to examine such documents and to take such steps as may be necessary to insure that they are received in accordance with the provisions of this Act and are complete and accurate;

Inquiries.

(d) either upon his own motion or upon complaint being made to him in that behalf, to make or cause inquiry to be made to determine whether there has been any breach by any person of any of the provisions of this Act;

Summary reports.

(e) to publish quarterly, or oftener if he thinks it advisable, a summary report of the total amount of the receipts and expenditures of each political corporation since the date of his last report;

Annual report

(f) to transmit to the Speaker of the House of Commons yearly and as soon as possible after the commencement of the first session of Parliament in any year, a detailed report giving, with appropriate alphabetical and numerical indexes, particulars of every item entering into the income and outlay of each political corporation during the next preceding calendar year and summarizing the facts in relation to any inquiry or other action taken by him with respect to any political corporation or with respect to any offence or supposed offence under this Act, together with such other facts as should in his opinion be brought to the attention of the House of Commons;

Reports on general elections.

(g) to make, as soon as possible after every general election a special report to the Speaker setting out

(i) the maximum permissible expenditure which might have been made on behalf of each candidate;

(ii) the amount which was in fact expended on behalf of each;

(iii) the parts of the last mentioned amount expended by local, provincial and national corporations respectively;

(iv) the total sum expended by each reporting political corporation for radio broadcasting, and

(v) the maximum permissible expenditure by each for that purpose; and

Reports on by-elections.

(h) to include in the annual report hereinbefore mentioned information with respect to every by-election similar to that indicated in the last preceding clause.

Returns and statements.

48. (1) The Inspector General shall have power to call upon any or all political corporations to furnish within a time limited by him any special return or statement which he

considers desirable and every such return or statement shall be furnished accordingly.

Prescribed form.

(2) The form of any return or statement required to be made under this or any other section of this Act may be prescribed by the Inspector General.

Expenses for newspapers, meetings, etc.

49. (1) If within one month before or during an election the Inspector General considers that the real and substantially the only purpose of the publication of a newspaper, or of the holding of meetings or the circulation of publications by an association, is to affect the return of any candidate or candidates, he may, by order in writing transmitted, by telegram or otherwise, to the persons who appear to be responsible, forbid the publisher or association from continuing, during the election, to incur expenses in relation to activities of the kind specified in the notice.

Forbid the incurring of expenses.

Prohibition, absolute or conditional.

(2) The prohibition may be absolute or on condition that all expenses relating to the activities specified shall be met by a political corporation duly authorized in that behalf.

Offence.

(3) Every one who, after notice, disobeys any order made pursuant to this section shall be guilty of a major offence under this Act.

Inquiries.

50. For the purpose of any inquiry under this Act the Inspector General may employ the services of a member of the bar of any province or of a member of a recognized institute or association of chartered accountants, and may fix the remuneration of the person so employed.

Powers on inquiries.

51. For the purpose of any such inquiry the Inspector General or any person nominated by him to conduct the inquiry shall have the powers of a commissioner under Part II of the *Inquiries Act*.

R.S., c. 99.

Investigation by R.C.M.P.

52. If at any time the Inspector General has reason to think that an offence may have been committed under this Act, he may request the Commissioner of the Royal Canadian Mounted Police to cause an investigation to be made and the Commissioner shall report to the Inspector General the facts ascertained upon any such investigation.

Institution of proceedings.

53. If at any time the Inspector General has reason to believe that an offence under this Act has been committed by any person, he may transmit the information in his possession to the Commissioner of the Royal Canadian Mounted Police with a request that appropriate criminal proceedings be instituted and the Commissioner shall cause appropriate proceedings to be instituted accordingly.

Salaries and expenses.

54. Any sums payable to the Inspector General, to his assistant, to any temporary Inspector General and to any

person appointed or employed by the Inspector General as in this Act provided, and the necessary expenses incurred in the performance of his duties, shall be payable on the Inspector General's certificate out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Temporary Inspector General.

55. If the Inspector General dies or becomes unable to act at any time during the interval beginning less than a week before the end of the last session of a Parliament and ending less than three weeks before the assembly of a new Parliament, a temporary Inspector General may be appointed jointly by the Prime Minister and the Leader of the Opposition or, on application made to him in that behalf, either by the Chief Justice of Canada, or, in case of his absence or inability to act, by the judge of the Supreme Court of Canada who would preside if the Court then sat, and any substitute so appointed shall hold office and exercise all the powers of the Inspector General until either the Inspector General is able again to discharge his duties or a new appointment is made by resolution of the House of Commons.

Limitation of Election Expenses.

Election expenses limited.

56. The total amount of the expenditure which may be incurred in promoting the return of any candidate shall be limited as hereinafter provided, and in determining the amount so limited there shall be taken into account not only all payments made and liabilities incurred during the election in connection with the selection, nomination and return of such candidate, but also the difference, if any, between the fair market value of the use of any real property which has been permitted to be used to promote such return and the amount which has been paid or agreed to be paid therefor during the election.

Political expenses during elections.

57. (1) Unless by a certificate under the hand of the Inspector General, it has been exempted, either generally or subject to specified limitations, no political corporation shall, during a general election, issue any cheque or make any contract or promise to meet any expense except

(a) cheques and contracts or promises issued or made in accordance with such certificate of exemption;

(b) cheques drawn in favour of another political corporation; and

(c) cheques issued or contracts or promises made in relation to a normal routine expense for the maintenance of the office or the remuneration of the trustee of the political corporation.

Cheques, contracts, promises *re* by-election.

(2) Subject to the same exceptions, no political corporation constituted for the purpose of furthering a political purpose within an area including the electoral district in the representation of which the vacancy exists shall issue any

cheque or make any contract or promise to meet any expense during a by-election.

Cheques issued and agreements contrary to Act.

(3) No cheque issued or countersigned during a general election contrary to the provisions of this section shall be honoured by any bank and no agreement or promise so made during any election shall be carried into execution or be enforceable.

Exemptions.

58. (1) The Inspector General may grant a certificate of exemption such as is referred to in the last preceding section

(a) to any political corporation constituted for purposes such that no expenditure by it would, in the Inspector General's opinion, be likely to have any effect upon the choice by any voter of the candidate for whom he should vote, and

(b) to not more than three political corporations constituted for purposes which include or may extend to the promotion of the return of any single candidate.

Limitations.

(2) In any case in which the Inspector General is in doubt as to the possible effect of expenditures which might be made by any political corporation on the choice by any voter of the candidate for whom he should vote, he may exempt the political corporation subject to limitations specified in the certificate of exemption.

Offence.

(3) Any trustee of a political corporation or any person authorized to countersign cheques on behalf of such a corporation who issues or countersigns any cheque in disregard of any limitation specified in any such certificate shall be guilty of a major offence under this Act.

Independent candidates.

59. If any candidate has publicly stated that he is standing independently of any party and so certifies to the Inspector General in writing, the Inspector General shall follow the direction of such candidate in selecting for exemption a political corporation constituted solely for the purpose of promoting the candidate's return, and no more than one such corporation shall be selected.

Political corporations not to incur expenditure.

(2) No political corporation other than that so exempted shall incur any expenditure directly calculated to promote the return of the candidate at whose direction the exemption under this section has been granted.

Exempted political corporation.

(3) A political corporation exempted under this section at any election shall not be entitled to receive from any other political corporation any money to be applied in discharge of any expenses or obligations incurred or to be incurred by it during such election and the payment or receipt of any money contrary to this provision shall be a major offence under this Act.

Party candidates.

60. In selecting the political corporations constituted for the purpose of promoting the return of candidates supporting a particular party the Inspector General shall

follow the direction, as the case may require, of the Prime Minister, of the Leader of the Opposition, or of the recognized leader of any party other than those to which the Prime Minister and the Leader of the Opposition belong, subject, however, to the following rules:

(a) that one of the political corporations exempted shall be a political corporation constituted solely for the purpose of promoting the return of a member supporting such party in a single electoral district, this corporation being hereafter referred to as the local corporation;

(b) that another may be a political corporation constituted to promote the return of members supporting such party either throughout Canada or throughout all those parts of Canada in which candidates are announced as supporters of such party, this corporation being hereafter referred to as the national corporation, and

(c) that a third may be a political corporation constituted for the purpose of promoting the return of members supporting such party in a defined group of electoral districts, not including all the electoral districts described in the last preceding clause, this corporation being hereafter referred to as the provincial corporation.

How election expenses ascertained.

61. (1) In determining the permissible total expenditure which may be incurred in promoting the return of a candidate in any electoral district there shall be taken into account the whole of the expenditure made by the local corporation during the election and also a proportionate part of the expenditure incurred during the election

(a) by the national corporation in promoting the return of members of the party of which the candidate is a supporter, and

(b) by any provincial corporation in promoting the return of candidates of the same party in the territorial area in which the purposes of such provincial corporation are to be pursued and which includes the electoral district in question.

(2) The expenditure to be taken into account under this section shall not include any payments made by any political corporation to another.

National expenditures.

62. (1) The proportionate part of the expenditure incurred by a national or provincial corporation to be taken into account as aforesaid at any general election shall subject as hereinafter provided be ascertained by dividing the total expenditure of the corporation during the election equally among the local political corporations constituted to promote the election of supporters of the party who are formally

placed in nomination at such general election in the electoral districts wholly or partly included in the area to which the purposes of the national or provincial corporation extend.

By-elections.

(2) In the case of a by-election, a similar equal division shall be made between the local political corporations constituted to promote the election of supporters of the party who are formally placed in nomination for all the electoral districts in the representation of which in the House of Commons there are contemporaneous vacancies and which are included in the area to which the purposes of the corporation extend.

Routine expenses.

(3) The normal routine expenses of the office of a national corporation and the remuneration of the trustee thereof may in the case of any by-election be omitted from the account.

Distribution of expenditures.

(4) When parts only of the periods of two or more by-elections coincide in time the expenditures to be taken into account may be distributed by reference to the periods during which the by-elections in fact coincide.

Payments by national to provincial corporations.

63. (1) No national corporation which has been exempted at any election shall pay any money to be applied in discharge of any expenses or obligations incurred or to be incurred during such election by any provincial corporations except such as have been exempted at such election on the direction of the same party leader as directed the exemption of such national corporation.

Local corporations.

(2) Subject to the exceptions hereinafter mentioned, the same rule shall apply to the payment by any national or provincial corporation of any money to be applied in discharge of any expenses or obligations incurred or to be incurred during the election by a local corporation.

Exemption of special local corporation.

64. (1) If in any electoral district no local corporation has been exempted on the direction of the leader of a party, any person who becomes a candidate in the electoral district as a supporter of such party shall be entitled, on a request made jointly by him and the national and any appropriate provincial corporation of the party, to obtain from the Inspector General a certificate exempting a local corporation specified in the request instead of one specified by the leader of the party and permitting the payment to it of any money which might have been paid to the local corporation which it replaces.

In writing.

(2) No exemption or permission granted under this section shall be acted upon unless it is in writing under the hand and seal of the Inspector General.

Substitution of local corporation.

65. If after a local corporation has been exempted in any electoral district on the direction of the leader of any party, a candidate supporting such party in such

district desires to have another local corporation exempted in its stead, the substitution may be made with the written permission of the Inspector General in the manner aforesaid on the joint request of the candidate and the national and any appropriate provincial corporation of the party.

Cancellation.

(2) Upon such substitution being made the exemption of the first local corporation shall be deemed to be cancelled and the substituted corporation shall thereafter stand for all purposes in its place and stead.

Two-member electoral districts.

66. In any electoral district for which two members are to be returned the provisions of the last two preceding sections shall apply with the modification that the exercise of the rights thereby conferred by either of two candidates supporting the same party jointly with the national and any appropriate provincial corporation of such party shall not affect the exemption of another local corporation in the electoral district on behalf of the same party or the relations of such other local corporation with any national or provincial corporation exempted on the party's behalf.

Withdrawal of exemptions.

67. (1) Subject as aforesaid any exemption granted to any local, provincial or national corporation shall not be withdrawn while the corporation remains in existence except on the grounds of the misconduct of the trustee or of irregularities in the conduct of the business of the corporation.

Notice that exemption will be withdrawn.

(2) In any case in which the Inspector General considers that such misconduct or irregularities have occurred, he shall notify the person on whose direction or request such political corporation was exempted that the exemption will be withdrawn at the expiration of a time fixed in the notice unless before the expiration of the time fixed a new trustee of the corporation is substituted for the then trustee or a satisfactory explanation of the apparent misconduct or irregularities is furnished to the Inspector General.

By telegram or letter.

(3) Any such notice may be given by telegram or letter and the time fixed thereby shall not be less than three clear days from the time it would, in the ordinary course, be received by the addressee.

Cancellation of exemption.

(4) If within the time fixed by the notice, or within such further time as the Inspector General may allow, neither of the conditions specified in the notice is satisfied, the Inspector General may cancel the exemption of the corporation and shall thereupon give notice accordingly to the trustee and to any chartered bank in which the political corporation appears to the Inspector General to have an account.

Offence.

(5) Any one who, after such cancellation, issues or countersigns any cheque on behalf of such political corporation or deals with or honours any cheque so issued or countersigned shall be guilty of a major offence under

this Act unless he establishes that he had in fact no reason to believe that the exemption was not still in force.

Renewal.

(6) After the exemption of a political corporation has been cancelled under this section, the Inspector General may renew its exemption or exempt another political corporation on behalf of the candidate or party on whose behalf the first was exempted.

When more than one candidate of same party.

Two member electoral districts.

68. (1) In any electoral district for which two members of the House of Commons are to be returned, and only one local corporation has been exempted on behalf of any two or more candidates, the total permissible expenditure on behalf of all such candidates jointly shall be twice the amount which would have been allowable if there had been only one candidate to be returned, but the same multiple shall be applied to the proportionate parts of the expenditures of the appropriate national and provincial corporations which are to be taken into account.

If expenditure incurred for the candidates jointly.

(2) If in any such electoral district two local corporations have been exempted during any part of an election on behalf of candidates supporting the same party, and one of them, before the exemption of the other, has incurred expenditure on behalf of the candidates jointly, one-half of the expenditure so incurred shall be taken into account by each corporation for the purpose of ascertaining its total expenditure, the appropriate deduction and addition to the actual expenditure of each being made accordingly.

When local exemption cancelled.

69. In any case in which, at the request of a candidate or candidates supporting any party, the exemption of any local corporation on behalf of the same party has been cancelled and another local corporation exempted in lieu thereof, the expenditure incurred by both local corporations during the election shall be added together for the purpose of determining the total permissible expenditure for the promotion of the return of the candidate or candidates by whom the substitution of a new local corporation has been requested.

Limit on expenditure.

70. Ascertained as hereinbefore provided, the total expenditure which may be incurred in promoting the return of any candidate shall not exceed.....cents for each elector whose name appears on the list of electors as finally revised and reprinted for the urban polling divisions in the electoral district at such election, and.....cents for each elector who, according to the official lists of electors supplied to deputy returning officers in the rural polling divisions in the district, is entitled to vote at such election in such a division.

National and provincial statements.

71. Any local corporation whose permissible total expenditure during an election may be affected by the expenditure incurred by any national or provincial corporation, shall be entitled, upon request, to receive forthwith from the national or provincial corporation a statement of the total amount of the expenditure incurred by it between the commencement of the election and the date of the statement, and estimates of the additional expense likely to be incurred by it thereafter during the election and of the number of candidates likely to be put formally in nomination by whose local corporations part of the expenditure of such national or provincial corporation will require to be taken into account.

Local statements.

72. The trustee of every local political corporation shall, during every election in respect of which it has been exempted by the Inspector General from the operation of the prohibition against expenditure, at least once a fortnight without request, and forthwith upon request, notify the candidate whose return it is its purpose to promote and each member of the principal committee acting for such candidate of:—

(a) the total expenditure made by the political corporation since the commencement of the election;

(b) his estimate of the amount of the expenditure which it may be necessary for the political corporation to incur during the election;

(c) his estimate of the expenditure likely, by reason of its being incurred by any other political corporation, to have to be taken into account in determining the total permissible expenditure on behalf of the candidate, and

Return after election.

(d) the probable total number of persons qualified to vote in the electoral district in which the purpose of the political corporation is to be pursued.

Special return by trustee of expenditure.

73. (1) Within one month after any election the trustee of every political corporation which has been exempted from the prohibition against expenditure during such election shall make a special return to the Inspector General setting out

(a) the total amount of the expenditure incurred by it during the election other than in the form of payments to any other political corporation;

(b) the amount of each such payment, if any, and to what political corporation each was made;

(c) the several amounts, if any, representing the proportionate parts of the expenditure incurred by it (not including payments to other political corporations) required to be taken into account by any other political

corporation in determining the amount of the latter's total permissible expenditure in connection with the election;

(d) either that there is no outstanding claim asserted against the political corporation in respect of any goods or services furnished or performed to promote its political purpose, or that the only such claims outstanding are as specified in the statement with the reasons why they have not been met; and

(e) either that the trustee has no information to indicate that any political expense has, in the territorial area to which the purpose of the said corporation extends, been paid or incurred by anyone other than a political corporation, or that the only political expenses which were so incurred, according to such information as the trustee has, are as set out in the statement.

False or misleading statements in return.

(2) Every one who makes, or is a party to making under this section any return which contains any false or misleading statement or omits to set out any fact which should have been included therein shall be guilty of a major offence

Offence.

under this Act unless he establishes that the false or misleading statement or the omission was honestly made and that he had taken all reasonable precautions to ensure that the statement was accurate and complete.

Dissolution of Political Corporations.

Dissolution on request.

74. (1) The trustee of any political corporation may at any time bring the corporate existence of the corporation to an end by transmitting to the Inspector General the certificate of the incorporation of the corporation in question, the book or books in which the receipts and expenditures of the corporation have been recorded, and a statement signed by him certifying that all liabilities of the corporation have been discharged, that the corporation is under no obligation which remains undischarged, and that all bank accounts of the corporation have been closed.

Date of dissolution.

(2) The political corporation shall be deemed to be dissolved and to have ceased to exist from the day upon which the documents aforesaid are received by the Inspector General, but the trustee shall remain personally liable for the performance of any obligation of the corporation which is in fact undischarged at the date of the statement furnished by him to the Inspector General.

Dissolution by Inspector General.

75. (1) If at any time no deposit slips or cancelled cheques of any political corporation have been received by the Inspector General during a period of six months, the Inspector General shall send to the trustee of such corporation, and to each of the persons who signed the request

for its constitution, a notice that if within two months the inactivity of the corporation is not explained to his satisfaction he will take such steps as he considers appropriate to wind up the corporation by distributing any money or other property belonging to it among the creditors of the corporation, if any, in proportion to the amounts due them respectively, and by transferring the balance, if any, not required to meet any outstanding obligations to some other political corporation constituted to promote a purpose analogous to that which the corporation in liquidation was constituted to promote.

Conditions not complied with.

(2) If within the time fixed by the notice, or such further time as the Inspector General may allow, the conditions specified in the notice are not complied with, the Inspector General may proceed to wind up the political corporation accordingly.

Inspector General's cheques.

(3) Every bank shall honour the signature of the Inspector General on any cheque against the funds of a political corporation to be wound up by him under this section and shall not be under any obligation to ascertain whether the conditions entitling the Inspector General to issue such cheque have been fulfilled.

Books, papers of dissolved corporation property of Inspector General.

(4) When a political corporation is wound up by the Inspector General under this section he shall be entitled to obtain, and shall if possible secure, possession of its books and papers, including its certificate of incorporation, but whether or not he does so, he may by certificate under his hand and seal dissolve the political corporation, the corporate existence of which shall thereupon cease and determine.

Offences and Penalties.

Exceeding expenditure limit.

76. (1) It shall be a major offence under this Act to expend or be a party to expending during an election in the promotion of the return of any candidate an amount exceeding the total permissible expenditure for such purpose.

Persons deemed to have committed offence.

(2) Except as in this section provided, such offence shall be deemed to have been committed by every trustee of any local political corporation by which such total permissible expenditure has been exceeded, by anyone who has countersigned cheques of such political corporation contrary to instructions, by any candidate whose return has been promoted by such political corporation, and by each member of the principal committee acting for such candidate, unless

(a) the Inspector General, after due inquiry, certifies that he is satisfied that such excess expenditure was incurred by reason of an honest mistake in calculation or as to the effect of the provisions of this Act, and that the excess is not greater than an amount equal to ten per cent of the total permissible expenditure, or unless

(*b*) it is established to the satisfaction of the court that the person charged kept himself properly informed as to the amounts expended from time to time which might require to be taken into account, that he took all reasonable precautions to ensure that no excess expenditure would be incurred, and that he had no information from which he might reasonably have inferred that the making of any excess expenditure was to be anticipated.

Certificate as to number of voters.

77. In any proceeding before any court, the certificate of the Chief Electoral Officer shall be conclusive evidence as to the number of electors whose names appeared on the official lists of electors for any area at any election, or who appear from such list of electors to have been entitled to vote in any area at any election, and the Inspector General shall accept such a certificate for the purpose of any calculation or report required to be made by him under this Act.

Form of cheques.

78. Every one is guilty of a major offence under this Act who authorizes or is a party to the issue by anyone other than a political corporation of any cheque bearing upon it any words or figures such or so placed as to give the impression that such cheque is issued by a political corporation.

Offences by trustees.

79. (1) If the trustee of a political corporation or any person acting on behalf of a political corporation with the approval of the trustee is found guilty of a major offence under this Act, proof of his conviction shall, in proceedings on any petition under the *Dominion Controverted Election Act*, avoid the return of the candidate whose return is the purpose or one of the purposes for which such corporation has been constituted.

R.S., c. 50.

Election avoided.

Voided on proof of other offences.

(2) The election of such candidate shall likewise be avoided on proof in any such proceeding that the trustee or person aforesaid has been convicted of any other offence under this Act, unless the candidate establishes that he took every reasonable precaution to prevent any act or omission contrary to the provisions of this Act and that he had no information which led him to suspect that the offence committed was likely to be so.

Evidence.

(3) The production of the record of any conviction of a trustee and of a certificate of his appointment shall in any such proceeding be sufficient evidence of the facts appearing therefrom.

Conviction for lesser offence.

80. In any case in which any person charged with a major offence under this Act is found not guilty of such offence by reason of his having satisfied the onus expressly cast upon him by any provisions hereinbefore contained, he may nevertheless be found guilty of an offence under

this Act in any case in which the court is of the opinion that the circumstances proved before it are not such as to entitle him to be completely exonerated.

Penalty for major offences.

81. (1) Anyone who is guilty of a major offence under this Act shall be liable on indictment

(a) if a corporate body, to a fine not exceeding five thousand dollars and

(b) in any other case to a fine not exceeding two thousand dollars, or to imprisonment for not more than two years, or to both fine and imprisonment.

Fines increased.

(2) If the offence relates to the payment or receipt of any sum of money contrary to the provisions of this Act, the fines fixed as aforesaid may be increased by an amount equal to five times the amount of the money so paid or received.

Penalty for other offences.

82. Anyone who is guilty of a breach of or an offence under this Act not being a major offence shall be liable on indictment or summary conviction

(a) if a corporate body, to a fine not exceeding five hundred dollars, and

(b) in any other case to a fine not exceeding two hundred dollars, or to imprisonment for not more than three months, or to both fine and imprisonment.

When Act comes into force.

83. The provisions of this Act with respect to the appointment, remuneration, powers and duties of the Inspector General and his staff and with respect to the constitution of political corporations shall come into force on the day upon which the Act is assented to, but the remaining provisions of the Act shall not come into force until a day to be fixed by the Governor in Council and proclaimed in the *Canada Gazette*.

SCHEDULE.

Form No. 1.

POLITICAL EXPENDITURES ACT.

Request for Constitution of a Political Corporation.

To the Inspector General of Political Corporations:—

The undersigned request(s) the constitution of a political corporation having as its purpose *(here the political purpose shall be defined in some such terms as the following:*

to promote *(or* oppose*)* the election of *(a named person)* as a member of the House of Commons for the Electoral District of *(naming it), or*

to promote (*or* oppose) the election in the Electoral District of *(naming it)* of a candidate for membership in the House of Commons supporting the *(naming it)* party, *or*

to promote (*or* oppose) the election in the Province of *(naming it), or* throughout Canada, of candidates for membership in the House of Commons supporting the *(naming it)* party, *or*

to promote (*or* oppose) in *(defining a territorial area)* the adoption of legislation directed to *(defining the object), or*

to promote (*or* oppose) the adoption in *(defining a territorial area)* by the executive government of Canada of a proposal to *(defining the proposal)).*

The trustee of the political corporation constituted pursuant to this request shall be *(name, occupation and address)* a member in good standing of the bar of the Province of .....*(or* of the *(naming it)* institute or association of chartered accountants *or* a candidate for election as a member of the House of Commons for the electoral district of *(naming it).*

The said trustee shall be entitled to remuneration out of the funds under his control at the rate of *(naming the amount)* dollars *(*$.....*)* weekly (*or* monthly *or* yearly, *as the case may be, or* at the rate of.....per cent of the sums received by him from time to time, *or as the case may be).*

(i) The inclusion of this paragraph is optional.

Power, to appoint a new trustee in substitution for the trustee above named is to be vested in the following or the survivors of them who remain competent to act:

(Names, occupations and addresses of not more than five persons may be given or the signatories or some of them may be referred to)

Dated at.....in the Province of.....
.....this .....day of.....19..

(Follow with the signatures, occupations and addresses of the person or persons by whom the request is made.)

Form No. 2.

POLITICAL EXPENDITURES ACT.

Certificate of the Constitution of a Political Corporation.

This is to certify that, pursuant to request dated the ..... day of....., 19....., a political corporation has this day been constituted pursuant to the provisions of the *Political Expenditures Act* under the name: Political {No. / XX} Corporation for the purpose of *(stating the purpose as set out in the request)*, and that *(naming the trustee and setting out his addition and address)* has been named as the trustee of the said Political Corporation at a remuneration of *(or* without remuneration, *a the case may require)*.

In witness whereof I have hereto affixed my seal of office under my hand this day of 19 .

.....

Inspector General of Political Corporations.

Form No. 3.

POLITICAL EXPENDITURES ACT.

Certificate of Substitution of Trustee.

Being satisfied that the trustee of Political {No. / XX} Corporation has died (*or* resigned *or* been superseded) and that the appointment of a substitute trustee has been duly made according to law:

This is to certify that *(naming the substitute trustee and setting out his addition and address)* is from this day the trustee of the said Political Corporation.

In witness whereof I have hereto affixed my seal of office under my hand this day of 19 .

.....

Inspector General of Political Corporations.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 91.

An Act respecting the Franchise of Electors and the Election of Members of the House of Commons.

First reading, April 5, 1938.

THE MINISTER OF PENSIONS AND NATIONAL HEALTH.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

48870

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 91.

An Act respecting the Franchise of Electors and the Election of Members of the House of Commons.

R.S., c. 53; 1929, c. 40; 1930, c. 16; 1934, c. 50; 1935, c. 57; 1936, c. 35.

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

SHORT TITLE.

Short title.

1. This Act may be cited as *The Dominion Elections Act, 1938.*

INTERPRETATION.

Definitions.

2. In this Act, unless the context otherwise requires, the expression

"Advance poll."

(1) "advance poll" means a poll held as by sections ninety-four to ninety-seven, inclusive, of this Act provided;

"By-election."

(2) "by-election" means an election other than a general election;

"Candidate" or "Candidate at an election."

(3) "candidate" or "candidate at an election" means and includes any person who is formally nominated as a candidate at an election, or who, after the day of the issue of the writ for an election, or after the dissolution of Parliament or the occurrence of a vacancy in consequence of which a writ for an election is eventually issued, is declared by himself or by others to be a candidate;

"Commercial traveller,"

(4) "commercial traveller" means a person employed on salary or on commission by a manufacturer or wholesale merchant to travel from place to place selling goods to, or taking orders for goods from, jobbers and retailers;

"Dominion election" or "Election."

(5) "Dominion election" or "election" means an election of a member or members to serve in the House of Commons of Canada;

"During an election" or "At an election" or

(6) "during an election" or "at an election" or "throughout an election" includes the period after the issue of the writ for an election, or after the dissolution of Parliament or the occurrence of a vacancy in consequence of which

Explanatory Notes

This Bill embodies all the recommendations made by the special Committee of the House of Commons on Election and Franchise Acts, in its Second and Final report dated April 6th, 1937. Whenever the words "the Act" are used in these explanatory notes, the reference is to *The Dominion Elections Act, 1934*, as amended.

Section 2.

1. No change.

2. No change.

3. Changed. The present provision reads as follows:
"(3) "candidate" or "candidate at election" includes any person elected to serve in the House of Commons of Canada at an election, or who is nominated as a candidate at an election, or who, after the day of the issue of the writ for an election or after the dissolution of Parliament or the occurrence of a vacancy in consequence of which a writ for an election is eventually issued, is declared by himself or by others to be a candidate;"

4. New. Inserted at the suggestion of the Chief Electoral Officer.

5. No change.

6. No change.

"Throughout an election."

a writ for an election is eventually issued, until the elected candidate is returned as elected;

"Election documents" or "election papers."

(7) "election documents" or "election papers" mean the papers directed in this Act to be transmitted to the Chief Electoral Officer, after an election, by the returning officer namely: the writ with the return of the election endorsed thereon; the nomination papers filed by the candidates; the reserve supply of undistributed blank ballot papers; the enumerators' record books used in urban polling divisions; the index books prepared by enumerators in rural polling divisions; the revising officers' records and other papers relating to the revision of the lists of electors in urban polling divisions; the statements of the polls from which the final addition of the votes was made; and the other returns from the various polling stations enclosed in sealed envelopes, as prescribed in section fifty of this Act, and containing *(a)* the poll book used at the poll, *(b)* a packet of stubs and unused ballot papers, *(c)* packets of ballot papers cast for the various candidates, *(d)* packet of spoiled ballot papers, *(e)* packet of rejected ballot papers, and *(f)* packet containing the official list of electors used at the poll, the written appointments of candidates' agents and the used transfer certificates, if any;

"Election officer."

(8) "election officer" includes the Chief Electoral Officer, the Assistant Chief Electoral Officer and every returning officer, election clerk, deputy returning officer, poll clerk, enumerator, revising officer or other person having any duty to perform pursuant to this Act, to the faithful performance of which duty he may be sworn;

"Election petition." R.S. c. 50.

(9) "election petition" means a petition presented in pursuance of the *Dominion Controverted Elections Act;*

"Elector."

(10) "elector" means any person qualified to vote at a Dominion election, whether his name is or is not on any list of electors;

"Electoral district."

(11) "electoral district" means any place or territorial area described as an electoral district in *The Representation Act, 1933*, and entitled to return a member or members to serve in the House of Commons of Canada;

1932-33, c. 54.

"Finally revised list."

(12) "finally revised list" means the list of electors for an urban polling division which has been revised and corrected by the revising officer pursuant to the provisions of Rules (17) to (43), inclusive, of Schedule A to section seventeen of this Act, and which has been re-printed pursuant to subsection ten of the said section seventeen; such finally revised list to constitute the official list of electors to be used for the taking of the vote on polling day;

"Form."

(13) "form" means a form as in Schedule One to this Act, or any other form relating to the administration of an election under this Act, prescribed by the Chief Electoral Officer;

"Hours of the day."

(14) "hours of the day" and all other references to time appearing in this Act relate to standard time;

7. Changed at the suggestion of the Chief Electoral Officer. The present provision reads as follows:

" "election documents" or "election papers" includes all unused, as well as used, ballot papers, all poll books, all lists of voters, and all other documents used at a polling station; it also includes all documents sent by any returning officer to the Chief Electoral Officer in compliance with this Act or with any instructions issued by him under authority of this Act;"

8. Changed by the insertion of the words "enumerator" and "revising officer".

9. No change.

10. Changed. The present provision reads as follows:

" "elector" means any person qualified to be registered as such pursuant to *The Dominion By-Elections Franchise Act, 1936;*"

11. Changed. The present provision reads as follows:

" "electoral district" means any place or territorial area entitled to return a member or members to serve in the House of Commons of Canada;"

12. New. Made necessary by the suggested method of preparing lists of electors.

13. Changed at the suggestion of the Chief Electoral Officer. The present provision reads as follows:

" 'form' means a form as in Schedule One to this Act;"

14. No change.

"Judge" or "the judge."

(15) "judge" or "the judge" when used to define the judicial officer upon whom is conferred specific powers means,

(i) in relation to any place or territory within the judicial districts of Quebec or Montreal in the province of Quebec, the judge from time to time performing the duties of Chief Justice of the Superior Court, or the Acting Chief Justice, as the case may be, each acting for the district in which he resides, or such other judge as may be assigned by the said Chief Justice or Acting Chief Justice to perform the duties in this Act required to be performed by the judge;

(ii) in relation to any place or territory within the judicial districts of St. Francis and Three Rivers, in the Province of Quebec, the resident judge of the Superior Court;

(iii) in relation to any other place or territory in the Province of Quebec, the judge indicated by the Chief Justice or Acting Chief Justice as being the judge exercising from time to time the jurisdiction of the Superior Court Judge of the judicial district within which such place or territory lies, and if there is more than one judge exercising such jurisdiction, the senior of them;

(iv) in relation to the Yukon Territory, the judge exercising from time to time the jurisdiction of the judge of the Territorial Court of the said Territory, and

(v) in relation to any other place or territory in Canada, the judge exercising from time to time the jurisdiction of the judge of the county court of the county, or the judge of the district court of the judicial district, as the case may be, within which such place or territory lies, and if there is more than one such judge the senior of them;

"Judicial district."

(16) "judicial district" means a territory, county or district in respect of which a judge has been appointed to exercise judicial functions;

"List of electors" or "List of voters" or "Voters' list."

(17) "list of electors" or "list of voters" or "voters' list" means either the preliminary list of electors, the finally revised list of electors or the official list of electors as herein defined, and as the context requires;

"Member."

(18) "member" means a member of the House of Commons of Canada;

"Nomination day" or "The day of nominations."

(19) "nomination day" or "the day of nominations" means the day upon which nominations close as in this Act provided;

"Official agent."

(20) "official agent" means the agent appointed by a candidate and specially charged with the paying of all legal expenses on account of the management or conduct of the

15. Slightly changed at the suggestion of the Chief Electoral Officer.

16. No change.

17. Changed. The present provision reads as follows:
"'list of electors'' or "list of voters" or "voters' list" means a list of electors prepared pursuant to *The Dominion By-Elections Franchise Act, 1936.*"

18. No change.

19. No change.

20. No change.

election, whose name and address have been declared in writing to the returning officer on or before nomination day or as by this Act required;

"Oath." (21) "oath" includes affirmation and statutory declaration;

"Official list of electors." (22). "official list of electors" means

(a) in an urban polling division, the list of electors revised and corrected by the revising officer pursuant to Rules (17) to (43), inclusive, of Schedule A to section seventeen of this Act, and re-printed by the returning officer pursuant to subsection ten of said section seventeen, or the appropriate portion of the finally revised list of electors which has been divided by the returning officer for the taking of the vote, and

(b) in a rural polling division, any copy of the printed (or, where it has been found impossible to print, the written or typewritten) preliminary list of electors prepared by the enumerator pursuant to Rules (1) to (11), inclusive, of Schedule B to section seventeen of this Act, taken together with a copy of the statement of changes and additions in Form No. 23, certified by the enumerator pursuant to Rule (19) of the said Schedule B to section seventeen of this Act, or the appropriate portion of the preliminary list of electors which has been divided by the returning officer for the taking of the vote taken together with the special statement of changes and additions, certified by the returning officer pursuant to subsection seven of section thirty-three of this Act;

"Person." (23) "person" includes elector, voter and candidate;

"Personal expenses." (24) "personal expenses" as used herein with respect to the expenditure of any candidate in relation to the election at which he is a candidate, includes the reasonable travelling expenses of such candidate and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to such election, and all other expenses which, except as restrained by this Act, he may in person lawfully incur and pay;

"Poll book." (25) "poll book" means the book in Form No. 36 in which the name and other particulars of every person applying to vote are consecutively entered by the poll clerk as soon as the applicant's right to vote at the polling station has been ascertained and before any such applicant is allowed to vote;

"Polling day." or "Day of polling." (26) "polling day" or "day of polling" means the day fixed as provided by section twenty-one of this Act for holding the poll at an election;

"Polling division." (27) "polling division" means any division, subdivision, district, subdistrict or other territorial area fixed by the returning officer, for which a list of electors shall be prepared and for which one or more polling stations shall be established for the taking of the vote on polling day;

21. No change.

22. New. Made necessary by the suggested method of preparing lists of electors.

23. No change.

24. No change.

25. New. Inserted at the suggestion of the Chief Electoral Officer.

26. No change.

27. Changed at the suggestion of the Chief Electoral Officer. The present provision reads as follows:

"'polling division" means any division, subdivision, district, subdistrict or other territorial area within which a poll may be held;"

"Polling station."

(28) "polling station" means suitable premises secured by the returning officer for the taking of the vote of the electors on polling day and to which the whole or a portion of the official list of electors for a polling division is allotted;

"Preliminary list of electors."

(29) "preliminary lists of electors" mean the list of electors prepared by enumerators pursuant to Rules (1) to (16), inclusive, of Schedule A to section seventeen of this Act and Rules (1) to (11), inclusive, of Schedule B to the said section seventeen;

"Province."

(30) "province" means any province in the Dominion of Canada and includes the Yukon Territory;

"Recount."

(31) "recount" means and includes either or both:—*(a)* adding again the votes given for each candidate as recorded in the statements of the polls returned by the several deputy returning officers; *(b)* examining and counting the used and counted, the unused, the rejected and the spoiled ballot papers as prescribed in subsection seven of section fifty-four of this Act;

"Rejected ballot paper."

(32) "rejected ballot paper" means a ballot paper which has been handed by the deputy returning officer to an elector to cast his vote, but which, at the close of the poll, has been found in the ballot box unmarked or so improperly marked that it cannot be counted;

"Revising officer."

(33) "revising officer" includes *ex officio* revising officer and substitute revising officer;

"Rural polling division."

(34) "rural polling division" means a polling division whereof no part is contained either within an incorporated city or town having a population of more than three thousand five hundred persons, or whereof no part is contained within any other area directed by the Chief Electoral Officer to be or to be treated as an urban polling division, pursuant to the provisions of section twelve of this Act;

"Spoiled ballot paper."

(35) "spoiled ballot paper" means a ballot paper which, on polling day, has not been deposited in the ballot box but has been found by the deputy returning officer to be soiled or improperly printed, or which has been handed by the deputy returning officer to an elector to cast his vote, and *(a)* has been spoiled in marking by the elector, and (*b*) has been handed back to the deputy returning officer and exchanged for another.

"Stereotype block."

(36) "stereotype block" means the printer's block supplied by the Chief Electoral Officer to the returning officer, and of which an impression is printed on the back of each ballot paper by the printer thereof;

"Urban polling division."

(37) "urban polling division" means a polling division which is wholly contained within an incorporated city or town having a population of more than three thousand five hundred persons, or within any other area directed by the Chief Electoral Officer to be or to be treated as an urban polling division, pursuant to the provisions of section twelve of this Act;

28. New. Inserted at the suggestion of the Chief Electoral Officer.

29. New. Made necessary by the suggested method of preparing lists of electors.

30. Changed. The present provision reads as follows:
" "province" includes the Yukon Territory;"

31. New. Made necessary by the slight changes in sections fifty-four and fifty-five.

32. New. Inserted at the suggestion of the Chief Electoral Officer.

33. New.

34. Changed on the recommendation of the Committee. The present provision reads as follows:
" "rural polling division" means a polling division whereof no part is contained either within a place having a population of more than ten thousand persons and being under the provincial law a city, town or incorporated village, or whereof no part is contained within any other area directed by the Chief Electoral Officer to be or to be treated as being urban;"

35. New. Inserted at the suggestion of the Chief Electoral Officer.

36. New. Inserted on the recommendation of the Committee.

37. Changed on the recommendation of the Committee. The present provision reads as follows:
" "urban polling division" means a polling division which is wholly contained within a place having a population of more than ten thousand persons and being, under the provincial law, a city, town or incorporated village, or within any other area directed by the Chief Electoral Officer to be or to be treated as being urban;"

"Voter." (38) "voter" means any person whose name appears on any official list of electors prepared as directed by this Act, or who, whether or not a voter as thus defined, votes at an election;

"Writ." (39) "writ" means the writ for an election.

The Chief Electoral Officer and his Staff.

Electoral Officer. **3.** The powers and duties appertaining to or connected with elections which, immediately prior to the first day of July, 1920, were exercisable and performable by the Clerk of the Crown in Chancery, together with such other powers and duties as are in this Act specified, shall continue to be exercised and performed by the Chief Electoral Officer, and the person who is now Chief Electoral Officer shall continue to hold that office under and pursuant to this Act.

Chief Electoral Officer.

Tenure of office, salary, rank and powers of Chief Electoral Officer. **4.** (1) The Chief Electoral Officer shall hold office on the same tenure as, be removable only for cause and in the same manner as, and be entitled to superannuation on the same condition as, a Judge of the Supreme Court of Canada. He shall rank as and have all the powers of a deputy head of a department, communicate with the Governor in Council through the Secretary of State of Canada, devote himself exclusively to the performance of the duties of his office and be paid a salary of

Vacancy in office of Chief Electoral Officer. (2) In the event of a vacancy in the office of Chief Electoral Officer it shall be filled by resolution of the House of Commons.

Appointment of substitute. (3) In the event of the death of the Chief Electoral Officer while Parliament is not sitting, or of his inability or neglect to perform the duties of his office, a substitute shall, upon the application of the Secretary of State, be appointed by the Chief Justice of Canada, or in his absence by the senior judge of the Supreme Court of Canada then present in Ottawa.

Tenure of office of substitute. (4) Upon his appointment such substitute shall exercise the powers and perform the duties of the Chief Electoral Officer in his place and stead until fifteen days after the commencement of the next following session of Parliament unless the Chief Justice of Canada, or the judge by whom the order appointing him was made, sooner directs that such order be rescinded.

Absence of Chief Justice. (5) In the absence of both the Chief Justice of Canada and of the judge of the Supreme Court of Canada by whom a substitute for the Chief Electoral Officer has been appointed the order appointing such substitute may be rescinded by any other judge of the said court.

Remuneration of substitute. (6) The remuneration of a substitute Chief Electoral Officer may be fixed by the Governor in Council.

38. Changed. The present provision reads as follows:

"'voter' includes any person who, whether his name does or does not appear on a list of electors prepared pursuant to *The Dominion By-Elections Franchise Act, 1936*, applies to vote or votes at an election;"

39. No change.

SECTION 3. No change.

SECTION 4. S.S. 1. Changed. The present provision reads as follows

"(1) The Chief Electoral Officer shall hold office on the same tenure as, be removable only for cause and in the same manner as, and be entitled to superannuation on the same condition as, a Judge of the Supreme Court of Canada. He shall rank as a deputy head of a department, communicate with the Governor General through the Secretary of State of Canada, devote himself exclusively to the performance of the duties of his office and be paid a salary of six thousand dollars per annum."

S.S. 2, 3, 4, 5, 6, 7 and 8. No change.

Travelling and living expenses.

(7) The Chief Electoral Officer shall be paid his reasonable travelling and living expenses while absent from Ottawa on the business of his office.

Payment.

(8) Any sums payable to the Chief Electoral Officer shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Special powers and duties of Chief Electoral Officer.

5. The Chief Electoral Officer shall—

(a) exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers fairness, impartiality and compliance with the provisions of this Act;

(b) issue to election officers such instructions as from time to time he may deem necessary to ensure effective execution of the provisions of this Act; and

(c) execute and perform all other powers and duties which hereafter in this Act are imposed upon him.

Permanent staff.

6. (1) Excepting the Chief Electoral Officer and one assistant, to be known as Assistant Chief Electoral Officer, two stenographers and three clerks, all of whom shall be appointed by the Governor in Council and be eligible as contributors under the *Civil Service Superannuation Act*, with all the benefits therein prescribed, there shall be no permanent officers or employees in the office of the Chief Electoral Officer, appointed or paid to perform any duties in connection with elections.

R.S. c. 24.

Temporary assistance.

(2) The Chief Electoral Officer shall from time to time select and appoint such temporary help as he may require for the proper performance of the duties of his office, first however, submitting to the Auditor General the name and proposed salary payable to the temporary appointee and obtaining a certificate that such salary is reasonable and that funds are lawfully available for the payment thereof.

Discharge.

All such temporary appointees shall be discharged forthwith upon completion of the business of the election for or during which they respectively were engaged.

Rank of Assistant and permanent staff.

(3) In the classification of the Civil Service of Canada, the Assistant Chief Electoral Officer shall rank as a chief clerk and the rank of the other permanent employees shall be determined by the Governor in Council upon the recommendation of the Chief Electoral Officer.

Writs of Election.

Writs of election.

7. (1) Elections shall be instituted, as heretofore, by writs of election, which shall be in Form No. 1.

Writs dated and made returnable.

(2) Writs of election shall be dated and, at a general election, shall be made returnable on such days as the Governor in Council shall determine. They shall be issued

Transmission to returning officers.

by the Chief Electoral Officer and directed to the persons appointed to be returning officers for the various electoral districts and shall be sent forward to them, by registered mail or otherwise, by the Chief Electoral Officer forthwith after their issue.

SECTION 5. Changed by striking out clause *(d)* reading as follows."

"*(d)* report to the House of Commons, through the Speaker, after every election, any matters arising in the course of the election an account of which ought, in his judgment, to be submitted to the House of Commons."

This provision appears *in extenso* in section fifty-eight of this Bill.

SECTION 6. Changed. The present provision reads as follows:

6. (1) Excepting the Chief Electoral Officer and one assistant, to be known as Assistant Chief Electoral Officer, and two stenographers, there shall be no permanent officers or employees appointed or paid to perform any duties in connection with elections. Such Assistant Chief Electoral Officer and stenographers shall be appointed by the Governor in Council.

(2) The Chief Electoral Officer shall from time to time select and appoint such temporary help as he may require for the proper performance of the duties of his office, first, however, submitting to the Auditor General the name and proposed salary payable to the temporary appointee and obtaining a certificate that such salary is reasonable and that funds are lawfully available for the payment thereof.

(3) All such appointees shall be discharged forthwith upon completion of the business of the election for or during which they respectively were engaged.

(4) The Assistant Chief Electoral Officer shall rank in the classification of the Civil Service of Canada as a chief clerk.

SECTION 7.

S.S. 1. No change.

S.S. 2. Changed at the suggestion of the Chief Electoral Officer. The present provision reads as follows:

"(2) Writs of election shall be dated and returnable on such days as the Governor in Council shall determine. They shall be directed to returning officers."

Returning officers to act under penalty.

(3) Every returning officer to whom a writ is directed shall forthwith upon its receipt, or upon notification by the Chief Electoral Officer of the issue thereof, cause to be promptly taken such of the proceedings directed by this Act as are necessary in order that the election may be regularly held, and any returning officer who wilfully neglects so to do shall be liable on summary conviction to a fine of one thousand dollars, or to imprisonment for three months, or to both fine and imprisonment.

Returning Officers and Election Clerks.

Appointment of returning officers.

8. (1) The offices of all returning officers heretofore appointed shall be deemed to be vacant and the Governor in Council may appoint to such offices either the same persons as now hold them, any of such persons or any other persons. He may also thereafter appoint from time to time, a new returning officer for any electoral district in which the office of returning officer shall, within the meaning of the next following subsection, become vacant.

Vacation of office.

(2) The office of a returning officer who is hereafter appointed shall not be deemed to be vacant unless he dies, or, with prior permission of the Chief Electoral Officer, resigns, or unless he is removed from office for cause within the meaning of the next following subsection.

Removal from office.

(3) The Governor in Council may remove from office, as for cause, any returning officer who

(a) has attained the age of sixty-five years; or

(b) ceases to reside in his electoral district; or

(c) is incapable, by reason of illness, physical or mental infirmity or otherwise, of satisfactorily performing his duties under this Act; or

(d) has failed to discharge competently his duties, or any thereof, under this Act; or

(e) has, at any time after his appointment, been guilty of politically partisan conduct, whether or not in the course of performance of his duties under this Act.

Appointment by title.

(4) Any appointment of a returning officer may be made by reference to the title of the office of the appointee, and any person appointed to be returning officer for any electoral district by his title of office, and the successor from time to time of any such person in such office, shall be returning officer in the electoral district for which the appointment is made.

List to be gazetted.

(5) The name, address and occupation of every person who is appointed as a returning officer, and the name of the electoral district for which he is appointed shall be communicated to the Chief Electoral Officer and he shall publish in the *Canada Gazette*, between the first and twentieth days of January in each year, a list of the names, addresses and occupations of the returning officers for every electoral district in Canada.

S.S. 3. No change. At present this provision appears as Section 12 of Act.

SECTION 8. No change.

Election clerk.

9. (1) The returning officer shall, forthwith upon his appointment, nominate in writing an election clerk, who shall be a person qualified as an elector in the electoral district, and he and the election clerk shall each make oath faithfully to perform his duties without partiality, fear, favour or affection; and such appointment and oaths may be in Forms Nos. 2 and 3, respectively.

Appointment of substitute.

(2) If the election clerk dies, becomes disqualified or incapable of acting or refuses to act, or is removed from office for any other reason, the returning officer shall at once appoint a substitute, who upon his appointment shall make oath as aforesaid.

Transmission of oaths.

(3) The oath of the returning officer and the appointment and oath of every election clerk shall be transmitted by the returning officer to the Chief Electoral Officer forthwith after their completion.

Tenure of office of election clerk.

(4) Subject as aforesaid, every election clerk shall hold office during the pleasure of the returning officer by whom he has been appointed and, after the death of such returning officer or the expiry of his term of office, until his successor has appointed a new election clerk.

Notice if returning officer incapacitated.

(5) It shall be the duty of the returning officer and of the election clerk forthwith to notify the Chief Electoral Officer if the returning officer at any time becomes unable to act by reason of illness, absence from the electoral district or otherwise, and it shall be the duty of the election clerk forthwith to notify the Chief Electoral Officer of the death of the returning officer. The Chief Electoral Officer shall communicate all such notifications to the Secretary of State of Canada.

Election clerk to act.

(6) If the returning officer dies or becomes unable to act the election clerk shall, until the appointment of a new returning officer, or until the returning officer again becomes able to act, be responsible for the administration of any pending election as if he himself had been appointed to be returning officer for the electoral district, and subject as aforesaid, a writ of election may, in any case in which the returning officer has died or become unable to act before the issue of such writ and before his successor has been appointed, be addressed to the election clerk.

Appointment of new election clerk.

(7) Every election clerk who is required to act as returning officer at an election in the place of the returning officer by whom he was appointed shall himself, in his turn, appoint an election clerk.

Returning officer to open and maintain an office.

10. (1) Every returning officer shall, forthwith upon the receipt of notice that a writ has been issued for an election in his electoral district, open, and shall throughout the election maintain, an office in some convenient place in the electoral district where the electors can have recourse to him, and shall give public notice of the location of such

SECTION 9. S.S. 1, 2, 3 and 4. No change.

S.S. 5. No change. At present this provision appears as S.S. 1 of Section 10 of the Act.

S.S. 6. Changed at the suggestion of the Chief Electoral Officer. The present provision reads as follows:

(2) If the returning officer dies or becomes unable to act the election clerk shall, until the appointment of a new returning officer or until the returning officer again becomes able to act, be responsible for the administration of any pending election as if he himself had been appointed to be returning officer for the electoral district, and subject as aforesaid, a writ of election may, in any case in which the returning officer has died or become unable to act before the issue of such writ and before his successor has been appointed, be addressed either to the returning officer or to the election clerk.

At present, this provision appears as S.S. 2 of section 10 of the Act.

S.S. 7. No change. At present this provision appears as S.S. 3 of section 10 of the Act.

SECTION 10. S.S. 1. No change. At present this provision appears as section 12 of the Act.

office in the proclamation of the election in Form No. 4, or in such other manner as the Chief Electoral Officer may direct.

Attendance at office by returning officer and election clerk.

(2) Either the returning officer or the election clerk shall remain continuously on duty in the returning officer's office during the hours that the polls are open. No returning officer or election clerk shall act as deputy returning officer or poll clerk at any polling station.

Polling Divisions.

Revision of boundaries of polling divisions.

11. (1) Immediately after being instructed by the Chief Electoral Officer, it shall be the duty of every returning officer to revise the arrangement of the polling divisions of his electoral district so that each polling division will contain as nearly as possible three hundred and fifty electors, regard being had, however, to geographical and all other relevant considerations, to the end that facilities may be provided for all the electors in each polling division to cast their votes at the appropriate polling station, which shall be established at a convenient place within the boundaries of the polling division, or as prescribed in subsection six of section thirty-one of this Act.

Polling divisions with more than 350 electors.

(2) Where, by reason of a practice locally established, or other special circumstance, it is more convenient to constitute a polling division including substantially more than three hundred and fifty electors and to divide the list of electors for such polling division between adjacent polling stations, as in section thirty-three of this Act provided, the returning officer may, with the approval of the Chief Electoral Officer and notwithstanding anything in this section contained, constitute a polling division including as nearly as possible some multiple of three hundred and fifty electors.

Chief Electoral Officer to decide what polling divisions are rural or urban respectively.

12. (1) The Chief Electoral Officer shall have power to decide and he shall so decide, upon the best available evidence, whether any place is an incorporated city or town, and whether it has a population of over three thousand five hundred persons. All the polling divisions comprised in every such place shall, for the purposes of this Act, be treated as urban polling divisions.

Exceptions in certain cases.

(2) Whenever it has been represented to the Chief Electoral Officer that the population of any other place is of a transient or floating character, he shall, when requested not later than five days after the issue of the writs, have power to declare, and he shall so declare if he deems it expedient, any or all the polling divisions comprised in such place to be or to be treated as urban polling divisions.

S.S. 2. New. Inserted on the recommendation of the Committee.

SECTION 11. Changed. At present this provision reads as follows in section 13 of the Act:

"13. The polling divisions shall be those established for or adopted on the occasion of the Dominion general election held on the fourteenth day of October, nineteen hundred and thirty-five."

SECTION 12. S.S. 1. Changed on the recommendation of the Committee. At present this provision reads as follows in Section 14 of the Act:

"14. For the purposes of *The Dominion Franchise Act*, as well as for those of this Act, the Chief Electoral Officer shall have power finally to decide and he shall so decide, upon the best available evidence, whether any place is a city, town or incorporated village, whether it has a population of over ten thousand persons and what polling divisions of any electoral district shall be deemed to be rural and urban, respectively."

S.S. 2. New. Inserted on the recommendation of the Committee.

Rural polling divisions.

(3) All other areas comprised in any electoral district shall, for the purpose of this Act, be treated as rural polling divisions.

Supply of Election Materials by Chief Electoral Officer.

Supplies for returning officers.

13. (1) Whenever it is deemed expedient or, at the latest immediately after the issue of the writ of election, the Chief Electoral Officer shall transmit to the returning officer:—

Indexed copies of Act or excerpts therefrom for election officers.

(a) such sufficiently indexed copies of or excerpts from this Act, and such instructions prepared by him, as are required for the proper conduct of the election by the returning officer and to enable him to supply to each election officer a copy of such portions of the Act and such instructions as such officer may have occasion to consult or observe in the performance of his duties;

Enumeration and revision supplies.

(b) sufficient supplies for enumerators and revising officers including record books, index books and the necessary blank forms;

Blank poll books and forms, to be sent to returning officer.

(c) sufficient election supplies, blank ballot papers, blank poll books and blank forms, including the forms of oaths, for the purposes of the election, except Forms Nos. 4, 12, 27, 32 and 60, which the returning officer shall himself cause to be printed;

Statement of rural and urban areas.

(d) a statement setting forth what portion, or portions, of the electoral district shall be deemed to be urban and rural polling divisions, respectively.

Also stereotype blocks.

(2) Before nomination day the Chief Electoral Officer shall cause to be delivered to every returning officer a sufficient number of stereotype or printer's blocks specially made for the purposes of the particular election and so designed that an impression made therefrom on the back of the ballot paper will be readily recognizable and will show the name of the electoral district and the year of the election.

Postage free.

(3) All letters or mailable matter addressed to the Chief Electoral Officer at Ottawa, or sent by the said Chief Electoral Officer at Ottawa, shall be free of Canadian postage under such regulations as the Postmaster General shall prescribe.

Qualifications and Disqualifications of Electors.

Qualifications.

14. Save as hereinafter provided every person, man or woman, shall be qualified to vote and be entitled to be registered as an elector on the list of electors for the polling division in which he or she ordinarily resides at the time of the preparation and revision of the list of electors therefor if he or she

(a) is of the full age of twenty-one years or will attain the full age of twenty-one years on or before polling day at the pending election; and

(b) is a British subject by birth or naturalization; and

SECTION 13. S.S. 1. Slightly changed at the suggestion of the Chief Electoral Officer. At present this provision appears as S.S. 1 of section 15.

S.S. 2. New. Inserted on the recommendation of the Committee.

S.S. 3. No change. At present this provision appears as S.S. 3 of section 15.

SECTION 14. New. Similar to the corresponding provisions in the Act of 1930 (Section 29), which read as follows:

"Subject as hereinafter provided, every person, male or female, shall be qualified to vote and entitled to be included in the list of voters for the polling division in which he or she resides at the time of the preparation of the list of voters therefor, if he or she

(a) is of the full age of twenty-one years; and

(b) is a British subject by birth or naturalization; and

(c) has been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election; and

(d) was ordinarily resident in the electoral district at the date of the issue of the writ for the pending election; and at a by-election has continued to be ordinarily resident therein until polling day.

Disqualifications.

Provided that the following persons are disqualified from voting at an election and incapable of being registered as electors and shall not vote nor be so registered, that is to say—

(a) The Chief Electoral Officer;

(b) the Assistant Chief Electoral Officer;

(c) every judge appointed by the Governor in Council;

(d) every Esquimau person, whether born in Canada or elsewhere;

(e) every Indian person ordinarily resident on an Indian reservation who did not serve in the military, naval or air forces of Canada in the war of 1914-1918;

(f) every person undergoing punishment as an inmate in any penal institution for the commission of any offence;

(g) every person who is restrained of his liberty of movement or deprived of the management of his property by reason of mental disease;

(h) every person who is disqualified by reason of race from voting at an election of a member of the Legislative Assembly of the province in which he or she resides and who did not serve in the military, naval, or air forces of Canada in the war of 1914-1918;

(i) every person who is disqualified from voting by reason of his employment for pay or reward in connection with the election in the electoral district in which such person would otherwise be entitled to vote; and

(j) every person who is disqualified from voting under any law relating to the disqualification of voters for corrupt or illegal practices.

Persons in receipt of pay disqualified.

15. (1) Subject to the exceptions stated in the next following subsection, every person employed by any person for pay or reward in reference to an election in the electoral district in which such person would otherwise be entitled to vote shall be disqualified from voting and incompetent to vote in such electoral district at such election.

Exceptions.

(2) The following persons, although so employed for pay or reward, shall not be so disqualified, and they may vote in the respective polling stations whereat their names appear upon the applicable list of electors:—

Returning officer on equality of votes only.

(a) The returning officer,—but, in his case, only when there is an equality of votes on the final addition of votes or on a recount, as in this Act provided, and he shall not vote in any other case;

(c) has been ordinarily resident in Canada for at least twelve months; and

(d) was ordinarily resident in the electoral district at the date of the issue of the writ of election and, at a by-election, has continued to be ordinarily resident therein until polling day;

and unless he or she

(i) is the Chief Electoral Officer or the Assistant Chief Electoral Officer,

(ii) is a judge appointed by the Governor in Council,

(iii) is an Indian ordinarily resident on an Indian reservation who did not serve with the naval, military or air forces of Canada in the war 1914–1918,

(iv) is a prisoner undergoing punishment for an offence,

(v) is restrained of his liberty of movement or deprived of the management of his property by reason of mental disease,

(vi) is disqualified by reason of his race from voting for a member of the Legislative Assembly of the Province in which he resides, and did not serve in the naval, military or air forces of Canada in the war 1914–1918,

(vii) is disqualified from voting by reason of his employment for pay or reward in connection with the election or under any law relating to the disqualification of voters for corrupt or illegal practices."

SECTION **15.** Changed. The present provision reads as follows in Section 37 of the Act:

" (1) Subject to the exceptions stated in the next following subsection, every person employed by any person for pay or reward in reference to an election in any electoral district shall be disqualified from voting and incompetent to vote in such electoral district at such election.

(2) The following persons, although so employed for pay or reward, shall not be so disqualified, and they may vote in the respective polling stations whereat their names appear upon the applicable list of electors:—

(a) The returning officer,—but, in his case, only when there is an equality of votes on the final addition of votes or on a recount, as in this Act provided, and he shall not vote in any other case;

(b) The election clerk,—but, in his case, only when, as in this Act provided, he is acting as returning officer and there is an equality of votes as aforesaid, and he shall not vote in any other case;

(c) Any person employed pursuant to this Act, as a deputy returning officer, poll clerk, messenger, interpreter or constable, or otherwise necessarily and properly employed by the returning officer for the conduct of the election;

(d) Any person necessarily and properly employed by any election officer to carry him by any mode of conveyance while he is engaged in the performance of any of his duties relating to the election."

Election clerk when acting as returning officer.

(b) The election clerk,—but, in his case, only when, as in this Act provided, he is acting as returning officer and there is an equality of votes as aforesaid, and he shall not vote in any other case;

Other election officers.

(c) Any person employed pursuant to this Act as a revising officer, deputy returning officer, enumerator, poll clerk, messenger, interpreter or constable, or otherwise necessarily and properly employed by the returning officer for the conduct of the election;

Carriers of election officers.

(d) Any person necessarily and properly employed by any election officer to carry him by any mode of conveyance while he is engaged in the performance of any of his duties relating to the election.

Rules as to the Residence of Electors.

Interpretation of the words "ordinarily resident" and "ordinarily resided."

16. The following rules shall apply to the interpretation of the words "ordinarily resident" and "ordinarily resided" in any section of this Act in which the said words are or either of them is used with respect to the right of a voter to vote:—

Facts of case.

(1) Subject as provided in the succeeding subsections of this section, the question as to where a person is or was ordinarily resident at any material time or during any material period shall be determined by reference to all the facts of the case.

"Place of ordinary residence" defined.

(2) The place of ordinary residence of a person is, generally, that place which has always been, or which he has adopted as, the place of his habitation or home, whereto, when away therefrom, he intends to return. Specifically, when a person usually sleeps in one place and has his meals or is employed in another place, the place of his ordinary residence is where the person sleeps.

One place of residence only.

(3) A person can have only one place of ordinary residence and it cannot be lost unless or until another is gained. Although, generally, a person's place of ordinary residence is where his family is, if he is living apart from his family, with the intent to remain so apart from it in another place, the place of ordinary residence of such person is such other place. Temporary absence from a place of ordinary residence does not cause a loss or change of place of ordinary residence.

Person on active service.

(4) Any person on active service with the naval, military or air forces of Canada shall be deemed to continue to ordinarily reside in the polling division in which he was ordinarily resident at the time of enrolment for such active service, unless he has thereafter established some other ordinary residence in Canada.

Residence at a general election.

(5) For the purpose of a general election, every person shall be deemed to continue until polling day to ordinarily reside in the electoral district in which he was ordinarily resident at the date of the issue of the writ of election, and no actual change of residence during the intervening period shall deprive him of his right to vote in such electoral

SECTION 16. New. Similar to the corresponding provisions in Section 29A of the Act of 1930.

district or entitle him to vote in any other electoral district unless he is one of the persons described in the next following subsection and exercises his rights thereunder, in which event he shall not be entitled to vote in the electoral district in which he was ordinarily resident at the date of the issue of the writ of election.

Exceptions.

(6) For the purpose of a general election, any of the following persons who, in the interval between the date of the issue of the writ of election and polling day, changes his place of ordinary residence from one electoral district to another, shall if otherwise qualified, be entitled, if he so elects, to be included in the list of electors for the polling division in which he is ordinarily resident at the time of his application, and to vote at the polling station established therein provided that,

Clergyman.

(a) being a minister, priest or ecclesiastic of any religious faith or denomination, he is in charge of or permanently attached to an established place of worship or recognized mission of his church situate in the electoral district to which he has removed;

Teacher.

(b) being a teacher, he is employed under a contract with the appropriate educational authority and is engaged in teaching at a school situate in the electoral district to which he has removed;

Student.

(c) being a pupil he is, and, for at least seven of the preceding twelve months, has been registered as a pupil and has been in actual and regular attendance at an educational institution situate in the electoral district to which he has removed.

Summer resident.

(7) No person shall, for the purpose of this Act, be deemed to be ordinarily resident at the date of the issue of the writ in quarters or premises which are generally occupied only during some or all of the months of May to October, inclusive, and generally remain unoccupied during some or all of the months of November to April, inclusive, unless

(a) he is occupying such quarters in the course of and in the pursuit of his ordinary gainful occupation, or

(b) he has no quarters in any other electoral district to which, at the date of the issue of the writ, he might at will remove.

Preparation of Lists of Electors.

Commencement of preparation of lists.

17. (1) The returning officer shall, commencing on Monday, the forty-ninth day before polling day, cause to be prepared in and for his electoral district, and pursuant to the provisions of this Act, preliminary lists of all persons who are qualified as electors in the urban and rural polling divisions comprised therein.

Urban and rural lists.

(2) In urban polling divisions the lists of electors shall be prepared and revised in accordance with the rules set forth in Schedule A to this section, and in rural polling divisions such lists shall be prepared and revised in accordance with the rules set forth in Schedule B to this section.

SECTION **17.** This Section, including the Schedules, embodies the recommendations of the Committee with reference to the procedure to be followed in the preparation and revision, etc., of the lists of electors, and the provisions therein contained are similar to the corresponding provisions of the Act of 1930, except where changes have been made in order to conform to the new procedure recommended by the Committee.

List of names of enumerators.

(3) Every returning officer shall make and keep a list of the names and addresses of all enumerators appointed by him, and of the polling divisions for which each is to act. Such list shall be made and kept on the special form prescribed by the Chief Electoral Officer. The returning officer shall permit any person to inspect such list at all reasonable times and forthwith upon its completion shall send by mail a copy thereof to the Auditor General at Ottawa. The returning officer shall post up, and keep posted up in his office for the whole period of the preparation of the lists of electors a copy of such list of names and addresses of enumerators.

Receipt and disposal of copies of preliminary list received from enumerators.

(4) The returning officer shall, upon receipt of the two copies of the preliminary list of electors from each pair of urban enumerators, pursuant to Rule (15) of Schedule A to this section, and of the preliminary list of electors from every rural enumerator, pursuant to Rule (11) of Schedule B to this section, use one copy of each, respectively, for the printing of the preliminary lists. The second copy of each such list shall be retained by the returning officer and shall be kept available for public inspection at all reasonable hours until the close of the poll on polling day.

Printing of preliminary lists for urban and rural polling divisions.

(5) The returning officer shall wherever possible cause the preliminary lists for both urban and rural polling divisions to be printed at a printing establishment situated in or near his electoral district, and shall have the printing thereof completed not later than Wednesday, the twenty-sixth day before polling day. The printing of the preliminary lists of electors shall be in accordance with the specimen forms supplied by the Chief Electoral Officer. The preliminary list of electors for every polling division printed by the returning officer shall bear upon its face the name and address of the printer and a certificate by the returning officer that such print accurately sets out all the names, addresses and occupations of the electors, as prepared by the enumerator or enumerators, for the polling division to which such list relates.

Arrangement of names on urban lists, etc.

(a) For urban polling divisions, the names of the electors shall be arranged on the printed list of electors in geographical order, that is, by streets, roads and avenues, as prepared by the enumerators in Form No. 8, except as provided in subsection sixteen of this section, in which case the names of the electors shall be arranged alphabetically. Notices shall be printed at the foot of the list for each urban polling division, setting forth the necessary details relating to the sittings for revision of the revising officer and the exact location of the polling station or polling stations established in the polling division for the taking of the vote on polling day. The type used in the printing of the preliminary lists of electors for urban polling divisions shall be kept available by the printer for use in the re-printing of the finally revised lists prescribed in subsection ten of this section.

Arrangement of names on rural lists, etc.

(b) For rural polling divisions, the names of the electors shall be arranged on the printed lists in alphabetical order, as in the preliminary list prepared by the enumerators in Form No. 21. The lists of electors for rural polling divisions shall not be re-printed after revision.

Copies of preliminary printed lists for candidates.

(6) Immediately after the preliminary lists of electors have been printed, the returning officer shall furnish twenty copies thereof for each polling division in the electoral district to every candidate formally nominated or to his representative, and, at the discretion of the returning officer, to every person reasonably expected to be formally nominated as a candidate at the pending election, the returning officer shall transmit or deliver five copies of such lists and fifteen additional copies shall be furnished to such person as soon as he is formally nominated.

Copy of preliminary printed list to householders in urban polling divisions.

(7) The returning officer shall, not later than Saturday, the twenty-third day before polling day, send by mail a printed copy of the preliminary list of electors for the appropriate urban polling division to the householder of each dwelling situated therein. This provision shall apply only to urban polling divisions and shall not apply to rural polling divisions.

Copies of rural preliminary lists for Chief Electoral Officer.

(8) The returning officer shall, forthwith after the lists have been printed, transmit to the Chief Electoral Officer, by registered mail, fifteen copies of the preliminary list of electors for every rural polling division comprised in his electoral district. For urban polling divisions, the returning officer shall furnish the Chief Electoral Officer with only reprinted copies of the finally revised list, as prescribed in subsection eleven of this section.

Receipt and disposal of copies of statement of changes and additions.

(9) The returning officer shall, upon receipt of the six certified copies of the statement of changes and additions in Form No. 17 from the revising officer for each urban polling division in the revising officer's revisal district, pursuant to Rule (42) of Schedule A to this section, and of the five certified copies of the statement of changes and additions in Form No. 23 from the enumerator of each rural polling division, pursuant to Rule (20) of Schedule B to this section, immediately transmit or deliver one copy of each, respectively, to each candidate formally nominated at the pending election, and shall keep one copy on file in his office, where it shall be available for public inspection at all reasonable hours until the close of the poll on polling day. In rural polling divisions only, he shall also deliver one copy, together with the preliminary list of electors, to the appropriate deputy returning officer, enclosing the same in the ballot box for use on polling day.

Re-printing of urban lists.

(10) As soon as possible after the duties of the revising officer have been completed, the returning officer shall cause the finally revised lists for urban polling divisions to be

re-printed. Such re-prints shall contain all changes and additions made by the revising officer to the preliminary list of electors for such polling division during his sittings, and such finally revised list certified by both the revising officer and the returning officer, as re-printed, shall constitute the official list of electors to be used for the taking of the vote on polling day.

Copies of re-printed urban lists to Chief Electoral Officer.

(11) The returning officer shall, forthwith after the finally revised urban lists of electors have been re-printed, transmit to the Chief Electoral Officer, by registered mail, fifteen copies thereof for every urban polling division comprised in his electoral district.

Copies to candidates.

(12) Immediately after the finally revised urban lists of electors have been re-printed, the returning officer shall furnish twenty copies thereof for every polling division in his electoral district to every candidate formally nominated therein or to his representative.

Official lists in rural polls.

(13) In rural polling divisions, the preliminary lists of electors and the statements of changes and additions, certified by the enumerator, shall together constitute the official list of electors, to be used for the taking of the vote on polling day.

Issue of certificate in case of omission in list.

(14) If, after the lists have been re-printed, it is discovered that the name of an elector, to whom a notice in Form No. 7 has been duly issued by the enumerators, has, through inadvertence, been left off the finally revised list of electors for an urban polling division, the returning officer shall, on an application made in person by the elector concerned, upon the production by such elector of the notice in Form No. 7 issued to him and signed by the two enumerators, and upon ascertaining from the carbon copies contained in the enumerators' record book in his possession that such an omission has really been made, issue to such elector a certificate in Form No. 18 entitling him to vote at the polling station for which his name should have appeared on the finally revised list. The returning officer shall, at the same time, send a duplicate of such certificate to the deputy returning officer concerned and to each of the candidates or their representatives, and the official list of electors shall, for all purposes, be taken to have been amended in accordance with such certificate. No such certificate shall be issued by the returning officer in the case of a name struck off the printed preliminary lists of electors by the revising officer.

Penalty for illegal arrangements with regard to election printing.

(15) Every returning officer, or other person who, before, during or after an election, directly or indirectly, or by any other means or device or attempted evasion of the following provision

(a) requests, demands, accepts or agrees to accept monetary or other reward of any kind as consideration for the granting of a contract or an order of any kind

for the printing of the lists of electors or other election documents required to be printed pursuant to the provisions of this Act, or

(b) pays, agrees or promises to pay or gives or agrees or promises to give any monetary or other reward of any kind as consideration for the granting of a contract or an order of any kind for the printing of the lists of electors or other election documents required to be printed pursuant to the provisions of this Act

is guilty of an indictable offence against this Act and liable on indictment or on summary conviction to a fine not exceeding one thousand dollars and costs of prosecution, and, if the fine and costs imposed are not paid forthwith, to imprisonment, with or without hard labour, for such term as such fine and costs or either remain unpaid, not exceeding six months.

Urban lists alphabetically arranged in some cases.

(16) In every urban polling division wholly composed of a large institution, or comprised in an incorporated city or town having a population of over three thousand five hundred persons, or in any other place where the polling divisions have been declared urban by the Chief Electoral Officer, pursuant to subsection two of section twelve of this Act, and in which the territory is not designated by streets, roads or avenues, or in which the residences of the electors are not designated by street, road or avenue numbers, the returning officer shall instruct each pair of enumerators to prepare a complete list of all the names, addresses and occupations of the persons who are qualified as electors in such urban polling division, in alphabetical order, as in Form No. 21 of this Act.

Penalty for personation.

(17) Every person who applies under this Act to be included in any list of electors in the name of some other person, whether such name be that of a person living or dead, or of a fictitious person, or who, having once to his knowledge been properly included in any list of electors under this Act as an elector entitled to vote at a pending election, applies to be included in any other list of electors prepared for any electoral district as an elector entitled to vote at the same election, shall be guilty of the offence of personation, and liable to the penalties imposed in this Act upon persons guilty of that offence.

Liability of enumerators.

(18) In addition to any other penalty to which he may be liable under this Act, any enumerator who, wilfully and without reasonable excuse, includes in any list of electors prepared by him the name of any person whose name he has not good reason to believe should be included, or omits to include in such list the name of any person whom he has good reason to believe has the right to have his name included, shall be guilty of an offence punishable on summary conviction as in this Act provided.

Schedule A to Section 17.

Preparation of Lists of Electors in Urban Polling Divisions.

ENUMERATION.

Rule (1). Forthwith after the receipt by him of notice from the Chief Electoral Officer that a writ of election has been or will be issued for his electoral district, the returning officer shall appoint, in writing in Form No. 5, two persons in each polling division to enumerate the electors therein, and shall require each of such persons to take an oath in Form No. 6 that he will act faithfully in the capacity of enumerator without partiality, fear, favour or affection and in every respect according to law. Each enumerator so appointed shall be a person qualified as an elector in the electoral district.

Rule (2). The returning officer shall, as far as possible, select and appoint the two enumerators of each urban polling division so that they shall represent two different and opposed political interests.

Rule (3). At least five days before he proposes to select the persons who are to act as enumerators as aforesaid, the returning officer shall give notice accordingly to the candidate who, at the then last preceding election in the electoral district, received the highest number of votes, and also to the candidate representing at that election a different and opposed political interest, who received the next highest number of votes. Such candidates may each, by himself or by a representative, nominate a fit and proper person for appointment as enumerator in every urban polling division comprised in the electoral district, and, except as hereinafter provided, the returning officer shall appoint such persons to be enumerators of the polling divisions for which they have been nominated.

Rule (4). If the returning officer deems that there is good cause for his refusing to appoint any person so nominated, he shall so notify the nominating candidate or his representative, who may within twenty-four hours thereafter nominate a substitute to whom the provisions of Rule (2) of this Schedule, and of this Rule, shall apply. If no substitute is nominated as aforesaid, or if the returning officer deems there is good cause for his refusing to appoint any person thus nominated as a substitute, the returning officer shall, subject to the provisions of Rule (2) of this Schedule, himself select and appoint to any necessary extent.

Rule (5). If, at the then last preceding election in the electoral district, there was opposed to the candidate who received the highest number of votes no candidate repre-

senting a different and opposed political interest and therefore no nominations by such a candidate are possible, or if either of the candidates mentioned in Rule (3) of this Schedule fails to nominate a suitable person for appointment as enumerator of any polling division in the applicable electoral district, the returning officer shall, subject to the provisions of Rule (2) of this Schedule, himself select and appoint to any necessary extent.

Rule (6). The two enumerators appointed for each urban polling division shall, with relation to every process of the preparation of their list of electors, act jointly and not individually. They shall report forthwith to the returning officer who appointed them the fact and the details of any disagreement between them. The returning officer shall decide the matter of difference and shall communicate his decision to the enumerators. They shall accept and apply it as if it had been originally their own. The returning officer may at any time replace any urban enumerator appointed by him by appointing, subject to the provisions of Rule (2) of this Schedule, another enumerator to act in the place and stead of the person already appointed, and any enumerator so replaced shall, upon request in writing signed by the returning officer, deliver or give up to the subsequent appointee or to any other authorized person, any election documents, papers and written information which he has obtained for the purpose of the performance of his duties; and on default he shall be guilty of an offence punishable on summary conviction as in this Act provided.

Rule (7). Each pair of enumerators, after taking their oaths as such shall, on Monday, the forty-ninth day before polling day, proceed jointly to ascertain the name, address and occupation of every person qualified to vote in the polling division for which they have been appointed, obtaining the information they may require by a joint house-to-house visitation and from such other sources as may be available to them, and leaving at the residence of every person who applies to be registered as an elector a notice in Form No. 7, which shall be detached from the enumerators' record book, that they have granted, or refused, as the case may be, that person's application to be registered as an elector. The aforesaid notice shall be signed by both enumerators.

Rule (8). When making his house-to-house visitation, pursuant to the next preceding Rule, each enumerator shall wear and prominently display an urban enumerator's badge provided by the Chief Electoral Officer as evidence of his authority to register the names of the electors residing in the polling division. Any enumerator wearing such badge at any other time or any person wearing the said

badge without authority shall be guilty of an offence against this Act, punishable on summary conviction as in this Act provided.

Rule (9). Each pair of enumerators shall visit every dwelling place in their polling division at least twice—once between the hours of nine o'clock in the forenoon and six o'clock in the afternoon and once between the hours of seven o'clock and ten o'clock in the afternoon, (unless, as to any dwelling place, they are both satisfied that no qualified elector residing therein remains unregistered).

Rule (10). Each pair of enumerators shall exercise the utmost care in preparing the list of electors for the polling division for which they have been appointed. They shall take all necessary precautions to ensure that their list, when complete, contains the name, occupation and address of every qualified elector in the polling division for which they have been appointed, and that it does not contain the name of any person who is not so qualified.

Rule (11). Any enumerators who, wilfully and without reasonable excuse, omit from their list of electors the name of any person entitled to have his or her name entered thereon, or enter on the said list the name of any person who is not entitled to have his or her name entered thereon, shall, in addition to any other punishment to which they may be liable, forfeit their right to payment for their services as enumerators.

Rule (12). Upon receipt of the enumerators' record books and of the two copies of the preliminary list of electors from each pair of enumerators, the returning officer shall carefully examine the same and if in his judgment the said list is incomplete or if it contains the name of any person whose name should not be included in the list, he shall not certify the enumerators' account, and shall forward the account uncertified to the Auditor General with a special report attached thereto stating the relevant facts, and, moreover, the Auditor General shall not issue a cheque in payment of an enumerator's account until after the revision of the preliminary lists of electors by the revising officer has been completed, and it shall be the duty of the revising officer forthwith after his sittings as such to inform the Auditor General, if, in his judgment, any enumerator has wrongfully and wilfully omitted any name or names from the said lists, or wrongfully and wilfully included any name or names thereon.

Rule (13). On Saturday, the forty-fourth day before polling day, each pair of enumerators shall prepare a complete list of the names, addresses and occupations of the persons who are qualified as electors in the polling division for which they have been appointed. Such list shall be prepared, in all urban polling divisions, in geographical order, that is, by streets, roads and avenues, as in Form No. 8,

except when otherwise directed by the returning officer pursuant to subsection sixteen of section seventeen of this Act. The enumerators shall also prepare in like form a sufficient number of copies of such list to comply with Rules (15) and (16) of this Schedule.

Rule (14). The enumerators shall, in such list, as indicated in Form No. 8, register the name of a married woman or widow under the name and surname of her husband or deceased husband, as the case may be, prefixing each name with the abbreviation "Mrs". When the name of a married woman is entered on the list immediately below her husband's name, there shall be no occupation given opposite such woman's name, as shown in the said Form No. 8. The name of an unmarried woman shall be prefixed with the word "Miss," as indicated in the said Form No. 8.

Rule (15). Upon completion of the foregoing requirements and not later than Monday, the forty-second day before polling day, each pair of enumerators shall deliver or transmit to the returning officer who appointed them at least two plainly written or typewritten copies of the preliminary list of electors for the polling division for which they were appointed, together with their record books containing the carbon copies of the notices in Form No. 7. Each of such copies of the list shall be severally sworn to by both enumerators in Form No. 9.

Rule (16). The enumerators shall also, on the same day as that whereon, pursuant to the next preceding Rule, they transmit or deliver copies of their preliminary list of electors to the returning officer, post up or cause to be posted up one copy thereof in a conspicuous place within their polling division to which the public has access.

Revision of Lists of Electors in Urban Polling Divisions.

Rule (17). For every urban polling division, the judge as defined in subsection fifteen of section two of this Act shall be the *ex officio* revising officer. In the event of there being or arising a vacancy in the office of *ex officio* revising officer, another judge for the same district, if any, shall thereupon become or be named *ex officio* revising officer, and if there is none or none is named, the Governor in Council may nominate a person to be substitute for the *ex officio* revising officer pending the appointment or nomination of a new judge.

Rule (18). Forthwith upon being advised by the returning officer of the issue of a writ for an election in an electoral district comprising urban polling divisions and included within an area under his jurisdiction, the *ex officio* revising officer shall appoint in writing, in Form No. 10, a substitute revising officer for every revisal district, as hereafter established by the returning officer, for which the *ex officio*

revising officer is not prepared to himself revise the list of electors for the pending election. Every substitute revising officer thus appointed shall be a person qualified as an elector in the electoral district within which he is to act. Every such substitute revising officer shall, immediately after his appointment, be sworn to the faithful and impartial performance of his duties. The substitute revising officer's oath shall be in Form No. 11, and it shall be subscribed before a judge of any court, the returning officer for the applicable electoral district or a commissioner for taking affidavits within the province. The *ex officio* revising officer shall transmit to the returning officer a copy of the form of appointment and oath of every substitute revising officer as soon as it has been completed. The *ex officio* revising officer shall certify to the correctness of the accounts submitted by the substitute revising officers appointed by him.

Rule (19). Every revising officer shall, for the purpose of the performance of his duties, have the same powers as would be exercisable by the *ex officio* revising officer when sitting in court, and, subject as in this Act provided and to such instructions as may be given by the Chief Electoral Officer, shall regulate the procedure in all matters coming before him in such manner as he shall see fit.

Rule (20). The returning officer shall, as soon as he conveniently can after the receipt by him of notice of the issue of a writ for an election in his electoral district, group together the urban polling divisions comprised in his electoral district into revisal districts, each containing such number of urban polling divisions as the Chief Electoral Officer may direct, and shall prepare descriptions of the boundaries of such revisal districts.

Rule (21). The returning officer shall also secure in each revisal district a convenient place properly furnished, lighted and heated, in which the revising officer shall sit for the revision of the list of electors. The place where the revising officer sits as such shall hereafter in these rules be termed the "revisal office."

Rule (22). The returning officer shall then communicate with the *ex officio* revising officer and shall ascertain from him whether he will himself revise the lists of electors for any, and if any, what revisal district, and such *ex officio* revising officer shall thereupon notify the returning officer of the revisal district for which he will himself revise the lists, and of the names of such other persons, if any, as are or will be appointed by him as substitute revising officers to revise the lists for any other revisal districts, indicating the revisal districts for which such other persons, if any, will act.

Rule (23). Forthwith on receipt of such notification the returning officer shall, not later than Wednesday, the nineteenth day before polling day, cause to be printed a

notice of revision in Form No. 12, describing the boundaries of each of the revisal districts established by him, giving the name and address of the revising officer for each thereof, setting out the revisal office at which such revising officer will attend for the revision of the list of electors, and stating the day and time during which such revisal office will be open. At least four days before the first day fixed for the sittings for revision, the returning officer shall cause six copies of such notice for each thousand of the population to be posted up in conspicuous places throughout each revisal district. Immediately after the printing of such notice in Form No. 12, the returning officer shall transmit or deliver five copies thereof to every candidate formally nominated, and, at the discretion of the returning officer, to every person reasonably expected to be formally nominated as a candidate at the pending election, or to his representative.

Rule (24). Before ten o'clock in the forenoon of the day when the sittings for revision commence, the revising officer of each revisal district shall cause an additional five copies of the above mentioned notice to be posted up outside of and near to the revisal office where he will sit to revise the lists. The revising officer shall see that the latter copies are replaced as circumstances require in order that the specified number of copies may remain duly posted up during the three days of sittings for revision.

Rule (25). The returning officer shall furnish to each revising officer at least three copies of the printed preliminary list of electors for every polling division comprised in his revisal district and shall also furnish the required number of copies of the notice of revision in Form No. 12, together with the necessary supplies.

Rule (26). The sittings of the revising officers for the revision of the lists shall commence at ten o'clock in the forenoon of Monday, Tuesday and Wednesday, the fourteenth, thirteenth and twelfth days before polling day, and shall continue only during such time as may be necessary to deal with the business ready to be disposed of, provided that, if any of such days is a holiday as defined in the *Interpretation Act*, R.S. c. 1. the day for the commencement or continuation of the sittings may be postponed accordingly. On the last day fixed for the sittings for revision, every revising officer shall sit continuously at his revisal office for the revision of the lists between the hours of seven and ten o'clock in the afternoon of such day.

Rule (27). At the sittings for revision, the revising officer shall have jurisdiction to and shall dispose of—

(a) personal applications made by persons whose applications to have their names included in the preliminary list of electors have been refused by the enumerators; and

(b) personal applications made by electors whose names were omitted from the preliminary list; and

(c) written applications made by agents, on Forms Nos. 15 and 16, on behalf of persons claiming the right to have their names included in the list of electors, pursuant to Rule (33) of this Schedule; and

(d) verbal applications for the correction of names or particulars of electors appearing on the preliminary list, and

On the last day of his sittings for revision,

(e) of any objection made on oath, in Form No. 13, to the inclusion of any name on the preliminary lists of electors, of which he himself has given notice to the elector concerned, in Form No. 14, pursuant to the next following rule.

Rule (28). If any elector whose name appears in the preliminary list of electors for any polling division in the electoral district within which any revisal district is comprised makes oath in Form No. 13, before the revising officer, before or during the first day of his sittings for revision, giving particulars of the list of electors upon which his name appears, stating that he is qualified to vote in that electoral district and alleging the death or disqualification as an elector of a person whose name appears on any preliminary list of electors of a polling division which is comprised in such revisal district, the revising officer shall transmit before or on the first day of his sittings for revision, by registered mail, addressed to the person, the appearance of whose name upon such list is objected to, at the address, if any, mentioned in the list of electors, and also at such other address, if any, as may be mentioned in the oath of such elector, a notice of objection in Form No. 14 requiring the person to appear in person or by representative before the revising officer on the following Wednesday, or whatever day is the last day of his sittings for revision, to establish his qualification as an elector. The revising officer shall transmit with each copy of such notice a copy of the oath of the elector who has made the objection.

Rule (29). In case of any objection made on oath under the next preceding Rule, of which notice has been properly given by the revising officer, the onus of establishing his right to have his name included in the finally revised list of electors shall be upon the person objected to, and if such person does not, on the day for which notice of the hearing of such objection has been given, appear before the revising officer personally or by representative, or, being present or represented, fails to satisfy the revising officer of his right to have his name retained on the list, the revising officer shall strike his name therefrom, whether or not the elector by whom the objection was made has appeared before

him. Provided that, if the revising officer receives, before the close of the sittings for revision, from such person an affidavit or statutory declaration justifying on sufficient grounds his non-attendance and verifying his qualification to have his name retained on such list, the provisions of this Rule as to the effect of non-appearance shall not be applied.

Rule (30). The revising officer shall revise the preliminary lists of electors to which his appointment relates in accordance with the provisions of this Act and particularly in accordance with the following Rules.

Rule (31). During the sittings for the revision of the list of electors, every revising officer shall keep a record, in the special form prescribed by the Chief Electoral Officer, upon which each application, as it is made, and its disposition, shall be noted. Such record shall be termed the "Revising Officer's Record".

Rule (32). Any person claiming to be entitled to be registered as an elector in any revisal district may apply in person, without previous notice, before the revising officer to have his name entered on the appropriate list of electors at any sitting of the revising officer for such revisal district, and if such person answers to the satisfaction of the revising officer all such relevant questions as the revising officer shall deem necessary and proper to put to him, the revising officer shall insert the name and particulars of the applicant in the revising officer's record as an accepted application for registration in the list of electors of the polling division wherein such person resides.

Rule (33). In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, any revising officer may, at any sitting for revision held by him, accept, as an application for registration made by an agent, from any person appearing before him who is an elector and whose name appears on the printed preliminary list of electors for one of the polling divisions comprised in the revising officer's revisal district, an application of that elector in Form No. 15, exhibiting an application in Form No. 16, of the person who desires to be registered as an elector, and in such event the revising officer may, if satisfied that the applicant is qualified as an elector, insert the name and particulars of that person in the revising officer's record as an accepted application for registration in the official list of electors of the polling division wherein such person resides. The two applications shall be printed on the same sheet and shall be kept attached.

Rule. (34). If the revising officer entertains a doubt as to whether any application for registration, as in the next preceding Rule mentioned, should be allowed, he shall not accept such application but the applicant may appear in

person before the revising officer at any time during his sittings as such, for the purpose of proving his, the applicant's, right to be registered as an elector; and if he fails to appear or fails to produce satisfactory proofs, the revising officer may refuse the application.

Rule (35). The revising officer shall consider all verbal applications for correction of mistakes in names, or in descriptions of residences or occupations appearing in any printed list of electors relating to his revisal district and, upon satisfactory evidence being furnished to him, he shall enter the particulars of the correction in his record as an accepted application for correction to be made in the appropriate official list of electors.

Rule (36). During the last day of his sittings for revision the revising officer shall hear and determine all objections made upon oath before him under Rule (28) of this Schedule and of which notice has been properly given by him under the said rule.

Rule (37). Whenever the language of any applicant is not understood by the revising officer, an interpreter may be sworn and may act. Whenever it is deemed necessary, each revising officer may, with the prior approval of the returning officer, appoint a person as a clerical assistant for not more than three days, preferably after his sittings for revision.

Rule (38). The revising officer shall permit to be present in the revisal office two representatives of each recognized and opposed political interest in the electoral district, but no such representative shall, except with the permission of the revising officer, have any right to take part or intervene in the proceedings.

Rule (39). The revising officer shall, while sitting as such, be a conservator of the peace and have and possess the same powers as a justice of the peace in his province. He may appoint, if necessary, a constable or constables for the maintenance of order in his revisal office and for the arrest and detention of persons who are guilty of the personation of others, or of attempting to personate others, or who impede or improperly interrupt his proceedings or create a disturbance.

Rule (40). Immediately after the conclusion of his sittings and at the latest on Thursday, the eleventh day before polling day, the revising officer shall prepare for re-printing the list of electors for each polling division comprised in his revisal district, by making the necessary corrections by writing with ink upon one of the printed preliminary lists of electors supplied to him. The revising officer shall consign every entry in the record to its appropriate place on each list. The names added to the list shall be written by hand on the border of the list where such names would have appeared if the electors had been registered in the first place by the enumerators and where such names

should be inserted in the re-printing of the finally revised list. Every correction in the name, residence or occupation of the elector shall be made in the same manner and as legibly as possible. In the case of a name struck off, the revising officer shall draw a line through the entry. All changes made in the list for every polling division shall correspond to the statement of changes and additions prescribed in the next following Rule. The printed list for each polling division so corrected shall be re-printed by the returning officer as prescribed in subsection ten of section seventeen of this Act.

Rule (41). The revising officer shall, immediately after the conclusion of his sittings for revision, and not later than Thursday, the eleventh day before polling day, prepare from his record at least six copies of the statement of changes and additions, in Form No. 17, for each polling division comprised in his revisal district, and shall complete the certificate at the foot of each copy thereof. If no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions in Form No. 17 by writing the word "Nil" in the three blank spaces provided for the various entries on the said form, and completing the form in every other respect.

Rule (42). Upon completing the foregoing requirements, and not later than Friday, the tenth day before polling day, the revising officer shall deliver or transmit to the returning officer the corrected copy of the printed preliminary list, the six copies of the statement of changes and additions in Form No. 17, certified by the revising officer pursuant to the next preceding Rule, together with the revising officer's record, duly certified, the duplicate notices to electors objected to, with attached affidavits in Forms Nos. 14 and 13, respectively, every used application made by agents in Forms Nos. 15 and 16, and all other documents in his possession relating to the revision of the list of electors for the various polling divisions included in his revisal district, with the exception of the extra two copies of the printed preliminary list of electors supplied to him for each polling division comprised in his revisal district; which copies the revising officer shall keep in his possession.

Rule (43). As soon as possible after receipt of the printer's proofs of the finally revised lists of electors from the returning officer it shall be the duty of the revising officer to read and examine the same in order to ascertain that it conforms to the changes made during the sittings for revision. When duly certified by both the revising officer and the returning officer and re-printed, such finally revised lists of electors shall constitute the official lists of electors to be used for the taking of the vote at the pending election.

Schedule B to Section 17.

Preparation of Lists of Electors in Rural Polling Divisions.

ENUMERATION.

Rule (1). As soon as possible after he has been notified of the issue of the writ of election in his electoral district, the returning officer shall, by writing in Form No. 5, appoint a person to be enumerator for each rural polling division in the electoral district. Such person shall be qualified as an elector and resident in the polling division for which he has been appointed.

Rule (2). If it is impossible promptly to secure the services of a resident person who is qualified to act, an enumerator may be appointed to act in a rural polling division although he is not resident therein. In any event, the enumerator must be a person qualified as an elector in the electoral district.

Rule (3). Every enumerator shall forthwith on his appointment take an oath as such in Form No. 6 and shall immediately thereafter post up in public places in the polling division at least three copies of a notice in Form No. 19, that he is about to prepare a list of qualified electors in the polling division, which said list will be revised and corrected by him at a stated place where he will be found between the hours of two and ten o'clock in the afternoon of Tuesday, the thirteenth day before polling day.

Rule (4). The enumerator of each rural polling division shall, after posting such notice and beginning on Monday, the forty-ninth day before polling day, proceed to prepare a preliminary list of all the persons who are qualified as electors in his polling division. Such list shall be prepared from such information as the enumerator may be able to secure by a house-to-house visitation in the polling division or from such other sources of information as may be available to him and can be conveniently used.

Rule (5). The names, addresses and occupations of all electors, men and women, who are included by the enumerator in such list shall be written in an index book in Form No. 20, with the names of the electors grouped according to the initial letter of their respective surnames, the post office address and occupation of each being fully stated.

Rule (6). The enumerator shall, in such index book, as indicated in Form No. 21, register the name of a married woman or widow under the name or surname of her husband or deceased husband, as the case may be, prefixing the name with the abbreviation "Mrs". When the name of a married woman is entered in the index book immediately below her husband's name, there shall be no occupation given opposite such woman's name, as indicated in Form

No. 21. The name of an unmarried woman shall be prefixed with the word "Miss", as indicated in the said Form No. 21.

Rule (7). Every enumerator shall exercise the utmost care in preparing the list of electors for the polling division for which he has been appointed. He shall take all necessary precautions to make certain that his list, when complete, contains the name, address and occupation of every person who is qualified as an elector in the polling division, and that it does not contain the name of any person who is not so qualified.

Rule (8). Any enumerator who, wilfully and without reasonable excuse, omits from his list of electors the name of any person entitled to have his or her name entered thereon, or enters on the said list the name of any person who is not entitled to have his or her name entered thereon, shall, in addition to any other punishment to which he may be liable, forfeit his right to payment for his services and expenses as enumerator.

Rule (9). Upon receipt of the two copies of the preliminary list of electors, as prescribed in Rule (10), or of the index book, as prescribed in Rule (20) of this Schedule, the returning officer shall carefully examine the same and if in his judgment the said list or the index book appears to be incomplete or contains the name of any person who should not be so included, he shall not certify the enumerator's account, and the account shall be sent forward uncertified to the Auditor General, with a special report attached setting forth the relevant facts.

Rule (10). As soon as possible after six o'clock in the afternoon of Saturday, the forty-fourth day before polling day, each enumerator shall complete the preliminary list of electors for the polling division for which he has been appointed, and on or before Tuesday, the forty-first day before polling day, he shall prepare, in alphabetical order as in Form No. 21, at least four plainly written or typewritten copies of the list of electors as contained in the index book, and shall complete the certificate printed at the foot or end of the last sheet of the said Form No. 21.

Rule (11). The enumerator shall, forthwith after compliance with the next preceding Rule, and not later than Tuesday, the forty-first day before polling day, post up one certified copy of his preliminary list of electors, at the place within the polling division at which he may be found pursuant to Rule (3) of this Schedule. He shall attach thereto a copy of the notice in Form No. 19, posted up pursuant to Rule (3) of this Schedule. He shall also on the same day transmit or deliver to the returning officer at least two written or typewritten copies of the preliminary list of electors as contained in the index book. To one of the said copies the enumerator shall attach a copy of the

notice given by him under Rule (3) of this Schedule. The enumerator shall retain in his possession one copy of the preliminary list of electors for his polling division as prepared by him, which copy shall be kept available for inspection by any interested person at all reasonable times.

Revision of Lists of Electors for Rural Polling Divisions.

Rule (12). The returning officer shall whenever possible furnish every rural enumerator with two printed copies of the preliminary list of electors for the polling division for which he has been appointed.

Rule (13). In order that he may readily be found by any person who desires to make representations with regard to any entry in or omission from the preliminary list of electors for his polling division, the enumerator shall attend at the place of which he has given notice as aforesaid between the hours of two and ten o'clock in the afternoon of Tuesday, the thirteenth day before polling day, set for the revision of the said list as posted up pursuant to Rule (3) of this Schedule.

Rule (14). The enumerator shall permit to be present in the place of revision one representative of each recognized and opposed political interest in the electoral district, but no representative shall, except with the permission of the enumerator, have any right to take part or intervene in the proceedings.

Rule (15). Each rural enumerator shall revise the preliminary list of electors in the index book for his polling division in accordance with the provisions of this Act and particularly in accordance with the following Rules.

Rule (16). At any time after the enumerator has posted up his preliminary list, and particularly between the hours of two and ten o'clock in the afternoon of Tuesday, the thirteenth day before polling day, at the place stated for revision of the said list in the Notice posted by him pursuant to Rule (3) of this Schedule, on being fully satisfied from representations made to him by any credible person that the preliminary list as prepared by him in the index book requires amendment as hereinafter mentioned, the enumerator may

(a) add to such list in the index book the name of any person who is qualified as an elector in the polling division at the election then pending, but whose name has been omitted from the preliminary list; or

(b) strike out from such list in the index book the name of any person who is not qualified as an elector in the polling division; or

(c) correct in the index book any inaccurate statement as to the name, address or occupation of any person whose name properly appears in the said list.

Rule (17). Any change which the enumerator makes in the preliminary list of electors shall be made by correcting the index book with ink of a colour different from that which was used in its preparation.

Rule (18). Every correction made by the enumerator as aforesaid in the preliminary list of electors in the index book, by the addition, striking out or correction of any entry therein, shall be initialled and dated by him in the remarks column on the same line immediately after such correction is made.

Rule (19). The enumerator shall then prepare at least six copies of the statement of changes and additions, in Form No. 23, made by him in the preliminary list of electors for his polling division, as shown by the entries in the index book made after the said preliminary list has been posted up, and shall complete the certificate printed at the foot or end of each copy of such statement. If no changes or additions have been made in the preliminary list as posted up, the enumerator shall nevertheless prepare the necessary number of copies of the statement of changes and additions in Form No. 23 by writing the word "Nil" in the three blank spaces provided for the various entries on the said form, and completing the form in every other respect.

Rule (20). Upon the completion of the foregoing requirements and not later than Thursday, the eleventh day before polling day, the enumerator shall deliver or transmit to the returning officer the index book duly certified, in Form No. 22, which certificate shall be printed on the outside back cover of the said book, and all other documents in his possession relating to the revision of the list of electors for his polling division, with the exception of the two copies of the printed preliminary list of electors supplied to him by the returning officer, which copies the enumerator shall keep in his possession. The enumerator shall also deliver or transmit at the same time to the returning officer five certified copies of the statement of changes and additions mentioned in the next preceding Rule of this Schedule.

Rule (21). In polling divisions in which only one polling station has been established, the printed (or, where it has been found impossible to print, the written or typewritten) preliminary list of electors and the statement of changes and additions in Form No. 23, shall together constitute the official list of electors to be used for the taking of the vote on polling day at the pending election at the polling station in the polling division for which the enumerator has been appointed to act. And in polling divisions in which more than one polling station has been established, the appropriate portion of the printed (or, where it has been found impossible to print, the written or typewritten) preliminary list of electors together with the appropriate special statement of changes and additions certified by the returning officer, pursuant to subsection seven of section

thirty-three of this Act, shall together constitute the official list of electors to be used for the taking of the vote at each of such polling stations.

Rule (22). In very remote polling divisions where the postal service is such that it is doubtful if the preliminary list of electors or the statement of changes and additions can be sent by the returning officer to the appropriate deputy returning officer in time for the election, the Chief Electoral Officer may direct that the written or typewritten preliminary list of electors, or one copy of the statement of changes and additions, or both, as prepared by the enumerator, shall be delivered or transmitted by the enumerator direct to the deputy returning officer concerned. In such cases the deputy returning officer shall, for the taking of the vote, use the written or typewritten list of electors, or the statement of changes and additions, or both, as the case may be, as though he had received them or either of them direct from the returning officer.

Rule (23). Each enumerator shall retain in his possession one copy of the preliminary list of electors and one copy of the statement of changes and additions made therein, which said copies he shall permit to be inspected at any reasonable time by any elector who asks to be permitted to inspect the same.

Rule (24). Enumerators shall be subject to and in all respects abide by and carry out the directions of the returning officer. The returning officer may at any time replace any enumerator appointed by him by appointing another enumerator to act in the place and stead of the person already appointed, and any enumerator so replaced shall upon request in writing, signed by the returning officer, deliver or give up to the subsequent appointee or to any other authorized person, any instructions, list of electors, index book or other papers and information which he has obtained or prepared for the purpose of the performance of his duties; on default, he shall be guilty of an offence punishable on summary conviction as in this Act provided.

Proclamation by Returning Officer.

Proclamation by returning officer.

18. (1) Within two days after the receipt of the writ of election or within two days after he has been notified by the Chief Electoral Officer of the issue of such writ, whichever shall be the sooner, the returning officer shall issue a proclamation in Form No. 4 under his hand in the English and French languages in every electoral district in the provinces of Quebec and Manitoba, and in the English language only in other electoral districts, and shall mail one copy at least to the various postmasters of the post offices within his electoral district, and such proclamation shall indicate

To be mailed to postmasters.

(a) the place and time fixed for the nomination of candidates (which shall be held at a court house, a

SECTION 18. No Change. At present this provision appears as Section 16 of the Act.

city or town hall, or some other public or private building in the most central or most convenient place for the majority of the electors in the electoral district);

(b) the day on which the poll for taking the votes of the electors is to be held, in case a poll is demanded;

(c) the time when and the place where the returning officer will add up the number of votes given to the several candidates;

(d) what portion or portions of the electoral district are to be deemed to be urban and rural polling divisions, respectively; and

(e) an exact description of the place in the electoral district where the returning officer has established his office.

The returning officer shall at the same time notify in writing each postmaster of the provisions of subsection five of this section.

Yukon Territory.

(2) In the Yukon Territory it shall be sufficient compliance with the immediately preceding provisions, if, at least six days before the day fixed for the nomination of candidates, the returning officer shall cause such proclamation to be inserted in at least one daily newspaper published in Dawson and in one thereof, if any, published in Whitehorse, and mails at least one copy of such proclamation to such postmasters within his electoral district as, in his judgment and in accordance with his knowledge of the prevailing conditions, will probably receive the same at least six clear days before nomination day.

Publication.

Inadvertent omission.

(3) Inadvertent omission on the part of the returning officer of any electoral district to mail such proclamations or any thereof in time or to mail them to a number less than one-tenth of the postmasters within an electoral district shall not be deemed non-compliance with the provisions of this section.

Copies of proclamation.

(4) As soon as the proclamation is printed, the returning officer shall deliver or send by mail five copies thereof to each person who is, or at the election last held in the electoral district was, a candidate for election.

Postmaster to post up proclamation.

(5) Every postmaster shall, forthwith after receipt of such proclamation, post it up in some conspicuous place within his office to which the public has access and maintain it posted there until the time fixed for the nomination of candidates has passed, and failure to do so shall be ground for his dismissal from office, and for the purposes of this provision such postmaster shall be deemed an election officer and liable as such.

Qualifications of Candidates.

Qualifications of candidates.

19. Except as in this Act otherwise provided, any British subject, man or woman, who is of the full age of twenty-one years, may be a candidate at a Dominion election.

SECTION **19.** No change.
At present this provision appears as section 17 of the Act.

Persons Ineligible as Candidates.

Ineligibility of candidates.

20. (1) The respective persons hereunder mentioned shall not for the time specified as to each such person be eligible as candidates at an election, namely:—

Corrupt practice.

(a) every person found by the report of the judge on the trial of an election petition to have committed at an election any corrupt practice, and who is reported to the Speaker as having had an opportunity to be heard on his own behalf and has been expressly declared to be a person who should be disqualified as hereinafter provided, or convicted before any competent court of having committed at an election any offence which is a corrupt practice, or ordered to pay any sum forfeited because of the commission of any corrupt practice, or found guilty in any proceeding in which after notice of the charge he has had an opportunity of being heard, of any corrupt practice or of any offence which is a corrupt practice—during the period of seven years next after the date of his being so found, convicted, ordered or found guilty;

Illegal practice.

(b) every person found by the report of the judge on the trial of an election petition to have committed at an election any illegal practice, and who is reported to the Speaker as having had an opportunity to be heard on his own behalf and has been expressly declared to be a person who should be disqualified as hereinafter provided, or convicted before any competent court of having committed at an election any offence which is an illegal practice, or ordered to pay any sum forfeited because of the commission of any illegal practice, or found guilty in any proceeding in which after notice of the charge he has had an opportunity of being heard of any illegal practice or of any offence which is an illegal practice—during the period of five years next after the date of his being so found, convicted, ordered or found guilty;

Government contractors.

(c) every person directly or indirectly, alone or with any other person, by himself or by the interposition of any trustee or third party, holding or enjoying, undertaking or executing any contract or agreement express or implied, with or for the Government of Canada on behalf of the Crown, or with or for any of the officers of the Government of Canada, for which any public money of Canada is to be paid—during the time he is so holding, enjoying, undertaking, or executing;

Member of legislature.

(d) every person who is a member of the legislature of any province—during the time he is such member;

SECTION 20. No change. At present these provisions appear as Section 18 of the Act.

Certain public officers.

(e) every person holding the office of sheriff, registrar of deeds, clerk of the peace or county Crown attorney—during the time he is holding such office;

Persons in employ of Government.

(f) every person accepting or holding any office, commission or employment, permanent or temporary, in the service of the Government of Canada at the nomination of the Crown or at the nomination of any of the officers of the Government of Canada, to which any salary, fee, wages, allowance, emolument or profit of any kind is attached—during the time he is so holding any such office, commission or employment.

Exceptions.

(2) The provisions of this section shall not render ineligible,

Ministers.

(a) the member of the King's Privy Council holding the recognized position of Prime Minister or any person holding the office of President of the Privy Council, Secretary of State for External Affairs, Minister of Justice, Minister of Finance, Minister of Mines and Resources, Minister of Public Works, Postmaster General, Minister of Trade and Commerce, Secretary of State of Canada, Minister of National Defence, Minister of Pensions and National Health, Minister of National Revenue, Minister of Fisheries, Minister of Labour, Minister of Transport and Minister of Agriculture, Parliamentary Secretary or Parliamentary Under Secretary or any office which is hereafter created, to be held by a member of the King's Privy Council for Canada and entitling him to be a minister of the Crown;

Members of naval, military or air forces on active service.

(b) any person serving in the naval, military or air forces of Canada, or in any other of the naval or military forces of the Crown, while such forces are on active service in consequence of any war, and receiving salary, pay or allowance as a member of such forces while on such active service;

Shareholder of company having Government contract.

(c) a shareholder in any incorporated company having a contract or agreement with the Government of Canada, except any company which undertakes a contract for the building of any public work;

Person on whom contract devolves.

(d) a person on whom the completion of any contract or agreement, expressed or implied, devolves by descent or limitation, or by marriage, or as devisee, legatee, executor or administrator, until twelve months have elapsed after the same has so devolved on him;

Contractor for loans to Government.

(e) a contractor for a loan of money or of securities for the payment of money to the Government of Canada under the authority of Parliament, after public competition, or respecting the purchase or payment of the public stock or debentures of Canada on terms common to all persons; or

Militia officer or militiaman.

(f) an officer of the militia or militiaman, not receiving any salary or emolument out of the public money of Canada, except his daily pay when called out for drill or active service, or annual or other allowances of any kind, prescribed by the *Militia Act*, or fixed or prescribed by the Governor in Council under the provisions of the *Militia Act*, or sums paid for enrolment, and any pay or remuneration allowed him for the care of arms or for drill instruction.

R.S. c. 132.

Effect of election of ineligible person.

(3) The election of any person who is by this Act declared to be ineligible as a candidate shall be void, and if such candidate is a member of the legislature of any province and receives a majority of votes at an election, the returning officer shall return the person having the next greatest number of votes, provided he is otherwise eligible.

Polling Day, Nomination Day and Nomination of Candidates.

Polling day.

21. (1) The Governor in Council shall fix the day upon which the poll shall be held at any election, and such day shall be named in the writ of election; at a general election the writs for all the electoral districts shall be dated on the same day, and shall name the same day for the poll.

To be held on a Monday.

(2) The day fixed for the poll shall at any election be a Monday, unless the Monday of the week in which it is desired to hold the poll

Exceptions.

(a) is a holiday as defined by the *Interpretation Act;* or

R.S. c. 1

(b) at a general election, is a day which is generally observed by the residents of any province as a day for religious exercises and is declared to be a holiday by the law of such province; or

(c) at a by-election, is a day so generally observed in and so declared by the law of the province within which the electoral district lies;

and in any such case the day fixed for the poll shall be Tuesday of the same week.

Nomination day.

(3) The day for the close of nominations (in this Act referred to as nomination day) shall in the electoral districts specified in Schedule Three to this Act be the Monday of the second week next preceding the week of the poll, and in all other electoral districts shall be the Monday of the week preceding the week of the poll.

To be held on a Monday.

Exception.

(4) If the Monday on which nomination day would otherwise fall is such a day that, if the poll had been directed to be held in that week, it would have been held on Tuesday, the day for the close of nominations shall be the Tuesday following the Monday upon which the nominations would otherwise have closed.

Form of nomination.

(5) Any ten or more electors qualified to vote in an electoral district for which an election is to be held may

SECTION **21.** At present these provisions appear as Section 19 of the Act.

S.S. 1, 2, 3 and 4, no change.

S.S. 5. Changed at the suggestion of the Chief Electoral Officer. The present provision reads as follows:

"(5) Any ten or more electors qualified to vote in an electoral district for which an election is to be held may nominate a candidate, or as many candidates as are required to be elected for such electoral district, by signing a nomination paper in Form No. 24 stating therein such particulars of the name, residence and occupation of each person proposed as sufficiently to identify such candidate, and by causing such nomination paper to be produced to the returning officer at any time between the date of the proclamation and the close of nominations as hereinafter specified and by complying in all other respects with the provisions of this section."

nominate a candidate, or as many candidates as are required to be elected for such electoral district, by signing a nomination paper in Form No. 24 stating therein such particulars of the name, address and occupation of each person proposed as sufficiently to identify such candidate, and also stating therein the address of the candidate for service of process and papers under this Act and under the *Dominion Controverted Elections Act*, together with the name, address and occupation of his official agent, and by causing such nomination paper to be produced to the returning officer at any time between the date of the proclamation and the close of nominations as hereinafter specified and by complying in all other respects with the provisions of this section.

Each candidate separately.

(6) Each candidate shall be nominated by a separate nomination paper; but the same electors, or any of them, may subscribe as many nomination papers as there are members to be elected.

Nomination paper to be attested on oath.

(7) The returning officer shall require the person, or one or more of the persons, producing or filing as aforesaid any such nomination paper, to make oath before him that he knows or they know that

(a) the several persons who have signed such nomination paper are duly qualified electors of the electoral district for which the election is to be held; and

(b) they have signed it in his or their presence; and

(c) the consent of the candidate was signed on the nomination paper in his or their presence, or, as the case may be, that the person named as candidate is absent from the electoral district.

Form of oath.

(8) Such oath may be in Form No. 25 and the fact of its having been taken shall be stated on the back of the nomination paper.

Consent of candidate.

(9) No nomination paper shall be valid or acted upon by the returning officer unless it is accompanied by

(a) the consent in writing of the person therein nominated, except where such person is absent from the electoral district in which the election is to be held, when such absence shall be stated in the nomination paper; and

Deposit by candidate.

(b) a deposit of two hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada, or a cheque made payable to the Receiver General of Canada, for that amount drawn upon and accepted by such bank.

Receipt for deposit.

(10) The returning officer shall not accept any deposit, until after all the other steps necessary to complete the nomination of the candidate have been taken, and upon his accepting any deposit he shall give to the person by whom it is paid to him a receipt therefor which shall be conclusive evidence that the candidate has been duly and regularly nominated.

S.S. 6 to 16. No change.

Sent to Auditor General.

(11) The full amount of every deposit shall forthwith after its receipt be transmitted by the returning officer to the Auditor General.

Time and place for receiving nominations.

(12) At noon on nomination day the returning officer and the election clerk shall both attend at a court house, a city or town hall, or some other public or private building in the most central or most convenient place for the majority of the electors in the electoral district (of which place notice has been given by the returning officer in his proclamation as hereinbefore provided) and shall there remain until two o'clock in the afternoon of the same day for the purpose of receiving the nominations of such candidates as the electors desire to nominate and as have not already been nominated. After two o'clock on nomination day no further nominations shall be receivable or be received.

Disposition of deposit.

(13) The sum so deposited by any candidate shall be returned to him by the Auditor General in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of the candidate elected; otherwise, except in the case hereinafter provided for, it shall belong to His Majesty for the public uses of Canada.

Deposit returned in case of death of candidate.

(14) The sum so deposited shall, in case of the death of any candidate after being nominated and before the closing of the poll, be returned to the personal representatives of such candidate or to such other person or persons as may be determined by the Treasury Board.

List of names of candidates nominated.

(15) At the close of the time for nominating the candidates the returning officer shall deliver to every candidate or the agent of a candidate applying therefor a duly certified list of the names of the several candidates who have been nominated.

Votes for any other to be void.

(16) Any votes given at the election for any other candidates than those nominated in the manner provided by this Act shall be null and void.

Withdrawal of Candidates.

Withdrawal of candidates.

22. (1) Any candidate nominated may withdraw at any time after his formal nomination and before the closing of the poll, by filing with the returning officer a declaration in writing to that effect signed by himself, and attested by the signatures of two qualified electors in the electoral district, and any votes cast for the candidate who has so withdrawn shall be null and void. The deposit of a candidate so withdrawing shall be forfeited.

Notice of withdrawal to election officers and voters.

(2) When a candidate has withdrawn after nomination day, and after the ballots are printed, it shall be the duty of the returning officer to advise, by letter or telegraph, each deputy returning officer of his electoral district of such withdrawal. When time permits, a notice of the withdrawal shall be printed by the returning officer and distributed to each deputy returning officer. On polling day, each deputy

SECTION 22. S.S. 1, 3 and 4. No change. At present, these provisions appear as s.s. 1, 2 and 3 of section 20 of the Act.

S.S. 2. New. Inserted on the recommendation of the Committee.

returning officer shall post up a copy of the printed notice of withdrawal in a conspicuous place in his polling station. If time does not permit of the printing and the distribution of such notice, the deputy returning officer, upon being advised by letter or telegram, by the returning officer of the withdrawal of any candidate, shall himself prepare by hand a notice to that effect and post it up in a conspicuous place in his polling station. In any case it shall be the duty of the deputy returning officer, when delivering a ballot to each voter, to inform such voter of the withdrawal of any candidate.

If no more candidates remain than number to be elected.

(3) If, after the withdrawal, there remains but one candidate, or no more than the number to be elected, then the returning officer shall return as duly elected the candidate or candidates so remaining, without waiting for the day fixed for holding the poll, or for the closing of the poll, if such withdrawal is filed on polling day.

False statement of withdrawal of candidate.

(4) Any person who, before or during an election, for the purpose of procuring the election of another candidate, knowingly publishes a false statement of the withdrawal of a candidate at such election is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Penalty.

Death of Nominated Candidate.

Postponement of nomination day on death of candidate.

23. (1) Whenever any candidate dies after the close of the nominations and before the closing of the polls, the returning officer shall, after communicating with the Chief Electoral Officer, fix another day for the nomination of candidates.

Notice and proclamation of new nomination and polling days.

(2) Notice of the day fixed, which shall not be more than one month from the death of such candidate nor less than twenty days from the issue of the notice, shall be given by a further proclamation distributed and posted as specified in section eighteen of this Act, and there shall also be named by such proclamation a new day for polling which shall, in the electoral districts specified in Schedule Three to this Act, be Monday the fourteenth day after the day fixed for the nomination, and, in all other electoral districts, be Monday, the seventh day after the date fixed for the nomination.

Lists of electors.

(3) The lists of electors to be used at such postponed election shall be the official lists of electors prepared and revised after the issue of the writ.

Report.

(4) Full particulars of any action taken under this section shall be reported by the returning officer to the Chief Electoral Officer with the return to the writ.

Return by Acclamation.

Return when no more candidates than number of members required.

24. (1) Whenever only one candidate, or only such a number of candidates as are required by law to be elected

SECTION 23. Slightly changed at the suggestion of the Chief Electoral Officer. At present these provisions appear as Section 21 of the Act.

SECTION 24. No change. At present these provisions appear in Section 22 of the Act.

to represent the electoral district for which the election is held, have been nominated within the time fixed for that purpose the returning officer shall forthwith make his return to the Chief Electoral Officer, in Form No. 26, that such candidate or candidates, as the case may be, is or are duly elected for the said electoral district, of which return he shall send within forty-eight hours a duplicate or certified copy to the person or persons elected.

Report with return.

(2) The returning officer shall accompany his return to the Chief Electoral Officer with a report of his proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this Act.

No one a candidate without his consent.

(3) Nothing in this Act shall be construed to impose any liability upon any person nominated as a candidate or declared to be a candidate by others without his consent, unless he has afterwards given his assent to such nomination or declaration or has been elected.

The Granting of a Poll.

Granting of a poll.

25. (1) If more candidates than the number required to be elected for the electoral district are nominated in the manner required by this Act the returning officer shall grant a poll for taking the votes of the electors.

Returning officer to mail notice to postmasters.

(2) Within two days after such poll has been granted, the returning officer shall mail to the same postmasters to whom the proclamation in Form No. 4 shall have been mailed (and in the Yukon Territory advertise in the same papers) notices in Form No. 27 issued under his hand in the English and French languages in every electoral district in the provinces of Quebec and Manitoba, and in the English language only in other electoral districts, of his having granted such poll, and indicating:—

Candidates.

(a) the names, addresses and occupations of the candidates nominated, in the order in which they are to be printed on the ballot papers; and

Official agents.

(b) the names, addresses and occupations of the official agents of such candidates as stated in the applicable nomination papers; and

Polling stations and polling divisions.

(c) the several polling stations fixed by him for the various polling divisions and (in as brief as possible terms) the territorial limits of such polling divisions.

Notification to postmaster.

(3) The returning officer shall at the same time notify in writing each postmaster of the provisions of subsection five of this section.

Copies of notice to candidates.

(4) The returning officer shall, as soon as possible, deliver or send by registered mail ten copies of such notice in Form No. 27 to each candidate nominated.

SECTION 25. No change. At present these provisions appear as Section 23 of the Act.

To be posted.

(5) Every postmaster shall, forthwith after receipt of such notice in Form No. 27, post it up in some conspicuous place within his office to which the public has access and maintain it posted there until the time fixed for the closing of the poll has passed, and failure to do so shall be ground for his dismissal from office; and for the purpose of this provision such postmaster shall be deemed an election officer and liable as such.

Postmaster election officer.

Deputy Returning Officers and Poll Clerks.

Deputy returning officers.

26. (1) As soon as convenient after the issue of the writ of election, the returning officer shall, by writing in Form No. 28 executed under his hand, appoint one deputy returning officer for each polling station established in his electoral district. Every deputy returning officer shall before acting as such take an oath in Form No. 29.

List of deputies to candidates.

(2) The returning officer shall furnish to each candidate or his agent, at least three days before polling day, a list of the names and addresses of all the deputy returning officers appointed to act in the electoral district with the number of the polling station at which each is to act.

Replacing deputies.

(3) The returning officer may, at any time, relieve any deputy returning officer of his duties and appoint another to perform the same, and any deputy returning officer so relieved, and any deputy returning officer who refuses or is unable to act, shall forthwith, upon receiving written notice from the returning officer of the appointment of a substitute for him, deliver up to the returning officer or to such other person as the returning officer may appoint, the ballot box and all ballot papers, lists of electors and other papers in his possession as such deputy returning officer; on default, he shall be guilty of an offence punishable on summary conviction as in this Act provided.

Offence.

Poll clerks.

(4) Each deputy returning officer shall, forthwith after his appointment, appoint by writing under his hand, in Form No. 30, a poll clerk, who before acting as such shall take the oath printed on the said Form No. 30. Such forms of appointment and oath shall be printed in the poll book.

Information as to poll clerks.

(5) Each deputy returning officer shall, if practicable, furnish to the returning officer, not later than six o'clock in the afternoon of the Saturday immediately preceding polling day, the name, address and occupation of his poll clerk; and the returning officer shall, not later than seven o'clock in the afternoon of the Saturday immediately preceding polling day, post up in his office a list of the names and addresses of the deputy returning officers and poll clerks, showing the polling station where each is to act,

Posting of list of names of deputies and poll clerks.

SECTION 26. S.S. 1. Slightly changed at the suggestion of the Chief Electoral Officer. At present this provision appears as section 24 of the Act.

S.S. 2. No change. At present this provision appears as s.s. 2 *(a)* of section 30 of the Act.

S.S. 3. New. Inserted at the suggestion of the Chief Electoral Officer.

S.S. 4. No change. At present this provision appears as section 25 of the Act.

S.S. 5. Slightly changed at the suggestion of the Chief Electoral Officer. At present this provision appears as section 26 of the Act.

and shall permit free access to and afford full opportunity for inspection of such list by any candidate, agent or elector up to at least ten o'clock in the evening of the same day.

When deputy dies or cannot act.

(6) Whenever a deputy returning officer dies, the returning officer may appoint another person in his stead as deputy returning officer; and if no such appointment is made the poll clerk, without taking another oath of office, shall act as deputy returning officer.

Another poll clerk appointed.

(7) Whenever the poll clerk acts as deputy returning officer, he shall, by a commission in Form No. 31, which shall be printed in the poll book, appoint a poll clerk to act in his stead, who shall take the oath printed on Form No. 30.

Ballot Boxes and Ballot Papers.

Ballot boxes.

27. (1) The Chief Electoral Officer may cause to be made for each electoral district such ballot boxes as are required; or he may give to the returning officer such instructions as are deemed necessary to secure ballot boxes of a uniform size and shape.

Construction.

(2) The ballot boxes shall be made of some durable material, with one lock and key, and a slit or narrow opening in the top, and so constructed that the ballot papers may be introduced therein, but cannot be withdrawn therefrom unless the box is unlocked.

Furnished by sheriff, registrar or postmaster.

(3) The officer in charge of a federal building, the postmaster, the sheriff or the registrar of deeds into whose custody, after the close of the next previous election, the ballot boxes of the electoral district used at such election, with their locks and keys, were deposited pursuant to section fifty-three of this Act, shall deliver to the returning officer whenever he shall so request, such ballot boxes, locks and keys.

If not furnished.

(4) Whenever the returning officer fails to furnish the ballot box to the deputy returning officer for any polling station within the time prescribed by this Act, such deputy returning officer shall otherwise procure it or cause it to be made.

Ballots and their form.

28. (1) All ballots shall be of the same description and as nearly alike as possible. The ballot of each voter shall be a printed paper, in this Act called a ballot paper, on which the names, addresses and occupations of the candidates alphabetically arranged in the order of their surnames, shall, subject as hereafter in this section provided, be printed exactly as they are set out in the nomination paper; the ballot paper shall have a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub, the whole as in Form No. 32.

S.S. 6 and 7. No change. At present these provisions appear as subsections 1 and 2 of section 27 of the Act.

SECTION 27. No change. At present these provisions appear as section 28 of the Act.

SECTION 28. S.S. 1, 2 and 3. No change.

Arrangement of names thereon.

(2) Where two members are to be elected for the electoral district and there are more than two candidates, the candidates may, within one hour after the time appointed for the nomination, agree to their names being arranged otherwise than alphabetically, and in such case the returning officer shall have the names arranged accordingly on the ballot paper.

Correction of name.

(3) Any candidate may, within one hour after the close of nominations, supply in writing to the returning officer any particulars of his address or occupation which he considers to have been insufficiently or inaccurately given in his nomination paper, or may in writing direct the returning officer to omit any of his given names from the ballot paper or to indicate the same by initial only, and the returning officer shall comply with any such direction and include in the ballot paper any such additional or corrected particulars.

Quality and weight of paper.

(4) The ballot papers shall be printed upon paper which shall be furnished to the returning officer by the Chief Electoral Officer at the time of or as soon as possible after the transmission of the writ of election; such ballot paper shall be of a weight not less than a basis of fifty-six pounds per thousand sheets of seventeen inches by twenty-two inches in size.

Numbering of ballot papers.

(5) The ballot papers shall be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil; each ballot paper shall bear on the back thereof an impression of the stereotype block supplied by the Chief Electoral Officer pursuant to subsection two of section thirteen of this Act. The ballot papers shall be bound or stitched in books containing twenty-five, fifty, or one hundred ballots, as may be most suitable for supplying the polling stations proportionately to the number of voters in each.

Printer's name and affidavit.

(6) The ballot papers shall bear the name of the printer and such printer shall, upon delivering the ballot papers to the returning officer, deliver therewith an affidavit, in Form No. 33, setting forth the description of the ballot papers so printed by him, the number of ballot papers supplied to such returning officer, and the fact that no other ballot papers have been supplied by him to any other person.

Property in His Majesty.

(7) The property in the ballot boxes, ballot papers, envelopes and marking instruments procured for or used at any election shall be in His Majesty.

29. Every one who

Forgery or destruction of ballots.

(a) forges, counterfeits, fraudulently alters, defaces, or fraudulently destroys a ballot paper or the initials of the deputy returning officer signed thereon;

Illegal supply.

(b) without authority supplies a ballot paper to any person;

S.S. 4 and 5. Changed at the suggestion of the King's Printer and the Chief Electoral Officer. The present provisions read as follow:

"(4) The ballot shall be printed upon thick writing paper which shall be furnished to the returning officer by the Chief Electoral Officer at the time of or as soon as possible after the transmission of the writ of election; if foolscap paper is used, it shall be of a weight of not less than sixteen pounds to the ream; if large post paper is used, it shall be of a weight of not less than twenty-five pounds to the ream.

(5) The ballot papers shall be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil; they shall be bound or stitched in books containing twenty-five, fifty or one hundred ballots, as may be most suitable for supplying the polling division proportionately to the number of voters in each."

S.S. 6 and 7. No change. At present the above provisions appear as section 29 of the Act.

SECTION 29. Changed by striking out clause *(g) re* official stamp. At present section 29 appears as section 31 of the Act.

Unlawful possession.

(c) not being a person entitled under this Act to be in possession of official ballot paper or of any ballot paper, has any such official ballot paper or any ballot paper in his possession;

Fraudulently put in box.

(d) fraudulently puts into a ballot box a paper other than the ballot paper which he is authorized by law to put in;

Taking out of polling station.

(e) fraudulently takes a ballot paper out of the polling station;

Destroying or opening box or packet.

(f) without due authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers then in use for the purposes of the election;

Illegally initialling bogus ballot papers.

(g) being a deputy returning officer fraudulently puts, otherwise than as authorized by this Act, his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election;

Illegally printing ballot papers.

(h) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;

Printing more ballot papers than required.

(i) being authorized by the returning officer to print the ballot papers for an election, prints without authority more ballot papers than he is authorized to print;

Marking ballot papers.

(j) being a deputy returning officer, places upon any ballot paper, except as authorized by this Act, any writing, number, or mark with intent that the voter to whom such ballot paper is to be, or has been, given may be identified thereby;

Making, importing or having ballot boxes with secret devices.

(k) manufactures, constructs, imports into Canada, has in possession, supplies to any election officer, or uses for the purposes of an election, or causes to be manufactured, constructed, imported into Canada, supplied to any election officer, or used for the purposes of any election, any ballot box containing or including any compartment, appliance, device or mechanism by which a ballot paper may or could be secretly placed or stored therein, or having been deposited during polling, may be secretly diverted, misplaced, affected or manipulated; or

Attempts.

(l) attempts to commit any offence specified in this section;

Penalty.

shall be disqualified from voting at any election for a term of seven years thereafter and guilty of an indictable offence and liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election, to imprisonment, without the alternative of a fine, for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person to imprisonment for a term not exceeding three years and not less than one year, with or without hard labour.

Supply of Election Materials to Deputy Returning Officer.

Further duty of returning officer.

30. (1) The returning officer shall furnish to each deputy returning officer, at least two days before polling day:

(a) a sufficient number of ballot papers for at least the number of voters on the official list of electors of such deputy's polling station;

(b) a statement showing the number of ballot papers so supplied, with their serial numbers;

(c) the necessary materials for voters to mark their ballots;

(d) at least ten copies of printed directions in Form No. 34 for the guidance of voters in voting;

(e) copy of or excerpts from this Act and of the instructions referred to in section thirteen;

(f) the official list of electors for use at his polling station;

(g) a ballot box;

(h) a blank poll book;

(i) the several forms of oaths to be administered to electors printed together on a card; and

(j) the necessary envelopes and such other forms and supplies as may be authorized or furnished by the Chief Electoral Officer.

Safe keeping of ballot papers, etc.

(2) Until the opening of the poll the deputy returning officer shall keep the blank poll book, list of electors, forms of oaths, envelopes, ballot papers and other election supplies, carefully locked up in the ballot box, and shall take every precaution for their safekeeping and to prevent any person from having unlawful access to them.

The Poll and Polling Stations.

Polling stations.

31. (1) The poll shall be held in one or more polling stations established in each polling division in premises of convenient access, with an outside door for the admittance of voters, and having, if possible, another door through which they may have leave after having voted.

Compartments.

(2) Each polling station shall contain one or two compartments so arranged that each voter may be screened from observation, and may, without interference or interruption, mark his ballot paper.

Table or desk.

(3) In such compartment there shall be provided for the use of voters in marking their ballots, a table or desk with a hard and smooth surface and a suitable black lead pencil, which shall be kept properly sharpened throughout the hours of polling.

Instructions.

(4) The Chief Electoral Officer may give to the returning officer such instructions as are deemed necessary as to the mode of making the compartments.

Hours of polling.

(5) The poll shall be opened at the hour of eight o'clock in the forenoon and kept open until six o'clock in the afternoon of the same day, and each deputy returning officer shall,

SECTION 30. Changed at the suggestion of the Chief Electoral Officer. The present provisions read as follow:

"30. (1) The returning officer shall furnish in time to each deputy returning officer

(a) a sufficient number of ballot papers to enable the supply of at least the number of voters on the list of such deputy's polling division.

(b) a certificate of the number of ballot papers so supplied;

(c) the necessary materials for voters to mark their ballots;

(d) at least ten copies of printed directions in Form No. 16 for the guidance of voters in voting; and

(e) copy of this Act and of the instructions referred to in section fifteen;

(f) The Chief Electoral Officer shall also furnish to the returning officer for each electoral district a supply of notification cards equal to the number of voters upon the voters list for the applicable electoral district and the returning officer shall cause one of such cards to be mailed to each voter whose name appears upon the said list at the address stated upon said list, notifying such voter of the date and place of polling in the polling division for which such voter's name appears upon the voters list. Such cards shall be mailed not later than the day after the day fixed for nomination and shall be entitled to pass through the mails free of postage. Such notification cards may be in Form No. 18A.

(2) Every ballot paper so supplied shall be stamped by the returning officer with the official stamp so placed on the ballot paper that, when the latter is folded by a voter, the stamp can be seen without the ballot paper being opened.

(3) Two days at least before polling day the returning officer shall furnish

(a) to each deputy returning officer a copy of the list of electors, as finally revised under the provisions of *The Dominion By-Elections Franchise Act, 1936*, for use at his polling station. Every sheet included in such list of electors shall, whenever possible, be stamped by the returning officer with the official stamp;

(b) to each deputy returning officer, a ballot box, a blank poll book, the several forms of oaths to be administered to voters, the necessary envelopes and such other stationery as may be authorized by the Chief Electoral Officer;

(c) to each candidate or his agent, a list of all deputy returning officers appointed to act in the electoral district with the name or number of the polling division or polling station at which each is to act.

(4) Until the opening of the poll the deputy returning officer shall keep the blank poll book, list of voters, forms of oaths, envelopes and ballot papers carefully locked up in the ballot box, and shall take every precaution for their safekeeping and for preventing any person from having unlawful access to them."

SECTION 31. Changed by the deletion of subsections six and seven which read as follows:

(6) Upon application to the Chief Electoral Officer by any municipality situate upon or near the international boundary line the Chief Electoral Officer may in his discretion authorize a change in the hours of polling for all polls in such municipality in order to accommodate electors who are resident in Canada but whose occupation renders it necessary for them to be absent from Canada during the ordinary polling hours.

(7) Such application for change of polling hours must be made to the Chief Electoral Officer at least ten days before the day appointed as nomination day and the Chief Electoral Officer shall notify the returning officer of any change in the hours of polling authorized by him and the same shall be duly announced by the returning officer at the time appointed for the nomination of candidates.

At present these provisions appear as s.s. 1-7 of section 32 of the Act.

during that time, in the polling station assigned to him, receive in the manner hereinafter prescribed the votes of the electors duly qualified to vote at such polling station.

Central polling place.

(6) The returning officer may, with the prior permission, and shall upon the direction of the Chief Electoral Officer, establish in any city or town of not more than ten thousand population a central polling place whereat the polling stations of all or any of the polling divisions of such city or town may be centralized, and upon the establishment of such central polling place all provisions of this Act shall apply as if every polling station at such central polling place were within the polling division of the electoral district to which it appertains.

Official List of Electors to be Used at the Poll.

List of electors to be used at the poll

32. (1) The list of electors to be used at a Dominion election shall be the official list of electors as defined in subsection twenty-two of section two of this Act.

Returning officer to deliver list of electors to deputy returning officer.

(2) The returning officer shall deliver one copy of the official list of electors to each deputy returning officer for his respective polling station. Such list shall be enclosed in the ballot box with the ballot papers and other supplies, as provided by section thirty of this Act.

Official list for a remote rural polling division.

(3) In very remote rural polling divisions where the postal service is such that it is doubtful if the preliminary list of electors or the statement of changes and additions can be sent by the returning officer to the appropriate deputy returning officer in time for the election, the Chief Electoral Officer may direct that the written or typewritten preliminary list of electors, or one copy of the statement of changes and additions, or both, as prepared by the enumerator, shall be delivered or transmitted by the enumerator direct to the deputy returning officer concerned. In such cases the deputy returning officer shall, for the taking of the vote, use the written or typewritten list of electors, or the statement of changes and additions, or both, as the case may be, as though he had received them or either of them direct from the returning officer.

Application of this section.

33. (1) All the provisions of this section shall apply notwithstanding anything in this Act contained.

Dividing lists for large polling divisions.

(2) If the Chief Electoral Officer so authorizes or directs, and, in any event, where the official list of electors for any polling division contains the names of more than three hundred and fifty electors, the returning officer shall, for the purposes of and during any election, provide within that polling division sufficient separate and adjacent polling stations, so that not more than three hundred and fifty, and, when practicable, not less than one hundred and

Establishment of extra polling stations.

S.S. 6. No change. At present this provision appears as s.s. 8 of section 33 of the Act.

SECTION 32. New. Inserted at the suggestion of the Chief Electoral Officer.

SECTION 33. Changed at the suggestion of the Chief Electoral Officer. The present provisions read as follows:

"33. (1) All the provisions of this section shall apply notwithstanding anything in this Act contained.

(2) If the Chief Electoral Officer so authorizes or directs, and, in any event, where the list of voters of any polling division contains the names of more than three hundred qualified electors, the returning officer shall, for the purposes of, and during any election, provide within that polling division sufficient separate and adjacent polling stations, so that not more than three hundred, and, when practicable, not less than one hundred and fifty names shall be on the list of voters for each of such polling stations, and so that the name of every voter on the list for the polling division shall appear on some one, and on one only, of the lists for the polling stations.

seventy-five, names shall be on the list of electors for each of such polling stations, and so that the name of every elector on the official list of electors for the polling division shall appear on some one, and on one only, of the parts of the list of electors allotted to the various polling stations established in such polling division.

Dividing lists for rural polling stations.

(3) If the polling division is rural, the returning officer shall divide the alphabetical list of electors for that polling division into as many separate lists as are required for the taking of the vote at each polling station therein established. The list shall be cut between two initial letters of the surnames of the electors, as they appear thereon, that is to say, between K and L, or between R and S, or as the case may be. The polling stations so established shall be designated by the number of the polling division to which will be added the letters A to K or L to R or S to Z, or in whichever way the list is divided.

Dividing lists for urban polling stations.

(4) If the polling division is urban, the returning officer shall divide the re-printed official list of electors into as many separate lists as are required for the taking of the vote at each polling station established therein. The list shall be divided numerically according to the consecutive number given to each elector on the official list of electors so that approximately an equal number of electors will be allotted to each polling station necessarily established in such polling division. The polling stations so established shall be designated by the number of the polling division to which shall be added the letters A, B, C and so on.

Urban lists divided alphabetically in some cases.

(5) In urban polling divisions where it is necessary to prepare an alphabetical list of electors pursuant to subsection sixteen to section seventeen of this Act, owing to the territory not being designated by streets, roads, avenues, or otherwise, the returning officer shall divide the list as directed by subsection three of this section.

Certificate of returning officer.

(6) To each portion of the official list of electors, divided as provided in this section, the returning officer shall append a special certificate signed by himself, in the form prescribed by the Chief Electoral Officer, attesting to its correctness before sending the same to the deputy returning officer for the appropriate polling station at which it is to be used for the taking of the vote on polling day.

Special statements of changes and additions prepared by returning officer in large rural polling divisions.

(7) For any rural polling division for which the list of electors is divided, pursuant to the provisions of this section, it shall be the duty of the returning officer to prepare from the statement of changes and additions in Form No. 23 as certified by the rural enumerator, special statements of the said changes and additions, in alphabetical order, and in the form prescribed by the Chief Electoral Officer, each such special statement to contain the entries relating to one polling station only, so that each entry made in the original statement of changes and additions will be allo-

(3) If the polling division is rural the returning officer shall prepare from the alphabetical list of voters of that polling division a separate list, made up in alphabetical order, for each polling station, according to the initial letter of the surnames of the voters, and he shall cause each separate polling station so constituted to be designated by the initial letters of the names of the electors who are to vote thereat, as from A to K, or from L to R, or from S to Z, or as the case may be.

(4) If the polling division is urban the returning officer shall prepare from the geographical list of electors a separate list for each polling station established therein. The list shall be divided numerically according to the consecutive number given to each voter on the geographical printed list of electors so that approximately an equal number of electors will be allotted to each polling station necessarily established in such polling division.

(5) Every voter of a rural polling division the initial letter of whose surname is included within the letters designating a polling station and contained in a list of voters prepared pursuant to subsection three of this section shall vote, if at all, in the station to which such list applies, and not otherwise.

(6) Every voter of an urban polling division whose name appears on the list of electors divided pursuant to subsection four of this section shall vote, if at all, in the polling station to which has been allotted such part of the list as contains his name, and not otherwise.

(7) The returning officer shall appoint a deputy returning officer for each of such polling stations and shall deliver to him a correct and certified list of all voters whose names are on the applicable part of the list of voters of the polling division and who, pursuant to this section, are to vote, if at all, at such deputy returning officer's polling station.

(8) The returning officer may, with the prior permission, and shall upon the direction of the Chief Electoral Officer, establish in any city or town of not more than ten thousand population a central polling place whereat the polling stations of all or any of the polling divisions of an electoral district may be centralized, and upon the establishment of such central polling place all provisions of this Act shall apply as if every polling station at such central polling place were within the polling division of the electoral district to which it appertains."

cated in such special statement of changes and additions to the polling station to which it belongs. If no changes or additions have been made by the enumerator in the preliminary list for any polling division the returning officer shall nevertheless prepare the necessary number of copies of the special statement of changes and additions in the prescribed form by writing the word "Nil" on the three blank spaces provided for the various entries on the said form, and completing the form in every other respect. The returning officer shall certify to the correctness of such special statement of changes and additions and shall deliver one copy thereof in the ballot box to the deputy returning officer concerned, and the appropriate portion of the preliminary list of electors, together with the said special statement of changes and additions, as certified by the returning officer, shall be and constitute the official list of electors to be used for the taking of the vote on polling day at such deputy returning officer's polling station.

Where rural voters vote.

(8) Every elector of a rural polling division the initial letter of whose surname is included within the letters designating a polling station, and contained in a list of electors divided pursuant to subsections three and seven of this section, shall vote, if at all, at the station to which such part of the list applies, and not otherwise.

Where urban voters vote.

(9) Every elector of an urban polling division whose name appears on the list of electors divided pursuant to subsections four and five of this section, shall vote, if at all, in the polling station to which has been allotted such part of the list as contains his name, and not otherwise.

Deputy for each polling station.

(10) The returning officer shall appoint a deputy returning officer for each of such polling stations and shall deliver to him a correct list of all electors whose names are on the applicable part of the list of electors for the polling division and who, pursuant to this section, are to vote, if at all, at such deputy returning officer's polling station.

Agents at the Polls.

Who may be present at polling station.

34. (1) In addition to the deputy returning officer and the poll clerk, the candidates, and their agents not exceeding two in number for each candidate in each polling station, and, in the absence of agents, two electors to represent each candidate on the request of such electors, and no others, shall be permitted to remain in the room where the votes are given during the time the poll remains open. Forthwith on being admitted to the polling station each agent shall deliver his written appointment to the deputy returning officer.

Oath of secrecy.

(2) Each of the agents of such candidate, and, in the absence of agents, each of the electors representing such candidate, on being admitted to the polling station, shall

SECTION 34. S.S. 1. Changed. The present provision reads as follows:

"34. (1) In addition to the deputy returning officer and the poll clerk, the candidates, and their agents not exceeding two in number for each candidate in each polling station, and, in the absence of agents, two electors to represent each candidate on the request of such electors, and no others, shall be permitted to remain in the room where the votes are given during the time the poll remains open."

S.S. 2. No change.

take an oath in Form No. 35 to keep secret the name of the candidate for whom any of the voters has marked his ballot paper in his presence.

Agent authorized in writing.

(3) Any agent bearing a written authorization from the candidate shall be deemed an agent of such candidate within the meaning of this Act, and shall always be entitled to represent such candidate in preference to, and to the exclusion of, any two electors who might otherwise claim the right of representing such candidate.

Agents may absent themselves from poll.

(4) Agents of candidates or electors representing candidates may, with the permission of the deputy returning officer, absent themselves from and return to the polling station at any time before one hour previous to the close of the poll.

Counting of ballots before opening of poll.

35. (1) If the agents and electors entitled to be present in the room of the polling station during polling hours are in attendance at least fifteen minutes before the hour fixed for opening the poll, they shall be entitled to have the ballot papers intended for use thereat carefully counted in their presence before the opening of the poll, and to inspect such ballot papers, and all other papers, forms and documents relating to the poll.

Candidate may act as his own agent.

(2) A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may, in pursuance of this Act, be authorized to attend.

Provisions requiring presence of agents.

(3) The non-attendance of any agent or agents of candidates at any time or place required by this Act shall not in any wise invalidate any act or thing done during the absence of such agent or agents if such act or thing is otherwise duly done, and wherever in this Act any expressions are used requiring or authorizing any act to be done at the polls or otherwise, in the presence of agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have, in fact, attended at the time and place where such act or thing is being done.

Proceedings at the Poll.

Directions to voters to be posted up.

36. (1) The deputy returning officer shall, on polling day, at or before the opening of the poll, cause such printed directions to voters as have been supplied to him in Form No. 34 to be posted up in some conspicuous places outside of and near to the polling station and also in each compartment of the polling station.

S.S. 3. Slightly changed.

S.S. 4. New. Inserted on the recommendation of the Committee.

SECTION 35. No change.

SECTION 36. S.S. 1. No change. At present this provision appears as S.S. 8 of section 32.

Opening and locking of ballot box.

(2) At the hour fixed for opening the poll the deputy returning officer and the poll clerk shall, in the presence of the candidates, their agents, and such of the electors as are present, open the ballot box and ascertain that there are no ballot papers or other papers therein, after which the box shall be locked, and the deputy returning officer shall keep the key thereof; the box shall be placed on a table in full view of all present and shall be maintained there until the close of the poll.

Calling voters.

(3) Immediately after the ballot box is so locked, the deputy returning officer shall call upon the electors to vote.

Voters not to be impeded.

(4) The deputy returning officer shall secure the admittance of every elector into the polling station, and shall see that voters are not impeded or molested at or about the polling station.

One voter at a time.

(5) Not more than one voter for each compartment shall, at any time, enter the room where the poll is held; and each voter, upon so entering, shall declare his name, residence and occupation. The poll clerk shall then ascertain if the name of the voter appears on the official list of electors used at the polling station or, in a rural polling division only, if the applicant voter is otherwise qualified to vote. When it has been ascertained that the applicant voter is qualified to vote at the polling station, his name, address and occupation shall be entered in the poll book to be kept by the poll clerk, in Form No. 36, a consecutive number being prefixed to the voter's name in the appropriate column of the poll book, and the voter shall be immediately allowed to vote, unless an election officer or any agent of a candidate present at the polling station desires that he be first sworn.

Elector to declare his name, etc.

Who may vote and where.

37. (1) Subject to his taking any oath authorized by this Act to be required of him, every person whose name appears on an official list of electors shall be permitted to vote at the polling station on the list of electors for which his name appears. In an urban polling division, he shall not be permitted to vote if his name does not so appear thereon, unless he has obtained a transfer certificate, pursuant to section forty-three of this Act, and fully complies with the provisions of subsection five of the said section, or unless he has obtained from the returning officer a certificate in Form No. 18 pursuant to subsection fourteen of section seventeen of this Act, which certificate shall be delivered to the deputy returning officer before the voter is allowed to vote. In a rural polling division, any qualified elector may vote subject to the provisions of section forty-six of this Act notwithstanding that his name does not appear on the official list of electors for the polling division in which such elector ordinarily resides.

"Closed" lists in urban polls.

"Open" lists in rural polls.

S.S. 2, 3 and 4. No change.

S.S. 5. Changed on the recommendation of the Committee. The present provision reads as follows:

"(4) Not more than one voter for each compartment shall, at any time, enter the room where the poll is held; and each elector, upon so entering, shall declare his name, residence and occupation, which particulars shall be entered in the poll book to be kept by the poll clerk in Form No. 18, a number being prefixed to the voter's name."

SECTION 37. S.S. 1. Changed at the suggestion of the Chief Electoral Officer.

Prescribed oaths only.

(2) Except as provided in this Act no other oath shall be required of any person whose name is entered on the list of electors.

Voting more than once at the same election.

(3) No elector shall vote more than once in the same electoral district at the same election nor in more than one electoral district on the same day, but each elector may vote for as many candidates as are required to be elected to represent the electoral district in which he votes.

Penalty for wrongfully inducing person to vote.

38. (1) Any person who induces or procures any other person to vote at an election, knowing that such other person is for any reason disqualified from voting or incompetent to vote at such election, shall be guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Burden of proof on accused.

(2) Upon the trial of any person accused of violating this section, when it is proved that the person in respect of whose vote the prosecution is had, voted at such election, the burden of proving that such person was qualified to vote, or, if such person was disqualified from voting, or incompetent to vote, that the accused did not know thereof, shall be upon the accused.

Oath of elector.

39. A voter if required by the deputy returning officer, the poll clerk, one of the candidates, or an agent of a candidate, or by any elector present, shall, before receiving his ballot paper, take an oath in Form No. 37, and if he refuses to take the same, erasing lines shall be drawn through his name on the list of electors and in the poll book, if such name has been entered in the said book, and the words "Refused to be sworn" shall be written thereafter.

Refusing to be sworn.

Improper varying of oath.

40. (1) If any deputy returning officer or poll clerk, presiding at a polling station, in administering to any person any oath mentions as a disqualification any fact or circumstance which is not a disqualification according to the provisions of this Act, he is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Voter refusing oath not entitled to vote.

(2) No voter who has refused to take any oath or affirmation or to answer any question, as by this Act required, shall receive a ballot paper or be admitted to vote or be again admitted to the polling place.

Name, address and occupation corresponding closely to another.

May vote on taking oath.

41. (1) Where there is contained in the official list of electors a name, address and occupation which correspond so closely with the name, address and occupation of a person by whom a ballot is demanded as to suggest that the entry in such official list of electors was intended to refer to him, such person shall, upon taking an oath in Form No. 38 and complying in all other respects with the provisions of the Act, be entitled to receive a ballot and to vote.

S.S. 2. No change. At present, this provision appears as S.S. 2 of section 38.

S.S. 3. No change. At present, this provision appears as S.S. 5 of section 36.

SECTION **38.** No change. At present, these provisions appear as S.S. 3 and 4 of section 36.

SECTION **39.** No change.

SECTION **40.** No change.

SECTION **41.** No change. At present this provision appears as section 42 of the Act.

Entries in poll book.

(2) In any such case the name, address and occupation shall be correctly entered in the poll book and the fact that the oath has been taken shall be entered in the proper column of the poll book.

Entries in poll book.

42. The poll clerk shall

(a) make such entries in the poll book, as the deputy returning officer, pursuant to any provision of this Act, directs; and

(b) enter in the poll book opposite the name of each voter, as soon as the voter's ballot paper has been deposited in the ballot box, the word "Voted"; and

(c) enter in the poll book the word "Sworn" or "Affirmed" opposite the name of each voter, to whom any oath or affirmation has been administered, indicating the nature of the oath or affirmation; and

(d) enter in the poll book the words "Refused to be sworn" or "Refused to affirm" or "Refused to answer," opposite the name of each voter who has refused to take an oath or to affirm, when he has been legally required so to do, or has refused to answer questions which he has been legally required to answer.

Issue of and Voting on Transfer Certificate.

Issue of transfer certificates to agents of candidates.

43. (1) At any time between the close of nominations and the opening of the poll on polling day, upon the production to the returning officer or to the election clerk of a writing, signed by a candidate who has been duly nominated, whereby such candidate appoints a person whose name appears upon the official list of electors for any polling station in the electoral district to act as his agent at another polling station, the returning officer or the election clerk shall issue to such agent a transfer certificate in Form No. 39 entitling him to vote at the latter polling station.

Oath of agent voting on transfer certificate.

(2) Every person appointed agent for a candidate, who has obtained a transfer certificate from the returning officer or the election clerk shall, before being allowed to vote by virtue of such certificate, take the oath in Form No. 40 before the deputy returning officer, and such oath, together with the transfer certificate attached, shall be surrendered to the deputy returning officer before whom it is sworn.

Transfer certificate for candidate.

(3) Any candidate whose name appears upon the list of electors for any polling station shall be entitled at his request to receive a transfer certificate entitling him to vote in any specified polling station instead of that upon the list of electors for which his name appears.

Transfer certificates for deputy or poll clerk.

(4) The returning officer or the election clerk may also issue a like transfer certificate to any person whose name appears on the official list of electors for any polling station and who has been appointed to act as deputy returning

SECTION 42. No change. At present this provision appears in section 41 of the Act.

SECTION 43. Changed at the suggestion of the Chief Electoral Officer. The present provisions read as follows in sections 43 and 44 of the Act.

"43. (1) Upon the production to the returning officer at any time after the close of nominations of a writing, signed by any candidate who has been duly nominated, whereby such candidate appoints a person whose name appears upon the list of voters for any polling division in the electoral district to act as his agent at a polling station established for some other polling division, the returning officer shall issue to such agent a transfer certificate in Form No. 21 to this Act.

(2) Any candidate whose name appears upon the list of voters for any polling division shall be entitled at his request to receive a like transfer certificate entitling him to vote in any specified polling division instead of that upon the list for which his name appears.

(3) The returning officer may also issue a like transfer certificate to any person whose name appears on the list of voters for any polling division and who has been appointed to act as deputy returning officer or poll clerk at any other polling station in the electoral district than that at which such person is entitled to vote.

44. (1) The returning officer by whom any transfer certificate is issued *(a)* shall sign such certificate and mention thereon the date of its issue, *(b)* shall consecutively number every such certificate in the order of its issue, and *(c)* shall not issue any such certificate in blank.

(2) No certificate issued to any election officer or agent for a candidate under section 43 shall entitle such election officer or agent to vote pursuant thereto unless, on polling day, he is actually engaged in the performance of the duty specified in the certificate at the polling station therein mentioned.

(3) No returning officer shall issue certificates under section 43 purporting to entitle more than two agents for any one candidate to vote at any given polling station, and no deputy returning officer shall permit more than two agents for any one candidate to vote at his polling station on certificates under section 43.

(4) Every person so appointed deputy returning officer, poll clerk or agent, and claiming to vote by virtue of such certificate, shall, if required, before voting, take the oath in Form No. 22, and such oath shall be filed with the deputy returning officer at the polling station where the person taking it has voted.

(5) In every case of a vote polled under authority of section 43, the poll clerk shall enter in the poll book, opposite the voter's name, in the column for remarks, a memorandum stating that the voter voted under certificate, giving the number of such certificate, and stating the particular office or position which the voter is filling at the polling station."

officer or poll clerk at any polling station in the electoral district other than that at which such person is entitled to vote.

Condition.

(5) No transfer certificate issued to any election officer or agent for a candidate under this section shall entitle such election officer or agent to vote pursuant thereto unless, on polling day, he is actually engaged in the performance of the duty specified in the said certificate at the polling station therein mentioned.

Limitation.

(6) No returning officer or election clerk shall together issue certificates under this section purporting to entitle more than two agents for any one candidate to vote at any given polling station, and no deputy returning officer shall permit more than two agents for any one candidate to vote at his polling station on certificates under this section.

Signing, numbering and recording transfer certificate.

(7) The returning officer or the election clerk by whom any transfer certificate is issued *(a)* shall fill in and sign such certificate and mention thereon the date of its issue, *(b)* shall consecutively number every such certificate in the order of its issue, *(c)* shall keep a record of every such certificate in the order of its issue on the form prescribed by the Chief Electoral Officer, *(d)* shall not issue any such certificate in blank, and *(e)* shall, whenever possible, send a copy of the transfer certificate issued to the deputy returning officer for the polling station on the list for which appears the name of the person to whom such certificate has been issued.

Entry in poll book.

(8) In every case of a vote polled under authority of this section the poll clerk shall enter in the poll book, opposite the voter's name, in the column for remarks, a memorandum stating that the voter voted under a transfer certificate, giving the number of such certificate, and stating the particular office or position which the voter is filling at the polling station.

Secrecy.

Secrecy during and after poll.

44. (1) Every candidate, officer, clerk, agent or other person in attendance at a polling station or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting; and no candidate, officer, clerk, agent or other person shall,

Interfering with voter marking ballot.

(a) at the polling station interfere with, or attempt to interfere with a voter when marking his ballot paper, or otherwise attempt to obtain information as to the candidate for whom any voter is about to vote or has voted; or

Taking number of ballot on count.

(b) at the counting of the votes attempt to ascertain the numbers on the counterfoil of any ballot paper; or

Giving number of ballot at any time.

(c) at any time communicate, except to a court or judge lawfully requiring him so to do, any information as to the number on the back of the ballot paper given to any voter who has voted pursuant to subsections five and six of section forty-five of this Act.

SECTION 44. No change. At present these provisions appear in section 45 of the Act.

Inducing voter to display ballot.

(d) at any time or place, directly or indirectly, induce or endeavour to induce any voter to show his ballot paper after he has marked it, so as to make known to any person the name of the candidate for or against whom he has so cast his vote; or

Vote not to be disclosed.

(e) at any time communicate to any person any information obtained at a polling station as to the candidate for whom any voter at such polling station is about to vote or has voted; or

Secrecy respecting counting of votes.

(f) at such counting attempt to obtain any information or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

Ballot not to be displayed.

(2) No voter shall, except when unable to vote in the manner prescribed by this Act on account of inability to read, blindness or other physical incapacity, show his ballot paper, when marked, to any person so as to allow the name of the candidate for whom he voted to be known.

Penalty for violation.

(3) Every person who contravenes or fails to observe any provision of this section is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Manner of Voting.

Ballot paper to be initialled.

45. (1) Voting shall be by ballot. Each voter shall receive from the deputy returning officer a ballot paper, on the back of which such officer has previously put his initials so placed as indicated in Form No. 32 that when the ballot is folded they can be seen without opening it, and on the back of the counterfoil of which he has placed a number corresponding to the consecutive number given to the voter and entered in the poll book opposite the name of such voter.

Counterfoil to be numbered.

Instructions to voter on receiving ballot paper.

(2) The deputy returning officer shall instruct the voter how and where to affix his mark, and shall properly fold the voter's ballot paper, directing him to return it, when marked, folded as shown, but without inquiring or seeing for whom the voter intends to vote, except when the voter is unable to vote in the manner prescribed by this Act on account of inability to read, blindness or other physical incapacity.

Mode of voting.

(3) The voter, on receiving the ballot paper, shall forthwith proceed into one of the polling compartments and there mark his ballot paper by making a cross with a black lead pencil within the white space containing the name of the candidate or of each of the candidates for whom he intends to vote, and he shall then fold the ballot paper as directed so that the initials on the back of it and the numbers

SECTION 45. S.S. 1 to 12, no change. At present these provisions appear in section 46 of the Act.

on the counterfoil can be seen without opening it, and hand the paper to the deputy returning officer, who shall, without unfolding it, ascertain by examination of the initials and numbers appearing thereon that it is the same paper as that delivered to the voter and if the same he shall forthwith in full view of the voter and all others present, remove and destroy the counterfoil and deposit the ballot in the ballot box.

Spoiled ballot paper.

(4) A voter who has inadvertently dealt with the ballot paper delivered to him in such manner that it cannot conveniently be used shall restore it to the deputy returning officer, who shall deface it in such manner as to render it a spoiled ballot. The deputy returning officer shall then deliver another ballot paper to the voter.

Elector in whose name another has voted.

(5) Subject to all other provisions of this Act as to proof of qualification as an elector and the administration of oaths, if a person representing himself to be a particular elector applies for a ballot paper after another person has voted as such person, he shall be entitled to receive a ballot paper and to vote after taking the oath of identity, in Form No. 41, and otherwise establishing his identity to the satisfaction of the deputy returning officer.

Ballot paper initialled and numbered.

(6) In such case, the deputy returning officer shall put on the back of the ballot paper his initials, together with a number corresponding to the consecutive number given to the voter and entered in the poll book opposite the name of such voter, and the poll clerk shall enter in the poll book

Entry in poll book.

(a) the name of such voter;

(b) a note of his having voted on a second ballot paper issued under the same name;

(c) the fact of the oath of identity having been required and taken, and the fact of any other oaths being so required or taken; and

(d) any objections made on behalf of any and of which of the candidates.

Voter unable to mark his ballot paper.

(7) The deputy returning officer on the application of any voter who is unable to read, or is incapacited, from any physical cause other than blindness, from voting in the manner prescribed by this Act, shall require the voter

Oath.

making such application to make oath in Form No. 42 of his incapacity to vote without assistance, and shall thereafter assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the poll clerk and of the sworn agents of the candidates or of the sworn electors representing the candidates in the polling station and of no other person, and shall place such ballot in the ballot box.

Blind voter's, ballot marked by friend.

(8) The deputy returning officer shall either deal with a blind voter in the same manner as with an illiterate or otherwise incapacitated voter, or, at the request of any

blind voter who has taken the oath in Form No. 42, and is accompanied by a friend, shall permit such friend to accompany the blind voter into the voting compartment and mark the voter's ballot for him. No person shall at any election be allowed to act as the friend of more than one blind voter.

Oath of friend.

(9) Any friend who is permitted to mark the ballot of a blind voter as aforesaid shall first be required to take an oath in Form No. 43, that he will keep secret the name or names of the candidate or candidates for whom the ballot of such blind voter is marked by him, and that he has not already acted as the friend of a blind voter for the purpose of marking his ballot paper at the pending election.

Entry in poll book.

(10) Whenever any voter has had his ballot paper marked as provided in the next three preceding subsections, the deputy returning officer shall enter in the poll book opposite the voter's name, in addition to any other requisite entry, the reason why such ballot paper was so marked.

Interpreter to be sworn.

(11) Whenever the deputy returning officer does not understand the language spoken by any voter that officer shall appoint and swear an interpreter, who shall be the means of communication between him and the voter with reference to all matters required to enable such voter to vote, and in case no interpreter is found, such voter shall not be allowed to vote.

No interpreter, no vote.

No delay in voting.

(12) Every voter shall vote without undue delay and shall quit the polling station as soon as his ballot paper has been put into the ballot box.

Voters present at hour of close of poll allowed to vote.

(13) If at the hour of closing of the poll there are any voters in the polling station or in line at the door, who are qualified to vote and have not been able to do so since their arrival at the polling station, the poll shall be kept open a sufficient time to enable them to vote, before the outer door of the polling station is closed, but no one not actually present at the poll at the hour of closing shall be allowed to vote, even if the poll is still open when he arrives.

Vote by Elector whose Name is not Entered in the Official List of Electors for a Rural Polling Division.

Manner of voting, by qualified voter whose name is not on the list in a rural polling division.

46. (1) Subject as herein provided, any person who is qualified to vote in the electoral district, in which an election is pending, and is, on polling day, ordinarily resident in a rural polling division may, notwithstanding that his name does not appear on the official list of electors for such rural polling division, vote at the appropriate polling station established therefor.

Conditions.

(2) Any such person as is in the last preceding subsection described shall be entitled to vote only

S.S. 13. New: inserted on the recommendation of the Committee.

SECTION 46. At present these provisions appear in S. 46A of the Act. The change is made at the suggestion of the Chief Electoral Officer.

(*a*) upon his being vouched for by some other elector whose name appears on the official list of electors for such rural polling division and who is ordinarily resident therein, and personally attends with him at the polling station and takes an oath in Form No. 45, and

(*b*) upon himself taking an oath in Form No. 44.

Entries in poll book.

(3) The poll clerk shall make such entries in the poll book, as the deputy returning officer directs him to make, including the name of the elector, who vouched for the applicant voter, and as are required by any provision of this Act.

Time to Employees for Voting.

Employers to give employees two additional hours for voting.

47. (1) Every employer shall, on polling day, allow to every elector in his employ at least two additional hours other than the noon hour, for voting, and no employer shall make any deduction from the pay of any such elector nor impose upon or exact from him any penalty by reason of his absence during such hours.

Exception.

(2) This section shall extend to railway companies and their employees, excepting such employees as are actually engaged in the running of trains and to whom such time cannot be allowed without interfering with the manning of the trains.

Penalty for refusing, etc., extra hours for voting.

(3) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any elector in his employ, of the additional hours for voting, as in this section provided, shall be guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Peace and Good Order at Elections.

Returning officer and deputy to be conservators of peace.

48. (1) Every returning officer, and every deputy returning officer, from the time he takes his oath of office until completion of the performance of his duties as such officer, shall be a conservator of the peace invested with all the powers appertaining to a justice of the peace, and he may

May demand assistance.

(*a*) require the assistance of justices of the peace, constables or other persons present, to aid him in maintaining peace and good order at the election; and

Arrest disturbers.

(*b*) arrest or cause by verbal order to be arrested, and place or cause to be placed in the custody of any constables or other persons, any person disturbing the peace and good order at the election; and

Imprison disturbers.

(*c*) cause such arrested person to be imprisoned under an order signed by him until an hour not later than the close of the poll.

SECTION **47.** S.S. 1 and 2. No change.

S.S. 3. New. Inserted on the recommendation of the Committee.

SECTION **48.** S.S. 1. Changed by striking out par. *(b)* which reads as follows:

"*(b)* on a requisition made in writing by any candidate, or by his agent, or by any two electors, swear in such special constables as he deems necessary;"

Summary proceedings in case of personation.

(2) If a person is charged at a polling station with having committed or attempted to commit the offence of personation, or having voted or attempted to vote knowing that he was for any reason disqualified, non-qualified, or incompetent to vote at such election, the deputy returning officer at such polling station may, and, if requested so to do on behalf of a candidate, shall take the information on oath of the person making the charge; and such information may be taken in Form No. 46 or in Form No. 47, as the case may be.

Detention of alleged personator.

(3) If the person against whom it is proposed to lay the information has not left the polling station the deputy returning officer may, either on his own motion or at the request of any one proposing forthwith to lay such information, detain or direct the detention of such person until a written information can be drawn up.

Warrant of arrest.

(4) Upon receiving the information the deputy returning officer may, on polling day, but not afterwards, issue his warrant, in Form No. 48 or in Form No. 49, as the case may be, for the arrest of the person charged, in order that he may be brought before the magistrate, or one of the magistrates therein named, to answer to the said information and to be further dealt with according to law.

Execution of warrant.

R.S. c. 36.

(5) Such warrant shall be sufficient authority for any peace officer, as defined by the *Criminal Code*, to detain such person until he is brought before the magistrate.

If name of alleged personator is unknown.

(6) If the correct name of the person charged is unknown to the informant, it shall be sufficient, in the information and other proceedings, to describe the person charged as a person whose name is to the informant unknown but who is detained under the order of the deputy returning officer; or, the person charged may be described in such other manner as will suitably identify him; and, when the name of the person so charged is ascertained, it shall be stated in any subsequent warrant or proceeding.

Constables in cases of personation.

(7) Every poll clerk shall have the authority of a constable for the purpose of carrying out the provisions of this Act respecting summary proceedings in cases of personation; and every deputy returning officer shall appoint such special

Special constables.

constables as he deems necessary for the like purpose, who shall have full power to act without taking any oath.

Jurisdiction of magistrate.

R.S. c. 36.

(8) The magistrate named in any such warrant shall be one having jurisdiction under that part of the *Criminal Code* relating to the summary trial of indictable offences and shall be the nearest magistrate available in the county or judicial district.

Application of *Criminal Code*.

R.S. c. 36.

(9) The provisions of the said part of the *Criminal Code* shall apply to all proceedings under this Act, against any person or persons accused of personation under the seven subsections last preceding.

S.S. 2–9. No change.

Appointment and oath of a constable at a polling station.

(10) Any deputy returning officer may appoint a constable to maintain order in his polling station throughout polling day. This authority, however, shall not be exercised unless the services of such constable are deemed absolutely necessary. A constable may be appointed only when there is actual or threatened disorder, or when it is likely that a large number of voters will seek to vote at the same time. Generally, the appointment of one constable shall be made where more than one polling station is established in the same building or in adjoining buildings for a given polling division, to ensure the successive and prompt entrance of the voters into their proper polling station. Constables shall be appointed and sworn in on Form No. 50, which shall be printed in the poll book. Every deputy returning officer who has appointed a constable, shall state his reasons for making such appointment in the space provided for that purpose on the polling station account.

Strangers not to enter polling districts armed.

49. (1) Except the returning officer, the deputy returning officer, the poll clerk, and the constables and special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the election or poll and the preservation of the public peace thereat, no person who has not had a stated residence in the polling division for at least six months next before the day of such election shall come during any part of the day upon which the poll is to remain open into such polling division armed with offensive weapons of any kind, such as firearms, swords, staves, bludgeons or the like, and no person being in such polling division shall arm himself, during any part of the day, with any such offensive weapon, and, thus armed, approach within the distance of one mile of the place where the poll of such polling division is held, unless called upon so to do by lawful authority.

Demand that weapons be delivered up.

(2) The returning officer or deputy returning officer may, during the nomination day and polling day at any election, require any person within half a mile of the place of nomination or of the polling station to deliver to him any firearm, sword, stave, bludgeon or other offensive weapon in the hands or personal possession of such person and the person so required shall forthwith so deliver.

Loud speakers, ensigns, banners, etc., prohibited on polling day.

(3) No person shall furnish or supply any loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, to any person with intent that it shall be carried, worn or used on automobiles, trucks or other vehicles, as political propaganda, in any electoral district on the day of the election; and no person shall, with any such intent, carry, wear or use, on automobiles, trucks or other vehicles, any such loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, within any electoral district on the day of the election.

S.S. 10. New. Inserted at the suggestion of the Auditor General and the Chief Electoral Officer, and agreed to by the Committee.

SECTION 49. S.S. 1 and 2. No change.

S.S. 3. Changed on the recommendation of the Committee. At present this provision reads as follows:

"(3) No person shall furnish or supply any ensign, standard or set of colours, or any other flag, to or for any person with intent that it shall be carried or used in such electoral district on the day of election, or within eight days before such day, or during the continuance of such election or the polling, by any person, as a party flag to distinguish the bearer thereof and those who follow it as the supporters of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate; and no person shall, for any reason, carry or use any such ensign, standard, set of colours or other flag, as a party flag, within such electoral district on the day of any such election, or polling or within eight days before such day, or during the continuance of such election."

Flags, ribbons or favours not to be furnished or worn.

(4) No person shall furnish or supply any flag, ribbon, label or like favour to or for any person with intent that it be worn or used by any person within any electoral district on the day of election or polling, or within eight days before such day, or during the continuance of such election, by any person, as a party badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate; and no person shall use or wear any flag, ribbon, label, or other favour, as such badge, within any electoral district on the day of any such election or polling, or within eight days before such day.

Liquor not to be sold or given on polling day.

(5) No spirituous or fermented liquors or strong drinks shall be sold or given at any hotel, tavern, shop or other place within the limits of any polling division, during the whole of the polling day at an election.

Penalty.

(6) Every person who violates, contravenes, or fails to observe any of the provisions of this section is guilty of an indictable offence against this Act, punishable as in this Act provided.

Counting and Reporting the Votes.

Counting the votes by the deputy returning officer.

50. (1) Immediately after the close of the poll, in the presence and in full view of the poll clerk and the candidates or their agents, and if the candidates or any of them are absent, then in the presence of such as are present, and of at least two electors if none of the candidates are represented, the deputy returning officer shall, in the following order,

(a) count the number of voters whose names appear in the poll book as having voted and make an entry thereof on the line immediately below the name of the voter who voted last, thus: "The number of voters who voted at this election in this polling station is" (stating the number), and sign his name thereto;

(b) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose and indicate thereon the number of such spoiled ballot papers and seal it up;

(c) count the unused ballot papers undetached from the books of ballot papers, place them with all the stubs of all used ballots in the special envelope supplied for that purpose and indicate thereon the number of such unused ballot papers;

(d) check the number of ballot papers supplied by the returning officer against the number of spoiled ballot papers, if any, the number of unused ballot papers and the number of voters whose names appear in the poll book as having voted, in order to ascertain that all ballot papers are accounted for;

(e) open the ballot box and empty its contents upon a table;

(f) count the number of votes given to each candidate on one of the tally sheets supplied, giving full oppor-

S.S. 4. Slightly changed on the recommendation of the Committee.

SECTION 50.
1. Re-arranged at the suggestion of the Chief Electoral Officer.

tunity to those present to examine each ballot paper. The poll clerk and as many as three witnesses shall be supplied with a tally sheet upon which they may keep their own score as each vote is called out by the deputy returning officer.

Rejection of ballots.

(2) In counting the votes the deputy returning officer shall reject all ballot papers

(a) which have not been supplied by him; or

(b) which have not been marked for any candidate; or

(c) on which votes have been given for more candidates than are to be elected; or

(d) upon which there is any writing or mark by which the voter could be identified, other than the numbering by the deputy returning officer in the cases hereinbefore referred to, but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any deputy returning officer.

Counterfoils remaining attached.

(3) If in the course of counting the votes any ballot paper is found with the counterfoil still attached thereto, the deputy returning officer shall (carefully concealing the numbers thereon from all persons present and without examining them himself) remove and destroy such counterfoil. He shall not reject the ballot merely by reason of his former failure to remove the counterfoil. Nothing in this subsection contained, however, shall relieve the deputy returning officer from any penalty to which he may have become liable by reason of his failure to remove and destroy the counterfoil at the time of the casting of the vote to which it relates.

Ballots not initialled by deputy returning officer.

(4) If, in the course of counting the votes, the deputy returning officer discovers that he has omitted to affix his initials to the back of any ballot paper, as provided by subsection one of section forty-five of this Act, and as indicated in Form No. 32, he shall, in the presence of the poll clerk and the agents of the candidates, affix his initials to such ballot paper, and shall count such ballot paper as if it had been initialled by him in the first place, provided that he is satisfied that the ballot paper is one that has been supplied by him and that such an omission has really been made, also that every ballot paper supplied to him by the returning officer has been accounted for, as provided by clause *(d)* of subsection one of this section. Nothing in this subsection contained, however, shall relieve the deputy returning officer from any penalty to which he may have become liable by reason of his failure to affix his initials on the back of any ballot paper before handing it to the voter.

Objections to ballot papers.

(5) The deputy returning officer shall keep a record on the special form printed in the poll book of every objection made by any candidate, or his agent or any elector present, to any ballot paper found in the ballot box, and shall decide every question arising out of the objection; the

S.S. 2. No change.

S.S. 3. No change.

S.S. 4. New. Inserted at the suggestion of the Chief Electoral Officer.

S.S. 5 to 11. No change.

decision of the deputy returning officer shall be final, subject to reversal on recount or on petition questioning the election or return; and every such objection shall be numbered, and a corresponding number placed on the back of the ballot paper and initialled by the deputy returning officer.

Objection to be numbered.

Duties after counting the votes.

(6) All the ballot papers not rejected by the deputy returning officer shall be counted and a list kept of the number of votes given to each candidate and of the number of rejected ballot papers. The ballot papers which respectively indicate the votes given for each candidate shall be put into separate envelopes; all rejected ballot papers shall be put into a special envelope and all such envelopes shall be endorsed so as to indicate their contents, and shall be sealed by the deputy returning officer, and by such agents or witnesses present as may desire to seal them or to sign their names thereon in addition or instead.

Disposition of ballot papers.

Oaths by deputy and poll clerk.

(7) The deputy returning officer and the poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe respectively the oaths in Forms Nos. 51 and 52 which shall remain attached to the poll book.

Statement of the poll by deputy.

(8) The deputy returning officer shall make the necessary number of copies of the statement of the poll in Form No. 53, one copy to remain attached to the poll book, one copy to be retained by the deputy returning officer and one copy for the returning officer, which shall be enclosed in a special envelope supplied for the purpose, which envelope he shall seal and deposit by itself in the ballot box; and he shall also deliver one copy of such statement of the poll to each of the candidates' agents, or, in the absence of such agents, to the electors present representing the candidates, and shall mail one copy to each candidate, in the special envelope provided for the purpose, to his address as stated on the ballot paper.

Documents enclosed in ballot box.

(9) The poll book, the several envelopes containing the ballot papers—unused, spoiled, rejected or counted for each candidate—each lot in its proper envelope, the envelope containing the official list of electors and other documents used at the poll shall then be placed in the large envelope supplied for the purpose, and this envelope shall then be sealed and placed in the ballot box with (but not enclosing) the envelope containing the statement of the poll prepared for the returning officer and referred to in the next preceding subsection. The ballot box shall then be locked and sealed with the seal of the deputy returning officer and forthwith transmitted by registered mail or delivered to the returning officer. The returning officer may specially appoint one or more persons for the purpose of collecting the ballot boxes from a given number of polling stations and such person or persons shall, on delivering the ballot boxes to the returning officer, take the oath in Form No. 54.

Ballot box, key, preliminary statement of the poll and account to be delivered to returning officer.

(10) The deputy returning officer shall, with the ballot box, transmit or deliver to the returning officer, in the envelope provided for that purpose, the key of such ballot box, the preliminary statement of the poll in the form prescribed by the Chief Electoral Officer and the polling station account furnished him in blank by the returning officer, having first caused it to be filled in and signed by the officials of his polling station entitled to fees, and by the landlord thereof, if any, and if under the next following subsection the ballot box is returned to the returning officer post free, registered, the envelope containing the key thereof, the preliminary statement of the poll and the polling station account shall likewise be transmitted at the same time.

Ballot boxes delivered free of postage.

(11) The returning officer may direct that the ballot boxes shall be returned to him by parcel post, registered, and any ballot box addressed to any returning officer on or subsequent to polling day by his title as such, or with the addition of his name, shall, when posted in Canada, be carried free in the Canadian mails as registered matter.

Penalty for failure to enclose necessary documents.

(12) If any deputy returning officer shall omit to enclose within the ballot box, and in the proper envelopes provided for that purpose, any of the documents mentioned in this section, he shall, in addition to any other punishment to which he may be liable, forfeit all right to payment for his services as such officer; and the returning officer shall not issue any warrant in payment of the services of such deputy returning officer if it appears that the omission was made by reason of any want of good faith on the part of the deputy returning officer.

Proceedings of Returning Officer after Return of Ballot Boxes.

Custody of ballot boxes.

51. (1) The returning officer upon receipt by him of each of the ballot boxes, shall take every precaution for its safekeeping and for preventing any person other than himself and his election clerk from having access thereto, sealing it under his own seal so that it cannot be opened without the seal being broken, but without effacing or covering any other seals thereto affixed.

Opening of boxes and addition of votes.

(2) After all the ballot boxes have been received, the returning officer, at the place, day and hour fixed by the proclamation for the final addition of the votes, and in the presence of the election clerk and of such of the candidates or their representatives as are present, shall open such ballot boxes, and from the statements therein contained, add together the number of votes given for each candidate.

Attendance of electors in certain cases.

(3) If at the final addition of the votes, none of the candidates or their representatives are present, it shall be the duty of the returning officer to secure the presence of at least two electors who shall remain in attendance until such final addition of the votes has been completed.

S.S. 12. Changed at the suggestion of the Auditor General and the Chief Electoral Officer.

SECTION 51. No change.

Declaration of election.

(4) The candidate who, on such final addition of the votes, is found to have the largest number of votes, shall then be declared elected in writing and a copy of such declaration shall be forthwith delivered to each candidate or his agent, if present at the final addition of the votes, or, if any candidate is neither present nor represented thereat, shall be forthwith transmitted to such candidate by registered mail.

Casting vote of returning officer.

(5) Whenever on such final addition of votes, an equality of votes is found to exist between any two or more candidates and an additional vote would entitle one of such candidates to be declared elected, the returning officer shall give such additional vote.

Adjournment if ballot boxes are missing.

52. (1) If the ballot boxes are not all returned on the day fixed for the final addition of the votes given to the several candidates the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed for the purpose of such final addition of the votes.

Adjournment for other causes.

(2) In case any deputy returning officer has not enclosed in the ballot box the statement of the poll as required by this Act, or if, for any other cause, the returning officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes given for each candidate, he may thereupon adjourn to a future day and hour the final addition of the votes given for each candidate, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks.

Provision in case of loss of ballot boxes.

(3) If the ballot boxes or any of them have been destroyed or lost, or, for any other reason, are not forthcoming within the time fixed by this Act, the returning officer shall ascertain the cause of the disappearance of such ballot boxes, and shall obtain from each of the deputy returning officers whose ballot boxes are missing, or from any other persons having them, a copy of the statement of the poll furnished to the candidates or their agents as required by this Act, the whole verified on oath.

If statement of the poll cannot be obtained.

(4) If such statement of the poll, or copies thereof cannot be obtained, the returning officer shall ascertain, by such evidence as he is able to obtain, the total number of votes given to each candidate at the several polling stations; and, to that end, may summon any such deputy returning officer, his poll clerk, or any other person, to appear before him at a day and hour to be named by him, and to bring all necessary papers and documents with him, of which day and hour and of the intended proceedings the candidates shall have due notice; and the returning officer may examine on oath such deputy returning officer or poll clerk, or any other person, respecting the matter in question.

SECTION 52. No change.

Duty of returning officer if statement not in ballot box.

(5) In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box a statement of the poll, the returning officer shall, in the meantime, use all reasonable efforts to ascertain the exact number of votes given for each candidate in the polling station of such deputy returning officer, and, to that end, shall have the powers set out in the next preceding subsection.

Special power of returning officer when statement of poll is missing.

(6) If any ballot box does not appear to contain a statement of the poll either loose or in its separate envelope as hereinbefore provided, the returning officer may, for the purpose of finding a statement of the poll, open the large envelope found in the ballot box and appearing to contain miscellaneous papers. If the power hereby conferred is exercised, all the papers, other than the statement of the poll, if found, shall be placed by the returning officer in a special large envelope which shall be sealed and duly endorsed by him. Nothing in this subsection shall authorize the opening of any envelope appearing to contain only ballot papers, but in the absence of other information, the endorsements on such envelopes may be adopted as indicating the result of the poll at the polling station in question.

Return of candidate appearing to have majority.

(7) In any case arising under the last three preceding subsections, the returning officer shall declare elected the candidate appearing to have the largest number of votes, and shall mention specially, in a report to be sent with the return, the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement of the poll as aforesaid, and the mode by which he ascertained the number of votes given to each candidate.

Penalty for not obeying summons of returning officer.

(8) Any person refusing or neglecting to attend on the summons of a returning officer issued under this Act, in any case where ballot boxes are not forthcoming and it is necessary to ascertain by evidence the total number of votes given to each candidate at the several polling stations, shall be guilty of an indictable offence against this Act punishable as in this Act provided.

Custody of ballot boxes.

53. (1) After the close of the election the returning officer shall cause the ballot boxes used thereat, with their locks and keys, to be deposited in the custody of the officer in charge of a federal building, if any, at the place at which the final addition of the votes was held, or if none, of the postmaster at such place, or of the sheriff of any county or district, or the registrar of deeds of any county or registration division, included, or in part included, in the electoral district.

Receipt.

(2) Upon delivery to him of such ballot boxes, padlocks and keys the custodian shall issue his receipt and shall at the next ensuing election, upon request, deliver the said ballot boxes, padlocks and keys to the returning officer to whom the writ is directed, taking such returning officer's receipt.

SECTION 53. No change.

Recount by Judge.

Application for recount by judge.

54. (1) If within four days after the day on which the returning officer has declared a candidate elected it is made to appear, on the affidavit of a credible witness, to the judge hereafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of ballots cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to which such judge belongs the sum of one hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada, as security for the costs of the candidate declared elected, the said judge shall appoint a time within four days after the receipt of the said affidavit to recount the said votes.

Meaning of "the judge."

(2) The judge to whom applications under this section may be made shall be the Judge as defined in subsection fifteen of section two of this Act within whose judicial district is situate the place whereat the declaration of the election was made, and any judge who is authorized to act by this section may act, to the extent so authorized, either within or without his judicial district.

Procedure when applications for recount in two or more districts are made.

(3) If applications for a recount of the votes in two or more electoral districts are made under this section to the same judge, such judge shall first proceed with the recount in the electoral district in respect of which the first application is made to him, and successively with the recounts in the electoral district or districts in respect of which applications were later made, and all such recounts shall proceed continuously from day to day until the last of them has been completed.

Notice and service.

(4) The judge shall appoint and give written notice to the candidates or their agents of a time and place at which he will proceed to recount the votes, and he may at the time of the application or afterwards, decide and announce that service of the notice will be substitutional, or by mail or by posting, or in any other manner.

Order of judge to returning officer.

(5) Such judge shall also summon and command the returning officer and his election clerk to attend at the time and place so appointed with the parcels containing the used and counted, the unused, the rejected, and the spoiled ballot papers, or the original statements of the poll signed by the deputy returning officers, as the case may be, with respect to or in consequence of which such recount is to take place, which summons and command the returning officer and election clerk shall obey, and they shall attend

Who may be present at recount.

SECTION 54. Slightly changed at the suggestion of the Chief Electoral Officer.

throughout the proceedings, at which proceedings each candidate shall be entitled to be present and to be represented by not more than three agents appointed to attend.

If candidate not represented, authority of judge.

(6) In case any candidate is not present or represented, any three electors who may demand to attend in his behalf shall be entitled to attend; and except with the sanction of the judge, no other person shall be present at such recount.

Making recount.

(7) At the time and place appointed, and in the presence of such of the said persons as shall attend, the judge shall proceed to make such recount from the statements contained in the several ballot boxes returned by the several deputy returning officers, or to recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be, and shall, in the latter case, open the sealed envelopes containing the used and counted, the unused, the rejected, and the spoiled ballot papers, and he shall not open any other envelopes containing other documents.

Opening sealed packets of ballots.

Mode of proceeding with the recount.

(8) In the case of a recount, the judge shall recount the votes according to the directions in this Act set forth for deputy returning officers at the close of the poll, and shall verify or correct the statement of the poll giving the ballot paper account and the number of votes given for each candidate; and he shall also, if necessary or required, review the decision of the returning officer with respect to the number of votes given for a candidate at any polling place where the ballot box used was not forthcoming when the returning officer made his decision, or when the proper statements of the poll were not found therein, and for the purpose of arriving at the facts as to such missing box and the statements of the poll, the judge shall have all the powers of a returning officer with regard to the attendance and examination of witnesses, who in case of non-attendance shall be subject to the same consequences as in case of refusal or neglect to attend on the summons of a returning officer.

Powers of judge.

Where counterfoil is attached.

(9) If in the course of the recount any ballot paper is found with the counterfoil still attached thereto, the judge shall remove and destroy such counterfoil. He shall not reject the ballot by reason merely of the deputy returning officer's failure to remove the counterfoil, nor shall he reject any ballot paper by reason merely of the deputy returning officer's failure to affix his initials to the back of such ballot paper.

Proceedings to be continuous.

(10) The judge shall, as far as practicable, proceed continuously, except on Sunday, with the recount, allowing only necessary recess for refreshment, and excluding, except as he shall otherwise openly direct, the hours between six o'clock in the afternoon and nine in the succeeding forenoon.

During excluded time documents to be under seal.

(11) During such recess or excluded time the ballot papers and other documents shall be kept enclosed in parcels under the seals of the judge and of such other of the said persons as desire to affix their seals thereto.

Supervision of sealing.

(12) The judge shall personally supervise such parcelling and sealing and take all necessary precautions for the security of such papers and documents.

Declaration of election after recount.

(13) The judge shall thereupon declare the recount at an end, seal up all the ballot papers in separate packages, and forthwith certify the result of the recount to the returning officer, who shall forthwith in writing declare to be elected the candidate so certified as having the highest number of votes; such declaration shall be communicated to candidates, in the same way as the prior declaration made under subsection four of section fifty-one of this Act, and shall be deemed for all purposes to have been substituted therefor, whether it is the same as such prior declaration or different therefrom.

Equality of votes.

(14) In case of an equality of votes the returning officer, notwithstanding that he may have already voted pursuant to subsection five of section fifty-one of this Act, shall have and shall cast another or deciding vote.

Costs.

(15) If the recount does not so alter the result of the poll as to affect the return, the judge shall

(a) order the costs of the candidate appearing to be elected to be paid by the applicant;

To be taxed.

(b) tax such costs, following as closely as possible the tariff of costs allowed with respect to proceedings in the court in which the judge ordinarily presides.

Disposal of deposit; action for balance.

(16) The moneys deposited as security for costs shall, so far as necessary, be paid out to the candidate in whose favour costs are awarded and if the said deposit is insufficient the party in whose favour the costs are awarded shall have his action for the balance.

Procedure if the Judge fails to Comply.

Failure of judge to act.

55. (1) Except in the Yukon Territory, in case of any omission, neglect or refusal of the judge to comply with the foregoing provisions in respect of the recount, or to proceed therewith, any party aggrieved may, within eight days thereafter, make application—

Remedy.

(a) in the province of Ontario, to a judge of the High Court division of the Supreme Court;

(b) in the provinces of Quebec, Manitoba or Saskatchewan, to a judge of the Court of King's Bench;

(c) in the provinces of Nova Scotia, New Brunswick, Prince Edward Island, British Columbia, or Alberta, to a judge of the Supreme Court of the province.

Application upon affidavit.

(2) Such application may be made upon affidavit, which need not be entitled in any matter or cause, setting forth the facts relating to such omission, refusal or neglect.

Order of judge.

(3) The judge to which the application is made shall, if it appears that there is such omission, refusal or neglect, make an order appointing the time, within eight days, and

SECTION 55. Slightly changed at the suggestion of the Chief Electoral Officer.

a place for the consideration of such application, and directing the attendance of all parties interested at such time and place, and giving such directions for the service of the order and of the affidavit or affidavits upon which the order was granted, upon the judge so alleged to be in default, and upon the other parties interested, as he thinks proper.

Service of notice.

(4) If the circumstances appear to the judge to warrant it, he may direct that service upon any such parties may be substitutional, or by mail or by posting, or in any other manner.

Affidavits may be filed.

(5) The judge complained of, or any of the parties interested, may file in the office of the clerk, registrar or prothonotary of the court of the judge to whom the application is made, affidavits in reply to those filed by the applicant, and, upon demand, shall furnish the applicant with copies thereof.

Order of court after hearing.

(6) At the time and place appointed by the judge or at any other time and place to which the hearing may be adjourned, after hearing the parties, or such of them as are present, or their counsel, the judge or some other judge of the same court shall make such order as the facts of the case in the opinion of the judge warrant, either dismissing the application or ordering the judge in default to take such action as is necessary in order to comply with the requirements of this Act in respect of the recount and to proceed with and complete such recount and the judge may make such order as to costs as he thinks proper.

Costs.

Judge to obey order.

(7) A judge so found to be in default as aforesaid shall forthwith carry out the directions of any order so made; and there shall be the same remedies for the recovery of the costs awarded by such order as for costs in ordinary cases in the court to which the judge making such directions or order belongs.

Fresh declaration by returning officer if required as result of recount.

(8) In the event of a return to the writ of election having been, at the time of issue of an order under this section, made by the returning officer to the Chief Electoral Officer under the provisions of the next following section, the Chief Electoral Officer shall, upon being furnished with a certified copy of such order, send back to the returning officer all election papers required for use on the recount. Upon receiving the judge's certificate of the result of the recount, the returning officer shall as hereinbefore provided make and give due notice of a fresh declaration of the election which shall replace any previous declaration, and if the result of the recount is that some person other than the person named in the original return is certified to be returned a second return to the writ shall be made by the returning officer and shall be dealt with in all respects in the same way as, and shall have the effect of cancelling, the original return; if, however, the result of the recount is to confirm the

Not required if original return confirmed.

original return the returning officer shall forthwith send back the papers to the Chief Electoral Officer, but shall not make any second or substitute return to the writ of election.

Election Return.

Return of candidate elected.

56. (1) The returning officer, immediately after the sixth day next following that upon which he has made the final addition of or ascertained the number of votes given for each candidate, unless before that time he shall have received notice that he is required to attend before a judge for the purposes of a recount by such judge of the votes given at the election, and, where there has been a recount by the judge, immediately thereafter, shall transmit by registered mail to the Chief Electoral Officer:

(a) the election writ with his return in Form No. 55 endorsed thereon that the candidate having the majority of votes has been duly elected;

(b) a report of his proceedings in the form prescribed by the Chief Electoral Officer;

(c) the recapitulation sheets, in the form prescribed by the Chief Electoral Officer, showing the number of votes cast for each candidate at each polling station, and making such observations as the returning officer may think proper as to the state of the election papers as received from his deputy returning officers;

(d) the statements of the polls from which the final addition of the votes was made;

(e) the reserve supply of undistributed blank ballot papers;

(f) the enumerators' record books used in urban polling divisions;

(g) the index books prepared by enumerators in rural polling divisions;

(h) the revising officers' records and other papers relating to the revision of the lists of electors in urban polling divisions;

(i) the returns from the various polling stations enclosed in sealed envelopes, as prescribed by section fifty of this Act, and containing the poll book used at the poll, a packet of stubs and of unused ballot papers, packets of ballot papers cast for the several candidates, a packet of spoiled ballot papers, a packet of rejected ballot papers and a packet containing the official list of electors used at the poll, the written appointments of andidates' agents and the used transfer certificates; and

(j) all other documents used for the election.

SECTION **56.** S.S. 1. Changed and re-arranged at the suggestion of the Chief Electoral Officer.

Return not to be made until certificate of judge received.

(2) In case of such receipt of notice of recount the returning officer shall delay transmission of such return and report until he shall have received from the judge a certificate of the result of such recount, whereupon he shall transmit the same in manner hereinbefore directed.

Duplicate of return to each candidate.

(3) The returning officer shall forward to each of the candidates a duplicate or copy of the return to the writ made by him.

If return is irregular.

(4) A premature return shall be deemed not to have reached the Chief Electoral Officer until the same should have reached him in due course, and he shall, if circumstances so require, send back such return and any or all election documents connected therewith to the returning officer for completion or correction. The Chief Electoral Officer may, moreover, send back to the returning officer any return which does not comply in any respect with the provisions of this Act.

Notice of return in *Canada Gazette*.

(5) The Chief Electoral Officer shall, on receiving the return of any member elected to serve in the House of Commons, enter it, in the order in which such return is received by him, in a book to be kept by him for such purpose and thereupon immediately give notice in an ordinary or special issue of the *Canada Gazette* of the name of the candidate so elected and in the order in which it was received,

Statement to Auditor General.

and shall also forward to the Auditor General a certified statement of the number of votes cast for each candidate in each electoral district and when the Auditor General has satisfied himself that pursuant to subsection thirteen of section twenty-one of this Act a candidate is entitled

Return of deposit.

to the return of his deposit the Auditor General shall return it accordingly.

Reports by Chief Electoral Officer.

(6) The Chief Electoral Officer shall, immediately after each general election, cause to be printed a report giving, by polling divisions, the number of votes polled for each candidate, the number of rejected ballots, the number of names on the list of electors, together with any other information that he may deem fit to include; and shall also, at the end of each year, cause to be printed a similar report on the by-elections held during the year.

Penalty for delay, neglect or refusal of returning officer to return elected candidate.

57. If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Commons for any electoral district, and if it has been determined on the hearing of an election petition respecting the election for such electoral district that such person was entitled to have been returned, the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election, shall forfeit to the person aggrieved the sum of fifteen hundred dollars and costs in addition to all damages sustained.

S.S. 2 and 3. No change.

S.S. 4. Changed at the suggestion of the Chief Electoral Officer. At present this provision reads as follows:

"(4) In the event of the returning officer making a return and report to the Chief Electoral Officer not complying with the immediately preceding provisions, or making a return and report pending an application before a judge or court for an order commanding the judge to comply with the foregoing provisions for a recount or final addition, the Chief Electoral Officer shall, on presentation of an order of a judge or court having jurisdiction in respect of such application, return the said report and return, together with all election papers, to the returning officer."

S.S. 5 and 6. No change.

SECTION 57. No change.

Report of Chief Electoral Officer.

Report of Chief Electoral Officer to Speaker of House of Commons.

58. (1) The Chief Electoral Officer shall before or within ten days after the commencement of any session of Parliament make a report to the Speaker of the House of Commons as to any matter or event which has arisen or occurred in connection with the administration of his office in the interval since the date of his next preceding report and which he considers should be brought to the attention of the House, and he shall in such report suggest what, if any, amendments are, in his opinion, desirable for the more convenient administration of the law.

Complaints to Chief Electoral Officer.

(2) Every candidate at any election and every official agent of any candidate shall have the right to send to the Chief Electoral Officer in writing any complaint he may have to make with respect to the conduct of the election or of any election officer, and to suggest any such changes or improvements in the law as he may consider desirable; every such complaint or statement shall be included by the Chief Electoral Officer in his next following report to the Speaker of the House of Commons, with such recommendation, if any, as he may see fit to make thereon.

Submission to Parliament.

(3) Any report received from the Chief Electoral Officer by the Speaker shall be forthwith submitted by him to the House of Commons.

Custody of Election Documents by Chief Electoral Officer.

Chief Electoral Officer to retain election documents.

59. (1) The Chief Electoral Officer shall retain in his possession the election documents or election papers, as defined by subsection seven of section two of this Act, transmitted to him by any returning officer, with the return to the writ, for at least one year, if the election is not contested during that time, and, if the election is contested, then for one year after the termination of such contestation.

Inspection of election documents.

(2) No such election documents or election papers in the custody of the Chief Electoral Officer shall be inspected or produced except under a rule or order of a Superior Court or a judge thereof which, if and when made, the Chief Electoral Officer shall obey.

Order of court.

(3) Such rule or order may be granted by such court or judge on being satisfied by evidence on oath that the inspection or production of such election documents or election papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to an election, or for the purpose of a petition which has been filed questioning an election or return.

Conditions of inspection.

(4) Any such rule or order for the inspection or production of election documents or election papers may be

SECTION 58. No change.

SECTION 59. Re-arranged at the suggestion of the Chief Electoral Officer.

made subject to such conditions as to persons, time, place and mode of inspection or production as the court or judge deems expedient.

Inspection of instructions, correspondence and other reports.

(5) All other reports or statements received from election officers, all instructions issued by the Chief Electoral Officer pursuant to the provisions of this Act, all decisions or rulings by him upon points arising thereunder, and all correspondence with election officers or others in relation to any election shall be public records, and may be inspected by any person upon request during business hours.

Extracts.

(6) Any person may take extracts therefrom and shall be entitled to certified copies of the papers relating to any subject upon payment for the preparation of such certified copies at the rate of ten cents per folio of one hundred words.

Evidence.

(7) Any such copies purporting to be certified by the Chief Electoral Officer under his hand shall be receivable in evidence without further proof thereof.

Fees and Expenses of Election Officers.

Tariff of fees and expenses.

60. (1) Upon the recommendation of the Chief Electoral Officer, the Governor in Council may make a tariff of fees, costs, allowances and expenses to be paid and allowed to returning officers and other persons employed at or with respect to elections under this Act, and may, from time to time, revise and amend such tariff.

Copy to House of Commons.

(2) A copy of any such tariff and of any amendment thereof shall be laid before the House of Commons within the first fifteen days of the next ensuing session of Parliament.

Mode of payment of fees and expenses.

(3) Such fees, costs, allowances and expenses shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, and they shall be distributed as follows:—

By special warrants in certain cases.

(a) in polling stations other than advance polling stations, the fees or allowances, fixed by the tariff for the personal services of deputy returning officers and poll clerks, and for the rental of polling stations, shall be paid direct to each claimant by special warrants drawn on the Auditor General and finally issued by the returning officer for each electoral district. The necessary blank warrants shall be furnished to each returning officer by the Chief Electoral Officer on requisitions received by him from returning officers not earlier than polling day. Such warrants shall bear the printed signature of the Chief Electoral Officer, and when countersigned by the appropriate returning officer, shall be negotiable without charge at any chartered bank in Canada. Immediately after the final addition of the votes has been held, every

SECTION **60.** S.S. 1 and 2. No change.

S.S. 3. New. Inserted on the recommendation of the Committee.

returning officer shall fill in the necessary blank spaces in the warrants, affix his signature thereon and despatch the warrants by mail to the deputy returning officers, poll clerks and landlords of polling stations entitled to receive them;

By separate cheques in other cases.

(b) all claims made by other election officers, including enumerators, revising officers, advance polling station officers, and constables, and the various other claims, shall be paid by separate cheques issued from the office of the Auditor General, at Ottawa and sent direct to each person entitled to payment;

Payment of election accounts in Yukon.

(c) in the electoral district of Yukon, all accounts for fees, costs, allowances and expenses relating to the holding of an election, including the fees and allowances of deputy returning officers, poll clerks and landlords of polling stations, shall be paid in accordance with regulations made by the Auditor General.

Certificate of returning officer.

(4) The returning officer shall certify for payment all accounts submitted by him to the Auditor General, and shall be responsible for their correctness.

Duties and responsibilities of returning officer *re* accounts.

(5) The returning officer shall exercise special care in the certification of enumerators' accounts. Any enumerator who wilfully and without reasonable excuse omits from the list of electors prepared by him (or by him jointly with another enumerator) the name of any person entitled to have his name entered thereon, or enters on the said list the name of any person who is not qualified as an elector in his polling division, shall forfeit his right to payment for his services and expenses. In all such cases, the returning officer shall not certify the enumerator's account, but shall send it forward uncertified to the Auditor General with a special report attached thereto stating the relevant facts. The Auditor General shall not pay any urban enumerator's account until after the revision of the list has been completed.

Fees, etc., may be increased by Governor in Council.

(6) Whenever it shall appear to the Governor in Council that the fees and allowances provided for by the tariff are not sufficient remuneration for the services required to be performed at any election, or that any claim for any necessary service performed, or for materials supplied for or at an election, is not covered by such tariff, he may authorize the payment of such sum or additional sum for such services or materials supplied as is considered just and reasonable.

Payment of printing and supplies for general election.

(7) Any expenses incurred by the Chief Electoral Officer for printing election material and for the purchase of election supplies for a general election shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

How disagreements as to taxation of expenses settled.

61. (1) The Auditor General shall, in accordance with this Act, tax and pay all election expense accounts; and any disagreement between the Auditor General and any claim-

S.S. 4. No change.

S.S. 5. New. Inserted at the suggestion of the Chief Electoral Officer.

S.S. 6. No change.

S.S. 7. New. The suggested procedure is similar to that followed at the 1930 general election.

SECTION **61.** No change.

ant shall be referred to the Chief Electoral Officer and he shall either confirm the action of the Auditor General or, if he disagrees, then, if the question involves only the legal right of a person claiming payment to be paid at all, it shall be referred to and be finally resolved by the Treasury Board; or if the question involves only the fairness of the amount payable to any person with relation to the services or materials supplied, it shall be referred to and shall be finally resolved by the Secretary of State.

Rights saved.

(2) Notwithstanding anything in this section contained, the rights, if any, of all claimants to compel payment or further payment by process of law shall remain unimpaired.

Official Agent and Election Expenses of Candidates.

Appointment of official agent.

62. (1) Every candidate shall appoint an official agent, in this Act termed "the official agent," whose name, address and occupation shall be declared to the returning officer, in the nomination paper in Form No. 24, by or on behalf of the candidate, on or before nomination day and shall be published in the Notice of Grant of a Poll in Form No. 27.

Case of death or legal incapacity of official agent.

(2) In the event of the death or legal incapacity of any such agent, the candidate shall forthwith appoint another, making a similar declaration in writing to the returning officer.

Election officers ineligible as official agents.

(3) No returning officer, deputy returning officer or election clerk or the partner or clerk of either of them, shall be eligible to act as the official agent for any candidate in the management or conduct of his election, and if any such officer shall so act he is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

No payment to be made except through official agent.

(4) Subject to the subsequent provisions of this section, no payment and no advance or deposit shall be made before, during or after an election by a candidate or by any agent on behalf of a candidate or by any other person, in respect of any expenses incurred on account of or in respect of the conduct or management of such election, otherwise than by or through the official agent; and all money provided by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or management of the election, whether as contribution, gift, loan, advance, deposit or otherwise, shall be paid to the official agent and not otherwise: provided that this subsection shall not be deemed to apply to payment

(a) by a candidate, out of his own money for his personal expenses to an aggregate amount not exceeding one thousand dollars; or

(b) by any person, out of his own money, for any small expense legally incurred by him, if no part of the sum so paid is repaid to him.

SECTION **62.** No change.

Penalty for contravention.

(5) Every person who makes any payment, advance or deposit in contravention of the immediately preceding subsection, or pays in contravention thereof any money so provided as aforesaid is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

No action against candidate unless contract made by himself or official agent.

Proviso.

(6) A contract whereby any expenses are incurred on account of or in respect of the conduct or management of an election shall not be enforceable against a candidate unless made by the candidate himself or by his official agent or by a sub-agent of the official agent thereto authorized in writing: provided that inability to enforce such contract against the candidate shall not relieve him from the consequences of any corrupt or illegal practice having been committed by his agent.

Bill of particulars.

(7) Every payment made by or through an official agent in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than ten dollars, be vouched for by a bill stating the particulars and by a receipt.

Claims to be sent in within one month, or rights to be barred.

If no agent.

(8) All persons who have any bills, charges or claims upon any candidate for or in relation to any election shall send in such bills, charges or claims within one month after the day on which the candidate returned has been declared elected, to the official agent of the candidate, or, if such agent is dead or legally incapable, to the candidate in person; otherwise such persons shall be barred of the right to recover such claims or any part thereof.

Penalty for illegal payment.

(9) Subject to such exception as may be allowed in pursuance of this Act, an official agent who pays a claim in contravention of this enactment is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Death of claimant.

(10) In the event of the death, within such month, of any person claiming the amount of any such bill, charge or claim, the legal representative of such person shall send in the bill, charge or claim within one month after his obtaining probate or letters of administration, or of his becoming otherwise able to act as legal representative; otherwise the right to recover such bill, charge or claim shall be barred as aforesaid.

Payment within fifty days.

(11) All expenses incurred by or on behalf of a candidate on account of or in respect of the conduct or management of an election shall be paid within fifty days after the day on which the candidate returned was declared elected, and not otherwise; and, subject to such exception as may be allowed in pursuance of this Act, an official agent who makes a payment in contravention of this provision is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Penalty for contravention.

Payment of lawful claims sent in after time prescribed.

(12) Notwithstanding anything in this section contained cause being at any time shown to the satisfaction of a judge competent to recount the votes given at the election, such judge, on application by the claimant, or by the candidate or his official agent, may by order give leave for the payment by a candidate through his official agent of a disputed claim or of a claim for any such expenses as aforesaid, although sent in after the time in this section mentioned for sending in claims, or although sent in to the candidate and not to the official agent.

Election not void in certain cases in consequence of illegal payment.

(13) Where an election court reports that it has been proved by a candidate that any payment made by an official agent in contravention of this section was made without the sanction or connivance of such candidate the election of such candidate shall not be void nor shall he be subject to any incapacity by reason only of such payment having been made in contravention of this section.

Action for recovery in claims deemed disputed.

(14) If the official agent in the case of any claim sent in to him within the time limited by this Act disputes it, or refuses or fails to pay it within the period of fifty days after the day on which the candidate returned was declared elected, the claim shall be deemed to be a disputed claim and the claimant may, if he thinks fit, bring an action to recover the same in any competent court; and any sum paid by the candidate or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the time limited by this Act, and to be an exception from the provisions of this Act requiring claims to be paid by the official agent.

Payment in pursuance of judgment deemed exception.

Candidate's personal expenses up to $1,000.

(15) The candidate may pay any personal expenses incurred by him on account of or in connection with or incidental to such election to an amount not exceeding one thousand dollars, but any further personal expenses so incurred by him shall be paid by his official agent.

Written statement of personal expenses.

(16) The candidate shall send to his official agent within the time limited by this Act for sending in claims a written statement of the amount of personal expenses paid by such candidate.

Petty expenses.

(17) Any person may, if so authorized in writing by the official agent, pay any necessary expenses for stationery, postage, telegrams and other petty expenses to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the official agent.

Statement of particulars and vouchers.

(18) A statement of the particulars of payments made by any person so authorized shall be sent to the official agent within the time limited by this Act for the sending in of claims and shall be vouched for by a bill containing the receipt of that person.

Return of election expenses by official agent.

63. (1) Within two months after the candidate returned has been declared elected, the official agent of every candidate shall transmit to the returning officer a true signed return substantially in Form No. 56, in this Act referred to as a return respecting election expenses, containing detailed statements as respects that candidate of

(a) all payments made by the official agent, together with all the bills and receipts, which bills and receipts are in this Act included in the expression "return respecting election expenses";

(b) the amount of personal expenses, if any, paid by the candidate;

(c) the disputed claims, so far as the official agent is aware;

(d) the unpaid claims, if any, in respect of which application has been or is about to be made pursuant to subsection twelve of section sixty-two of this Act, so far as the official agent is aware;

(e) all money, securities and equivalent of money received by or promised to the official agent by the candidate or any other person, for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct of management of the election, naming every person from whom the same may have been received or by whom such promise was made, showing as to each sum whether it was received or merely promised, whether in money or otherwise and whether as contribution, loan, advance, deposit or otherwise.

Vouchers, and declaration in Form No. 57.

(2) The return so transmitted shall include all bills and vouchers relative thereto and be accompanied by a declaration made by the official agent before a notary public or a justice of the peace in Form No. 57, which declaration is in this Act referred to as a declaration respecting election expenses.

Candidate's declaration in Form No. 58 or No. 59.

(3) At the same time the official agent transmits the said return, or within seven days afterwards, the candidate shall transmit or cause to be transmitted to the returning officer a declaration made by the candidate before a notary public or a justice of the peace in Form No. 58 or in Form No. 59, which declaration is in this Act referred to as a declaration respecting election expenses.

Supplementary return in case of death of creditor.

(4) Whenever by reason of the death of a creditor no bill has been sent in within such period of two months, the official agent shall, within one month after such bill has been sent in, and likewise with respect to all payments approved by a judge pursuant to subsection twelve of section sixty-two of this Act of which the official agent is aware shall, within one week after such approval, as fully as possible, comply with the provisions of this section by means of a supplementary return.

SECTION **63.** No change, except the insertion of the words "in the form prescribed by the Chief Electoral Officer" in s.s. 5, inserted at the recommendation of the Committee.

Publication of summary by returning officer.

(5) The returning officer, within ten days after he receives from the official agent any return or supplementary return respecting election expenses, shall publish at the expense of the candidate a summary thereof in the form prescribed by the Chief Electoral Officer, with the signature of the official agent thereto in one newspaper published or circulated in the electoral district wherein the election was held.

Bills, etc., to be preserved.

(6) The returning officer shall preserve all such returns and declarations with the bills and vouchers relating thereto and at all reasonable times during six months next after they have been delivered to him shall permit any elector to inspect them and to make extracts therefrom on payment of a fee of twenty cents; and after the expiration of such six months' period, the documents may be destroyed, or, if after six months and before destruction the candidate or his official agent applies for their return, they shall be returned to the candidate.

After six months to be destroyed or returned.

Penalty for member sitting in contravention.

(7) If the said return and declarations are not transmitted before the expiration of the time limited for the purpose, the candidate shall not after the expiration of such time, sit or vote in the House of Commons as member until either such return and declarations have been transmitted or until the date of the allowance of such an authorized excuse for the failure to transmit the same, as in this Act mentioned, and if he sits or votes in contravention of this enactment he shall forfeit five hundred dollars with costs for every day on which he so sits or votes to any person who sues therefor.

Default in delivering statements.

(8) If without such authorized excuse as in this Act mentioned a candidate or an official agent fails to comply with the foregoing requirements of this section, he is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Furnishing false statements.

(9) If any candidate or official agent knowingly makes a false declaration respecting election expenses he is guilty of a corrupt practice and of an indictable offence against this Act punishable as in this Act provided.

When candidate out of Canada at time of return.

(10) Where a candidate is out of Canada at the time when the return is so transmitted to the returning officer, the declaration required by this section may be made by him within fourteen days after his return to Canada, and in that case shall be forthwith transmitted to the returning officer, but the delay hereby authorized in making such declaration shall not exonerate the official agent from complying with the provisions of this Act as to the return and declaration respecting election expenses.

Agent not exonerated.

Statement of payments in pursuance of leave and copy of judge's order.

(11) Where after the date at which the return respecting election expenses is transmitted leave is given pursuant to subsection twelve of section sixty-two of this Act, for any claims to be paid, the agent shall, within seven days after

the payment thereof, transmit to the returning officer a return of the sums paid in pursuance of such leave, accompanied by a copy of the order of the judge giving the leave, and in default he shall be deemed to have failed to comply with the requirements of this section.

When return and declaration not transmitted.

(12) Where the return and declarations respecting election expenses of a candidate at an election have not been transmitted as required by this Act, or, being transmitted, contain some error or false statement, then,

If on account of candidate's illness, etc.

(a) if the candidate applies to a judge competent to recount the votes given at the election and shows that the failure to transmit such return and declarations or any of them, or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or of the absence, death, illness or misconduct of his official agent or of any clerk or officer of such agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant; or

Or agent's illness, etc.

(b) if the official agent of the candidate applies to the said judge and shows that the failure to transmit the return and declarations which he was required to transmit, or any part thereof, or any error or false statement therein, arose by reason of his illness or of the death or illness of any prior official agent of the candidate, or of the absence, death, illness or misconduct of any clerk or officer of an official agent of the candidate, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant;

Judge may allow authorized excuse.

the judge may, after such notice of the application in the electoral district and on production of such evidence of the grounds stated in the application and of the good faith of the application, and otherwise as to the judge seems fit, make such order for allowing an authorized excuse for the failure to transmit such return and declaration, or for an error or false statement in such return and declaration as to the judge seems just.

Or may order official agent to appear, and make return and declaration, or order examination of official agent.

(13) Where it appears to the judge that any person being or having been an official agent has refused or failed to make such return or to supply such particulars as will enable the candidate and his official agent respectively to comply with the provisions of this Act as to the return and declaration respecting election expenses, the judge before making an order allowing the excuse as in this section mentioned shall order such person to attend before him, and on such person's attendance shall, unless such person shows cause to the contrary, order him to make the return and declaration, or to deliver a statement of the particulars required to be contained in the return, as to the judge seems just, and to

make or deliver the same within such time and to such person and in such manner as the judge may direct, or may order such person to be examined with respect to such particulars, and if the person so ordered does not comply with such order he is guilty of an indictable offence against this Act punishable as in this Act provided.

When order conditions relief of applicant or of candidate.

(14) The order may make the allowance conditional upon the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the judge seems best calculated for carrying into effect the objects of this Act; and an order allowing an authorized excuse shall relieve the applicant for the order from any liability or consequence under this or any other Act in respect of the matters excused by the order; and where it is proved by the candidate to the judge that any act or omission of the official agent in relation to the return and declaration respecting election expenses was without the sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing such act or omission, the judge shall relieve the candidate from the consequences of such act or omission on the part of his official agent.

Date of order deemed date of allowance.

(15) The date of the order or, if conditions and terms are to be complied with, the date at which the applicant fully complies with them, shall for the purposes of this section be deemed the date of the allowance of the excuse.

Executory Contracts Void.

Executory contracts void.

64. Every executory contract, promise or undertaking in any way referring to, arising out of or depending upon any election under this Act, even for the payment of lawful expenses or the doing of some lawful Act, shall be void in law, but nothing in this section shall extend to or affect any executory contract, agreement, promise or undertaking by a candidate or the official agent of a candidate of which there is a memorandum or note in writing signed by such candidate or his official agent.

Bribery, Treating, Undue Influence and Personation.

Penalty.

65. Every person is guilty of the corrupt practice of bribery and of an indictable offence againt this Act punishable as in this Act provided, who

Giving money, etc., to procure votes.

(a) directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises, or promises to procure or to endeavour to procure, any money or valuable consideration, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act on account of such voter having voted or refrained from voting at any election; or

SECTION 64. Changed according to a recommendation made by a special Committee on Elections in the year 1929. At present the provision reads as follows:

"64. Every executory contract, promise or undertaking in any way referring to, arising out of or depending upon any election under this Act, even for the payment of lawful expenses or the doing of some lawful Act, shall be void in law."

SECTION 65. No change.

Giving or promising employment.

(b) directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid, on account of any voter having voted or refrained from voting at any election; or

Gift or promise in order to obtain return of any person.

(c) directly or indirectly, by himself or any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in the House of Commons, or the vote of any other voter at any election; or

Procuring return in consequence.

(d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages or promises or endeavours to procure the return of any person to serve in the House of Commons, or the vote of any voter at an election; or

Advancing money to be used in bribery.

(e) advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election; or

Demanding bribe of candidate or agent.

(f) directly or indirectly, by himself or by any other person on his behalf, on account of and as payment for voting or for his having voted or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of and as payment for his having illegally assisted or agreed to assist any candidate at an election, applies to such candidate, or to his agent or agents, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration or for any office, place or employment, or for the promise of any office, place or employment; or

Receiving money, etc., before or during an election.

(g) before or during any election, directly or indirectly by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election; or

Or after an election.

(h) after any election, directly or indirectly, by himself or by any other person in his behalf, receives any money or valuable consideration on account of such

or any other person having voted or refrained from voting, or having induced any other person to vote or refrain from voting, at any election; or

Bribery of candidates.

(i) in order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate or to withdraw, if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure, or offers or promises to procure, or to endeavour to procure any office, place or employment, for such person:

Proviso as to legal expenses.

Provided always that the terms of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any expenses legally payable and *bona fide* incurred at or concerning any election, and provided that the actual personal expenses of any candidate and his expenses for professional services actually performed and for the fair cost of printing and advertising and for halls or rooms for the holding of meetings shall be held to be expenses legally payable.

Treating of any person.

66. Every person is guilty of the corrupt practice of treating and of an indictable offence against this Act punishable as in this Act provided, who, corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays or engages to pay wholly or in part the expense of giving or providing any meat, drink, refreshment or provision, or any money or ticket or other means or device to enable the procuring of any meat, drink, refreshment or provision, to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at such election or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, and every elector who corruptly accepts or takes any such meat, drink, refreshment or provision or any such money or ticket, or who adopts such other means or device to enable the procuring of such meat, drink, refreshment or provision is guilty likewise.

Treating of voter during election.

Undue influence.

67. (1) Every person is guilty of the corrupt practice of undue influence and of an indictable offence against this Act punishable as in this Act provided, who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any temporal or spiritual injury, damage, harm or loss, or in any manner practises intimidation upon or against any person, in order

SECTION 66. No change.

SECTION 67. No change.

to induce or compel such person to vote for any candidate, or to refrain from voting, or on account of such person having voted for any candidate or refrained from voting at any election or who, by abduction, duress, or any false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of any elector, or thereby compels or induces or prevails upon any elector either to vote for any candidate or to refrain from voting at any election.

False pretence interpreted.

(2) It shall be deemed a false pretence within the meaning of this section to represent to an elector, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret.

Personation and subornation of personation.

68. Every person is guilty of the corrupt practice of personation, and of an indictable offence against this Act punishable as in this Act provided, who at an election

(a) applies for a ballot paper in the name of some other person, whether such name is that of a person living or dead, or of a fictitious person; or

(b) having voted once at such election, applies at the same election for another ballot paper; or

(c) aids, abets, counsels, procures or endeavours to procure the commission by any person of personation as hereon defined.

Penalty for voting if disqualified, not qualified or incompetent.

69. Every one is guilty of a corrupt practice and of an indictable offence against this Act punishable as in this Act provided who, at an election, votes or attempts to vote knowing that he is for any reason disqualified, non-qualified or incompetent to vote thereat.

Miscellaneous Offences.

Liability of election officers.

70. (1) Every election officer who omits to comply with the provisions of this Act shall be liable on summary conviction to a penalty of not less than fifty dollars nor more than two hundred dollars, and every election officer who refuses to comply with any of the provisions thereof, shall on summary conviction, be liable to a penalty of not less than two hundred dollars nor more than five hundred dollars, unless, in either case, such election officer establishes that, in so omitting or refusing compliance, he was acting in good faith, that his omission or refusal was reasonable, and that he had no intention to affect the result of the election or to permit any person to vote whom he did not *bona fide* believe was qualified to vote, or to prevent any person from voting whom he did not *bona fide* believe was not qualified to vote.

SECTION **68.** No change.

SECTION **69.** No change.

SECTION **70.** No change.

Non-compliance defined.

(2) It shall be deemed to be a non-compliance with the provisions of this Act to do or omit to do any act which results in the reception of a vote which should not have been cast, or in the non-reception of a vote which should have been cast.

Moiety to prosecutor.

(3) The person instituting any proceedings leading to the conviction of any election officer under this section shall be entitled to receive one-half of the penalty recovered, and it shall be paid to him accordingly, unless such proceeding was instituted at the direction of the Chief Electoral Officer or unless the Chief Electoral Officer, at the request of the person by whom the proceeding was instituted has intervened in such proceeding and has met the whole or any part of the expense thereby incurred.

Inquiry into offences and power to take proceedings.

(4) When it is made to appear to the Chief Electoral Officer that any election officer has been guilty of any offence against this Act, it shall be his duty to make such inquiry as appears to be called for in the circumstances, and if it appears to him that proceedings for the punishment of the offence have been properly taken or should be taken and that his intervention would be in the public interest, to assist in carrying on such proceedings or to cause them to be taken and carried on and to incur such expense as it may be necessary to incur for such purposes.

Further powers.

(5) The Chief Electoral Officer shall have the like powers in the case of any offence which it is made to appear to him to have been committed by any person under section seventeen, section twenty-two, section twenty-nine, subsections two and six of section forty-nine, subsection twelve of section fifty, subsection eight of section fifty-two or section seventy-two of the said Act.

Powers as commissioner under *Inquiries Act*.

R.S., c. 99.

(6) For the purpose of any inquiry under the provisions of this section, the Chief Electoral Officer or any person nominated by him for the purpose of conducting any such inquiry, shall have the powers of a commissioner under Part II of the *Inquiries Act*, and any expense required to be incurred for the purpose of any inquiry under this section and of any proceedings assisted or caused to be taken by the Chief Electoral Officer by virtue thereof shall be payable by the Auditor General on the certificate of the Chief Electoral Officer out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Printed documents to bear name, etc., of printer.

71. Every printed advertisement, handbill, placard, poster or dodger having reference to any election shall bear upon its face the name and address of its printer and publisher, and any person printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document unless it bears upon its face such name and address is guilty of an offence against

SECTION 71. No change.

this Act punishable on summary conviction as in this Act provided, and if he is a candidate or the official agent of a candidate is further guilty of an illegal practice.

Removing notices forbidden.

72. (1) Any person unlawfully taking down, covering up, mutilating, defacing or altering any printed or written proclamation, notice, list of electors, or other document, authorized or required by this Act to be posted up, is guilty of an indictable offence against this Act and liable on indictment or on summary conviction to a fine not exceeding two thousand dollars and costs of prosecution, or to imprisonment for a term not exceeding two years with or without hard labour, or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith (in case only a fine and costs are imposed) or are not paid before the expiration of the term of imprisonment imposed (in case imprisonment, as well as fine and costs, is imposed), to imprisonment, with or without hard labour, for such term, or further term, as such fine and costs or either of them remain unpaid, not exceeding three months.

Copy of subsection one to be printed on documents posted up.

(2) A copy of the immediately preceding subsection shall be printed as a notice in large type upon every such printed document, or printed or written upon every such written document, or printed or written as a separate notice and posted up near to such document and so that such notice can be easily read.

Conveyance of electors to polls, etc., for hire forbidden.

73. Every person who before, during or after an election directly or indirectly or by any means or device in attempted evasion of the following provisions,

(a) hires or in whole or in part, pays for, or promises to pay for, or solicits the hire or use for payment of any horse, team, carriage, cab, cart, wagon, automobile, sleigh, aeroplane, boat, vessel, or other means of conveyance; or

(b) lets to hire or demands, receives, or promises to accept payment for the hire or use of any such means of conveyance;

for the purpose of conveying or providing for the conveyance of any elector or electors who may intend to vote to or from the poll or any polling station, or to or from the neighbourhood thereof, is guilty of an illegal practice, and of an offence against this Act punishable on summary conviction as in this Act provided; but the *bona fide* payment by the elector himself of the usual fare or a reasonable charge for his conveyance to or from the poll or polling station shall not be deemed a contravention of this section.

Illegal payments to electors.

74. Every person who before, during or after an election, directly or indirectly or by any means or device in attempted evasion of the following provisions,

SECTION **72.** No change.

SECTION **73.** No change.

SECTION **74.** No change.

Payment of fare to elector.

(a) pays or promises to pay in whole or in part the travelling or other expenses of any elector who may intend to vote, in going to or returning from the poll or any polling station, or going to or returning from the neighbourhood thereof; or

Payment of expenses, wages, etc., of electors forbidden.

(b) pays or promises to pay or receives or promises to accept payment, in whole or in part by reason of time spent, or for wages or other earnings or possibility thereof lost, by any elector who may intend to vote, in going to, being at or returning from the poll or any polling station, or going to, being at or returning from the neighbourhood thereof;

is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Penalty for inducing persons to make false oath.

75. Every person who, knowingly, in any case wherein an oath is by this Act authorized or directed to be taken, compels or attempts to compel, or induces or attempts to induce, any other person to take such oath falsely, is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Non-residents of Canada, forbidden to canvass.

76. Any person who resides without Canada and who, to secure the election of any candidate, canvasses for votes or in any way endeavours to induce voters to vote for any candidate at an election, or to refrain from voting, is guilty of an indictable offence against this Act punishable as in this Act provided.

Penalty for publishing false statements to affect return of any candidate.

77. Any person who, before or during any election, for the purpose of affecting the return of any candidate at such election, makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Penalties and Procedure.

Procedure.

78. (1) Any indictable offence against this Act may be prosecuted alternatively on indictment or by way of summary conviction.

Fines and other penalties for indictable offences.

(2) Any person who is guilty of any indictable offence against this Act is liable on indictment or on summary conviction to a fine not exceeding two thousand dollars and costs of prosecution or to imprisonment for a term not exceeding two years, with or without hard labour, or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith, in case only a fine and costs are imposed, or are not paid before the

SECTION 75. No change.

SECTION 76. No change.

SECTION 77. No change.

SECTION 78. No change.

expiration of the term of imprisonment imposed, in case imprisonment as well as fine and costs is imposed, to imprisonment with or without hard labour for such term or such further term, as such fine and costs or either of them remain unpaid, not exceeding three months.

Fines, etc., for non-indictable offences.

79. Any person, who is guilty of any non-indictable offence against this Act which is punishable on summary conviction, is liable to a fine not exceeding five hundred dollars and costs of prosecution or to imprisonment for a term not exceeding one year, with or without hard labour, or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith, in case only a fine and costs are imposed, or are not paid before the expiration of the term of imprisonment imposed, in case imprisonment as well as fine and costs is imposed, to imprisonment with or without hard labour, for such term, or further term, as such fine and costs or either of them may remain unpaid, not exceeding three months.

Disqualification for corrupt act.

80. Any person who during an election is guilty of an offence which is a corrupt practice or an illegal practice shall *ipso facto* become disqualified from voting and incompetent to vote at such election; and he shall also in addition to any other punishment for such offence by this or any other Act prescribed, forfeit to any person who in any competent court shall therefore sue.

Additional penalties.

(a) for every offence which is a corrupt practice, the sum of two hundred dollars and costs; and

(b) for every offence which is an illegal practice, the sum of one hundred dollars and costs.

Corrupt or illegal practices.

81. Any person, who

(a) in any report made to the Speaker of the House of Commons on an election petition, is named as having been found guilty of any offence which is a corrupt or illegal practice, is reported to have been heard on his own behalf and is declared to be a person who should be expressly disqualified as hereinafter provided;

(b) is before any competent court convicted of having committed at an election any offence which is a corrupt practice or illegal practice, or ordered to pay any sum forfeited because of the commission of any corrupt practice or illegal practice; or

(c) is, in any proceeding in which after notice of the charge he has had an opportunity of being heard, found guilty of any corrupt practice or of any illegal practice, or of any offence which is a corrupt practice or illegal practice;

Five years' disqualification.

shall, in addition to any other punishment for such offence by this or any other Act prescribed be, for a corrupt practice

SECTION **79.** No change.

SECTION **80.** No change.

SECTION **81.** No change.

during the seven years or for an illegal practice during the five years, next after the date of his being so reported, convicted, ordered, or found guilty, incapable of being elected to or of sitting in the House of Commons or of voting at any election of a member of that House or of holding any office in the nomination of the Crown or of the Governor in Council.

Candidate not to be convicted unless corrupt practice done by himself, agent, or with his knowledge.

82. No candidate shall on the trial of any election petition be reported by the trial judges to the Speaker of the House of Commons as having been found guilty of any corrupt practice or any illegal practice, or before any court be convicted of having committed at an election any offence which is a corrupt practice or an illegal practice or be ordered to pay any sum as forfeited because of the commission of any corrupt practice, or illegal practice, or in any other proceeding be found guilty of any corrupt practice or illegal practice or of any offence which is a corrupt practice or an illegal practice, unless the thing omitted or done the omission or doing of which constitutes the corrupt practice or illegal practice was omitted or done by

(a) the candidate in person;

(b) his official agent; or

(c) some other agent of the candidate with the candidate's actual knowledge and consent:

Provided that nothing in this section shall prevent the avoidance pursuant to the provisions of the *Dominion Controverted Elections Act*, of any election in consequence of the commission of any corrupt practice or illegal practice.

R.S., c. 50.

Election not voided unless illegal practices by candidate or agent.

83. No election shall on the trial of any election petition be voided because of any of the illegal practices referred to in sections twenty-two, thirty-eight, forty, forty-four, seventy-one, or seventy-seven of this Act unless the thing omitted or done the omission or doing of which constitutes the illegal practice was omitted or done by

(a) the elected candidate in person;

(b) his official agent; or

(c) some other agent of such candidate with such candidate's actual knowledge and consent:

Proviso.

Provided that nothing in this section shall be deemed to impair or affect the provisions of the *Dominion Controverted Elections Act.*

R.S., c. 50.

Non-compliance with Act not to invalidate election unless it affected result.

84. No election shall be declared invalid by reason of non-compliance with the provisions of this Act as to limitations of time unless it appears to the tribunal having cognizance of the question that such non-compliance may have affected the result of the election, or as to the taking of the poll or the counting of the votes, or by reason of any want of qualification in the persons signing any nomi-

SECTION 82. No change.

SECTION 83. No change.

SECTION 84. No change.

nation paper, or because of any error in the name, or omission of or error in the address or occupation of any candidate as stated on such nomination paper as received by a returning officer, or of any insufficiency in any publication of any proclamation, notice or other document, or any mistake in the use of the forms contained in this Act, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance did not affect the result of the election.

Removal of disqualification procured by perjury.

85. If, at any time after a person has become disqualified under this Act, the witnesses, or any of them, on whose testimony such person has so become disqualified, are convicted of perjury with respect to such testimony, such person may move the court before which such conviction takes place to order, and such court shall, upon being satisfied that such disqualification was procured by reason of such perjury, order that such disqualification shall therefore cease and determine; and it shall cease and determine accordingly.

Recovery of penalties and forfeitures.

86. (1) All penalties which are by this Act expressly made payable by way of forfeiture to any person aggrieved or to any person who sues therefor shall be recoverable or enforceable with full costs of suit by action of debt or information in any court of competent jurisdiction in the province in which the cause of action arises.

Imprisonment for non-payment.

(2) In default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, the offender shall be imprisoned in the common gaol of the county or district for any term less than two years, unless such penalty and costs are sooner paid.

Security for costs.

(3) No action or information for the recovery of any such penalty by way of forfeiture shall be commenced unless the person suing therefor has given good and sufficient security, to the amount of fifty dollars, to indemnify the defendant for the costs occasioned by his defence, if the person suing is condemned to pay such costs.

Allegations in action.

(4) It shall be sufficient for the plaintiff, in any action or suit under this Act, to allege in his pleading or declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence with respect to which the action or suit is brought, and that the defendant has acted contrary to this Act, without mentioning the writ of election or the return thereof.

Evidence of husbands and wives.

(5) In any such civil action, suit or proceeding, instituted under this Act, the parties thereto, and the husbands or wives of such parties respectively, shall be competent and compellable to give evidence to the same extent and subject

SECTION **85.** No change.

SECTION **86.** No change.

to the same exceptions as in other civil suits in the same province; but such evidence shall not thereafter be used in any indictment or criminal proceeding under this Act against the person giving it.

Burden of proof of justification.

(6) In any action, suit or proceeding instituted only for the recovery under this Act of a penalty imposed by way of forfeiture, if the right of any person (in this section referred to as "the voter") to vote, or to vote at any particular place, at an election, is questioned or involved, the burden of proof of the voter being entitled to vote, or to vote at such particular place, shall be upon the voter or such other person as is the accused or defendant in such action, suit or proceeding, and not upon the person suing or instituting the proceeding.

No privilege from answering questions.

87. No person shall be excused from answering any question put to him in any action, suit or other proceeding, in any court, or before any judge, commissioner or other tribunal touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, except that no elector shall be obliged to state for whom he voted at any election: Provided that no answer given by any person claiming to be excused on the ground of privilege shall be used in any criminal proceeding against such person other than an indictment for perjury, if the judge, commissioner or president of the tribunal gives to the witness a certificate that he claimed the right to be excused on such ground, and made full and true answers to the satisfaction of the judge, commissioner or tribunal.

Exception.

Production of writ of election, etc., not required in suits.

88. (1) It shall not be necessary, on the trial of a suit or prosecution under this Act, to produce the writ of election or the return thereof, or the authority of the returning officer founded upon such writ of election, but general evidence of such facts shall be sufficient evidence.

If notified Chief Electoral Officer to produce election papers, etc.

(2) If the original election papers are required on any such trial of any suit or prosecution, the clerk or registrar of the court having cognizance of the such proceedings may, at the instance of any of the parties thereto, notify the Chief Electoral Officer to cause them to be produced on or before the day fixed for the trial; and the Chief Electoral Officer shall cause such election papers to be deposited with such clerk or registrar in such manner as the court or judge shall order.

Criminal court may allow costs to prosecutor.

89. (1) Any court of criminal jurisdiction before which a prosecution is instituted for an offence against the provisions of this Act may order payment by the defendant to the prosecutor of such costs and expenses as appear to the court to have been reasonably incurred in and about the conduct of such prosecution.

SECTION 87. No change.

SECTION 88. S.S.1. No change.

S.S. 2. Changed at the suggestion of the Chief Electoral Officer. The present provision reads as follows:

"(2) If the original election papers are required on any such trial of any suit or prosecution, the clerk or registrar of the court having cognizance of the election petition may, at the instance of any of the parties thereto, notify the Chief Electoral Officer to produce them on the day fixed for the trial; and the said Chief Electoral Officer shall, on or before the said day, deposit them with such clerk or registrar, taking his receipt therefor."

SECTION 89. No change.

Prior recognizance required.

(2) The court shall not make such order unless the prosecutor before or upon the finding of the indictment or the granting of the information enters into a recognizance with two sufficient sureties, in the sum of five hundred dollars, and to the satisfaction of the court, to conduct the prosecution with effect and to pay the defendant his costs in case he is acquitted.

Costs in cases of private prosecution.

(3) In case of an indictment or information by a private prosecutor for an offence against the provisions of this Act, if judgment is given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information, which costs shall be taxed by the proper officer of the court in which the judgment is given.

In a suit for criminal corrupt practice, what allegation sufficient.

90. (1) In an indictment or prosecution for a corrupt practice or an illegal practice, and in any action or proceeding for a penalty or by way of forfeiture for a corrupt practice, or an illegal practice, it shall be sufficient to allege that the defendant was, at the election at or in connection with which the offence is intended to be alleged to have been committed, guilty of a corrupt practice or an illegal practice, describing it by the name given to it by this Act, or otherwise, as the case requires.

Evidence.

(2) In any criminal or civil proceeding in relation to such offence the certificate of the returning officer shall be sufficient evidence of the due holding of the election and of any person named in such certificate having been a candidate thereat.

Person liable summoned to court.

91. (1) Whenever it appears to the court or judge trying an election petition that any person has violated any of the provisions of this Act, for which violation such person is liable to a fine or penalty other than the fines or penalties imposed for any offence amounting to an indictable offence, such court or judge may order that such person may be summoned to appear before such court or judge, at the place, day and hour fixed in such summons for hearing the charge.

Penalty for disobeying summons.

(2) If, on the day so fixed by the summons, the person summoned does not appear, he shall be condemned, on the evidence already adduced on the trial of the election petition, to pay such fine or penalty as he is liable to pay for such violation, and in default of paying such fine or penalty to the imprisonment prescribed in such case by this Act.

Trial.

(3) If, on the day so fixed, the person summoned does appear, the court or judge, after hearing such person and such evidence as is adduced, shall give such judgment as to law and justice appertains.

Appropriation of fines.

(4) All fines and penalties recovered under the next three preceding subsections shall belong to His Majesty for the public uses of Canada, but no fine or penalty shall be im-

SECTION **90.** No change.

SECTION **91.** No change.

posed thereunder if it appears to the court or judge that the person has already been sued to judgment or acquitted with respect to the same offence, nor shall any such fine or penalty be imposed for any offence proved only by the evidence or admission of the person committing it.

Limitation of time for prosecutions and suits.

R.S., c. 36.

92. Notwithstanding anything in the *Criminal Code*, every prosecution for an offence against this Act, and every action, suit or proceeding for any pecuniary penalty given by this Act to any person aggrieved or to any person suing therefor, shall, when commenced, be proceeded with and carried on without wilful delay, and shall be commenced within the space of one year next after the day when the offence was committed or when such action, suit or proceeding might first have been brought or taken and not afterwards, unless the prosecution, action, suit or proceeding is prevented by the withdrawal or absconding of the defendant out of the jurisdiction of the court, in which case such prosecution, action, suit or proceeding may be commenced within one year after his return, or in case of a charge against a returning officer pursuant to section fifty-seven for wilful delay, neglect or refusal to return a candidate as elected, in which case such prosecution, suit or proceeding shall be commenced within six months after the conclusion of the trial of the petition relating to such action.

Delay, neglect or refusal of returning officer to return elected candidate.

Quarter or general sessions court incompetent.

R.S., c. 36.

93. Notwithstanding anything in the *Criminal Code*, no indictment for an offence which is a corrupt practice or an illegal practice shall be tried before any court of quarter sessions or general sessions of the peace.

Advance Polls.

Establishment of advance polls.

94. (1) Subject as hereinafter provided, one or more advance polls shall be established in each of the places mentioned in Schedule Two of this Act for the purpose of receiving the votes of such persons as are described in the next following section of this Act and whose names appear in the list of electors for one of the polling divisions included in such place or any other place mentioned in the said Schedule Two and situate in the same electoral district.

Single advance polling station.

(2) When a single advance polling station would conveniently serve the voters resident in two or more of the places mentioned in the said schedule which are situate in the same electoral district, it shall not be necessary to establish a separate polling station for each of such places.

Location of polling stations.

(3) Every such polling station shall be located so as to suit the convenience of that class of voters which, in the judgment of the returning officer, is most likely to resort in any considerable number thereto.

SECTION **92.** No change.

SECTION **93.** No change.

SECTION **94.**
S.S. 1 and 2. No change.

S.S. 3. No change. At present this provision appears as subsection 4 of section 94.

Additional advance polling areas authorized by the Chief Electoral Officer in certain cases.

(4) When it is made to appear to the Chief Electoral Officer that, in an area adjoining a place mentioned in Schedule Two of this Act and included in the same electoral district as such place, there resides a substantial number of electors who may be entitled to the privilege of voting at an advance poll, the Chief Electoral Officer may, at any time before the Saturday on which the advance polls are opened, direct that such area shall, for the purpose of this section, and of sections ninety-six and ninety-seven of this Act, be deemed and be treated as part of the place which is mentioned in the said schedule and which it adjoins.

Amendment of Schedule by Chief Electoral Officer.

(5) The Chief Electoral Officer may from time to time amend Schedule Two of this Act by striking therefrom the name of any place or by adding thereto the name of any other place, and, so amended, such schedule shall have effect as if incorporated into this Act; but he shall amend under the following circumstances only:—

(a) If a total of less than fifteen votes is polled at the advance polls held within any such place at the election which immediately preceded the amendment, he may strike off the name of that place; or

(b) If he is advised and believes that a total of fifteen votes will be polled at any place in case an advance poll is established there, he may add the name of that place.

Notice in *Canada Gazette*.

(6) The Chief Electoral Officer shall give notice, under his hand, published in the *Canada Gazette*, of all amendments made to such schedule, and he shall, at every election, furnish to every returning officer a copy of such schedule as it then stands amended.

Amendment not in force for sixty days.

(7) In case the date of the writ for an election falls within sixty days after notice so given of any such amendment that amendment shall not be in force nor have any effect at such election.

Advance polls conducted as ordinary polls.

(8) Except as provided in this section and in sections ninety-six and ninety-seven of this Act, all advance polls shall be held, conducted and officered in the same manner as and for all purposes of this Act be regarded as ordinary polling stations.

When advance polls to be open.

(9) Advance polls shall be open and shall only be open between the hours of two and ten o'clock in the afternoons and evenings of the Thursday, Friday and Saturday immediately preceding polling day.

Notice in Form No. 60.

(10) The returning officer shall, not later than seven days before polling day, give public notice within the place where an advance poll is to be held, of the poll and of the location of the polling station, and such notice shall be in Form No. 60. The returning officer shall cause to be posted up at least two copies of such notice for every thousand of the population residing within such place.

S.S. 4. Changed at the suggestion of the Chief Electoral Officer. At present this provision appears as subsection 3 of section 94 and reads as follows:

"(3) When it is made to appear to the Chief Electoral Officer that, in an area adjoining a place mentioned in the said schedule and included in the same electoral district as such place, there reside a substantial number of electors who may be entitled to the privilege of voting at an advance poll, the Chief Electoral Officer may direct that such area shall, for the purpose of this section, be deemed and be treated as part of the place which is mentioned in the said schedule and which it adjoins."

S.S. 5 to 10. No change.

Who may vote at advance polls.

95. The privilege of voting at an advance poll shall extend and shall extend only to—

(a) such persons as are employed as commercial travellers as defined in subsection four of section two of this Act and to such persons as are employed upon railways, vessels, airships or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof) and to any of such persons only if, because of the nature of his said employment, and in the course thereof, he is necessarily absent from time to time from his ordinary place of residence, and if he has reason to believe that he will be so absent on polling day from, and that he is likely to be unable to vote on that day in, the polling division on the list for which his name appears; and

(b) such persons as are members of the Naval, Military or Air Forces of Canada, or of the Royal Canadian Mounted Police, and to any of such persons only if (because he is called out on active service or for annual training or he is engaged in, or called to the performance of, naval, military or other duty, in pursuance of orders in that behalf) he has reason to believe that he will be necessarily absent on polling day from, and that he is likely to be unable to vote on that day in, the polling division on the list for which his name appears.

Conditions for voting at advance polls.

96. (1) No person otherwise entitled to vote at an advance poll shall be permitted to do so unless

(a) he produces to the deputy returning officer at the advance poll an advance poll certificate, in Form No. 61, that he is the person to whom the privilege of voting at an advance poll extends, which certificate shall be signed by—

(i) the returning officer; or

(ii) the election clerk in the name of the returning officer and on his behalf; or

(iii) a person specially deputized by the returning officer, with the prior consent of the Chief Electoral Officer, to issue advance poll certificates, whose name and authority have been communicated by the returning officer to the deputy returning officer of such advance poll, and to each candidate formally nominated at the pending election.

(b) he signs in the presence of the deputy returning officer the statement of identification and declaration printed at the foot or end of Form No. 61.

Advance poll certificates

(2) Such advance poll certificates shall be issued only on the personal application of the voter concerned and after the officer applied to has been satisfied that the applicant is a person to whom the privilege of voting at an advance poll extends.

SECTION 95. No change.

SECTION 96. Slightly changed at the suggestion of the Chief Electoral Officer.

Certificates signed, numbered recorded and notified to deputy returning officer of applicable ordinary polling station.

(3) The returning officer or the election clerk, or any other person specially deputized by the returning officer, by whom any advance poll certificate is issued *(a)* shall fill in and sign such certificate and mention thereon the date of its issue, *(b)* shall see that such certificate has been duly signed by the applicant, *(c)* shall consecutively number every such certificate in the order of its issue, *(d)* shall keep a record of every such certificate in the order of its issue, on the form prescribed by the Chief Electoral Officer, *(e)* shall not issue any such certificate in blank, and *(f)* shall, before the hour of the opening of the ordinary polls on polling day, send a copy of the advance poll certificate issued, to the deputy returning officer for the polling station at which the person to whom such certificate has issued would in the ordinary course be entitled to vote.

Voter must produce and deliver certificate.

(4) No person who has obtained an advance poll certificate shall be entitled to vote on the ordinary polling day except upon his producing such certificate and delivering the same up to the deputy returning officer at the ordinary polling station established for the polling division on the list for which his name appears.

No list or poll book kept, but notations to be made on the certificate.

(5) There shall be no list of electors nor poll book supplied to or kept at an advance poll, but the poll clerk thereat shall assist the deputy returning officer as required, preserving each certificate deposited and marking thereon such notations as, if there were a poll book, he would be required by this Act to mark opposite the voter's name in the poll book.

Voting at any advance poll in same electoral district.

(6) An elector who is by this section authorized to vote at an advance poll may vote at any advance poll within the electoral district in which he is qualified to vote. No deputy returning officer shall permit any person to vote at an advance poll upon any certificate in Form No. 61 issued by the returning officer or any other officer of another electoral district.

Proceedings at close of advance poll each day.

97. (1) At the close of the advance poll each day, the deputy returning officer shall in the presence of such of the candidates or their agents or of the electors representing candidates as may be entitled to be present and are present,

(a) unseal and open the ballot box;

(b) empty the ballots (in such manner as not to disclose for whom any elector has voted) into a special envelope supplied for the purpose;

(c) seal such envelope;

(d) count the unused ballots and the certificates in Form No. 61 which up to that time have been presented:

(e) place the unused ballots and certificates in Form No. 61 in another envelope which shall be supplied for the purpose;

SECTION 97. No change.

(*f*) endorse thereon the number of such unused ballots and certificates in Form No. 61; and

(*g*) seal up the said envelope.

Affix signatures and seals.

(2) The deputy returning officer shall and such candidates and their agents or electors representing candidates as are present may affix their seals or signatures to both envelopes and the deputy returning officer shall then place both envelopes in the ballot box and lock the same and the deputy returning officer shall and every candidate or agent present who desires to do so may affix their respective seals and signatures to the ballot box in such manner that the box cannot be opened or anything deposited therein or removed therefrom without breaking such seals.

Re-opening of poll.

(3) At the re-opening of the poll each day the ballot box shall be opened by the deputy returning officer in the presence of such of the candidates or their agents or of the electors representing the candidates as may be entitled to be present and are present and the envelope containing the unused ballots shall be taken out and opened, the ballot box being immediately thereafter locked and kept locked except as herein otherwise provided.

Count of ballots at close of poll on ordinary polling day.

(4) The deputy returning officer shall, at six o'clock in the afternoon of polling day, attend with his poll clerk at the polling station where the advance poll was held, and there, in the presence of such of the candidates and their agents as may attend, open the ballot box and the sealed envelopes containing ballots, count the votes and take all other proceedings provided by this Act for deputy returning officers and poll clerks in connection with the conduct of an election after the close of the poll, except that such statements and other documents as other provisions of this Act may require to be made and to be written in or attached to the poll book shall be made as so required and be annexed to the certificates in Form No. 61 in this section referred to.

Provisions applicable to advance polls.

(5) Subject to the provisions of sections ninety-four to ninety-seven, inclusive, of this Act, the provisions of this Act relating to ordinary polls shall in so far as applicable apply to advance polls.

Anyone who makes false statement, forges certificate, makes false declaration, or unlawfully attempts to vote at an advance poll, is guilty of an offence.

98. Any person who, corruptly,

(*a*) for the purpose of obtaining from any officer who is by this Act authorized to grant it, a certificate in Form No. 61, makes to such officer any false statement; or

(*b*) forges or fabricates any such certificate, or any name thereon, or not being the person named therein, presents any such certificate to any deputy returning officer or poll clerk at any polling station; or

(*c*) makes before any deputy returning officer a false declaration as to the cause or necessity of his voting at an advance poll; or

SECTION 98. No change.

(d) after having obtained from an officer by this Act authorized to grant it, a certificate in Form No. 61 votes or attempts to vote at any other than an advance poll, except upon presentation on polling day of such certificate as provided by this Act, or

(e) in any other manner contravenes any provision of sections ninety-four to ninety-seven, inclusive, of this Act,

is guilty of an offence against this Act punishable on summary conviction as by this Act provided.

SUPPLEMENTAL PROVISIONS.

Special Powers to Chief Electoral Officer.

Miscalculation, mistake or emergency.

99. If during the course of any election it transpires that insufficient time has been allowed or insufficient election officers or polling stations have been provided for the execution of any of the purposes of this Act, by reason of the operation of any provision of this Act or of any mistake or miscalculation or of any unforeseen emergency, the Chief Electoral Officer may, notwithstanding anything in this Act, extend the time for doing any act or acts, increase the number of election officers who have been appointed for the performance of any duty, or increase the number of polling stations, and, generally, the Chief Electoral Officer may adapt the provisions of this Act to the execution of its intent. Provided that in the exercise of this discretion no votes shall be cast before or after the hours fixed in this Act for the opening and closing of the poll.

Persons ineligible and not obliged to act as Election Officers.

Who shall not be appointed election officers.

100. (1) Saving and excepting a judge upon whom this Act confers specific powers and his right to exercise such powers, none of the following indicated persons shall be appointed as election officers, that is to say—

(a) Members of the King's Privy Council for Canada or of the executive council of any province of Canada;

(b) Members of the Senate or of the Legislative Council of any province of Canada;

(c) Members of the House of Commons, or of the Legislative Assembly of any province of Canada, or of the Yukon Territorial Council;

(d) Ministers, priests or ecclesiastics of any religious faith or worship;

(e) Judges of the courts of superior, civil or criminal jurisdiction, judges of any county or district court, or bankruptcy or insolvency court, and any district judge of the Exchequer Court on its Admiralty side, and in the Yukon Territory, police magistrates;

SECTION 99. New. Inserted at the suggestion of the Chief Electoral Officer. This provision is similar to that of section 10 of the *Dominion Franchise Act*.

SECTION 100. Slightly changed on the recommendation of the Committee. At present these provisions appear in section 106 of the Act.

(*f*) Persons who have served in the Parliament of Canada in the session immediately preceding the election or in the session in progress at the time of the election;

(*g*) Persons who have been found guilty by the House of Commons, or by any court for the trial of controverted elections, or other competent tribunal, of any offence or dereliction of duty in violation of this Act or any provincial Act relating to elections, or under the Disfranchising Act;

R.S., c. 52.

(*h*) Persons convicted of any indictable offence;

(*i*) Aliens.

Qualifications as electors of election officers.

(2) No person shall be appointed returning officer, election clerk, deputy returning officer, poll clerk, enumerator or revising officer unless he is a person qualified as an elector in the electoral district within which he is to act.

Who shall not be bound to act as election officers.

(3) None of the following indicated persons, unless they are sheriffs, registrars, town clerks or assessors, shall be obliged to act as election officers, that is to say—

(*a*) Professors in any university, college, high school or academy;

(*b*) Physicians or surgeons;

(*c*) Postmasters, customs clerks, or clerks in post offices or customs offices;

(*d*) Persons of sixty years of age or upwards;

(*e*) Persons who have previously served as returning officers at a Dominion election.

Political Broadcasts.

Political broadcasts forbidden.

101. No person shall be allowed to broadcast a speech or any entertainment or advertising programme over the radio, on polling day and on the two days immediately preceding it, in favour or on behalf of any political party or any candidate at a Dominion election. This prohibition only applies to the ordinary polling day and not to the three days on which advance polls are opened.

Notices.

Notices: how given.

102. (1) When any election officer is by this Act authorized or required to give a public notice and no special mode of notification is indicated, the notice may be by advertisement, placard, handbill or otherwise as he considers will best effect the intended purpose.

Posting of notices, etc.

(2) Notices and other documents required by this Act to be posted up may, notwithstanding the provisions of any Dominion or provincial law or of any municipal ordinance or by-law, be affixed by means of tacks or pins to any wooden fence situate on or adjoining any highway, or by means of tacks, pins, gum or paste on any post or pole likewise situate, and such documents shall not be affixed to fences or poles in any manner otherwise.

SECTION **101.** New. Inserted on the recommendation of the Committee.

SECTION **102.** No change. At present these provisions appear in section 107 of the Act.

Communication by Telegraph.

Communications by telegraph.

103. (1) Whenever it appears to the satisfaction of the Chief Electoral Officer, at a time when an election is about to be held, that necessary communication for the purposes of the election with or within any electoral district will probably be interrupted during such election by the severity of the season, or by the absence or severance, temporarily, of any other means of communication than that available by telegraph, he may direct that the writ of election and all necessary instructions, information, forms, proclamations, notices, appointments, reports, returns (other than the return of the returning officer as to the result of the election) and other election documents be transmitted to or within the electoral district to or by the returning officer, deputy returning officer, and other election officers, by telegraph.

Order as to details.

(2) The Chief Electoral Officer may make such order as to the details of the proceedings at or relating to such election, to be so transmitted by telegraphic communication as to him seems proper for best attaining the purpose of this section.

Telegrams repeated.

(3) Every telegraphic communication referred to in this section shall be repeated by the person receiving the messages to the person transmitting the same, in order to insure the correctness of the message received.

Oaths and Affirmations.

Oaths: by whom administered.

104. (1) Where in this Act any oath, affirmation, affidavit or statutory declaration is authorized or directed to be made, taken or administered, the oath, affirmation, affidavit or declaration shall be administered by the person who by this Act is expressly required to administer it, and, if no particular person is required to administer it, then by the judge of any court, the returning officer, the election clerk, a revising officer, a deputy returning officer, a poll clerk, a notary public, a magistrate, a justice of the peace or a commissioner for taking affidavits within the province.

(2) All such oaths, affirmations, affidavits or declarations shall be administered gratuitously.

Lists of Electors for By-election Held within one Year after General Election.

When enumeration of electors unnecessary.

105. (1) When a writ of election in any electoral district is issued within one year after the day fixed for the poll at the next preceding general election under this Act in such electoral district, it shall not be necessary to prepare

SECTION **103.** No change. At present, these provisions appear in section 108 of the Act.

SECTION **104.** Changed at the suggestion of the Chief Electoral Officer. At present, these provisions appear as follows in section 109 of the Act:

"**109.** (1) The returning officer at any election may administer an oath or affirmation which is by this Act authorized or directed to be made with respect to such election; the election clerk, revising officer, deputy returning officer or poll clerk may administer any such oath or affirmation except one which is expressly required to be administered by the returning officer, and where by this Act any oath, affirmation, affidavit, or statutory declaration is authorized or directed to be made, taken or administered, the oath or affirmation, including that to an affidvait or statutory declaration, may be administered either by the person, if any, by this Act expressly required to administer it, or by a judge of any court, a notary public, a justice of the peace, stipendiary magistrate, police magistrate, or a commissioner for taking affidavits having authority or jurisdiction within the place where the oath or affirmation is administered.

(2) All such oaths and affirmations shall be administered gratuitously."

SECTION **105.** New. Inserted at the suggestion of the Chief Electoral Officer. These provisions are similar to corresponding provisions in the Act of 1930.

any preliminary lists of electors for such election, as provided in section seventeen of this Act, if there are on file in the office of the Chief Electoral Officer copies of the lists of electors prepared for such preceding election.

Lists of electors which shall be used.

(2) In that event, it shall be the duty of the Chief Electoral Officer to send forward to the returning officer, with the writ of election, at least twelve copies of the lists of electors prepared for the preceding election and on file in his office. Two copies of such lists of electors shall be transmitted forthwith by the returning officer to the revising officers in urban polling divisions and to the enumerators in rural polling divisions, to be appointed as in this Act provided. The returning officer shall also furnish two copies of such lists to every candidate formally nominated and, at the discretion of the returning officer, to every person reasonably expected to be formally nominated as a candidate at the then pending by-election or to his representative.

Duties of returning officers.

(3) The returning officer shall cause to be printed and posted up, as in this Act provided, the necessary number of copies of the Notice of Revision, in Form No. 12, (modified by the Chief Electoral Officer to suit the circumstances) and shall perform all his other duties in relation to the revision and correction of the list of electors by the revising officers in urban polling divisions and by enumerators in rural polling divisions, as prescribed in this Act.

Duties of revising officers in urban polling divisions.

(4) In urban polling divisions every revising officer appointed shall revise and correct the lists of electors for the various polling divisions comprised in his revisal district, as directed in Rules (17) to (43), inclusive, of Schedule A to section seventeen of this Act, with the exception that the sittings of the revising officer shall be held on the twenty-first, twentieth and nineteenth days before polling day, and the revising officer shall otherwise act in every other respect as if the lists furnished him by the returning officer were preliminary lists of electors newly prepared by enumerators and printed as in this Act provided.

Duties of enumerators in rural polling divisions.

(5) In rural polling divisions, every enumerator shall post up three copies of the notice in Form No. 19, (modified by the Chief Electoral Officer to suit the circumstances) and he shall also post up one copy of the list of electors, as received from the returning officer, together with one copy of such notice, at the place whereat such enumerator will remain in attendance between the hours of two and ten o'clock in the afternoon of Monday the twenty-first day before polling day to revise the list of electors for his polling division, as directed by Rules (12) to (24), inclusive, of Schedule B to section seventeen of this Act, with the exception that all changes and additions shall be made on one copy of the list received from the returning officer instead of in the index book, and he shall act in every other respect as if such list was a preliminary list of electors newly prepared as in this Act provided.

Revised lists to be printed.

(6) The lists of electors so revised and corrected by the revising officers or enumerators shall be printed by the returning officer immediately after the revision is completed and shall then constitute the official lists of electors to be used for the taking of the vote at the pending by-election.

List for polling division for which no list is on record.

(7) Should there be in any electoral district a polling division for which a list of electors is not on record in the office of the Chief Electoral Officer, a list of electors for such polling division shall, for the purpose of any by-election, be wholly prepared as in the manner by this Act provided.

Voting under the Canada Temperance Act.

Act to apply in votes taken under *Canada Temperance Act.*

R.S., c. 196.

106. (1) Whenever under the *Canada Temperance Act* a vote is to be taken, the procedure to be followed shall, in lieu of the procedure therein directed, be the procedure laid down in this Act with such modifications as the Chief Electoral Officer may direct as being necessary by reason of the difference in the nature of the question to be submitted, and with such omissions as he may specify on the ground that compliance with the procedure laid down is not required.

Publication in *Canada Gazette.*

(2) Any direction given by the Chief Electoral Officer for a modification of or omission from the procedure directed by this Act shall be published by him in the *Canada Gazette* at least four weeks before the day upon which the vote is to be taken.

Amendments.

No amendment to apply to election for which writ is issued, within three months, except after notice.

107. No amendment to this Act shall apply in any election for which the writ is issued within three months from the passing thereof unless before the issue of such writ the Chief Electoral Officer has published in the *Canada Gazette* a notice that the necessary preparations for the bringing into operation of such amendment have been made and that such amendment may come into force accordingly, and it shall be the duty of the Chief Electoral Officer forthwith after the passing of any amendment to consolidate such amendment, so far as necessary, in the copies of the Act or parts thereof printed for distribution to election officers, to correct and re-print all forms and instructions affected thereby, and to publish a notice as aforesaid in the *Canada Gazette* as soon as copies of the Act and the forms and instructions have been so corrected and re-printed.

Consolidation of amendments.

Repealed Acts.

Repealed Acts.

1934, c. 50.

108. The following Acts are repealed:—

(a) The Dominion Elections Act, 1934, chapter fifty of the statutes of 1934.

SECTION **106.** No change. At present, these provisions appear in section 110 of the Act.

SECTION **107.** No change. At present, this provision appears in section 111 of the Act.

1936, c. 35. (*b*) *An Act to provide for Dominion By-elections*, chapter thirty-five of the statutes of 1936.

1934, c. 51. (*c*) *The Dominion Franchise Act*, chapter fifty-one of the statutes of 1934.

Date of Coming into Force.

Act to be proclaimed.

109. This Act shall come into force on a date to be fixed by the Governor in Council and proclaimed by him in the *Canada Gazette*.

SCHEDULE ONE

FORMS

Form No. 1.

WRIT OF ELECTION. (Sec. 7.)

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and of the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To *(Insert name, surname and address of returning officer).*

Greeting:

Whereas, by the advice of Our Privy Council for Canada, We have ordered a Parliament to be holden at Ottawa, on the day of next *(omit this preamble, except in the case of a general election)*, We command you that notice of the time and place of election being duly given, you do cause election to be made according to law of a member *(or as the case may be)* to serve in the House of Commons of Canada, for the electoral district of in the province of *(except in case of a general election, insert here)* in the place of *(stating the cause of the vacancy)* and that you do cause the nomination of candidates at such election to be held on the day of next, and if a poll become necessary that the same be held on the day of next, and do cause the name (*or* names) of such member or members when so elected, whether he is (*or* they are) present or absent, to be certified to our Chief Electoral Officer, as by law directed.

Witness, Our Right Trusty and Well-beloved, etc., Governor General (*or* Administrator of the Government) of Our Dominion of Canada, at Our city of Ottawa, the day of in the year of Our Reign and in the year of Our Lord 19 .

By Command

.....

Chief Electoral Officer.

Endorsement.

Received the within Writ on the day of , 19 .

.....

Returning Officer.

FORM No. 2.

OATH OF THE RETURNING OFFICER. (Sec. 9.)

I, the undersigned *(insert name of returning officer)*, returning officer for the electoral district of do swear (*or* solemnly affirm) that I am qualified according to law to act as returning officer for the said electoral district of , and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God.

.....
Returning Officer.

Certificate of Returning Officer having taken the Oath of Office.

I, the undersigned, hereby certify that on the day of the month of , 19 , *(insert name of returning officer)* the returning officer for the electoral district above mentioned, took and subscribed before me the oath *(or affirmation)* of office required in such case of a returning officer by section nine of *The Dominion Elections Act, 1938.*

In testimony whereof I have delivered to him this certificate.

.....
Justice of the Peace,
(or as the case may be.)

Form No. 3.

APPOINTMENT AND OATH OF AN ELECTION CLERK. (Sec. 9.)

APPOINTMENT.

To *(insert name of election clerk)*, whose occupation is *(insert occupation)*, and whose address is *(insert address)*.

Know you that, in my capacity of returning officer for the electoral district of , I do hereby appoint you to be my election clerk, to act in that capacity for the said electoral district.

Given under my hand at.....this.....day of ....., in the year 19 .

.....
Returning Officer.

OATH OF THE ELECTION CLERK. (Sec. 9.)

I, the undersigned *(insert name of election clerk)*, appointed election clerk for the electoral district of , do swear (*or* solemnly affirm) that I will act faithfully in my said capacity as election clerk, and also in that of returning officer, if required to act as such, according to law, without partiality, fear, favour or affection. So help me God.

.....
Election Clerk.

Certificate of Election Clerk having taken the Oath of Office.

I, the undersigned, hereby certify that, on the day of , 19 , *(insert name of election clerk)*, election clerk for the electoral district of , took and subscribed before me the oath (*or* affirmation) of office required in such case of an election clerk by section nine of *The Dominion Elections Act, 1938*.

In testimony whereof I have delivered to him this certificate under my hand.

.....
Returning Officer.
(or *as the case may be.*)

FORM No. 4.

PROCLAMATION. (Sec. 18.)

Electoral District of
Province of } To wit:

Pursuant to His Majesty's writ bearing date the day of , 19 , I am commanded to cause election to be made according to law of a member (or *two members*) to serve in the House of Commons of Canada for this electoral district, and I accordingly give public notice:

That I am now prepared to receive nominations of candidates at such election and shall attend specially to receive such nominations at *(describe the place at which the returning officer will attend to receive nominations)* , in the town (or *city* or *village*) of , on *(insert day and date of nomination day)* , the day of , 19 , from noon until two o'clock in the afternoon, after which said last mentioned hour no further nominations of candidates will be received.

And that in case a poll is demanded and allowed in the manner by law prescribed, such poll will be held on the day of , 19 , between the hours of eight o'clock in the forenoon and six o'clock in the afternoon at places of which I shall subsequently give notice.

And that in case a poll is held, I shall at o'clock in the noon on the *(insert the earliest date at which the return of all the ballot boxes may be expected)* day of , 19 , at *(describe the place at which the votes are to be finally added up)* , in the town (or *city* or *village*) of , open the ballot boxes, add up the votes given for the several candidates, and declare elected the candidate having the majority of votes.

And that *(the returning officer will alter the wording of this paragraph to suit the circumstances)* the territory comprised within the city *(or town, or as the case may be)* of will be urban polling divisions for which the lists of electors will be prepared and revised under the rules set forth in Schedule A to section seventeen of *The Dominion Elections Act, 1938*, and that the polling divisions in the remainder of the electoral district will be rural polling divisions, for which the lists of electors will be prepared and revised under the rules set forth in Schedule B to the said section seventeen.

And that I have established my office as returning officer for the electoral district at *(giving the location of the returning officer's office)*.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at , in the above mentioned electoral district, this day of , 19 .

(Print name of returning officer)
Returning Officer

Form No. 5.

APPOINTMENT OF AN ENUMERATOR.

(Sec. 17, Sched. A, Rule 1, and Sched. B, Rule 1.)

To *(insert name of enumerator)*, whose occupation is *(insert occupation)*, and whose address is *(insert address)*.

Know you that, in pursuance of the provisions of section seventeen of *The Dominion Elections Act, 1938*, I, the undersigned, in my capacity as returning officer for the electoral district of....., do hereby appoint you to be enumerator for polling division No..... in the said electoral district to prepare a list of electors qualified to vote in the said polling division, in accordance with the provisions of the said section seventeen of *The Dominion Elections Act, 1938*.

Given under my hand at.....this..... day of....., 19.....

.....
Returning Officer.

Form No. 6.

OATH OF AN ENUMERATOR.

(Sec. 17, Sched. A, Rule 1, and Sched. B, Rule 3.)

I, the undersigned *(insert name of enumerator)*, appointed enumerator for polling division No....., in the electoral district of..... ....., do solemnly swear (*or* affirm) that I will act faithfully in my said capacity of enumerator, without partiality, fear, favour or affection, and in every respect according to law. So help me God.

.....
Enumerator.

CERTIFICATE OF THE ENUMERATOR HAVING TAKEN THE OATH OF OFFICE.

I, the undersigned, do hereby certify that on the ..... day of....., 19...., the enumerator above named made and subscribed before me the above set forth oath (*or* affirmation).

In testimony whereof I have issued this certificate under my hand.

.....
Returning Officer
(or as the case may be.)

Form No. 7.

ENUMERATORS' NOTICE TO ELECTOR.

(Sec. 17, Sched. A, Rule 7.)

Electoral District of.....

City (or Town) of.....

Urban Polling Division No.....

Notice is hereby given that application having been made to the enumerators for the above urban polling division to include in their preliminary list of electors therefor an entry as undernoted; such application has been disposed of as hereinafter mentioned. Also that if any entry made in this notice or in the preliminary list of electors is in any respect incorrect, such list may be corrected on application to the revising officer at the place and times of which notice will in due course be given by the returning officer for the above mentioned electoral district.

Name of elector. *(family name first)*

Occupation. *(insert occupation)*

Address. *(insert address)*

This application has been { GRANTED / REFUSED } (Strike out inapplicable word).

Dated this.....day of.....19.....

.....
Enumerator.

.....
Enumerator.

Note.—This notice should be preserved until after polling day at the pending election.

Form No. 8.

URBAN PRELIMINARY LIST OF ELECTORS. (Sec. 17, Sched. A, Rule 13.)

Electoral District of.....Urban Polling Division No.....

Comprising the area included within a line described as commencing at the intersection of Laurier Avenue west and Bronson Avenue, thence east along Laurier Avenue west to Lyon Street, thence south along Lyon Street to Gloucester Road, thence west along Gloucester Road to Bronson Avenue, and north along Bronson Avenue to point of commencement.

The following names have been enumerated during a recent house-to-house visitation in the above mentioned polling division by a pair of urban enumerators.

Name of street and		Name of elector *(family name first)*	Occupation	Consecutive number
Street number	Apartment number			
BAY STREET				
219	1	Johnson, Alfred	painter	1
219	1	Johnson, Mrs. Alfred	—	2
219	2	Fischer, James	railway employee	3
219	3	Carroll, Ernest	bookkeeper	4
220		McMillan, John	civil servant	5
221		Osborne, John	printer	6
222		Payne, Charles	printer	7
BRONSON AVENUE				
103		Smith, Henry	civil servant	8
104		Henderson, Peter	tinsmith	9
105		Stewart, Nelson	mechanic	10
105		Stewart, Mrs. Nelson	—	11
106		Kennedy, Ernest	civil servant	12
106		Kennedy, Miss Jamen	spinster	13
107		Davis, Louis	jobber	14
GLOUCESTER ROAD				
323	1	Williams, James	civil servant	15
323	2	Dunn, Robert	retired	16
323	3	Moffatt, Miss Lily	spinster	17
323	4	Pearson, Mrs. Alex	widow	18
326		Carson, Harold	clerk	19
326		Carson, Mrs. Harold	—	20
LAURIER AVENUE				
456		Murphy, Peter	builder	21
456		Murphy, Mrs. Peter	—	22
459	1	Lusk, Nelson	civil servant	23
459	1	Lusk, Mrs. Nelson	—	24
459	2	Lawson, John	painter	25
459	2	Lawson, Mrs. John	—	26
459	3	Wood, Peter	clerk	27
LYON STREET				
204		Moore, Alex	tinsmith	28
204		McDonald, John	civil servant	29
204		McDonald, Mrs. John	—	30
207		Murphy, Miss Jane	civil servant	31
210		Graham, William	merchant	32
215		Russell, John	civil servant	33
215		Russell, Miss Dorothy	spinster	34
PERCY STREET				
3	1	Fisher, Howard	clerk	35
3	2	Johnson, James	civil servant	36
3	3	Blackburn, John	contractor	37
3	3	Blackburn, Mrs. John	—	38
4		Henderson, Edward	carpenter	39
11		Smith, Henry	blacksmith	40
15		Burns, Mrs. James	stenographer	41
15		Burns, Miss Ann	clerk	42

On the last page of each separate complete copy of the list prepared, the enumerators will severally subscribe to the oath in Form No. 9.

Form No 9.

OATH OF URBAN ENUMERATORS UPON COMPLETION OF THEIR PRELIMINARY LIST (Sec. 17, Sched. A, Rule 15)

We, the undersigned urban enumerators appointed to prepare a preliminary list of electors for polling division No..... of the electoral district of....., do severally solemnly swear (or affirm) that the foregoing.....sheets contain as complete and as correct a list of the qualified electors as we have been able to prepare for the above mentioned polling division.

Severally sworn *(or affirmed)* before me at.....
this.....day of....., 19....

.....
Enumerator.

.....
Returning Officer (or, as the case may be).

.....
Enumerator.

Form No. 10.

APPOINTMENT OF A SUBSTITUTE REVISING OFFICER. (Sec. 17, Sched. A, Rule 18.)

To....., whose address is.....
and whose occupation is.....

Know you that, pursuant to the authority vested in me under Rule (18) of Schedule A to section seventeen of *The Dominion Elections Act, 1938*, I, the undersigned, in my capacity as *ex officio* Revising Officer, do hereby appoint you to be a substitute revising officer for revisal district No.....of the electoral district of....., to revise the preliminary lists of electors for the urban polling divisions comprised in the said revisal district, for use in the pending election for a member of the House of Commons, in accordance with the provisions of the said section seventeen of *The Dominion Elections Act, 1938.*

Given under my hand at.....
this.....day of....., 19....

.....

Judge of the.....Court

Form No. 11.

OATH OF A SUBSTITUTE REVISING OFFICER. (Sec. 17, Sched. A, Rule 18.)

I, the undersigned.....
(Insert name of substitute revising officer)
appointed substitute revising officer for revisal district No..... in the electoral district of....., do solemnly swear (or affirm) that I will act faithfully in my said capacity of substitute revising officer, without partiality, fear, favour or affection, and in every respect according to law. So help me God.

.....
Substitute revising officer.

Certificate of Oath of the Substitute Revising Officer.

I, the undersigned do hereby certify that on the..... day of....., 19...., the substitute revising officer above named made and subscribed before me the above set forth oath (or affirmation).

In testimony whereof I have issued this certificate under my hand.

.....
Judge of the.....Court
(or.....
(as the case may be)

Form No. 12.

NOTICE OF REVISION OF URBAN PRELIMINARY LISTS OF ELECTORS (Sec. 17, Sched. A, Rule 23.)

Electoral District of.....

Public Notice is hereby Given That the sittings for the revision of the preliminary lists of electors for the urban polling divisions comprised in the above mentioned electoral district will be held at ten o'clock (standard time) in the forenoon of each of the following three days, namely: Monday, Tuesday and Wednesday, the.....,
(Insert the dates of the 14th, 13th and 12th
.....and..... days of....., 19....,
days before polling day.)
when the preliminary lists of electors for the several polling divisions comprised in each of the following revisal districts will be revised by the undermentioned revising officers at the places specified below:

CITY (OR TOWN) OF.....

FOR REVISAL DISTRICT NO. 1, comprising polling divisions Nos..... ..... of the above mentioned electoral district, including within an area described as follows: *(Insert description of area included in revisal district.)* The sittings for revision will be held at *(Insert exact location of the revisal office.)* before *(Insert full name of the revising officer)* who has been duly appointed revising officer and whose ordinary post office address is *(Insert address of revising officer).*

(Proceed as above in respect to all other revisal districts.)

NOTICE IS FURTHER GIVEN THAT on or before the first day of the sittings for revision, any qualified elector in the above mentioned electoral district may make, before the revising officer for the appropriate revisal district, an affidavit attacking the qualification as elector of any other person whose name appears on the preliminary list of electors for one of the polling divisions in such revisal district.

THAT at any of the sittings for revision aforesaid the revising officer will dispose of the following applications:—

(*a*) personal applications made by persons whose applications to have their names included in the list of electors have been refused by the enumerators;

(b) personal applications made by electors whose names were omitted from the preliminary list;

(c) written applications made by agents on Forms Nos. 15 and 16 on behalf of persons claiming the right to have their names included in the list of electors pursuant to Rule (33) of Schedule A to section seventeen of *The Dominion Elections Act, 1938;* and

(d) verbal applications for the correction of names or particulars of electors appearing on the preliminary list.

THAT on the last day of his sittings each revising officer will dispose of any objection made on oath to the inclusion of any name on the lists, of which he himself has given notice to the elector concerned, pursuant to Rule (28) of Schedule A to section seventeen of *The Dominion Elections Act, 1938.*

THAT each of the sittings aforesaid will open at ten o'clock (standard time) in the forenoon and will continue only during such time as may be necessary to deal with the business ready to be disposed of.

THAT on the last day of the sittings for revision each revising officer will sit continuously in his revisal office from seven to ten o'clock (standard time) in the afternoon of such day.

AND THAT the preliminary lists of electors prepared by urban enumerators, to be revised as aforesaid, may be consulted during office hours at my office at *(insert location of office of returning officer).*

Given under my hand at.....this..... day of....., 19.....

(Print name of returning officer.)
Returning Officer for the Electoral District of.....

FORM No. 13.

AFFIDAVIT OF OBJECTION TO A REGISTERED ELECTOR (Sec. 17, Sched. A, Rule 28).

Electoral District of.....

I, *(Name in full, family name last)*, whose address is *(address as in list of electors)*, and whose occupation is *(occupation as in list of electors)*, make oath *(or solemnly affirm)* and say:—

1. That I am the person described on the preliminary list of electors for polling division No.....in the city (or town) of .....in the above electoral district, and my address and occupation are set out above as given in the said preliminary list of electors.

2. That there has been included in the preliminary list of electors for polling division No.....in the electoral district of....., in the said city *(or town or as the case may be)* above described, the name of *(set out name as in list of electors)*, whose address is given as *(set out address as in list of electors)*, and whose occupation is stated as *(set out occupation as in list of electors)*.

3. That I know of no other address at which the said person is more likely to be reached than that so stated in the said preliminary list of electors, except *(give alternative or better address, if one is known.)*

4. And that I have good reason to believe and do verily believe that the said name should not appear upon the said list of electors for this electoral district because the person, described by the said entry, *(insert one of the grounds of disqualification as hereinafter set out)*.

Sworn (or affirmed) before me at.....
.....,
this.....day of.....,
19.....

.....
Revising Officer for Revisal District No.....

.....
(Deponent to sign here)

Grounds of disqualification which may be set out in the affidavit in Form No. 13.

(1) "Is dead."

(2) "Is not qualified because he is not of the full age of twenty-one years and will not attain such age on or before polling day."

(3) "Is not qualified because he is not a British Subject by birth or naturalization."

(4) "Is not qualified because he has not been ordinarily resident in Canada during the twelve months immediately preceding polling day at the pending election."

(5) "Is not qualified because he was not ordinarily resident in this electoral district on the date of the issue of the writ for the pending election (or, at a by-election, has not continued to be ordinarily resident therein until this day)."

(6) "Is disqualified from voting because he is" *(naming the class of disqualified persons to which the person objected to belongs)*, as e.g., "a judge appointed by the Governor in Council," "an Indian resident on an Indian reservation who did not serve in the naval, military or air forces of Canada in the war 1914-1918," *or, as the case may be, and as prescribed by sections fourteen and fifteen of The Dominion Elections Act, 1938.*

(7) "Has to my knowledge, been included in the list of electors prepared for polling division No..... of this electoral district in which he resides."

FORM No. 14.

NOTICE OF OBJECTION TO ELECTOR OBJECTED TO. (Sec. 17, Sched. A, Rule 28.)

Electoral District of.....

To: *(Set out name, address and occupation of elector as in the preliminary list of electors, also addressing the same notice to any other address given in Form No. 13.)*

Take notice than an affidavit, of which a copy is sent herewith, has been made before me this day alleging that you are not entitled to vote at the pending Dominion election in the polling division mentioned in such affidavit for the reason set out in the said affidavit.

And take notice that if you desire your name to remain on the list of electors for the polling division mentioned in such affidavit you must appear before me during my sittings as revising officer which will be held at No.....street in the City (or Town) of..... on the.....day of....., 19..., where I may be found at ten o'clock in the forenoon and from seven o'clock until ten o'clock in the afternoon of that day.

And take notice that if you do not then appear before me and establish your right to have your name included in the said list of electors or, before the close of my sittings for revision, cause to be delivered to me an affidavit or statutory declaration justifying on sufficient grounds your non-attendance and verifying your qualifications as an elector and establishing your right to have your name thus included, your name will be struck off the said list of electors without any further action on the part of the elector by whom the objection has been made.

This notice is given pursuant to Rule (28) of Schedule A to section seventeen of *The Dominion Elections Act, 1938.*

Dated at.....this.....

day of....., 19....

.....

Revising Officer for Revisal District No.....

Form No. 15.

APPLICATION BY AGENT OF AN ELECTOR. (Sec. 17, Sched. A, Rule 33.)

Electoral District of.....

To the revising officer for revisal district No..... in the above mentioned electoral district.

I hereby apply for registration as an elector on the list of electors for polling division No....., comprised in the above mentioned revisal district, of the name of.....

(Here insert full name, in capital letters, with family name first).

whose address and occupation are, to my knowledge, as set forth in the annexed application for registration which, to my knowledge, is signed by him in his own proper handwriting and I so certify.

I am a qualified elector of the above mentioned revisal district and my name properly appears on the list of electors for polling division No.....thereof.

Dated at....., this.....
day of....., 19....

.....
(Signature of agent of elector).

Form No. 16.

APPLICATION BY AN ELECTOR FOR REGISTRATION AS SUCH. (Sec. 17, Sched. A, Rule 33.)

(To be presented to the revising officer by the agent of an elector.)

Electoral District of.....

Polling Division No.....

Name of applicant.....

(In capital letters with family name first).

I hereby apply to be registered at the now proceeding revision of lists of electors as an elector of the above mentioned electoral district in the above mentioned polling division.

I am of the full age of twenty-one years, or will attain the full age of twenty-one years on or before polling day at the pending election.

I am a British subject.

I have been ordinarily resident in Canada for the twelve months immediately preceding polling day, and was ordinarily resident in the above mentioned electoral district on the date of the issue of the writ for the pending election (and, at a by-election I have continued to be ordinarily resident in this electoral district until this day).

My present place of residence is:.....

(Inesrt full Post Office address).

My occupation is that of.....

Dated at....., this.....
day of....., 19....

.....
(Signature of applicant).

Form No. 17.

REVISING OFFICER'S STATEMENT OF CHANGES AND ADDITIONS MADE IN AN URBAN PRELIMINARY LIST OF ELECTORS. (Sec. 17, Sched. A, Rule 41.)

Polling Division No.....

Electoral District of.....

Revisal District No.....

The following names appearing in the urban preliminary list of electors have been struck out:—

Name of street *(or, as the case may be)*	Street No.	Apartment No.	Name of elector *(Family name first)*	Occupation	Consecutive number

The following names have been added to the urban preliminary list of electors:—

Name of street *(or, as the case may be)*	Street No.	Apartment No.	Name of elector *(Family name first)*	Occupation	Remarks

The following entries in the urban preliminary list of electors have been corrected so as to appear as follows:—

Name of street *(or, as the case may be)*	Street No.	Apartment No.	Name of elector *(Family name first)*	Occupation	Consecutive number

CERTIFICATE.

I hereby certify that the foregoing is a correct statement of all the changes and additions which have been made in the urban preliminary list of electors for the above mentioned polling division in the course of the revision.

Dated at..... this.....
day of....., 19....

.....

Revising Officer.

Form No. 18.

CERTIFICATE ISSUED BY RETURNING OFFICER TO AN ELECTOR DULY ENUMERATED, BUT WHOSE NAME WAS INADVERTENTLY LEFT OFF THE OFFICIAL URBAN LIST OF ELECTORS. (Sec. 17 (14).)

Electoral District of.....

Urban Polling Division No.....

To Whom It May Concern:

This is to certify that the carbon copy of the Notice in Form No. 7 in the enumerators' record books now in my possession show that such a notice was duly issued to.....,

(insert name)

....., ...,

(insert address) *(insert occupation)*

advising such person that his application to be registered as an elector in the above mentioned polling division was granted, and that, through inadvertence, his name was left off the official list of electors for the said polling division.

This is to certify also that, pursuant to subsection fourteen of section seventeen of *The Dominion Elections Act, 1938*, the official list of electors for the above mentioned polling division is deemed to have been amended to include the name of the above named elector, and that he is therefore entitled to vote at the pending election at polling station No.....established in the above mentioned polling division.

Given under my hand at..... this..... day of....., 19....

.....

(Returning Officer.)

FORM No. 19.

NOTICE OF RURAL ENUMERATION OF ELECTORS. (Sec. 17, Sched. B, Rule 3.)

Electoral District of.....

Rural Polling Division No.....

Public notice is hereby given that the undersigned has been appointed enumerator for the above mentioned rural polling division and is about to prepare a preliminary list of electors who are qualified to vote therein at a Dominion election, and that he will complete the said preliminary list of electors on Saturday, the.....
(insert the date of Saturday,
day of....., 19....
he forty-fourth day before polling day.)

And that during the hours between two and ten o'clock in the afternoon of Tuesday, the.....day of the month of.....
(insert the date of Tuesday, the thirteenth day before polling day.)
....., 19....
he will attend and remain at.....
(insert an exact description of the location of the place and where the enumerator intends to remain)
.....
so that he may be found there by any person who desires to direct attention to any error in any entry in the preliminary list or to represent that such list does not contain the name of any person residing in the above polling division who is qualified to vote at the pending Dominion election or does contain the name of any person who is not qualified to vote thereat.

And that in order that the preliminary list of electors for the above mentioned polling division shall be available for inspection by persons desiring to inspect the same, a copy thereof will, forthwith after the completion thereof, be posted at the place above described and will remain so posted until all proper corrections in the list have been made.

And that after ten o'clock in the afternoon of the Tuesday above mentioned, no further corrections or additions will be made, and the preliminary list of electors together with the statement of changes and additions certified by me will constitute the official list of electors to be used for the taking of the vote at the pending election for the polling division above mentioned.

Dated at....., this.....
day of....., 19....

.....
Enumerator.

FORM No. 20.

INDEX BOOK. (Sec. 17, Sched. B, Rule 5.)

Form for first page.

Electoral district of .....
Polling division No. ..... comprising *(giving description of the boundaries of polling division)* .....
.....
.....

Consecutive Number	Name *(Family name first)*	Occupation	Post office address	Remarks

Form for second and subsequent pages.

Continuation of polling division No. .....

Consecutive Number	Name *(Family name first)*	Occupation	Post office address	Remarks

Form No. 21.

RURAL PRELIMINARY LIST OF ELECTORS. (Sec. 17, (16) and Sched. B, Rule 10.)

Electoral District of.....
Rural Polling Division No.....comprising *(giving the description of the boundaries of the polling division)*.....
.....

Consecutive Number	Name *(Family name first)*	Occupation	Post office address
1	Allan, John	farmer	Britannia
2	Allan, Mrs. John	—	Britannia
3	Allan, Miss Helen	spinster	Britannia
4	Bradley, Thomas	merchant	Westboro
5	Bradley, Mrs. Thomas	—	Westboro
6	Bradley, Miss Jean	clerk	Westboro
7	Boyle, Mrs. Thomas	widow	Woodroffe
8	Carter, John	clerk	Westboro
9	Cummings, James	farmer	Britannia
10	Cummings, Mrs. James	—	Britannia
11	Caldwell, Samuel	labourer	Westboro
12	Dawson, William	farmer	R.R. No. 1, Westboro
13	Dawson, Mrs. William	—	R.R. No. 1, Westboro
14	Downing, Miss Mary	teacher	Woodroffe
15	Egan, Mrs. James	widow	Woodroffe
16	Foley, Benjamin	farmer	RR.. No. 1, Westboro
17	Foley, Mrs. Benjamin	—	R.R. No. 1, Westboro
18	Graham, Alexander	painter	Westboro
19	Graham, Mrs. Alexander	—	Westboro
20	Grant, Miss Evelyn	clerk	Westboro
21	Hodgins, Elmer	farmer	R.R. No. 1, Westboro
22	Hodgins, Mrs. Elmer	—	R.R. No. 1, Westboro
23	Hudson, James	labourer	Westboro
24	Jenkins, Thomas	farmer	Britannia
25	Jenkins, Mrs. Thomas	—	Britannia
26	Kelly, Miss Jane	spinster	Westboro
27	Lewis, Harry C	agent	Westboro
28	Lewis, Mrs. Harry C	—	Westboro
29	Lewis, Miss Suzanne	teacher	Westboro
30	Lewis, Peter	broker	Westboro
31	Martin, James	farmer	Westboro
32	Martin, Mrs. James	—	Westboro
33	Moore, Mervin	farmer	Westboro
34	Neil, John	labourer	Westboro
35	Osborne, Peter	farmer	Westboro
36	Osborne, Mrs. Peter	—	Westboro
37	Pratt, Oscar	farmer	R.R. No. 1, Westboro
38	Pratt, Mrs. Oscar	—	R.R. No. 1, Westboro
39	Richards, Peter	farmer	R.R. No. 2, Westboro
40	Richards, Mrs. Peter	—	R.R. No. 2, Westboro
41	Smith, Norman	merchant	Westboro
42	Smith, Mrs. Norman	—	Westboro
43	Smith, Miss Dora	clerk	Westboro
44	Thompson, James	labourer	Westboro
45	Thompson, Miss Mildred	spinster	Westboro
46	Timmins, Alex	farmer	R.R. No. 1, Westboro
47	Wilson, James	farmer	R.R. No. 2, Westboro
48	Wilson, Mrs. James	—	R.R. No. 2, Westboro
49	Yates, John	merchant	Westboro
50	Yates, Mrs. John	—	Westboro

I hereby certify that the attached.....sheets contain a true copy of the rural preliminary list of electors for the polling division above described as prepared by me for use at the pending election.

Dated at.....this.....day of....., 19.....

.....
Enumerator.

Form No. 22.

CERTIFICATE OF RURAL ENUMERATOR. (Sec. 17, Sched. B, Rule 20).

I,....., of.....,
(Insert name of enumerator) *(Insert address)*

in the province of....., duly appointed as rural enumerator for polling division No.....in the electoral district of....., do hereby declare that this index book contains as complete a list of the qualified electors in the said polling division as I have been able to prepare.

AND THAT I have prepared the official list of electors for this polling division impartially and to the best of my ability: there now appear therein the names of all persons in this polling division whom I believe to be qualified as electors at the pending Dominion election, and no names of any persons whom I do not believe to be qualified to vote appear therein as qualified electors.

Dated at.....this.....
day of....., 19.....

.....
Rural Enumerator.

Form No. 23.

STATEMENT OF CHANGES AND ADDITIONS MADE BY THE RURAL ENUMERATOR IN THE PRELIMINARY LIST OF ELECTORS IN THE INDEX BOOK. (Sec. 17, Sched. B, Rule 19.)

Polling Division No.....

Electoral District of.....

The following names have been added to the preliminary list of electors in the index book:—

Name *(Family name first)*	Occupation	Post office address

The following names in the preliminary list of electors in the index book have been corrected so as to appear as follows:—

Consecutive Number	Name *(Family name first)*	Occupation	Post office address

The following names appearing in the preliminary list of electors in the index book have been struck out:—

Consecutive Number	Name *(Family name first)*	Occupation	Post office address

CERTIFICATE.

I hereby certify that the foregoing is a correct statement of all the changes and additions which have been made in the rural preliminary list of electors in the index book for the above polling division in the course of the revision.

Dated at.....this.....day of....., 19....

.....
Enumerator.

Form No. 24.

NOMINATION PAPER. (Sec. 21 (5).)

We, the undersigned electors of the electoral district of , hereby nominate *(here give name in full, residence and occupation of person nominated)* as a candidate at the election now about to be held, of a member to represent the said electoral district in the House of Commons of Canada.

Signature of witness	Address of witness	Occupation of witness	Signatures of electors	Addresses of electors	Occupations of electors

Several signatures of electors may be bracketed and a witness need only sign once opposite the bracket for the whole series of signatures which he witnessed.

I, the said.....nominated in the
(Name of person nominated)
foregoing nomination paper, hereby consent to such nomination, and name as my address for the serving of process and papers under *The Dominion Elections Act, 1938*, and under the *Dominion Controverted Elections Act:*

.....
(Here insert address)

I do, pursuant to section sixty-two of *The Dominion Elections Act, 1938*, hereby name and appoint....., whose address is..... and whose occupation is....., as my official agent for the pending election.

Witness my hand at....., this.....day of....., 19.....

Signed by the said nominee in the presence of

.....
(Signature of witness)

.....
(Signature of candidate)

Form No. 25.

OATH OF ATTESTATION OF THE NOMINATION PAPER. (Sec. 21 (8).)

I, of *(post office address)* , *(occupation)*, swear (*or* solemnly affirm) that I know the following persons who have signed the within nomination paper, namely:—

and that they are duly qualified as electors in the electoral district of to vote at an election of a member to serve in the House of Commons of Canada, and that they respectively signed the within nomination paper in my presence.

This oath *(or affirmation)* was sworn (*or* affirmed) before me at this day of , 19 .

.....
Returning Officer.

.....
(Signature of person attesting.)

Form No. 26.

RETURN WHERE THERE ARE NO MORE CANDIDATES THAN MEMBERS TO BE ELECTED. (Sec. 24.)

I hereby certify that the member elected for the electoral district of , in pursuance of the within writ, is *(insert name, address and occupation of member elected, as stated on the nomination paper)*, no other candidate having been nominated (*or* the other *or* all other candidates having withdrawn, *as the case may be*).

Dated at this day of , 19 .

.....
Returning Officer.

Form No. 27.

NOTICE OF GRANT OF A POLL. (Sec. 25.)

Electoral District of
Province of

Public notice is hereby given to the electors of the electoral district aforesaid, that a poll has been granted for the election now pending for the said electoral district, and that such poll will be opened on , the day of , 19 , at the hour of eight o'clock in the forenoon and kept open until the hour of six o'clock in the afternoon in the following polling stations established in the various polling divisions comprised in the said electoral district:

Polling Division No.: *(Here insert the description of the boundaries of the polling division, followed by the location of every polling station established therein.)*

(Proceed as above in respect to all other polling divisions and polling stations.)

Notice is further given, that the persons duly nominated as candidates in the above mentioned electoral district, and for whom only votes will be received, are:

1.
2.
3. *(Insert the name, address and occupation of each candidate as given in the nomination paper, and follow the name and particulars of each with (in smaller type) the words "Official Agent" and the name, address and occupation of the official agent appointed by him.)*

Of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at this day of , 19 .

(Print name of returning officer).
Returning Officer.

Form No. 28.

APPOINTMENT OF A DEPUTY RETURNING OFFICER. (Sec. 26.)

To *(insert name of D.R.O.)*, whose occupation is *(insert occupation)* and whose address is *(insert address)*.

Know you that I, in my capacity of returning officer for the electoral district of....., hereby appoint you to be deputy returning officer for polling station No..... of the said electoral district, there to take the votes of the electors by ballot according to law, at the polling station to be by you opened and kept for that purpose; and you are hereby authorized and required to open and hold the poll of such election at the said polling station on the day of , 19 , at the hour of eight o'clock in the forenoon, at *(here describe particularly the location of the polling station)*, and there to keep the said poll open until six o'clock in the afternoon, and to take at the said polling station, by ballot, in the manner by law provided, the votes of the electors qualified to vote at the said polling station, and after counting the votes given for the various candidates and performing all the other duties required of you by law, to return to me forthwith the ballot box sealed with your seal, and inclosing two envelopes one containing the statement of the poll and another containing the poll book, the ballot papers—unused, spoiled, rejected and counted for each candidate—each lot in its proper envelope, the list of electors and other documents used at the poll, and all other papers required by law.

Given under my hand at this day of , in the year 19 .

.....
Returning Officer.

Form No. 29.

OATH OF A DEPUTY RETURNING OFFICER. (Sec. 26.)

I, the undersigned *(insert name of deputy returning officer)*, appointed deputy returning officer for polling station No. of the electoral district of , swear (*or* solemnly affirm) that I will act faithfully in my said capacity of deputy returning officer, according to law, without partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any of the voters in the above mentioned polling station marks his ballot paper in my presence at this election. So help me God.

.....
Deputy Returning Officer.

CERTIFICATE OF A DEPUTY RETURNING OFFICER HAVING TAKEN THE OATH OF OFFICE.

I, the undersigned, hereby certify that on the day of the month of , 19 , the deputy returning officer above named took and subscribed before me the oath (*or* affirmation) of office, required in such case of a deputy returning officer by section twenty-six of *The Dominion Elections Act, 1938*.

In testimony whereof I have issued this certificate under my hand.

.....
Justice of the Peace,
or
Returning Officer,
(or as the case may be).

Form No. 30.

APPOINTMENT AND OATH OF A POLL CLERK. (Sec. 26.)

APPOINTMENT.

To....., whose occupation is.....,
(insert name of poll clerk) *(insert occupation)*
and whose address is.....
(insert address)

Know you, that in my capacity of deputy returning officer for polling station No. , of the electoral district of , I hereby appoint you to be poll clerk for the said polling station.

Given under my hand at this day of , in the year 19 .

.....
Deputy Returning Officer.

OATH OF A POLL CLERK. (Sec. 26.)

I, the undersigned, ..., appointed poll
(insert name of poll clerk)
clerk for the above mentioned polling station, swear (*or* solemnly affirm) that I will act faithfully in my capacity of poll clerk, and also in that of deputy returning officer, if required to act as such, according to law, without partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any of the voters at the said polling station marks his ballot paper in my presence at this election. So help me God.

.....
Poll Clerk.

CERTIFICATE OF THE POLL CLERK HAVING TAKEN THE OATH OF OFFICE.

I, the undersigned, hereby certify that on the day of the month of , 19 ,
(insert name of poll clerk)
poll clerk, for the above mentioned polling station, took and subscribed before me the oath (*or* affirmation) of office required of a poll clerk in such cases by section twenty-six of *The Dominion Elections Act, 1938.*

In testimony whereof I have delivered to him this certificate under my hand.

.....
Deputy Returning Officer.
(or as the case may be)

FORM No. 31.

APPOINTMENT OF A POLL CLERK BY A POLL CLERK ACTING AS DEPUTY RETURNING OFFICER. (Sec. 26.)

To....., whose occupation is .....
(insert name of Poll clerk) *(insert occupation)*
and whose address is.....
(insert address)

Know you, that in my capacity of acting deputy returning officer for polling station No. of the electoral district of , in consequence of the decease (*or* incapacity to act, *or as the case may be*) of the deputy returning officer for the said polling station whose poll clerk I was, I hereby appoint you to be poll clerk for the said polling station of the said electoral district.

Given under my hand at this day of , in the year 19 .

.....
Poll Clerk acting as Deputy Returning Officer.

(The oath and certificate of its having been taken will be the same as in the case of a poll clerk appointed by the deputy returning officer.)

FORM No. 32.

FORM OF BALLOT PAPER. (Sec. 28.)

Front

1 **WILLIAM R. BROWN,**
636 Power St., Ottawa, Barrister.

2 **FRANK ARTHUR HAMON,**
R.R. No. 3, Westboro, Farmer.

3 **JOSEPH O'NEIL,**
Eastview, Gentleman.

4 **JOHN THOMAS SMITH,**
239 Bank St., Ottawa, Merchant.

FORM No. 32. (*Concluded*)

FORM OF BALLOT PAPER.

Back.

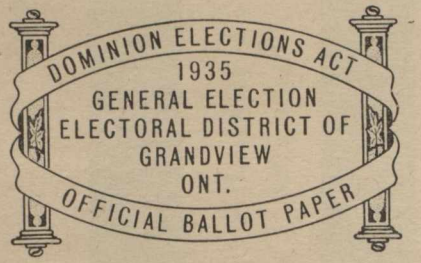
Serial No. 325 (*Line of Perforations here.*)

Space for consecutive number given to voter opposite his name in Poll Book.

No.....

Serial No. 325 (*Line of Perforations here.*)

Space for initials of D.R.O.



POLLING DAY:

September 14th, 1935.

JAMES BROWN, Printer,
260 Slater St., Ottawa, Ont.

FORM No. 33.

AFFIDAVIT OF PRINTER. (Sec. 28 (6).)

I,.....of the.....of
....., ..., make oath and say:—
(occupation)

1. That I am.....
(Insert "the sole member" or "one of the members of the firm of" or)
.....
("the of the Co. Ltd.", or as the case may be.)
hereinafter called "the printer" by whom or by which ballot papers have been printed for the pending election in the electoral district of .....for a member to serve in the House of Commons of Canada.

2. That sheets for ballot papers numbered as follows, namely:
.....
were delivered to the said printer by the returning officer for the printing of the said ballot papers which were printed with the names of.....
.....candidates, each
(Insert number of candidates)
of the said sheets thus cutting into.....ballot papers.
(Insert number of ballots)

3. That the number of ballot papers properly printed and delivered to the said returning officer was.....and that no other ballot papers have been supplied to any other person.

4. That.....sheets numbered as follows, namely.....
were not required and have been returned to the returning officer in the condition in which they were received.

5. That every piece of ballot paper spoiled in printing has been delivered to the returning officer.

6. *And that the ballot papers having been printed with the names of .....candidates, the cut off portions of all the sheets out of which ballot papers were cut have been returned to the said returning officer for return to the Chief Electoral Officer, the same being arranged in numerical order according to the numbers printed thereon.

SWORN (or affirmed) before me

at....., in the Province

of....., this.....

day of....., 19....

.....
(Signature of printer)

.....
Returning Officer,
(or as the case may be)

* Strike out this paragraph unless six, eight, nine, ten, twelve or more candidates are running.

Form No. 34.

DIRECTIONS TO VOTERS. (Sec. 36 (1).)

Each voter may vote only at one polling station and for only one candidate, unless two members are to be returned for the electoral district, in which case he may vote for one or for two candidates as he thinks fit.

The voter will go into one of the compartments, and, with a black lead pencil there provided, place a cross within the white space containing the name of the candidate for whom he votes, thus X.

The voter shall then fold the ballot paper so that the initials of the deputy returning officer on the back and the numbers on the counterfoil can be seen and the counterfoil detached without opening the ballot paper; he shall then return the ballot paper so folded to the deputy returning officer, who shall, in full view of those present, including the voter, remove the counterfoil, destroy the same, and place the ballot paper in the ballot box. The voter shall then forthwith quit the polling station.

If a voter inadvertently spoils a ballot paper, he may return it to the deputy returning officer, who, on being satisfied of the fact, will give him another.

If a voter votes for more candidates than he is entitled to vote for, or places any mark on the ballot paper by which he can afterwards be identified, his vote will be void and will not be counted.

If the voter fraudulently takes a ballot paper out of the polling station, or fraudulently delivers to the deputy returning officer to be put into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be disqualified from voting at any election for seven years thereafter and be liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election, to imprisonment without the alternative of a fine for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person, to imprisonment for a term not exceeding three years and not less than one year with or without hard labour.

In the following form of ballot paper given for illustration, the candidates are William R. Brown, Frank Arthur Hamon, Joseph O'Neil and John Thomas Smith and the voter has marked his ballot paper in favour of John Thomas Smith.

FORM No. 34. *(Concluded)*

1 **WILLIAM R. BROWN,**
636 Power St., Ottawa, Barrister.

2 **FRANK ARTHUR HAMON,**
R.R. No. 3, Westboro, Farmer.

3 **JOSEPH O'NEIL,**
Eastview, Gentleman.

4 **JOHN THOMAS SMITH,**
239 Bank St., Ottawa, Merchant. X

FORM No. 35.

OATH OF AGENT OF A CANDIDATE, OR ELECTOR REPRESENTING CANDIDATE. (Sec. 34.)

I, the undersigned *(insert name of candidate's agent)*, agent for (*or* elector representing) *(insert name of candidate)*, one of the candidates at the Dominion election held on this day in the electoral district of do swear (*or* solemnly affirm) that I will keep secret the names of the candidates for whom any elector voting at this polling station marks his ballot paper in my presence at this election. So help me God.

.....
(Signature of agent or elector)

Sworn (*or* affirmed) before me at , this day of , 19 .

.....
Deputy Returning Officer (or as the case may be.)

Form No. 36.

POLL BOOK (Sec. 36 (5).).

Consecutive number given each voter as he applies for a ballot	Particulars of voter			
	Name of voter. (*Family name first*)	Occupation	Post office address	Consecutive number of voter on the list of electors
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

Form numbers of oaths, if any, the voter is required to swear	Record that oaths sworn or refused. (If sworn, insert "Sworn", if refused, insert "Refused to be sworn")	Particulars of person vouching, *in a rural polling division only*, under section forty-six, for a voter whose name is not on the list.		
		Name	Consecutive number of voter on list of electors	Record that oath (Form 45) sworn (when sworn insert "sworn")
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

Record that voter has voted. — (*When ballot put into ballot box, insert "Voted"*)	Remarks
.....	.....
.....	.....
.....	.....

Form No. 37.

OATH OF QUALIFICATION. (Sec. 39.)

(1) You swear (*or* affirm) that you are a British subject of the full age of twenty-one years, that you have been ordinarily resident in Canada for the last twelve months and that you were ordinarily resident in this electoral district on the day of , 19 *(naming the date of the issue of the writ of election)*; (and, at a by-election, you have continued to be ordinarily resident in this electoral district until to-day.)

(2) That you are not within any of the classes of persons who lack qualification or are disqualified by reason of appointment to judicial office, employment in this electoral district for pay or reward in reference to the pending election, race, crime, mental incapacity or disfranchisement for corrupt or illegal practices;

(3) That you have not received anything nor has anything been promised to you directly or indirectly, in order to induce you to vote or to refrain from voting, at this election; and

(4) That you have not already voted at this election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

Alternatives to paragraph one of above oath which may be substituted for that paragraph at the request of a voter who is a clergyman, teacher, pupil or summer resident: (The following paragraphs numbered (1), (2) and (3) being applicable only at a general election)

FORM No. 37 (1): *Clergymen.* (Sec. 16.)

You swear (*or* affirm) that you are a British subject of the full age of twenty-one years, that you have been ordinarily resident in Canada for the last twelve months and that, although you were not ordinarily resident in this electoral district on the day of , 19 *(naming the date of the issue of the writ of election)*, you are now a minister, priest or ecclesiastic of a religious denomination in charge of or permanently attached to an established place of worship or recognized mission of your church situate in this electoral district.

FORM No. 37 (2): *Teachers.* (Sec. 16.)

You swear (*or* affirm) that you are a British subject of the full age of twenty-one years, that you have been ordinarily resident in Canada for the last twelve months and that, although you were not ordinarily resident in this electoral district on the day of , 19 *(naming the date of the issue of the writ of election)*, you are a teacher employed under a contract with the proper educational authority in teaching at a school situate in this electoral district.

FORM No. 37 (3): *Pupils.* (Sec. 16.)

You swear (*or* affirm) that you are a British subject of the full age of twenty-one years, that you have been ordinarily resident in Canada for the last twelve months and that, although you were not ordinarily resident in this electoral district on the day of , 19 *(naming the date of the issue of the writ of election)*, you are a pupil duly registered and in attendance at an educational institution situate in this electoral district and have been so registered and in attendance during at least seven of the last twelve months.

FORM No. 37 (4): *Summer residents.* (Sec. 16.)

You swear (*or* affirm) that you are a British subject of the full age of twenty-one years, that you have been ordinarily resident in Canada for the last twelve months and were ordinarily resident in this electoral district on the day of , 19 *(naming the date of the issue of the writ of election);* (and, at a by-election, you have continued to be ordinarily resident in this electoral district until to-day), as a summer resident, but that your summer residence in this electoral district either does not ordinarily remain unoccupied during some or all of the months of November to April, inclusive, or, if it does so remain unoccupied, you had nevertheless at the date aforesaid no other quarters than your summer residence to which you might at will remove.

Form No. 38.

OATH THAT VOTER IS THE PERSON INTENDED TO BE REFERRED TO IN THE LIST OF ELECTORS. (Sec. 41.)

You swear that you are qualified to vote at this election of a member to serve in the House of Commons of Canada and are not disqualified from voting thereat, and that you verily believe that you are the person intended to be referred to by the entry, in the list of electors used at this polling station, of the name *(name as in list of electors)* whose occupation is given as *(occupation as in list of electors)* and whose address is given as *(address as in list of electors)*. So help you God.

Form No. 39.

TRANSFER CERTIFICATE. (Sec. 43.)

No.....

Electoral District of.....

This is to certify that *(insert name of voter)* , whose name appears on the list of electors for polling station No..... in the above mentioned electoral district, whose occupation, as stated in the said list, is *(insert occupation)*, and whose address, as stated therein, is *(insert address)*.....,

Strike out inapplicable lines

(1) is a candidate at the pending election desirous of voting
(2) has been appointed to act as deputy returning officer or poll clerk
(3) has shown to me his appointment to act as agent for a candidate

at polling station No. of the said electoral district.

And that, instead of voting at the polling station on the list for which his name appears, he may vote at the last mentioned polling station, provided that he is a candidate at the pending election, or is actually engaged at such polling station on polling day in the capacity aforesaid.

Dated at....., this..... day of....., 19....

.....

Returning Officer or Election Clerk.

Form No. 40.

OATH OF CANDIDATE'S AGENT TO BE TAKEN BEFORE VOTING ON A TRANSFER CERTIFICATE (Sec. 43 (2).)

Electoral District of.....

I, the undersigned, make oath and say:

(1) That I am the person described in the above transfer certificate;

(2) That I am actually agent of.....;
(insert name of candidate)

(3) That it is my intention to act in that capacity until the poll is closed; that I have taken the oath of secrecy in Form No. 35 of *The Dominion Elections Act, 1938;* that I am a British subject of the full age of twenty-one years; that I have been ordinarily resident in Canada for the last twelve months and I was ordinarily resident in this electoral district on the.....day of ..... 19.... *(naming the date of the issue of the writ of election)*; (and, at a by-election, I have continued to be ordinarily resident, in this electoral district, until to-day.)

(4) That I am not within any of the classes of persons who lack qualification or are disqualified by reason of appointment to judicial office, employment in this electoral district for pay or reward in reference to the pending election, race, crime, mental incapacity or disfranchisement for corrupt or illegal practices;

(5) That I have not received anything nor has anything been promised to me directly or indirectly, in order to induce me to vote or to refrain from voting, at this election; and

(6) That I have not already voted at this election nor have I been guilty of any corrupt or illegal practice in relation thereto. So help me God.

Sworn (*or* affirmed) before me at polling station No....., this..... day of....., 19.....

.....
(Signature of deponent)

.....
Deputy Returning Officer.

Form No. 41.

OATH OF IDENTITY BY VOTER RECEIVING A BALLOT PAPER AFTER ANOTHER HAS VOTED IN HIS NAME. (Sec. 45 (5).)

You swear that you are *(name as on list of electors)*, of *(address as on list of electors)*, whose name is entered on the list of electors now shown you. So help you God.

Form No. 42.

OATH OF INCAPACITATED VOTER. (Sec. 45 (7).)

You swear that you are incapable of voting without assistance by reason of your being unable to read or by reason of physical incapacity. So help you God.

Form No. 43.

OATH OF FRIEND OF BLIND VOTER. (Sec. 45 (9).)

(1) You swear *(or* affirm) that you will keep secret the name of the candidate for whom you mark the ballot paper of the blind voter on whose behalf you act.

(2) That you have not already acted as the friend of a blind voter for the purpose of marking his ballot paper at this election. So help you God.

Form No. 44.

OATH OF PERSON WHOSE NAME IS NOT ON THE OFFICIAL LIST OF ELECTORS FOR A RURAL POLLING DIVISION AND WHO IS QUALIFIED TO VOTE. (Sec. 46.)

(1) You swear (*or* affirm*)* that you are a British subject of the full age of twenty-one years; that you have been ordinarily resident in Canada for the last twelve months and that you were ordinarily resident in this electoral district on the.....day of....., 19.... *(naming the date of the issue of the writ of election);* (and, at a by-election, you have continued to be ordinarily resident in this electoral district until to-day.)

(2) That you now reside in this polling division;

(3) That you are not within any of the classes of persons who lack qualification or are disqualified by reason of appointment to judicial office, employment in this electoral district for pay or reward in reference to the pending election, race, crime, mental incapacity or disfranchisement for corrupt or illegal practices;

(4) That you have not received anything nor has anything been promised to you directly or indirectly, in order to induce you to vote or to refrain from voting at this election; and

(5) That you have not already voted at this election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

NOTE: *When the voter is a clergyman, teacher, pupil or summer resident, there will, at his request, be substituted for the first paragraph of this oath, the appropriate alternative according to Form 37 (1), 37 (2), 37 (3), 37 (4) as the case may require.*

FORM No. 45.

OATH OF PERSON VOUCHING. (Sec. 46.)

(1) You swear (*or* affirm) that you are *(name as in list of electors)*, whose occupation is *(occupation as on list of electors)*, and whose address is *(address as in list of electors)*, and that you now reside in this polling division;

(2) That you know *(naming the applicant and stating his address and occupation)* who has applied to vote at the pending election in this polling station;

(3) That the said applicant now resides in this polling division;

*(4) That you verily believe that the said applicant is a British subject of the full age of twenty-one years, that he has been ordinarily resident in Canada for the last twelve months and that he was ordinarily resident in this electoral district on the day of , 19 *(naming the date of the issue of the writ of election)*; (and, at a by-election, he has continued to be ordinarily resident in this electoral district until to-day.)

(5) That you verily believe that the applicant is qualified to vote at this election and is not disqualified from voting thereat. So help you God.

Alternatives to paragraph four of above oath which may be substituted for that paragraph when the voter vouched for is a clergyman, teacher, pupil or summer resident: (The following paragraphs numbered (1), (2) and (3) being applicable only at a general election).*

FORM No. 45 (1): *Clergymen.* (Sec. 16.)

That you verily believe that the said applicant is a British subject of the full age of twenty-one years, that he has been ordinarily resident in Canada for the last twelve months and that, although he was not ordinarily resident in this electoral district on the day of , 19 *(naming the date of the issue of the writ of election)*, he is now a minister, priest or ecclesiastic of a religious denomination in charge of or permanently attached to an established place of worship or recognized mission of his church situate in this electoral district.

FORM No. 45 (2): *Teachers.* (Sec. 16.)

That you verily believe that the said applicant is a British subject of the full age of twenty-one years, that he has been ordinarily resident in Canada for the last twelve months and that, although he was not ordinarily resident in this electoral district on the day of , 19 *(naming the date of the issue of the writ of election)*, he is a teacher employed under a contract with the proper educational authority in teaching at a school situate in this electoral district.

FORM No. 45 (3): *Pupils.* (Sec. 16.)

That you verily believe that the said applicant is a British subject of the full age of twenty-one years, that he has been ordinarily resident in Canada for the last twelve months and that, although he was not

ordinarily resident in this electoral district on the day of , 19 *(naming the date of the issue of the writ of election)*, he is a pupil duly registered and in attendance at an educational institution situate in this electoral district and has been so registered and in attendance during at least seven of the last twelve months.

FORM No. 45 (4): *Summer residents.* (Sec. 16.)

That you verily believe that the said applicant is a British subject of the full age of twenty-one years, that he has been ordinarily resident in Canada for the last twelve months and was ordinarily resident in this electoral district on the day of , 19 *(naming the date of the issue of the writ of election)*; (and, at a by-election, he has continued to be ordinarily resident in this electoral district until to-day), as a summer resident, but that his summer residence in this electoral district either does not ordinarily remain unoccupied during some or all of the months of November to April, inclusive, or, if it does so remain unoccupied, he had nevertheless at the date aforesaid no other quarters than his summer residence to which he might at will remove.

FORM No. 46.

INFORMATION FOR PERSONATION. (Sec. 48).

Canada
Province of ,
County of .

The information of taken this day of , in the year , before the undersigned, a deputy returning officer at a polling station in the of for an election being held for the electoral district of of a member of the House of Commons.

The said informant says that he believes that *(insert the name of the accused or, if it is not known then "a person whose name is to the informant unknown but who is now detained in the polling station by the order of the undersigned")* on this day at the said polling place did commit the offence of personation by *(describe the offence in words following those of section sixty-eight, (a) (b), of The Dominion Elections Act, 1938).)*

Taken and sworn before me at the said polling station, the day and year above mentioned.

.....
Deputy Returning Officer.

Form No. 47.

INFORMATION FOR VOTING WITH KNOWLEDGE OF DISQUALIFICATION, NON-QUALIFICATION OR INCOMPETENCY. (Sec. 48.)

Canada,
Province of ,
County of .

The information of taken this day of , in the year , before the undersigned, a deputy returning officer at a polling station in the of for an election being held for the electoral district of of a member to serve in the House of Commons.

The said informant says that he believes that *(insert the name of accused)* who is now detained in the said polling station under my order, on this day at the said polling station did commit the offence of voting at said election then knowing that he was (*"disqualified," "non-qualified" or "incompetent")* to vote at such election.

Taken and sworn before me at the said polling station, the day and year above mentioned.

.....
Deputy Returning Officer.

Form No. 48.

WARRANT FOR ARREST OF PERSON CHARGED WITH PERSONATION (Sec. 48.)

Canada,
Province of ,
County of .

To all or any of the constables and other peace officers in the county (*or* province) of

Whereas, before the undersigned, a deputy returning officer at a polling station in the of for an election being held for the electoral district of of a member to serve in the House of Commons *(insert name or description of person as stated in information)* has this day been charged upon oath with having committed the offence of personation on this day and at the said polling station by *(describe the offence as in the information).*

These are therefore to command you in His Majesty's name forthwith to apprehend the said and to bring him before *(insert the name or names of the magistrate or magistrates before whom the accused is to be brought)* to answer unto the said charge and to be further dealt with according to law.

Given under my hand and seal under *The Dominion Elections Act, 1938*, this day of , in the year 19 .

.....
Deputy Returning Officer

Form No. 49.

WARRANT FOR ARREST OF A PERSON CHARGED WITH VOTING WITH KNOWLEDGE OF DISQUALIFICATION OR INCOMPETENCY. (Sec. 48.)

Canada,
Province of ,
County of .

To all or any of the constables and other peace officers in the county (*or* province) of .

Whereas, before the undersigned, a deputy returning officer at a polling station in the
of for an election being held for the electoral district of of a member to serve in the House of Commons *(insert the name of the accused)* has this day been charged upon oath with having committed on this day and at the said polling station the offence of having then and there voted at such election knowing that he was *("disqualified," "non-qualified,"* or *"incompetent")* to so vote.

There are therefore to command you in His Majesty's name forthwith to apprehend the said
and to bring him before *(insert the name or names of the magistrate or magistrates before whom the accused is to be brought)* to answer unto the said charge and to be further dealt with according to law.

Given under my hand and seal under *The Dominion Elections Act, 1938*, this day of ,
in the year 19 .

.....
Deputy Returning Officer.

Form No. 50.

APPOINTMENT AND OATH OF A CONSTABLE. (Sec. 48 (10).)

APPOINTMENT.

To.....
(Insert full name of constable)
of.....
(Insert post office address of constable)

Know you, that in my capacity of deputy returning officer for polling station No.....of the electoral district of.....
I hereby appoint you to be a constable to maintain order in and around the above mentioned polling station throughout polling day.

Given under my hand at.....this.....
day of....., the year 19.....

.....
Deputy Returning Officer.

OATH OF CONSTABLE.

I, the undersigned, appointed constable by the above named deputy returning officer, swear *(or solemnly affirm)* that I will act faithfully in my capacity of constable on this polling day.

.....
(Signature of constable)

SWORN *(or affirmed)* before me
on the above mentioned date.

.....
Deputy Returning Officer
(or as the case may be)

FORM NO. 51.

OATH OF THE DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL. (Sec. 50 (7).)

I, the undersigned, deputy returning officer for polling station No. , of the electoral district of , do swear *(or* solemnly affirm) that, to the best of my knowledge and belief, this poll book kept for the said polling station, under my direction, has been so kept correctly; that the total number of voters recorded therein is , and that it contains a true and exact record of the votes given at the said polling station, as the said votes were taken thereat; that I have faithfully counted the votes given for each candidate in the manner by law provided and performed all duties required of me by law, and that the statement of the poll, poll book, packets of ballot papers, and other documents required by law to be returned by me to the returning officer, will be faithfully and truly prepared and placed within the ballot box, as this oath *(or* affirmation*)* will be, to the end that the said ballot box, being first carefully sealed with my seal, may be transmitted to the returning officer according to law.

.....
Deputy Returning Officer.

Sworn *(or affirmed)* before me at ,

this day of , 19 .

.....
Poll Clerk
(or as the case may be)

Form No. 52.

OATH OF THE POLL CLERK AFTER CLOSING OF THE POLL.
(Sec. 50 (7).)

I, the undersigned, poll clerk for polling station No. of the electoral district of , do swear (*or* do solemnly affirm) that this poll book for the said polling station kept under the direction of....., who has acted as deputy
(insert name of D.R.O.)
returning officer thereat, has been so kept by me, under his direction as aforesaid, correctly and to the best of my skill and judgment; that the total number of voters recorded therein is and that to the best of my knowledge and belief, it contains a true and exact record of the votes given at the above mentioned polling station as the said votes were taken thereat by the said deputy returning officer, and that I have faithfully performed all my other duties as poll clerk according to law.

.....
Poll Clerk.

Sworn (*or* affirmed) before me at
this day of , in the year 19 .

.....
Deputy Returning Officer
(or as the case may be).

FORM No. 53.

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS.
(Sec. 50 (8).)

Electoral District of.....Polling Station No.....

Number of ballot papers received from the returning officer.....		.....
Number of ballot papers cast for.....	.....	
" " "	.....	
" " "	.....	
" " "	.....	
" " "	.....	
" " "	.....	
" " "	.....	
Number of *REJECTED ballot papers.....	.....	
(* A REJECTED ballot paper means a ballot paper which has been handed by the deputy returning officer to an elector to cast his vote but which, at the close of the poll, has been found in the ballot box unmarked or so improperly marked that it cannot be counted.)		
Total number of ballot papers found in box.....	.....	
Number of unused ballot papers undetached from the books.....	.....	
Number of **SPOILED ballot papers.....	.....	
(** A SPOILED ballot paper means a ballot paper which, on polling day, has not been deposited in the ballot box, but has been found by the deputy returning officer to be soiled or improperly printed, or which has been handed by the deputy returning officer to an elector to cast his vote, and (*a*) has been spoiled in marking by the elector, and (*b*) has been handed back to the deputy returning officer and exchanged for another;)		
Total.....	.....	.....

Number of names on official list of electors used at the poll.....

I hereby certify that the above statement is correct.

Dated at.....

this.....day of.....,19...

.....
Deputy Returning Officer.

Form No. 54.

OATH OF MESSENGER SENT TO COLLECT BALLOT BOXES, OR OF ANY CUSTODIAN OF BALLOT BOXES. (Sec. 50 (9).)

I, *(insert name, address and occupation of messenger or custodian)* messenger or custodian appointed by *(insert name of returning officer)*, returning officer for the electoral district of
swear (*or* solemnly affirm) that the several boxes to the number of
which were used at polling stations Nos. of this electoral district on polling day, now delivered by me to
were handed to me by *(insert names of D. R. O.'s or authorized custodian from whom ballot boxes have been received)*, that they have not been opened by me or any other person; and that they are in the same state as they were in when they came into my possession.

.....
(Signature of Messenger or Custodian)

Sworn (*or* affirmed) before me at
this day of , in the year 19 .

.....
Returning Officer
(or as the case may be).

Form No. 55.

RETURN AFTER A POLL HAS BEEN TAKEN. (Sec. 56.)

I hereby certify that the member (*or* members) elected for the electoral district of , in pursuance of the within writ, as having received the majority of votes lawfully given, is *(insert name, address and occupation of member or members elected, as stated in the nomination paper)*.

Dated at this day of , 19 .

.....
Returning Officer.

Form No. 56.

RETURN OF ELECTION EXPENSES. (Sec. 63.)

Electoral District of

On behalf of , a Candidate.

CERTIFICATE OF PERSON BEFORE WHOM STATUTORY DECLARATION IS MADE

This is the return of election expenses referred to in the statutory declaration of ,
which said statutory declaration (in Form Nos. 57, 58 and 59 in Schedule One to *The Dominion Elections Act, 1938*) was declared before me at this
day of , 19 .

.....
Returning Officer
(or as the case may be).

RETURN.

I, of , in the province of , being official agent for , a candidate at the election of a member to serve in the House of Commons of Canada, held on the *(insert date of poll)* day of , 19 , in the above mentioned electoral district, make the following return respecting the election expenses of the said candidate at the said election.

1—RECEIPTS.

(a) Money or its value received.

There are accurately set out hereunder the name and occupation of every person (including the candidate) and of every club, society, company or association, from whom any money, securities or the equivalent of money was received in respect of expenses incurred on account of or in connection with or incidental to the above election, showing in the case of each person the amount or value received as a contribution (including subscription or gift), loan, advance, deposit or otherwise:—

Name	Address	Occupation	State whether contribution, loan, advance or deposit	Amount or value	
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
			Total		

(b) Money or its value promised but not received.

In addition to the foregoing items, the persons (including the candidate), clubs, societies, companies or associations hereunder mentioned are all who have promised to pay but have not yet paid money or its equivalent for the purposes of expenses incurred, or to be incurred, on account of or in respect of the conduct or management of the said election, and the amount or value promised by them respectively, with its character, is set out after their names:—

Name	Address	Occupation	State whether contribution, loan, advance, deposit, etc.	Amount or value	
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
			Total		

2—Payments Made Not Requiring a Judge's Order.

(a) Candidate's personal expenses, postage, telegrams and petty claims.

Personal expenditure of candidate paid by him personally and notified to me under section 62 (4).			Petty expenses paid under written authority under section 62 (17, 18), the statements of particulars being attached and numbered consecutively.		
Paid by me as his official agent.....			Consec. No.	Name	Amount
Total.....			.....	.....	.....
Postage paid by me.....			.....	.....	.....
Telegrams paid by me.....			.....	.....	.....
				Total.....	.....

(b) Hire of premises.

There are set out below the name and address of every person, club, society, company and association from whom premises were hired for the purpose of the election, with a description of the premises so hired, the purpose for which and the length of time during which the same were used, and the amount paid therefor, vouchers for all the said payments for which vouchers have been received being attached hereto and numbered consecutively as indicated in the proper column below:—

Consec. No. of voucher	Name of person from whom premises hired	Address	Description of premises hired	Purpose for which used	Time for which used	Amount paid	
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
					Total		

(c) Advertising.

The following statement contains the name and address of every person, club, society, company and association to whom any payment (not already set out) was made for advertising, with a description of such advertising and the amount paid to each, vouchers for such payments being attached hereto, so far as the same have been received, and numbered consecutively as indicated in the proper column below:—

Consec. No. of voucher	Name	Address	Name of publication	Dates of issues	Amount	
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
				Total		

3—Undisputed claims still unpaid or under a judge's order.

The following statement contains the names and addresses of all persons whose undisputed claims were received too late, or remained unpaid too long, to be payable without a judge's order and in respect of which such an order has been or is about to be applied for, together with particulars of the nature of the claim, its amount, etc., as below set out:—

Name	Address	Nature of claim	Paid or unpaid	If paid, date of order or judgment	Amount	
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
				Total		

4—Disputed claims.

In addition to the above, I am aware as official agent for the said candidate of the following (and only of the following) disputed and unpaid claims, the names and addresses of the claimants, the character of the claims respectively and the amount thereof being as set out below:—

Name	Address	Character of disputed account	Amount	
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
			Total	

(a) Services.

The following statement contains the name and address of every person, club, society, company or association to whom any payment was made for work done, with a description of the nature of the work done and the amount paid to each, vouchers for such payments being attached hereto, so far as the same have been received, and numbered consecutively as indicated in the proper column below:—

Consec. No. of voucher	Name	Address	Nature of work done	Amount paid	
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
				Total	

(b) Travelling expenses and hire of vehicles.

The following statement contains the name and address of every person, club, society, company or association to whom any payment was made for travelling expenses or the hire of vehicles with the amounts paid to each, vouchers for such payments being attached hereto, so far as the same have been received, and numbered consecutively as indicated in the proper column below:—

Consec. No. of voucher	Name	Address	Nature of claim	Amount	
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
			Total		

(c) Goods supplied.

The following statement contains the name and address of every person, club, society, company or association to whom any payment (not already set out) was made, for goods supplied, with a description of the goods supplied and the amounts paid to each, vouchers for such payments being attached hereto so far as the same have been received and numbered consecutively as indicated in the proper column below:—

Consec. No. of voucher	Name	Address	Description of goods supplied (If only hired, so state and give duration)	Amount paid	
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
			Total		

FORM No. 57.

OFFICIAL AGENT'S DECLARATION AS TO EXPENSES. (Sec. 63 (2).)

I, , being official agent of ,
a candidate at the election held on the day
of , 19 , of a
member to serve in the House of Commons of Canada, do hereby solemnly declare that I have examined the return of election expenses about to be transmitted by me to the returning officer at the said election and now shown to me by the officer before whom this declaration is made and to the best of my knowledge and belief that return is correct:

And I hereby further solemnly declare that except as appears from that return, I have not and to the best of my knowledge and belief no other person, nor any club, society, company or association has on behalf of the said candidate made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly declare that I have received from the said candidate the sum of *(insert "No" if the fact is so)*
dollars and no more for the purposes of said election, and that, except as specified in the said return sent by me, no money, security, or equivalent for money has been paid, advanced, given or deposited by any one to me or in my hands, or to the best of my knowledge and belief, to or in the hands of any other person for the purpose of defraying any expenses incurred on behalf of the said candidate on account of, or in respect of, the conduct or management of the said election;

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, by virtue of the *Canada Evidence Act.*

.....
(Signature of declarant)

Signed and declared before me by the above named declarant
at , in the province
of....., on the day
of , 19 ,

.....
Returning Officer.
(or as the case may be)

Form No. 58.

CANDIDATE'S DECLARATION AS TO EXPENSES. (Sec. 63 (3).)

(Ordinary Form.)

1. I, , whose address is and whose occupation is , having been a candidate at the election of a member to serve in the House of Commons of Canada, for the electoral district of , held on the *(insert date of poll)* day of , 19 , do hereby solemnly declare that I have examined the return of election expenses transmitted or about to be transmitted by my official agent to the returning officer at the said election, a copy of which return is now shown by me and signed by the officer before whom this declaration is made, and to the best of my knowledge and belief that return is correct;

2. And I further solemnly declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no person, nor any club, society, company or association has, on my behalf, made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

3. And I further solemnly declare that I have paid to my said official agent the sum of and no more for the purpose of the said election, and that, except as specified in the return, no money, security, or equivalent for money has to my knowledge or belief been paid, advanced, given or deposited by any one to or in the hands of my official agent or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election;

4. And I further solemnly declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses;

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, by virtue of the *Canada Evidence Act*.

.....
(Signature of Declarant).

Signed and declared before me by the above named declarant at , in the Province of . on the day of , 19 ,

.....
Returning Officer
(or as the case may be).

FORM No. 59.

CANDIDATE'S DECLARATION AS TO EXPENSES. (Sec. 63 (3).)

(Alternative Form)

1. I, , whose address is and whose occupation is , having been *(insert "in my absence nominated as" or "declared by others to be")* a candidate at the election of a member to serve in the House of Commons of Canada for the electoral district of , held on the *(insert the date of poll)* day of , 19 , do hereby solemnly declare that I have taken no part whatever in the said election;

2. And I further solemnly declare that, with the exceptions undernoted, I have not, and no person, club, society, company or association on my behalf, has made any payment, or given, promised, or offered, any reward, office, employment, or valuable consideration or incurred any liability on account of or in respect of the conduct or management of the said election;

Exceptions:

3. And I further solemnly declare that, with the exceptions undernoted, I have not paid any money or given any security or equivalent for money to the person acting as my official agent at the said election, or to any other person, club, society, company or association on account of or in respect of the conduct or management of the said election;

Exceptions:

4. And I further solemnly declare that, with the exceptions undernoted, I am entirely ignorant of any money, security, or equivalent for money having been paid, advanced, given or deposited by any one for the purpose of defraying any expenses incurred on account of or in respect of the conduct or management of the said election;

Exceptions:

5. And I further solemnly declare that I will not, except so far as I may be permitted by law, at any future time, make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent of money for the purpose of defraying any such expenses.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, by virtue of the *Canada Evidence Act.*

.....

Signature of Declarant.

Signed and declared before me by the above named declarant at , in the province of....., on the day of , 19 .

.....

Returning Officer.
(or as the case may be)

FORM No. 60.

NOTICE OF HOLDING OF ADVANCE POLL. (Sec. 94 (10).)

ELECTORAL DISTRICT OF.....

Take notice that, pursuant to the provisions of sections ninety-four to ninety-seven, inclusive, of *The Dominion Elections Act, 1938*, (an) advance poll (s) will be opened in the above mentioned electoral district for the city / town / village of *(Here particularly specify in capital letters the name of the place at which an advance poll is authorized to be established)* at *(Here specify in capital letters the exact location of the polling station for such place; one will be sufficient), and continue by specifying any other places for which the establishment of an advance poll is authorized and the location of the advance polling station in each of them respectively).*

And further take notice that the said advance polling station (s) will be open between the hours of two and ten o'clock in the afternoons and evenings of Thursday, Friday and Saturday the , and days of , 19 , being the three week days immediately preceding the day fixed for the poll at the pending Dominion election in the above mentioned electoral district. and that any elector of this electoral district whose name appears on the list of electors for one of the polling divisions comprised in any place mentioned in Schedule Two to *The Dominion Elections Act, 1938*, and situated in the above mentioned electoral district, and who is entitled to the privilege of voting at an advance poll may vote in advance of polling day at any advance polling station established in the said electoral district.

And further take notice that the privilege of voting at an advance poll extends only to—

(a) such persons as are employed as commercial travellers as defined in subsection four of section two of *The Dominion Elections Act, 1938*, or upon railways, vessels, airships or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof) and to any of such persons only if, because of the nature of his said employment, and in the course thereof, he is necessarily absent from time to time from his ordinary place of residence and if he has reason to believe that he will be so absent on polling day from, and that he is likely to be unable to vote on that day, in the polling division on the list for which his name appears; and

(b) such persons as are members of the naval, military or air forces of Canada, or of the Royal Canadian Mounted Police, and to any of such persons only if (because he is called out on active

service or for annual training or he is engaged in, or called to the performance of naval, military or other duty, in pursuance of orders in that behalf) he has reason to believe that he will be necessarily absent on polling day from, and that he is likely to be unable to vote on that day in, the polling division on the list for which his name appears.

And further take notice that advance poll certificates can be had only from the returning officer, the election clerk, or from Mr.....
(Insert name and address)
who has been specially deputized by the returning officer to issue such certificates.

And further take notice that the office of the undersigned is at , in the *(city, town or village)* of ,
Dated at this day of , 19 .

(Name of returning officer to be printed.)

Returning Officer for the above mentioned Electoral District.

FORM No. 61.

ADVANCE POLL CERTIFICATE AND STATEMENT OF IDENTIFICATION.
(Sec. 96.)

CERTIFICATE.

I hereby certify that *(insert full name of applicant voter)*, whose occupation as given in the official list of electors is *(insert occupation)*, whose address as so given is *(insert address)*, and whose signature appears hereunder above mine, has personally appeared before me and has satisfied me:—

(1) That he is now employed
(insert: "by the Railway Company in the capacity of " or "on the vessel known as the in the capacity of " or "by as a commercial traveller," or as the case may be), and

(2) That by reason of the nature of his said employment and in the course thereof he is necessarily absent from time to time from his ordinary place of residence, and

(3) That he has reason to believe that he will be so absent on polling day from, and that he is likely to be unable to vote at the pending election on polling day in, the undermentioned polling division on the list of electors whereof his name appears. (or—That he is a member of the Naval, Military or Air Forces of Canada or of the Royal Canadian Mounted Police, and, (because he is called out on active service or for

annual training or he is engaged in, or called to the performance of naval, military or other duty in pursuance of orders in that behalf) he has reason to believe that he will be necessarily absent on polling day from, and that he is likely to be unable to vote on that day in, the undermentioned polling division on the list for which his name appears, and

(4) That he is the person intended to be described by the entry of the name, occupation and address above set out on the official list of electors entitled to vote at this election in polling division No. , in the electoral district of .

And I accordingly certify that he is a person entitled to vote at any advance poll established in the said electoral district on the conditions prescribed in *The Dominion Elections Act, 1938.*

Dated at this day of , 19 .

.....

(Signature of applicant voter).

.....

Returning Officer.
(or as the case may be)

STATEMENT OF IDENTIFICATION AND DECLARATION.

I hereby declare that I am the person described in the above certificate, that all the facts therein stated with respect to my employment and anticipated absence from home on polling day are correct, and that I verily believe myself to be the person intended to be referred to by the entry in the official list of electors, the particulars of which are transcribed in the above certificate.

I am aware that, having presented this certificate at an advance polling station, I am not entitled to vote at an ordinary poll on polling day.

.....

(Signature of voter).

SCHEDULE TWO

NAMES OF PLACES WHERE ADVANCE POLLS SHALL BE ESTABLISHED BY RETURNING OFFICERS

(NOTE *that the following names are those of cities, towns and other places, and not in any case the names of electoral districts).*

Alberta.—Calgary, Edmonton, Edson, Hanna, Jasper, Lethbridge, Macleod, McLennan, Medicine Hat, Mirror, Vermillion, Wainwright, Waterways.

British Columbia.—Burnaby, Cranbrook, Kamloops, Nelson, New Westminster, North Vancouver, Penticton, Prince George, Prince Rupert, Revelstoke, Smithers, Vancouver, Victoria.

Manitoba.—Brandon, Dauphin, East Kildonan, Minnedosa, Portage la Prairie, Souris, St. Boniface, The Pas, Transcona, West Kildonan, Winnipeg.

New Brunswick.—Aroostook Junction, Campbellton, Edmundston, Lancaster Highway Division, Moncton, Saint John, Woodstock.

Nova Scotia.—Bridgewater, Halifax, Kentville, Pictou, Stellarton, Sydney, Truro, Yarmouth.

Ontario.—Barrie, Belleville, Brantford, Brockville, Capreol, Chatham, Cochrane, Chapleau, Cornwall, East York Township, Englehart, Fort William, Galt, Goderich, Guelph, Hamilton, Havelock, Hawk Junction, Hornepayne, Kenora, Kingston, Kitchener, Lindsay, London, MacTier, Midland, Mimico, Nakina, New Toronto, Niagara Falls, North Bay, Orillia, Oshawa, Ottawa, Owen Sound, Palmerston, Parry Sound, Peterborough, Port Arthur, Port McNicoll, Preston, Rainy River, St. Catharines, St. Mary's, St. Thomas, Sarnia, Sarnia Tunnel, Sault Ste. Marie, Schreiber, Sioux Lookout, Smith's Falls, Stratford, Sudbury, Toronto, Trenton, Welland, Windsor, Wingham, Woodstock, York Township.

Prince Edward Island.—Charlottetown.

Quebec.—Amos, Charny, Farnham, Hull, Joliette, Lennoxville, Levis, Montreal, Mont Joli, Outremont, Parent, Quebec, Richmond, Riviere du Loup, Rouyn, St. Gabriel de Brandon, St. Hyacinthe, Sherbrooke, Sorel, Three Rivers, Verdun, Westmount.

Saskatchewan.—Biggar, Humboldt, Kamsack, Melville, Moose Jaw, North Battleford, Prince Albert, Radville, Regina, Saskatoon, Sutherland, Swift Current, Weyburn, Wilkie, Wynyard, Yorkton.

Yukon.—None.

SCHEDULE THREE.

LIST OF ELECTORAL DISTRICTS IN WHICH AN INTERVAL OF TWO WEEKS BETWEEN NOMINATION AND POLLING DAYS IS TO BE ALLOWED.

PROVINCE OF ONTARIO:

Algoma East.
Algoma West.
Cochrane.
Fort William.
Frontenac-Addington.
Grey-Bruce.
Hastings-Peterborough.
Kenora-Rainy River.
Muskoka-Ontario.
Nipissing.
Parry Sound.
Port Arthur.
Renfrew North.
Renfrew South.
Timiskaming.
Victoria.

PROVINCE OF QUEBEC:

Chapleau.
Charlevoix-Saguenay.
Gaspé.
Pontiac.
St. Maurice-Laflèche.

PROVINCE OF NOVA SCOTIA:

Inverness-Richmond.

PROVINCE OF MANITOBA:

Brandon.
Churchill.
Dauphin.
Lisgar.
Macdonald.
Marquette.
Neepawa.
Portage la Prairie.
Provencher.
Selkirk.
Souris.
Springfield.

PROVINCE OF BRITISH COLUMBIA:

Cariboo.
Comox-Alberni.
Kamloops.
Kootenay East.

PROVINCE OF BRITISH COLUMBIA—*Conc.*

Kootenay West.
Skeena.
Vancouver North.
Yale.

PROVINCE OF SASKATCHEWAN:

Assiniboia.
Humboldt.
Kindersley.
Lake Centre.
Mackenzie.
Maple Creek.
Melfort.
Melville.
Moosejaw.
North Battleford.
Prince Albert.
Qu'Appelle.
Regina City.
Rosetown-Biggar.
Rosthern.
Saskatoon City.
Swift Current.
The Battlefords.
Weyburn.
Wood Mountain
Yorkton.

PROVINCE OF ALBERTA:

Acadia
Athabaska.
Battle River.
Bow River.
Camrose.
Jasper-Edson.
Lethbridge.
Macleod.
Medicine Hat.
Peace River.
Red Deer.
Vegreville.
Wetaskiwin.

YUKON TERRITORY:

Yukon.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 98.

An Act respecting the North Pacific Pelagic Sealing Convention.

First reading, April 7, 1938.

THE MINISTER OF FISHERIES.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

55430

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 98.

An Act respecting the North Pacific Pelagic Sealing Convention.

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

Short Title.

Short title.

1. This Act may be cited as *The Pelagic Sealing (Convention) Act, 1938.*

Interpretation.

Definitions.

2. In this Act, unless the contrary intention appears,—

Convention.

(a) "convention" means the convention entered into between the United Kingdom of Great Britain and Ireland, the United States of America, Japan and Russia, respecting measures for the preservation and protection of the fur sales in the North Pacific Ocean, signed at Washington on the seventh day of July, one thousand nine hundred and eleven, and set out in the Schedule to this Act;

Convention waters.

(b) "convention waters" means the waters within such part of the Pacific Ocean as is north of the thirtieth parallel of north latitude, including the Seas of Bering, Kamchatka, Okhotsk and Japan;

Equipping and Equipment.

(c) "equipping", in relation to a vessel, shall include furnishing a vessel with any boat, tackle, apparel, furniture, provisions, munitions, fuel or stores, or any other thing which is used in or about a vessel for the purpose of fitting or adapting her for the sea or for carrying, taking or hunting seals; and "equipment" shall include everything within the foregoing description;

Pelagic sealing.

(d) "pelagic sealing" means the killing, capturing or pursuing in any manner whatsoever of fur seals at sea;

Regulation.

(e) "regulation" means any regulation made by the Governor in Council under authority of this Act.

Explanatory Note.

This Treaty was signed on July 7th, 1911. Article 4 of the Treaty provides that Indians and other aborigines dwelling on the coast of the waters covered by the Treaty may continue to carry on pelagic sealing in canoes without the use of firearms. The legislation adopted at the time—the *Pelagic Sealing Act*—contains no provision whereby such Indian or other aborigine could be penalized for violating this provision of the Treaty. Also, the existing Act is linked up with Imperial legislation as, at the time it was adopted, Canada was not a Treaty making power. Canada is now in fact responsible for carrying out the provisions of the Treaty and it was considered best, instead of amending the existing Act, to replace it by adequate enabling legislation.

Customs and Fisheries Protection Act to apply.

3. Section five and all of the following sections, except sections ten and twenty-nine, of the *Customs and Fisheries Protection Act*, chapter forty-three of the Revised Statutes of Canada, 1927, shall be deemed to apply, in so far as applicable, for all the purposes of this Act, and shall have effect as if enacted herein.

Regulations by Governor in Council.

4. (1) The Governor in Council may make such regulations as may be deemed necessary for the purpose of carrying out the convention or for giving effect to any of its provisions.

Offence.

(2) Every person who at any time contravenes any regulation, or who at any time procures, aids or abets any such contravention shall be guilty of an offence against this Act.

Publication in Canada Gazette.

(3) Every regulation shall be published in the *Canada Gazette*, and shall, from the date of such publication or from the date specified for such purpose in such regulation, have force and effect as if it were enacted by Parliament.

Pelagic Sealing forbidden.

5. (1) No national or inhabitant of Canada shall engage in, and no vessel registered in Canada or belonging to any such national or inhabitant shall be operated or used in or for any purpose whatsoever connected with, pelagic sealing in convention waters; provided, however, that this subsection shall not apply to any Indian or other aborigine dwelling on the coast of Canada contiguous to convention waters in respect of his engaging in pelagic sealing in convention waters in strict compliance with the stipulations of Article 4 of the convention.

Proviso.

Offence.

(2) Every national or inhabitant of Canada who contravenes the provisions of subsection one of this section, or who procures, aids or abets any such contravention, shall be guilty of an offence against this Act.

Use of Canadian ports for equipping vessels for pelagic sealing prohibited.

6. (1) If any person (other than an Indian or other aborigine in respect of the exercise of the privilege reserved by Article 4 of the convention) uses any port within Canada for the purpose of equipping any vessel intended to be operated or used for any purpose whatsoever connected with the operations of pelagic sealing in convention waters, he shall be guilty of an offence and liable upon indictment to a fine or to two years' imprisonment, or on summary conviction to imprisonment for a term not exceeding six months with or without hard labour or to a fine not exceeding five hundred dollars, and the vessel and her equipment shall be liable to forfeiture to His Majesty.

Penalty.

Forfeiture.

Seizure and detention of offending vessel.

R.S., c. 43.

(2) If any officer authorized by the *Customs and Fisheries Protection Act* to board and search is satisfied that there is reasonable cause for believing that a vessel has been or is being equipped contrary to this section, he may seize and

detain the vessel and bring her for adjudication before the Exchequer Court of Canada on its Admiralty side, or before any Superior Court in the Province in or near which the vessel was seized.

Vessel, etc., to be adjudged forfeited.

(3) The court may thereupon adjudge the vessel and her equipment to be forfeited to His Majesty and make such order in the case as to the court seems just.

Responsibility of officer making seizure.

(4) Any such officer shall not be responsible either civilly or criminally to any person whomsoever in respect of any such seizure or detention as aforesaid notwithstanding that the vessel has not been brought in for adjudication, or if so brought in is declared not liable to forfeiture, if it is shown to the satisfaction of the court before which any trial relating to such vessel or such seizure or detention is held that there were reasonable grounds for such seizure and detention, but if no such grounds are shown, the court may award costs and damages to any party aggrieved and make such other order in the premises as the court thinks just.

Costs and damages.

Importation or possession prohibited.

7. (1) The importation into, or possession within, Canada,

(a) of skins of seals or of sea otters taken in contravention of any provision of this Act or of any regulation, or of the provisions of the convention, or

(b) of skins of seals identified as being of the species known as *Callorhinus alascanus*, *Callorhinus ursinus* and *Callorhinus kurilensis*, and belonging to the American, Russian and Japanese herds, except such as are taken under the authority of the respective Powers to which the breeding grounds of such herds belong and have been officially marked and certified as having been so taken,

is prohibited.

Forfeiture.

(2) Any such skins, except such as are taken and officially marked and certified as aforementioned, or are taken by Indians or other aborigines in the exercise of the privilege reserved by Article 4 of the convention, if imported into, or if had in possession or otheriwse found within Canada, shall thereby become forfeited to His Majesty, and may be seized by any Customs or Fishery Officer, and shall be dealt with as the Minister of Fisheries directs.

Pelagic sealing by Indians.

8. Any Indian or other aborigine dwelling on the coast of Canada contiguous to convention waters who carries on pelagic sealing otherwise than in strict compliance with the stipulations of Article 4 of the convention shall be guilty of an offence against this Act; and any canoe or other vessel including her equipment and any firearms and any fur seal skins found on board thereof, operated or used in, or for the purpose of aiding or facilitating, the commission of any

such offence, may be seized by any officer authorized under the *Customs and Fisheries Protection Act* to board and search, and shall be forfeited to His Majesty.

R.S., c. 43.

Killing of sea otters beyond three miles from shore prohibited.

9. (1) No national or inhabitant of Canada shall engage, and no vessel registered in Canada or belonging to any such national or inhabitant shall be operated or used, in killing, capturing or pursuing sea otters in convention waters beyond the distance of three miles from the shore line of the western coast of Canada.

Offence and forfeiture.

(2) Any person who contravenes the provisions of subsection one of this section shall be guilty of an offence against this Act, and any vessel operated or used as aforementioned and her equipment and any sea otter skins found on board thereof shall be liable to forfeiture to His Majesty.

Vessel, etc., liable to seizure and forfeiture.

10. (1) Every vessel, including her equipment and any skins of fur seals or sea otters found on board thereof, which is in any manner operated and used in contravention of any provision of this Act, or regulation or of the provisons of the convention, or for aiding or facilitating the commission of any such contravention, may be seized, except within the territorial jurisdiction of the United States of America, or of Japan or of Russia, by any officer authorized by the *Customs and Fisheries Protection Act* to board and search, and shall, save as herein otherwise provided, be forfeited to His Majesty.

R.S., c. 43.

Nationals and inhabitants of Canada, etc., may be detained.

(2) Every national or inhabitant of Canada, or of the United States of America or of Japan or of Russia engaged in pelagic sealing in convention waters in contravention of any provision of this Act or of any regulation, or of the provisions of the convention, or in aiding or facilitating pelagic sealing as aforesaid, may be taken into custody, except within the territorial jurisdiction of the United States of America or of Japan or of Russia, and detained by any officer authorized by the *Customs and Fisheries Protection Act* to board and search.

Persons, vessels, etc., delivered to other Powers.

(3) Whenever any such person is a national or inhabitant of the United States of America or of Japan or of Russia, or any such vessel is registered in, or belongs to a national or inhabitant of, any of such countries, and is taken into custody and seized and detained for a contravention of any provision of this Act or of any regulation or of the provisions of the convention committed in convention waters other than the territorial waters of Canada, such person, or vessel, or other property, shall be delivered as soon as practicable to an authorized official of the United States of America or of Japan or of Russia, as the case may be, at the nearest point to the place of seizure or elsewhere as may be mutually agreed upon, to be dealt with in accordance with the law of such country.

Penalty for violation.

11. Every person guilty of an offence against this Act or of a contravention of any regulation shall be liable upon 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.

Administration.

12. Save as herein otherwise provided, the Minister of Fisheries shall have the administration of this Act, and of the regulations.

Act repealed.

13. The *Pelagic Sealing Act*, chapter one hundred and fifty-three of the Revised Statutes of Canada, 1927, is hereby repealed.

Duration of Act.

14. This Act shall continue in force until a day which may be fixed by proclamation of the Governor in Council following upon the termination of the convention, and no longer.

SCHEDULE

CONVENTION

BETWEEN GREAT BRITAIN, THE UNITED STATES OF AMERICA, JAPAN AND RUSSIA, FOR THE ADOPTION OF MEANS LOOKING TO THE PRESERVATION AND PROTECTION OF THE FUR SEAL. SIGNED AT WASHINGTON, ON JULY 7, 1911.

The United States of America, His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, His Majesty the Emperor of Japan, and His Majesty the Emperor of all the Russias, being desirous of adopting effective means for the preservation and protection of the fur seals which frequent the waters of the North Pacific Ocean, have resolved to conclude a Convention for the purpose, and to that end have named as their Plenipotentiaries:

The President of the United States of America, the Honourable Charles Nagel, Secretary of Commerce and Labour of the United States, and the Honouralbe Chandler P. Anderson, Counsellor of the Department of State of the United States;

His Britannic Majesty, the Right Honourable James Bryce, of the Order of Merit, his Ambassador Extraordinary and Plenipotentiary at Washington, and Joseph Pope, Esquire, Commander of the Royal Victorian Order and Companion of the Order of St. Michael and St. George, Under Secretary of State of Canada for External Affairs;

His Majesty the Emperor of Japan, Baron Yasuya Uchida, Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, his Ambassador Extraordinary and Plenipotentiary at Washington; and the Honourable Hitoshi Dauke, Shoshii, Third Class of the Imperial Order of the Rising Sun, Director of the Bureau of Fisheries, Department of Agriculture and Commerce;

His Majesty the Emperor of all the Russias, the Honourable Pierre Botkine, Chamberlain of His Majesty's Court, Envoy Extraordinary and Minister Plenipotentiary to Morocco, and Baron Boris Nolde, of the Foreign Office;

Who, after having communicated to one another their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1.

The High Contracting Parties mutually and reciprocally agree that their citizens and subjects respectively, and all persons subject to their laws and treaties, and their vessels, shall be prohibited, while this Convention remains in force, from engaging in pelagic sealing in the waters of the North Pacific Ocean, north of the thirtieth parallel of north latitude and including the Seas of Bering, Kamchatka, Ohkotsk and Japan, and that every such person and vessel offending against such prohibition may be seized, except within the territorial jurisdiction of one of the other Powers, and detained by the naval or other duly commissioned officers of any of the Parties to this Convention, to be delivered as soon as practicable to an authorized official of their own nation at the nearest point to the place of seizure, or elsewhere as may be mutually agreed upon; and that the authorities of the nation to which such person or vessel belongs alone shall have jurisdiction to try the offence and impose the penalties for the same; and that the witnesses and proofs necessary to establish the offence, so far as they are under the control of any of the Parties to this Convention, shall also be furnished with all reasonable promptitude to the proper authorities having jurisdiction to try the offence.

ARTICLE 2.

Each of the High Contracting Parties further agrees that no person or vessel shall be permitted to use any of its ports or harbours or any part of its territory for any purposes whatsoever connected with the operations of pelagic sealing in the waters within the protected area mentioned in Article 1.

ARTICLE 3.

Each of the High Contracting Parties further agrees that no sealskins taken in the waters of the North Pacific Ocean within the protected area mentioned in Article 1, and no sealskins identified as the species known as *Callorhinnus alascanus, Callorhinus ursinus,* and *Callorhinus kurilensis,* and belonging to the American, Russian or Japanese herds, except such as are taken under the authority of the respective Powers to which the breeding grounds of such herds belong and have been officially marked and certified as having been so taken, shall be permitted to be imported or brought into the territory of any of the Parties to this Convention.

ARTICLE 4.

It is further agreed that the provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or other aborigines dwelling on the coast of the waters mentioned in Article 1 who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practised and without the use of firearms; provided that such aborigines are not in the employment of other persons, or under contract to deliver the skins to any person.

ARTICLE 5.

Each of the High Contracting Parties agrees that it will not permit its citizens or subjects or their vessels to kill, capture or pursue beyond the distance of three miles from the shore line of its territories sea otters in any part of the waters mentioned in Article 1 of this Convention.

ARTICLE 6.

Each of the High Contracting Parties agrees to enact and enforce such legislation as may be necessary to make effective the foregoing provisions with appropriate penalties for violation thereof.

ARTICLE 7.

It is agreed on the part of the United States, Japan, and Russia that each respectively will maintain a guard or patrol in the waters frequented by the seal herd in the protection of which it is especially interested, so far as may be necessary for the enforcement of the foregoing provisions.

ARTICLE 8.

All of the High Contracting Parties agree to co-operate with each other in taking such measures as may be appropriate and available for the purpose of preventing pelagic sealing in the prohibited area mentioned in Article 1.

ARTICLE 9.

The term pelagic sealing is hereby defined for the purposes of this Convention as meaning the killing, capturing or pursuing in any manner whatsoever of fur seals at sea.

ARTICLE 10.

The United States agrees that of the total number of sealskins taken annually under the authority of the United States upon the Pribilof Islands or any other islands or shores of the waters mentioned in Article 1 subject to the jurisdiction of the United States to which any seal herds hereafter resort, there shall be delivered at the Pribilof Islands at the end of each season fifteen per cent (15 per cent) gross in number and value thereof to an authorized agent of the Canadian Government and fifteen per cent (15 per cent) gross in number and value thereof to an authorized agent of the Japanese Government; provided, however, that nothing herein contained shall restrict the right of the United States at any time and from time to time to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season and the manner and times and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its number.

ARTICLE 11.

The United States further agrees to pay the sum of two hundred thousand dollars ($200,000) to Great Britain and the sum of two hundred thousand dollars ($200,000) to Japan when this Convention goes into effect, as an advance payment in each case in lieu of such number of fur-seal skins to which Great Britain and Japan respectively would be entitled under the provisions of this Convention as would be equivalent in each case to two hundred thousand dollars ($200,000) reckoned at their market value at London at the date of their delivery before dressing and curing and less cost of transportation from the Pribilof Islands, such market value in case of dispute to be determined by an

umpire to be agreed upon by the United States and Great Britain, or by the United States and Japan, as the case may be, which skins shall be retained by the United States in satisfaction of such payments.

The United States further agrees that the British and Japanese shares respectively of the sealskins taken from the American herd under the terms of this Convention shall be not less than one thousand (1,000) each in any year even if such number is more than fifteen per cent (15 per cent) of the number to which the authorized killing is restricted in such year, unless the killing of seals in such year or years shall have been absolutely prohibited by the United States for all purposes except to supply food, clothing, and boat skins for the natives on the islands, in which case the United States agrees to pay to Great Britain and to Japan each the sum of ten thousand dollars ($10,000) annually in lieu of any share of skins during the years when no killing is allowed; and Great Britain agrees, and Japan agrees, that after deducting the skins of their respective shares, which are to be retained by the United States as above provided to remimburse itself for the advance payment aforesaid, the United States shall be entitled to reimburse itself for any annual payments made as herein required, by retaining an additional number of sealskins from the British and Japanese shares respectively over and above the specified minimum allowance of one thousand (1,000) skins in any subsequent year or years when killing is again resumed, until the whole number of skins retained shall equal, reckoned at their market value determined as above provided for, the entire amount so paid, with interest at the rate of four per cent (4 per cent) per annum.

If, however, the total number of seals frequenting the United States islands in any year falls below one hundred thousand (100,000), enumerated by official count, then all killing, excepting the inconsiderable supply necessary for the support of the natives as above noted, may be suspended without allowance of skins or payment of money equivalent until the number of such seals again exceeds one hundred thousand (100,000), enumerated in like manner.

ARTICLE 12.

It is agreed on the part of Russia that of the total number of sealskins taken annually upon the Commander Islands, or any other islands or shores of the waters defined in Article 1 subject to the jurisdiction of Russia to which any seal herds hereafter resort, there shall be delivered at the Commander Islands at the end of each season fifteen per cent (15 per cent) gross in number and value thereof to an authorized agent of the Canadian Government, and fifteen

per cent (15 per cent) gross in number and value thereof to an authorized agent of the Japanese Government; provided, however, that nothing herein contained shall restrict the right of Russia at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins, on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them as may seem necessary to preserve and protect the Russian seal herd, or to increase its number; but it is agreed, nevertheless, on the part of Russia that during the last ten years of the term of this Convention not less than five per cent (5 per cent) of the total number of seals on the Russian rookeries and hauling grounds will be killed annually, provided that said five per cent (5 per cent) does not exceed eight-five per cent (85 per cent) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Russian islands in any year falls below eighteen thousand (18,000) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except, such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds eighteen thousand (18,000) enumerated in like manner.

ARTICLE 13.

It is agreed on the part of Japan that of the total number of sealskins taken annually upon Robben Island, or any other islands or shores of the waters defined in Article 1 subject to the jurisdiction of Japan to which any seal herds hereafter resort, there shall be delivered at Robben Island at the end of each season ten per cent (10 per cent) gross in number and value thereof to an authorized agent of the United States Government, ten per cent (10 per cent) gross in number and value thereof to an authorized agent of the Canadian Government, and ten per cent (10 per cent) gross in number and value thereof to an authorized agent of the Russian Government; provided, however, that nothing herein contained shall restrict the right of Japan at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and and regulations upon the total number of skins to be taken in any season, and the amnner and times and places of taking them as may seem necessary to preserve and protect the Japanese herd, or to increase

its number; but it is agreed, nevertheless, on the part of Japan that during the last ten years of the term of this Convention not less than five per cent (5 per cent) of the total number of seals on the Japanese rookeries and hauling grounds will be killed annually, provided that said five per cent (5 per cent) does not exceed eighty-five per cent (85 per cent) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Russian islands in any year falls below six thousand five hundred (6,500) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds six thousand five hundred (6,500) enumerated in like manner.

ARTICLE 14.

It is agreed on the part of Great Britain that in case any seal herd hereafter resorts to any islands or shores of the waters defined in Article 1 subject to the jurisdiction of Great Britain, there shall be delivered at the end of each season during the term of this Convention ten per cent (10 per cent) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the United States Government, ten per cent (10 per cent) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the Japanese Government, and ten per cent (10 per cent) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the Russial Government.

ARTICLE 15.

It is further agreed between the United States and Great Britain that the provisions of this Convention shall supersede, in so far as they are inconsistent therewith or in duplication thereof, the provisions of the treaty relating to the fur seals, entered into between the United States and Great Britain on the 7th day of February, 1911.

ARTICLE 16.

This Convention shall go into effect upon the 15th day of December, 1911, and shall continue in force for a period of fifteen (15) years from that date, and thereafter until terminated by twelve (12) months' written notice given by

one or more of the Parties to all of the others, which notice may be given at the expiration of fourteen years or at any time afterwards, and it is agreed that at any time prior to the termination of this Convention, upon the request of any one of the High Contracting Parties, a conference shall be held forthwith between representatives of all the Parties hereto, to consider and if possible agree upon a further extension of this Convention with such additions and modifications, if any, as may be found desirable.

ARTICLE 17.

This Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, by His Britannic Majesty, by His Majesty the Emperor of Japan, and by His Majesty the Emperor of all the Russias; and ratifications shall be exchanged at Washington as soon as practicable.

In faith whereof, the respective Plenipotentiaries have signed this Convention in quadruplicate and have hereunto affixed their seals.

Done at Washington the seventh day of July, in the year one thousand nine hundred and eleven.

CHARLES NAGEL, [L.S.]
CHANDLER P. ANDERSON, [L.S.]
JAMES BRYCE, [L.S.]
JOSEPH POPE, [L.S.]
Y. UCHIDA, [L.S.]
H. DAUKE, [L.S.]
P. BOTKINE, [L.S.]
NOLDE. [L.S.]

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 105.

An Act to assist in the alleviation of Unemployment and Agricultural Distress.

First reading, April 25, 1938.

The MINISTER OF LABOUR.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

54737

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 105.

An Act to assist in the alleviation of Unemployment and Agricultural Distress.

Preamble.

WHEREAS it is in the national interest that the Dominion should continue for a further period to support and supplement the measures of the provinces and other bodies to establish certain unemployed persons in gainful occupations, to train other unemployed persons for like establishment and to assist those in need and thereby lessen provincial and municipal burdens consequent upon unemployment and agricultural distress: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Unemployment and Agricultural Assistance Act, 1938.*

Administration.

"Minister".

2. This Act shall be administered by the Minister of Labour and whenever used in this Act, the word "Minister" shall mean the Minister of Labour.

Undertaking of measures.

3. (1) The Governor in Council may out of moneys appropriated by Parliament authorize the execution of such undertakings as the Governor in Council may determine to be in the general interest of Canada and requisite for the purposes of this Act, and for such purposes may authorize the performance of such acts and the execution of such agreements and contracts as the Governor in Council may deem necessary and expedient.

Employment of persons on relief.

(2) In the execution of any such undertaking provision shall be made, so far as it may be in the opinion of the Governor in Council practicable and consistent with reasonable efficiency and economy to do so, for the employment of persons who being available and competent are necessarily and properly in receipt of assistance and registered with the Employment Service of Canada for employment in the province in which such undertaking is to be performed.

Contracts to be approved.

(3) Where any undertaking towards which the Dominion Government is providing financial assistance is under provincial jurisdiction, then, unless otherwise provided by agreement, all contracts entered into with respect thereto shall be approved by the Minister and the work thereunder supervised by an officer in the service of the Dominion Government.

Agreements with Provinces and others.

4. The Governor in Council may enter into agreements:

(a) with any of the provinces respecting the alleviation of unemployment conditions and of agricultural distress therein and to assist those in need;

(b) with corporations or partnerships or individuals engaged in industry respecting the expansion of industrial employment;

and such agreements may provide for payments for any of the purposes aforementioned to be made out of moneys appropriated by Parliament for the fiscal year 1938-39.

Granting of financial assistance to Provinces.

5. (1) The Governor in Council, where necessary, may out of any unappropriated moneys in the Consolidated Revenue Fund grant financial assistance to any province by way of loan, advance or guarantee for the purposes of assisting the province to pay its share of expenditures incurred for the purposes mentioned in paragraph *(a)* of section four of this Act to an amount not exceeding in the aggregate the maximum amount which may be payable by the province for its share of such expenditures under any agreement between the Dominion and the province entered into under the authority of this Act as well as the amount for which the province may be obligated by way of loan in connection with the cost of any undertaking for which commitments were made under *The Unemployment and Agricultural Assistance Act, 1937*, and which may be continued under agreements entered into under authority of this Act.

1937, c. 44.

Renewals of loans, advances or guarantees.

(2) The Governor in Council may renew or consolidate, for such periods and upon such terms as the Governor in Council may determine, loans, advances or guarantees made, given or renewed under the authority of *The Unemployment Relief and Assistance Act, 1936*, the *Unemployment and Agricultural Assistance Act, 1937*, or this Act and may accept such Treasury bills, bonds, debentures or other securities as may be approved by the Governor in Council as security for the payment of any indebtedness due by a province to the Dominion arising out of expenditures, advances or loans heretofore or hereafter made for the alleviation of unemployment conditions and of agricultural distress and to assist those in need.

1936, c. 15.
1937, c. 44.

Conditions of financial assistance.

6. No financial assistance shall be granted to any province under this Act unless the province agrees to

furnish such information and permit such examination and audit to be made as the Dominion may deem necessary, and no financial assistance by way of loan, advance or guarantee shall be granted to any province under this Act unless the province furnishes the Dominion, from time to time as required, with certified statements as to its financial position in such detail and in such form as the Dominion may require.

Orders and regulations.

7. The Governor in Council may make all such orders and regulations as may be deemed necessary or desirable to carry out the purposes and intentions of this Act.

Orders and regulations to have the force of law.

8. All orders and regulations of the Governor in Council made hereunder shall have the force of law and may be varied, extended or revoked by any subsequent order or regulation, but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accrued, accruing or incurred thereunder be affected by any such variation, extension or revocation.

Laid before the House of Commons.

9. All orders in council and regulations made under the provisions of this Act shall be laid before the House of Commons forthwith after the making thereof if Parliament is then sitting, or if not, said orders in Council or regulations or an abstract thereof disclosing their essential provisions shall be published in the next following issue of the *Canada Gazette.*

Canada Gazette.

Appointment of officers, clerks and employees.

10. Subject to the approval of the Governor in Council the Minister may appoint such officers, clerks and employees as may be necessary to carry out the purposes of this Act.

Report to Parliament.

11. A report shall be laid before Parliament within thirty days after the expiration of this Act, or if Parliament is not then in session shall be published and made available for distribution by the Department of Labour, containing a full and correct statement of the moneys expended or loaned, guarantees given and obligations contracted under this Act.

Duration of Act.

12. All the provisions of this Act except such as are contained in subsection two of section five and in this section shall expire on the thirty-first day of March, 1939, but any obligation or liability incurred or created under the authority of this Act may be paid and discharged notwithstanding the expiration of the aforesaid provisions of this Act on the said date.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 106.

An Act to amend The Manitoba Natural Resources Act, The Alberta Natural Resources Acts, and the Saskatchewan Natural Resources Acts.

First reading, April 26, 1938.

THE MINISTER OF JUSTICE.

OTTAWA
J. O. PATENAUDE, I.S.O
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

54432

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 106.

An Act to amend The Manitoba Natural Resources Act, The Alberta Natural Resources Acts, and The Saskatchewan Natural Resources Acts.

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

Short title and construction.

1. This Act may be cited as *The Natural Resources Transfer (Amendment) Act, 1938.*

1930, c. 29; 1930, c. 3; 1931, c. 15; 1930, c. 41; 1931, c. 51.

This Act, and *The Manitoba Natural Resources Act*, chapter twenty-nine of the statutes of 1930 (first session), and *The Alberta Natural Resources Acts*, chapter three of the statutes of 1930 (first session) and chapter fifteen of the statutes of 1931, and *The Saskatchewan Natural Resources Acts*, chapter forty-one of the statutes of 1930 (first session) and chapter fifty-one of the statutes of 1931, respectively, shall be construed together.

Agreements confirmed.

2. The Agreements set out in the Schedule to this Act are hereby confirmed and shall have and take effect according to their respective terms.

SCHEDULE.

MEMORANDUM of Agreement made this 5th day of March A.D. 1938

BETWEEN:

The Government of the Dominion of Canada, represented herein by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources,

OF THE FIRST PART:

—and—

The Government of the Province of Manitoba, represented herein by the Honourable John Stewart McDiarmid, Minister of Mines and Natural Resources,

OF THE SECOND PART.

WHEREAS the Agreement entered into between the parties hereto on the 14th day of December, A.D. 1929 (hereinafter referred to as the Natural Resources Transfer Agreement) was duly approved by the Parliament of Canada and the Legislature of the Province, and upon an address to His Majesty from the Senate and House of Commons of Canada, was confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled "*The British North America Act, 1930,*" assented to on 10th July, 1930, being chapter twenty-six of the Imperial Statutes, 20-21 George V:

AND WHEREAS by paragraph twenty-four of the said Natural Resources Transfer Agreement it was agreed that the provisions of the said Agreement might be varied by an Agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province:

AND WHEREAS the said Natural Resources Transfer Agreement came into force, pursuant to the provisions thereof, on the 15th day of July, 1930.

AND WHEREAS the said Natural Resources Transfer Agreement provided for the transfer to the Province of the interest of the Crown in all Crown lands, mines and minerals (precious and base) and royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals or royalties upon and subject to the terms and conditions therein set forth:

AND WHEREAS doubts have been entertained on the part of the Province whether the interest of the Crown in the waters and water-powers within the Province under the *Irrigation Act*, and the *Dominion Water Power Act* was transferred to and vested in the Province under the terms of the Natural Resources Transfer Agreement, the same not having been specifically mentioned in the description of the natural resources transferred to the Province as hereinbefore recited, and for the quieting of such doubts it is expedient that the transfer to the Province of the interest of the Crown in the waters and water-powers aforementioned should be confirmed:

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT:

1. Paragraph 1 of the said Natural Resources Transfer Agreement is amended by inserting after the word "province" in the sixth line thereof the words "and the interest of the Crown in the waters and water-powers within the Province under the *Irrigation Act*, being chapter sixty-one of the Revised Statutes of Canada, 1906, as amended by chapter thirty eight, 7-8 Edw. VII, and chapter thirty-four, 9-10 Edw. VII, and under the *Dominion Water Power Act*"; and after the word "royalties" in the seventh line thereof the words "or for interests or rights in or to the use of such waters or water-powers"; and the amendments to said paragraph 1 hereinbefore provided shall have effect, and said paragraph 1 shall be read and construed as if it contained the said amendments, as from the coming into force of the said Natural Resources Transfer Agreement, subject nevertheless to the other provisions of the said Natural Resources Transfer Agreement and to the exception of all such interests in or rights to the use of the waters and water-powers within the Province as continue, in virtue of such provisions, to belong to or to be administrable by the Crown in the right of Canada, and of all sums due or payable for such interests or rights.

2. This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Manitoba, and shall take effect on the first day of the calendar month beginning next after its approval as aforesaid, whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

IN WITNESS WHEREOF the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada; and the

Honourable John Stewart McDiarmid, Minister of Mines and Natural Resources, has hereunto set his hand on behalf of the Province of Manitoba.

Signed on behalf of the Government of Canada by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources,
in the presence of:
(Sgd.) W. C. BETHUNE.

(Sgd.) T. A. CRERAR.

Signed on behalf of the Government of Manitoba by the Honourable John Stewart McDiarmid, Minister of Mines and Natural Resources,
in the presence of:

(Sgd.) MARY A. ZAKUS.

(Sgd.)
J. S. McDIARMID.

MEMORANDUM of Agreement made this 5th day of March, A.D. 1938.

BETWEEN

The Government of the Dominion of Canada, represented herein by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources,

OF THE FIRST PART:

—and—

The Government of the Province of Alberta, represented herein by the Honourable David Bertrum Mullen, Minister of Agriculture and in charge of Water Resources, and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines,

OF THE SECOND PART:

WHEREAS the Agreement entered into between the parties hereto on the 14th day of December, A.D. 1929 (hereinafter referred to as the Natural Resources Transfer Agreement) was duly approved by the Parliament of Canada and the Legislature of the Province, and upon an address to His Majesty from the Senate and House of Commons of Canada, was confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled "The British North America Act, 1930," being chapter twenty-six of the Imperial Statutes, 20-21 George V:

AND WHEREAS by paragraph 24 of the said Natural Resources Transfer Agreement it was agreed that the provisions of the said Agreement might be varied by an Agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

AND WHEREAS the said Natural Resources Transfer Agreement came into force, in virtue of a further Agreement between the parties hereto, dated the 29th day of July A.D. 1930, which was duly confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province, on the 1st day of October, A.D. 1930;

AND WHEREAS the said Natural Resources Transfer Agreement provided for the transfer to the Province of the interest of the Crown in all Crown lands, mines and minerals (precious and base), and the royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals and royalties upon and subject to the terms and conditions therein set forth;

AND WHEREAS doubts have been entertained on the part of the Province whether the interest of the Crown in the waters and water-powers within the Province under the *North-West Irrigation Act, 1898*, and the *Dominion Water Power Act*, was transferred to and vested in the Province under the terms of the Natural Resources Transfer Agreement, the same not having been specifically mentioned in the description of the natural resources transferred to the Province as hereinbefore recited, and for the quieting of such doubts, it is expedient that the transfer to the Province of the interest of the Crown in the waters and water-powers aforementioned should be confirmed;

AND WHEREAS by paragraph 2 of the said Natural Resources Transfer Agreement the Province agreed that it would carry out, in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person had become entitled to any interest therein as against the Crown, and further agreed not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto, other than Canada, or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who might be the parties thereto;

AND WHEREAS it has been agreed between Canada and the said Province that the terms of said paragraph 2 should be modified as herein set out:

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT:

1. Paragraph 1 of the said Natural Resources Transfer Agreement is amended by inserting after the word "province" in the sixth line thereof the words "and the interest of the Crown in the waters and water-powers within the Province under the *North-West Irrigation Act, 1898*, and the *Dominion Water Power Act*"; and after the word "royalties" in the seventh line thereof the words "or for interests or rights in or to the use of such waters or water-powers"; and the amendments to said paragraph 1 hereinbefore provided shall have effect, and said paragraph 1 shall be read and construed as if it contained the said amendments, as from the coming into force of the said Natural Resources Transfer Agreement, subject nevertheless to the other provisions of the said Natural Resources Transfer Agreement and to the exception of all such interests in or rights to the use of the waters and water powers within the Province as continue in virtue of such provisions, to belong to or to be administrable by the Crown in the right of Canada, and of all sums due or payable for such interests or rights.

2. Paragraph 2 of the said Natural Resources Transfer Agreement is amended by adding at the end thereof the following words:

"or is legislation relating to the conservation of oil resources or gas resources or both by the control or regulation of the production of oil or gas or both, whether by restriction or prohibition and whether generally or with respect to any specified area or any specified well or wells or by repressuring of any oil field, gas field or oil-gas field, and, incidentally thereto, providing for the compulsory purchase of any well or wells."

3. This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Alberta, and shall take effect on the first day of the calendar month beginning next after its approval as aforesaid, whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

IN WITNESS WHEREOF the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada; and the Honourable David Bertrum Mullen, Minister of Agriculture and in charge of Water Resources, and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, have hereunto set their hands on behalf of the Province of Alberta.

Signed on behalf of the Government of Canada by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources,
in the presence of:

(Sgd.) W. C. BETHUNE.

(Sgd) T. A. CRERAR.

Signed on behalf of the Government of Alberta by the Honourable David Bertrum Mullen, Minister of Agriculture and in charge of Water Resources, and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines,
in the presence of:

(Sgd.)
ERNEST C. MANNING.

(Sgd. D. B. MULLEN.

(Sgd.
N. E. TANNER.

MEMORANDUM of Agreement made this 5th day of March A.D. 1938.

BETWEEN

The Government of the Dominion of Canada, represented by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources,

OF THE FIRST PART:

—and—

The Government of the Province of Saskatchewan represented herein by the Honourable William Franklin Kerr, Minister of Natural Resources,

OF THE SECOND PART:

WHEREAS the Agreement entered into between the parties hereto on the 20th day of March, A.D. 1930 (hereinafter referred to as the Natural Resources Transfer Agreement) was duly approved by the Parliament of Canada and the Legislature of the Province, and upon an address to His Majesty from the Senate and House of Commons of Canada, was confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled "The British North America Act, 1930," being chapter twenty-six of the Imperial Statutes, 20-21 George V;

AND WHEREAS by paragraph twenty-six of the said Natural Resources Transfer Agreement it was agreed that the provisions of the said Agreement might be varied by an Agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province:

AND WHEREAS the said Natural Resources Transfer Agreement came into force, in virtue of a further Agreement between the parties hereto, dated the 7th day of August, A.D. 1930, which was duly confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the province, on the 1st day of October, A.D. 1930;

AND WHEREAS the said Natural Resources Transfer Agreement provided for the transfer to the Province of the interest of the Crown in all Crown lands, mines, minerals (precious and base), and royalties derived therefrom within the Province, and all sums due or payable for such lands mines, minerals or royalties upon and subject to the terms and conditions therein set forth;

AND WHEREAS doubts have been entertained on the part of the Province whether the interest of the Crown in the waters and water powers within the Province under the *North-west Irrigation Act, 1898*, and the *Dominion Water Power Act*, was transferred to and vested in the Province under the terms of the Natural Resources Transfer Agreement, the same not having been specifically mentioned in the description of the natural resources transferred to the Province as hereinbefore recited, and for the quieting of such doubts it is expedient that the transfer to the Province of the interest of the Crown in the waters and water powers aforementioned should be confirmed.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT:

1. Clause 1 of the said Natural Resources Transfer Agreement is amended by inserting after the word "Province" in the sixth line thereof the words "and the interest of the Crown in the waters and water powers within the Province under the *North-west Irrigation Act, 1898*, and the *Dominion Water Power Act*"; and after the word "royalties" in the seventh line thereof the words "or for interests or rights in or to the use of such waters or water powers"; and the amendments to said clause 1 hereinbefore provided shall have effect, and said clause 1 shall be read and construed as if it contained the said amendments, as from the coming into force of the said Natural Resources Transfer Agreement, subject nevertheless to the other provisions of the said Natural Resources Transfer Agreement and to the exception of all such interests in or rights to the use of the waters and water powers within the Province as continue, in virtue of of such provisions, to belong to or to be administrable by the Crown in the right of Canada, and of all sums due or payable for such interests or rights.

2. This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Saskatchewan, and shall take effect on the first day of the calendar month beginning next after its approval as aforesaid, whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

IN WITNESS WHEREOF the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada; and the Honourable William Franklin Kerr,
Minister of Natural Resources , has hereunto set his hand on behalf of the Province of Saskatchewan.

Signed on behalf of the Government of Canada by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources,

(Sgd.) T. A. CRERAR,

in the presence of:

(Sgd.) W. C. BETHUNE.

Signed on behalf of the Government of Saskatchewan by the Honourable William Franklin Kerr, Minister of Natural Resources,

(Sgd.) W. F. KERR.

in the presence of:

(Sgd) GEO. SPENCE.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 107.

An Act respecting the Canadian National Railways and to provide for the refunding of matured, maturing and callable financial obligations.

First reading, April 28, 1938.

The MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

56167

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 107.

An Act respecting the Canadian National Railways and to provide for the refunding of matured, maturing and callable financial obligations.

1929, c. 11; 1930, c. 8; 1935, c. 3.

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

Short title.

1. This Act may be cited as *Canadian National Railways Refunding Act, 1938.*

Power for refunding.

2. The Governor in Council may provide for the refunding of matured, maturing and/or callable stocks, notes, obligations, bonds, debentures and other securities (hereinafter called "original securities") of the Canadian National Railway Company (hereinafter called "the National Company") and/or of any one or more of the other Companies comprised in Canadian National Railways, as defined in chapter ten of the Statutes of Canada, 1929, and/or of any company or companies controlled through stock ownership by any company comprised in Canadian National Railways.

Issue of substituted securities.

Amount of substituted securities.

3. Subject to the provisions of this Act the National Company may issue notes, obligations, bonds, debentures, or other securities (hereinafter called "substituted securities") in respect of such refunding, to an aggregate principal amount not exceeding two hundred million dollars, and the Governor in Council may authorize the guarantee by His Majesty, in the right of the Dominion of Canada, of the principal and interest of the substituted securities.

Approval of Governor in Council.

4. (1) With respect to such refunding, the Governor in Council may, subject to the provisions of this Act, from time to time approve or decide—

(a) the kind or kinds of substituted securities to be issued and guaranteed, and the form or forms and terms thereof;

(b) the currency or currencies in which any issue or parts thereof may be made;

(c) the form and manner of the guarantee or guarantees;

(d) the times, manner and amount of the issue or issues;

(e) the method or manner of refunding, whether by exchange or substitution of the substituted securities for the original securities, or by payment of the original securities at maturity or when callable by means of the proceeds of the sale, pledge or other disposition of the substituted securities;

(f) the terms and conditions of any such exchange or substitution, or of any such sale, pledge or other disposition of the substituted securities;

(g) the securing, if deemed desirable, of the substituted securities by mortgage, deed of trust or other instrument, and the manner thereof, and the form and terms of any such indenture, and the trustee or trustees thereof;

(h) the manner, terms and conditions of any temporary financing and the expediency thereof;

Guarantees.

(2) The guarantee or guarantees may be signed on behalf of His Majesty by the Minister of Finance or the Acting Minister of Finance, or by such other person as the Governor in Council may from time to time designate, and such signature shall be conclusive evidence for all purposes of the validity of the guarantee and that the relative provisions of this Act have been complied with.

Deposit and release of proceeds.

5. The proceeds of any sale, pledge or other disposition of the substituted securities shall be deposited in the first place either in the Consolidated Revenue Fund or to the credit of the Minister of Finance and Receiver General of Canada, in trust for the National Company, in one or more banks designated by him, and shall from time to time be released by the Minister of Finance to the National Company upon applications, approved by the Minister of Transport, made from time to time by the National Company to the Minister of Finance for the release of such proceeds, deposited as aforesaid.

Cancellation and cremation of original securities.

6. Original securities coming into the possession of the National Company by means of such refunding may be cancelled and cremated in the presence of a representative or representatives of the Minister of Finance and of the National Company and, (if desired by them) of any Trustees affected, and certificates of such cremation, signed by such representatives, shall be filed with the Minister, the National Company, and with the Trustees (if desired by them) and any such certificate shall be conclusive evidence for all purposes of the cancellation and cremation of the original securities covered thereby.

Loans authorized to National Company not exceeding aggregate amount of $200,000,000.

7. (1) Upon applications for temporary loans, approved by the Minister of Transport, made from time to time to the Minister of Finance by the National Company, the Minister of Finance, with the approval of the Governor in Council, may make such loans to the National Company out of the Consolidated Revenue Fund of Canada for the purpose of refunding outstanding securities of any company referred to in section two of this Act, repayable on such terms and at such rates of interest as the Governor in Council may determine and secured by a demand note or notes of the National Company; provided however that the aggregate principal amount of the loans which the Minister of Finance is hereby authorized to make to the National Company shall not exceed the sum of two hundred million dollars.

Issue and guarantee of substituted securities.

(2) Should any such temporary loans be made within the limits aforesaid, substituted securities may subsequently be issued and guaranteed under the provisions of this Act to repay such loans or any part thereof.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 108.

An Act to amend The National Harbours Board Act, 1936.

First reading, May 2, 1938.

THE MINISTER OF JUSTICE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

55836

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA

BILL 108.

An Act to amend The National Harbours Board Act, 1936.

1936, c. 42.

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

1. *The National Harbours Board Act, 1936*, chapter forty-two of the statutes of 1936, is amended by adding thereto the following sections:—

Right of action against Board.

"**41.** (1) Subject as hereinafter provided any claim against the Board arising out of any contract entered into in respect of its undertaking or arising out of any death or injury to the person or to property resulting from the negligence of any officer or servant of the Board while acting within the scope of his employment may be sued for and prosecuted by action, suit or other proceeding in any court having jurisdiction for like claims between subjects.

Practice and procedure.

(2) Any such action, suit or other proceeding may be commenced and prosecuted to judgment in the same manner and subject to the same rules of practice and procedure and to the same right of appeal as nearly as may be as in cases between subjects.

Costs.

(3) The said court shall have the same jurisdiction to order or adjudge the payment of costs either by plaintiff or defendant as in like cases in the said court between subjects.

Service of process.

42. In any such action, suit or other proceeding process may be served upon a member of the Board or upon any port manager or officer or other person duly authorized by the Board to accept service of or be served with process in such cases.

No execution against Board.

43. (1) No execution shall issue on a judgment against the Board for the payment of money.

Payment of judgment by Minister of Finance.

(2) Where in any action, suit or other proceeding there is a judgment against the Board directing the payment of money for costs or otherwise, a judge or other proper officer of the court may on application certify to the Minister of Finance the tenor and purport of such judgment and such certificate shall be transmitted by such judge or other officer to the Minister of Finance who shall pay the amount so adjudged to the party entitled to the same out of the Special Account established by section twenty-three of this Act."

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 109.

An Act to amend the Exchequer Court Act.

First reading, May 2, 1938.

THE MINISTER OF JUSTICE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

55832

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 109.

An Act to amend the Exchequer Court Act.

R.S. c. 34; 1928, c. 17; 1932-33, c. 13.

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

Exclusive original jurisdiction.

1. Paragraph *(c)* of subsection one of section nineteen of the *Exchequer Court Act*, chapter thirty-four of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

(c) Every claim against the Crown arising out of any death or injury to the person or to property resulting from the negligence of any officer or servant of the Crown while acting within the scope of his duties or employment."

EXPLANATORY NOTE.

1. The repealed paragraph and the introductory wording of section 19 read as follows:—

"**19.** The Exchequer Court shall also have exclusive original jurisdiction to hear and determine the following matters:—

"*(c)* Every claim against the Crown arising out of any death or injury to the person or to property resulting from the negligence of any officer or servant of the Crown while acting within the scope of his duties or employment *upon any public work;*"

110.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 110.

An Act to amend the Northwest Territories Act.

First reading, May 2, 1938.

THE MINISTER OF MINES AND RESOURCES.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

56705

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA

BILL 110.

An Act to amend the Northwest Territories Act.

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

R.S., c. 142.

1. The *Northwest Territories Act*, chapter one hundred and forty-two of the Revised Statutes of Canada, 1927, is amended by inserting therein immediately after section thirty-nine thereof the following section:—

Judge to grant writ of assistance.

"**39**A. (1) A judge of the Exchequer Court of Canada shall grant a writ of assistance upon application made to him for that purpose by His Majesty's Attorney General of Canada and such writ shall remain in force so long as any person named therein remains an officer, be the same game officer, game warden, constable or other peace officer, whether in the same capacity or not.

Search and seizure.

(2) Under authority of such a writ of assistance the person named therein may enter in the night time if accompanied by a peace officer and in the day time without being so accompanied, any place, building or premises or any vessel, vehicle, aeroplane or conveyance of any description without the Territories and within the jurisdiction of the court or judge granting such writ in which he has reason to believe there exists any thing the shipment or carriage whereof from the Territories is prohibited conditionally or otherwise by any Act of Canada or Ordinance of the Territories, and may search for any such thing and may seize any such thing there found, and for the purpose of such search or seizure may in case of necessity break open any entrance or door, wall, floor, window or gate and any chest or package.

Receptacles, vehicles, boats, etc., may be seized.

(3) Any thing, the shipment or carriage whereof from the Territories is prohibited conditionally or otherwise by any Act of Canada or Ordinance of the Territories and any receptacle of any kind whatsoever and any vehicle, motor car, automobile, boat, canoe, aeroplane or conveyance of any description found containing or to have been used to

Explantory Note.

By chapter 64 of the statutes of Canada, 1926-27, the *Northwest Territories Act* was amended so as to provide for the levying of a tax upon furs to be taken from the Territories. This tax was imposed by an Ordinance of the Commissioner of the Northwest Territories in Council, assented to on 7th May, 1929, which provides that "no person shall export, carry or cause to be exported or carried out of the Territories, any furs, without first having obtained a permit to do so". Such permits are issued upon payment of the proper tax. There appears to be reason to believe that furs are being removed illegally from the Territories, and to enable a closer check to be made by those responsible for the collection of the tax it is proposed to authorize judges of the Exchequer Court to issue writs of assistance that will enable the persons named therein to search premises and conveyances which are believed to contain furs that have been or are being taken from the Territories without authority. The remedy suggested is similar to that provided by Parliament to facilitate the collection of excise tax.

remove from the Territories such thing shall be seized by any peace officer having a knowledge thereof and be subject to forfeiture.

Sections 171–184 of R.S., c. 42 to apply.

(4) The provisions of sections one hundred and seventy-one to one hundred and eighty-four inclusive of the *Customs Act* as to the proceedings upon seizure or alleged penalty or forfeiture incurred shall apply *mutatis mutandis* to any vessel, vehicle, goods or thing seized under the provisions of this section to the end that the Commissioner of the Northwest Territories may give his decision respecting the seizure, detention, penalty or forfeiture or refer the matter to the Exchequer Court of Canada.

111.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 111.

An Act to amend the New Westminster Harbour Commissioners Act.

First reading, May 10, 1938.

THE MINISTER OF TRANSPORT.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

56837

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 111.

An Act to amend The New Westminster Harbour Commissioners Act.

1913, c. 158; 1931, c. 40.

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

1. Section four of *The New Westminster Harbour Commissioners Act*, chapter one hundred and fifty-eight of the statutes of 1913, is repealed and the following substituted therefor:—

Boundaries of harbour.

"4. For the purposes of this Act the Harbour of New Westminster shall be deemed to extend from a line drawn north and south, astronomically, to each shore of the Fraser river, from a point on the line of average high water mark, on the eastern end of Manson or Douglas Island, known as Point Sebastien and situate in the Fraser river at the mouth of the Pitt river; thence down stream, extending on both sides to the line of average high water mark, to lines drawn across the outlets of the Fraser river into the Gulf of Georgia from point to point at low water mark on each of the points of land forming the said outlets, but not extending further northerly than a point equidistant between the most southerly and the most northerly points of the western shore of Lulu Island; and shall also include the adjacent waters of the Gulf of Georgia, upon and over the Sand Heads as far seaward as are from time to time defined by the Governor in Council; but shall not include any portion of the North Arm of the Fraser River west or north of the following described line;

COMMENCING at the south-east corner of District Lot 172, Group 1, New Westminster District; thence due south astronomically to the centre line of the said North Arm; thence westerly following the centre line of the said North Arm to a point due north astronomically of the north-west corner of District Lot 758,

Explanatory Note.

The purpose of this Bill is to extend the Harbour of New Westminster to include a small area now lying between the Harbour of New Westminster and the North Fraser Harbour and to provide remuneration for the commissioners out of harbour revenues.

Group 1, New Westminster District thence due south (astronomic) to the north-west corner of said District Lot 758; and shall also be deemed to include all the foreshore and water lots, wharves, piers and docks, in or along the waters forming as aforesaid the said harbour, save and except the water front, water lots, piers, docks, shores and beaches situate lying and being westerly of a line drawn across the main Fraser River from the north-west corner of Lot 130, Group 2, New Westminster District, to the southerly south-east corner of Section 17, Block 4, North, Range 4, West, New Westminster District, now under the jurisdiction of the Government of the Province of British Columbia."

2. The said Act is further amended by inserting the following section immediately after section ten thereof:—

Remuneration of Commissioners.

"**10A.** The chairman and other commissioners may be paid, out of the revenues of the harbour, such remuneration for their services as the Governor in Council from time to time determines."

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 112.

An Act to amend the Immigration Act.

First reading, May 13, 1938.

MR. NEILL.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
57939 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 112.

An Act to amend the Immigration Act.

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

1. Paragraph (t) of section three of the *Immigration Act*, chapter ninety-three of the Revised Statutes of Canada, 1937, is repealed and the following substituted therefor:—

Prohibited classes.

Illiterates

"(t) on and after the first day of July, one thousand nine hundred and thirty-nine, in addition to the foregoing "prohibited classes", the following persons shall also be prohibited from entering or landing in Canada:— Persons over fifteen years of age, physically capable of reading who cannot read the English or the French language or some other language or dialect commonly spoken by and native to the people of any country, state, province or other political or territorial division of Europe: Provided that any admissible person or any person heretofore or hereafter legally admitted, or any citizen of Canada, may bring in or send for his father or grandfather, over fifty-five years of age, his wife, his mother, his grandmother or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not and such relative shall be permitted to enter;"

Coming into force.

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

Explanatory Notes.

1. This clause is designed to prohibit the entry into Canada of illiterate persons on and after July first, 1939.

The repealed paragraph reads:

"*(t)* on and after the first day of July, one thousand nine hundred and nineteen, in addition to the foregoing "prohibited classes," the following persons shall also be prohibited from entering or landing in Canada:— Persons over fifteen years of age, physically capable of reading who cannot read the English or the French language or some other language or dialect: Provided that any admissible person or any person heretofore or hereafter legally admitted, or any citizen of Canada, may bring in or send for his father or grandfather, over fifty-five years of age, his wife, his mother, his grandmother or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not and such relative shall be permitted to enter;"

2. So as to avoid any possible hardships and to give ample time for diplomatic representations to be made the Act is not to come into force until July 1st, 1939.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 122.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1939.

AS PASSED BY THE HOUSE OF COMMONS, 23rd MAY, 1938.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

58874

3rd Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 122.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1939.

MOST GRACIOUS SOVEREIGN,

Preamble.

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

Short title.

1. This Act may be cited as *The Appropriation Act, No. 3, 1938.*

$39,057,624.49 granted for 1938-39.

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

$17,751,572.68 granted for 1938-39.

3. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole seventeen million, seven hundred and fifty-one thousand, five hundred and seventy-two dollars and sixty-eight cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-eight, to the thirty-first day of March, one thousand nine hundred and thirty-nine, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted, set forth in the Supplementary Estimates for the fiscal year ending the thirty-first day of March, one thousand nine hundred and thirty-nine, as laid before the House of Commons at the present session of Parliament.

Account to be rendered in detail.

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

123.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 123.

An Act to amend The Excise Act, 1934.

First reading, May 24, 1938.

THE MINISTER OF NATIONAL REVENUE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

53709

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 123.

An Act to amend The Excise Act, 1934.

1934, c. 52; 1935, c. 37; 1937, c. 29.

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

Definitions.

1. Clause *(j)* of subsection one of section three of *The Excise Act, 1934*, chapter fifty-two of the statutes of 1934, is repealed and the following substituted therefor:—

"Worm."

"*(j)* 'worm' means any pipe, condenser or other equipment used or intended to be used for the condensation of spirit vapour."

Packages warehoused to be marked.

Tobacco and cigars excepted.

2. Subsection two of section fifty-nine of the said Act is repealed and the following substituted therefor:—

"(2) Nothing in this section shall apply to manufactured tobacco and cigars."

3. Section sixty of the said Act is repealed and the following substituted therefor:—

Stowage of packages warehoused.

"**60.** Goods warehoused shall be so stowed or arranged that the casks, boxes or packages contained or described in one entry are placed together in separate lots; and in no case, except in the case of manufactured tobacco or cigars, shall the casks, boxes or packages contained or described in one entry, be intermixed with those contained or described in another."

Explanatory Notes.

1. The subsection to be repealed reads as follows:—

"(j) 'worm' means any pipe used or intended to be used for the condensation of spirit vapour."

The object of the amendment is to extend the meaning of the word "worm" so as to include all types of apparatus that are or may be used for the condensation of spirit vapour.

2. Section fifty-nine at present reads as follows:—

"**59.** Each package, when originally warehoused by the manufacturer, shall be marked with the date when warehoused, and with the quantity which the package contains, and shall be consecutively numbered and marked with the entry number. R.S., c. 60, s. 65.

(2) Nothing in this section shall apply to cigars."

The provisions of this section of the Act apply generally to all excisable goods but in fact have had no application to manufactured tobacco and cigars.

3. The section to be repealed reads as follows:—

"**60.** Goods warehoused shall be so stowed or arranged that the casks, boxes or packages contained or described in one entry are placed together in separate lots; and in no case, except in the case of cigarettes or cigars, shall the casks, boxes, or packages contained or described in one entry, be intermixed with those contained or described in another. R.S., c. 60, s. 66."

In the amendment the word "cigarettes" is replaced by the words "manufactured tobacco" for the reason referred to in the preceding note affecting subsection two of section fifty-nine.

4. Section ninety-six of the said Act, as enacted by section five of chapter twenty-nine of the statutes of 1937, is repealed and the following substituted therefor:—

Refusing to assist officers.

"**96.** Every one who, when called upon in the King's name by an officer of excise to aid or assist him in the execution of any act or duty required by this Act, refuses or neglects to do so, and every master or person in charge of any vessel and every driver or person conducting or having charge of any vehicle or conveyance, who refuses or neglects to stop such vessel, vehicle or conveyance when required to do so in the King's name by an officer of excise,

Penalty.

is guilty of an indictable offence, and liable to a fine not exceeding one hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months and not less than three months or to both fine and imprisonment, and in default of payment of such penalty to a term or a further term of imprisonment not exceeding six months and not less than three months."

Licence to rectifiers.

5. Section one hundred and thirty-one of the said Act is repealed.

6. Section one hundred and thirty-two of the said Act is repealed.

4. The section to be repealed reads as follows:—

"**96.** Every one who, when called upon in the King's name by an officer of excise to aid or assist him in the execution of any act or duty required by this Act, refuses or neglects so to do, and every master or person in charge of any vessel and every driver or person conducting or having charge of any vehicle or conveyance, who refuses or neglects to stop such vessel, vehicle or conveyance when required to do so in the King's name by an officer of excise, is guilty of an indictable offence, and liable to a fine not exceeding one hundred dollars and not less than fifty dollars, and to imprisonment for a term not exceeding six months and not less than three months."

The object of the amendment is to eliminate the mandatory term of imprisonment provided for in addition to the fine.

5. The section to be repealed reads as follows:—

"**131.** (1) A licence to carry on the trade or business of rectifying spirits may be granted to any person who has complied with the provisions of this Act, if the granting of such licence has been approved by the district inspector, and such person has jointly with a guarantee company, approved by the Minister, entered into a bond to His Majesty, in the sum of ten thousand dollars.

(2) Such bond shall be conditioned for the rendering of all accounts and the payment of all duties and penalties which the person to whom the licence is to be granted becomes liable to render or pay under the provisions of this Act, and that such person will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever. R.S., c. 60, s. 140. Am."

The rectifying of spirits is done solely by licensed distillers and as there is no probability of or necessity for the trade or business of rectifying spirits being carried on or licences issued to rectifiers, this section is repealed.

6. The section to be repealed reads:

"**132.** (1) A licence to import or make stills, worms, rectifying or other apparatus suitable for the manufacture of spirits, and to sell or dispose of the same, subject to the provisions of this Act and any departmental regulations made in that behalf, may be granted to any person not licensed as a distiller or licensed to carry on the business of rectifying spirits who has complied with the provisions of this Act, if the granting of such licence has been approved by the district inspector, and such person has, jointly with a guarantee company, approved by the Minister, entered into a bond to His Majesty, in the sum of two thousand dollars.

(2) Such bond shall be conditioned for the rendering of all accounts, and the payment of all duties and penalties which the person to whom the licence is to be granted becomes liable to render or pay under the provisions of this Act, and that such person will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever. R.S., c. 60, s. 141. Am."

Importation and manufacture, in addition to possession and use, of chemical stills are provided for in one licence and for one single fee and under one bond, under amending sections 7, 8 and 10 hereof.

Section 132 to be repealed deals only with licences to import or make apparatus referred to and the bond for such licence and its provisions are now embodied in amending section 8 hereof.

7. Section one hundred and thirty-three of the said Act is repealed and the following substituted therefor:—

Application for licence for chemical still.

"**133.** An application for a licence to import, manufacture, possess and use the chemical stills mentioned in such application shall contain a full and exact description of such stills and of the capacity of each and also of the purposes to which they are to be applied and of the place wherein they are to be used."

8. Subsection one of section one hundred and thirty-four of the said Act, as amended by section seven of chapter twenty-nine of the statutes of 1937, is repealed and the following substituted therefor:—

Conditions of licence for chemical still.

"**134.** (1) A licence to import, manufacture, possess and use chemical stills may be granted to any person who has complied with the provisions of this Act, if,—

(a) the person about to import or make any still, worm, rectifying or other apparatus suitable for the manufacture of spirits or for the rectification of spirits, before the importation or making is commenced, reports in writing to the nearest collector, his intention in relation thereto, stating the number of stills, worms, rectifying or other apparatus or part thereof, suitable for the manufacture of spirits, or for the rectification of spirits, to be imported or about to be manufactured, showing, with reference to each:—

(i) the capacity of the apparatus or parts thereof;

(ii) the name and residence of the person for whom such apparatus or part thereof is to be imported or made;

(iii) the time at which every such apparatus or part thereof is to be imported or made;

(iv) the date at which such apparatus or part thereof is to be removed from the place where the same is to be manufactured;

(v) the material of which such apparatus is or is to be made;

Approval and supervision.

(b) the granting of such licence has been approved by the district inspector and authorized by the Commissioner, and all the apparatus connected therewith is so made and arranged, and the whole so situated as regards the location and nature of the building in which it is placed, as to all which the Commissioner shall be the sole judge, that such stills and apparatus may be kept under such supervision by an officer as will prevent their fraudulent use; and

Bond.

(c) such person shall, before such licence is issued, jointly with a guarantee company approved by the Minister, enter into a bond to His Majesty in the sum of one thousand dollars;

7. The section to be repealed reads as follows:—

"**133.** An application for a licence to have in possession and use the chemical stills mentioned in such application, shall contain a full and exact description of such stills, and of the capacity of each, and also of the purposes to which they are to be applied, and of the place wherein they are to be used. R.S., c. 60, s. 142."

The new section embraces in the application for a licence, importation and manufacture.

8. The subsection to be repealed reads as follows:—

"**134.** (1) A licence to possess and use chemical stills may be granted to any person who has complied with the provisions of this Act, if

(a) the granting of such licence has been approved by the district inspector and authorized by the Commissioner, and all the apparatus connected therewith are so made and arranged, and the whole so situated, as regards the nature of the building in which it is placed and the location of such building, as to all which the Commissioner shall be the sole judge, that such stills and apparatus may be kept under such supervision by an officer as will prevent their fraudulent use; and

(b) such person shall, before such licence is issued, jointly with a guarantee company, approved by the Minister, enter into a bond to His Majesty, in the sum of one thousand dollars.

The new subsection one embraces the conditions upon which the licence to import and manufacture, as well as possess and use, chemical stills may be granted. Paragraphs 1 *(b)* and 1 *(c)* are repetitions of the repealed subsection but, under the new subsection, apply to importation and manufacture as well as possession and use.

9. Section one hundred and thirty-five of the said Act is repealed and the following substituted therefor:—

Distilling and rectifying licence fee $250.00.

"**135.** The person in whose favor a licence is granted for distilling by any process, shall, upon receiving such a licence, pay to the collector the sum of two hundred and fifty dollars."

10. Section one hundred and thirty-six of the said Act, as enacted by section eight of chapter twenty-nine of the statutes of 1937, is repealed and the following substituted therefor:

Licence fee for chemical still.

"**136.** The person in whose favor a licence is granted to import, manufacture, possess and use any chemical still or stills mentioned in his application for licence shall, upon receiving such licence pay to the collector the sum of two dollars whether such licence has a full year or only a part of a year to run from the date when it was granted:

Proviso.

Provided that any person importing, manufacturing, possessing and using a chemical still, the measured content of which does not exceed three gallons, or any *bona fide* public hospital duly certified as such by the Department of Pensions and National Health importing, manufacturing, possessing and using a chemical still of any capacity, may, upon registering the said still at the office of the collector of the division in which it is situated, be permitted to import, manufacture, possess and use the same without payment of licence fee or the giving of a bond; but the importation, manufacture, possession or use of any such still without registration shall be deemed an importing, manufacturing, possessing or using of a still contrary to the provisions of this Act."

Exceptions from payment of fee.

Importing or manufacturing apparatus.

11. Section one hundred and thirty-seven of the said Act, as enacted by section nine of chapter twenty-nine of the statutes of 1937, is repealed.

12. Section one hundred and thirty-eight of the said Act is repealed.

9. The section to be repealed reads as follows:—

"**135.** The person in whose favour a licence is granted for distilling and rectifying, or for either, by any process, shall, upon receiving such licence, pay to the collector the sum of two hundred and fifty dollars. R.S., c. 60, s. 144."

The effect of the new section is to remove from the present section reference to the abolished licence for the trade of rectifying.

10. The section to be repealed reads as follows:—

"**136.** The person in whose favour a licence is granted to have and use any chemical still or stills mentioned in his application for a licence shall, upon receiving such licence, pay to the collector the sum of two dollars: Provided that any person using a chemical still, the measured content of which does not exceed three gallons, or any *bona fide* public hospital duly certified as such by the Department of Pensions and National Health using a chemical still of any capacity, may, upon registering the said still at the office of the collector of the division in which it is situated, be permitted to use the same without payment of licence fee or the giving of bonds; but the possession of any such still without registration shall be deemed a having in possession of a still contrary to the provisions of this Act."

The effect of the new section is to include importation and manufacture as provided for in the new licence and further to fix the fee for same definitely at two dollars per year or part of a year.

11. The section to be repealed reads as follows:—

"**137.** Everyone who, not being licensed as a distiller, applies for a licence to import or manufacture stills, worms, rectifying or other apparatus suitable for the manufacture of spirits, shall, when applying for such licence, pay to the collector the sum of two dollars."

This section is, in effect, now being superseded by the provisions of section ten hereof.

12. The section to be repealed reads as follows:—

"**138.** Everyone who is about to import or make any still, worm, rectifying or other apparatus suitable for the manufacture of spirits, or for the rectification of spirits, shall, before the importation or making thereof is commenced, report in writing to the nearest collector, his intention in relation thereto, stating the number of stills, worms, rectifying or other apparatus or part thereof, suitable for the manufacture of spirits, or for the rectification of spirits, to be imported or about to be manufactured, showing, with reference to each,

(a) the capacity of the apparatus or part thereof;
(b) the name and residence of the person for whom such apparatus or part thereof is to be imported or made;
(c) the time at which such apparatus or part thereof is to be imported or made;
(d) the date at which such apparatus or part thereof is to be removed from the place where the same is to be manufactured;
(e) the material of which such apparatus is or is to be made."

The repealed section is, in effect, now embraced in section 8 of the Bill.

13. Paragraph *(d)* of subsection one of section one hundred and forty-two of the said Act, as amended by section ten of chapter twenty-nine of the statutes of 1937, is further amended by striking out subparagraph (iii) thereof and substituting therefor the following subparagraphs:—

Abatement of spirits re-warehoused.

"(iii) Spirits re-warehoused and stored in wooden or ventilated metal tanks or in barrels will be subject to the same abatement as if originally warehoused;

Abatement percentage upon deficiencies in distillery stock.

(iv) An abatement not exceeding two per cent may in accordance with departmental regulations, be allowed upon deficiencies found in distillery stock;

Wood absorption abatement.

(v) An abatement not exceeding three per cent of the quantity originally warehoused in wooden barrels, may, in accordance with departmental regulations, be allowed for wood absorption."

14. Subsections two and three of section one hundred and fifty-five of the said Act are repealed and the following substituted therefor:

Least quantity to be warehoused or ex-warehoused.

"(2) Except for export, use as ship stores, or delivery to a druggist licensed as herein provided, no less quantity than twelve cases or thirty gallons of proof spirits shall be entered for warehouse or ex-warehouse, by one entry, and in no case shall any spirits be ex-warehoused except in complete packages."

15. Subsection four of section one hundred and fifty-five of the said Act is repealed and the following substituted therefor:—

When spirits may be entered for consumption.

"(4) No spirits subject to excise, which have not been warehoused for at least two years, except that class of spirits commonly known as gin, and spirits manufactured from native wine when such spirits are used for fortification purposes by registered wine manufacturers, shall be entered for consumption: Provided, however, that spirits when testing not less than fifty per centum over-proof may be entered ex-warehouse for consumption at any date after manufacture if sold and delivered for scientific purposes only to any university, scientific or research laboratory approved by the Minister, or to any *bona fide* public hospital certified as such by the Department of Pensions and National Health, or to druggists as defined in section one hundred and forty-one of this Act, for use in preparing, manufacturing, compounding or dispensing medicines and pharmaceutical preparations under departmental regulations."

13. Subparagraph (iii) of the Act reads:—

"(iii) Spirits re-warehoused and stored in wooden or ventilated metal tanks or in barrels will be subject to the same abatement as if originally warehoused, but in no case shall the time in warehouse exceed fifteen years from the date of the original warehousing of the spirits;"

The object of the amendment is:—

(First) To provide by *(d)* (iii) for further storage in warehouse before final adjustment of legal allowances.

(Second) To provide by *(d)* (iv), for a permissible abatement up to two per cent for unavoidable loss in rectification, pumping and other operations after assessment of duty has been made before warehousing, and

(Third) To provide by *(d)* (v), for permissible abatement up to three per cent for wood absorption.

14. The subsections to be repealed read as follows:—

"(2) Except for removal in bond to a licensed bonded manufacturer, no less quantity than one hundred gallons of proof spirits shall be entered for warehouse by one entry."

"(3) Except for export, use as ship stores, or delivery to a druggist licensed as herein provided, no less quantity than thirty gallons of proof spirits shall be ex-warehoused by one entry, and in no case shall any spirits be ex-warehoused except in complete packages."

The object of the new subsection is the reduction of minimum gallonage from one hundred to thirty for warehouse entry so as to grant the licensee the right to warehouse the same minimum gallonage as he may ex-warehouse. Provision is also made for a minimum number of cases presently governed by Regulations.

15. Subsection four at present reads:—

"(4) No spirits subject to excise, which have not been warehoused for at least two years, except that class of spirits commonly known as gin, shall be entered for consumption: Provided, however, that spirits when testing not less than fifty per centum over-proof may be entered ex-warehouse for consumption at any date after manufacture if sold and delivered for scientific purposes only to any university, scientific or research laboratory approved by the Minister, or to any *bona fide* public hospital certified as such by the Department of Pensions and National Health, or to druggists as defined in section one hundred and forty-one of this Act, for use in preparing, manufacturing, compounding or dispensing medicines and pharmaceutical preparations under departmental regulations."

The object of the amendment by the addition of the underlined words in the text is to except the class of spirits referred to which need not, when intended to be used for fortification purposes, be warehoused for the two year period.

16. The said Act is further amended by inserting immediately after section one hundred and sixty-nine B thereof, as enacted by section thirteen of chapter twenty-nine of the statutes of 1937, the following section :

Second convictions under other provisions of same sections deemed subsequent offence.

"**169**C. In the case of any person who has been convicted of a violation of any of the provisions of sections one hundred and sixty-four, one hundred and sixty-nine, or one hundred and sixty-nine B, of this Act, and is afterwards convicted of a violation committed after having been so previously convicted, of any other provision of any of the said sections, such latter conviction shall be deemed a conviction for a subsequent offence within the meaning of the said sections and shall be dealt with and punished accordingly, although the two convictions may have been under different sections, or subsections, or paragraphs of the said sections."

Amount of bond.

17. Subsection one of section one hundred and seventy-two of the said Act is amended by striking out the word "two" in the last line thereof and substituting therefor the word "five."

18. Section one hundred and seventy-four of the said Act is repealed and the following substituted therefor:—

Beer casks, barrels and bottles to be stamped with name and address of brewer or bottler, and other prescribed information.

"**174.** On every cask or barrel used in a brewery or for keeping or delivering out any beer, there shall at all times be legibly cut, branded or painted in oil colours on one head, the name and address of the brewer; and on every bottle containing beer, there shall at all times be securely fixed by the brewer or bottler of the said beer, a label bearing such information as may be prescribed by departmental regulations.

19. Subsection two of section two hundred and forty-two of the said Act is repealed.

20. Section two hundred and forty-four of the said Act is repealed and the following substituted therefor:—

Packages of tobacco and cigars to be marked.

"**244.** All packages containing manufactured tobacco and cigars shall have printed thereon, stamped, burnt or impressed into them or indented, such information as is prescribed by departmental regulations."

16. The purpose of the amendment is to insure by enactment that offences involving under section 164, illicit manufacture of spirits and illicit possession of apparatus for such illicit manufacture, with different modes of such illicitness, and further involving under section one hundred and sixty-nine the possession or dealing with of spirits illicitly manufactured or obtained should be deemed like offences and that a previously convicted offender against any provision of any of said sections be dealt with as being guilty of and subject to the penalty provided for a second offence, if again convicted under the same or any other part of any of said sections. Persons manufacturing, possessing and dealing with spirits illicitly are being struck at under the new section.

17. The subsection referred to reads as follows:—

"**172.** (1) A licence to carry on the trade or business of a brewer may be granted to any person who has complied with the provisions of this Act, if the granting of such licence has been approved by the district inspector, and such person has, jointly with a guarantee company, approved by the Minister, entered into a bond to His Majesty, in such sum as the Minister may determine but in no case shall such sum be less than two thousand dollars.

The increase in the amount of the bond effected by the amendment is to insure in all cases adequate protection for the public revenues.

18. The repealed section reads as follows:—

"**174.** On every cask or barrel used in a brewery or for keeping or delivering out any beer, there shall at all times be legibly cut, branded or painted in oil colours on one head, the name and address of the brewer; and on every bottle containing beer, there shall at all times be securely fixed by the brewer or bottler of the said beer, a label showing in conspicuous type the name and address of the brewer or bottler of the said beer and showing also the percentage of proof spirits contained therein."

The requirements for labels would seem to be a proper subject for departmental regulations.

19. The subsection to be repealed reads as follows:—

"(2) There shall be imposed, levied and collected on all raw leaf tobacco imported into Canada, the duties of excise set out in the Schedule hereto."

The duties on raw leaf tobacco imported into Canada are now imposed, levied and collected under the Customs Act and are not Excise Duties. Hence the reason for repeal.

20. The section to be repealed reads as follows:—

"**244.** All boxes containing cigars shall have stamped, burned or impressed into them or indented in a legible and durable manner, the registered number of the manufactory where made, the number of the excise division in which the manufactory is situated, and the number of cigars contained in each box; and such stamping, indenting, burning or impressing shall be done in such manner as is prescribed by departmental regulations."

Under the new section provision is made for "packages" and "printing" on the packages, of information as regards tobacco, cigarettes and snuff, in addition to cigars, above referred to in the repealed section.

Completion of manufacture of tobacco and cigars.

21. Section two hundred and forty-nine of the said Act is repealed.

Monthly returns of completed manufacture.

22. Section two hundred and fifty of the said Act is repealed.

Deficiency between raw material and products of manufactory.

23. Section two hundred and fifty-one of the said Act is repealed and the following substituted therefor:—

"**251.** The deficiency allowance between the raw leaf tobacco and other materials taken for use and the manufactured tobacco, cigars and other products resulting therefrom, during the period between any two stock-takings, in any tobacco or cigar manufactory, may be established by the Governor in Council but shall not at any time exceed six per centum."

24. Section two hundred and fifty-two of the said Act is repealed.

25. Section two hundred and sixty-one of the said Act is repealed and the following substituted therefor:—

Tobacco stems and sweepings, etc.

"**261.** All stems, sweepings, or other waste or refuse tobacco found in a tobacco or cigar manufactory and which are not intended to be used, shall be disposed of under departmental regulations."

26. Paragraph *(h)* of section two hundred and sixty-two of the said Act is repealed and the following substituted therefor:—

Determining payment of duties.

"*(h)* for determining the time when tobacco and cigars shall be considered as completely manufactured."

27. Section two hundred and sixty-two of the said Act is further amended by inserting immediately after paragraph *(h)* the following paragraph:—

21. The section to be repealed reads as follows:—

"**249.** All tobacco and cigars shall be considered as completely manufactured as soon as they have been put up in packages, except that when a manufacturer sweats his tobacco after it has been put into caddies, boxes or other packages, the manufacture shall be considered completed only when the tobacco is moved from the sweat room."

See note to section 26 of the text.

22. The section to be repealed reads as follows:—

"**250.** All tobacco and cigars, the manufacture of which has been completed during any month, shall be returned as produced, and at the end of each month shall either be entered for duty ex-manufactory, or be warehoused."

See note to section 27 of the text.

23. The section to be repealed reads as follows:—

"**251.** The deficiency between the raw leaf tobacco and other materials taken for use and the manufactured tobacco and other products resulting therefrom, during the period between any two stock-takings, in any tobacco manufactory, shall not at any time exceed six per centum."

The experience of the Department in the last few years indicates that the present statutory deficiency allowance, in respect of both tobacco and cigars, is too great and the amendment will permit of a lower standard of production being established after a complete survey has been made.

24. The section to be repealed reads as follows:—

"**252.** There shall be produced from each and every twenty-five pounds of unstemmed raw leaf, scraps, cuttings or other material taken for use in a cigar manufactory, at least one thousand cigars; but if at any time the Minister determines that the standard herein established exceeds or falls short of what is hereafter ascertained to be the true standard, he may amend or alter such standard by regulation, to the extent of three pounds."

Same explanation as for note 23.

25. The section to be repealed reads as follows:—

"**261.** All stems, sweepings, or other waste or refuse tobacco found in a tobacco or cigar manufactory and which are not intended to be used, shall be destroyed under departmental regulations or entered for export. R.S., c. 60, s. 302. Am."

The object of the new section is to permit the disposal of tobacco stems and sweepings for commercial use when not destroyed.

26. The paragraph to be repealed reads as follows:—

"*(h)* for determining the time and manner of payment of the duties on foreign raw leaf tobacco and other materials taken for use in any tobacco or cigar manufactory."

Foreign raw leaf tobacco is not now the subject matter of excise duty. The substituted paragraph now gives the Governor in Council power to regulate when for accounting for duty purposes tobacco and cigars have become dutiable. The substituted paragraph replaces section 249 now repealed by section 21 of the bill.

27. Paragraph *(i)* to be added gives the Governor in Council power to determine when tobacco and cigars are to be returned as produced, i.e., when an accounting must take place.

Time when tobacco and cigars shall be entered.

"*(i)* for determining when completely manufactured tobacco and cigars shall be entered for consumption or duty ex-manufactory or be warehoused."

Determining payment of duties.

28. Section two hundred and sixty-four of the said Act is repealed.

29. Section two hundred and sixty-seven of the said Act is repealed and the following substituted therefor:

Warehousing and ex-warehousing of tobacco and cigars.

"**267.** Except for export or ship's stores, no less quantity than one hundred pounds of manufactured tobacco, two thousand cigars or two thousand cigarettes, shall be warehoused or ex-warehoused by one entry."

30. Section two hundred and sixty-nine of the said Act is repealed and the following substituted therefor:

No refund on tobacco ex-warehoused.

"**269.** The duty paid on manufactured tobacco and cigars entered for consumption, shall not be refunded by way of drawback or otherwise upon the exportation of such tobacco or cigars out of Canada."

31. Sections two hundred and seventy-five to two hundred and eighty-three, both inclusive, and two hundred and ninety-two to two hundred and ninety-four of the said Act, both inclusive, and the subheading thereto, "Foreign Raw Leaf Tobacco," are repealed.

The new paragraph replaces section 250, now repealed by section 22 of the bill.

28. The section to be repealed reads as follows:—

"**264.** Everyone who has a licensed bonding warehouse in which imported raw leaf tobacco is stored or kept, shall keep a book or books, in a form prescribed by the Commissioner, which book or books shall be supplied by the Department and shall be open at all reasonable hours to the inspection of the collector or other officer; and therein such person shall make day by day such entries as may be required by departmental regulations."

All imported raw leaf tobacco is now warehoused under the *Customs Act*.

29. The section to be repealed reads as follows:—

"**267.** (1) No less quantity than fifty pounds of raw leaf tobacco or the contents of one package, one hundred pounds of cavendish or other tobacco, two thousand cigars, or two thousand cigarettes, shall be entered for warehouse by one entry.

(2) Except for export or ship's stores, no less quantity than ten pounds of raw leaf tobacco, one hundred pounds of cavendish or manufactured tobacco, two thousand cigars, or two thousand cigarettes, shall be ex-warehoused by one entry."

The new section eliminates references to raw leaf tobacco not now entered for warehouse subject to excise duty and provides for the warehousing of such smaller quantities as may be required for export or ships' stores.

30. The section to be repealed reads as follows:—

"**269.** The duty paid on raw leaf tobacco ex-warehoused for use, and on manufactured tobacco and cigars entered for consumption, shall not be refunded by way of drawback or otherwise upon the exportation of such tobacco or cigars out of Canada. R.S., c. 60, s. 312. Am."

The new section eliminates reference to raw leaf tobacco not now warehoused or ex-warehoused subject to excise duty.

31. The sections and heading to be repealed read as follows:—

"*Foreign Raw Leaf Tobacco.*

275. Raw leaf tobacco may be imported into Canada at any port of entry where a licensed tobacco or cigar manufacturer carries on business. R.S., c. 60, s. 321.

276. All raw leaf tobacco imported shall be bonded at port of entry, in a customs warehouse, which shall be subject to the approval of the collector at the port of entry. R.S., c. 60, s. 322.

277. All imported raw leaf tobacco shall be weighed by the proper officer at the port where it enters Canada; and the importer or owner thereof shall provide all necessary appliances for weighing the packages and their contents, and all labour necessary for moving, piling or handling such packages. R.S., c. 60, s. 323.

278. All imported raw leaf tobacco shall be in packages which can be conveniently stamped; and except as herein otherwise provided, no such tobacco shall be removed from any warehouse wherein it has been bonded, except in such original stamped packages. R.S., c. 60, s. 324.

279. On importation raw leaf tobacco shall only be removed in bond under departmental regulations, and may be delivered to the undermentioned persons and to no others, that is to say:—

(a) Licensed cigar or tobacco manufacturers; or

(b) Licensed bonding warehousemen.

32. Paragraph *(a)* of subsection one of section two hundred and ninety-six of the said Act is repealed and the following substituted therefor:—

"**296.** (1) Subject to the provisions of this Act relating to the re-working of spoiled tobacco and cigars,—

(a) Every manufacturer or other person who puts tobacco or cigars into any such box, bag, vessel, wrapper or envelope, the same having been either emptied or partially emptied, or who has in his possession, or who sells or offers for sale any box or other package of tobacco or cigars, having affixed thereto any fraudulent, spurious, imitation or counterfeit stamp, or any stamp that has been previously used, or sells from any such fraudulently stamped box or package, or has in his possession any box or package as aforesaid, knowing the same to be fraudulently stamped;

280. (1) All imported raw leaf tobacco which is removed from the custody of the Customs authorities to a tobacco or cigar manufactory, or to a licensed bonding warehouse, when it passes into the possession and control of the Department, may be so removed in bond, such bond being taken by the collector of customs and accompanied by proper entry papers, and shall be for an amount equal to one dollar per pound on the raw leaf tobacco to which it relates, and shall be conditioned for the delivery of the raw leaf tobacco to the tobacco or cigar manufacturer or licensed bonding warehouse mentioned therein.

(2) Such bond shall be cancelled by the certificate on the customs removal entry, by the collector or other proper officer, that the tobacco to which it relates has been received at the tobacco or cigar manufactory or licensed bonding warehouse mentioned therein, and an account thereof made in the manufacturer's or licensed warehouseman's books.

(3) The quantity certified to by the collector shall be that ascertained by actual weight by the officer in charge of the tobacco or cigar manufactory or on the premises of a licensed warehouseman. R.S., c. 60, s. 326.

281. The weight of all quantities of raw leaf tobacco shall be stated so as to show the weight with reference to standard leaf tobacco. R.S., c. 60, s. 327.

282. All raw leaf tobacco received into a licensed bonding warehouse shall be bonded, the necessary entries therefor being made with and delivered to the proper officer. R.S., c. 60, s. 328.

283. All removals of raw leaf tobacco from a licensed bonding warehouse shall be in bond, and the necessary removal or other entries shall be passed for the quantity so removed on each occasion. R.S., c. 60, s. 330.

292. Everyone who sells, or offers for sale, or has in his possession, except in a licensed tobacco or cigar manufactory, any loose or unpacked imported raw leaf tobacco, shall incur, for a first offence, a penalty not exceeding two hundred dollars and not less than fifty dollars, and for each subsequent offence, a penalty of two hundred dollars, and all raw tobacco so offered or exposed for sale, or so unlawfully had in possession, loose or unpacked, shall be forfeited to the Crown, and shall be seized by any officer and dealt with accordingly. R.S., c. 60, s. 336.

293. All imported raw leaf tobacco brought into Canada at any port or place other than at the ports of entry herein named, or which are hereafter authorized by the Governor in Council, shall be forfeited to the Crown, and shall be seized by any officer and dealt with accordingly. R.S., c. 60, s. 337.

294. All imported raw leaf tobacco not bonded and not in stamped packages as herein required, and in the possession of any person except a licensed tobacco or cigar manufacturer, or unless in a licensed bonding warehouse, shall be forfeited to the Crown, and shall be seized by any officer and dealt with accordingly. R.S., c. 60, s. 338."

The sections repealed all contained legislative enactments respecting imported raw leaf tobacco not now subject to duties under the *Excise Act*.

32. The paragraph designation "*(a)*" as it presently appears in subsection (1) of section 296 is improperly placed, and the amendment simply moves it to its proper place in the subsection.

33. Subsection one of section two hundred and ninety-eight of the said Act is repealed and the following substituted therefor:

Unlawful removal of tobacco or cigars.

"**298.** (1) Everyone who removes or permits or allows the removal from any manufactory or from any place where tobacco or cigars are made, any manufactured tobacco or cigars without the same being put in proper packages, or without being stamped and the stamps being properly cancelled as required by law or regulations established thereunder, or who uses, sells or offers for sale, or has in possession, except in the manufactory, or while in transit under bond from any manufactory, store or warehouse, to a vessel or railway car for exportation to a foreign country, or for removal in bond from the manufactory or licensed bonding warehouse to another manufactory or licensed bonding warehouse, any manufactured tobacco or cigars without the proper stamps for the amount of duty thereon being affixed and cancelled is guilty of an indictable offence and shall, for each such offence, be liable to a penalty not exceeding five hundred dollars and not less than one hundred dollars or to imprisonment for a term not exceeding two years and not less than three months or to both fine and imprisonment and in default of payment of such penalty to a term or a further term of imprisonment not exceeding twelve months and not less than three months."

Unlawful sale or possession.

Offence. Penalty.

Coming into force of sections 20 to 31.

34. Sections twenty to thirty-one inclusive of this Act shall come into force on the first day of April, 1939.

33. The subsection to be repealed reads as follows:—

"**298.** (1) Everyone who removes from any manufactory or from any place where tobacco or cigars are made, any manufactured tobacco or cigars without the same being put in proper packages, or without being stamped and the stamps being properly cancelled as required by law or regulations established thereunder, or who uses, sells or offers for sale, or has in possession, except in the manufactory, or while in transit under bond from any manufactory, store or warehouse, to a vessel or railway car for exportation to a foreign country, or for removal in bond from the manufactory or licensed bonding warehouse to another manufactory or licensed bonding warehouse, any manufactured tobacco or cigars without the proper stamps for the amount of duty thereon being affixed and cancelled is guilty of an indictable offence and shall, for each such offence, be liable to a penalty not exceeding five hundred dollars and not less than one hundred dollars, and to imprisonment for a term not exceeding two years and not less than three months."

The new section makes provision for:—

(1) the inclusion as an offender against its provisions of one who permits or allows a removal in addition to the removal above mentioned in the section to be repealed, and

(2) the elimination of the mandatory term of imprisonment.

34. It is not proposed to bring the sections referred to into operation until the commencement of the fiscal year 1939-1940.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 124.

An Act to amend the Copyright Act.

First reading, May 24, 1938.

Mr. Martin.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
58672 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 124.

An Act to amend the Copyright Act.

R.S., c. 32; 1931, c. 8; 1935, c. 18; 1936, c. 28.

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

1. Section fourteen of the *Copyright Act*, chapter thirty-two of the Revised Statutes of Canada, 1927, is amended by adding thereto the following subsections:—

Application for relief.

"(14) Notwithstanding the provisions of the preceding subsections of this section, any person interested may apply to the Minister alleging, in the case of any work wherein copyright subsists, whether published or unpublished, that there has been an abuse of the rights conferred by this Act and asking for relief.

Rights deemed to have been abused.

"(15) The rights conferred by this Act shall be deemed to have been abused if any business, trade or industry in Canada or any person or class of persons engaged therein is unfairly prejudiced by the conditions attached by the owner of the copyright, whether before or after the passing of this Act, to the purchase, loan, hire, licence or use of the copyrighted work.

Relief.

"(16) On being satisfied that the rights conferred by this Act have been abused the Minister may order and grant such relief as he may deem just and fair in the circumstances."

Explanatory Notes.

The purpose of the amendment is to give the Minister administering the Copyright Act power to protect the public against abuses of the exclusive rights conferred upon copyright owners by the Act. It is an extension of the powers conferred on the Minister by the compulsory licence section of the Act.

The section proposed to be amended is applicable only to Canadian citizens and thus the amendment does not affect existing international conventions. It is intended by the amendment to incorporate in the Act remedial provisions analogous to those already in *The Patent Act, 1935*, to give relief against abuses by patentees.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 137.

An Act to amend the Criminal Code.

First reading, May 30, 1938.

The MINISTER OF JUSTICE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

57257

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 137.

R.S., c. 36; 1930, c. 11; 1931, c. 28; 1932, cc. 7, 8, 9, 28; 1932-33, cc. 25, 53; 1934, cc. 11, 47; 1935, cc. 36, 56; 1936, c. 29.

An Act to amend the Criminal Code.

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

1. Paragraph fifteen of subsection one of section two of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

"Feeble-minded person."

"(15) "feeble-minded person" means a person in whose case there exists from birth or from an early age, mental defectiveness not amounting to imbecility yet so pronounced that he requires care, supervision and control for his own protection or for the protection of others;"

2. Paragraph *(b)* of subsection one of section one hundred and nineteen of the said Act, as enacted by section one of chapter forty-seven of the statutes of 1934, is repealed and the following substituted therefor:—

Alien not to have firearms without permit.

"*(b)* being an alien, has in his possession any pistol, revolver, shot gun, rifle or other such firearm or any ammunition for any such firearm without having a permit in Form 76B: Provided however that any *bona fide* sportsman and hunter shall be permitted to enter or pass through Canada having in his possession any shot gun, rifle or other such firearm, or any ammunition therefor, on condition that he pass continuously through and out of Canada, or if not that he apply for a permit in Form 76B without undue delay after entering Canada. For the purpose of this paragraph, the burden of proof that the accused is not an alien shall be upon him;"

Explanatory Notes.

1. The object of this amendment is to provide that the person referred to requires care, supervision and control either for his own protection or for the protection of others. The only changes are the substitution of the word "or" for "and" and the striking out of the words "or she" and "or her" where underlined in the present paragraph, quoted hereunder, these words being unnecessary.

"(15) "feeble-minded person" means a person in whose case there exists from birth or from an early age, mental defectiveness not amounting to imbecility yet so pronounced that he or she requires care, supervision and control for his or her own protection and for the protection of others;"

2. The object of this amendment is to place the burden of proof that he is not an alien on the accused, the evidence of such being peculiarly within his knowledge. The only change in the paragraph is the addition of the words underlined.

The present paragraph reads as follows:—

"*(b)* being an alien, has in his possession any pistol, revolver, shot gun, rifle or other such firearm or any ammunition for any such firearm without having a permit in Form 76B: Provided however that any *bona fide* sportsman and hunter shall be permitted to enter or pass through Canada having in his possession any shot gun, rifle or other such firearm, or any ammunition therefor, on condition that he pass continuously through and out of Canada, or if not that he apply for a permit in Form 76B without undue delay after entering Canada;"

3. Paragraph *(d)* of subsection one of section one hundred and nineteen of the said Act, as enacted by section one of chapter forty-seven of the statutes of 1934, is repealed and the following substituted therefor:—

Selling or lending.

"*(d)* sells any pistol, revolver or other offensive weapon that may be concealed upon the person, or without lawful excuse gives or lends any pistol, revolver or other weapon as aforesaid, to any one not being the holder of an appropriate permit, and if such permit is one to purchase does not acquire and retain such permit;"

4. Subsection one of section one hundred and nineteen of the said Act, as enacted by section one of chapter forty-seven of the statutes of 1934, is further amended by adding thereto, immediately after paragraph *(h)*, the following as paragraph *(i)*:—

Altering serial number.

"*(i)* alters, defaces or removes any manufacturer's serial number on or from any pistol, revolver or other firearm capable of being concealed upon the person."

5. Subsection two of section one hundred and twenty of the said Act, as enacted by section two of chapter forty-seven of the statutes of 1934, is repealed and the following substituted therefor:—

Other permits.

"(2) The Commissioner of the Royal Canadian Mounted Police or any officer thereof duly authorized by him, or any person authorized by the Attorney General of any province, may, upon sufficient cause being shown, issue a permit in Form 76A, 76B, 76C, 76D, 76E or 76F to any applicant therefor as to whose discretion and good character he is satisfied."

6. Subsection two of section one hundred and twenty-one A of the said Act, as enacted by section three of chapter forty-seven of the statutes of 1934, is repealed and the following substituted therefor:—

Registration of revolvers and pistols.

"(2) The Commissioner of the Royal Canadian Mounted Police or any officer duly authorized by him, or any person authorized by the Attorney General of any province, shall, during the period between the first day of March and the first day of July in 1939, and during the same period every five years thereafter, register all revolvers and pistols in respect of which application for registration is made and shall thereupon record the name, address and occupation of the person making the application, the name of the owner, the use if any to which the revolver or pistol is intended to be put and a full description of such revolver or pistol."

3. The object of this amendment is to provide that a person must have a permit to purchase before buying a pistol or revolver or other offensive weapon. The present paragraph reads as follows:

"*(d)* sells, or without lawful excuse, gives or lends any pistol, revolver or other offensive weapon that may be concealed upon the person to any one not being the holder of a permit;"

4. The object of this amendment is to make it an offence to interfere with a serial number on a firearm.

5. The object of this amendment is to provide for the issue of two new forms—one required for the purpose of purchasing a pistol, revolver, etc., and the other for the purpose of permitting the use of a firearm or airgun by a minor.

The present subsection reads as follows:—

"(2) The Commissioner of the Royal Canadian Mounted Police or any officer thereof duly authorized by him, or any person authorized by the Attorney General of any province, may, upon sufficient cause being shown, issue a permit in Form 76A or 76B or 76C or 76D to any applicant therefor, as to whose discretion and good character he is satisfied."

6. The object of this amendment is to permit the Police to keep their records up to date. The present subsection reads as follows:

"(2) The Commissioner of the Royal Canadian Mounted Police or any officer duly authorized by him, or any person authorized by the Attorney-General of any province, shall register all revolvers and pistols in respect of which application for registration is made and shall thereupon record the name, address and occupation of the person making the application, the name of the owner, the use if any to which the revolver or pistol is intended to be put and a full description of such revolver or pistol."

7. Section one hundred and twenty-two of the said Act, as enacted by section four of chapter forty-seven of the statutes of 1934, is repealed and the following substituted therefor:—

Having pistol or revolver while committing offence.

"**122.** (1) Every one who has upon his person a rifle, shot-gun, pistol, revolver or any firearm capable of being concealed upon the person while committing any criminal offence is guilty of an offence against this section and liable to imprisonment for a term not less than two years in addition to any penalty to which he may be sentenced for the first mentioned offence, and an offence against this section shall be punishable either on indictment or summary conviction in the same manner as the first mentioned offence.

When imprisonment to be served.

(2) Such imprisonment shall be served after undergoing any term of imprisonment to which such person may be sentenced for the first mentioned offence."

8. Section one hundred and twenty-five of the said Act, as enacted by section one of chapter twenty-five of the statutes of 1932-33, is repealed and the following substituted therefor:—

Search.

"**125.** (1) Every peace officer may search any person whom he has reason to believe and does believe has upon his person any offensive weapon, contrivance or device contrary to the provisions of the ten next preceding sections and may seize any offensive weapon, device or contrivance illegally in the possession of any person without a permit.

Disposal of weapon.

(2) Any offensive weapon, device or contrivance had or carried in violation of the ten next preceding sections shall be forfeited to the Crown, to be disposed of as the Attorney General of the province in which such forfeiture takes place may direct."

9. Section one hundred and twenty-six of the said Act, as enacted by section one of chapter twenty-five of the statutes of 1932-33, is repealed and the following substituted therefor:—

Selling pistol or air-gun to minor.

"**126.** (1) Every one is guilty of an offence and liable on summary conviction to a penalty not exceeding fifty dollars who sells or gives any firearm, pistol, revolver or air-gun, or any ammunition thereof, to a minor under the age of fourteen years not being the holder of a permit in Form 76F, unless he establishes to the satisfaction of the justice before whom he is charged that he used reasonable diligence in endeavouring to ascertain the age of the minor before making such sale or gift and that he had good reason to believe that such minor was not under the age of fourteen years.

7. The object of the amendments to this section is, first, to extend the application of the section to include rifles and shot-guns as well as firearms capable of being concealed upon the person, there having been crimes committed with a rifle or shot-gun to which it is thought the provisions of this section should apply; and second, to expressly provide when the additional imprisonment shall be served. The present section reads as follows:

"**122.** Every one who has upon his person a pistol, revolver or any firearm capable of being concealed upon the person while committing any criminal offence is guilty of an offence against this section and liable to imprisonment for a term not less than two years in addition to any penalty to which he may be sentenced for the first mentioned offence, and an offence against this section shall be punishable either on indictment or summary conviction in the same manner as the first mentioned offence."

8. The object of this amendment is to transpose section one hundred and twenty-six as section one hundred and twenty-five. The only change is the substitution of the word "ten" where underlined for "eleven".

Section 126 reads as follows:—

"**126.** (1) Every peace officer may search any person whom he has reason to believe and does believe has upon his person any offensive weapon, contrivance or device contrary to the provisions of the eleven next preceding sections and may seize any offensive weapon, device or contrivance illegally in the possession of any person without a permit.

(2) Any offensive weapon, device or contrivance had or carried in violation of the eleven next preceding sections shall be forfeited to the Crown, to be disposed of as the Attorney-General of the province in which such forfeiture takes place may direct.

9. The object of this amendment is to control firearms and air-guns in the hands of minors under the age of fourteen years. The present section one hundred and twenty-five, which, as proposed to be amended, now becomes section one hundred and twenty-six, reads as follows:

"**125.** Every one is guilty of an offence and liable on summary conviction to a penalty not exceeding fifty dollars who sells or gives any firearm, pistol, revolver or air-gun, or any ammunition thereof, to a minor under the age of twelve years unless he establishes to the satisfaction of the justice before whom he is charged that he used reasonable diligence in endeavouring to ascertain the age of the minor before making such sale or gift and that he had good reason to believe that such minor was not under the age of twelve years."

Seizure and disposal of weapon.

(2) Any firearm, pistol, revolver or air-gun or any ammunition thereof had or carried by any minor under the age of fourteen years elsewhere than in his own dwelling house or premises without a permit may be seized by a peace officer and shall thereupon be forfeited to the Crown to be disposed of as the Attorney General of the province in which such forfeiture takes place may direct."

10. Section one hundred and ninety-six of the said Act is repealed and the following substituted therefor:—

Full term to be served when retaken.

"**196.** (1) Every one who escapes from custody and is retaken shall, after undergoing the punishment, if any, to which he may be sentenced for such escape, undergo imprisonment equivalent to the remainder of his term unexpired at the time of his escape.

Place to be served.

(2) Such imprisonment shall, if no imprisonment for such escape is awarded, be served in the prison to which he was sentenced otherwise it shall be served in the same prison to which he is sentenced for such escape.

Penitentiary or other prison.

(3) Imprisonment for such escape may be to the penitentiary or other prison from which the escape was made whether the term of such imprisonment is less than two years or two or more years."

11. The said Act is further amended by inserting immediately after section two hundred and seven the following as section two hundred and seven A:—

Restriction on publication of reports of judicial proceedings.

"**207A.** (1) Every person being a proprietor, editor, master printer or publisher is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding two thousand dollars, or to both such imprisonment and fine, who prints or publishes or causes or procures to be printed or published:—

(a) in relation to any judicial proceedings any indecent matter or indecent medical, surgical or physiological details being matter or details the publication of which would be calculated to injure public morals;

(b) in relation to any judicial proceedings for dissolution of marriage, for nullity of marriage, or for judicial separation, or for restitution of conjugal rights, any particulars other than the following, that is to say:—

(i) the names, addresses and occupations of the parties and witnesses;

(ii) a concise statement of the charges, defences and countercharges in support of which evidence has been given;

(iii) submissions on any point of law arising in the course of the proceedings, and the decision of the court thereon;

10. The object of this amendment is to clarify the present section and provide that on a person being sentenced to imprisonment for escape, such sentence and the balance of the term of imprisonment which he was undergoing at the time of escape shall be served in the same prison. Difficulties have arisen where one sentence was to be served in a provincial gaol and the other in a penitentiary as to which should be served first. The present section reads as follows:

"**196.** Every one who escapes from custody, shall, on being retaken, serve, in the prison to which he was sentenced, a term equivalent to the remainder of his term unexpired at the time of his escape, in addition to the punishment which is awarded for such escape.

(2) Any imprisonment so awarded may be to the penitentiary or prison from which the escape was made."

11. The object of this amendment is to restrict the publication of indecent details in reports of judicial proceedings which would be calculated to injure public morals. The provision is an adaptation of the English Act dealing with the same subject matter being the Judicial Proceedings (Regulation of Reports) Act, 1926, 16-17 George V., Chapter 61.

(iv) the summing up of the judge and the finding of the jury (if any) and the judgment of the court and observations made by the judge in giving judgment;

Provided that nothing in this part of this subsection shall be held to permit the publication of anything contrary to the provisions of paragraph *(a)* of this subsection.

(2) No prosecution for an offence under this section shall be commenced without the leave of the Attorney General for the province in which the offence is alleged to have been committed.

(3) Nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report in pursuance of the directions of the court; or to the printing or publishing of any matter in any separate volume or part of any *bona fide* series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law, or in any publication of a technical character *bona fide* intended for circulation among members of the legal or medical professions."

12. Sub-paragraph (ii) of paragraph *(b)* of subsection one of section two hundred and twenty-six of the said Act is repealed and the following substituted therefor:—

Common gaming house defined.

"(ii) the whole or any portion of the stakes or bets or other proceeds at or from such games is either directly or indirectly paid to the person keeping such house, room or place, or any direct or indirect fee is charged to or paid by the players or any of them for the right or privilege of participating, or for the purpose of enabling them or any of them to participate, in such games or for the use of any gaming appliances, tables, chairs or other paraphernalia employed in playing such games."

13. The last two provisoes of subsection two of section two hundred and thirty-five of the said Act are repealed and the following substituted therefor:—

Race meetings, pari-mutuel machines.

"Provided also, that for the purpose of recording the amounts deposited by the betters a type of pari-mutuel machine be used which has been approved by an officer appointed by the Minister of Agriculture and that the operation of pari-mutuel machines and the carrying out of the provisions of this section be under the supervision of an officer appointed by the Minister of Agriculture

12. The object of this amendment is to include in the definition of a common gaming house one where any direct or indirect fee is charged to participate in a game or for the use of appliances, etc. The present provision only applies to payments from stakes, and reads as follows:

> "(ii) the whole or any portion of the stakes or bets or other proceeds at or from such games is either directly or indirectly paid to the person keeping such house, room or place;"

13. The principal object of the amendment to the first proviso is to make the required distance between the point, the passing of which by the horses on their way to the post will determine the time that the pari-mutuel machines are to be stopped, and the starting point of the race uniform for races of different lengths and courses of different lay-out. Under the present provisions the law requires that the machines be stopped when the horses pass the judges' stand which means that for races of different lengths the machines are not uniformly operated with respect to closing before the commencement of the race.

whose duty it shall be to ascertain that the said machines are stopped before each race and no further amounts are deposited when the horses, on their way to the post, have passed a point one-eighth of a mile from the post or such other distance from the post as the Minister of Agriculture may determine, and that the said machines are then locked. The expense incident to such supervision for each meeting to be borne by the association: Provided further, that the Minister of Agriculture if he is not satisfied that a proper proportion of gate receipts and percentages taken from the pari-mutuel pools is being given in purses to horses taking part in the race meeting, or that the provisions of this section are being carried out in good faith by the person or association conducting the race meeting, may at any time order the said machines to be locked and their operation stopped for such time as he may think fit."

14. Paragraph *(f)* of section two hundred and thirty-eight of the said Act is repealed and the following substituted therefor:—

Disorderly conduct.

"*(f)* causes a disturbance in or near any street, road, highway or public place, by screaming, swearing or singing, or by being drunk, or by impeding or incommoding peaceable passengers, or in any other way;"

The principal object of the amendment to the second proviso is to correct a clerical error by striking out the word "not" where it last appears in the present proviso. The present proviso contains a double negative, which has the opposite effect to that intended.

The present provisoes read as follows:

"Provided also, that for the purpose of recording the amounts deposited by the betters a type of pari-mutuel machine be used which has been approved by an officer appointed by the Minister of Agriculture and that the operations of the said machines and the carrying out of the provisions of this section be under the supervision of an officer appointed by the Minister of Agriculture whose duty it shall be to ascertain that the said machines are stopped before each race and no further amounts are deposited when the horses have passed the judges' stand on their way to the post, and that the machines are then locked. The expense incident to such supervision for each meeting to be borne by the association: Provided further, that the Minister of Agriculture if he is not satisfied that a proper proportion of gate receipts and percentages taken from the pari-mutuel pools is being given in purses to horses taking part in the race meeting, or that the provisions of this section are not being carried out in good faith by the person or association conducting the race meeting, may at any time order the pari-mutuel machines to be locked and their operation stopped for such time as he may think fit."

14. The object of this amendment is to cover cases of shouting, as in a recent case the magistrate held, in effect, that shouting was not included in the paragraph. This amendment is made at the request of the Royal Canadian Mounted Police. The present paragraph reads as follows:

"*(f)* causes a disturbance in or near any street, road, highway or public place, by screaming, swearing or singing, or by being drunk, or by impeding or incommoding peaceable passengers;"

15. Subsection two of section two hundred and eighty-five of the said Act is repealed and the following substituted therefor:—

Liability of driver of car for failure to stop after accident happened.

"(2) Whenever, owing to the presence of a motor car on the highway, an accident has occurred to any person or to any horse or vehicle in charge of any person, any person driving the motor car shall be guilty of an offence and liable, either on indictment or on summary conviction to a fine not exceeding five hundred dollars and costs or to imprisonment for a term not exceeding six months if, with intent to escape liability either civil or criminal, he fails to stop his car, tender assistance, and give his name and address. Such failure shall be *prima facie* evidence of an intent as aforesaid."

16. Section two hundred and eighty-five of the said Act, as amended by section six of chapter eleven of the statutes of 1930, by section eight of chapter forty-seven of the statutes of 1934, by section four of chapter fifty-six of the statutes of 1935, and by section sixteen of this Act, is further amended by adding thereto the following subsections:—

Reckless or dangerous driving.

"(6) Every one who drives a motor vehicle on a street, road, highway or other public place recklessly, or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the street, road, highway or place, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on such street, road, highway or place, shall be guilty of an offence and liable

Penalty.

(a) upon indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand dollars or to both such imprisonment and fine; or

(b) on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred dollars or to both such imprisonment and fine.

Prohibiting driving.

(7) Where any person is convicted of an offence under the provisions of subsections one, two, four or six of this section the court or justice may, in addition to any other punishment provided for such offence, make an order prohibiting such person from driving a motor vehicle or automobile anywhere in Canada during any period not exceeding three years.

Driving when licence suspended or order made prohibiting driving.

(8) Every one is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding fifty dollars or to both such imprisonment and fine who, whilst disqualified from driving a motor vehicle or an automobile by reason of the legal suspension or cancellation in any province of his permit

15. The object of this amendment is to increase the penalty and to place the burden of proof on the accused with respect to the intent to escape liability. The present subsection reads as follows:

"(2) Whenever, owing to the presence of a motor car on the highway, an accident has occurred to any person or to any horse or vehicle in charge of any person, any person driving the motor car shall be liable on summary conviction to a fine not exceeding fifty dollars and costs or to imprisonment for a term not exceeding thirty days if he fails to stop his car and, with intent to escape liability either civil or criminal, drives on without tendering assistance and giving his name and address."

16.

"(6) The object of this amendment is to make it an offence, notwithstanding that no accident occurs or damage is done, for any one to drive recklessly or in a manner dangerous to the public. This provision is somewhat similar to section eleven of the Road Traffic Act, 1930, of the United Kingdom. The subsection is new.

(7) The object of this amendment is to permit the court to make an order prohibiting a person convicted of an offence under subsections one, two, four or six of this section from driving a car anywhere in Canada for any period not exceeding three years. A province in legislating with respect to traffic may only do so for traffic within that province, and therefore, the suspension of a permit under the provincial law would only be applicable within the province which issued the permit. The subsection is new.

(8) The object of this amendment is to make it an offence for a person to drive a motor car anywhere in Canada if he has had his licence to drive in any province suspended, or has been prohibited by any court, under the authority of subsection seven of this section, from driving. The subsection is new.

or licence to drive therein, or by reason of an order made under the provisions of subsection seven of this section, drives any motor vehicle or automobile anywhere in Canada."

17. Subsection one of section three hundred and seventy-four of the said Act is repealed and the following substituted therefor:—

Plants, etc., growing in garden.

"**374.** (1) Every one who steals any plant, root, fruit, or vegetable production growing in any garden, orchard, pleasure ground, nursery ground, hot-house, green-house or conservatory is guilty of an offence and liable, on summary conviction, to a penalty not exceeding fifty dollars over and above the value of the property stolen or the amount of injury done, or to two years' imprisonment, or to both."

18. Section three hundred and seventy-five of the said Act is repealed and the following substituted therefor:—

Cultivated plants, etc., growing elsewhere.

"**375.** (1) Every one who steals any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or inclosed not being a garden, orchard, pleasure ground or nursery ground, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding fifty dollars over and above the value of the property stolen or the amount of the injury done, or to two years' imprisonment or to both.

Subsequent offence.

(2) Every one who, having been convicted of any such offence, afterwards commits any such offence is liable to three years' imprisonment with hard labour."

19. Subsection one of section three hundred and seventy-seven of the said Act is repealed and the following substituted therefor:—

Theft of automobiles.

Minimum sentence.

"**377.** (1) Every one is guilty of an indictable offence who steals any automobile or motor car and shall be sentenced to not less than one year's imprisonment. The provisions of subsection one of section one thousand and thirty-five shall not apply or extend to any such person, and sentence in any such case shall not be suspended without the concurrence of the Attorney General or his agent, or of the counsel acting for the Crown in the prosecution of the offender."

17 and **18.** The object of the amendments to sections three hundred and seventy-four and three hundred and seventy-five is to make the penalty conform to that contained in section three hundred and seventy for stealing certain animals and are made at the request of various municipal county councils. The present sections read as follows:

"**374.** Every one who steals any plant, root, fruit or vegetable production growing in any garden, orchard, pleasure ground, nursery ground, hot-house, green-house or conservatory is guilty of an offence and liable, on summary conviction, to a penalty not exceeding twenty dollars over and above the value of the article so stolen or the amount of the injury done, or to one month's imprisonment with or without hard labour."

"**375.** Every one who steals any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or inclosed, not being a garden, orchard, pleasure ground or nursery ground, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding five dollars over and above the value of the article so stolen or the amount of the injury done, or to one month's imprisonment with hard labour.

(2) Every one who, having been convicted of any such offence, afterwards commits any such offence is liable to three months' imprisonment with hard labour."

19. The object of this amendment is to make it clear that the section creates a specific offence. The present subsection reads as follows:

"**377.** (1) Every one who is found guilty of stealing any automobile or motor car shall be sentenced to not less than one year's imprisonment. The provisions of subsection one of section one thousand and thirty-five shall not apply or extend to any such person, and sentence in any such case shall not be suspended without the concurrence of the Attorney General or his agent, or of the counsel acting for the Crown in the prosecution of the offender."

20. The said Act is further amended by inserting immediately after section four hundred and five A the following section as four hundred and five B:—

Fraudulent use of naturalization certificates.

"**405B.** Every one is guilty of an indictable offence and liable to two years' imprisonment or to a fine of five hundred dollars, or both such imprisonment and fine, who

(a) by any false pretence uses or attempts to use a certificate of naturalization, as defined in the *Naturalization Act*, for any fraudulent purpose; R.S., c. 138.

(b) being the person to whom a certificate of naturalization has been granted, knowingly parts with the possession of that certificate with the intent that it be used for any fraudulent purpose."

21. Paragraph *(b)* of subsection three of section four hundred and six of the said Act, as enacted by section six of chapter fifty-six of the statutes of 1935, is repealed and the following substituted therefor:—

Adequate and proper test.

"*(b)* Without excluding any other adequate and proper test, a test by The Honorary Advisory Council for Scientific and Industrial Research or any other public department shall be considered an adequate and proper test for the purposes of this subsection, but no reference shall be made in any such advertisement to the fact that a test has been made by such Council or other public department, unless and until the details and form of the proposed advertisement have been approved and permission has been given, in writing, by the Council or department which made the test."

22. Section four hundred and twenty-four of the said Act is repealed and the following substituted therefor:—

"**424.** (1) Every one is guilty of an indictable offence and liable to five years' imprisonment, who,

Holder of lease of gold or silver mine defrauding owner.

(a) being the holder of any lease or licence issued under the provisions of any Act relating to gold or silver mining, or by any persons owning land supposed to contain any gold or silver, by fraudulent device or contrivance defrauds or attempts to defraud His Majesty, or any person, of any gold, silver or money payable or reserved by such lease, or, with such intent as aforesaid conceals or makes a false statement as to the amount of gold or silver procured by him; or

Unlawful sale or purchase of rock, ore, quartz containing gold or silver or unsmelted gold or silver.

(b) sells or purchases any rock, ore, mineral, stone, quartz or other substance containing gold or silver or any unsmelted or untreated or unmanufactured or partly smelted, partly treated or partly manufactured gold or silver unless such purchaser or seller

20. The object of this amendment is to make it an offence to fraudulently use naturalization certificates. It has been ascertained that these certificates have been lent to aliens with a view to enabling them either improperly to enter Canada or to obtain passports as British subjects.

21. The object of this amendment is to permit reference in an advertisement to the fact that a test has been made in those cases in which it is considered proper in the public interest by the Research Council or the department concerned. The present paragraph reads as follows:

"*(b)* Without excluding any other adequate and proper test, a test by the Honorary Advisory Council for Scientific and Industrial Research or any other public department shall be considered an adequate and proper test for the purposes of this subsection, but no reference shall be made in any such advertisement to the fact that a test has been made by such Council or other public department;"

22. The object of this amendment, which is made at the request of the Department of the Attorney General of Ontario, is to increase the penalty from two to five years; provide for the forfeiture of the minerals involved in the prosecution and eliminate the provision limiting the institution of prosecutions to certain persons as referred to in the present subsection five. The section has been redrafted, the present one reads as follows:

"**424.** Every one is guilty of an indictable offence and liable to two years' imprisonment, who,

(a) being the holder of any lease or licence issued under the provisions of any Act relating to gold or silver mining, or by any persons owning land supposed to contain any gold or silver, by fraudulent device or contrivance defrauds or attempts to defraud His Majesty, or any person, of any gold, silver or money payable or reserved by such lease, or, with such intent as aforesaid conceals or makes a false statement as to the amount of gold or silver procured by him; or

(b) not being the owner or agent of the owner of mining claims then being worked and not being thereunto authorized in writing by the proper officer in that behalf named in any Act relating to mines in force in

is one to which this section does not apply by virtue of the provisions of subsection three of this section; or

Unlawful possession of rock, ore, or quartz containing gold or silver.

(c) having in his possession or upon his premises with his knowledge any rock, ore, mineral, stone or quartz of a value of not less than twenty-five cents per pound, or in the case of mica of a value of not less than seven cents per pound, or any gold or silver bullion or any partly smelted or partly treated or partly manufactured gold or silver which there is reasonable ground to suspect has been stolen or has been dealt with contrary to the provisions of this section, is unable or refuses to account satisfactorily for or prove his lawful right to the possession of the same.

(2) Paragraph *(b)* of subsection one of this section shall not extend or apply to the Yukon Territory.

Yukon Territory. When sale not unlawful.

(3) Paragraph *(b)* of subsection one of this section shall not apply to the owner or agent of the owner of mining claims then being worked or a person duly thereunto authorized in writing by the proper officer in that behalf named in any Act relating to mines in force in the province in which the offence is alleged to have been committed or a purchaser or seller from or to them, or to any other purchaser who at the time of such purchase executes in triplicate an instrument in writing stating the place and time of purchase and the quantity, quality and value of gold or silver so purchased and the name or names of the person or persons from whom the same was purchased and within ten days from the date of the said purchase files two copies of the said instrunent with the clerk of the county or district court of the county of district in which the purchase was made or with the officer with whom in the said county or district bills of sale or mortgages of personal property are filed or deposited. In any prosecution for a violation of the said paragraph *(b)* the burden of proof that the accused person is a person to whom the said paragraph *(b)* does not apply by reason of this subsection shall be upon the accused.

Burden of proof.

Determination of value.

(4) If in any proceeding under paragraph *(c)* of subsection one of this section any question arises as to the value of any rock, ore, mineral, stone or quartz, the judge, magistrate, justice or other officer before whom the proceeding is pending may order such assay or assays, test or tests, to be made as may be deemed requisite for determining such value.

the province in which the offence is alleged to have been committed sells or purchases, except to or from such owner or authorized person, any rock, ore, mineral, stone, quartz or other substance containing gold or silver or any unsmelted, or untreated or unmanufactured, or partly smelted, partly treated, or partly manufactured gold or silver; or

(c) purchases any rock, ore, mineral, stone, quartz or other substance contining gold or silver or any unsmelted or untreated, or unmanufactured, or partly smelted, partly treated, or partly manufactured gold or silver, except from such owner or authorized person, and does not, at the same time, execute in triplicate an instrument in writing, stating the place and time of purchase, and the quantity, quality and value of gold or silver so purchased, and the name or names of the person or persons from whom the same was purchased, and within ten days file the same with the clerk of the county or district court of the county or district in which the purchase was made, or with the officer with whom in the said county or district bills of sale or mortgages of personal property are filed or deposited;

(d) having in his possession, or upon his premises, with his knowledge, any rock, ore, mineral, stone, or quartz of a value of not less than twenty-five cents per pound, or in the case of mica of a value of not less than seven cents per pound, or any partly melted, partly treated or partly manufactured gold or silver which there is reasonable ground to suspect has been stolen or has been dealt with contrary to the provisions of paragraphs *(b)* or *(c)* of this subsection, is unable or refuses to account satisfactorily for or prove his right to the possession of the same.

(2) Paragraphs *(b)* and *(c)* of the next preceding subsection shall not extend or apply to the Yukon Territory.

(3) If in any proceeding under paragraph *(d)* of subsection one of this section any question arises as to the value of any rock, ore, mineral, stone or quartz, the judge, magistrate, justice or other officer before whom the proceeding is pending may order such assay or assays, test or tests, to be made as may be deemed requisite for determining such value.

(4) No action or prosecution for a violation of paragraph *(d)* of subsection one of this section shall be commenced or undertaken in any part of Canada unless or until an order has been passed by the Governor in Council declaring this section to be in force in such part of Canada. Any such order may be amended, revoked or renewed from time to time in whole or in part by any subsequent Order in Council.

Limitation of proceedings.

(5) No action or prosecution for a violation of paragraph *(c)* of subsection one of this section shall be commenced or undertaken in any part of Canada unless or until an order has been passed by the Governor in Council declaring this section to be in force in such part of Canada. Any such order may be amended, revoked or renewed from time to time in whole or in part by any subsequent Order in Council.

Seizure and forfeiture.

(6) Upon the conviction of any person for a violation of any of the provisions of this section the court or justice may order all such rock, ore, mineral, stone, quartz, gold or silver, the subject matter of the prosecution, to be seized and forfeited to His Majesty the King in right of the province in which such prosecution takes place."

23. The said Act is further amended by inserting immediately after section four hundred and twenty-four the following section as four hundred and twenty-four A:—

"**424A.** (1) Every one is guilty of an indictable offence and liable to two years' imprisonment who

Salting mines.

(a) adds any ore, mineral or other substance to or removes any ore, mineral or other substance from any mine or mining claim or prospective mine or mining claim with the fraudulent intent to affect the result of any assay, test or valuation made or to be made respecting such mine or claim or prospective mine or claim;

Salting samples.

(b) adds any ore, mineral or other substance to or removes any ore, mineral or other substance from or tampers with, any sample or material taken or being or about to be taken from any mine or mining claim or prospective mine or mining claim for the purpose of being assayed, tested or otherwise valued, with the fraudulent intent to affect the result of such assay, test or valuation.

Prima facie evidence.

(2) Proof of any such adding, removing or tampering shall be *prima facie* evidence of the fraudulent intent to affect the result of any such assay, test or valuation."

24. Section four hundred and fifty-seven of the said Act is amended by adding, immediately after subsection two thereof, as subsection three, the following:—

Burden of proof.

"(3) The breaking and entering of a dwelling-house by night, or the breaking out of a dwelling-house by night after having entered such dwelling-house, either by day or by night, shall be *prima facie* evidence of an intent to commit an indictable offence therein."

(5) No prosecution shall be had under paragraph *(d)* of subsection one of this section unless it has been initiated on the information or complaint of a manager or director of a mining company or on the information or complaint of some one thereunto authorized by a mining company or a manager or director thereof, or by or with the authority of the attorney general of the province in which the offence is alleged to have been committed, or by the owner or part owner of a mine who deposes under oath that he believes that rock, ore, or other substance similar to some of those mentioned in this section has been stolen or wrongfully taken from the mine."

23. The object of this amendment is to make it an express offence to salt a mine or a sample. Such amendment is made at the suggestion of the Deputy Attorney General of Quebec.

24, **25** and **26.** The object of the amendments to sections four hundred and fifty-seven, four hundred and fifty-nine and four hundred and sixty-two is to put the onus of proof that there was no intent to commit an indictable offence on the accused. These amendments are made at the request of the Deputy Attorney General of British Columbia.

25. Section four hundred and fifty-nine of the said Act is amended by adding, immediately after subsection one thereof, as subsection two, the following:—

Burden of proof.

"(2) The breaking and entering by day of a dwelling-house shall be *prima facie* evidence of an intent to commit an indictable offence therein."

26. Section four hundred and sixty-two of the said Act is amended by adding, immediately after subsection one thereof, as subsection two, the following:—

Burden of proof.

"(2) The unlawful entering or being in any dwelling-house by night shall be *prima facie* evidence of an intent to commit an indictable offence therein."

27. Paragraph *(b)* of subsection one of section four hundred and ninety of the said Act is repealed and the following substituted therefor:

Using trade marks of others by trafficking in bottles.

"*(b)* being a manufacturer, dealer or trader, or bottler, trades or traffics in any bottle or siphon which has upon it the trade mark duly registered or name of another person, without the written consent of such other person, or without such consent fills such bottle or siphon with any beverage, milk, by-products of milk or other liquid commodities, for the purpose of sale or traffic."

28. Subsection two of section four hundred and ninety of the said Act is repealed and the following substituted therefor:—

Using bottles.

"(2) The using by any manufacturer, dealer or trader or bottler, other than such other person, of any bottle or siphon for the sale therein of any beverage, milk, by-products of milk or other liquid commodities, or the having by any such manufacturer, dealer, trader or bottler upon any bottle or siphon such trade mark or name of such other person, or the buying, selling or trafficking in any such bottle or siphon without such written consent of such other person, or the fact that any junk dealer has in his possession any bottle or siphon having upon it such trade mark or name without such written consent, shall be *prima facie* evidence of trading or trafficking within the meaning of paragraph *(b)* of this section."

Prima facie evidence.

27 and **28.** The object of the amendments to section four hundred and ninety is to include milk bottles within the provisions of the section. Recent decisions in the province of Ontario have held that "beverages" would not include "milk". The present paragraph *(b)* of subsection one and subsection two read as follows:

> "*(b)* being a manufacturer, dealer or trader, or bottler, trades or traffics in any bottle or siphon which has upon it the trade mark duly registered or name of another person, without the written consent of such other person, or without such consent fills such bottle or siphon with any beverage for the purpose of sale or traffic."

"(2) The using by any manufacturer, dealer or trader or bottler, other than such other person, of any bottle or siphon for the sale therein of any beverage, or the having by any such manufacturer, dealer, trader or bottler upon any bottle or siphon such trade mark or name of such other person, or the buying, selling or trafficking in any such bottle or siphon without such written consent of such other person, or the fact that any junk dealer has in his possession any bottle or siphon having upon it such trade mark or name without such written consent, shall be *prima facie* evidence of trading or trafficking within the meaning of paragraph *(b)* of this section."

29. Section five hundred and eleven of the said Act is repealed and the following substituted therefor:—

"**511.** (1) Every one is guilty of the indictable offence of arson and liable to imprisonment for a term not exceeding fifteen years who wilfully sets fire to any building or structure, whether such building or structure is completed or not, or to any stack of vegetable produce or of mineral or vegetable fuel, or to any mine or well of oil or other combustible substance, or to any ship or vessel, whether completed or not, or to any timber or materials placed in any shipyard for building or repairing or fitting out any ship or to any of His Majesty's stores or munitions of war.

Offence Penalty.

Fraudulently burning any chattel over $25.00 in value.

(2) Every one is guilty of an indictable offence and liable to five years' imprisonment who, wilfully and for any fraudulent purpose, sets fire to any chattel having a greater value than twenty-five dollars."

30. Section five hundred and twelve of the said Act is repealed and the following substituted therefor:—

Attempt to commit arson.

"**512.** Every one is guilty of an indictable offence and liable to five years' imprisonment who wilfully attempts to set fire to anything mentioned in the last preceding section, or who wilfully sets fire to any substance so situated that he knows that anything mentioned in the last preceding section is likely to catch fire therefrom."

31. Section five hundred and thirteen of the said Act is repealed and the following substituted therefor:—

Penalty.

"**513.** Every one is guilty of an indictable offence and liable to five years' imprisonment who wilfully sets fire to

Crop.

(a) any crop, whether standing or cut down, or any wood, forest, coppice or plantation, or any heath, gorse, furze or fern; or

Trees, etc., dam or slide.

(b) any tree, lumber, timber, logs, or floats, boom, dam or slide, and thereby injures or destroys the same."

32. Section five hundred and fourteen of the said Act is repealed and the following substituted therefor:—

Attempt.

"**514.** Every one is guilty of an indictable offence and liable to five years' imprisonment who wilfully attempts to set fire to anything mentioned in the last preceding section, or who wilfully sets fire to any substance so situated that he knows that anything mentioned in the last preceding section is likely to catch fire therefrom."

33. Section five hundred and sixteen of the said Act is repealed and the following substituted therefor:—

Threats to burn.

"**516.** Every one is guilty of an indictable offence and liable to three years' imprisonment who sends, delivers or utters, or directly or indirectly causes to be received,

29–33. The object of these amendments is to provide for uniform punishment and to make the maximum terms greater than but consistent with the punishment usually awarded for the offences in question.

The only amendments to these sections are as follows:

Five hundred and eleven—from life imprisonment to "a term not exceeding fifteen years" and the value of the chattel from two hundred to twenty-five dollars.

Five hundred and twelve—from fourteeen to five years.

Five hundred and thirteen—from fourteen to five years.

Five hundred and fourteen—from seven to five years.

Five hundred and sixteen—from ten to three years.

In view of the foregoing explanation it is not necessary nor essential to print the repealed sections.

knowing the contents thereof, any letter or writing threatening to burn or destroy any building, or any rick or stack of grain, hay or straw or other agricultureal produce, or any grain, hay or straw or other agricultural produce in or under any building, or any ship or vessel."

34. Subsection two of section five hundred and forty-one of the said Act is repealed and the following substituted therefor:—

Partial interest.

"(2) Where the offence consists in an injury to anything in which the offender has an interest, the existence of such interest, if partial, shall not prevent his act being an offence, and if total, shall not prevent his act being an offence if done with intent to defraud: Provided however, that in any prosecution for any offence under sections five hundred and eleven, five hundred and twelve, five hundred and thirteen, five hundred and fourteen or five hundred and sixteen, where the accused is the holder of or is named as a beneficiary under a fire insurance policy in respect to the property in connection with which the offence is alleged, such facts shall be *prima facie* evidence of intent to defraud."

Fraud.

Onus on insured.

35. Paragraph *(a)* of section five hundred and forty-two of the said Act, as enacted by section eleven of chapter eleven of the statutes of 1930, is repealed and the following substituted therefor:—

Ill-treating animals.

"*(a)* wantonly, cruelly or unnecessarily beats, binds, ill-treats, abuses, over-drives, tortures or abandons in distress any cattle, poultry, dog, domestic animal or bird, or wild animal or bird in captivity, or, being the owner, permits any such animal to be so used, or, who by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, causes any unnecessary suffering, or, being the owner, permits any unnecessary suffering to be so caused to any such animal;"

34. The object of this amendment is to place the onus on the accused, where he is interested in the fire insurance policy, that there is no fraud on his part. This amendment and the amendments to sections five hundred and eleven, five hundred and twelve, five hundred and thirteen, five hundred and fourteen and five hundred and sixteen are made at the request of the Fire Marshals of the various provinces and the Dominion Fire Commissioner.

The present subsection reads as follows:—

"2. Where the offence consists in an injury to anything in which the offender has an interest, the existence of such interest, if partial, shall not prevent his act being an offence, and if total, shall not prevent his act being an offence, if done with intent to defraud."

35. The object of this amendment is to broaden the provisions so that acts of passive cruelty will be covered as well as those of active cruelty. The amendment is similar to section two of the Protection of Animals Act, 1911, of the United Kingdom. The present paragraph reads as follows:

"(*a*) wantonly, cruelly or unnecessarily beats, binds, ill-treats, abuses, overdrives, tortures or abandons in distress, or being the owner permits to be so used, or having actual possession and control thereof in any way fails to provide and supply proper and sufficient food, water, bedding care and shelter for any cattle, poultry, dog, domestic animal or bird, or wild animal or bird in captivity, so that unnecessary suffering or injury is or may be caused to the same;"

36. Section five hundred and fifty-nine of the said Act is repealed and the following substituted therefor:—

Defacing current coin.

"**559.** Every one is guilty of an indictable offence and liable to one year's imprisonment who defaces any current gold, silver or copper coin by stamping thereon any names or words, whether such coin is or is not thereby diminished or lightened."

37. Section six hundred and ninety-eight of the said Act is amended by adding, immediately after subsection two thereof, as subsection three, the following:—

Re to be binding for speedy trial.

"(3) The recognizance entered into by the accused shall, notwithstanding any election made under Part XVIII, continue to bind the accused and his sureties for his appearance at the appropriate court for his trial and for his then surrendering and taking his trial and not departing the court without leave, in like manner as if the recognizance had been originally entered into with respect to such appearance, and it shall not be necessary, unless otherwise ordered by the judge under the said Part, for the accused or his sureties to enter into a new recognizance upon such an election: Provided that at the time of entering into the recognizance the justices specifically advise the sureties that they will continue to be bound under the recognizance notwithstanding such an election in like manner as if same had been entered into with reference to such appearance and that they will not be entitled to receive from the Crown further notice of such an election or trial."

Justices to notify sureties.

38. Section seven hundred and eight of the said Act, as amended by section twenty-two of chapter eleven of the statutes of 1930, is amended by adding, immediately after subsection four thereof, as subsection five, the following:—

Magistrate may act.

"(5) If it is required by an Act or law that an information or complaint shall be heard and determined by two or more justices, or that a conviction or order shall be made by two or more justices, such information or complaint may be heard and determined and such conviction or order may be made by a police magistrate, stipendiary magistrate or any person having the power or authority of two or more justices of the peace."

36. The object of this amendment is to make the offence apply to defacing only and not tendering—"tendering" being covered in section five hundred and sixty-six. This is similar to the United Kingdom law on the same subject. The present section reads as follows:

"**559.** Every one is guilty of an indictable offence and liable to one year's imprisonment who defaces any current gold, silver or copper coin by stamping thereon any names or words, whether such coin is or is not thereby diminished or lightened, and afterwards tenders the same."

37. The object of this amendment is to provide that an election shall not invalidate a recognizance granted after an accused has been committed for trial. The amendment is requested by the Attorneys General of Manitoba, Saskatchewan and Ontario and will assist the provinces, both economically and otherwise, in arranging trials for indictable offences. The subsection is new.

38. The object of this amendment is to overcome difficulties that have arisen owing to certain statutes requiring proceedings to be taken before two justices of the peace when a police or stipendiary magistrate is available and two justices of the peace are not.

39. Subsection one of section seven hundred and seventy-four of the said Act, as enacted by section fifteen of chapter forty-seven of the statutes of 1934, and as amended by section seventeen of chapter twenty-nine of the statutes of 1936, is repealed and the following substituted therefor:—

Summary trial in certain cases.

"**774.** (1) When any person is charged,

(a) in the province of Ontario before a police magistrate or before a stipendiary magistrate in any county, district or provisional county in such province;

(b) in the provinces of Alberta, British Columbia, Manitoba and Saskatchewan before a police magistrate;

(c) in any city or incorporated town, having a population of not less than 2,500, according to the last decennial or other census taken under the authority of an Act of Parliament of Canada, before any police or stipendiary magistrate, or before any recorder of any such city or town, if he exercises judicial functions;

(d) in the Yukon Territory before any judge of the Territorial Court or a police magistrate;

(e) in the province of Quebec before any district magistrate or judge of the sessions; or

(f) in the Province of Prince Edward Island before a stipendiary magistrate for the province or for any county or counties in the said province;

with having committed any offence (except culpable homicide or any of the offences mentioned in section five hundred and eighty-three) or has been admitted to bail or committed to a gaol in any county, district or provisional county under the warrant of any justice, for trial on a charge of being guilty of any such offence, such person may, with his own consent, be tried before such recorder, judge or magistrate, as the case may be, and may, if found guilty, be sentenced to the punishment for such offence."

40. Paragraph *(c)* of subsection one of section seven hundred and seventy-seven, as enacted by section eleven of chapter fifty-three of the statutes of 1932-33, is repealed and the following substituted therefor:—

Absolute jurisdiction in certain cases.

"*(c)* In the provinces of Ontario, British Columbia, Prince Edward Island, Manitoba, Saskatchewan, Alberta and in the Northwest Territories and the Yukon Territory and the cities of St. John, Fredericton and Moncton in the province of New Brunswick where any person is charged with an offence mentioned in any of the paragraphs of section seven hundred and seventy-three except paragraph *(h)*."

39. The object of this amendment is to place a person who has been admitted to bail in the same position as one committed for trial with respect to election and also to avoid additional expense. The amendment is made at the request of the Deputy Attorney General of Saskatchewan.

The present subsection reads as follows:—

"**774.** (1) When any person is charged,

(a) in the province of Ontario before a police magistrate or before a stipendiary magistrate in any county, district or provisional county in such province;

(b) in the provinces of Alberta, British Columbia, Manitoba and Saskatchewan before a police magistrate;

(c) in any city or incorporated town, having a population of not less than 2,500 according to the last decennial or other census taken under the authority of an Act of Parliament of Canada, before any police or stipendiary magistrate, or before any recorder of any such city or town, if he exercises judicial functions;

(d) in the Yukon Territory before any judge of the Territorial Court or a police magistrate; or

(e) in the province of Quebec before any district magistrate or judge of the sessions;

(f) in the province of Prince Edward Island before a stipendiary magistrate for the province or for any county or counties in the said province;

with having committed any offence (except culpable homicide or any of the offences mentioned in section five hundred and eighty-three) or has been committed to a gaol in any county, district or provisional county under the warrant of any justice for trial on a charge of being guilty of any such offence, such person may, with his own consent, be tried before such recorder, judge or magistrate, as the case may be, and may, if found guilty, be sentenced to the punishment for such offence."

40 and **41.** The object of the amendments to section seven hundred and seventy-seven is to give a police or stipendiary magistrate in Ontario the same jurisdiction to try certain offences without consent of the accused anywhere in the Province and not only in cities of 25,000 and over. This amendment is made at the request of the Deputy Attorney General of Ontario for the reason that all magistrates in that Province are appointed with provincial-wide jurisdiction. This amendment will put Ontario in the same position as the other portions of Canada referred to in paragraph *(c)* of subsection one. The only change in the said paragraph *(c)* is the addition of the word "Ontario" where underlined and the only change in the said subsection two is the striking out of the word "Ontario" where it appeared in the first line before the word "Quebec."

In view of the foregoing explanation it is not necessary nor essential to print the repealed provisions.

41. Subsection two of section seven hundred and seventy-seven of the said Act, as enacted by section eleven of chapter fifty-six of the statutes of 1935, is repealed and the following substituted therefor:—

Cities of not less than 25,000 people.

"(2) In the provinces of Quebec and Nova Scotia the jurisdiction of a magistrate who is one of those mentioned in section seven hundred and seventy-four is absolute and does not depend on the consent of the person charged to be tried by such magistrate in cities having a population of not less than 25,000 according to the last decennial or other census taken under the authority of an Act of the Parliament of Canada where the offence is one of those mentioned in paragraph *(a)* of section seven hundred and seventy-three."

42. Subsection three of section seven hundred and eighty-two of the said Act, as enacted by section eighteen of chapter forty-seven of the statutes of 1934, is repealed and the following substituted therefor:—

Otherwise magistrate may proceed as upon a preliminary investigation.

"(3) If the defendant does not so appear, or, so appearing does not, where consent is required as aforesaid, by its attorney elect to be tried summarily, the magistrate may proceed in the absence of the defendant, or upon its not so electing to be tried as aforesaid, as upon a preliminary investigation."

43. Subsections one and three of section eight hundred and thirty-six of the said Act are repealed and the following substituted therefor:—

Bail if trial by judge.

"**836.** (1) If the prisoner elects to be tried by a judge without the intervention of a jury the judge, unless the accused has been otherwise admitted to bail, may, in his discretion, admit him to bail to appear for his trial, and extend the bail from time to time, in case the court be adjourned or there is any other reason therefor."

Warrant for arrest of prisoner out on bail.

"(3) Whenever a prisoner who has been admitted to bail pursuant to this section or to section six hundred and ninety-eight and has elected for trial under this Part does not appear at the time mentioned in the recognizance or to which the court is adjourned, the judge may issue a warrant for his apprehension which may be executed in any part of Canada."

44. Section eight hundred and thirty-seven of the said Act is repealed and the following substituted therefor:—

42. The object of this amendment is to eliminate an ambiguity. The present subsection reads as follows:—

"(3) If the defendant does not so appear, or, so appearing does not, where consent is required as aforesaid, by its attorney elect to be tried in the ordinary way by the court having criminal jurisdiction, the magistrate may proceed in the absence of the defendant, or upon its not so electing to be tried as aforesaid, as upon a preliminary investigation."

43. The object of this amendment is to make the section conform with the amendment to section six hundred and ninety-eight. The present subsections read as follows:—

"**836.** (1) If the prisoner elects to be tried by a judge without the intervention of a jury the judge may, in his discretion, admit him to bail to appear for his trial, and extend the bail from time to time, in case the court be adjourned or there is any other reason therefor."

"(3) Whenever a prisoner who has been admitted to bail pursuant to this section does not appear at the time mentioned in the recognizance or to which the court is adjourned, the judge may issue a warrant for his apprehension which may be executed in any part of Canada."

44. The object of this amendment is to make the section conform with the amendment to section six hundred and ninety-eight. The present section reads as follows:

Bail if trial by jury.

"**837.** If a prisoner who is in custody elects to be tried by a jury the judge may, instead of remanding him to gaol, admit him to bail, to appear for trial at such time and place and before such court as is determined upon, and such bail may be entered into and perfected before the clerk of the court."

45. Subsection three of section nine hundred and fifty-one of the said Act, as enacted by section twenty-five of chapter eleven of the statutes of 1930, is repealed and the following substituted therefor:—

Manslaughter or reckless driving.

"(3) Upon a charge of manslaughter arising out of the operation of a motor vehicle the jury, if they are satisfied that the accused is guilty of an offence under subsection six of section two hundred and eighty-five may find him guilty of that offence, and such conviction shall be a bar to further prosecution for any offence arising out of the same facts."

"**837.** If a prisoner elects to be tried by a jury the judge may, instead of remanding him to gaol, admit him to bail to appear for trial at such time and place and before such court as is determined upon, and such bail may be entered into and perfected before the clerk of the court."

45. The object of this amendment is to provide that on a charge of manslaughter arising out of a motor car accident the jury may convict of an offence for driving recklessly or in a manner dangerous to the public.

Under the present section the courts, in certain provinces, have held, in effect, that the accused must be found either guilty or not guilty of manslaughter with the result that it has been difficult to obtain a conviction as the juries are disinclined to convict a person, in many cases, of such a serious offence as manslaughter, whereas they would probably be inclined to convict of a lesser offence. There has also been difficulty under the present section owing to the fact that the lesser offence involved negligence causing grievous bodily harm, whereas the negligence may have caused death. This has added to the difficulties of the courts.

In the decision of Rex *v.* Andrews (1937) 156 L.T.R. 464 Lord Atkin in delivering the main judgment of the House of Lords stated, in part, as follows:

> "Section 11 imposes a penalty for driving recklessly or at a speed or in a manner which is dangerous to the public. There can be no doubt that this section covers driving with such a high degree of negligence as that if death were caused the offender would have committed manslaughter. But the converse is not true, and it is perfectly possible that a man may drive at a speed or in a manner dangerous to the public and cause death and yet not be guilty of manslaughter; and the Legislature appears to recognize this by the provision in section 34 of the Road Traffic Act, 1934, that on an indictment for manslaughter a man may be convicted of dangerous driving."

The present subsection reads as follows:

"(3) Upon a charge of manslaughter arising out of the operation of a motor vehicle the jury may find the accused not guilty of manslaughter but guilty of criminal negligence under section two hundred and eighty-four, and such conviction shall be a bar to further prosecution for any offence arising out of the same facts."

46. Subsection four of section nine hundred and eighty-six of the said Act, as enacted by section twenty-seven of chapter eleven of the statutes of 1930, is repealed and the following substituted therefor:—

Certain automatic machines to be deemed means or contrivance for playing game of chance.

"(4) In any prosecution under section two hundred and twenty-nine any automatic or slot machine used or intended to be used for any purpose other than for vending merchandise shall, and any such machine used or intended to be used for vending merchandise shall, if the result of one of any number of operations of it is, as regards the operator, a matter of chance or uncertainty or if as a consequence of any given number of successive operations it yields different results to the operator or if on any operation it discharges or emits any slug or token, other than merchandise, be deemed to be a means or contrivance for playing a game of chance notwithstanding that the result of some one or more or all of such operations may be known to the operator in advance and if any house, room or place is found fitted or provided with any such machine there shall be an irrebuttable presumption that such house, room or place is a common gaming house."

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

Evidence of property in timber, etc.

"**990.** (1) In any prosecution, proceeding or trial for any offence under section three-hundred and ninety-four, if any timber, mast, spar, saw-log, shingle bolt or other description of lumber, boom chain, chain or shackle is marked with a timber mark or a boom chain brand duly registered under the provisions of the Forest Act or the Boom Chain Brands Act of the statutes of British Columbia, every such mark shall be *prima facie* evidence that such timber, mast, spar, saw-log, shingle bolt or other description of lumber, boom chain, chain or shackle is the property of the registered owner of such timber mark or boom chain brand.

Possession of timber, etc., with mark *prima facie* evidence of theft.

(2) Possession by the accused, or by others in his employ or on his behalf, of any such timber, mast, spar, saw-log, shingle bolt or other description of lumber, boom chain, chain or shackle so marked shall, in all cases, throw upon him the burden of proving that such timber, mast, spar, saw-log, shingle bolt or other description of lumber, boom chain, chain or shackle came lawfully into his possession, or into the possession of such others in his employ or on his behalf."

46. The object of this amendment is to facilitate the prosecution of persons having slot machines other than ones for vending merchandise, and, in effect, makes all such machines (other than those for vending merchandise) illegal. This amendment has been requested by various organizations and municipalities. The present subsection reads as follows:

"(4) In any prosecution under section two hundred and twenty-nine any automatic machine intended to be used for vending merchandise or for any other purpose, the result of one of any number of operations of which is, as regards the operator, a matter of chance or uncertainty, or which as a consequence of any given number of successive operations yields different results to the operator, shall be deemed to be a means or contrivance for playing a game of chance, within the meaning of subsection two of this section, notwithstanding that the result of some one or more or all of such operations may be known to the operator in advance."

47. The object of this amendment is to place boom chains, chains and shackles which are marked under the Boom Chains Brand Act of British Columbia in the same position as timber, saw-logs, etc., marked under the Forest Act in so far as evidence of property and evidence of theft is concerned. The only alterations in the present section are the addition of the underlined words and the elimination of the reference to the Timber Marking Act, which Act is now incorporated in the Forest Act of the Statutes of British Columbia.

The present section reads as follows:—

"**990.** In any prosecution, proceeding or trial for any offence under section three hundred and ninety-four, if any timber, mast, spar, saw-log, shingle bolt or other description of lumber is marked with a timber mark duly registered under the provisions of the Timber Marking Act, or the Forest Act of the Statutes of British Columbia, such mark shall be *prima facie* evidence that such timber, mast, spar, saw-log, shingle bolt or other description of lumber is the property of the registered owner of such timber mark.

2. Possession by the accused, or by others in his employ or on his behalf, of any such timber, mast, spar, saw-log, shingle bolt or other description of lumber so marked shall, in all cases, throw upon him the burden of proving that such timber, mast, spar, saw-log, shingle bolt or other description of lumber came lawfully into his possession, or into the possession of such others in his employ or on his behalf."

48. Subsection two of section one thousand and thirteen of the said Act is repealed and the following substituted therefor:—

Right of appeal against sentence.

"(2) A person convicted on indictment, or the Attorney General, or the counsel for the Crown in the trial, may with leave of the court of appeal or a judge thereof, appeal to that court against the sentence passed by the trial court, unless that sentence is one fixed by law."

49. The said Act is further amended by inserting immediately after section one thousand and twenty-five the following section as one thousand and twenty-five A:—

Accused to remain in custody or on bail where Attorney General appeals.

"**1025A.** Except as provided by subsection four of section one thousand and thirteen, in any case where the Attorney General has a right of appeal from a judgment of acquittal or setting aside of a conviction under this Part the person so acquitted or whose conviction is set aside shall, unless the Attorney General shall within the time limited for appeal notify, in writing, the proper officer having custody of such person that he does not intend to appeal, remain in custody until the expiration of the time limited for such appeal or such extended time as may be allowed under the provisions of this Part and if an appeal is taken such person shall remain in custody until the determination of such appeal: Provided that a judge of the court to which the appeal is taken may, if it seems fit, on application of such person admit him to bail pending the determination of such appeal and the time during which such person is so admitted to bail shall not count as part of any term of imprisonment under his sentence."

50. Section one thousand and thirty-five of the said Act is amended by adding, immediately after subsection three thereof, as subsection four, the following:—

Terms of imprisonment may be consecutive.

"(4) When an offender is convicted of more offences than one before the same court or person at the same sittings and more than one fine is imposed with the provision that in default of payment of the same the offender shall be imprisoned for a definite term, the court or person may direct that such terms of imprisonment shall take effect one after the other."

51. Section one thousand and forty-three of the said Act is repealed and the following substituted therefor:—

Application of fines in relation to cruelty to animals.

"**1043.** One moiety of every pecuniary penalty recovered with respect to any offence under sections five hundred and thirty-seven, five hundred and forty-two or five hundred and forty-three shall be paid over to the corporation of the city, town, village, township, parish, or place in which the offence was committed, and the other

48. The object of this amendment is to permit an application for leave to appeal against a sentence to be made either to the full court of appeal or to a judge thereof, instead of as at present, to a single judge. The present subsection reads as follows:—

"(2) A person convicted on indictment, or the Attorney General, or the counsel for the Crown at the trial, may with leave of a judge of the court of appeal, appeal to that court against the sentence passed by the trial court, unless that sentence is one fixed by law."

49. The object of this amendment, which is made on the suggestion of the Attorney General of Ontario, is to provide the necessary procedure for the custody of an accused person where he has been acquitted or his conviction set aside and where an appeal by the Attorney General may lie. If the Attorney General does not intend to appeal he will notify the proper officer and the accused will be released at once, otherwise he will remain in custody or on bail as the case may be. The section is new.

50. The object of this amendment is to permit the court to make the prison terms awarded in default of payment of a fine run consecutively where a person is convicted and fined for more than one offence at the same time.

51. The object of this amendment is to permit a moiety of the fine for conviction of an offence under section five hundred and thirty-seven to be dealt with in the same manner as fines for conviction under sections five hundred and forty-two and five hundred and forty-three, which sections deal with similar subject matter. This amendment is made at the request of the Ontario Society for the Prevention of Cruelty to Animals which Society is instrumental in prosecuting offences for cruelty to animals and bears the expense thereof. The only change in the section is the addition of the under-lined words.

The present section reads as follows:—

"**1043.** One moiety of every pecuniary penalty recovered with respect to any offence under section five hundred and forty-two or five hundred and forty-three shall be paid over to the corporation of the city, town, village, township, parish, or place in which the offence was committed, and the other moiety, with full costs, to the person who informed and prosecuted for the same or to such other person as to the justices seems proper."

moiety, with full costs, to the person who informed and prosecuted for the same or to such other person as to the justices seems proper."

52. Subsection three of section one thousand and sixty of the said Act is repealed and the following substituted therefor:—

When whipping to take place.

"(3) Every whipping shall take place, under the supervision as aforesaid, at such time as may be determined by the officer in charge of the prison notwithstanding anything to the contrary contained in the sentence: Provided that whenever practicable, every whipping shall take place not less than ten days before the expiration of any term of imprisonment to which the offender is sentenced for the offence."

53. Section eleven hundred and four of the said Act is amended by adding, immediately after subsection one thereof, as subsection two, the following:—

Filing of rolls in other courts.

"(2) If such court is not a superior court having criminal jurisdiction one of such rolls shall remain deposited in the office of the clerk of such court."

54. Section eleven hundred and five of the said Act is repealed and the following substituted therefor:—

Writ of fieri facias and capias issued.

"**1105.** The other of such rolls aforesaid shall, as soon as the same is prepared, be sent by the clerk of the court making the same, or in case of his death or absence, by such judge as aforesaid, with a writ of *fieri facias* and *capias*, according to Form 74, to the sheriff of the county in which such court was holden."

55. The said Act is further amended by adding at the end of Part XXV the following as Forms 76E and 76F:—

"FORM 76E.

Permit to purchase pistol, revolver or other offensive weapon.

Permission is hereby given to..... (insert name of holder of permit) of..... to purchase..... (insert character of weapon).

52. The object of this amendment is to insure that the whipping to which the prisoner is sentenced shall be inflicted. In the past some sentences have contained specific times at which the whipping is to take place and it has been found that through illness, the shortening of the term by good behaviour and other causes, it has been impracticable to carry out the sentence in this respect with the result that the prisoner has escaped this part of his punishment. The present subsection reads as follows:—

"(3) Whenever practicable, every whipping shall take place not less than ten days before the expiration of any term in imprisonment to which the offender is sentenced for the offence."

53 and **54.** The object of the amendments to sections eleven hundred and four and eleven hundred and five is to eliminate the specific reference to a court of general sessions of the peace or county court and to make the procedure applicable to County Court Judges Criminal Courts; to provide for the disposition of duplicate rolls and for the issuing of a writ of *fieri facias* and *capias* in superior court proceedings.

The amendment to section eleven hundred and five also corrects the reference to the form number. The present section eleven hundred and five reads as follows:—

"**1105.** If such court is a court of general sessions of the peace, or a county court, one of such rolls shall remain deposited in the office of the clerk of such court.

(2) The other of such rolls aforesaid shall, as soon as the same is prepared, be sent by the clerk of the court making the same, or in case of his death or absence, by such judge as aforesaid, with a writ of *fieri facias* and *capias*, according to Form 73, to the sheriff of the county in and for which such court was holden."

Reasons for granting permit.

(here are to be inserted the reasons for issuing permit).
(Name and office of person issuing permit)."

"FORM 76F.

Permit for firearm or air-gun for minor.

Permission is hereby given to.....
(insert name of holder of permit) of.....
to have in his possession (insert character of weapon) for (insert calendar year of issue of permit).

Reasons for granting permit.

(here are to be inserted the reasons for issuing permit).
(Name and office of person issuing permit)."

Coming into force.

56. This Act with the exception of sections fifteen, sixteen and forty-five, shall come into force on the first day of August, 1938, and sections fifteen, sixteen and forty-five shall come into force on the passing of this Act.

56. The date of the operation of the sections other than sections 15, 16 and 45, is fixed as of the first day of August, 1938.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 138.

An Act to amend the Indian Act.

First reading, May 30, 1938.

THE MINISTER OF MINES AND RESOURCES.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

54605

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA

BILL 138.

An Act to amend the Indian Act.

R.S., c. 98; 1930, c. 25; 1932-33, c. 42; 1934, c. 29; 1936, cc. 20, 33.

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

1. Subsection two of section fifty of the *Indian Act*, chapter ninety-eight of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

Leases and licences to prospect for minerals.

"(2) The Governor in Council may make regulations enabling the Superintendent General to issue leases upon such terms as may be considered proper in the interest of the Indians and of any lessee or licensee,

(a) upon surrender in accordance with this part, of any land deemed to contain salt, petroleum, natural gas, coal, gold, silver, copper, iron or other minerals and to grant in respect of such land the right to prospect for, mine, recover and take away any or all such mineral, and

(b) without surrender, to any person authorized to mine any of the minerals in this section mentioned, of surface rights over such area of any land within a reserve containing any such minerals as may be necessary for the mining thereof.

2. The said Act is further amended by inserting immediately after section ninety four A the following:—

Advances for assistance to Indians.

"**94B.** For the purpose of granting loans to Indian Bands, group or groups of Indians, or individual Indians and for the expenditure of moneys for co-operative projects on their behalf, the Minister of Finance may, from time to time, authorize the advance to the Superintendent General of Indian Affairs out of the Consolidated Revenue Fund of Canada of such sums of money as the said Superintendent General may require to enable him to make loans to Indian Bands, group or groups of Indians or individual Indians, for the purchase of farm implements, machinery, live stock and equipment, seed grain and materials to be used in native

Explanatory Notes.

1. Subsection (2) of Section 50 of the Act presently reads as follows:—

"(2) The Governor in Council may make regulations enabling the Superintendent General without surrender to issue leases for surface rights on Indian reserve, upon such terms and conditions as may be considered proper in the interest of the Indians covering such area only as may be necessary for the mining of the precious metals by any one otherwise authorized to mine such metals, said terms to include provision of compensating any occupant of land for any damage that may be caused thereon as determined by the Superintendent General."

While there is authority in the Act enabling the Governor General in Council to establish regulations covering the sale of timber on Indian Lands, such authority does not extend to the disposal of minerals. Paragraph *(a)* of this amendment will grant this authority, only, however, after the Indians have surrendered their rights therein.

Paragraph *(b)* of this amendment is a revision of the present section 50 (2) except that the question of compensation has been omitted. Provision for such compensation shall be contained in the regulations to be established.

2. The purpose of section 94B is to establish a revolving fund and to authorize the Superintendent General of Indian Affairs to make advances therefrom to Indian Bands, group or groups of Indians, or individual Indians for the purchase of farm implements, machinery, live stock and equipment, seed grain and materials to be used in native handicrafts and to authorize expenditure of money on self liquidating co-operative projects on behalf of the Indians. In the past expenditures for purposes of this kind have been made from the general vote of the Branch as direct assistance to the Indians or Indian Bands, there being no authority for making loans. Such expenditures have therefore become to be considered more in the nature of relief rather than as advances which should be repayable from the earnings therefrom. By this authority the general welfare and progress of the Indians can be more readily promoted

handicrafts and to expend and loan money for the carrying out of co-operative projects on behalf of the Indians. All expenditures made under such advances shall be made under regulations established from time to time by the Governor in Council and shall be accounted for in the like manner as other public moneys. Any moneys received by the Superintendent General of Indian Affairs from the Indian Bands, group or groups of Indians, individual Indians or co-operative projects, for aid furnished under the provisions of this section shall be remitted by him to the Minister of Finance in repayment of such advances. The amount of outstanding advances to the said Superintendent General including all amounts owing by the Indian Bands, group or groups of Indians, individual Indians or outstanding on co-operative projects shall at no time exceed the sum of five hundred thousand dollars.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 143.

An Act to assist Municipalities in making self-liquidating Improvements.

First reading, May 31, 1938.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

58990

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 143.

An Act to assist Municipalities in making self-liquidating Improvements.

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

Short title.

1. This Act may be cited as *The Municipal Improvements Assistance Act, 1938.*

Definitions.

"Minister."

"Municipality."

"self-liquidating project."

2. In this Act, unless the context otherwise requires,—

(a) "Minister" means the Minister of Finance;

(b) "municipality" includes a city, town, incorporated village, county, township, rural municipality, local improvement district or a province where such province is administering directly territory not organized into county or municipal units;

(c) "self-liquidating project" means a project which when completed will on the basis of conservative estimates result in an increase in the annual net revenue of the municipality either by reductions in the annual operating and maintenance charges required to be borne by the municipality or by increase of revenues from persons using the services of or otherwise benefiting from the project, sufficient to pay the annual charges for interest on and amortization of the loan to be made by the Minister.

Loans to municipalities.

3. (1) The Minister, with the approval of the Governor in Council, and subject to the provisions of this Act, may enter into an agreement with any municipality to make a loan or loans to such municipality out of any unappropriated moneys in the Consolidated Revenue Fund to enable such municipality to pay the whole or any part of the cost of constructing or making extensions or improvements to or renewals of a municipal waterworks system, a municipal gas

Explanatory Notes.

This Bill authorizes the Minister of Finance, with the approval of the Governor in Council, to enter into agreements to make loans to municipalities to enable them to pay the whole or part of the cost of constructing or making extensions or improvements to or renewals of a municipal waterworks system, gas plant, electric light system or any other self-liquidating project. The aggregate principal amount of loans authorized to be made shall not exceed $30,000,000.

The principal conditions which have to be satisfied before any loan can be made are as follows:—

1. The municipality must demonstrate to the satisfaction of the Minister that any project to be financed out of the proceeds of a loan made under the Act is a self-liquidating project within the meaning of that term as defined in Section 2 *(c)* of the Act.
2. The construction of the project must be urgently required and assist in the relief of unemployment in the municipality concerned.
3. The application for a loan and the project to be financed out of the proceeds of a loan have to be approved by the province in which the municipality is situated.
4. The province in which the municipality is situated must agree to guarantee payments of principal and interest by the municipality.

Loans are to bear interest at the rate of 2% per annum payable half-yearly and are to be amortized by semi-annual payments sufficient to pay off the full amount of the loan during a period not exceeding the estimated useful life of the project.

The Bill also provides that the aggregate principal amount of loans to any one municipality shall not exceed the proportion of $30,000,000 which the population of the municipality bears to the population of Canada, on the basis of the 1931 census. There is a proviso however that a loan not exceeding $200,000 may be made to any municipality of whatever population.

plant, a municipal electric light system, or other municipal project, provided, however, that the project to be constructed or the extension or improvements or renewals to be made will be a self-liquidating profect.

Conditions of loans.

(2) No agreement shall be entered into under this Act unless:—

(a) the municipality submits detailed financial estimates demonstrating to the satisfaction of the Minister that the project to be constructed or the extensions or improvements or renewals to be made will be a self-liquidating project;

(b) the construction, extension, improvement or renewal of the project is urgently needed and will assist in the relief of unemployment in the municipality concerned;

(c) any application by a municipality for a loan under this Act and the project to be financed out of the proceeds of the loan have been approved by the Lieutenant Governor in Council of the province in which the municipality is situated; and

(d) the municipality has obtained an undertaking from the government of the province concerned in form satisfactory to the Minister that such province will guarantee to the Government of Canada the payments for interest on and amortization of the loan, required to be made by the municipality to the Minister.

Interest and amortization.

4. Any such loan shall bear interest at the rate of two per centum per annum, payable semi-annually, and shall be amortized by semi-annual payments sufficient to pay off the full amount of the loan during a period to be fixed by the Governor in Council, which period shall not in any case be longer than the estimated useful life of the project which has been constructed, extended, improved or renewed, in whole or in part, with the proceeds of the loan.

Securities for loans.

5. As security for any such loan, the municipality shall deliver to the Minister its debentures or other securities equal in principal amount to the amount of the loan advanced and in such form as the Governor in Council may approve, and may also be required to give in favour of the Minister representing His Majesty a first mortgage or hypothec or other charge on the project to be constructed, extended, improved or renewed, in whole or in part, from the proceeds of the said loan.

Aggregate amount of loans.

6. (1) The aggregate principal amount of loans made under the authority of this Act shall not exceed thirty million dollars.

Amount to any one municipality.

(2) The aggregate principal amount of loans made under this Act to any one municipality shall not exceed that proportion of the sum of thirty million dollars which the

population of the municipality bears to the total population of Canada on the basis of population figures shown by the census of 1931, provided however that subject to the limitation fixed by subsection one of this section a loan not exceeding two hundred thousand dollars may be made to any municipality of whatever population.

Limitation of time.

7. The Governor in Council may at any time fix and determine a date after which no loans shall be made to any municipality under this Act.

Staff and salaries.

8. The Governor in Council on the recommendation of the Minister may employ on a temporary basis such technical and clerical staff as may be necessary for the efficient administration of this Act and may pay salaries and other necessary expenses out of any unappropriated moneys in the Consolidated Revenue Fund.

Orders and regulations.

9. (1) Subject to the provisions of this Act the Governor in Council may by order or regulation

(a) determine the form of the agreement between any municipality and the Minister;

(b) determine the form of the guarantee to be given by a provincial government;

(c) prescribe the conditions under and the manner in which the proceeds of a loan may be advanced to a municipality;

(d) make provision for any other matters concerning which orders or regulations are deemed necessary or desirable to carry out the purposes and intentions of this Act.

Force and effect.

(2) All orders and regulations made hereunder shall have the same force and effect as if they had been included in this Act.

Report to Parliament.

10. The Minister shall annually prepare a report with regard to loans made under the provisions of this Act during the preceding fiscal year, and the report shall be laid before Parliament within fifteen days, or if Parliament is not then sitting, within fifteen days after the beginning of the next session.

144.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 144.

An Act to amend the Judges Act.

First reading, June 8, 1938.

Mr. CHURCH.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

58829

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 144.

An Act to amend the Judges Act.

R.S., c. 105; 1930, c. 27; 1931, c. 37; 1932, cc. 16, 48, 1936, c. 39.

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

1. Section thirty-seven of the *Judges Act*, chapter one hundred and five of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

Judges not to act as Commissioners or arbitrators.

"**37.** (1) No judge mentioned in this Act shall act as commissioner or arbitrator on any commission or inquiry.

Exception.

(2) This section shall not extend, nor be deemed to have extended, to judges acting as arbitrators or assessors of compensation or damages under the Railway Act, or any public Act, whether of general or local application, of the Dominion or of any province, whereby a judge is required or authorized to assess or ascertain compensation or damages."

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

Judges to be bound by decision of court of final appeal.

"**39.** Notwithstanding the provisions of any law, statute, usage, custom or doctrine of law to the contrary, all courts or a judge of any of the courts referred to in this Act, whether such court was constituted or such judge appointed prior to or after the date of the coming into force of this section, shall, when rendering decisions or pronouncing judgment in respect to any question of law competent for such court or judge to decide or pronounce upon, take judicial notice of and be bound by the then last decision or judgment of the Judicial Committee of the Privy Council or other court of final appeal rendered by such court upon or in respect to the application of the same question of law."

1. The purpose of this clause is to provide that judges be not allowed to serve on commissions outside their judicial duties. At present the judges may act as commissioners or arbitrators or on any commission or inquiry if nominated for that purpose by the Governor in Council. It is estimated that the administration of justice should not be interfered with by appointing to commissions judges whose services are required in the courts.

The only change in the section is made by leaving out certain words which are underlined below.

Section 37 at present reads as follows:—

"37. Unless nominated by the Governor in Council, no judge mentioned in this Act shall act as commissioner or arbitrator on any commission or inquiry.

2. This section shall not extend, nor be deemed to have extended, to judges acting as arbitrators or assessors of compensation or damages under the Railway Act, or any public Act, whether of general or local application, of the Dominion or any province, whereby a judge is required or authorized, without authority from the executive, to assess or ascertain compensation or damages."

The frequency, of recent years, with which judges are drafted for all kinds of such work impairs the efficient administration of justice and causes congestion in the law courts, and, as they are largely only fact finding commissions when appointed, they duplicate the efficient powers and functions of Parliament and the Committees thereof and are a costly adjunct to good Parliamentary Government of the people, for the people, and by the people, cause delays and interfere with Parliament's right to immediate solution of social and economic problems of urgency to good government, thus a system of "judicial commission government" is slowly being built up in Canada.

2. (1) R.S.C. 1927, chap. 105, is known as "an Act respecting the Judges of the Dominion and Provincial Courts' 'which includes County Courts. Judges must have been 10 years standing at the Bar when appointed. The Act constitutes or sets up:

(1) The Supreme Court of Canada,
(2) The Exchequer Court,
(3) Local Judges in the Admiralty,
(4) Provincial Superior Courts (organization for provinces).

(2) All judges appointed under this Act, chap. 105 are federal officers. They are also under federal authority, and are paid by the Dominion, and under the authority of Parliament whose authority has been increased by the statute commonly known as the Statute of Westminster and can be removed for cause by an address of both Houses of Parliament.

(3) Under chap. 105 "restrictions and regulations" are placed on Federal Judges regarding residence, travelling allowances, powers, eligibility, retirement, superannuation, removal for cause, and many other regulations. They are sworn to administer the law as they find it, although once appointed they have provincial jurisdiction as well as federal under Section 92 of the British North America Act.

(4) They are subject to all the federal statutes, they are required to interpret all acts passed by the high court of Parliament known as the Parliament and Government of Canada. Some are found not doing this in several cases at present.

(5) Commissioners of Assizes, County Court Judges may act in another county, and the Governor in Council in certain cases can make orders within this Act *re* judicial employment as set out in Section 36, but they are not to act on Commissions, except by Order-in-Council.

(6) It will be seen that while judges when interpreting Section 92 are: provincial officers when appointed, still they are federal officers purely and simply and subject to any enactment of this Parliament and any enactment of the Parliament of Canada, and sworn to enforce it, and the Criminal Code gives them Jurisdiction in Criminal Cases, and Marriage and Divorce are federal except solemnization of marriage.

(7) This proposed Bill adds another clause to the Act namely 39, by which Judges are to be bound by the decision of the Court of Final Appeal, in respect to any question of law competent for such judges to decide, and shall take notice and be bound by the then last decision or judgment of the judicial committee of the provincial, or other Court of Final Appeal rendered by such Court upon or with respect to such application of law.

This amendment is to apply to all the provinces of Canada. Federal authority should be paramount and supreme. One of the cardinal principles of the British constitution is that the Courts are subservient to the Legislature:

(8) The legal maxim or doctrine known as "*stare decisis*" is overruled where inconsistent to this amendment and this bill will be law for all Canada, notwithstanding the provisions of any law, statute, usage, custom, or doctrine of law to the contrary.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 145.

An Act to assist the Construction of Houses.

First reading, June 8, 1938.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
59141 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA

BILL 145.

An Act to assist the Construction of Houses.

1935, c. 58. Preamble.

WHEREAS *The Dominion Housing Act, 1935*, has encouraged the building of houses by persons with moderate incomes but the facilities of the Act have not been largely used by persons with small incomes or by persons living in small or remote communities; and Whereas, it is desirable to stimulate the construction of houses to be owned by persons with small incomes and by persons living in remote or small communities; and Whereas, as a result of the low level of building activity during the recent depression, the employability and efficiency of the urban population may be adversely affected by reason of congestion in potential slum areas and of overcrowding in housing accommodation which falls short of minimum standards of health and amenity; and Whereas, such decline of employability and efficiency may retard the full employment of the working population living under such conditions; and Whereas, the task of providing adequate housing accommodation at rentals within the capacity of low income groups to pay is, in its aspects of public health, morals and minimum living conditions, primarily a responsibility of the provinces and municipalities; and Whereas, nevertheless, it is in the national interest that a limited experiment in low-rental housing should be undertaken now, creating needed employment and directing public attention to the importance of housing problems generally, and providing a basis of experience on which the provinces and municipalities may follow sound and proven policies in the future; and Whereas, high real estate taxes have been a factor retarding the construction of new houses and it is therefore desirable to encourage prospective home owners to construct houses for their own occupation by paying a proportion of the municipal taxes on such houses for a limited period: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Explanatory Notes.

PART I.

This Part repeals *The Dominion Housing Act, 1935*, hereinafter in the notes on this Part called "the Act of 1935" and re-enacts certain provisions thereof with amendments and additions.

The changes are principally amendments intended to encourage the making of loans to assist in the construction of houses for persons of small incomes and for persons in small or remote communities. The important changes may be summarized as follows:—

A proviso has been added that in the case of a single family house to be constructed for an owner for his own occupation and where the lending value of such house does not exceed $2,500, the advance made jointly by the Minister and the lending institution may not exceed 90 per centum and may not be less than 70 per centum of the lending value of the house. In all other cases the amount of the joint advance is to be not less than 70 per centum and not more than 80 per centum of the lending value of the house. The Dominion's share of the joint advance shall not exceed 25 per centum of the total advance in any case.

A new provision has been inserted that the contract with the lending institution may provide that the Minister shall pay losses sustained by a lending institution in respect of loans not exceeding $4,000 in the case of a single family house and not exceeding $600 per habitable room in the case of a multiple family dwelling made in such small or remote communities and in such districts of other communities as may be designated by the Minister. Such losses are payable up to certain amounts to be fixed by the Minister. The bill however provides the maximum amount of such losses payable by the Minister shall not exceed (i) in the case of loans for 80 per centum of the lending value an amount equal to 20 per centum of the total amount of such loans advanced by the lending institution and (ii) in the case of loans for 90 per centum of the lending value an amount equal to 25 per centum of the total amount of such loans advanced by the lending institution.

The contract with a lending institution may also provide for payments to a lending institution making loans not exceeding $4,000 in small or remote communities to assist in defraying special costs incurred in making these loans in these communities.

The aggregate amount of loans to be made and losses and expenses to be paid under Part I is not to exceed $20,000,000, less the amount of advances made under the Act of 1935.

Short title.

1. This Act may be cited as *The National Housing Act, 1938.*

PART I.

DOMINION HOUSING LOANS.

Definitions.

2. In this Part, unless the context otherwise requires,—

"Approved lending institution".

(a) "approved lending institution" means a lending institution approved by the Governor in Council under *The Dominion Housing Act, 1935*, and any lending institution approved by the Governor in Council for the purpose of making loans under this Part;

"Cost of construction"

(b) "cost of construction" means the actual expenditure for building, the cost of the land, architectural and legal expenses and any other expense necessary to complete the house;

"House".

(c) "house" means a building intended exclusively for human habitation comprising one or more self-contained dwelling places;

"Lending institution".

(d) "lending institution" means a loan, insurance or other company authorized to lend money on the security of real or immovable property;

"Lending value".

(e) "lending value" means the estimated cost of construction of a house or its appraised value whichever is the lesser;

"Local authority".

(f) "local authority" means any province, municipality, society, association or corporation having authority to undertake a housing scheme;

"Minister".

(g) "Minister" means the Minister of Finance.

Investigations and plans.

3. The Minister, with the approval of the Governor in Council, may

(a) carry on or arrange for the carrying on of investigations as to housing conditions and the adequacy of existing housing accommodation in Canada or any part of Canada and as to the best means to be adopted to improve housing conditions;

(b) make investigations as to plans or proposals that have been adopted elsewhere than in Canada and the results that have been achieved therefrom;

(c) make investigations as to the factors that enter into the cost of construction of houses and as to the feasibility by any means of securing economies and increased efficiency in such construction;

(d) prepare suitable plans for low-cost houses, conduct competitions for low-cost housing plans, purchase such plans or otherwise compensate persons taking part in such competitions and provide for the sale or distribution of such plans; and

(e) generally take such steps as he may deem necessary or desirable to promote sound and economical construction of houses and to improve housing conditions.

2. Section 2 of the Act of 1935 reads as follows:—

"**2.** In this Act unless the context otherwise requires,—

(a) "Approved lending institution" means *a lending institution approved by the Governor in Council;*

(b) "Cost of construction" *includes, as well as* the actual expenditure for building, the cost of the land, legal expenses *connected with any loan* and any other expense necessary to complete the house;

(c) "House" means a building intended exclusively for human habitation comprising one or more self-contained dwelling places;

(d) *"Housing scheme" means a scheme for the construction of houses and for their occupation by tenants or purchasers;*

(e) "Lending institution" means a loan, insurance or other company authorized to lend money on the security of real or immovable property;

(f) "Local authority" means any province, municipality, society, association or corporation having authority to undertake a housing scheme;

(g) "Minister" means the Minister of Finance.

3. Section 3 of the Act of 1935 reads as follows:—

"**3.** *The Economic Council established by The Economic Council of Canada Act, 1935, when so required by the Governor in Council, shall study, investigate, report and advise:—*

(a) as to housing conditions and the adequacy of existing housing accommodation in Canada or any part of Canada, and as to the best means to be adopted to improve housing conditions;

(b) upon a proposal for a housing scheme in any urban or rural locality, submitted by a local authority, and particularly as to the necessity for and feasibility of, establishing a housing scheme in any locality for the construction of houses, with the assistance of the state, to be leased to low wage earners;

(c) as to plans or proposals that have been adopted elsewhere than in Canada to improve housing conditions and the results that have been achieved;

(d) upon the necessity for and as to the feasibility of undertaking clearance and redevelopment of overcrowded areas in any city or town;

(e) as to the factors that enter into the cost of construction of houses and as to the feasibility by any means of securing economies and increased efficiency in such construction."

Advances.

4. (1) The Minister may, with the approval of the Governor in Council, enter into a contract with an approved lending institution or local authority to join with such institution or local authority in the making of loans to assist in the building of houses under conditions hereinafter mentioned.

Conditions.

(2) The conditions upon which a loan may be made under this section shall be as follows:—

(a) a loan shall be made only for the purpose of assisting in the construction of a house according to sound standards approved by the Minister and subject to supervision by the lending institution or local authority or the Minister;

(b) the advance made jointly by the Minister and the lending institution or local authority shall not be less than seventy per centum and not more than eighty per centum of the lending value of the house: Provided however that in the case of a single family dwelling to be constructed for an owner for his own occupation where the lending value does not exceed two thousand five hundred dollars, the advance made jointly by the Minister and the lending institution or local authority shall not be less than seventy per centum and not more than ninety per centum of the said lending value;

(c) the advance made by the Minister shall not exceed twenty-five per centum of the total advance made jointly by the Minister and the lending institution or local authority, and the interest payable to His Majesty in respect of the advance shall be at a rate to be fixed by the terms of the contract;

(d) the rate of interest and other charges to be charged the borrower in respect of any loan and the lending value of any house shall be subject to approval by the Minister;

(e) the loan shall be for such period and upon such terms as to payment of principal, interest and taxes by monthly instalments as the Minister shall determine and shall be secured by a first mortgage or hypothec on the house given in favour of the Minister representing His Majesty and the lending institution or local authority jointly;

(f) except as provided by paragraph *(g)* of this subsection, any loss sustained in respect of any loan shall be borne by His Majesty and the lending institution or local authority in such proportions as are fixed by the terms of the contract;

(g) in order to encourage the making of small loans in small or remote communities and in certain districts of other communities, the terms of the contract with any lending institution or local authority may provide that

4. Section 4 of the Act of 1935 reads as follows:—

"**4.** (1) The Minister may, with the approval of the Governor in Council, enter into a contract with an approved lending institution or local authority to join with such institution or local authority in the making of loans to assist in the building of houses under conditions hereinafter mentioned.

(2) The conditions upon which a loan may be made under this section shall be as follows:—

(a) A loan shall be made only for the purpose of assisting the construction of a house, according to sound standards approved by the Minister and subject to supervision by the lending institution or local authority or the Minister;

(b) The advance made by the Minister shall not exceed *twenty per cent of the cost of construction of the house or its appraised value, whichever is the lesser,* and the interest payable to His Majesty in respect of the advance shall be at a rate to be fixed by the terms of the contract;

(c) The advance by the Minister shall be made only if the lending institution or local authority lends, in addition to the amount of the advance, sixty per cent of the cost of construction of the house or the appraised value, whichever is the lesser: provided that the Governor in Council may in any class of cases fix the percentage at less than the sixty per cent aforesaid;

(d) The rate of interest and other charge to be charged the borrower in respect of any loan shall be subject to approval by the Minister;

(e) The loan shall be for such period and upon such terms as to payment of principal, interest and taxes by monthly instalments as the Minister shall determine and shall be secured by a first mortgage or hypothec on the house, given in favour of the Minister representing His Majesty, and the lending institution or local authority jointly;

(f) Any loss sustained in respect of any loan shall be borne by His Majesty and the lending institution or local authority in such proportions as are fixed by the terms of the contract;

(g) Such other conditions as are stipulated in the contract between the Minister and the lending institution or local authority as will safeguard the interest of His Majesty."

the Minister shall pay losses sustained by the said lending institution or local authority in respect of loans, not exceeding four thousand dollars in the case of a single family dwelling and not exceeding six hundred dollars per habitable room in the case of a multiple family dwelling, made in such communities or districts as may be designated by the Minister up to certain amounts specified in a schedule of amounts fixed by the Minister, graduated downwards in accordance with the size of the loan and graduated upwards in accordance with the percentage which the loan bears to the lending value of the single family dwelling or the multiple family dwelling, as the case may be, but the maximum amount of such losses sustained by the said lending institution or local authority to be paid by the Minister shall not exceed,

(i) in the case of loans for eighty per centum of the lending value an amount equal to twenty per centum of the total amount of such loans advanced by the said lending institution or local authority; and

(ii) in the case of loans for ninety per centum of the lending value an amount equal to twenty-five per centum of the total amount of such loans advanced by the said lending institution or local authority;

(h) in order to encourage the making of small loans in small or remote communities designated by the Minister the terms of the contract with any lending institution may provide that the Minister may make payments to the said lending institution to assist it in making any loans for amounts not exceeding four thousand dollars in said communities: Provided that any such payment shall not exceed twenty dollars for any one loan together with an allowance fixed by the Minister for necessary travelling expenses based upon the distance from the nearest place from which the loan can be arranged and supervised by said lending institution;

(i) such other conditions as are stipulated in the contract between the Minister and the lending institution or local authority as will safeguard the interest of His Majesty.

Loans by lending institutions.

5. Notwithstanding any restriction on its power to lend money contained in any other statute or law, any lending institution subject to the jurisdiction of Parliament may lend on the security of a first mortgage or hypothec given in favour of the Minister and the lending institution jointly pursuant to the provision of this Part, an amount up to eighty per centum of the lending value of a house or up to ninety per centum of the lending value of a house where said lending value is not in excess of two thousand five hundred dollars.

5. Section 5 of the Act of 1935 reads as follows:—

"**5.** Notwithstanding any restriction on its power to lend money, contained in any other statute or law, any lending institution subject to the jurisdiction of Parliament, may lend on the security of a first mortgage or hypothec given in favour of the Minister and the lending institution jointly pursuant to the provisions of this *Act, an amount up to eighty per cent of the cost of construction of a house or its appraised value, whichever is the lesser.*"

Advances and payment of losses, salaries and other expenses.

6. The Minister may make advances and pay losses, salaries and other necessary expenses out of unappropriated moneys in the Consolidated Revenue Fund to the amount of twenty million dollars, less the advances made under the authority of *The Dominion Housing Act, 1935*.

1935, c. 58.

Limit of time.

7. The Governor in Council may fix and determine a date on and after which no loans under this Part may be made or on and after which no loans in excess of a stipulated maximum figure may be made or on and after which no loans may be made to assist in the construction of a house containing more than one self-contained dwelling place.

Regulations.

8. (1) Subject to the provisions of this Part, the Governor in Council may by order or regulation

(i) determine the manner in which the cost of construction of a house shall be estimated and by whom and in what manner the appraisal of the value of a house shall be made;

(ii) prescribe sound standards of construction and what arrangements shall be made to assure adequate supervision of houses during the course of their construction;

(iii) prescribe the information to be given by an applicant for a loan under this Part;

(iv) determine the manner in which losses incurred in connection with loans made under this Part shall be established;

(v) define, for the purposes of this Part, the expressions, "habitable room," "multiple family dwelling," and "single family dwelling;"

(vi) make provision for any other matters concerning which orders or regulations are deemed necessary or desirable to carry out the purposes and intentions of this Part.

(2) All orders and regulations made hereunder shall have the same force and effect as if they had been included in this Part and all such orders and regulations as are of general application, or abstracts thereof, shall be published in the *Canada Gazette*.

Annual report.

Laid before Parliament.

9. The Minister shall annually prepare a report with regard to loans made under the provisions of this Part during the preceding calendar year, and the report shall be laid before Parliament within fifteen days, or if Parliament is not then sitting, within fifteen days after the beginning of the next session.

Act repealed.

10. *The Dominion Housing Act, 1935*, chapter fifty-eight of the statutes of 1935, is repealed.

Coming into force of Part I.

11. Part I of this Act shall come into force upon a date to be fixed by proclamation of the Governor in Council.

6. Section 6 of the Act of 1935 reads as follows:—

"**6.** The Minister may make advances and pay salaries and other necessary expenses out of unappropriated moneys in the Consolidated Revenue Fund to the extent of *ten* million dollars."

7. This is a new section.

8. This corresponds to section 7 of the Act of 1935, which reads as follows:—

"**7.** *The Governor in Council may make regulations for the purpose of determining what shall be included in the cost of construction and by whom and in what manner the appraisal of the value of a house shall be made, to require any department of the Government of Canada to furnish to the Minister advice and assistance upon his request, and otherwise for the efficient enforcement and operation of this Act and for carrying out the provisions thereof according to their true intent and meaning.*"

9. This corresponds to section 8 of the Act of 1935, which reads as follows:—

"**8.** The Minister shall annually prepare a report with regard to loans made under the provisions of this *Act* during the preceding *fiscal* year, and the report shall be laid before Parliament within fifteen days, or if Parliament is not then sitting, within fifteen days after the beginning of the next session."

10. This section is new.

11. This section is new.

PART II.

LOW-RENTAL HOUSING.

"Cost of construction of houses built under a low-rental housing project".

"Cost of construction of a family housing unit".

"Economic rental of a family housing unit".

"Family housing unit."

"Family of low income."

"House."

"Limited dividend housing corporation."

"Local housing authority."

12. In this Part, unless the context otherwise requires:—

(a) "cost of construction of houses built under a low-rental housing project" means the actual expenditure for building, the cost of the land (including site development), architectural and legal expenses and any other expenses necessary to complete the project; and "cost of construction of a family housing unit" means that portion of the total cost of construction of the houses built under a low-rental housing project which is attributable to the particular unit, the total cost of construction being apportioned between the various family housing units on the basis of the relative housing accommodation provided;

(b) "economic rental of a family housing unit" means a rental at the rate of nine and one-half per centum per annum of the cost of construction of a family housing unit plus an amount sufficient to pay that portion of the estimated normal annual taxes levied by the municipality on the completed project which is attributable to the particular family housing unit;

(c) "family housing unit" means a single house or a single apartment (with the appropriate joint facilities) in a duplex or apartment house, providing accommodation for one family, and constituting part of a low-rental housing project;

(d) "family of low income" means a family which receives a total family income which is less than five times the economic rental of a family housing unit providing sufficient accommodation for the said family;

(e) "house" includes any single house or dwelling, duplex or apartment house, providing housing accommodation built in accordance with a low-rental housing project;

(f) "limited-dividend housing corporation" means any corporation which is organized to construct, hold and manage houses built as a low-rental housing project subject to conditions as to limitation of dividends on capital stock and as to rentals to be charged on said houses which comply with the provisions of this Part and regulations made hereunder, and whose books, accounts and records are to be maintained in the form prescribed by regulations made hereunder;

(g) "local housing authority" means any municipality, society, association or corporation having authority to construct, hold and manage houses built as a low-rental housing project, and includes a limited-dividend housing corporation;

PART II.

This Part authorizes the Minister with the approval of the Governor in Council to make loans to local housing authorities to assist in the construction of houses to be leased to families of low income. The aggregate principal amount of loans is not to exceed $30,000,000. A local housing authority includes any municipality, association or corporation or limited-dividend corporation having authority to construct, hold and manage houses built as a low-rental housing project that is to say houses built for the purpose of providing decent, safe and sanitary housing accommodation to be leased to families of low income. A family of low income is defined to mean a family which receives a total family income equal to or less than five times the economic rental of a family housing unit providing sufficient accommodation for the family. By an economic rental is meant a rental calculated at the rate of $9\frac{1}{2}$ per cent annum on the cost of construction of the houses plus an amount sufficient to pay the estimated normal annual taxes levied on the property by the municipality. A limited-dividend housing corporation is a corporation, the charter of which contains provisions restricting the maximum amount of dividends payable on its capital stock and the rentals charged on its housing accommodation.

A loan to a limited-dividend corporation shall not exceed 80 per cent of the cost of construction of the houses and a loan to any other local housing authority shall not exceed 90 per cent of the construction of the houses. Moreover any such loan shall not exceed an average sum of $2,400 for each family housing unit in the case of a loan to a limited-dividend housing corporation and an average sum of $2,700 for each family housing unit in the case of a loan to any other local housing authority.

A limited-dividend corporation is required to pay semi-annually an amount equal to $1\frac{7}{8}$ per cent of the principal amount of the loan. Any other housing authority is required to pay semi-annually 2 per cent of the principal amount of the loan. Loans to a limited-dividend housing corporation will bear interest at rate of $1\frac{3}{4}$ per centum per annum payable half-yearly and loans to other local housing authorities will bear interest at rate of 2 per centum per annum. The semi-annual payments will provide for interest on and amortization of the loans.

Some of the other principal provisions of this Part are as follows:—

The local housing project must be approved by the municipality in which the houses are to be constructed. (See paragraph *(a)* of section fourteen).

"Low-rental housing project."

(h) "low-rental housing project" means a scheme undertaken to provide decent, safe and sanitary housing accommodation (including incidental commercial space) to be leased to families of low income, which accommodation may be leased to such families at less than the economic rental therefor;

"Metropolitan area."

(i) "metropolitan area" means a city and one or more adjacent municipalities in the same province in close economic relationship with the city;

"Minister."

(j) "Minister" means the Minister of Finance;

"Municipality."

(k) "municipality" means a city, town or incorporated village.

Loans to local authorities.

13. (1) The Minister, with the approval of the Governor in Council, may, out of any unappropriated moneys in the Consolidated Revenue Fund, make loans, not exceeding in the aggregate thirty million dollars, to local housing authorities for the purpose of assisting in the construction of houses to be built under a low-rental housing project and to be leased to families of low income.

Loans not to exceed ninety per cent of cost of construction and to be secured by first mortgage.

(2) Any such loan shall not exceed ninety per centum of the cost of construction of the houses to be built under a low-rental housing project and shall be secured by a first mortgage or hypothec upon the houses given in favour of the Minister representing His Majesty: Provided, however, that in the case of a loan to a limited-dividend housing corporation any such loan shall not exceed eighty per centum of the cost of construction of the houses to be built under a low-rental housing project: And provided, further, that any such loan shall not exceed an average sum of two thousand four hundred dollars for each family housing unit in the case of a loan to a limited-dividend housing corporation and an average sum of two thousand seven hundred dollars for each family housing unit in the case of a loan to a local authority other than a limited-dividend housing corporation.

Payments by limited-dividend housing corporation.

(3) Loans made to a local housing authority which is a limited-dividend housing corporation shall bear interest at the rate of one and three-quarters per centum per annum payable half-yearly and loans made to a local housing authority which is not a limited-dividend housing corporation shall bear interest at the rate of two per centum per annum payable half-yearly. The local housing authority shall, if a limited-dividend housing corporation, make equal semi-annual payments of one and seven-eighths per centum of the principal amount of the loan and shall if not a limited-dividend housing corporation, make equal semi-annual payments of two per centum of the principal amount of the loan to provide for the interest on and amortization of the loan.

To whom loans may be made.

14. Loans may be made only to a local housing authority which has entered into a contract with the Minister to build houses under a low-rental housing project in accordance with the following conditions:—

The municipality must agree not to levy municipal taxes on the houses owned by the local housing authority exceeding 1 per cent of the cost of the property to the local housing authority and to levy no income taxes. (See paragraph *(a)* of section fourteen).

In the case of a limited-dividend housing corporation, an agreement must be obtained from the municipality that if at any time before the loan is paid off its net earnings are insufficient to pay the full amount of the semi-annual payments required to be made by the corporation the municipality will forego all taxes or such lesser amount as will enable the corporation to make payments in full to the Minister. (See paragraph *(b)* of section fourteen).

If the local housing authority is not a limited-dividend housing corporation, it must obtain an agreement from the government of the province concerned to guarantee to the Dominion payments on account of principal and interest to be made by the local housing authority. (See paragraph *(b)* of section fourteen).

The Minister has to be satisfied that there is a need for the low-rental housing project in the municipality concerned, that the district in which the houses are to be built has been adequately planned and that there are satisfactory zoning regulations. (See paragraph *(c)* of section fourteen).

The project must involve construction of a sufficient number of houses to assure reasonable economies in the construction and management of the houses. (See paragraph *(e)* of section fourteen.)

The houses must be of sound construction and of economical and suitable design. (See paragraph *(g)* of section fourteen.)

No housing unit is to be leased to any family whose total family income is equal to or more than five times the economic rental of such housing unit, unless there is not an adequate demand for such housing units from such families. (See paragraph *(a)* of section fifteen.)

The annual rental to be charged for each family unit shall not be more than one-fifth of the estimated total income of the family, but the aggregate rent roll must be sufficient to pay the actual carrying charges of the houses built under a low-rental housing project. (See paragraph *(b)* of section fifteen.)

Conditions.

(a) if the low-rental housing project has been approved by the municipality in which the houses are to be built and if said municipality has agreed that taxes of all kinds levied by the municipality in respect of the property owned by the local housing authority shall not exceed in the aggregate one per centum of the cost of construction of the houses built under the low-rental housing project and that no taxes shall be levied on the income of the local housing authority;

(b) if the local housing authority, not being a limited-dividend housing corporation, has secured from the government of the province concerned an agreement on the part of the province to pay annually to the Minister any part of the amount of the total semi-annual payments for interest and principal which are not paid to the Minister by the local housing authority in respect of loans made under this Part; or if the local housing authority, being a limited-dividend housing corporation, has secured from the municipality concerned an agreement that, if at any time before the loan made by the Minister has been fully paid off, its net earnings are insufficient to pay the full amount of the semi-annual payments due to the Minister under subsection three of section thirteen of this Act, the said municipality will forego all taxes payable at the time or thereafter by the local housing authority to the said municipality or such lesser amount as will enable the local housing authority to pay in full the semi-annual payments for principal and interest required to be made to the Minister;

(c) if evidence satisfactory to the Minister has been furnished of the need for the low-rental housing project by reason of shortage, overcrowding, congestion or the substandard character of existing housing accommodation in the municipality or the metropolitan area in which the low-rental houses are to be constructed;

(d) if the area in which the houses to be built under the low-rental housing project has in the opinion of the Minister been adequately planned and if zoning regulations are sufficient to assure the suitability of the area for such houses throughout the term of the loan and to provide reasonable safeguards for the security of the investment and if adequate municipal services are available or are to be supplied forthwith to residents of said area;

(e) if the low-rental housing project for which a loan is requested involves contruction of a sufficient number of family housing units to assure, in the opinion of the Minister, reasonable economies in the construction and management of the houses to be built under the low-rental housing project;

A limited-dividend housing corporation must give an option to the municipality concerned to buy the low-rental housing project at a price equal to the paid-up capital of the corporation plus the amount of any unpaid dividend. The option however shall not be exercised until the municipality has secured an undertaking from the government of the province concerned to guarantee payments of interest and principal by the limited-dividend corporation. (See paragraph *(f)* of section fifteen.)

If the minimum rental charges made possible by a low-rental project under the provisions of this Part are such as to be burdensome for families receiving low incomes the Minister may approve any agreement entered into between the municipality or the government of the province and the local housing authority under which the government or the municipality undertakes to make periodic additional contributions to a rent reduction fund to be used for the purpose of allowing further reductions in rentals. (See section seventeen.)

The total loans made in any municipality must not exceed that proportion of $30,000,000 which the population of the municipality bears to the total urban population of Canada on the basis of the 1931 census. (See subsection one of section eighteen.)

The Governor in Council may fix a date after which no loan can be made and in any event no loan shall be made after March 31, 1940. (See subsection two of section eighteen.)

(f) if, in the opinion of the Minister, the organization and management of the local housing authority are such as to assure competent and independent administration in the planning, construction and operation of the low-rental housing project;

(g) if, in the opinion of the Minister, adequate care has been exercised to assure economical and suitable design of the houses, and sound construction of such a type as will assure the minimum practicable expenditures for repairs and maintenance during the term of the loan;

(h) if the terms for acquisition by the local housing authority of the land upon which the houses are to be constructed are satisfactory to the Minister;

(i) if the family housing units to be provided are to be leased to families of low income;

(j) if the powers given to the local housing authority and the activities or transactions which are prohibited to it by its charter or other instrument of incorporation are satisfactory to the Minister; and

(k) if the local housing authority, in the opinion of the Minister, has or is able to provide funds sufficient, when added to the proceeds of the loan made by the Minister, to pay the entire cost of construction and assure the completion of the houses to be built as a low-rental housing project.

Conditions of contract.

15. Each contract with a local housing authority shall provide that:

(a) no family housing unit shall be leased to any family whose total family income is equal to or more than five times the economic rental of such family housing unit, unless the head of the Department of Welfare or other designated official of the municipality concerned certifies that there is not a demand for such family housing unit from families whose total family income is less than five times the economic rental;

(b) the annual rental to be charged for each family housing unit shall be not more than one-fifth of the estimated total income of the family to which the family housing unit is to be leased: Provided, however, that the rental to be fixed for each family housing unit in the low-rental housing project must be such as to provide an aggregate rent roll (including the rental of incidental commercial space and any contributions made by the government of the province or by the municipality under section seventeen of this Act) sufficient to pay the actual carrying charges of the low-rental housing project, that is to say, (i) interest and amortization charges of one and seven-eighths per centum or two per centum, as the case may be,

semi-annually on the amount of the loan made by the Minister, (ii) taxes (not in excess of one per centum of the cost of construction), (iii) all management and administrative expenses, and a reasonable allowance for repairs and maintenance and vacancies, but the Minister may disallow any expense or allowance which he deems to be excessive or unreasonable, and (iv) in the case of a limited-dividend housing corporation, a dividend not in excess of five per centum of the paid-up capital of the said corporation:

(c) the local housing authority shall maintain books, records and accounts in form satisfactory to the Minister; permit the inspection of such books, records, and accounts at any time; and make an annual report to the Minister in such detail as he may require;

(d) the local housing authority shall agree to provide efficient management of the low-rental housing project, keep the houses in a satisfactory state of repair, and permit representatives of the Minister to inspect the houses at any time;

(e) the local housing authority shall agree to collect rentals promptly and to pay to the Minister semi-annually an amount equal to one and seven-eighths per centum or two per centum, as the case may be, of the principal amount of the loan made by the Minister together with any surplus earnings not required to pay the other carrying charges of the low-rental housing project (as specified in paragraph *(b)* of this section),

(f) the local housing authority, if a limited-dividend housing corporation, shall give an option to the municipality concerned to buy the low-rental housing project at any time at a price equal to the paid-up capital of the corporation plus the amount of any unpaid dividends: Provided, however, that said option shall not be exercised unless the municipality has secured an agreement on the part of the government of the province concerned to pay thereafter semi-annually to the Minister any part of the amount of the semi-annual payments for interest and principal which are not paid to the Minister by the local housing authority in respect of loans made under this Part; and

(g) the Minister shall have the right, in the event of a local housing authority failing to maintain the low-rental character of the housing project or otherwise violating the contract with the Minister, or in the event of a third party acquiring the project in any manner whatsoever (otherwise than as provided in paragraph *(f)* hereof), to declare the unpaid principal of the loan due and payable forthwith or to increase the interest payable thereafter on the unpaid balance

of said loan to a rate at least one per centum in excess of the average rate of interest payable on securities of the Government of Canada then outstanding.

Orders and regulations.

16. (1) Subject to the provisions of this Part, the Governor in Council, may by order or regulation:

(i) determine what specific items shall be included in cost of construction;

(ii) prescribe sound standards of construction and what arrangements shall be made to assure adequate supervision of houses during the course of their construction;

(iii) prescribe the conditions and procedures under which the proceeds of a loan may be advanced to a local housing authority;

(iv) prescribe the books, accounts and records to be maintained by a local housing authority and the manner in which and the persons by whom they shall be audited, and the form of the annual report to be made to the Minister;

(v) determine the form of guarantee to be given by a provincial government;

(vi) specify the conditions upon which the Minister may approve the charter or other instrument of incorporation of a local housing authority;

(vii) prescribe the manner in which total family income shall be determined or estimated;

(viii) make provision for any other matters concerning which regulations are deemed necessary or desirable to carry out the purposes and intentions of this Part.

Force and effect.

(2) All orders and regulations made hereunder shall have the same force and effect as if they had been included in this Part and all such orders and regulations as are of general application, or abstracts thereof, shall be published in the *Canada Gazette*.

Additional contributions by provincial governments or municipalities in certain cases.

17. If, as a result of the high cost of a suitable site for a low-rental housing project or the high cost of construction or for any other reason, the level of rental charges made possible by a low-rental housing project under the provisions of the foregoing sections of this Part is such as to be burdensome for families receiving low incomes in the municipality concerned, the Minister may approve any agreement entered into between the said municipality or the government of the province concerned and the local housing authority under which agreement the said municipality or the said government undertakes to make periodic additional contributions to a rent reduction fund to be used by the local housing authority for the purpose of allowing further reductions in rentals charged for houses in the low-rental housing project under conditions approved by the Minister, the local housing authority and the government of the province or municipality making the said additional contributions.

Loans in proportion to population.

18. (1) The total loans made in any metropolitan area, or in any municipality which is not a part of a metropolitan area, shall not exceed that proportion of thirty million dollars which the population of the said metropolitan area or said municipality bears to the total urban population of Canada, on the basis of population figures shown by the census of 1931.

Limit of time.

(2) The Governor in Council may at any time fix and determine a date after which no loans shall be made to any local housing authority and in any case no loans shall be made and no contracts shall be entered into under the authority of this Part on or after March 31, 1940.

Employment of temporary technical and clerical staff

19. The Governor in Council, on the recommendation of the Minister, may employ on a temporary basis architects and other technical and clerical staff necessary for the efficient administration of this Act, and may pay salaries and other necessary expenses out of any unappropriated moneys in the Consolidated Revenue Fund.

Report as to contracts and loans to be laid before Parliament.

20. The Minister shall prepare as of the close of each calendar year a report with regard to contracts entered into and loans made under the provisions of this Part during the year, and the report shall be laid before Parliament within fifteen days, or if Parliament is not then sitting, within fifteen days after the beginning of the next session.

PART III.

ASSISTANCE TO MUNICIPALITIES IN RESPECT OF LOW-COST HOUSING.

Definitions.

21. In this Part unless the context otherwise requires,—

"Cost of construction."

(a) "cost of construction" means the actual expenditure for building, the cost of the land, architectural and legal expenses and any other expense necessary to complete the house;

"House."

(b) "house" means a single complete self-contained dwelling suitable for occupation by one family and not attached to or forming part of any other house;

"Minister."

(c) "Minister" means the Minister of Finance;

"Municipal taxes."

(d) "municipal taxes in respect of a house" means the increase in the general real estate taxes levied by the municipality upon the house and lot upon which the house is constructed for general municipal purposes and for schools resulting from the construction of the house, but does not include income taxes, special taxes, such as taxes for paving, sidewalks or snow removal or local improvement taxes.

PART III.

This part authorizes the Minister of Finance, with the approval of the Governor in Council, to pay the municipal taxes levied on a house, the construction of which begins between June 1, 1938, and December 31, 1940, as follows:—

100 per cent of such taxes for the first year in which the house is taxed;

50 per cent of such taxes for the second year; and

25 per cent of such taxes for the third year.

Municipal taxes include the general real estate tax and school taxes, but exclude special taxes and local improvement taxes. The Minister however only pays the increase in such taxes due to the construction of the house. (See paragraph *(d)* of section twenty-one.)

The principal conditions to be complied with are as follows:—(See section twenty-three.)

The municipality itself must offer to sell a reasonable number of lots of the municipality suitable for residential purposes at not more than $50.00 per lot to persons who agree to begin the construction of a house within one year from the date of purchase.

The cost of construction of the house must not exceed $4,000.

The assessment of the house and the basis upon which it is determined must be reasonable.

The house must be built for a person for his own occupation.

The owner of the house must be released from paying any part of the taxes paid by the Minister.

"Municipality."

(e) "municipality" includes a city, town, incorporated village, county, township, rural municipality, local improvement district or a province where such province is administering directly territory not organized into county or municipal units.

Payment of municipal taxes.

22. Subject to the provisions of this Part, the Minister may, with the approval of the Governor in Council, out of any unappropriated moneys in the Consolidated Revenue Fund, pay to a municipality, municipal taxes levied by such municipality in respect of a house, the construction of which is commenced during the period commencing June 1, 1938, and ending on December 31, 1940, or on such earlier date as may be fixed by the Governor in Council, as follows:—

(i) one hundred per centum of municipal taxes in respect of such house for the first tax year in which the municipality levies municipal taxes in respect of such house;

(ii) fifty per centum of municipal taxes in respect of such house for the second tax year in which the municipality levies municipal taxes in respect of such house;

(iii) twenty-five per centum of municipal taxes in respect of such house for the third tax year in which the municipality levies municipal taxes in respect of such house.

Conditions for payment.

23. The Minister shall not pay the whole of any part of the municipal taxes in respect of any house constructed in a municipality unless

(a) the municipality concerned, if it owns lots suitable for residential purposes, by bylaw or other appropriate proceeding makes an offer satisfactory to the Minister to sell a reasonable number of such lots at not more than $50.00 per lot to persons who agree to begin the construction of houses for their own occupation within one year from the respective dates of purchase;

(b) the house is built for a person who will own and occupy it;

(c) the cost of construction of the house is not more than four thousand dollars;

(d) the assessment of the house is in conformity with the assessment of similar houses in the neighborhood; and

(e) the owner of the house is released from the obligation of paying that portion of the municipal taxes in respect of such house paid by the Minister and receives the full benefit of the payment made by the Minister.

Duties of municipality.

24. (1) Before any moneys are paid to a municipality under the authority of this Part, the municipality shall deliver to the Minister

(a) a certificate or certificates signed by the appropriate officer of the municipality certifying

(i) the date upon which the construction of the house began,

(ii) the date upon which the construction of the house was completed,

(iii) the cost of construction of the house,

(iv) the municipal taxes in respect of such house and the manner in which they are calculated, and

(v) that the house is a house as defined in this Part, and containing such other information as the Minister may require;

(b) a certified copy of the bylaw or other instrument under which the municipality, if it owns lots suitable for residential purposes offers to sell a reasonable number of such lots at not more than $50.00 per lot to persons who agree to begin the construction of houses for their own occupation within one year from the respective dates of purchase;

(c) a certificate signed by the owner of the house certifying

(i) the date upon which the construction of the house began,

(ii) the date upon which the construction of the house was completed,

(iii) the cost of the construction of the house,

(iv) that the house is a house as defined in this Part, and

(v) that he is the owner of the house and that it was built for him for his own occupation,

and containing such other information as the Minister may require.

Minister may require additional evidence.

(2) The Minister shall not be required to accept the foregoing certificates as conclusive evidence of any facts to be established before he pays the whole or any part of the municipal taxes in respect of any house to a municipality and may require other additional evidence.

Receipt in duplicate.

(3) On the receipt of the payment by the Minister in respect of the municipal taxes on any house, the municipality concerned shall prepare a receipt in duplicate showing the portion of the municipal taxes paid by the Minister and shall send one duplicate receipt to the owner of the house and the other to the Minister.

Provisions not to apply in certain cases.

25. The provision of this Part shall not apply

(a) to any house after the ownership thereof has changed except upon the death of the owner;

(b) to houses in any municipality, if in the opinion of the Governor in Council such municipality is not properly performing the duties to be performed by a municipality under this Part; and

(c) to any house constructed under the provisions of Part II of this Act.

Employment of temporary technical and clerical staff.

26. The Governor in Council on the recommendation of the Minister may employ on a temporary basis such technical and clerical staff as may be necessary for the efficient administration of this Part and may pay salaries and other necessary expenses out of any unappropriated moneys in the Consolidated Revenue Fund.

Orders and regulations.

27. (1) Subject to the provisions of this Part, the Governor in Council may make all such orders and regulations as he may deem necessary or desirable to carry out the purposes and intentions of this Part.

Force and effect.

(2) All orders and regulations made hereunder shall have the same force and effect as if they had been included in this Part and all such orders and regulations as are of general application, or abstracts thereof, shall be published in the *Canada Gazette*.

Report to be laid before Parliament.

28. The Minister shall annually prepare a report with regard to loans made under the provisions of this Part during the preceding calendar year, and the report shall be laid before Parliament within fifteen days or, if Parliament is not then sitting, within fifteen days after the beginning of the next session.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 146.

An Act respecting the High Commissioner for Canada in the United Kingdom.

First reading, June 9, 1938.

THE PRIME MINISTER.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

59724

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 146.

An Act respecting the High Commissioner for Canada in the United Kingdom.

R.S. 1927, c. 92.

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

Short title.

1. This Act may be cited as *The High Commissioner in the United Kingdom Act, 1938.*

Appointment.

2. The Governor in Council may, under the Great Seal of Canada, from time to time, appoint an officer to be called the High Commissioner for Canada in the United Kingdom, who shall hold office during pleasure.

Powers and duties.

3. The High Commissioner for Canada in the United Kingdom shall,—

(a) act as representative and resident agent of Canada in the United Kingdom, and in that capacity, execute such powers and perform such duties as are, from time to time, conferred upon and assigned to him by the Governor in Council;

(b) carry out such instructions as he, from time to time, receives from the Secretary of State for External Affairs respecting the general interests of Canada in the United Kingdom;

(c) subject to the provisions of the preceding paragraphs, supervise the official activities of the various agencies of the Canadian Government in the United Kingdom.

Officers and clerks.

4. There may be appointed in the manner authorized by law such officers and clerks in the Office of the High Commissioner for Canada in the United Kingdom as may be necessary for the proper conduct of the business of the office.

5. The *High Commissioner's Act*, chapter ninety-two of the Revised Statutes of Canada 1927, is repealed.

Explanatory Notes.

This Bill repeals the High Commissioner's Act and re-enacts it, with some minor revisions.

Enactment of the Bill is necessary in order to repeal section 4 of the existing Act. It seems to be advisable, instead of merely repealing this section, to revise the Act as a whole, bringing it into conformity with modern usage and terminology, and embodying in it the practice established by Order in Council.

Section **2.**—The name of the officer is set forth as "High Commissioner for Canada in the United Kingdom", to conform with existing practice and to avoid confusion, in the event that at a future time High Commissioners are appointed in other parts of the British Commonwealth of Nations. Section two at present reads as follows:

"**2.** The Governor in Council may, under the Great Seal of Canada, from time to time, appoint an officer to be called the High Commissioner for Canada, who shall hold office during pleasure. R.S., c. 15, s. 2."

Section **3.**—This section corresponds to Section 3 of the High Commissioner's Act.

Subparagraph *(a)* is substantially the same as in the other Act.

Subparagraph *(b)* corresponds closely to subparagraph *(c)* of the other Act. To comply with existing practice and with provisions with regard to channel of communication established by Order in Council, the channel of communication is set forth in the statute as being the Secretary of State for External Affairs (P.C. 856, 21st March, 1921).

Subparagraph *(c)* corresponds to subparagraph *(b)* of the other Act. The older provision, however, was limited to immigration matters. The new provision covers all Canadian Government activities and conforms with existing practice as established by Order in Council (P.C. 330, 10th February, 1922). Section three at present reads as follows:

"**3.** The High Commissioner shall

(a) act as representative and resident agent of Canada in *Great Britain*, and in that capacity, execute such powers and perform such duties as are, from time to time, conferred upon and assigned to him by the Governor in Council;

(b) *take the charge, supervision and control of the immigration offices and agencies in Great Britain, under the Minister of Immigration and Colonization,*

(c) carry out such instructions as he, from time to time, receives from the *Governor in Council* respecting the *commercial, financial and* general interests of Canada in *Great Britain and elsewhere.* R.S., c. 15, s. 3; 1918, c. 3."

It should be noted that section **4** in the repealed Act finds no counterpart in the present Bill. The High Commissioner's salary is now dealt with in the estimates. Therefore it is not re-enacted. At present it reads as follows:

"**4.** The High Commissioner shall receive a salary of not more than ten thousand dollars per annum, and the same shall be payable out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada. R.S., c. 15, s. 4."

Section **4.**—This section re-enacts section five which at present reads as follows:

"**5.** There may be appointed in the manner authorized by law such officers and clerks in the office of the High Commissioner as may be necessary for the proper conduct of the business of the office. R.S., c. 15, s. 5; 1918, c. 12."

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 154.

An Act to amend The National Parks Act, and The Nova Scotia and Prince Edward Island National Parks Act, 1936.

First reading, June 14, 1938.

The MINISTER OF MINES AND RESOURCES.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
59799 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 154.

An Act to amend The National Parks Act, and The Nova Scotia and Prince Edward Island National Parks Act, 1936.

1930, c. 33; 1936, c. 43; 1937, c. 35.

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

Short title.

1. This Act may be cited as *The National Parks Amendment Act, 1938.*

PART I.

2. Section three of *The National Parks Act*, chapter thirty-three of the statutes of 1930 is amended by adding thereto the following subsections:—

Wawaskesy National Park abolished.

"(3) The Wawaskesy National Park in the province of Alberta, as established by subsection one of this section, is hereby abolished and it is hereby declared that the lands comprising same are no longer required for park purposes.

Lands added to Elk Island National Park.

"(4) Those portions of sections 7, 8, 9, 10, 14, 15 and 18 of township 53, range 20, west of the 4th meridian, province of Alberta, lying to the north of the northerly boundary of the main provincial highway through the said township, as shown on a plan of survey of the said highway signed by A. P. C. Belyea, Dominion Land Surveyor, on May 2, 1934, on file in the Department of Public Works of Alberta as Plan No. 12723 and of record in the Department of Mines and Resources, Ottawa, as Plan No. 39213 not now in the Elk Island National Park are hereby added to the said Park. The portions of sections 10, 14 and 15 of the said township lying to the south of the northerly boundary of the said road within the Elk Island National Park are hereby declared to be no longer required for park purposes."

Lands no longer required.

2. (3) The Wawaskesy National Park comprises those portions of Townships 17 and 18, Range 3 and Township 17, Range 4, lying north and west of the Saskatchewan River and Township 18, Range 4, all west of the 4th Meridian.

The area was established a National Park by Order in Council of the 31st May, 1922, P.C. 1134.

It was intended that the area would eventually be developed as a second reserve to insure the preservation of the Prong Horned Antelope. To date it has not been considered necessary to fence or develop this area as the Nemiskam Antelope Park, also in southern Alberta, is considered sufficient.

By a resolution passed at the fifth session of the seventh Legislative Assembly of the province of Alberta, 1935, the provincial authorities asked that the area either be fenced and developed as a park or returned to the province.

It is considered there is now no necessity for developing the area as an antelope park and it is therefore proposed to abolish the park and vest the lands in the province. Section 14 of the Agreement respecting the Transfer of the Resources, which was assented to by chapter 41 of the statutes of 1930, provides—

". . . . in the event of the Parliament of Canada at any time declaring that the said land or any part thereof is no longer required for park purposes, the lands, mines, minerals (precious and base) and the royalties incident thereto, specified in any such declaration, shall forthwith upon the making thereof belong to the Province, and the provisions of paragraph three of this agreement shall apply thereto as from the date of such declaration."

(4) This is to provide for a change in the southerly boundary of the Elk Island National Park due to a relocation of the provincial highway which formed the southerly boundary of the Park. The province has transferred to the Dominion the lands owned by the province lying between the revised location and the original road location comprising an area of 148·77 acres, more or less. This grant to the Crown in the right of the Dominion was approved by order of the Lieutenant Governor in Council, No. 933-36, dated the 30th June, 1936. The lands formerly in the Park and which now lie to the south of the northerly boundary of the highway are no longer required for park purposes and comprise small areas of 36·85 acres more or less in sections 10, 14 and 15 of the said township. These areas are being conveyed to the province.

PART II.

3. Section five of *The Nova Scotia and Prince Edward Island Parks Act, 1936*, chapter forty-three of the statutes of 1936, is amended by adding thereto the following subsection:—

Lands withdrawn from P.E.I. National Park.

"(2) The lands described in Schedule Two to this Act are hereby withdrawn from the Prince Edward Island National Park and are hereby vested in His Majesty, in the right of the Province of Prince Edward Island.

Schedule added.

4. The said Act is further amended by adding thereto the following schedule as Schedule Two:—

"SCHEDULE TWO.

"All those certain parcels or tracts of land in Prince Edward Island being parts of the respective areas granted and conveyed to His Majesty in the right of the Dominion of Canada from His Majesty in the right of the Province of Prince Edward Island by an Indenture executed on the 4th day of March, 1937, by the Honourable Thane A. Campbell, Provincial Secretary of Prince Edward Island, which may be more particularly known and described as follows:—

PARCEL No. 1—

Commencing at a point on the westerly limit of the Mayfield road at the southeasterly corner of a cemetery, said point being distant S. 15° 31′·3 E., a distance of 3·86 chains from an iron post marked N.P. No. XI as described in said Indenture.

Thence westerly along the south limit of said cemetery on a bearing of S. 74° 40′ W., a distance of 3·19 chains to the southwest corner of said cemetery.

Thence southerly on a bearing of S. 15° 31′·3 E., a distance of 3·19 chains to a point.

Thence easterly on a bearing of N. 74° 40′ E., a distance of 3·19 chains more or less to intersect the westerly limit of the Mayfield road.

Thence northerly and following the said westerly limit a distance of 3·14 chains more or less to the point of commencement.

PARCEL No. 2—

Commencing at an iron post marked N.P. No. XXV as described in said Indenture.

3. The Prince Edward Island National Park was established by Order in Council of the 6th April, 1937, P.C. 715, pursuant to the provisions of section 5 of the Nova Scotia and Prince Edward Island National Parks Act. However, upon the request of the provincial authorities and in accordance with the recommendations of the Department's inspectors who conferred with provincial authorities in this matter, it has been found desirable to amend the boundaries and remove a few small areas at different points from the Park as originally selected which are not essential to the development of the Park area.

Thence S. 21° 32′ W., a distance of 9·236 chains more or less to an iron post.

Thence N. 47° 44′ E., a distance of 3·573 chains more or less to an iron post.

Thence N. 6° 50′ E., a distance of 6·228 chains more or less to an iron post marked N.P. No. XXV and point of commencement.

PARCEL No. 3—

Commencing at a point of intersection of a line having a bearing of S. 14° 29′·3 W., from an iron post marked N.P. No. XLIII as described in said Indenture with the line of mean high tide on the shore of Covehead Bay.

Thence on a bearing of N. 14° 29′·3 E., to said post.

Thence continuing in a straight line on said bearing of N. 14° 29′·3 E., a distance of 5·226 chains more or less to an iron post marked N.P. No. XLIV.

Thence on a bearing of S. 81° 55′·8 E., a distance of 14·562 chains more or less to an iron post marked N.P. No. XLV.

Thence on a bearing of N. 44° 15′·7 E., a distance of 23·073 chains more or less to an iron post marked N.P. No. XLVI.

Thence on a bearing of N. 47° 30′·8 W., a distance of 31·88 chains more or less to an iron post.

Thence continuing in a straight line on said bearing of N. 47° 30′·8 W., to its intersection with the line of mean high tide of the entrance to Covehead Bay.

Thence southwesterly and following the line of mean high tide of Covehead Bay to the point of commencement.

PARCEL No. 4—

Commencing at an iron post marked N.P. No. LIII, said post being distant S. 18° 27′·6 E., a distance of 25·724 chains more or less from an iron post marked N.P. No. LII of the original survey as described in said Indenture.

Thence on a bearing of S. 18° 27′·6 E., a distance of 11·959 chains to a point.

Thence on a bearing of N. 77° 22′·4 E., a distance of 11·584 chains to a point.

Thence on a bearing of S. 13° 49′ E., a distance of 15·004 chains, more or less, to intersect the northerly limit of the Stanhope road.

Thence easterly along said northerly limit to an iron post marked N.P. No. LV, a distance of 5·415 chains more or less.

Thence on a bearing of N. 18° 27′·6 W., a distance of 18·855 chains more or less to an iron post.

Thence on a bearing of N. 83° 12′·8 W., a distance of 8·095 chains more or less to an iron post.

Thence on a bearing of N. 18° 27′·6 W., a distance of 6·545 chains more or less to an iron post.

Thence on a bearing of S. 83° 11′·2 W., a distance of 8·174 chains more or less to an iron post marked N.P. No. LIII and point of commencement.

PARCEL No. 5—

Commencing at an iron post of the original survey marked N.P. No. LXIII, as referred to in said Indenture, said post being on the easterly limit of Campbell's road at the southwesterly corner of property owned by George D. DeBlois.

Thence on a bearing of N. 61° 41′·4 E., a distance of 8·637 chains more or less to an iron post marked N.P. No. LXXI.

Thence on a bearing of S. 31° 25′ E., a distance of 4·283 chains more or less to an iron post marked N.P. No. LXX.

Thence on a bearing of N. 67° 30′ E., a distance of 5·90 chains more or less to an iron post marked N.P. No. LXIX.

Thence on a bearing of N. 27° 54′ W., a distance of 12·99 chains more or less to an iron post marked N.P. No. LXVIII.

Thence on a bearing of N. 81° 47′ E., a distance of 25·002 chains more or less to an iron post marked N.P. No. LX.

Thence on a bearing of S. 55° 40′·8 E., a distance of 37·701 chains more or less to an iron post marked N.P. No. LXI.

Thence on a bearing of N. 82° 50′·6 W., a distance of 11·227 chains to a point.

Thence on a bearing of S. 11° 56′·2 E., a distance of 25·55 chains to a point.

Thence on a bearing of S. 31° 53′·8 W., a distance of 26·113 chains to a point.

Thence on a bearing of S. 14° 54′·8 W., a distance of 15·354 chains more or less to a point on the northerly limit of the Stanhope-Tracadie road.

Thence westerly and following said northerly limit of the Stanhope-Tracadie road to its intersection with the easterly limit of Campbell's road.

Thence in a straight line defining said easterly limit on a bearing of N. 17° 28′·6 W., a distance of 45·97 chains more or less to iron post marked N.P. No. LXIII and point of commencement."

158.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 158.

An Act to amend The Seeds Act, 1937.

First reading, June 20, 1938.

THE MINISTER OF AGRICULTURE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

60234

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 158.

An Act to amend The Seeds Act, 1937.

1937, c. 40.

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

1. Paragraph *(c)* of section two of *The Seeds Act, 1937*, chapter forty of the statutes of 1937, is repealed and the following substituted therefor:—

"control sample."

"*(c)* 'control sample' means a seed sample drawn from a seed lot by or on behalf of the grower or owner, on his own responsibility, and forwarded to a Plant Products Division district office for testing;"

2. Paragraph *(k)* of the said section is repealed and the following substituted therefor:—

"official sample."

"*(k)* 'official sample' means a seed sample officially drawn by an inspector and forwarded to a Plant Products Division district office to check a suspected violation of this Act;"

Explanatory Notes.

The purpose of this Bill is to amend section 2 of *The Seeds Act, 1937*, to strike out the words "Seed Branch" and substitute therefor the words "Plant Products Division" to conform with the re-organization of the Department of Agriculture.

Underlining on the opposite page indicates new matter. Underlining on this page indicates the words which have been deleted.

The paragraphs to be repealed and re-enacted at present read as follows:—

"*(c)* 'control sample' means a seed sample drawn from a seed lot by or on behalf of the grower or owner, on his own responsibility, and forwarded to a Seed Branch district office for testing;"

"*(k)* 'official sample' means a seed sample officially drawn by an inspector and forwarded to a Seed Branch district office to check a suspected violation of this Act;"

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 159.

An Act to amend the Dairy Industry Act.

First reading, June 20, 1938.

The MINISTER OF AGRICULTURE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
60327 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 159.

An Act to amend the Dairy Industry Act.

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

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

1. Section twenty-four of the *Dairy Industry Act*, chapter forty-five of the Revised Statutes of Canada, 1927, as enacted by section six of chapter twelve of the statutes of 1934, is repealed and the following substituted therefor:—

Appeal from decision of grader

"**24.** The Governor in Council may, by regulation, provide for an appeal to the Dairy Products Division, Marketing Service, from a decision of a dairy produce grader as to the classification or grading of any particular lot of dairy produce."

Explanatory Note.

Recent re-organization in the Department of Agriculture under which the titles of certain officials of the Department have been changed necessitates this amendment.

Underlining on the opposite page indicates new matter. Underlining on this page indicates the words which have been deleted.

The section to be repealed and re-enacted at present reads as follows:—

"**24.** The Governor in Council may, by regulation, provide for an appeal to the Dominion Dairy and Cold Storage Commissioner, or his representative, from a decision of a dairy produce grader as to the classification or grading of any particular lot of dairy produce."

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 160.

An Act to amend the Bank of Canada Act.

First reading, June 20, 1938.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

59568

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 160.

An Act to amend the Bank of Canada Act.

1934, c. 43; 1936, c. 22.

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

"Short title."

1. This Act may be cited as the *Bank of Canada Act Amendment Act, 1938.*

"Meeting."

2. Paragraph *(f)* of section two of the *Bank of Canada Act*, being chapter forty-three of the statutes of 1934, is repealed and the subsequent paragraphs of the said section are designated *(f)*, *(g)*, *(h)*, *(i)* and *(j)*.

1936, c. 22.

3. Subsection one of section five of the said Act, as enacted by section four of the *Bank of Canada Act Amendment Act, 1936*, is repealed and the following substituted therefor:—

Board of directors.

"**5.** (1) The Bank shall be under the management of a Board of Directors composed of a Governor, a Deputy Governor and eleven directors appointed in accordance with the provisions of this Act. There may also be an Assistant Deputy Governor who shall not as such be a member of the Board."

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

Powers of Governor.

"**7.** (1) The Governor of the Bank shall be the chief executive officer and shall on behalf of the Board have the direction and control of the business of the Bank, with authority to act in connection with the conduct of the business of the Bank in all matters which are not by this Act or by the by-laws of the Bank specifically reserved to be done by the Board or by the Executive Committee".

EXPLANATORY NOTES.

The primary purpose of this Bill is to amend the Bank of Canada Act to provide for the redemption of the 100,000 Class "A" shares of the Bank in the hands of the public at the price of $59.20 per share and accrued dividends, and to reduce the capital of the Bank from $10,100,000, divided into 100,000 Class "A" shares of $50.00 each issued to the public, and 102,000 Class "B" shares of $50.00 each issued to the Minister of Finance, to $5,000,000 divided into 100,000 shares of $50.00 each to be issued to the Minister of Finance. The Minister of Finance is authorized to surrender to the Bank the 102,000 Class "B" shares now held by him, of which 2,000 Class "B" shares shall be cancelled and 100,000 Class "B" shares shall be exchanged for 100,000 new shares of $50.00 each. The Minister is also authorized to pay to the Bank the additional amount necessary to pay the difference between the purchase price of the shares to be redeemed (excluding any amount paid by way of dividend) and their par value. The other changes are chiefly consequential ones.

2. Paragraph (f) of Section 2 at present reads as follows.—

"*(f)* "meeting" means a special or general meeting of the shareholders;"

3. Subsection 1 of Section 5 at present reads as follows:—

"**5.** (1) The Bank shall be under the management of a Board of Directors composed of a Governor, a Deputy Governor and directors elected or appointed in accordance with the provisions of this Act. There may also be an Assistant Deputy Governor who shall not as such be a member of the Board."

4. Subsection 1 of Section 7 at present reads as follows:—

"**7.** (1) The Governor of the Bank shall be the chief executive officer and shall on behalf of the Board have the direction and control of the business of the Bank, with authority to act in connection with the conduct of the business of the Bank in all matters which are not by this Act or by the by-laws of the Bank specifically reserved to be done by the Board or by the Executive Committee or by a meeting of shareholders."

5. Section nine of the said Act, as enacted by section six of the said amending Act, is repealed and the following substituted therefor:—

Directors.

"**9.** (1) The Minister with the approval of the Governor in Council shall as of the first day of March in each year appoint for terms of three years each a sufficient number of directors to provide that there shall be eleven directors: Provided, however, that every director holding office at the date of the coming into force of this subsection shall continue as a director up to and including the last day of February in the year of the expiration of the term of office for which he was elected or appointed.

Vacancy.

(2) In the event of a vacancy amongst the directors the Minister shall, with the approval of the Governor in Council, appoint a qualified person to hold office for the remainder of the term.

Votes.

(3) In the transaction of the business of the Bank each director shall have one vote.

May be re-appointed.

(4) The directors shall on the expiration of their terms of office be eligible for re-appointment."

6. Section ten of the said Act, as enacted by section seven of the said amending Act, is repealed and the following substituted therefor:—

Selection of directors.

"**10.** (1) The directors shall be selected from diversified occupations; but no person shall be eligible for appointment who is a director, officer or employee of a chartered bank, and any person appointed as a director who is a shareholder of a chartered bank shall divest himself of ownership of his shares within three months of the date of his appointment and shall not thereafter during the term of his office have an interest, either directly or indirectly, as a shareholder in a chartered bank.

Disqualifications.

(2) No person shall be appointed, or shall continue to hold office as a director who—

(a) is not a British subject ordinarily resident in Canada; or

(b) is employed in any capacity in the public service of Canada or of any province of Canada, or holds any office or position for which any salary or other remuneration is payable out of public moneys; provided, however, that a director may perform temporary services for the Government of Canada or any province for which he may be reimbursed actual living and travelling expenses; or

(c) has reached the age of seventy-five years.

5. Section 9 at present reads as follows:—

"**9.** (1) The following persons shall be directors of the Bank:

(i) directors holding office at the date of the coming into force of this subsection, who shall continue as directors until the expiration of their several terms of office;

(ii) six directors to be appointed by the registered holder of the Class "B" shares of the Bank, with the approval of the Governor in Council, to hold office as follows: two until the annual general meeting in 1940; two until the annual general meeting in 1941, and two until the annual general meeting in 1942;

(iii) one director to be elected by the registered holders of the Class "A" shares of the Bank at the annual general meeting in 1940, to hold office for a term of two years;

(iv) two directors to be elected by the registered holders of the Class "A" shares of the Bank at the annual general meeting in 1941, to hold office for terms of two years and three years respectively;

(v) directors, each of whom shall hold office for a term of three years, to be elected by the registered holders of the Class "A" shares of the Bank, one at the annual general meeting in 1942 and one at each annual general meeting thereafter;

(vi) directors, each of whom shall hold office for a term of three years, to be appointed by the registered holder of the Class "B" shares of the Bank, with the approval of the Governor in Council, two as of the day of the annual general meeting in 1940, and two as of the day of each annual general meeting thereafter.

(2) In the event of a vacancy amongst the directors elected by the Class A shareholders, the Board shall appoint a qualified person to hold office until the next annual general meeting, when the shareholders shall elect a person to fill the vacancy for the remainder of the term: Provided, however, that no director in office at the date of the coming into force of this subsection shall be so replaced if there are three or more directors elected by shareholders in office.

(3) In the event of a vacancy amongst the directors appointed by the registered holder of the Class "B" shares of the Bank, the registered holder of the said shares shall, with the approval of the Governor in Council, appoint a qualified person to hold office for the remainder of the term.

(4) In the transaction of the business of the Bank, each director shall have one vote: Provided, however, that prior to the annual general meeting in 1940 each of the directors appointed by the registered holder of the Class "B" shares of the Bank shall be entitled to two votes.

(5) The directors shall on the expiration of their terms of office be eligible for re-election or re-appointment."

6. Section 10 at present reads as follows:—

"**10.** (1) No person except the registered holder of ten Class "A" shares of the Bank and who has paid all calls thereon shall be elected or shall continue to hold office as an elected director; but this qualification shall not be required in the case of a person appointed to be a director by the registered holder of the Class "B" shares of the Bank.

(2) The directors shall be selected from diversified occupations; but no person shall be eligible for election or appointment who is a director, officer or employee of a chartered bank, and any person elected or appointed as a director who is a shareholder of a chartered bank shall divest himself of ownership of his shares within three months of the date of his election or appointment and shall not thereafter during the term of his office have an interest, either directly or indirectly, as a shareholder in a chartered bank.

(3) No person shall be elected or appointed, or shall continue to hold office as a director who—

(a) is not a British subject ordinarily resident in Canada; or

(b) is employed in any capacity in the public service of Canada or of any province of Canada, or holds any office or position for which any salary or other remuneration is payable out of public moneys; or

(c) has reached the age of seventy-five years.

Removal if permanently incapacitated.

(3) If any director, in the opinion of the Board, becomes permanently incapacitated, he may be removed from office by resolution of the Board approved by the Governor in Council."

7. Section eleven of the said Act is repealed and the following substituted therefor:—

Directors' fees.

"**11.** The directors shall be 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 twenty thousand dollars in any year."

8. Section seventeen of the said Act, as enacted by section ten of the said amending Act, is repealed and the following substituted therefor:—

Capital.

"**17.** (1) The capital of the Bank shall be five million dollars but may be increased from time to time pursuant to a resolution passed by the Board of Directors and approved by the Governor in Council and by the Parliament of Canada.

Shares.

(2) The capital shall be divided into one hundred thousand shares of the par value of fifty dollars each, which shall be issued to the Minister to be held by him on behalf of the Dominion of Canada.

Registered in Minister's name.

(3) The shares issued to the Minister shall be registered by the Bank in his name in the books of the Bank at Ottawa."

9. The said Act is amended by inserting after section seventeen the following section:—

Exchange of shares.

"**17A.** (1) The Minister shall, as of the date of the coming into force of this subsection, exchange one hundred thousand Class "B" shares of the Bank out of the one hundred and two thousand Class "B" shares of the Bank then held by him for one hundred thousand shares of the capital of the Bank authorized to be issued by section seventeen of this Act and the said one hundred thousand Class "B" shares of the Bank so exchanged shall forthwith be cancelled.

Price to be paid for Class "A" shares.

(2) The Bank shall on the date of the coming into force of this subsection pay to each holder of Class "A" shares of the Bank the sum of fifty-nine dollars and twenty cents for each Class "A" share registered in his name at the close of business on the fifteenth day of July, 1938 together with the amount of dividends accrued to the date of the coming into force of this subsection and all Class "A" shares of the Bank shall be deemed to be cancelled as of the date of the coming into force of this subsection.

Minister to reimburse the Bank.

(3) The Minister shall as of the date of the coming into force of this subsection reimburse the Bank the amount by which payments made by the Bank to the holders of Class "A" shares, excluding any amount paid by way of

(4) If any director, in the opinion of the Board, becomes permanently incapacitated, he may be removed from office by resolution of the Board approved by the Governor in Council."

7. Section 11 at present reads as follows:—

"**11.** The directors shall be entitled to receive for attendance at directors' meetings and executive committee meetings, such fees as may be fixed by the Board and approved at a general meeting, but the aggregate amount of the fees paid to all directors, exclusive of expenses, shall not exceed twenty thousand dollars in any year."

8. Section 17 at present reads as follows:—

"**17.** (1) The capital of the Bank shall be ten million one hundred thousand dollars consisting of one hundred thousand shares (to be known hereafter as Class "A" shares) issued to the public, and one hundred and two thousand shares (to be known as Class "B" shares) to be issued to the Minister at par, to be held by him on behalf of the Dominion of Canada and to be paid for out of the Consolidated Revenue Fund.

(2) The capital shall be divided into shares of fifty dollars each.

(3) The Class "B" shares issued to the Minister hereunder shall carry with them the same rights and obligations as Class "A" shares of the capital of the Bank, except that the registered holder thereof shall not be entitled to vote at the election of directors.

(4) The liability of every shareholder shall be limited to the amount for the time being unpaid in respect of shares held by such shareholder.

(5) Class "A" shares may be held only by or for the beneficial ownership of British subjects ordinarily resident in Canada, or corporations organized under the laws of the Dominion of Canada or of any province and controlled by British subjects ordinarily resident in Canada, but, save as hereinafter provided, not more than fifty shares shall be held by or for the benefit of any one person; provided, however, that a trustee may hold shares in trust for other persons in excess of fifty shares so long as the shares held by him in trust for any one such other person do not exceed fifty shares; and provided further that a trustee holding shares in trust under the provisions of this proviso in excess of fifty shares shall not be entitled to vote with respect to any such shares in excess of fifty.

(6) The Bank shall open and maintain one or more share registry offices at places to be designated by the Board."

9. This is a new section.

dividend, exceed the par value of such shares and such reimbursement shall be effected by surrendering to the Bank for cancellation two thousand of the Class "B" shares held by the Minister having the aggregate par value of one hundred thousand dollars and by paying to the Bank out of any unappropriated moneys in the Consolidated Revenue Fund the sum of eight hundred and twenty thousand dollars.

Bank to pay accrued dividends upon Class "B" shares.

(4) The Bank shall, on the date of the coming into force of this subsection, pay to the Minister on behalf of the Dominion of Canada, the amount of dividends accrued up to the said date upon the one hundred and two thousand Class "B" shares of the Bank held by the Minister as of the said date."

Repeal.

10. Section eighteen of the said Act is repealed.

Repeal.

11. Section nineteen of the said Act, as enacted by section eleven of the said amending Act, is repealed.

12. Paragraphs *(d)* and *(f)* of subsection one of section twenty-one of the said Act, as enacted by section thirteen of the said amending Act, are repealed and the following substituted therefor:—

Bank may buy and sell Dominion or provincial securities.

"*(d)* buy and sell securities issued or guaranteed by the Dominion of Canada or any province, having a maturity exceeding two years from the date of acquisition by the Bank, but the Bank shall at no time hold securities not maturing within two years having a par value in excess of fifty per cent of its outstanding note issue and deposit liabilities, nor shall the Bank at any time hold securities not maturing within ten years of a par value in excess of five times the amount of the paid-up capital and rest fund of the Bank;

10. Section 18 at present reads as follows:—

"**18.** (1) No shares of the capital stock of the Bank shall be held by or for the benefit of any chartered bank or any director, officer, clerk or employee of any such bank, and no chartered bank shall have any interest, directly or indirectly or through the medium of any officer, clerk, employee or other person, in any share of the Bank. (2) On the last day of January in each year the General Manager of every chartered bank shall transmit to the Minister a statement in the form of Schedule B to this Act that he has duly inquired and has found that no share of the Bank nor any interest therein is or has been during the preceding year held by or for the chartered bank contrary to the provisions of this section, or as the case may be."

11. Section 19 at present reads as follows:—

"**19.** If Class "A" shares are held by a person not eligible to hold shares, or if shares in excess of fifty are held by one person, the Governor shall require the shareholder to transfer or dispose of the shares or the shares in excess of fifty, as the case may be. If a shareholder fails to comply with this requirement within three months, the shares in question shall *ipso facto*, on the expiration of three months from the mailing at Ottawa by registered mail of such requirement in the form of a notice in writing by the Minister to such shareholder, be forfeited to the Crown and shall be registered in the name of the Minister without further proceedings or formality, and may be sold by the Minister and the proceeds of any such sales shall be deposited in the Consolidated Revenue Fund."

12. Paragraphs (d) and (f) of subsection 1 of section 21 at present read as follows:—

"*(d)* buy and sell securities issued or guaranteed by the Dominion of Canada or any province having a maturity exceeding two years from the date of acquisition by the Bank, but the Bank shall at no time hold such securities having a par value in excess of fifty per cent of its outstanding note issue and deposit liabilities, nor shall the Bank at any time hold such securities maturing more than ten years from the date of acquisition of a par value in excess of three times the amount of the paid-up capital and rest fund of the Bank;

(f) buy and sell securities issued by the United Kingdom or the United States of America, having a maturity exceeding six months from the date of acquisition by the Bank, but the Bank shall at no time hold such securities of a par value in excess of twenty-five per cent of the amount of the paid-up capital of the Bank;"

Securities of the U.K. or U.S.

(f) buy and sell securities issued by the United Kingdom or the United States of America having a maturity exceeding six months from the date of acquisition by the Bank, but the Bank shall at no time hold such securities of a par value in excess of one-half of the amount of the paid-up capital of the Bank."

13. Subsections one, two and three of section twenty-seven of the said Act are repealed and the following substituted therefor:—

Reserves to be maintained by chartered banks.

"**27.** (1) Every chartered bank shall maintain a reserve of not less than five per centum of such of its deposit liabilities as are payable in Canadian dollars, and such reserve shall consist of a deposit with the Bank and of notes of the Bank held by such bank.

Chartered banks to make returns.

(2) For the purposes of this section, every chartered bank shall make a return to the Bank to be signed by the chief accountant or acting chief accountant and by the general manager or acting general manager of such bank, showing the amount of such of its deposit liabilities as are payable in Canadian dollars and also the amount of its deposit with the Bank and the amount of the notes of the Bank held by such bank, at the end of each juridical day of the month last preceding the date of the return, and showing for the month the daily average amount of such deposit liabilities and of its deposit with the Bank and of the notes of the Bank held by such bank. Such return shall be delivered or transmitted to the Bank at the same time as the return to the Minister, pursuant to section one hundred and twelve of *The Bank Act*, is transmitted or delivered.

1934, c. 24.

Basis of reserve of chartered banks.

(3) The daily average amount of such of its deposit liabilities as are payable in Canadian dollars for each chartered bank shall be the basis of determining the amount of the reserve to be maintained by such bank during the month next following the month in which such return was made."

14. Section thirty-one of the said Act, as amended by section nineteen of the said amending Act, is repealed and the following substituted therefor:—

Rest fund.

"**31.** The Bank shall establish a rest fund and after making such provision as the Board thinks proper for bad and doubtful debts, depreciation in assets, pension funds and all such matters as are properly provided for by banks and after deducting an amount equal to four and one-half per centum of the paid-up capital which may be utilized for the payment of cumulative dividends at a rate of four and one-half per centum per annum, payable half-yearly, the ascertained surplus available from the operations of the Bank during each financial year shall be applied by the Board as follows:

13. Subsections 1, 2 and 3 of Section 27 at present read as follows:—

27. (1) Every chartered bank shall on and after the day on which the Bank is authorized to commence business maintain a reserve of not less than five per centum of its deposit liabilities within Canada and such reserve shall consist of a deposit with the Bank and of notes of the Bank held by such bank.

(2) For the purposes of this section, every chartered bank shall make a return to the Bank to be signed by the chief accountant or acting chief accountant and by the general manager or acting general manager of such bank, showing the amount of its deposit liabilities within Canada and also the amount of its deposit with the Bank and the amount of the notes of the Bank held by such bank, at the end of each juridical day of the month last preceding the date of the return, and showing for the month the daily average amount of such deposit liabilities and of its deposit with the Bank and of the notes of the Bank held by such bank. Such return shall be delivered or transmitted to the Bank at the same time as the return to the Minister, pursuant to section one hundred and twelve of *The Bank Act*, is transmitted or delivered.

(3) The daily average amount of deposit liabilities within Canada for each chartered bank shall be the basis of determining the amount of the reserve to be maintained by such bank during the month next following the month in which such return was made."

14. Section 31 at present reads as follows:—

"**31.** The Bank shall establish a rest fund and after making such provision as the Board thinks proper for bad and doubtful debts, depreciation in assets, pension funds and all such matters as are properly provided for by banks and after deducting an amount equal to four and one-half per centum of the paid-up capital which may be utilized for the payment of cumulative dividends at a rate of four and one-half per centum per annum, payable half-yearly, the ascertained surplus available from the operations of the Bank during each financial year shall be applied by the Board as follows:

(a) If the rest fund of the Bank is less than one-half the paid-up capital, one-third of such surplus shall be allocated to the rest fund and the residue shall be paid to the Receiver General and placed to the credit of the Consolidated Revenue Fund;

(b) If the rest fund is less than the paid-up capital but is not less than one-half the paid-up capital, one-tenth of such surplus shall be allocated to the rest fund and the residue shall be paid to the Receiver General and placed to the credit of the Consolidated Revenue Fund;

(c) If the rest fund is not less than the paid-up capital, the whole of such surplus shall be paid to the Receiver General and placed to the credit of the Consolidated Revenue Fund."

(a) If the rest fund of the Bank is less than the paid-up capital, one-third of such surplus shall be allocated to the rest fund and the residue shall be paid to the Receiver General and placed to the credit of the Consolidated Revenue Fund;

(b) If the rest fund is not less than the paid-up capital but is less than twice the paid-up capital, one-tenth of such surplus shall be allocated to the rest fund and the residue shall be paid to the Receiver General and placed to the credit of the Consolidated Revenue Fund;

(c) If the rest fund is not less than twice the paid-up capital, the whole of such surplus shall be paid to the Receiver General and placed to the credit of the Consolidated Revenue Fund."

15. Section thirty-four of the said Act, as amended by section twenty-two of the said amending Act, is repealed and the following substituted therefor:—

Fiscal year.

"**34.** (1) The fiscal year of the Bank shall be the calendar year.

Certified statement of accounts to Minister.

(2) Within six weeks after the end of each fiscal year, the Bank shall transmit to the Minister a statement of its accounts for the fiscal year, signed by the Governor or the Deputy Governor or the Assistant Deputy Governor and the Chief Accountant or Acting Chief Accountant of the Bank, and certified by the auditors in the form prescribed by the by-laws of the Bank, together with such summary or report by the Governor as he may deem desirable or as may be required by the Minister.

Governor's report.

Statement and report in Gazette.

(3) A copy of the accounts so signed and certified and of the Governor's report shall be forthwith published in *The Canada Gazette*, and if Parliament is then sitting, shall within fourteen days after the receipt thereof by the Minister be laid before Parliament, or if Parliament is not sitting, it shall be laid before Parliament within fourteen days after the commencement of the next ensuing session thereof."

Annual list of shareholders.

16. Section thirty-five of the said Act is repealed.

Meetings.

17. Section thirty-six of the said Act is repealed.

15. Section 34 at present reads as follows:—

"**34.** (1) The fiscal year of the Bank shall be the calendar year.

(2) Within six weeks after the end of each fiscal year, the Bank shall transmit to the Minister a statement of its accounts for the fiscal year, signed by the Governor or the Deputy Governor or the Assistant Deputy Governor and the Chief Accountant or Acting Chief Accountant of the Bank, and certified by the auditors in the form prescribed by the by-laws of the Bank.

(3) A copy of the accounts so signed and certified shall be forthwith published in *The Canada Gazette*, and if Parliament is then sitting, shall within fourteen days after the receipt thereof by the Minister be laid before Parliament, or if Parliament is not sitting, it shall be laid before Parliament within fourteen days after the commencement of the next ensuing session thereof."

16. Section 35 at present reads as follows:—

"**35.** The Bank shall within sixty days after the end of each fiscal year transmit to the Minister a list of the names, addresses and descriptions of the shareholders of the Bank at the end of the year, and of the number of shares then held by each shareholder. Such list shall, if Parliament is then sitting, be laid before Parliament by the Minister within fourteen days after the receipt thereof, or if Parliament is not sitting, it shall be laid before Parliament within fourteen days after the commencement of the next ensuing session thereof."

17. Section 36 at present reads as follows:—

"**36.** (1) The annual general meeting of shareholders shall be held on the last Tuesday of February in each year at the head office of the Bank.

(2) A special general meeting of the shareholders may be called at any time by the Board and shall be called by the Board whenever a request for such meeting is made in writing by not less than one hundred shareholders, holding not less than one thousand shares.

(3) Every shareholder shall have one vote for each share registered in his name for at least three months before the date of the meeting, but no person, other than the Minister, shall vote for more than fifty shares.

(4) The voting of the shareholders shall, in the case of the election of directors, be by ballot. No person shall vote by proxy except that any shareholder may give to the Minister, in writing, instructions as to the manner in which he desires to vote on any business of the meeting. In any such case the Minister shall inform the scrutineers appointed at the meeting of the instructions so received and the scrutineers shall record the vote of each such shareholder in accordance with the instructions so given.

(5) Notice of every general meeting of shareholders shall be given to every shareholder in writing, and such notice shall be accompanied by notice of all business to be transacted at such meeting, including the names of any persons nominated as directors, and no person shall be eligible to be elected as a director unless notice of his nomination has been so given."

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

Insolvency and winding-up.

"**41.** No statute relating to the insolvency or winding-up of any corporation shall apply to the Bank and in no case shall the affairs of the Bank be wound up unless Parliament so provides: Provided, however, that if provision is made for winding up the Bank the notes of the Bank outstanding shall be the first charge upon the assets."

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

By-laws.

"**43.** (1) The Board, with the approval of the Governor in Council, may make by-laws not repugnant to the provisions of this Act with respect to

(a) the declaration and payment of dividends;

(b) the calling of meetings of the Board and of the Executive Committee and what number of persons shall constitute a quorum in each case, and how questions considered at such meetings shall be determined;

(c) the fees of directors and the duties and conduct of officers, clerks and employees of the Bank;

(d) the form of the annual statement of accounts; and

(e) generally as to the management and disposition of the stock, property and undertakings of the Bank;

and may amend or repeal such by-laws.

(2) Every by-law and every amendment or repeal thereof shall take effect when published in *The Canada Gazette*".

French version amended.

20. Subsection one of section twenty-four of the French version of the said *Bank of Canada Act* is amended by striking out the word "vingt-cinq" in the sixth line thereof and substituting therefor the word "vingt-six".

Coming into force.

21. This Act shall come into force on a date to be fixed by proclamation.

18. Section 41 at present reads as follows:—

"**41.** No statute relating to the insolvency or winding-up of any corporation shall apply to the Bank and in no case shall the affairs of the Bank be wound up unless Parliament so provides; provided, however, that if provision is made for winding up the Bank the notes of the Bank outstanding shall be the first charge upon the assets and in no case shall the shareholders receive any payment in excess of the paid-up capital of the Bank and accrued dividends, if any."

19. Section 43 at present reads as follows:—

"**43.** (1) The Governor in Council shall make by-laws not repugnant to the provisions of this Act with respect to

(a) the keeping of stock books, the recording of subscriptions and the enforcement of payment by subscribers and shareholders of instalments of capital due the Bank from such persons, and generally all questions relating to the obligations of the Bank to the shareholders and of the shareholders to the Bank;

(b) the transfer and transmission of shares;

(c) the declaration and payment of dividends;

(d) the calling of meetings of shareholders and of the Board and of the Executive Committee, and what number of persons shall constitute a quorum in each case, and how questions considered at such meetings shall be determined, and the nomination of directors and auditors, and generally as to the procedure governing such meetings; and such by-laws may provide for the nomination of directors before any annual general meeting and what constitutes such nomination;

(e) the duties and conduct of officers, clerks and employees of the Bank;

(f) the form of the annual statement of accounts;

(g) generally as to the management and disposition of the stock, property and undertakings of the Bank.

(2) The Board may with the approval of the Governor in Council amend or repeal such by-laws or make others with respect to the matters mentioned in subsection one hereof.

(3) Every by-law and every amendment or repeal thereof shall take effect when published in *The Canada Gazette*."

20. This clause is to correct a mistake in the French version of section 24 of the *Bank of Canada Act*.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 163.

An Act to amend the Special War Revenue Act.

First reading, June 23, 1938.

The MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
60358 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 163.

An Act to amend the Special War Revenue Act.

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

R.S., c. 179; 1928, c. 50; 1929, c. 57; 1930, c. 43; 1931, c. 54; 1932, c. 54; 1932-33, c. 50; 1934, c. 42; 1935, c. 33; 1936, c. 45; 1937, c. 41.

1. Sub-paragraphs (vi) and (vii) of paragraph *(b)* of subsection two of section fifty-eight of the *Special War Revenue Act*, chapter one hundred and seventy-nine of the Revised Statutes of Canada, 1927, as enacted by section two of chapter forty-five of the statutes of 1936, are repealed and the following substituted therefor:

Excise tax on change of ownership of bonds and shares.

"(vi) One dollar or over one dollar per share, but not more than $5 per share, one-quarter of one cent per share.

(vii) Less than one dollar per share, one-tenth of one per centum of the price or value."

2. Paragraph *(a)* of section eighty-five of the said Act, as enacted by section fifteen of chapter fifty of the statutes of 1932-33, is repealed and the following substituted therefor:

"Sale price."

"*(a)* "sale price" for the purpose of calculating the amount of the consumption or sales tax shall mean the price before any amount payable in respect of the consumption or sales tax is added thereto and shall include any charges for advertising, financing, servicing, warranty or any other charges of a similar nature contracted for at the time of sale whether these items be charged for separately or not and shall also include the amount of other excise duties when the goods are sold in bond; and in the case of goods subject to the taxes imposed by Parts X and XII of this Act, shall include the amount of such taxes; in the case of imported goods, the sale price shall be deemed to be the duty paid value thereof."

Explanatory Notes.

1. Sub-paragraphs (vi) and (vii) of paragraph *(b)* of subsection 2 of section 58 to be repealed read as follows:

"(vi) Over $1 per share, but not more than $5 per share, one quarter of one cent per share."

"(vii) One dollar or less than one dollar per share one-tenth of one per cent of the price or value."

The object of this amendment is to tax shares selling at exactly one dollar per share at one-quarter of one cent instead of one-tenth of one per cent of their value. This change is in order to bring this Act into conformity with the Provincial Acts of Ontario and Quebec.

2. Paragraph *(a)* of section 85 at present reads as follows:

"**85** *(a)* "sale price" for the purpose of calculating the amount of the consumption or sales tax, shall mean the price before any amount payable in respect of the consumption or sales tax is added thereto, and shall include the amount of other excise duties when the goods are sold in bond; and in the case of goods subject to the taxes imposed by Parts X and XII of this Act, shall include the amount of such taxes; in the case of imported goods, the sale price shall be deemed to be the duty paid value thereof."

The object of the amendment is to extend the meaning of the words "sale price" so as to include advertising, financing, servicing and warranty charges or any other charges of a similar nature contracted for at the time of sale and to prevent a manufacturer dividing his sale price into a number of items with the possibility of the deletion of some of the foregoing for sales tax purposes.

3. Subsection one of section ninety-six of the said Act is hereby repealed and the following substituted therefor:

Licenced wholesaler or jobber.

"**96.** (1) A *bona fide* wholesaler or jobber may be granted an annual licence and the Minister may prescribe a fee therefor not exceeding two dollars; provided, however, that if a wholesaler is not in possession of a licence on September 1st, 1938, no such licence shall be issued to him unless fifty per centum of his sales for the three months immediately preceding his application were exempt from the sales tax under the provisions of this Act."

Recovery of penalties.

4. Paragraph *(b)* of subsection two of section one hundred and eight of the said Act, is repealed and the following substituted therefor:

"*(b)* by summary conviction under the provisions of the *Criminal Code* relating thereto."

R.S., c. 36.

5. Section one hundred and eleven of the said Act, as enacted by section twelve of chapter forty-two of the statutes of 1934, is repealed and the following substituted therefor:

Additional penalties.

"**111.** (1) Every person who, being thereto liable, neglects, omits or refuses to pay any tax imposed by Parts IV to XIII inclusive, of this Act, in addition to any other penalty to which he is subject for any such offence, shall be liable on summary conviction to a penalty of not less than twenty-five dollars and not exceeding one thousand dollars and to a further penalty equal to the amount of the tax properly payable.

Penalty under Parts IV to XIV.

(2) Every person who contravenes any requirements of Parts IV to XIV inclusive, of this Act or any regulations of the Minister under the said Parts for which no other penalty is provided, shall be liable on summary conviction, to a penalty of not less than fifty dollars and not exceeding one thousand dollars.

Penalty for offence by incorporated Company.

(3) Where any offence against this Act has been committed by an incorporated company every officer, director or agent of the company who directs, authorizes, condones, or participates in the commission of the offence, shall be liable to the like penalties as such company and as if he had committed the like offence personally, and he shall be so liable cumulatively with the company and with such officers, directors or agents of the company as may likewise be liable hereunder."

3. Subsection 1 of section 96 at present reads as follows:

"**96** (1) A *bona fide* wholesaler or jobber may be granted an annual licence and the Minister may prescribe a fee therefor not exceeding two dollars."

The object of the amendment is to preclude the issuance of these licences when applied for merely for the purpose of delaying the payment of sales tax. No revenue accrues to the Crown by reason of their issue and the Act does not require wholesalers to obtain them.

4. Paragraph *(b)* of subsection 2 of section 108 reads as follows:

"*(b)* if the amount of such penalty does not exceed five hundred dollars, by summary conviction under the provisions of the Criminal Code relating thereto."

The words underlined are struck out.

The object of the amendment in striking out the words "if the amount of such penalty does not exceed five hundred dollars" is to give the magistrates jurisdiction to hear all charges arising out of the infractions of the Act and in conformity to the jurisprudence established.

In all sections where it is provided that a penalty exceeding five hundred dollars may be imposed, specific provisions are to be found indicating that procedure shall be by summary conviction under the provisions of the Criminal Code relating thereto.

5. (1) The repealed section reads as follows:

"**111.** (1) Every person who, being thereto liable, neglects, omits or refuses to pay any tax imposed by Parts IV to XIII, inclusive of this Act, in addition to any other penalty to which he is subject for any such offence, shall be liable on summary conviction, to a penalty of not less than fifty dollars and not exceeding one thousand dollars and to a further penalty equal to double the amount of the tax properly payable."

Under the new section, the former minimum penalty of fifty dollars in subsection (1) thereof, is reduced to twenty-five dollars and the further penalty equal to double the amount of the tax properly payable is also being reduced to an amount equal to that of the tax properly payable.

(2) In subsection (2) provisions are being made for the inclusion of Part XIV in the section which provides for a penalty for the contravention of any requirement or any regulation of the Minister under the said Part for which no other penalty is provided.

(3) The wording of this subsection is similar to section 201 of the Bankruptcy Act.

6. Schedule II to the said Act, as enacted by section fifteen of chapter forty-five of the statutes of 1936, is repealed except the heading thereof, and Schedule I to this Act substituted therefor.

7. Schedule III to the said Act, as enacted by section sixteen of chapter forty-five of the statutes of 1936 and as amended by section five of chapter forty-one of the statutes of 1937, is repealed except the heading thereof, and Schedule II to this Act substituted therefor.

SCHEDULE I

(being Schedule II to the *Special War Revenue Act*)

1. Cigars:—

(a) valued at not more than forty dollars per thousand, per thousand.....fifty cents;

(b) valued at more than forty dollars per thousand and not more than one hundred and ten dollars per thousand, per thousand.....three dollars;

(c) valued at more than one hundred and ten dollars per thousand and not more than one hundred and fifty dollars per thousand, per thousand.....seven dollars;

(d) valued at more than one hundred and fifty dollars per thousand and not more than two hundred dollars per thousand, per thousand.....ten dollars;

(e) valued at more than two hundred dollars per thousand, per thousand...sixteen dollars.

Provided that the value on imported cigars shall be the duty paid value as defined in section 79 of this Act; the value on cigars manufactured in Canada shall include the amount of excise duty payable thereon.

2. Sugar, etc.:—

(a) Materials enumerated in Customs Tariff items 134, 135, 135*(a)*, 135 *(b)*, 139 (except glucose and grape sugar), 140 (except molasses); invert sugar and syrup.....one cent per pound;

(b) Glucose and grape sugar (except when for use exclusively in the manufacture of leather and artificial silk)..one-half cent per pound.

Provided that the tax hereby imposed under paragraph *(a)* shall not apply to the materials enumerated in Customs Tariff items 139 and 140, when sold in packages containing not more than ten pounds each.

6 and **7.** Schedules I and II are amended to give effect to the Budget resolutions of June the 16th.

3. Tires and Tubes:—

(a) Tires in whole or in part of rubber for automotive vehicles of all kinds, including trailers or other wheeled attachments used in connection with any of the said vehicles.....two cents per pound;

(b) Inner tubes for use in any such tires.three cents per pound.

Provided the tax hereby imposed shall not apply to the goods mentioned herein when used exclusively for the original equipment of such automotive vehicles.

SCHEDULE II

(being Schedule III to the *Special War Revenue Act*)

Foodstuffs

Bread; Butter; Cheese; Cream; Eggs; Honey; Ice; Lard; Salt; Sugar;

Apples, dried, desiccated or evaporated;

Bakers' cake and pies not to include biscuits, cookies or other similar articles;

Fish and products thereof;

Flour, not including self-raising flour;

Maple Syrup;

Meats and poultry, fresh;

Meats, salted or smoked (not to include the same when chopped, ground, parboiled or spiced);

Milk, including buttermilk; condensed milk, evaporated milk and powdered milk;

Vegetables and fruits in their natural state;

Farm and Forest

Bees; Casein; Fertilizers; Hay; Hops; Shorts; Straw;

Alfalfa Meal;

Animals, living;

Beet pulp, dried;

Cream separators and parts thereof and articles and materials to be used exclusively in their manufacture;

Drain tiles for agricultural purposes;

Farm produce sold by the individual farmer of his own production;

Feeds for fur-bearing animals whose pelts have commercial value;

Fence posts, split;

Forest products, when produced and sold by the individual settler or farmer;

Furs, raw;

Gopher poison, and materials for use exclusively in its manufacture;

Grain or seed cleaning machines and complete parts therefor;

Grains and seeds in their natural state, not to include rice;

Harness for horses and complete parts therefor, and articles and materials to be used exclusively in the manufacture thereof;

Hides, raw and salted;

Logs and round unmanufactured timber;

Milk albumen, when for use exclusively in the production of animal or poultry feeds;

Nursery stock;

Oil cake, oil cake meal;

Peat moss when used for agricultural purposes, including poultry litter;

Pit props and packwood for use exclusively in mines;

Poultry, cattle and other stock feeds;

Poultry, living;

Preparations or chemicals sold for disinfecting, dipping or spraying and so used in agriculture or horticulture, and materials for use exclusively in the manufacture of such preparations;

Sap spouts and sap buckets, evaporators and complete parts therefor, when for use exclusively for the production of maple syrup;

Sawdust and wood shavings;

Settlers' effects;

Vegetable plants;

Wool not further prepared than washed;

Woollen rolls or wool yarn milled for a producer of wool from such wool supplied by him for his own use;

ENGINES

Internal combustion traction engines, and portable engines with boilers in combination, for farm purposes, or for use exclusively in the operation of logging, such operation to include the removal of the log from stump to skidway, log dump or common or other carrier, and complete parts of all the foregoing, and articles and materials, not to include plant equipment, to be used or consumed exclusively in the manufacture of the foregoing engines, boilers or parts thereof;

MINES AND QUARRIES

Cars, and other similar appliances, for use exclusively at a mine or a quarry for mining or quarrying, and articles and materials to be used exclusively in the manufacture of such cars and appliances;

Crushed stone or crushed gravel to be used exclusively in the building or maintenance of provincial, county, municipal or township roads;

Gold and silver in ingots, blocks, bars, drops, sheets or plates unmanufactured;

Ores of metals of all kinds;

Sand, gravel, rubble, and field stone;

MARINE AND FISHERIES

Boats *bona fide* purchased by fishermen for use in the fisheries, and articles and materials to be used exclusively in the manufacture, equipment or repair of such boats;

Cotton duck and cotton sail twine to be used only in the manufacture of equipment for ships or vessels;

Manila fibre for usé only in the manufacture of rope not exceeding one and one-half inches in circumference for the fisheries;

Materials for use only in the construction, equipment and repair of ships;

Materials used as ingredients in canned fish;

Ships licensed to engage in the Canadian coasting trade;

Sinkers, and floats including trawl kegs, when for use exclusively in the fisheries, not including these articles for sportsmen's purposes;

RELIGIOUS, CHARITABLE, HEALTH, ETC.

Insulin; Radium;

Articles and materials for the sole use of any *bona fide* public hospital certified to be such by the Department of Pensions and National Health, when purchased in good faith for use exclusively by the said hospital and not for resale;

Artificial eyes;

Artificial limbs, and parts thereof;

Bibles, missals, prayer books, psalm and hymm books, religious tracts, and Sunday school lesson pictures;

Donations of clothing and books for charitable purposes;

Liver extract for use exclusively in the treatment of anaemia;

Memorials or monuments erected in memory of soldiers who fell in the Great War;

War Veterans' badges;

PRINTING AND EDUCATIONAL

Manuscript; Newspapers;

Magazines and literary papers unbound, regularly issued at stated intervals, not less frequently than four times yearly, and printing paper and printing ink for use exclusively in their production;

Photographs, paintings, pastels, drawings and other art work and illustrations of all kinds, whether originals, copies or proofs, and printing plates made to reproduce the same, for use exclusively as non-advertising news pictures or for illustrating non-advertising articles or stories in periodical publications enjoying second-class mailing privileges, the pages of which are regularly bound, wire stitched or otherwise fastened together;

Text-books, printed, authorized by the Department of Education of any province in Canada and phonograph records so authorized for instruction in the English and the French language, and materials used exclusively in the manufacture thereof;

DIPLOMATIC

Articles for the use of the Governor General;

Articles imported for the personal or official use of the British High Commissioner, Ministers of Foreign Countries, Consuls General who are natives or citizens of the country they represent and who are not engaged in any other business or profession;

Official stationery imported by His Majesty's Trade Commissioners in Canada from His Majesty's Stationery Office in England;

BUILDING MATERIALS

Bricks; building tile, building blocks and building stone; plaster; lime; cement; stucco and stucco dash;

Lumber; sash; doors; shingles; lath; siding; stairways; balustrades;

Plaster boards, fibre boards, wallpaper, building paper, and materials manufactured wholly or in part of vegetable or mineral fibre for wall coverings or building insulation;

Paints, varnishes, white lead and paint oil;

Prepared roofings;

Shower baths, bath tubs, basins, faucets, closets, lavatories; sinks and laundry tubs, not including pipes and pipe fittings;

Glass for buildings;

Furnaces for heating buildings;

Builders' hardware, namely: locks, lock sets, butts, hinges, pulleys and window fasteners;

Structural steel to be used exclusively for the framework and support of buildings and bridges;

Articles and materials to be used or consumed exclusively in the manufacture or production of the aforementioned building materials but not to include materials consumed by waste or wear, or abrasives, lubricating oils, fuel oils, permanent or non-permanent plant equipment.

Coverings

Usual coverings to be used exclusively for covering goods not subject to the consumption or sales tax and materials to be used exclusively in the manufacture of such coverings;

Fire Brick, Refractories, Etc.

Fire brick, plastic refractories, high temperature cement, fire clay and other refractory materials for use exclusively in the construction or repair of a furnace, kiln or other equipment of a manufacturing establishment, and materials to be used or consumed exclusively in the manufacture of such fire brick or refractory materials;

Processing Materials

Materials (not to include abrasives, lubricating oils, fuel oils or non-permanent plant equipment) consumed, otherwise than by waste or wear, in the process of manufacture or production of taxable goods;

Miscellaneous

Electricity;

British and Canadian coins and foreign gold coin;

Fuel other than in liquid form;

Gas manufactured from coal, calcium carbide or oil for illuminating or heating purposes;

Lasts, patterns and dies for boots and shoes including rubber footwear;

Customs Tariff Items

173. Books for the instruction of the deaf or dumb;

175. Books not printed or reprinted in Canada, which are included and used as text-books in the curriculum of any university, college or school in Canada; books specially imported for the *bona fide* use of incorporated mechanics' institutes, public libraries, libraries of universities, colleges and schools, or for the library of any incorporated medical, law, literary, scientific, or art association or society, and

being the property of the organized authorities of such library, and not in any case the property of individuals—the whole under regulations prescribed by the Minister,—provided that importers of books who have sold the same for the purpose mentioned in this item, shall, upon proof of sale and delivery for such purpose, be entitled to a refund of any duty paid thereon;

209b. Nicotine sulphate;

236b. Spinal braces and parts thereof;

352a. Bells, when imported for use of churches only;

364. Diamond dust or bort and black diamonds, for borers;

406. Coil chain, coil chain links, including repair links, and chain shackles, of iron or steel;

409a. Milking machines and attachments therefor; centrifugal machines for testing butterfat, milk or cream; complete parts of all the foregoing;

409b. Cultivators, harrows, seed-drills, horse-rakes, horse-hoes, scufflers, manure spreaders, garden seeders, weeders, and complete parts of all the foregoing;

409c. Ploughs; farm, field, lawn or garden rollers; soil packers; complete parts of all the foregoing;

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, and complete parts of all the foregoing;

409e. (i) Spraying and dusting machines and attachments therefor, including hand sprayers; apparatus specially designed for sterilizing bulbs; pressure testing apparatus for determining maturity of fruit; pruning hooks; pruning shears; animal dehorning instruments; and complete parts of all the foregoing;

(ii) Fruit and vegetable grading, washing and wiping machines and combination bagging and weighing machines, and complete parts thereof; machines for topping vegetables, and machines for bunching and/or tying cut flowers, vegetables and nursery stock, and complete parts thereof; egg-graders and egg-cleaners, and complete parts thereof, not including aluminum parts;

(iii) Complete parts of aluminum for egg-graders;

409f. Hay loaders, hay tedders, potato planters, potato diggers, fodder or feed cutters, ensilage cutters, grain crushers and grain or hay grinders for farm purposes only; post hole diggers, snaths, stumping machines and all other agricultural implements or agricultural machinery, n.o.p., and complete parts of all the foregoing;

409g. Incubators for hatching eggs, brooders for rearing young fowl, and complete parts of all the foregoing;

409i. Scythes, sickles or reaping hooks, hay or straw knives, edging knives, hoes, pronged forks, rakes, n.o.p.;

Complete parts for goods enumerated in tariff item 409i;

409j. Fanning-mills; peaviners; corn husking machines; threshing machine separators, including weighers, wind stackers, baggers and self-feeders therefor; complete parts of all the foregoing;

409k. Windmills and complete parts thereof, not including shafting;

410b. Machinery and apparatus for use exclusively in washing or dry cleaning coal at coal mines or coke plants; machinery and apparatus for use exclusively in producing coke and gas; machinery and apparatus for use exclusively in the distillation or recovery of products from coal tar or gas; and complete parts of all the foregoing, not to include motive power, tanks for gas, nor pipes and valves 10½ inches or less in diameter;

411. Machinery for use in sawing lumber, up to but not including the operation of planing, and complete parts thereof, not to include motive power, when for use exclusively in saw mills (for the purpose of this item motive power is defined as equipment for driving the machinery of the saw mill);

411a. Machinery, logging cars, cranes, blocks and tackle, wire rope, but not including wire rope to be used for guy ropes or in braking logs going down grade, and complete parts of all the foregoing, for use exclusively in the operation of logging, such operation to include the removal of the log from stump to skidway, log dump or common or other carrier;

411b. Cylinder stave saws, wheel type stave jointers, crozing and champhering machinery and complete parts thereof;

439c. Farm wagons, farm sleds, logging wagons, logging sleds, and complete parts thereof;

440k. Engines and complete parts thereof, to be used exclusively in the propulsion of boats or in hoisting nets and lines used in such boats *bona fide* owned by individual fishermen for their own use in the fisheries, under regulations prescribed by the Minister;

442. Articles which enter into the cost of manufacture of the goods enumerated in tariff items 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409k, 409o, and 439c, when imported by manufacturers for use exclusively in the manufacture in their own factories of the goods enumerated in the aforesaid tariff items, under regulations prescribed by the Minister;

442a. Notwithstanding the provisions of tariff item 442, materials or commodities as hereunder defined or described, when imported by manufacturers for use exclusively in the manufacture, in their own factories, of the goods enu-

merated in tariff items 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409o, and 439c, under regulations prescribed by the Minister:—

(1) Pig iron;

(2) Bars or rods, of iron or steel, hot rolled;

460. Materials to be used in Canada for the construction of bridges and tunnels crossing the boundary between the United States and Canada, when similar materials are admitted free under similar circumstances into the United States, under regulations prescribed by the Minister;

464. Steel dies, of a class or kind not made in Canada, valued at not less than one thousand dollars each, for use exclusively in stamping metal sheets or metal plates: Provided that such dies shall be exported from Canada under Customs supervision within three months from the date of import entry;

476. (i) Surgical instruments of any material and complete parts thereof;

(ii) Dental instruments of any material; surgical needles; X-ray apparatus; microscopes valued at not less than 50 dollars each, retail; complete parts of all the foregoing;

476a. Glassware and other scientific apparatus for laboratory work in public hospitals; chairs and tables for surgical operating purposes, and complete parts thereof; infant incubators and complete parts thereof; electro cardiographs and complete parts thereof, and sensitized film and paper for use therein; apparatus for sterilizing purposes, including bedpan washers and sterilizers but not including washing nor laundry machines; all for the use of any public hospital, under regulations prescribed by the Minister;

480. Crutches or specially constructed staffs for cripples;

538. Binder twine or twine for harvest binders;

663b. Articles which enter into the cost of the manufacture of fertilizers, when imported for use exclusively in the manufacture of fertilizers;

666. Nitro-glycerine, giant powder, nitro and other explosives, n.o.p.;

667. Blasting and mining powder;

682. Fish hooks, for deep-sea or lake fishing, not smaller in size than number 2·0; fishing nets and nettings of all kinds; threads, twines, marlines, fishing lines, rope and cordage of cotton, hemp, manila or other vegetable fibre, not exceeding one and one-half inches in circumference, to be used for fishing purposes or for the construction or repair of fishing nets; the foregoing not to include such articles used for sportsmen's purposes, and to be subject to such regulations as the Minister may prescribe;

692. Coins, cabinets of; collections of medals and collections of postage stamps; medals of gold, silver or copper,

and other metallic articles actually bestowed as trophies or prizes and received and accepted as honorary distinctions; and cups or other metallic prizes (not usual merchantable commodities), won in *bona fide* competitions;

695a. Paintings in oil or water colours and pastels, valued at not less than twenty dollars each; paintings and sculptures by artists domiciled in Canada but residing temporarily abroad for purposes of study, under regulations by the Minister;

695b. Hand-made drawings, sketches or designs, but not including patterns, viz.:—drawings, sketches or designs of wearing apparel, including boots and shoes, wall or floor coverings and textile fabrics, when imported in single copies of each such drawing, sketch or design for use in the manufacture of wearing apparel, boots or shoes, textile fabrics, wall or floor coverings, or of patterns;

696. Philosophical and scientific apparatus, utensils, instruments, and preparations, including boxes and bottles containing the same; maps, photographic reproductions, casts as models, animals as research or experimental subjects, etchings, lithographic prints or charts; mechanical equipment of a class or kind not made in Canada. All articles in this item, when for the use and by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any public hospital, college, academy, school, or seminary of learning in Canada, and not for sale, under regulations prescribed by the Minister;

696a. Educational moving picture films of all widths, silent or sound, positive or negative, and sound disks or records designed for use with such films, when certified by the Minister as entitled to exemption from Customs duty under the Convention for Facilitating the International Circulation of Films of an Educational Character; subject to such regulations as the Minister may prescribe;

698. All articles specially designed for the use of the blind, whether for educational, recreational, industrial, personal or other purposes, when for blind persons and imported by, or on the order or certificate of, the Canadian National Institute for the Blind, or other *bona fide* institution or association for the blind;

700. Animals and articles brought into Canada temporarily and for a period not exceeding three months, for the purpose of exhibition or of competition for prizes offered by any agricultural or other association: Provided a bond shall be first given in accordance with regulations prescribed by the Minister, with the condition that the full duty to which such animals or articles would otherwise be liable shall be paid in case of their sale in Canada, or if not re-exported within the time specified in such bond;

701. Menageries, horses, cattle, carriages and harness of, under regulations prescribed by the Minister;

702. Carriages for travellers, and carriages laden with merchandise, not to include circus troupes or hawkers, under regulations prescribed by the Minister;

703. *(a)* Travellers' baggage, under regulations prescribed by the Minister;

(b) Goods valued at not more than one hundred dollars included in the baggage accompanying residents of Canada returning from abroad after an absence from Canada of not less than forty-eight hours and acquired by them for personal or household use or as souvenirs or gifts, but not bought on commission or as an accommodation for other persons or for sale, under regulations prescribed by the Minister:

Provided that a resident of Canada shall not be entitled to the exemption herein granted within a period of four months from the date of the last exemption allowed, nor shall the exemption be allowed on alcoholic beverages in excess of one quart, or on tobacco in excess of fifty cigars, two hundred cigarettes and two pounds of manufactured tobacco;

704. Apparel, wearing and other personal and household effects, not merchandise, of British subjects dying abroad, but domiciled in Canada; books, pictures, family plate or furniture, personal effects and heirlooms left by bequest;

Articles and materials to be used exclusively in the manufacture of goods enumerated in Customs Tariff items 406, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409i, 409j, 409k, 410b, 411, 411a, 411b, 439c, 440k, 442, 442a, 476, 476a, 480, 538, 663, 663a, 663b, 666, 667, 696;

Materials, not to include plant equipment, consumed in process of manufacture or production, which enter directly into the cost of goods enumerated in Customs Tariff items 406, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409i, 409j, 409k, 410b, 411, 411a, 411b, 439c, 440k, 442a, 476, 476a, 480, 538, 663, 663a, 666, 667, 696.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 164.

An Act to amend the Income War Tax Act.

First reading, June 24, 1938.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

60761

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 164.

R.S., c. 97; 1928, cc. 12, 30; 1930, c. 24; 1931, c. 35; 1932, cc. 43, 44; 1932-33, cc. 14, 15, 41; 1934, cc. 19, 55; 1935, cc. 22, 40; 1936, cc. 6, 38.

An Act to amend the Income War Tax Act.

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

1. Paragraph *(p)* of section two of the *Income War Tax Act*, chapter ninety-seven of the Revised Statutes of Canada, 1927, as enacted by section three of chapter thirty-eight of the statutes of 1936, is amended by adding at the end thereof the following proviso:

"Small Loan Companies."

"Provided, however, that the definition aforesaid shall not include a corporation the main business of which is the making of loans of five hundred dollars or less."

2. Section two of the said Act, as amended by section one of chapter fourteen and by section two of chapter forty-one of the statutes of 1932-33, by section three of chapter forty of the statutes of 1935 and by section three of chapter thirty-eight of the statutes of 1936, is further amended by adding thereto the following paragraph:—

"Treasury Board." R.S., c. 71.

"*(q)* 'Treasury Board' means the Treasury Board as constituted under the *Department of Finance and Treasury Board Act.*"

3. Section three of the said Act, as amended by section one of chapter fifty-five of the statutes of 1934, is further amended by adding thereto the following paragraph:—

"Annuities."

"*(g)* Annuities or other annual payments received under the provisions of any will or trust, irrespective of the date on which such will or trust became effective, and notwithstanding that the annuity or annual payments are in whole or in part paid out of capital funds of the estate or trust and whether the same is received in periods longer or shorter than one year."

Explanatory Notes.

Section 1.—Paragraph *(p)* of section 2 of the Act relates to Non-Resident Owned Investment Corporations, that is, Canadian companies 95% of the assets of which are beneficially owned by non-residents of Canada, the gross income of which is derived from the ownership of or dealing in bonds, stocks or shares or from the lending of money or by way of rents, royalties, interest or dividends.

Such companies pay one-half the corporate rate of tax. It was not intended that companies lending small loans to persons in Canada should be exempt from one-half the corporate rate of tax.

The purpose of the amendment is to provide that any corporation the main business of which is the making of loans of $500.00 or less to persons in Canada shall be subject to the full corporate rate of tax in respect of the profits derived from such business in Canada.

Section 2.—This new definition is required to meet the situation set out in the proviso to the new section 32 A. *See* clause 7 of the Bill.

Section 3.—Annuities generally are taxable income. Income is defined to exclude property acquired by "gift, bequest, devise or descent." This exclusion has been technically construed to extend to annuities received by beneficiaries of estates.

The amendment is to render such annuities liable to income tax in the same manner as those annuities purchased by an individual himself, with his own funds.

4. Section four of the said Act, as amended by section three of chapter twelve of the statutes of 1928, by section two of chapter twenty-four of the statutes of 1930, by section two of chapter fourteen and by section three of chapter forty-one of the statutes of 1932-33, by section two of chapter fifty-five of the statutes of 1934, by section four of chapter forty of the statutes of 1935 and by section four of chapter thirty-eight of the statutes of 1936, is further amended by adding thereto the following paragraph:—

Dividends from wholly owned subsidiary non-resident companies.

"*(r)* Dividends received, directly or through any other subsidiary company, by a company incorporated in Canada whose shares are held by the public, from a wholly owned (less directors' qualifying shares) subsidiary non-resident company, if the Minister is satisfied that at least seventy-five per centum of the combined capital of such Canadian company and all of its wholly owned subsidiary companies is employed directly or indirectly outside of Canada:

Provided, however, that the exemption hereunder shall be allowed only if and to the extent that the country in which the subsidiary company is carrying on business grants substantially similar relief to companies incorporated therein in respect of dividends received from subsidiary companies carrying on business in Canada:

And provided further that the exemption allowed hereunder in any one fiscal period of such Canadian company shall be limited in the aggregate to an amount equal to the sum of the profits of the subsidiary company subject to income tax abroad in the fiscal period of and in the fiscal period next preceding the declaration of such dividend:

And provided further that 'capital' for the purposes of this paragraph means all assets owned or employed in the business of such Canadian company and all of its wholly owned subsidiary companies, other than all inter-company obligations between such companies and any good will."

5. Subsection one of section five of the said Act, as amended by sections four, five and six of chapter twelve of the statutes of 1928, by section three of chapter twenty-four of the statutes of 1930, by sections four, five and six of chapter forty-three of the statutes of 1932, by section four of chapter forty-one of the statutes of 1932-33, by section four of chapter fifty-five of the statutes of 1934 and by section five of chapter thirty-eight of the statutes of 1936, is further amended by adding thereto the following paragraph:—

Section 4.—This provides, under certain conditions, for exemption from Canadian corporate tax of dividends received by Canadian parent companies from their wholly owned subdiaries abroad.

Section 5.—This is to allow as a deduction lump sum payments made for the initial establishment of employees' superannuation or pension funds.

Lump sum payments to superannuation or pension funds.

"*(m)* In the case of any lump sum payment made in Canada by an employer on account of an employees' superannuation or pension fund or plan in respect of past services of employees, made in such manner that the sum is irrevocably charged for the benefit of the said fund or plan, one-tenth of the lump sum payment in each of ten successive years, commencing in the year in which the payment is made: Provided, however, that in the case of a lump sum payment heretofore made, a deduction of one-tenth thereof shall be allowed in the 1938 fiscal period and in each fiscal period thereafter until ten years have elapsed from the year of the lump sum payment."

6. Subsection one of section six of the said Act, as amended by section six of chapter forty-one of the statutes of 1932-33 and by section six of chapter forty of the statutes of 1935, is further amended by adding thereto the following paragraph:—

Royalties.

"*(l)* Royalties paid by persons who are not residents of Canada out of royalties received by such persons from sources within Canada."

7. The said Act is further amended by inserting after section thirty-two the following sections:—

Transactions reducing liability to taxation.

"**32A.** (1) Where any person or corporation ordinarily resident in Canada enters upon any transaction, procedure or arrangement with any person or corporation resident outside of Canada, which, but for the enactment of this section, had or would have the effect of reducing the liability to taxation hereunder of the person or corporation aforesaid ordinarily resident in Canada, such last mentioned person or corporation shall be and continue to be liable to taxation hereunder to the same extent as if the transaction had not been entered upon: Provided, however, that this section shall apply only if the Treasury Board after consideration has made a ruling that the transaction was entered upon for the purpose of avoiding liability to taxation under this Act.

(2) In the case of any appeal from an assessment, the Court shall have jurisdiction to review the ruling of the Treasury Board hereunder.

Transactions reducing liability to taxation.

"**32B.** Where on winding up or otherwise a company distributes any assets to its shareholders without sale or at a sale price substantially below the fair market price, which assets if sold at the market price would create income of the corporation within the meaning of this Act, the Minister shall have power to determine the fair market price of such assets and the company shall be deemed to have sold such assets at the price so determined and thereby

Section 6.—Royalties paid abroad out of royalties received by non-residents from sources within Canada are not to be allowed as a deduction in determining taxable royalty income of such non-residents from sources within Canada.

Section 7.—(**32**A).—This is to preclude the avoidance of taxation by residents of Canada subject to the safe-guard that any transaction which can be shown to have been entered upon for legitimate business reasons and not for the purpose of avoiding taxation will not be affected.

(**32**B).—A profit is derived from a sale. Without sale, in contemplation of law, there can be no profit. Companies have inventories the market price of which is much higher than the cost price. If the company as a company sold the inventory it would create a corporate profit subject to corporate tax and on distribution by way of dividend or on winding up the profit would be subject to tax in the hands of the recipient individuals. Companies are distributing their inventories, particularly when they are in the form of stocks, bonds or other like securities the present value of which is much above their cost, without corporate sale but rateably in kind among their shareholders, or alternatively by selling to their shareholders at a price below the market price. Thus they seek to avoid the corporate tax and the individual tax indicated above.

The amendment is to secure to the revenue the equivalent tax that would be secured if the corporation sold its inventory at market values thereby converting the value into cash and therefrom declaring a dividend.

to have received income subject to tax and the distributable portion received by a shareholder or member shall be deemed to be a dividend.

'Company' includes associations and the members thereof."

8. The schedule of rates at the end of subsection one of section eighty-eight of the said Act, as enacted by section fourteen of chapter forty of the statutes of 1935, is repealed and the following substituted therefor:—

Gift Tax Rates.

"On gifts up to and including $25,000— 5%

On gifts exceeding—

25,000	but not exceeding $	50,000—	6%
50,000	" "	100,000—	7%
100,000	" "	200,000—	8%
200,000	" "	300,000—	9%
300,000	" "	400,000—	10%
400,000	" "	500,000—	12%
500,000	" "	1,000,000—	14%
1,000,000			15%"

9. Subsection eight of section eighty-eight of the said Act, as enacted by section fourteen of chapter forty of the statutes of 1935, and amended by section nineteen of chapter thirty-eight of the statutes of 1936, is further amended by adding thereto the following paragraph:—

Exemption from Gift Tax.

"*(g)* gifts or donations made in any year, if the aggregate value thereof does not exceed an amount equal to one-half of the difference between the income of the taxpayer in the next preceding year and the income tax which was payable thereon."

Interest on increased tax.

10. Any increase of tax imposed by this Act in respect of the years 1936 or 1937 or fiscal periods ending therein shall bear interest from the first day of September, 1938.

Taxation periods affected.

Sections 1, 2, 3 and 6.

11. (1) Sections one, two, three and six of this Act shall be applicable to the income of the year 1937 and fiscal periods ending therein and of all subsequent periods.

Sections 4, 5, 8 and 9.

(2) Sections four, five, eight and nine of this Act shall be applicable to income and gifts of the year 1938 and fiscal periods ending therein and of all subsequent periods.

Section 7.

(3) Section seven of this Act shall be applicable to the income of the year 1936 and fiscal periods ending therein and of all subsequent periods.

Section 8.—The Gift Tax rates are increased so that should any person reduce his capital by distribution, the treasury will receive now from the donor substantially the equivalent to that which it would receive over the series of years if the gifts had not been made.

Section 9.—Gifts out of the immediate past year's income should not reduce the revenue bearing capital which creates the income. Therefore having taxed the income when it came in, this is to preclude further tax as it goes out, to the extent of one-half thereof.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 173.

An Act to amend the Loan Companies Act.

First reading, June 27, 1938.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

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3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 173.

An Act to amend the Loan Companies Act.

R.S., c. 28; 1932, c. 45; 1934, c. 56.

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

1. Section one hundred and eleven of the *Loan Companies Act*, chapter twenty-eight of the Revised Statutes of Canada, 1927, as enacted by section one of chapter fifty-six of the statutes of 1934, is repealed and the following substituted therefor:—

Forfeiture of charter of company imposing interest and charges exceeding fixed limit.

"**111.** (1) Where it is established to the satisfaction of the Minister of Finance that any company has, subsequent to the passing of this Act, in respect of any loan or other transaction, charged, imposed or collected, directly or indirectly, interest and other charges, of any kind, nature or description whatsoever, exclusive of fees disbursed for registration purposes, amounting in the aggregate to more than two per centum per month on the monthly balance owing by the borrower, the Minister may recommend to the Governor in Council that the charter of the company be forfeited, if it be a Dominion company, and that its Dominion powers be terminated if it be other than a Dominion company, whereupon the Governor in Council may by order provide that upon such day as may thereby be fixed,

Order of Governor in Council.

(a) if the company be incorporated by an Act of the Parliament of Canada, its charter shall be forfeited;

(b) if the company be otherwise incorporated, any or all rights, powers, franchises or authorities granted to it by any Act of the Parliament of Canada shall cease and determine.

Effect of order.

(2) Upon the making of any such order, such charter shall be forfeited or such rights, powers, franchises or authorities shall be terminated, according to its terms, as fully and effectually as if the provisions of such Order in Council were incorporated in this Act."

Explanatory Notes.

This Bill reduces the maximum rate of interest which may be charged by companies deriving their corporate powers from the Parliament of Canada from two and one-half per centum to two per centum per month.

1. The only change in section 111 is the substitution of the words "two per centum" for the words "two and one-half per centum" in the eighth line thereof. Section 110 as enacted by chapter 56 of the statutes of 1934 reads as follows:—

"**110.** In this Part 'company' means as well any company to which Parts I and II of this Act apply as any other company heretofore, presently or hereafter incorporated or authorized to transact business by or under any Act of the Parliament of Canada and having power by virtue of any such Act to make loans of any nature or kind."

Commencement of Act.

2. This Act shall come into force on the first day of January, 1939.

2. The date of commencement of the Act will thus be made to accord with that of The Small Loans Interest Act, 1938.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 174.

An Act to authorize the provision of moneys to meet certain expenditures made and indebtedness incurred by the Canadian National Railways System during the calendar year 1938, and to authorize the guarantee by His Majesty of certain securities to be issued by the Canadian National Railway Company.

First reading, June 28, 1938.

The MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

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3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 174.

An Act to authorize the provision of moneys to meet certain expenditures made and indebtedness incurred by the Canadian National Railways System during the calendar year 1938, and to authorize the guarantee by His Majesty of certain securities to be issued by the Canadian National Railway Company.

1931, cc. 22, 23; 1932, cc. 6, 15, 25, 26; 1932-33, c. 34; 1935, c. 17; 1936, c. 27; 1937, c. 6.

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

Short title.

1. This Act may be cited as *Canadian National Railways Financing and Guarantee Act, 1938.*

Power to issue securities for refunding and capital expenditures.

2. Subject to the provisions of this Act and the approval of the Governor in Council, the Canadian National Railway Company (herein called "the National Company") may issue notes, obligations, bonds, debentures or other securities (herein called "securities") bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve to provide the amounts necessary to meet in whole or in part expenditures made or indebtedness incurred during the calendar year 1938 by or on behalf of any companies or railways comprised in the National Railway System as defined in *The Canadian National Railways Capital Revision Act 1937* on any or all of the following accounts, such expenditures or indebtedness being herein called "authorized expenditures":—

1937, c. 22.

(a) Retirement of maturing capital obligations, miscellaneous maturing or matured notes and other obligations secured or unsecured and payment of sinking funds, not exceeding $9,019,233.00;

(b) Additions and betterments including co-ordinations and acquisition of real or personal property, not exceeding $8,555,000.00 estimated as follows:—

Explanatory Notes.

This is the annual financing bill of the Canadian National Railway Company.

This bill authorizes the Railway Company to issue bonds or other securities not exceeding $17,574,233 in principal amount to provide amounts necessary to meet expenditures made or indebtedness incurred by or on behalf of any companies or railways comprised in the National Railway system during the calendar year 1938.

The sum of $17,574,233 is made up as follows:

(a) Retirement of maturing capital obligations, miscellaneous maturing or matured notes and other obligations secured or unsecured and payment of sinking funds, not exceeding.....		$ 9,019,233 00
(b) Additions and betterments including co-ordinations and acquisition of real or personal property, not exceeding $8,555,000 estimated as follows:		
General additions and betterments.....	$12,321,392 00	
Less: Equipment retirements.....	7,921,392 00	
	$ 4,400,000 00	
New equipment purchases.....	3,455,000 00	
Acquisition of securities.....	700,000 00	
		8,555,000 00
		17,574,233 00

The bill also authorizes the Governor in Council to guarantee the principal, interest and sinking funds of securities which the Railway Company is authorized to issue under the provisions of the bill. There is provision enabling the Minister of Finance with the approval of the Governor in Council to make temporary loans to the Railway Company for the purpose of meeting authorized expenditures. These temporary loans are not to exceed $17,574,233 in the aggregate and are to be secured by the securities which the Railway Company is by the bill authorized to issue.

General additions and betterments	$12,321,392 00	
Less: Equipment retirements	7,921,392 00	
	$ 4,400,000 00	
New equipment purchases	3,455,000 00	
Acquisition of securities	700,000 00	
	$ 8,555,000 00	

Proviso.

Provided, however, that for such purposes the aggregate principal amount at any one time outstanding of the securities which the National Company is hereby authorized to issue from time to time shall not exceed the sum of $17,574,233.00 being the total of the items hereinbefore set out.

Minister of Finance may make loans for refunding and capital expenditures.

3. The Minister of Finance, with the approval of the Governor in Council, may make temporary loans to the National Company out of the Consolidated Revenue Fund for the purpose of meeting authorized expenditures, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may determine and secured by securities which the National Company is authorized to issue from time to time under the provisions of section two of this Act, upon applications, approved by the Minister of Transport, made from time to time by the National Company to the Minister of Finance, for such loans: Provided, however, that the aggregate principal amount at any one time outstanding of the loans which the Minister of Finance is hereby authorized to make from time to time to the National Company shall not exceed the sum of $17,574,233.00.

Proviso.

Issue and guarantee of substituted securities.

4. Should any such temporary loans be made within the limits aforesaid, substituted securities may subsequently be issued and guaranteed under the provisions of this Act to repay such loans or any part thereof.

Power to aid other companies.

5. The National Company may aid and assist, in any manner, any other or others of the said companies and railways and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any other or others of the said companies and railways from time to time:—

(a) Apply the proceeds of any issue of securities in meeting authorized expenditures on its own account or on account of any other or others of the said companies and railways;

(b) Make advances for the purpose of meeting authorized expenditures to any other or others of the said companies and railways, upon or without any security, at discretion.

Guarantee.

6. The Governor in Council may authorize the guarantee of the principal, interest and sinking funds (if any) of the securities (herein called "guaranteed securities") which the National Company may make or issue from time to time under the provisions of section two of this Act.

Form and terms of guarantee.

7. (1) The guarantee or guarantees may be in such forms and subject to such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto and may be signed on behalf of His Majesty by the Minister of Finance or the acting Minister of Finance or by such other person as the Governor in Council may from time to time designate and such signature shall be conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with.

Method of guarantee.

(2) Any such guarantee may be either a general guarantee covering the total amount of the issue or be a separate guarantee endorsed on each obligation.

Temporary guarantee.

(3) With the approval of the Governor in Council temporary guarantees may be made, to be subsequently replaced by permanent guarantees.

Proceeds paid to credit of Minister of Finance in trust.

8. (1) The proceeds of any sale, pledge or other disposition of any guaranteed securities shall be deposited in the first place either in the Consolidated Revenue Fund or to the credit of the Minister of Finance and Receiver General of Canada in trust for the National Company in one or more banks designated by him.

Application for the release of any part of the proceeds.

(2) The Board of Directors of the National Company may from time to time authorize application to be made to the Minister of Transport for the release of any part of the proceeds deposited as aforesaid to the National Company for the purpose of meeting specified authorized expenditures within the respective limits mentioned in section two of this Act, and the Minister of Transport may in his discretion approve the said applications and may request the Minister of Finance to release the amount or amounts of such applications or part thereof accordingly.

175.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 175.

An Act respecting Penitentiaries.

First reading, June 29, 1938.

THE MINISTER OF JUSTICE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

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3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 175.

An Act respecting Penitentiaries.

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

Short title.

1. This Act may be cited as *The Penitentiary Act, 1938.*

Definitions.

2. In this Act, unless the context otherwise requires,

"Chairman."

(a) "Chairman" means the Chairman of the Commission;

"Commission."

(b) "Commission" means The Penitentiary Commission incorporated under this Act;

"commissioner".

(c) "commissioner" means any member of the Commission;

"Minister".

(d) "Minister" means the Minister of Justice;

"officer".

(e) "officer" includes any officer, employee or servant in the employ of a penitentiary;

"penitentiaries".

(f) "penitentiaries" includes not only the penitentiaries hereinafter mentioned or described but also such other prisons and public institutions as are from time to time designated for that purpose by the Governor in Council by proclamation in the *Canada Gazette;*

"trade instructors".

(g) "trade instructors" includes bakers, blacksmiths, carpenters, masons, millers, shoemakers, stonecutters, tailors and persons employed to superintend any industrial department or to direct and instruct convicts in any branch of labour;

"Vice-Chairman".

(h) "Vice-Chairman" means the Vice-Chairman of the Commission.

Minister to have control.

3. The Minister shall have the control and management of all penitentiaries and all prisoners and other persons confined therein and inmates thereof and over all matters connected therewith.

EXPLANATORY NOTES

The general object of this Bill is to incorporate a Commission with power, under the Minister of Justice, to control and manage the penitentiaries. At present the penitentiaries are directed and administered by a Superintendent and three inspectors as officers of the Department of Justice.

To attain this objective it is necessary to amend many of the sections of the Penitentiary Act as well re-number the same and for the purpose of clarity the provisions of the said Act have been amended and consolidated in the present Bill.

2. The changes in the definitions are consequential upon the incorporation of a Commission. The present section reads as follows:

"**2.** In this Act, unless the context otherwise requires,

(a) "inspector" means an inspector of penitentiaries appointed under this Act;

(b) "Minister" means the Minister of Justice:

(c) "officer" means and includes any officer, employee or servant in the employ of the penitentiary;

(d) "penitentiaries" includes not only the penitentiaries hereinafter mentioned or described, but also such other prisons and public institutions as are from time to time designated for that purpose by the Governor in Council by proclamation in the *Canada Gazette.*

(e) "Superintendent" means the Superintendent of Penitentiaries appointed under this Act;

(f) "trade instructors" includes bakers, blacksmiths, carpenters, masons, millers, shoemakers, stonecutters, tailors and persons employed to superintendend any industrial department or to direct and instruct convicts in any branch of labour;

2. Where by this Act any power or duty is conferred upon the inspectors of penitentiaries, such power may be executed or such duty discharged by the inspectors or either of them. R.S., c. 147, s. 2; 1918, c. 36, ss. 1 and 2."

3. This clause is similar, in part, to the present section three, which reads as follows:—

"**3.** All the penitentiaries in Canada and such other prisons and public institutions as are, from time to time, designated for that purpose by the Governor in Council, by Proclamation in the *Canada Gazette,* and all prisoners and other persons confined therein and inmates thereof, shall be under the control of the Minister, who shall exercise over them complete administrative power, and he shall have power to make rules and regulations for their due administration, management, discipline and police, and for such other purposes as may be necessary or expedient for the carrying into effect of the provisions of this Act. R.S., c. 147, s. 3; 1920, c. 61, s. 1."

The Penitentiary Commission.

4. (1) There shall be, under the direction and control of the Minister, a Commission to be known as The Penitentiary Commission consisting of three commissioners who shall be appointed by the Governor in Council and who shall hold office for a period of ten years from the date of appointment.

Removal only for cause.

(2) A commissioner may be removed from office for cause at any time by the Governor in Council.

Permanent incapacity and age limit.

(3) A commissioner shall cease to hold office on becoming permanently incapacitated in the opinion of the Governor in Council, or on reaching the age of sixty-five years.

Chairman.

(4) The Governor in Council may, from time to time, designate one of the commissioners to be the Chairman and another to be Vice-Chairman of the Commission.

Body corporate.

Agent of His Majesty.

(5) The Commission shall be a body corporate and politic and be and be deemed to be for all the purposes of this Act the agent of His Majesty the King in his right of the Dominion of Canada.

Commission to devote whole time.

(6) Each commissioner shall devote his whole time to the business of the Commission;

Remuneration.

(7) Each commissioner shall be paid such sum for his services as the Governor in Council may, from time to time, determine.

Quorum.

(8) Two commissioners shall constitute a quorum.

Commission may act.

(9) Any act or thing required or authorized to be done by the Commission may be done by any one or more of the commissioners as the Minister may, by regulation, direct.

Powers of Commission.

5. The Commission shall under the Minister, have the control and management of all penitentiaries and all prisoners and other persons confined therein and inmates thereof and over all matters connected therewith.

Commission may perform other duties.

6. The Commission shall perform such other duties and furnish such information as may be assigned to it or required by the Minister.

Commission to make rules.

7. (1) The Commission, subject to the approval of the Minister, shall have power to make rules and regulations for

(a) the administration, management, discipline and police of the penitentiaries;

(b) the establishment and carrying on of any work or industry at any penitentiary as may be thought desirable for the useful employment or training of the

4. This clause is new and constitutes the Penitentiary Commission.

5. This clause is new and takes the place of the present section fourteen, which reads as follows:

"**14.** (1) The Governor in Council may appoint a Superintendent of Penitentiaries and three inspectors of penitentiaries, who shall be officers of the Department of Justice, and shall, under the Minister, direct and superintend the administration and business of the penitentiaries, and perform such other duties as may from time to time be assigned to them by the Minister. 1932-33, c. 27, s. 1.

2. The Superintendent shall hold office during pleasure, and shall be paid such salary as may be authorized by law. 1918, c, 36, s. 3; 1919, (2nd session), c. 10, s. 12."

6. This clause is new.

7. This clause is, generally, similar to and takes the place of the present section fifteen. The amendments are underlined, except that subsection two formerly formed part of paragraph (a). The present section reads as follows:

"**15.** The Superintendent shall, subject to the approval of the Minister, make rules and regulations for

(a) the administration, management, discipline and police of the penitentiaries, and the wardens of the penitentiaries,

convicts, for the employment of the convicts therein, for the disposal of the products thereof, and as well for allowing, subject to such conditions as may be prescribed and payable in the manner and to such persons as may be designated by the regulations, remuneration for the labour of convicts;

(c) such other purposes as may be necessary or expedient for carrying into effect the provisions of this Act.

(2) The wardens of the penitentiaries and every other officer employed at or about the same as well as convicts confined therein shall be bound to obey such rules and regulations.

Assistant commissioners.

8. The Governor in Council may appoint such assistant commissioners, not exceeding three in number, as may be required to assist the Commission in the performance of its duties. The assistant commissioners shall hold office during pleasure and shall be paid such salaries as the Governor in Council may from time to time determine.

Staff of Commission.

9. Except as otherwise herein provided all other officers, clerks and employees as are necessary for the proper conduct of the business of the Commission shall be appointed or employed in the manner authorized by law and shall hold office during pleasure: Provided that such officers, (except the Superintendent and inspectors), clerks and employees in the Penitentiary Branch of the Department of Justice at the time of the coming into force of this Act shall, by virtue of this provision, be transferred to the Commission: Provided further, that those persons holding the positions of inspector at the time of the coming into force of this Act shall, pending the appointment by the Governor in Council of assistant commissioners, act as assistant commissioners at the salaries received by them as inspectors at such time.

Staff of Penitentiary Branch transferred.

Acting assistant commissioners.

Appointment of wardens, etc.

10. (1) The Governor in Council may appoint such wardens, deputy wardens and other administrative or executive officers as are required for the proper administration and management of the penitentiaries.

Salaries.

(2) The wardens, deputy wardens and other administrative or executive officers so appointed shall be paid such salaries as are approved by the Governor in Council.

Appointment of guards, trade instructors and subordinate officers.

11. (1) The Commission may appoint such guards, trade instructors and other subordinate officers, employees and servants as are necessary for the service of any of the penitentiaries.

Salaries.

(2) The guards, trade instructors and other officers, employees and servants so appointed shall be paid such salaries as are approved by the Governor in Council.

and every other officer employed in or about the same, as well as the convicts confined therein, shall be bound to obey such rules and regulations;

(b) the establishment and carrying on of any work or industry at any penitentiary as may be thought desirable for the useful employment or training of the convicts, for the employment of the convicts therein, for the disposal of the products thereof, and as well for allowing, subject to such conditions as may be prescribed and payable in the manner and to such persons as may be designated by the regulations, remuneration for the labour of convicts. 1918, c. 36, s. 3."

8. This clause is new and will permit an organization such as that used in the United Kingdom. There is no provision for the appointment of inspectors.

9. This clause provides for the appointment of the Commission staff in the manner authorized by law and in that respect is similar to subsection three of section twenty A. It also provides, with certain exceptions, for the transfer of the present staff from the Department of Justice to the Commission. The present subsection reads as follows:

"(3) All other officers, clerks and employees in the Penitentiary Branch of the Department of Justice shall continue to be subject to the provisions of the *Civil Service Act.*"

10. This clause is the same as the present section twenty of the Act.

11. This clause is similar to subsections one and two of the present section twenty A. The changes are indicated by the underlined words. The present subsections read as follows:

"**20A.** (1) The Superintendent may, upon the recommendation of the warden, appoint such guards, trade instructors and other subordinate officers and employees as are necessary for the service of any of the penitentiaries.

(2) The guards, trade instructors and other officers and employees so appointed shall be paid such salaries as are approved by the Governor in Council."

Soldiers' preference.

12. In making appointments under the powers conferred by this Act the Governor in Council and the Commission, respectively, shall extend to applicants the preference set out in section twenty-nine of the *Civil Service Act*.

R.S., c. 22.

Civil Service Act and Civil Service superannuation Act to apply.

R.S., c. 22. R.S. c. 24.

13. Except where inconsistent with the provisions of this Act, the provisions of the *Civil Service Act* and the *Civil Service Superannuation Act* shall apply to the assistant commissioners and all officers, clerks and servants of the Commission and all officers, employees and servants employed in the penitentiaries.

Annual report.

14. The Minister shall submit to the Governor in Council an annual report upon the penitentiaries, prisons and other institutions under his control, to be laid before both Houses of Parliament within the first twenty-one days of each session thereof, showing the state of each penitentiary, prison or other institution, and the amounts received and expended in respect thereof, with such further information as he deems requisite.

Annual Report by Commission.

15. The Commission shall make an annual report to the Minister on or before the first day of September in each year, which shall contain a full and accurate statement of the state, condition and management of the penitentiaries under its control and supervision for the preceding fiscal year, together with such suggestions for the improvement of the same as it may deem necessary or expedient, accompanied by such reports of the officers of the penitentiaries, and financial and statistical statements and tables as it deems useful or as the Minister directs.

Construction and repairs.

16. The construction and repairs of buildings and other works in the penitentiaries shall be under the control of the Commission.

To report defects.

17. If the Commission at any time finds that any penitentiary is out of repair, or does not possess the proper and requisite sanitary arrangements, or has become unsafe or unfit for the confinement of prisoners, or does not afford sufficient accommodation for the number of prisoners confined therein, or the requisite accommodation for the proper industrial employment of the prisoners, it shall forthwith report the facts to the Minister.

12. This clause is similar to the present section twenty B. The only change is the underlined word. The present section reads as follows:

"**20**B. In making appointments under the powers conferred by this Act the Governor in Council and the Superintendent, respectively, shall extend to returned soldier applicants the preference set out in section twenty-nine of the Civil Service Act."

13. This clause is new and is for the purpose of removing any doubt as to the application of the Acts therein referred to.

14. This clause is the same as the present section four.

15. This clause is similar to the present section sixteen. The changes are indicated by the underlined words. The present section reads as follows:

"**16.** The Superintendent shall make an annual report to the Minister on or before the first day of September in each year, which shall contain a full and accurate statement of the state, condition and management of the penitentiaries under his control and supervision for the preceding fiscal year, together with such suggestions for the improvement of the same as he may deem necessary or expedient, accompanied by such reports of the officers of the penitentiaries, and financial and statistical statements and tables as he deems useful or as the Minister directs. 1918, c. 36, s. 3."

16. This clause is similar to the present section thirteen. The only change is indicated by the underlined word. The present section reads as follows:

"**13.** The construction and repairs of buildings and other works in the penitentiaries shall be under the control of the Minister."

17. This clause is similar to the present section seventeen. The only changes are indicated by the underlined words. The present section reads as follows:

"**17.** If the Superintendent at any time finds that any penitentiary is out of repair, or does not possess the proper and requisite sanitary arrangements, or has become unsafe or unfit for the confinement of prisoners, or does not afford sufficient accommodation for the number of prisoners confined therein, or the requisite accommodation for the proper industrial employment of the prisoners, he shall forthwith report the facts to the Minister. 1918, c. 36, s. 3."

Penitentiaries of Canada, Kingston.

18. The penitentiary situate near the city of Kingston, in the province of Ontario, known as the Kingston Penitentiary;

St. Vincent de Paul.

The penitentiary situate at St. Vincent de Paul, in the province of Quebec, known as the St. Vincent de Paul Penitentiary;

Dorchester.

The penitentiary situate at Dorchester, in the province of New Brunswick, known as the Dorchester Penitentiary;

Manitoba.

The penitentiary situate in the county of Lisgar, in the province of Manitoba, known as the Manitoba Penitentiary;

British Columbia.

The penitentiary situate in the district of New Westminster, in the province of British Columbia, known as the British Columbia Penitentiary; and

Saskatchewan.

The penitentiary situate near the city of Prince Albert, in the province of Saskatchewan, known as the Saskatchewan Penitentiary;

together with all lands appertaining to the said penitentiaries respectively, according to the respective metes and bounds thereof as now known and defined, and all the buildings and property thereon belonging to the same, are hereby declared to be and continue to be penitentiaries of Canada.

Penitentiaries of Canada.

Kingston.

19. The Kingston Penitentiary, for the province of Ontario, excepting that part lying west of the meridian of 85 degrees 20 minutes west longitude;

St. Vincent de Paul.

The St. Vincent de Paul Penitentiary, for the province of Quebec, excepting the Magdalen Islands;

Dorchester.

The Dorchester Penitentiary, for the provinces of Nova Scotia, New Brunswick, Prince Edward Island and the Magdalen Islands;

Manitoba.

The Manitoba Penitentiary, for the province of Manitoba, that portion of the province of Ontario lying west of the meridian of 85 degrees 20 minutes west longitude, and all that part of the territories of Canada situate east of the province of Saskatchewan and the one hundred and second west meridian;

British Columbia.

The British Columbia Penitentiary, for the province of British Columbia; and

Saskatchewan.

The Saskatchewan Penitentiary, for the provinces of Alberta and Saskatchewan, and for all that part of the territories of Canada, except the Yukon Territory, situate west of the one hundred and second west meridian;

18. This clause is the same as the present section five.

19. This clause is the same as the present section six.

To be maintained for convicts of the respective provinces.

shall each be maintained as a prison for the confinement and reformation of persons lawfully convicted of crime before the courts of criminal jurisdiction of the province, territory or district for which it is the penitentiary and sentenced to confinement for life, or for any term not less than two years.

Territory for each penitentiary fixed by proclamation.

20. (1) The portion of Canada for which a penitentiary is the penitentiary shall be subject to alteration from time to time by proclamation of the Governor in Council, and by such proclamation the Governor in Council may attach to the territory or province for which any one of the above named penitentiaries is the penitentiary, any tract or territory forming a portion or the whole of the territory or province, for which some other of the said penitentiaries is the penitentiary.

Where sentence shall be served.

(2) Any person thereafter convicted of crime and sentenced as aforesaid by any court within the limits of the tract or territory so attached shall undergo in the former penitentiary the imprisonment to which he is sentenced.

Yukon.

21. (1) Every lock-up, guard-room, guard-house, or place of confinement provided by or for or under the direction of the Royal Canadian Mounted Police, or the regular military force, or a municipal body, or by the Commissioner or Commissioner in Council of the Yukon Territory, shall be a penitentiary, gaol, and place of confinement for all persons sentenced to imprisonment in the Territory.

Idem.

(2) The Commissioner of the Territory shall direct in which such penitentiary, gaol or place of confinement any person sentenced to imprisonment shall be imprisoned.

Governor in Council may proclaim penitentiary.

22. (1) The Governor in Council may declare, from time to time, by proclamation, to be published in the *Canada Gazette*, that any tract of land within Canada, of which the boundaries shall be described in the proclamation, is a penitentiary, and is to be so held within the meaning of this Act, and by such proclamation may declare for what part of Canada the same shall be a penitentiary.

Or abandon.

(2) The Governor in Council, by any proclamation published as aforesaid, may declare that any tract of land established as a penitentiary under the provisions of this Act, or by any other law, or by proclamation under this section, from and after a certain day to be named in such proclamation, shall cease to be a penitentiary, or a penitentiary for a part of Canada named in such proclamation, and such tract of land shall cease to be a penitentiary, or a penitentiary for such part of Canada, accordingly.

20. This clause is the same as the present section seven.

21. This clause is the same as the present section eight.

22. This clause is the same as the present section nine.

What personal property, goods and chattels shall be included in penitentiary.

23. Every penitentiary now established, or hereafter established by virtue of this Act, shall be deemed to include

(a) all carriages, wagons, sleighs and other vehicles for land carriage, and all boats, scows and other vessels for water carriage, which belong to such penitentiary, or are employed by hire or otherwise in its service; and

(b) every wharf at or near the penitentiary, which, although not within the limits mentioned in the proclamation establishing the penitentiary, is used for the accommodation of such boats, scows or other vessels, when the same are employed in or about any work or labour connected with the penitentiary.

Streets and thoroughfares used by convicts, part of penitentiary.

24. (1) Every street, highway or thoroughfare of any kind along or across which it is necessary or convenient that convicts should pass in going to or returning from their work, or upon which it may be deemed necessary or expedient that convicts should be employed, shall be considered, while so used, as a portion of the tract of land forming the penitentiary.

Escapes and rescues.

(2) Every escape, or attempt at escape, and every rescue, or aid in rescue, which takes place on such street, highway or thoroughfare, while so used, or on or from any wharf, boat, scow or other vessel which a penitentiary is by this Act declared to include, shall have the same effect as if such escape, or attempt at escape, or such rescue, or aid in rescue, had taken place within the prison walls or penitentiary limits.

Rail and tram roads.

25. The Commission, with the approval of the Minister, may authorize the warden of any penitentiary to construct rail or tram roads to communicate between any one part of the penitentiary and any other part, and to carry the same across, upon or along any public road or street intervening, in such manner as to cause the least possible inconvenience to passengers or carriages using such road or street; but the warden of such penitentiary shall not break ground upon any public road or street for the purpose of constructing such rail or tram roads, in virtue of such authority, until after the lapse of one month after a copy of the writing giving such authority, certified by the warden, together with a plan showing the line which such rail or tram roads are to occupy, has been served upon the officer or person charged with the care or supervision of such public road.

23. This clause is the same as the present section ten.

24. This clause is the same as the present section eleven.

25. This clause is similar to the present section twelve. The changes are indicated by the underlined words. The present section treads as follows:

"**12.** The Minister may authorize the warden of any penitentiary to construct rail or tram roads to communicate between any one part of the penitentiary and any other part, and to carry the same across, upon or along any public road or street intervening, in such manner as to cause the least possible inconvenience to passengers or carriages using such road or street; but the warden of such penitentiary shall not break ground upon any public road or street for the purpose of constructing such rail or tram roads, in virtue of such authority, until after the lapse of one month after a copy of the writing giving such authority, certified by the warden, together with a plan showing the line which such rail or tram roads are to occupy, has been served upon the officer or person charged with the care or supervision of such public road. R.S., c. 147, s. 12."

Commissioners and assistant commissioners to have free access.

26. (1) The Commission or any commissioner or, under the direction of the Commission, an assistant commissioner, may

(a) at any time enter and remain within any penitentiary and have access to every part of the same, and examine all papers, documents, vouchers, records and books of every kind belonging thereto;

Power to assume control.

(b) assume control of any penitentiary and exercise the powers and functions of warden with respect to the control and management of such penitentiary, and of all its concerns;

To investigate.

(c) investigate the conduct of any officer or servant employed in or about any penitentiary, or of any person found within the precincts thereof, and for that purpose may summon by subpoena any person, and examine such person under oath, and may compel the production of papers and writings.

To issue warrant for arrest for person not appearing.

(2) If any person duly summoned neglects or refuses to appear at the time and place specified, or refuses to give evidence or produce the papers demanded of him, the officer conducting the investigation may cause the said person, by his warrant, to be taken into custody and to be imprisoned in the common gaol of the locality, as for contempt of court, for a period not exceeding fourteen days.

Special reports.

27. The Minister may, at any time when he deems it necessary, appoint one or more persons to make a special report on the state and management of any penitentiary, and in such case, the person or persons so appointed, in order to enable him or them to make such special report, shall have the powers given to the Commission, a commissioner or assistant commissioner by the section last preceding.

Duties of assistant commissioners.

28. The assistant commissioners shall, under the direction of the Commission, visit, examine and report upon the state and management of the penitentiaries and the suggestions which the warden or officers in charge thereof make for the improvement of the same and shall perform such other duties as the Commission may direct.

Ex-officio justice of peace.

29. Each commissioner and assistant commissioner shall by virtue of his office, be a justice of the peace for every district, county and city or town of Canada, but shall have power to act only in matters connected with the criminal law.

26. This clause is similar to the present section eighteen. The changes are indicated by the underlined words. The present section reads as follows:

"**18.** The Superintendent, or an inspector under his direction, may

(a) at any time enter and remain within any penitentiary and have access to every part of the same, and examine all papers, documents, vouchers, records and books of every kind belonging thereto;

(b) assume control of any penitentiary and exercise the powers and functions of warden with respect to the control and management of such penitentiary, and of all its concerns;

(c) investigate the conduct of any officer or servant employed in or about any penitentiary, or of any person found within the precincts thereof, and for that purpose may summon by subpœna any person, and examine such person under oath, and may compel the production of papers and writings.

2. If any person duly summoned neglects or refuses to appear at the time and place specified, or refuses to give evidence or produce the papers demanded of him, the officer conducting the investigation may cause the said person, by his warrant, to be taken into custody and to be imprisoned in the common gaol of the locality, as for contempt of court, for a period not exceeding fourteen days. 1918, c. 36, s. 3."

27. This clause is similar to the present section nineteen. The changes are indicated by the underlined words. The present section reads as follows:

"**19.** The Minister may, at any time when he deems it necessary, appoint one or more persons to make a special report on the state and management of any penitentiary, and in such case the person or persons so appointed, in order to enable him to make such special report, shall have the power given to the Superintendent or an inspector by the two sections last preceding. 1918, c. 36, s. 3."

28. This clause is similar to the present section twenty-one. The changes are indicated by the underlined words. The present section reads as follows:

"**21.** The inspectors shall under the direction of the Superintendent visit, examine and report upon the state and management of the penitentiaries, and the suggestions which the warden or officers in charge thereof make for the improvement of the same."

29. This clause is similar to the present section twenty-two. The changes are indicated by the underlined words. The present section reads as follows:

"**29.** An inspector by virtue of his office shall be a justice of the peace for every district, county, city or town of Canada, but shall have power to act in matters connected with the criminal law only."

Suspension.

30. The Commission may suspend any officer of the penitentiary and the warden may suspend any officer of an inferior rank, pending the decision of the Minister in each case.

Wardens to have executive control.

31. (1) The warden of a penitentiary shall be the chief executive officer of the same; and as such shall have the entire executive control and management of all its concerns, subject to the rules and regulations duly established, and the written instructions of the Commission, or of the Minister.

In cases not provided for.

(2) In all cases not provided for, and where the Commission cannot readily be consulted, the warden shall act in such manner as he deems most advantageous for the penitentiary.

Responsibility of warden.

(3) He shall be responsible for the faithful and efficient administration of the affairs of every department of the penitentiary, and he shall reside at the penitentiary.

If warden absent or incapacitated.

32. In the absence or during the incapacity of the warden, the deputy warden shall exercise all the disciplinary powers and perform all the necessary duties of the warden; and in the absence or during the incapacity of the deputy warden, the chief keeper, or in his absence the senior keeper present, shall exercise all the disciplinary powers and perform all the duties of the deputy warden, including the disciplinary powers and duties of the warden when he also is absent or incapacitated.

Security.

33. (1) Every warden, deputy warden, accountant, storekeeper, steward and every such other officer as is, from time to time, designated by the Commission, shall give and

By bond.

enter into a bond or bonds for the faithful performance of the duties of his office according to law, and in such sum, and with such sufficient surety or sureties, as the Commission approves.

By guarantee company.

(2) The Commission may require that the security to be given in such cases, or in any such case, may be by bond or policy of a guarantee company, and may direct that the premiums payable upon such bonds or policies shall be paid by His Majesty.

Oaths.

34. (1) Every warden, and every other officer employed permanently in a penitentiary, shall severally take and subscribe, in a book to be kept for that purpose, the oath of allegiance to His Majesty, and an oath of office in the form following, that is to say:—

30. This clause is similar to the present section twenty-five. The only change is the underlined word. The present section reads as follows:

"**25.** The Superintendent may suspend any officer of a penitentiary, and the warden may suspend any officer of inferior rank, pending the decision of the Minister in each case."

31. This clause is similar to the present section twenty-six. The changes are indicated by the underlined words. The present section reads as follows:

"**26.** The warden of a penitentiary shall be the chief executive officer of the same; and as such shall have the entire executive control and management of all its concerns, subject to the rules and regulations duly established, and the written instructions of the Superintendent, or of the Minister.

2. In all cases not provided for, and where the Superintendent cannot readily be consulted, the warden shall act in such manner as he deems most advantageous for the penitentiary.

3. He shall be responsible for the faithful and efficient administration of the affairs of every department of the penitentiary, and he shall reside at the penitentiary. R.S., c. 147, s. 27; 1918, c. 36, s. 4."

32. This clause is the same as the present section twenty-seven.

33. This clause is similar to the present section twenty-eight. The changes are indicated by the underlined words. The present section reads as follows:

"**28.** Every warden, deputy warden, accountant, storekeeper, steward and every such other officer as is, from time to time, designated by the Minister, shall give and enter into a bond or bonds for the faithful performance of the duties of his office according to law, and in such sum, and with such sufficient surety or sureties, as the Minister approves.

2. The Minister may require that the security to be given in such cases, or in any such case, may be by bond or policy of a guarantee company, and may direct that the premiums payable upon such bonds or policies shall be paid by His Majesty. R.S., c. 147, s. 29."

34. This clause is similar to the present section twenty-nine. The changes are indicated by the underlined words. The present section reads as follows:

Form.

"I (A.B.) do promise and swear that I will faithfully, diligently and justly serve and perform the duties assigned me as an officer in the Penitentiary, to the best of my abilities; and that I will carefully observe and carry out all the regulations of the Penitentiary. So help me God."

Who may administer oath.

(2) A commissioner, an assistant commissioner, or the warden may administer such oaths.

Warden, etc., not to exercise any other calling.

35. No officer, on the permanent staff of a penitentiary, shall carry on any trade or calling of profit or emolument other than his employment in the penitentiary, except by consent of the Governor in Council: Provided that in cases where such exemption is granted a reduction of at least twenty per centum shall be made from the salary attached to the office or position held by such officer.

Deduction of pay.

36. (1) The Commission may, for cause, authorize a deduction from the salary of any officer not exceeding one month's pay.

Commission may suspend.

(2) The salary of any officer suspended by the Commission or by the warden, shall cease during the period of his suspension; but the Minister may direct payment of the same.

To retiring officers.

37. (1) To any officer whose conduct has been good, and who has been faithful in the discharge of his duties, who

(a) is compelled to retire from the service on account of some mental or physical infirmity or injury which unfits him for the performance of his duty; or

(b) may be retired to promote efficiency or economy; and

(c) is not entitled to a superannuation allowance under any Act in that behalf in force;

Rate.

a gratuity, or retiring allowance may be given, calculated at the rate of a half month's salary for each year of his service, up to five years, and a month's salary for each year of service in excess of five years, based on the salary that such officer was in receipt of at the time of his retirement:

Proviso.

Provided that the retiring allowance authorized by this subsection shall not be paid to any officer if he is eligible to receive compensation in respect of the infirmity or injury which has compelled his retirement from the service under

R.S., c. 30.

and in virtue of the provisions of the *Government Employees' Compensation Act.*

"**29.** Every warden, and every other officer employed permanently in a penitentiary, shall severally take and subscribe, in a book to be kept for that purpose, the oath of allegiance to His Majesty, and an oath of office in the form following, that is to say:—

"I (A.B.) do promise and swear that I will faithfully, diligently and justly serve and perform the duties assigned me as an officer in the Penitentiary, to the best of my abilities; and that I will carefully observe and carry out all the regulations of the Penitentiary. So help me God."

2. The Superintendent, one of the inspectors or the warden may administer such oaths. R.S., c. 147, s. 30; 1918, c. 36, s. 5."

35. This clause is the same as the present section thirty.

36. This clause is similar to subsections two and three of the present section thirty-one. The changes are indicated by the underlined words. The present section reads as follows:

"**31.** There shall be paid to each officer or employee, such salary as may be authorized by law.

2. The Minister may, for cause, authorize a deduction from the salary of any officer not exceeding one month's pay.

3. The salary of any officer suspended by the Superintendent, or by the warden, shall cease during the period of his suspension; but the Minister may direct payment of the same. R.S., c. 147, s. 32; 1918, c. 36, s. 6; 1918, c. 12."

37. This clause is the same as the present section thirty-two.

May be increased.

(2) Such retiring allowance may be increased by one-half the amount thereof if the infirmity or injury which compels such officer to retire from the service is occasioned by any hurt received by him in the performance of his duty, without fault or negligence on his part, at the hands of any convict, or in preventing an escape or rescue, or in supressing a revolt: Provided that in no case shall the retiring allowance of any officer be so increased if he is eligible to receive compensation in respect of the infirmity or injury which has compelled his retirement from the service under and in virtue of the provisions of the *Government Employees' Compensation Act.*

No increase of gratuity if compensation payable.

Saving of eligibility for gratuity.

(3) Except as hereinafter otherwise provided, the eligibility of any officer to be paid such a gratuity shall not be affected by his having heretofore or hereafter become a contributor under Part II of the *Civil Service Superannuation and Retirement Act,* or under the *Civil Service Superannuation Act;* but the amount of the gratuity which may be paid under this Act to any such officer on retirement from the Service shall be computed in respect only of the period of his service down to the date on which he became a contributor under either of the Acts aforementioned.

R.S., 1906, c. 17.

R.S., c. 24.

Gratuity in addition to retirement fund moneys.

(4) If any officer, being a contributor under Part II of the *Civil Service Superannuation and Retirement Act,* be eligible on retirement to receive a gratuity under this Act, he may be paid such gratuity in addition to the amount to his credit in the Retirement Fund.

Gratuity less benefits under Civil Service Superannuation Act.

(5) If any officer, being a contributor under the *Civil Service Superannuation Act,* be eligible on retirement to receive a gratuity under this Act, and also a withdrawal allowance of the amount of his contributions, or a gratuity, under the *Civil Service Superannuation Act,* he may be paid a gratuity under this Act less the amount of any withdrawal allowance of contributions or of any gratuity granted to him under the *Civil Service Superannuation Act.*

No gratuity to officer retired on annuity.

(6) If any officer, being a contributor under the *Civil Service Superannuation Act,* be eligible on retirement to receive a superannuation or annual retiring allowance under the said Act, he shall not be eligible to receive, in addition to such superannuation or annual retiring allowance, any gratuity under this Act: Provided that if such officer is compelled to retire from the service on account of infirmity or injury occasioned in the manner specified in subsection two of this section and is otherwise eligible to receive a gratuity under this Act, he may be paid such gratuity (subject to the limitation contained in the proviso to said subsection two), in addition to the superannuation or annual retiring allowance aforementioned.

Exception.

To widows, etc., of deceased officers.

38. (1) If any officer dies in the service leaving a widow or any person who in his lifetime was dependent on him, a gratuity may be paid to his widow, if any, and if not, to any person or persons in the lifetime of such officer dependent on him, or to any person or corporation in trust for any such person or persons so dependent on him.

Limits.

(2) No such gratuity shall exceed the amount of the salary

(a) for the two months preceding his death, if such officer was a warden or deputy warden;

(b) for the three months preceding his death, in the case of any other officer.

Increase.

(3) Such gratuity may be increased by one-half the amount thereof if the death of such officer is occasioned by any injury received by him in the performance of his duty, without fault or negligence on his part, at the hands of any convict, or in preventing an escape or rescue, or in suppressing a revolt.

No gratuity payable under Civil Service Act.

(4) Any gratuity paid under the authority of this section shall be in lieu of any gratuity which might otherwise be paid to the widow or dependents of a deceased officer under the provisions of the *Civil Service Act*.

Perquisites allowable.

39. No officer shall be allowed any perquisite except as follows:—

(a) Wardens and deputy wardens shall be entitled to free residence or quarters, and to such allowance of heat, light and water as the Commission deems necessary therefor;

(b) The ornamental grounds attached to the residence or quarters of a warden or deputy warden may be kept in order and cultivated by convict labour, but otherwise no convict labour shall be employed in keeping in order or cultivating any grounds occupied by an officer;

(c) Any officer whose duties require him and who is directed by the Commission to reside on the penitentiary reserve may, during the will of the Commission, occupy free of rent any house or quarters, with any grounds attached, which form part of the penitentiary property;

(d) Any officer who wears uniform may be allowed such uniform as the Commission prescribes.

Warden a corporation.

40. The Warden shall be a corporation sole known by the name of "The Warden of the..... Penitentiary", (designating the place as named in this Act, or named in the proclamation establishing it as a penitentiary), and by that name he, and his successors, shall have perpetual succession, and may sue and be sued, and may plead and be pleaded unto, in any of His Majesty's courts.

38. This clause is the same as the present section thirty-three.

39. This clause is similar to the present section thirty-four. The changes are indicated by the underlined words. The present section reads as follows:

"**34.** No officer shall be allowed any perquisite except as follows:—

(a) Wardens and deputy wardens shall be entitled to free residence or quarters, and to such allowance of heat, light and water as the Minister deems necessary therefor;

(b) The ornamental grounds attached to the residence or quarters of a warden or deputy warden may be kept in order and cultivated by convict labour, but otherwise no convict labour shall be employed in keeping in order or cultivating any grounds occupied by an officer;

(c) Any officer whose duties require him and who is directed by the Minister to reside on the penitentiary reserve may, during the will of the Minister, occupy free of rent any house or quarters, with any grounds attached, which form part of the penitentiary property;

(d) Any officer who wears uniform may be allowed such uniform as the inspectors with the concurrence of the Minister, prescribe. R.S., c. 147, s. 35."

40. This clause is the same as the present section thirty-five.

All transactions in the corporate name.

41. (1) All dealings and transactions on account of any penitentiary, and all contracts for goods, wares or merchandise necessary for maintaining and carrying on the penitentiary, or for the sale of goods prepared or manufactured in the penitentiary, shall be entered into and carried out in the corporate name of the warden.

(2) All personal property belonging to the penitentiary shall be held in the corporate name of the warden for His Majesty.

Real property vested in His Majesty.

42. The real property of every penitentiary, as well as all books, records and the other property thereto belonging, shall be vested in His Majesty; but the warden and his successors in office shall have the custody and care thereof under the provisions of this Act.

Arbitration of differences.

43. (1) Whenever any difference arises between the warden and any person having dealings with him on account of the penitentiary, such difference may, by order of the Commission, and with the consent of such person, be referred either to one arbitrator, selected by the warden and such person, or to three arbitrators, one of whom shall be named by the warden, and another by such other person, and a third by the two so named as aforesaid.

Award final.

(2) In the one case, the award of the arbitrator, and, in the other case, the award of any two of the arbitrators, shall be final.

Warden to collect debts.

44. The warden of a penitentiary shall exercise due diligence in enforcing the payment of debts due to the penitentiary, and with as little expense as possible; and, on the report of the Commission, approved by the Minister, he may accept of such security from any debtor on granting time, or such composition in full settlement, as is thought conducive to the interests of the penitentiary.

Privileged visitors.

45. The following persons may visit any penitentiary during business hours, that is to say:—the Governor General of Canada, the lieutenant-governor of any province of Canada, any member of the King's Privy Council for Canada, any member of the executive council of any of the said provinces, any member of the Parliament of Canada, and any judge of any court of record in Canada or in any of the said provinces; but no other person except the commissioners, assistant commissioners or persons specially appointed by the Minister shall be permitted to enter within the walls wherein the prisoners are confined, except by the special permission of the warden, and under such regulations as the Commission prescribes.

41. This clause is the same as the present section thirty-six.

42. This clause is the same as the present section thirty-seven.

43. This clause is similar to the present section thirty-eight. The only change is the underlined word. The present section reads as follows:

"**38.** Whenever any difference arises between the warden and any person having dealings with him on account of the penitentiary, such difference may, by order of the Superintendent, and with the consent of such person, be referred either to one arbitrator, selected by the warden and such person, or to three arbitrators, one of whom shall be named by the warden, and another by such other person, and a third by the two so named as aforesaid.

2. In the one case, the award of the arbitrator, and, in the other case, the award of any two of the arbitrators, shall be final. R.S., c. 147, s. 39; 1918, c. 36, s. 6."

44. This clause is similar to the present section thirty-nine. The only change is the underlined word. The present section reads as follows:

"**39.** The warden of a penitentiary shall exercise due diligence in enforcing the payment of debts due to the prenitentiary, and with as little expense as possible; and, on the report of the Superintendent, approved by the Minister, he may accept of such security from any debtor on granting time, or such composition in full settlement, as is thought conducive to the interests of the penitentiary. R.S., c. 147, s. 40; 1918, c. 36, s. 6."

45. This clause is similar to the present section forty. The changes are indicated by the underlined words. The present section reads as follows:

"**40.** The following persons, other than the Superintendent, the inspectors or persons specially appointed by the Minister, may visit any penitentiary during business hours, that is to say:—the Governor General of Canada, the lieutenant-governor of any province of Canada, any member of the King's Privy Council for Canada, any member of the executive council of any of the said provinces, any member of the Parliament of Canada, and any judge of any court of record in Canada or in any of the

For life or 2 years and upwards.

46. Every one who is sentenced to imprisonment for life, or for a term of years, not less than two, shall be sentenced to imprisonment in the penitentiary for the province in which the conviction takes place.

Subject to regulations.

47. (1) Every one who is sentenced to imprisonment in a penitentiary shall be subject to the provisions of the statutes relating to such penitentiary, and to all rules and regulations lawfully made with respect thereto.

Commencement of sentence.

(2) The term of imprisonment in pursuance of any sentence shall, unless otherwise directed in the sentence, commence on and from the day of passing such sentence; but no time during which the convict is out on bail shall be reckoned as part of the term of imprisonment to which he is sentenced.

Power of warden and officers to prevent escape and to effect arrest and re-capture of escaping convict.

48. (1) In every case for the prevention of escape of any convict in a penitentiary, and for the arrest and re-capture of any such convict who has escaped from a penitentiary the warden or other officers of the penitentiary shall have the same duty, and shall have and may exercise the same power, right and authority and means as if such convict had been convicted of, and were under imprisonment for, felony, or for an offence which was felony at common law.

(2) In no case shall the warden or other officers be deemed to have less power, right or authority for the purpose of preventing an escape, or for the arrest and re-capture of any escaped or escaping convict, no matter for what offence such convict may have been committed to the penitentiary, than a peace officer would have for the purpose of arresting a person charged under a warrant duly issued for the arrest of such person for a crime which is felony or was felony at common law, and of which he is guilty.

Who may convey convicts.

49. (1) The sheriff or deputy sheriff of any county or district, or any bailiff, constable, or other officer, or other person, by his direction or by the direction of a court, or any officer appointed by the Governor in Council and attached to the staff of a penitentiary for that purpose, may convey to the penitentiary named in the sentence, any convict sentenced or liable to be imprisoned therein, and shall deliver him to the warden thereof, without any further warrant than a copy of the sentence taken from the minutes of the court before which the convict was tried, and certified by a judge or by the clerk or acting clerk of such court.

said provinces; but no other person shall be permitted to enter within the walls wherein the prisoners are confined, except by the special permission of the warden, and under such regulations as the Superintendent prescribes. R.S., c. 147, s. 41; 1918, c. 36, s. 6."

46. This clause is the same as the present section forty-one.

47. This clause is the same as the present section forty-two.

48. This clause is the same as the present section forty-three.

49. This clause is the same as the present section forty-four.

Where convict to be confined pending determination of his appeal.

(2) A convict shall not be conveyed to the penitentiary pending any appeal against his conviction or sentence, nor until after the expiration of the time limited for such appeal, but, subject to the provisions of the Criminal Code for admitting an appellant to bail pending the determination of his appeal, shall be confined in any gaol or other place of confinement wherein he may be lawfully kept after sentence while awaiting removal to the penitentiary.

Time limit deemed to expire on notice of election not to appeal.

(3) If a convict elect not to appeal he may at any time before the expiration of the time limited for appeal give notice in writing of such election to the convicting magistrate or to the proper officer of the court in which he was convicted, and thereupon the time limited for appeal shall be deemed to have expired.

Period of confinement not to be computed as time served.

(4) Subject to the provisions of subsection two of section one thousand and nineteen of the *Criminal Code*, any period during which a convict is detained in the gaol or other place of confinement pursuant to the authority of this section shall not be computed as time served in the execution of his sentence, unless he be so detained pending an appeal by the Attorney General or counsel for the Crown.

Medical certificate.

50. Whenever a prisoner is ordered, by competent authority to be conveyed to any penitentiary from any other penitentiary, or from a reformatory, prison, or from a gaol there shall be delivered to the warden of the penitentiary receiving such prisoner, together with all other necessary documents, a certificate signed by the medical officer of the institution from which such prisoner has been taken, and countersigned by the official in charge of the penitentiary, reformatory or gaol from which such prisoner has been taken, declaring that such prisoner is free from any putrid, infectious or contagious disease, and that he is fit to be removed: Provided that a prisoner sentenced to imprisonment in a penitentiary, or ordered by competent authority to be conveyed to any penitentiary from any other penitentiary, or from a reformatory, prison, or from a gaol, may remain and be kept in lawful custody in the penitentiary, reformatory, prison or gaol from which he was sentenced or ordered to be conveyed until the necessary documents, including the certificate hereinbefore required, shall have been delivered to the warden of the penitentiary receiving such prisoner.

Prisoner may be kept in penitentiary, etc., until necessary documents, including a certificate of health, are delivered to warden.

Convict must be legally certified.

51. The warden shall receive into the penitentiary every convict legally certified to him as sentenced to imprisonment therein, unless certified by the surgeon of the penitentiary to be suffering from a dangerously infectious or contagious disease, and shall there detain him, subject to the rules, regulations and discipline thereof, until the term for which he has been sentenced is completed, or until he is

50. This clause is the same as the present section forty-five.

51. This clause is the same as the present section forty-six.

otherwise legally discharged: Provided that a convict, if certified by the surgeon to be suffering in manner aforesaid, may remain and be kept in his former custody until his condition shall in the opinion of the surgeon justify withdrawal of the certificate.

Warrant for removal.

52. (1) The Chairman, or in his absence the Vice-Chairman, may, by warrant under his hand, direct the removal of any convict from any one penitentiary to another, or from one territorial gaol to another; and the warden, or gaoler, having the custody of any convict so ordered to be removed, when required so to do, shall deliver up the said convict to the constable or other officer or person who produces the said warrant, together with a copy, attested by the said warden, or gaoler, of the sentence and date of conviction of such convict as given to him on reception of such convict into his custody.

Execution thereof.

(2) The constable or other officer or person shall give a receipt to the warden, or gaoler, for the convict, and shall thereupon, with all convenient despatch, convey and deliver up such convict, with the said attested copy, into the custody of the warden, or gaoler, mentioned in the warrant, who shall give a receipt in writing for every convict so received into his custody, to such constable or other officer or person, as his discharge.

Custody of convict.

(3) The convict shall be kept in custody in the penitentiary or gaol to which he is so removed, until his removal to another penitentiary or gaol, or until the termination of his sentence, or until his discharge by law.

Deemed in custody of warden from date of sentence.

(4) For the purposes of this section any convict sentenced to be imprisoned in any penitentiary shall be deemed to be in the custody of the warden of that penitentiary immediately upon such sentence; and the sheriff or other officer in whose custody he then is shall, upon receiving a receipt therefor, deliver up the convict, together with a copy of the sentence taken from the minutes of the court and certified by a judge or by the clerk or acting clerk thereof, to any constable or other officer or person who produces a warrant under this section for the removal of such convict from such penitentiary to any other penitentiary, and the like action shall thereupon be had and taken as in other cases under this section.

Convicts sentenced to certain gaols may be removed.

(5) Any convict confined in a gaol in the Northwest Territories, or in the custody of the Royal Canadian Mounted Police, if his sentence of imprisonment is for a term of two years or longer, may be removed to a penitentiary, or, if the sentence is for less than two years, to a territorial gaol, in the manner provided by this section for the removal of a convict from one penitentiary to another; and the sheriff or other person in charge of such gaol, or

Proceedings therefor.

52. This clause is similar to the present section forty-seven. The changes are indicated by the underlined words. The present section reads as follows:

"**47.** The Minister may, by warrant under his hand, direct the removal of any convict from any one penitentiary to another or from one territorial gaol to another; and the warden, or gaoler, having the custody of any convict so ordered to be removed, when required so to do, shall deliver up the said convict to the constable or other officer or person who produces the said warrant, together with a copy, attested by the said warden, or gaoler, of the sentence and date of conviction of such convict as given to him on reception of such convict into his custody.

2. The constable or other officer or person shall give a receipt to the warden, or gaoler, for the convict, and shall thereupon, with all convenient despatch, convey and deliver up such convict, with the said attested copy, into the custody of the warden, or gaoler, mentioned in the warrant, who shall give a receipt in writing for every convict so received into his custody, to such constable or other officer or person, as his discharge.

3. The convict shall be kept in custody in the penitentiary or gaol to which he is so removed, until his removal to another penitentiary or gaol, or until the termination of his sentence, or until his discharge by law.

4. For the purposes of this section any convict sentenced to be imprisoned in any penitentiary shall be deemed to be in the custody of the warden of that penitentiary immediately upon such sentence; and the sheriff or other officer in whose custody he then is shall, upon receiving a receipt therefor, deliver up the convict, together with a copy of the sentence taken from the minutes of the court and certified by a judge or by the clerk or acting clerk thereof, to any constable or other officer or person who produces a warrant under this section for the removal of such convict from such penitentiary to any other penitentiary, and the like action shall thereupon be had and taken as in other cases under this section.

5. Any convict confined in a gaol in the Northwest Territories, or in the custody of the Royal Canadian Mounted Police, if his sentence of imprisonment is for a term of two years or longer, may be removed to a penitentiary, or, if the sentence is for less than two years, to a territorial gaol, in the manner provided by this section for the removal of a convict from one penitentiary to another; and the sheriff or other person in charge of such gaol, or the officer in command of the Royal Canadian Mounted Police at the post where such convict is in custody, shall be substituted, in the application of this section to such cases, for the warden of the penitentiary from which a convict is removed. R.S., c. 147, s. 47."

the officer in command of the Royal Canadian Mounted Police at the post where such convict is in custody, shall be substituted, in the application of this section to such cases, for the warden of the penitentiary from which a convict is removed.

Authority of sheriff or officer conveying convict.

53. (1) The sheriff or other officer or person employed by competent authority to convey any convict to any penitentiary to which such convict is ordered to be taken, either by sentence of a court or by order of the Chairman, or in his absence the Vice-Chairman, as in the last preceding section mentioned, may secure and convey him through any county or district through which he has to pass in any of the provinces of Canada.

Idem.

(2) Until the convict has been delivered to the warden of such penitentiary, such sheriff, officer or person shall, in all territorial divisions or parts of Canada through which it may be necessary to convey such convict, have the same authority and power over and with regard to such convict, and to command the assistance of any person in preventing his escape, or in recapturing him in case of an escape, as the sheriff of the territorial division in which he was convicted would himself have, in conveying him from one part of that division to another.

Commutation of death sentence.

54. (1) If sentence of death has been passed upon any convict by any court in Canada, and the Governor General, on behalf of His Majesty, has been pleased to commute such sentence to imprisonment for life, or for any term of years. such commutation shall have the same effect as the judgment of a competent court legally sentencing such convict to such imprisonment for life or other term.

Conveyance of convict in such case.

(2) The sheriff, or other officer, or other person having such convict in custody, on receipt of a letter from the Secretary of State, notifying him of the fact of such commutation, and directing him to convey such convict to a penitentiary therein named, shall forthwith convey such convict thereto, and shall have the same rights and powers, in conveying such convict to such penitentiary, as if the conveyance took place by virtue of the sentence of a competent court.

Authority of warden in case of such commutation.

55. (1) A letter signed by the Secretary of State, notifying the warden of the fact of the commutation of any sentence of death to imprisonment for life or for a term of years, and of the term of years or life term to which the sentence has been commuted shall be sufficient authority to the warden to receive such convict into the penitentiary, and to deal with him as if he had been sentenced by a competent court to confinement therein for the period or life term in the said letter mentioned.

53. This clause is similar to the present section forty-eight. The changes are indicated by the underlined words. The present section reads as follows:

"**48.** The sheriff or other officer or person employed by competent authority to convey any convict to any penitentiary to which such convict is ordered to be taken, either by sentence of a court or by order of the Minister, as in the last preceding section mentioned, may secure and convey him through any county or district through which he has to pass in any of the provinces of Canada.

2. Until the convict has been delivered to the warden of such penitentiary, such sheriff, officer or person shall, in all territorial divisions or parts of Canada through which it may be necessary to convey such convict, have the same authority and power over and with regard to such convict, and to command the assistance of any person in preventing his escape, or in recapturing him in case of an escape, as the sheriff of the territorial division in which he was convicted would himself have, in conveying him from one part of that division to another R.S. c. 147, s. 48."

54. This clause is the same as the present section forty-nine.

55. This clause is the same as the present section fifty.

Copy of pardon not required.

(2) It shall not be necessary for the purpose of commuting such sentence, or of authorizing the conveyance of a prisoner to any penitentiary, or for his reception and detention therein for the term to which such sentence is commuted, that the warden should have in his possession a copy of any pardon.

If certified incorrigible, may be transferred to penitentiary.

56. (1) If a juvenile offender has been ordered by competent authority to be imprisoned in any reformatory prison, and after being imprisoned therein has become incorrigible, and is so certified by the superintendent of such reformatory prison, or, in the province of Quebec, by one of the inspectors of prisons for the province, the lieutenant-governor of the province in which the reformatory prison is situated, by a warrant under his hand, addressed to the superintendent of such reformatory prison, setting forth the sentence or order under which the juvenile offender was imprisoned therein, and the fact that he is incorrigible, may direct that such juvenile offender be removed to any penitentiary named in the said warrant.

Authority of officers.

(2) Any officer of the prison, or any other person authorized by the superintendent, shall have the same powers in conveying such juvenile offender to such penitentiary as are hereinbefore given to a sheriff or other person in like cases.

Duty of warden.

(3) The warden of the penitentiary named in the warrant shall receive such juvenile offender, and deal with him for the unexpired term of the sentence or order under which he was ordered to be imprisoned in such reformatory prison, as if he had been sentenced to such penitentiary by a competent court: Provided that, together with the said offender, a copy of the said sentence or order, attested by the superintendent of the reformatory prison, and also an order from the lieutenant-governor directing the warden of such penitentiary to receive such juvenile offender, shall be delivered to the warden of the penitentiary.

Transfer to reformatory.

57. The Chairman, or in his absence the Vice-Chairman may, at any time, in his discretion, by warrant under his hand, cause any convict in a penitentiary who appears to the warden to be under sixteen years of age, and susceptible of reformation, to be transferred, for the remainder of his term of imprisonment, to a reformatory prison, if there is one, of the province where such convict was sentenced.

If insane when received at penitentiary.

58. (1) If at any time within three months after the receipt at a penitentiary of any convict sentenced to imprisonment therein, it is established to the satisfaction of the Chairman, or in his absence the Vice-Chairman, either by the written certificate of the surgeon of such penitentiary

56. This clause is the same as the present section fifty-one.

57. This clause is similar to the present section fifty-two. The changes are indicated by the underlined words. The present section reads as follows:

"**52.** The Minister may, at any time, in his discretion, by warrant under his hand, cause any convict in a penitentiary who appears to the inspector to be under sixteen years of age, and susceptible of reformation, to be transferred, for the remainder of his term of imprisonment, to a reformatory prison, if there is one, of the province where such convict was sentenced. R.S., c. 147, s. 52."

58. This clause is similar to the present section fifty-three. The changes are indicated by the underlined words. The present section reads as follows:

"**53.** If at any time within three months after the receipt at a penitentiary of any convict sentenced to imprisonment

or otherwise, that the convict is insane or imbecile and was insane or imbecile at the time when he was received at the penitentiary, the Chairman, or in his absence the Vice-Chairman, may, after giving reasonable notice of his intention to the attorney general of the province within which such insane or imbecile convict was convicted, by warrant under his hand, direct the removal of such insane or imbecile convict from the penitentiary to the gaol or other place of confinement from which such insane or imbecile convict came to the penitentiary.

Returned to former custody.

Authority of officers.

(2) Such warrant shall be sufficient authority to the warden or any other officer of the penitentiary to remove such insane or imbecile convict from the penitentiary to such gaol or place of confinement and there to deliver him to the keeper thereof.

Ward for insane.

59. The Commission may direct the warden of any penitentiary to set apart a portion thereof for the reception, confinement and treatment of insane convicts; and the portion so set apart shall be used for such purposes accordingly, and shall be known as the ward for the insane.

Surgeon to report.

60. (1) If at any time it appears to a surgeon of a penitentiary that any convict confined therein is insane and ought to be removed to the ward for the insane, he shall report the same in writing to the warden with a view to the removal of such convict to the ward for the insane.

If convict recovers.

(2) If the surgeon shall at any time thereafter certify to the warden that such convict has recovered his reason, and is in a fit state to be removed from the ward for the insane, the warden shall remove such convict therefrom.

Removal to asylum for insane.

61. (1) When a surgeon of a penitentiary reports in writing to the warden that any convict confined in such penitentiary is insane, and ought to be removed to an asylum for the insane, the warden shall report the facts to the Commission.

Warrant for removal to provincial asylum.

(2) The Chairman, or in his absence the Vice-Chairman, may thereupon, if an arrangement exists with the lieutenant-governor of any province for the maintenance of such convict in an asylum for the insane of the province, by warrant under his hand, direct the removal of such insane convict to the custody of the keeper or person in charge of such asylum, for the unexpired portion of his sentence.

How executed.

(3) The warden of the penitentiary, when required so to do, shall deliver up to the constable or other officer or person who produces such warrant, the insane convict, together with a copy, attested by the warden, of the sentence

therein, it is established to the satisfaction of the Minister, either by the written certificate of the surgeon of such penitentiary or otherwise, that the convict is insane or imbecile and was insane or imbecile at the time when he was received at the penitentiary, the Minister may, after giving reasonagble notice of his intention to the attorney general of the province within which such insane or imbecile convict was convicted, by warrant under his hand, direct the removal of such insane or imbecile convict from the penitentiary to the gaol or other place of confinement from which such insane or imbecile convict came to the penitentiary.

2. Such warrant shall be sufficient authority to the warden or any other officer of the penitentiary to remove such insane or imbecile convict from the penitentiary to such gaol or place of confinement and there to deliver him to the keeper thereof. R.S., c. 147, s. 53; 1918, c. 36, s. 8."

59. This clause is similar to the present section fifty-four. The only change is the underlined word. The present section reads as follows:

"**54.** The Minister may direct the warden of any penitentiary to set apart a portion thereof for the reception, confinement and treatment of insane convicts; and the portion so set apart shall be used for such purposes accordingly, and shall be known as the ward for the insane. R.S., c. 147, s. 54."

60. This clause is the same as the present section fifty-five.

61. This clause is similar to the present section fifty-six. The changes are indicated by the underlined words. The present section reads as follows:

"**56.** When a surgeon of a penitentiary reports in writing to the warden that any convict confined in such penitentiary is insane, and ought to be removed to an asylum for the insane, the warden shall report the facts to the Superintendent.

2. The Minister may thereupon, if an arrangement exists with the lieutenant-governor of any province for the maintenance of such convict in an asylumn for the insane of the province, by warrant under his hand, direct the removal of such insane convict to the custody of the keeper or person in charge of such asylum, for the unexpired portion of his sentence.

3. The warden of the peniteniary, when required so to do, shall deliver up to the constable or other officer or person who produces such warrant, the insane convict, together with a

and date of his conviction, as given to the warden on reception of the convict into his custody; and the constable or other officer or person shall give a receipt therefor, and shall thereupon, with all convenient despatch, convey and deliver up such convict, with such attested copy, into the custody of the keeper or person in charge of such asylum, who shall give a receipt therefor.

Convict to remain in custody.

(4) The convict shall be kept in custody in such asylum under his sentence, until the expiration or sooner determination thereof, or until his removal elsewhere under the provisions of this Act, or his discharge by law.

Re-transfer to penitentiary.

(5) If, before the expiration of his sentence, any convict so detained in any asylum recovers his reason, and such recovery is certified to by the surgeon or medical officer in charge of such asylum, the Chairman, or in his absence the Vice-Chairman, may in like manner direct the removal of such convict from such asylum to the penitentiary from which he came, or to some other penitentiary; and thereupon such convict may in like manner be removed and delivered again to the warden of such penitentiary, where he shall be kept in custody under his sentence.

Upon expiry of sentence.

62. (1) If the term of imprisonment of any convict expires, or is determined by remission of sentence or otherwise, while such convict is detained as insane in the ward for the insane, he may continue to be detained therein pending the proceedings authorized by this Act; and in such case the surgeon shall forthwith certify to the warden whether the convict is sane or insane.

Discharge if sane.

(2) If the surgeon certifies that such convict is not insane, he shall be forthwith discharged.

If insane, report to lieutenant-governor.

63. (1) If the surgeon certifies that the person is insane, the warden shall report the fact to the Commission; and the Commission shall thereupon communicate the fact to the lieutenant-governor of the province within which the person was sentenced, so that he may be removed to a place of safe keeping.

Lieutenant-governor may order removal to place of safe keeping.

(2) The lieutenant-governor may, thereupon, order the removal of the person to a place of safe keeping within the province, and he shall, upon such order, be delivered to the person therein designated for transport to such place, and he shall remain and be detained there, or in such other place of safe keeping as the lieutenant-governor, from time to time, orders, until it appears to the lieutenant-governor that he is of sound mind, when the lieutenant-governor may order him to be discharged; but if, at any time after his removal to such place of safe keeping, and before his complete recovery, the lieutenant-governor thinks fit to order that he shall be given up to any person by him named, he shall be given up accordingly.

copy, attested by the warden, of the sentence and date of his conviction, as given to the warden on reception of the convict into his custody; and the constable or other officer or person shall give a receipt therefor, and shall thereupon, with all convenient despatch, convey and deliver up such convict, with such attested copy, into the custody of the keeper or person in charge of such asylum, who shall give a receipt therefor.

4. The convict shall be kept in custody in such asylum under his sentence, until the expiration or sooner determination thereof, or until his removal elsewhere under the provisions of this Act, or his discharge by law.

5. If, before the expiration of his sentence, any convict so detained in any asylum recovers his reason, and such recovery is certified to by the surgeon or medical officer in charge of such asylum, the Minister may in like manner direct the removal of such convict from such asylum to the penitentiary from which he came, or to some other penitentiary; and thereupon such convict may in like manner be removed and delivered again to the warden of such penitentiary, where he shall be kept in custody under his sentence. R.S., c. 147, s. 56; 1918, c. 36, s. 9."

62. This clause is the same as the present section fifty-seven.

63. This clause is similar to the present section fifty-eight. The only change is the underlined word. The present section reads as follows:

"**58.** If the surgeon certifies that the person is insane, the warden shall report the fact to the Superintendent; and the Minister shall thereupon communicate the fact to the lieutenant-governor of the province within which the person was sentenced, so that he may be removed to a place of safe keeping.

2. The lieutenant-governor may, thereupon, order the removal of the person to a place of safe keeping within the province, and he shall, upon such order, be delivered to the person therein designated for transport to such place, and he shall remain and be detained there, or in such other place of safe keeping as the lieutenant-governor, from time to time, orders, until it appears to the lieutenant-governor that he is of sound mind, when the lieutenant-governor may order him to be discharged; but if, at any time after his removal to such place of safe keeping, and before his complete recovery, the lieutenant-governor thinks fit to order that he shall be given up to any person by him named, he shall be given up accordingly. R.S., c. 147, s. 58; 1918, c. 36, s. 9."

If arrangements exist with Ontario.

64. (1) If the lieutenant-governor of the province within which any such person was sentenced has made arrangements with the Lieutenant-Governor of the province of Ontario for the safe keeping of any such person in Ontario, and such arrangements have been communicated to the Commission by the lieutenant-governor of the province concerned, the Commission shall, in the case of any such person, communicate, under the last preceding section, with the Lieutenant-Governor of Ontario, who shall, in such cases, have all the powers thereby given.

If Lieutenant-Governor does not act, convict returned to gaol.

(2) If the Lieutenant-Governor does not, within one month after the Commission has communicated, as provided by the last preceding section, cause the person to be removed under the provisions thereof, the Chairman, or in his absence the Vice-Chairman, may direct the convict to be removed for safe keeping to the gaol in which he was last confined previous to his transfer to the penitentiary, or to any other gaol in the province within which he was sentenced; and, after such removal, all the provisions of the last preceding section shall apply to this case.

Inquiry and report as to sanity.

65. If any question arises as to the sanity of any convict, the Commission may order an inquiry and report to be made by one or more medical men, in conjunction with the surgeon, and may, upon such report, direct such action as it deems necessary to carry out the provisions of this Act.

Clothing.

66. (1) Every convict shall, during the term of his confinement, be clothed, at the expense of the penitentiary, in suitable prison garments.

Food.

(2) He shall be supplied with a sufficient quantity of wholesome food.

Bedding.

(3) He shall be provided with a bed and sufficient covering varied according to the season.

Separate confinement.

(4) He shall, except in case of sickness, be kept in a cell by himself at night.

Hard labour.

67. (1) Imprisonment in a penitentiary shall be with hard labour, whether so directed in the sentence by which such imprisonment is adjudged or not.

Hours of labour.

(2) Every convict, except during sickness or other incapacity, shall be kept constantly at hard labour, of a kind determined by the warden, during at least ten hours, if possible, exclusive of hours for meals, of every day, except Sunday, Good Friday, Christmas Day, and such other days as the Governor General sets apart for days of fasting or thanksgiving, and such days as are designated in the rules made by the Commission in that behalf; but no convict shall be compelled to labour on any of the obligatory holidays of the religious denomination to which he adheres.

64. This clause is similar to the present section fifty-nine. The changes are indicated by the underlined words. The present section reads as follows:

"**59.** If the lieutenant-governor of the province within which any such person was sentenced has made arrangements with the Lieutenant-Governor of the province of Ontario for the safe keeping of any such person in Ontario, and such arrangements have been communicated to the Minister by the lieutenant-governor of the province concerned, the Minister shall, in the case of any such person, communicate, under the last preceding section, with the Lieutenant-Governor of Ontario, who shall, in such cases, have all the powers thereby given.

2. If the Lieutenant-Governor does not, within one month after the Minister has communicated, as provided by the last preceding section, cause the person to be removed under the provisions thereof, the Minister may direct the convict to be removed for safe keeping to the gaol in which he was last confined previous to his transfer to the pernitentiary, or to any other gaol in the province within which he was sentenced; and, after such removal, all the provisions of the last preceding section shall apply to this case. R.S., c. 147, s. 59."

65. This clause is similar to the present section sixty. The only change is the underlined word. The present section reads as follows:

"**60.** If any question arises as to the sanity of any convict, the Minister may order an inquiry and report to be made by one or more medical men, in conjunction with the surgeon, and may, upon such report, direct such action as he deems necessary to carry out the provisions of this Act. R.S., c. 147, s. 60."

66. This clause is the same as the present section sixty-one.

67. This clause is similar to the present section sixty-two. The only change is the underlined word. The present section reads as follows:

"**62.** Imprisonment in a penitentiary shall be with hard labour, whether so directed in the sentence by which such imprisonment is adjudged or not.

2. Every convict, except during sickness or other incapacity, shall be kept constantly at hard labour, of a kind determined by the warden, during at least ten hours, if possible, exclusive of hours for meals, of every day, except Sunday, Good Friday, Christmas Day, and such other days as the Governor General sets apart for days of fasting or thanksgiving, and such days as are designated in the rules made by the inspectors in that behalf; but no convict shall be compelled to labour on any of the obligatory holidays of the religious denomination to which he adheres.

3. The convicts may be employed in labour under the control of the Crown; but no labour shall be let out to any company or person. R.S., c. 147, s. 62."

Labour not to be let out.

(3) The convicts may be employed in labour under the control of the Crown; but no labour shall be let out to any company or person.

Separate confinement.

68. The female convicts shall be kept in a separate ward, secluded from the male convicts, and shall be under the charge of a matron, with such and so many female officers as the Commission orders to be employed.

Remission for industry and good conduct.

69. (1) The Commission, subject to the approval of the Minister, may make regulations, under which a record may be kept of the daily conduct of every convict in any penitentiary, noting his industry and the strictness with which he observes the prison rules, with a view to permit such convict to earn a remission of a portion of the time for which he is sentenced to be confined, not exceeding six days for every month during which he is exemplary in conduct and industry.

Rate of remission.

(2) When any convict has earned and has at his credit seventy-two days of remission, he may be allowed, for every subsequent month during which his conduct and industry continue satisfactory, ten days' remission for every month thereafter.

If convict unable to work.

(3) If any convict, by reason of sickness or any other infirmity, not intentionally produced by himself, is unable to labour, he shall be entitled, by good conduct, to such portion of the remission from his sentence to which he would otherwise be entitled as the warden, with the concurrence of the Commission, deems proper.

Escape, etc.

(4) Every convict who escapes, attempts to escape, breaks prison, attempts to break prison, breaks out of his cell, or makes any breach therein with intent to escape, or assaults any officer or servant of the penitentiary, or being the holder of a licence under the Ticket of Leave Act, forfeits such licence, shall forfeit the whole of the remission which he has earned.

Forfeiture of remission.

Prison offences.

70. The Commission shall draw up a list of prison offences, and the list shall be printed, and a copy thereof placed in each cell of the penitentiary.

If warden etc., acts as contractor.

71. Any warden, or other officer employed in a penitentiary, who, either in his own name or in the name of, or in connection with any other person, provides, furnishes or supplies any materials, goods or provisions for the use of any penitentiary, or is concerned directly or indirectly in furnishing or supplying the same, or in any contract relating thereto, shall incur a penalty of five hundred dollars, recoverable, with costs, by any person who sues for the same in any court of competent jurisdiction.

Penalty.

68. This clause is similar to the present section sixty-three. The only change is the underlined word. The present section reads as follows:

"**63.** The female convicts shall be kept in a separate ward, secluded from the male convicts, and shall be under the charge of a matron, with such and so many female officers as the Minister orders to be employed. R.S., c. 147, s. 63."

69. This clause is similar to the present section sixty-four. The changes are indicated by the underlined words. The present section reads as follows:

"**64.** The Superintendent, subject to the approval of the Minister, may make regulations, under which a record may be kept of the daily conduct of every convict in any penitentiary, noting his industry and the strictness with which he observes the prison rules, with a view to permit such convict to earn a remission of a portion of the time for which he is sentenced to be confined, not exceeding six days for every month during which he is exemplary in conduct and industry.

2. When any convict has earned and has at his credit seventy-two days of remission, he may be allowed, for every subsequent month during which his conduct and industry continue satisfactory, ten days' remission for every month thereafter.

3. If any convict, by reason of sickness or any other infirmity, not intentionally produced by himself, is unable to labour, he shall be entitled, by good conduct, to such portion of the remission from his sentence to which he would otherwise be entitled as the warden, with the concurrence of the Minister, deems proper.

4. Every convict who escapes, attempts to escape, breaks prison, attempts to break prison, breaks out of his cell, or makes any breach therein with intent to escape, or assaults any officer or servant of the penitentiary, or being the holder of a licence under the Ticket of Leave Act, forfeits such licence, shall forfeit the whole of the remission which he has earned. R.S., c. 147, s. 64; 1918, c. 36, s. 9."

70. This clause is similar to the present section sixty-five The only change is the underlined word. The present section reads as follows:

"**65.** The Superintendent shall draw up a list of prison offences, and the list shall be printed, and a copy thereof placed in each cell of the penitentiary."

71. This clause is similar to the present section sixty-six. The only change is the omission at the beginning thereof of the words "Any officer of the Department of Justice, or." The present section reads as follows:

"**66.** Any officer of the Department of Justice, or any warden, or other officer employed in a penitentiary, who, either in his own name or in the name of, or in connection with any

Conveying forbidden articles to or from convicts; improper employment of convicts, etc.

72. Any officer or servant of any penitentiary, or territorial gaol, or other person who

(a) gives or in any way conveys to any convict any article or thing not allowed by the rules of the penitentiary or gaol so to be given or conveyed; or

(b) leaves any such article anywhere with intent that any convict shall get the same; or

(c) does any other act with intent that any convict shall get any such article; or

(d) takes or receives or carries out from any convict, for any purpose, any article not allowed by the rules of the penitentiary or gaol so to be taken, received or carried out; or

(e) buys from or sells to or for any convict anything whatsoever; or

(f) takes or receives for his own use, or for that of any other person, any fee or gratuity from any convict or visitor; or

(g) without proper authority employs any convict in work for the personal benefit of himself or any other person; or

(h) endeavours to do or knowingly allows to be done any of the acts in this section mentioned;

Penalty.

shall, on summary conviction, be liable to a penalty not exceeding one hundred dollars, or imprisonment with hard labour for a term not exceeding three months.

Improper use of money or tickets furnished to convicts.

73. Any convict who is, upon his discharge or release from the penitentiary, furnished, at the expense of the penitentiary, with money or with tickets for transportation, in pursuance of the provisions hereinafter contained, and who uses such money or tickets for any purpose other than the purpose for which the money or tickets were so furnished,

Penalty.

is guilty of an offence, and liable on summary conviction to imprisonment for a term not exceeding three months.

Trespassing.

74. (1) Every person who—

(a) is found trespassing upon any grounds, buildings, yards, offices or other premises whatsoever, belonging or appertaining to any penitentiary or territorial gaol; or

(b) who enters the same, or who may be found loitering upon the street or highway adjacent thereto, not being an officer or servant of the penitentiary or gaol, or authorized by the warden or gaoler;

other person, provides, furnishes or supplies any materials, goods or provisions for the use of any penitentiary, or is concerned directly or indirectly in furnishing or supplying the same, or in any contract relating thereto, shall incur a penalty of five hundred dollars, recoverable, with costs, by any person who sues for the same in any court of competent jurisdiction. R.S., c. 147, s. 66."

72. This clause is the same as the present section sixty-seven.

73. This clause is the same as the present section sixty-eight.

74. This clause is the same as the present section sixty-nine.

Penalty.

shall, on summary conviction, for a first offence, be liable to a penalty not exceeding ten dollars, and in default of payment to imprisonment, with or without hard labour, for a term not exceeding one month.

Subsequent offence.

(2) For a subsequent offence he shall be liable to a penalty not exceeding fifty dollars, and in default of payment to imprisonment, with or without hard labour, for a term not exceeding three months.

Mooring vessel near penitentiary.

75. (1) Every person who moors or anchors, or causes to be moored or anchored, any raft, boat, vessel or craft of any kind within three hundred feet of the shore or wharf bounding the lands of any penitentiary towards any lake, arm of the sea, bay or river, without the permission of the warden of such penitentiary, shall, on summary conviction,

Penalty.

be liable to a penalty of twenty dollars, and in default of payment of such penalty and costs, to imprisonment with hard labour, for a term not exceeding two months, or to such imprisonment in addition to payment of the said pecuniary penalty and costs.

Vessel liable.

(2) The amount of such penalty may be levied upon such raft, boat, vessel or craft, in whomsoever the property thereof may be, as well as on the offender's own goods and chattels.

Warden and deputy to be justices of the peace.

76. (1) The warden of the penitentiary shall *ex officio* be, and have the powers and authority of a justice of the peace with respect to any offence or charge of an offence under the four sections last preceding, and for all purposes connected with any such offence or charge.

Guards to be constables.

(2) Each and every keeper and guard of the penitentiary shall, for all the said purposes, *ex officio* be, and have the powers and authority of, a constable.

Conditions for discharge.

77. (1) No convict shall be discharged from a penitentiary on the termination of his sentence, or otherwise, unless at his own request, during the months of December, January or February; but such convict may remain in the penitentiary until the first day of March following the termination of his sentence.

In case of disease.

(2) No convict who, at the expiration of his sentence, is found to be suffering from any acute, dangerous, contagious or infectious disease, shall be discharged unless and until in the opinion of the warden such discharge may safely be made.

Discipline to continue until discharged.

(3) A convict remaining from any cause in a penitentiary after the termination of his sentence, shall be under the same discipline and control as if his sentence were still unexpired.

75. This clause is the same as the present section seventy.

76. This clause is the same as the present section seventy-one.

77. This clause is the same as the present section seventy-two.

Order of discharge.

(4) On the first day of March, a list shall be made of all the prisoners whose sentences have expired during the three preceding months, and who are still in prison, according to the dates when their sentences expired; and according to such order they shall be discharged, one convict on the said first day of March, and one on every day thereafter, until the whole are discharged.

Not discharged on Sunday.

(5) Whenever the term of any prisoner's sentence expires on a Sunday or a statutory holiday he shall be discharged on the day preceding, unless he desires to remain until the day following.

Clothing furnished on discharge.

(6) Every convict under sentence for a term not less than two years, shall, upon his discharge or release, either by expiration of sentence, conditional liberation or otherwise, be furnished, at the expense of the penitentiary, with a suit of clothing other than prison clothing, and with transportation to the place at which he received his sentence, and such other sum in addition, not exceeding ten dollars, as the warden deems proper.

Transportation.

(7) If the warden is of opinion that a convict, on being discharged, does not intend to return to the place at which he received his sentence, but intends to go to some other place nearer to the penitentiary, such convict shall be furnished with transportation to such nearer place, and not to the place at which he received his sentence.

Transportation expenses; ensuring of convict's departure.

(8) Every convict who is furnished, pursuant to this section, with money for the payment of travelling expenses, or with a ticket or tickets for transportation, shall be deemed to be in the custody of the warden until his departure by railway or other means of transportation for his destination, and it shall be the duty of the warden to take such action as may be necessary to ensure such departure.

Convict's property to be kept for him.

78. (1) Every article found upon the person of a convict at the time of his reception into the penitentiary shall be taken from him, and a description of every article which is considered by the warden to be worth preservation shall be entered in a book kept for that purpose; and if the convict does not see fit otherwise to dispose of it at the time, it shall be carefully put away until the day of his discharge, when it shall be delivered up to him again in the state in which it then is.

Warden not liable for damage.

(2) The warden shall not be liable for any deterioration which takes place in such article in the interval.

Articles may be sold at convict's request.

(3) If, at the time of his reception, the convict desires to dispose of any such article and it is so disposed of, a memorandum of the fact shall be noted in the said book, and signed by the proper officer who has charge thereof, and also by the convict; and any money received therefor shall be placed to his credit.

78. This clause is the same as the present section seventy-three.

Powers of warden and officers.

79. The warden of a penitentiary, or any officer thereof deputed by him for the purpose, may

(a) open and examine any letter, parcel or mail matter received at the penitentiary, through the mail or otherwise, addressed to or intended for any convict;

(b) open and examine any letter, parcel or mail matter which any convict desires to have sent out by mail or otherwise;

(c) withold from a convict any such letter, parcel or mail matter addressed to him or intended for him, or destroy it, or otherwise deal with it as required or authorized by the rules and regulations;

(d) detain or destroy, or remove or obliterate objectionable contents of, or otherwise deal with, any letter, parcel or mail matter which a convict desires to have sent out from the penitentiary.

If convict dies.

80. (1) If a convict dies in a penitentiary, and the assistant commissioner, warden or surgeon has reason to believe that the death of such convict may have arisen from any other than ordinary causes, he shall call upon a coroner having jurisdiction to hold an inquest upon the body of such deceased convict.

Coroner to act upon request of officer.

(2) Upon such requisition by one or more of the aforesaid officers, the said coroner shall hold such inquest, and, for that purpose, he and all other persons necessarily attending such inquest, shall have admittance to the prison.

Body to relatives.

81. (1) The body of every convict who dies in a penitentiary shall, if claimed by his relatives, be given up to and shall be taken away by them.

If not claimed may go to inspector of anatomy, etc.

(2) If it is not so claimed, the body may be delivered to an inspector of anatomy, duly appointed under any Act authorizing such appointment, or to the professor of anatomy in any college wherein medical science is taught.

Otherwise to be interred.

(3) If it is not claimed by his relatives or delivered to an inspector of anatomy, the body shall be decently interred at the expense of the penitentiary.

1938-39 Appropriation Act to be interpreted as applying to Commission.

82. Wherever in any *Appropriation Act* for the financial year ending the thirty-first day of March one thousand nine hundred and thirty-nine, provision is made, based on Estimates 1938-39, for the Department of Justice, Penitentiary Branch, such provision and Estimates shall be interpreted as applying to the Commission and the penitentiaries under its control and management and the amount of the salaries, or portions thereof, required for the commissioners and assistant commissioners may be taken from Vote No. 101 of the said Estimates if there is not a sufficient amount available in Vote No. 100.

79. This clause is the same as the present section seventy-four.

80. This clause is similar to the present section seventy-five. The changes are indicated by the underlined words. The present section reads as follows:

"**75.** If a convict dies in a penitentiary, and the inspector, warden or surgeon has reason to believe that the death of such convict may have arisen from any other than ordinary causes, he shall call upon a coroner having jurisdiction to hold an inquest upon the body of such deceased convict.

2. Upon such requisition by one or more of the aforesaid officers, the said coroner shall hold such inquest, and, for that purpose, he and all other persons necessarily attending such inquest, shall have admittance to the prison. R.S., c. 147, s. 75."

81. This clause is the same as the present section seventy-six.

82. This clause is new and is for the purpose of making the appropriations for the Penitentiary Branch of the Department of Justice available to the Commission and penitentiaries under its control.

Act repealed.

83. The *Penitentiary Act*, chapter one hundred and fifty-four of the Revised Statutes of Canada, 1927, as amended by chapter twenty-seven of the statutes of 1932-33, and by chapter eleven of the statutes of 1938, is repealed.

Coming into force.

84. This Act shall come into force on a date to be fixed by proclamation of the Governor in Council published in the *Canada Gazette*.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 176.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1939.

AS PASSED BY THE HOUSE OF COMMONS,
1st JULY, 1938.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

52678

3rd Session, 18th Parliament, 2 George VI, 1938.

THE HOUSE OF COMMONS OF CANADA.

BILL 176.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1939.

MOST GRACIOUS SOVEREIGN,

Preamble.

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

Short title.

1. This Act may be cited as *The Appropriation Act, No. 4, 1938.*

$156,230,497.94 granted for 1938-39.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred and fifty-six million, two hundred and thirty thousand, four hundred and ninety-seven dollars and ninety-four cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-eight to the thirty-first day of March, one thousand nine hundred and thirty-nine, not otherwise provided for, and being two-thirds of the amount of each of the items to be voted set forth in Schedule A to this Act.

$88,757,863.42 granted for 1938-39.

3. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole eighty-eight million, seven hundred and fifty-seven thousand, eight hundred and sixty-three dollars and forty-two cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-eight, to the thirty-first day of March, one thousand nine hundred and thirty-nine, not otherwise provided for, and being five-sixths of the amount of each of the several items to be voted set forth in Schedule B to this Act.

Power to raise loan of $200,000,000.00 for public works and general purposes.

1931, c. 27.

4. (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the provisions of *The Consolidated Revenue and Audit Act, 1931*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not to exceed in the whole the sum of two hundred million dollars as may be required for public works and general purposes, and in addition such sum or sums of money as may be required to pay and redeem treasury bills maturing from time to time.

Chargeable to Consolidated Revenue Fund.

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

Lapse of prior borrowing powers.

(3) All borrowing powers authorized by section five of chapter forty-five of the statutes of 1937 which are outstanding and unused shall expire on the date of the coming into force of this Act.

Account to be rendered in detail.

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

SCHEDULE A.

Based on the Main Estimates, 1938-39. The amount hereby granted is $156,230,497.94, being two-thirds of the amount of each of the items in the Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1939, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	AGRICULTURE		
1	Departmental Administration	112,655 00	
2	Publicity and Extension Division	133,620 00	
3	Advisory Committee on Agricultural Services	5,000 00	
4	Contributions to Empire Bureaux	32,337 00	
5	International Institute of Agriculture	12,000 00	
	MARKETING SERVICES		
6	Marketing Services Administration	50,000 00	
7	Agricultural Economics	120,260 00	
8	Dairy Products, including contribution of $581 to the International Institute of Refrigeration	381,500 00	
9	Subsidies for Cold Storage Warehouses under the Cold Storage Act	53,177 85	
10	Fruit and Vegetable Products, including grant of $5,000 to the Canadian Horticultural Council	555,000 00	
11	Live Stock and Poultry	537,339 00	
12	Marketing of Agricultural Products including temporary appointments that may be required to be made notwithstanding anything contained in the Civil Service Act, the amount available for such appointments not to exceed $50,000	200,000 00	
	PRODUCTION SERVICES		
13	Production Services Administration	60,700 00	
	Health of Animals—		
14	Administration of Animal Contagious Diseases Act and Meat and Canned Foods Act	1,625,610 00	
15	Compensation for animals slaughtered	200,000 00	
16	Live Stock and Poultry	829,170 50	
17	Plant Inspection, Insects and Diseases	246,127 00	
18	Seed, Feed and Fertilizer Control including grant of $18,900 to Canadian Seed Growers Association	546,403 00	
	Grants to Fairs and Exhibitions—		
19	Administration of Grants to Fairs and Exhibitions	14,240 00	
20	Grants, in the amounts detailed in the Estimates	318,500 00	
21	Grants to Agricultural Organizations, in the amounts detailed in the Estimates	42,350 00	
	EXPERIMENTAL FARMS		
22	Experimental Farms Administration	51,180 00	
23	Central Experimental Farm, Ottawa	594,135 00	
24	Branch Farms and Stations and Illustration Stations	1,365,692 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	AGRICULTURE—*Concluded*		
	SCIENCE SERVICES		
25	Science Services Administration	25,435 00	
26	Animal and Poultry Pathology	147,405 00	
27	Bacteriology	39,670 00	
28	Botany and Plant Pathology	290,540 00	
29	Chemistry	95,365 00	
30	Entomology	463,121 00	
			9,148,532 35
	AUDITOR GENERAL'S OFFICE		
31	Salaries and Expenses of Office		461,405 00
	CHIEF ELECTORAL OFFICER		
32	Salaries and Expenses of Office		16,960 00
	CIVIL SERVICE COMMISSION		
33	Salaries and Expenses of the Commission		357,795 00
	DOMINION FRANCHISE COMMISSIONER		
34	Salaries and Expenses of Office		11,680 00
	EXTERNAL AFFAIRS		
35	Departmental Administration	184,575 00	
36	Representation Abroad, including salaries of High Commissioner, Ministers Plenipotentiary, Secretaries and Staff notwithstanding anything to the contrary in the Civil Service Act or any of its Amendments	434,500 00	
37	To provide for hospitality in connection with visitors from abroad	15,000 00	
38	Expenses in connection with the negotiation of treaties	20,000 00	
39	Expenses of Canadian Delegates to the Assembly, Conference and Commissions of the League of Nations	14,000 00	
40	Publications of League of Nations for distribution to Members of Parliament and a grant to the League of Nations Society in Canada	3,000 00	
41	Amount required to meet loss on exchange	120,000 00	
42	To authorize payment from the Consolidated Revenue Fund to The Honourable Philippe Roy, present Canadian Minister to France, of an annuity at the rate of $5,000 to commence on his retirement and to continue during his lifetime	5,000 00	
43	Grant for expenses of Canadian Committee of the American Association for the Advancement of Science in connection with Summer meeting to be held in Ottawa in 1938	3,500 00	
	CANADA'S CONTRIBUTIONS TO MAINTENANCE OF EXTERNAL ORGANIZATIONS		
44	To the expenses of the League of Nations for 1938, including Secretariat, International Labour Organization and Permanent Court of International Justice	150,565 00	
45	To the expenses of the International Commission for Air Navigation for 1938	1,650 00	
46	To portion of expenditure of the Imperial Economic Committee and the Imperial Shipping Committee for 1938	18,690 00	
47	To expenses of Wheat Advisory Committee for 1938, Canada's assessment	1,955 00	
			972,435 00

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	FINANCE		
48	Departmental Administration	218,080 00	
49	Bank Inspection (Inspector General of Banks' office)	26,000 00	
50	Bankruptcy Act Administration	38,320 00	
51	Commissioner of Tariff's Office	26,740 00	
52	Dominion Housing Act Administration	38,400 00	
53	Royal Canadian Mint, including the Dominion of Canada Assay Office	275,000 00	
	OLD AGE PENSIONS (INCLUDING PENSIONS TO THE BLIND)		
54	Old Age Pensions, including pensions to the Blind, Administration	35,310 00	
	SUPERANNUATION, RETIREMENT BENEFITS AND SUNDRY PENSIONS		
	Superannuation and Retirement Benefits		
55	Superannuation and Retirement Acts Administration	25,960 00	
56	Government's contribution to the Superannuation Fund	2,230,000 00	
57	To provide for the retiring allowances to former employees of the Department of Public Printing and Stationery	6,000 00	
	Pensions		
58	Banting, Sir Frederick G	7,500 00	
	PUBLIC DEBT CHARGES		
59	Administration of Public Debt	212,355 00	
60	Servicing of Public Debt— Commission for payment of interest on Public Debt, purchase of Sinking Funds, Services of Fiscal Agents, London bill stamps, Registration Fees, etc	168,981 00	
	SPECIAL GRANTS TO PROVINCES		
61	New Brunswick	900,000 00	
	Nova Scotia	1,300,000 00	
	Prince Edward Island	275,000 00	
	Manitoba	750,000 00	
	Saskatchewan	1,500,000 00	
	British Columbia	750,000 00	
	MISCELLANEOUS GRANTS AND CONTRIBUTIONS		
62	Canadian General Council of the Boy Scouts	9,000 00	
63	Dominion Council of the Girl Guides	4,860 00	
64	Royal Astronomical Society	1,620 00	
65	Royal Canadian Academy of Arts	2,025 00	
66	Royal Society of Canada	4,500 00	
67	Grant towards expenses of the British Empire Games	5,000 00	
68	To provide for report on cultural conditions in Canada (literature, art, drama, education, etc.)	2,500 00	
69	Federal District Commission— Maintenance and improvement of grounds adjoining Government buildings, Ottawa, and for improvements to the parkway system under the control of the Federal District Commission	149,000 00	
70	To provide for acquisition of land and surveys in connection with the National Parkway in the Gatineau Valley adjacent to Ottawa	100,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	FINANCE—*Concluded*		
	GENERAL		
71	Tariff Board, including the Dominion Trade and Industry Commission—Payments may be made notwithstanding anything in the Civil Service Act or Regulations	170,000 00	
72	Comptroller of the Treasury's office and to authorize the Civil Service Commission to designate what rate shall be effective, from the date of transfer, in the class into which any person is classified on transfer to the Department of Finance under the authority of Section 35 of the National Harbours Board Act, 1936	1,920,385 00	
73	Farmers' Creditors Arrangement Act Administration	506,120 00	
74	To provide, subject to the approval of the Treasury Board, for salaries, reclassifications and increases, and to authorize payment of the salary of any employee who is made permanent, from the appropriation under which his salary as a temporary employee has been provided	175,000 00	
75	Unforeseen expenses, expenditure thereof to be subject to the approval of the Treasury Board, and a detailed statement to be laid before Parliament within fifteen days of next session	80,000 00	
76	Expenses of the Royal Commission to investigate financial powers and responsibilities of the Dominion and the Provinces	210,000 00	
			12,123,656 00
	FISHERIES		
77	Departmental Administration	124,800 00	
78	Fisheries Inspection, including Fishery Officers and Guardians, Fisheries Patrol and Fisheries Protection Services	1,000,000 00	
79	Building Fishways and Clearing Rivers	9,000 00	
80	Development of the Deep Sea Fisheries and the Demand for Fish	62,000 00	
81	Fish Culture	240,740 00	
82	Oyster Culture	24,000 00	
83	Fisheries Research Board of Canada	240,000 00	
84	To provide for an investigation into the life history of the Pacific Halibut by the International Fisheries Commission appointed under the Pacific Halibut Treaty of the 2nd of March, 1923	25,000 00	
85	Grant to United Maritime Fishermen's Association	3,000 00	
86	Grants to Fisheries Exhibitions in the amounts detailed in the Estimates	2,300 00	
87	To provide for the payment of a bounty for the destruction of Harbour Seals	30,000 00	
88	To provide for investigations and activities by the International Pacific Salmon Fisheries Commission under the Fraser River Sockeye Salmon Treaty	25,000 00	
			1,785,840 00
	GOVERNOR GENERAL		
89	Office of the Secretary to the Governor General including allowance of $2,500 per annum to the Secretary to the Governor General	.....	102,725 00
	INSURANCE		
90	Departmental Administration	174,490 00	
91	Expenses of work in the interests of fire prevention	20,000 00	
			194,490 00

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	JUSTICE		
92	Departmental Administration	137,145 00	
93	Remission Service, including remuneration to members of the Royal Canadian Mounted Police Force (to be expended under Order in Council, and not to exceed $1,600) for assistance to this Service, and an amount of $10,900 to reimburse the Royal Canadian Mounted Police Force the amounts disbursed by them in ordinary pay and allowances to their men on loan to this Service	47,060 00	
94	Administration of Justice— Miscellaneous expenditure	13,400 00	
95	Expenses of litigated matters	25,000 00	
96	Annual contribution to the Canadian Law Library, London, England	500 00	
97	Supreme Court of Canada— Administration	66,970 00	
98	Exchequer Court of Canada— Administration	34,215 00	
99	Yukon Territorial Court— Administration	8,000 00	
	PENITENTIARIES BRANCH		
100	Branch Administration	85,040 00	
101	Operation and maintenance of penitentiaries, including administration, construction, purchase of land, supplies and equipment, and maintenance and discharge of inmates	2,679,561 00	
	PENSIONS AND OTHER BENEFITS		
102	William Tatton	564 00	
103	J. Langlois Bell	600 00	
			3,098,055 00
	LABOUR		
104	Departmental Administration	115,226 00	
105	Annuities Act	287,885 00	
106	Combines Investigation Act	46,670 00	
107	Fair Wages and Conciliation	49,320 00	
108	Employment Offices Co-ordination Act— Administration	63,925 00	
109	Industrial Disputes Investigation Act	20,000 00	
110	Labour Gazette and other publications authorized by Labour Department Act	50,980 00	
111	International Labour Conference	15,000 00	
112	Technical Education Act—Administration	2,325 00	
			651,331 00
	LEGISLATION		
	THE SENATE		
113	The Speaker— Allowance in lieu of Residence	3,000 00	
114	General Administration	191,075 00	
	HOUSE OF COMMONS		
115	The Speaker— Allowance in lieu of Residence	3,000 00	
116	Deputy Speaker of the House of Commons— Allowance in lieu of Apartments	1,500 00	
117	General Administration—Estimates of the Clerk	452,375 00	
118	Estimates of the Sergeant-at-Arms	211,880 50	
119	Subscriptions to publications of the Empire Parliamentary Association to be distributed to Members of the House of Commons	2,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	LEGISLATION—*Concluded*		
	LIBRARY OF PARLIAMENT		
120	General Administration	79,050 00	
	GENERAL		
121	Printing of Parliament, including salaries of staff of the Joint Distribution Office	75,000 00	
	PENSIONS AND OTHER BENEFITS		
122	Pension to the unmarried sister of the late Col. Harry Baker, M.P.	700 00	
			1,019,580 50
	MINES AND RESOURCES		
123	Departmental Administration	178,735 39	
	MINES AND GEOLOGY BRANCH		
124	Branch Administration	35,700 00	
	Bureau of Mines—		
125	Bureau of Mines Administration	27,000 00	
126	Mineral Resources Investigations	424,000 00	
127	Explosives Act	24,000 00	
	Bureau of Geology and Topography—		
128	Bureau of Geology and Topography Administration and Miscellaneous Services	143,000 00	
129	Geological Surveys	303,000 00	
130	Topographical Surveys, including expenses of the Geographic Board of Canada	212,000 00	
131	Drafting and Map Reproduction	117,000 00	
132	National Museum of Canada	79,300 00	
	Dominion Fuel Board—		
133	Administration and Investigations	29,000 00	
134	Payments in connection with the movements of coal under conditions prescribed by the Governor in Council	2,250,000 00	
	LANDS, PARKS AND FORESTS BRANCH		
135	Branch Administration	23,460 00	
	Government of the Northwest Territories—		
136	General Administration, operation, maintenance and improvement of services, including Wood Buffalo Park	245,320 00	
137	Eastern Arctic Expedition	27,000 00	
	Government of the Yukon Territory—		
138	Administration	48,000 00	
139	Grant to Yukon Council	70,000 00	
	Dominion Forest Service—		
140	General scientific, economic and administrative services	131,660 00	
141	Forest Experiment Stations	77,520 00	
142	Forest Products Laboratories	148,500 00	
143	Grant to Canadian Forestry Association	1,620 00	
	Land Registry—		
144	Land Registry, Seed Grain Collections, Administration of Ordnance, Admiralty and Public Lands	64,000 00	
145	To provide for expenses in connection with the determination of boundaries of Ordnance and Admiralty Lands in the Province of British Columbia	3,000 00	
146	National Parks Bureau—National Parks and Historic Sites Services	1,383,500 00	
147	Administration of Migratory Birds Convention Act	51,000 00	
148	Grant to John Thomas (Jack) Miner	4,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	MINES AND RESOURCES—*Continued*		
	SURVEYS AND ENGINEERING BRANCH		
149	Branch Administration	24,890 00	
150	Dominion Observatory, Ottawa	116,700 00	
151	Dominion Astrophysical Observatory, Victoria, B.C.	31,220 00	
152	Dominion Water and Power Bureau, including the administration of the Dominion Water Power and Irrigation Acts and including grant of $250 to the International Executive Council, World Power Conference	222,050 00	
153	Lake of the Woods Control Board	7,576 00	
154	To provide for the expenses incurred under the Agreement between the Dominion, Ontario and Manitoba confirmed by the Lac Seul Conservation Act, 1928, monies expended to be reimbursed	20,000 00	
155	Engineering and Construction Service	136,190 00	
156	Geodetic Service	160,500 00	
157	To recoup the Temiskaming and Northern Ontario Railway Commission in connection with their claim for injury to John Hedin	240 00	
158	International Boundary Commission	30,800 00	
	Hydrographic and Map Service—		
159	Hydrographic Service	418,000 00	
160	Legal Surveys and Map Service, including grant of $350 to assist in printing the publication of the Canadian Institute of Surveying	171,510 00	
161	To provide for the payment of fees of the Board of Examiners for D.L.S., of the Secretary and of the Sub-examiners and for travelling expenses, stationery, printing, rent, etc., (the fees of F. H. Peters, W. M. Tobey and Harry Parry, members of the Board, and J. A. Cote, Secretary, are to be paid out of this sum)	990 00	
	INDIAN AFFAIRS BRANCH		
162	Branch Administration	53,362 50	
163	Indian Agencies	714,952 00	
	Reserves and Trusts—		
164	Administration	55,980 00	
	Medical—		
165	Indian Hospitals and General Care of Indians	1,218,916 00	
166	Grants to Hospitals	5,320 00	
	Welfare and Training—		
167	Welfare of Indians	975,315 00	
168	Indian Education	584,508 00	
169	Grants to Residential Schools	1,335,975 00	
170	Grants to Agricultural Exhibitions and Indian Fairs in the amounts detailed in the Estimates	6,050 00	
171	Grant to provide for additional services to Indians of British Columbia	100,000 00	
	IMMIGRATION BRANCH		
172	Administration of the Immigration Act and the Chinese Immigration Act	179,923 00	
173	Field and Inspectional Service, Canada	1,111,400 00	
174	Field and Inspectional Service, Abroad	141,988 00	
175	Empire Settlement	1,000 00	
176	Relief of Distressed Canadians outside Canada	5,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	MINES AND RESOURCES—*Concluded*		
	PENSIONS AND OTHER BENEFITS		
177	Mrs. Alice Morson Smith	600 00	
178	Mrs. Elizabeth Swinford	600 00	
179	To pay Mrs. E. B. Hutcheson as matron, notwithstanding the fact that owing to advanced age she may not be able to continue the regular performance of such duties, in recognition of the valuable services rendered by her late husband as Exhibition Commissioner	1,200 00	
			13,934,070 89
	NATIONAL DEFENCE		
180	Departmental Administration	425,720 00	
	MILITIA SERVICES		
181	Cadet Services	139,500 00	
182	Non-Permanent Active Militia	2,830,488 00	
183	Permanent Force	6,087,760 00	
184	Engineer Services and Works	2,483,500 00	
185	General Stores	3,854,437 00	
186	Royal Military College	381,500 00	
187	Grants to Military Associations and Institutes in the amounts detailed in the Estimates	103,450 00	
	NAVAL SERVICES		
188	Royal Canadian Navy	5,744,297 00	
189	H.M.C. Dockyards and Armament Supply Depots	422,260 00	
190	Royal Canadian Naval Reserves	319,800 00	
	AIR SERVICES		
	Royal Canadian Air Force—		
191	Permanent Air Force	9,410,567 00	
192	Non-Permanent Air Force	987,050 00	
193	Civil Government Air Operations	356,000 00	
	GENERAL		
194	Radio Services, North West Territories and Yukon Radio System	358,050 00	
195	Adjustment of War Claims including Grant of $300 to McGill University toward upkeep of War Museum	64,000 00	
196	Battlefields Memorials	40,000 00	
197	Book of Remembrance	10,000 00	
198	Closing Relief Projects	2,000 00	
	PENSIONS AND OTHER BENEFITS		
	Civil Pensions—		
199	Robert Allen	269 52	
200	Walter Pettipas	515 90	
201	Florence Walker	360 00	
202	Arnold Truman Townsend	420 00	
203	Michael Mountain	420 00	
			34,022,364 42

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISIONS		
204	General Administration	1,106,150 00	
205	Customs Excise Chemical Laboratory	39,215 00	
206	Inspection, Investigation and Audit Services	1,102,730 00	
207	Preventive Service Undervaluation Unit	64,845 00	
208	Ports, Outports and Preventive Stations, including pay for overtime of officers, notwithstanding anything in the Civil Service Act; and temporary buildings and rentals	7,548,200 00	
	INCOME TAX DIVISION		
209	General Administration, including authority to create positions and make appointments within the Division, notwithstanding anything contained in the Civil Service Act and the said positions and staff so appointed are hereby wholly excluded from the operation of the said Act	310,335 00	
210	Internal Inspection and Verification	152,215 00	
211	District Offices	2,005,708 00	
	GENERAL		
212	Amount to be paid to the Department of Justice to be disbursed by and accounted for to it for Customs-Excise and Income Tax Secret Investigation Services	15,000 00	
			12,344,398 00
	PENSIONS AND NATIONAL HEALTH		
213	Departmental Administration	112,505 00	
	PENSIONS BRANCH		
214	Pensions Branch Administration	837,262 00	
	Canadian Pension Commission—		
215	Administration expenses	534,330 00	
216	War Veterans' Allowance Board	86,595 00	
217	Pension Appeal Court	44,630 00	
	Direct Payments to Veterans and Dependents		
218	European War Pensions	40,900,000 00	
219	War Veterans' Allowances	4,500,000 00	
220	Unemployment Assistance	2,350,000 00	
221	Hospital and Other Allowances	1,075,000 00	
222	Probational Training Allowances	120,000 00	
	Services to Veterans and Dependents		
223	Care of Patients	3,045,287 00	
224	Veterans Bureau	194,435 00	
225	Sheltered Employment	72,560 00	
226	Employers' Liability Compensation	40,000 00	
227	For the continuation or carrying out of projects or schemes commenced or recommended by the Veterans' Assistance Commission and to authorize the employment or continuation in employment by the Governor in Council of such extra temporary officers, clerks and employees as may be necessary to carry out the purposes of the Veterans' Assistance Commission Act	100,000 00	
228	Grant to the Last Post Fund	75,000 00	
229	Grant to the Canadian Legion	9,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PENSIONS AND NATIONAL HEALTH—*Conc.*		
	HEALTH BRANCH		
230	Health Branch Administration	52,480 00	
231	Food and Drugs	155,995 00	
232	Opium and Narcotic Drugs	50,780 00	
233	Proprietary or Patent Medicines	18,665 00	
234	Quarantine and Leprosy, including Contribution of $1,000 to the International Bureau of Public Health	162,065 00	
235	Laboratory of Hygiene	70,610 00	
236	Immigration Medical Inspection	111,160 00	
237	Child and Maternal Hygiene	17,770 00	
238	Epidemiology	14,770 00	
239	Public Health Engineering	30,140 00	
240	Publicity and Health Education	17,024 00	
241	Treatment of Sick Mariners	187,390 00	
242	Industrial Hygiene	11,450 00	
243	Grants to Institutions Assisting Sailors in the amounts detailed in the Estimates	2,600 00	
	MISCELLANEOUS GRANTS		
244	Grant to the Canadian Welfare Council	8,100 00	
245	Grant to the Canadian National Committee for Mental Hygiene	10,000 00	
246	Grant to the Health League of Canada	5,000 00	
247	Grant to the Canadian National Institute for the Blind	18,000 00	
248	L'Association Canadienne Francaise des Aveugles	4,050 00	
249	L'Insistut Nazareth de Montreal	4,050 00	
250	Montreal Association for the Blind	4,050 00	
251	Grant to the Canadian Tuberculosis Association	20,250 00	
252	Grant to the Victoria Order of Nurses	13,100 00	
253	Grant to the Canadian Branch of the St. John Ambulance Association	4,050 00	
254	Grant to the Canadian Red Cross Society	10,000 00	
255	Grant to the Canadian Dental Hygiene Council	2,500 00	
	PENSIONS AND OTHER BENEFITS		
256	Pensions payable to men on active service, Northwest Rebellion, 1885, and General Pensions	20,000 00	
			55,122,653 00
	POST OFFICE		
257	Departmental Administration, including amount required to pay allowances to Typists, Grade 1, employed cutting stencils, in accordance with regulations approved by Order in Council	553,020 00	
258	Post Offices, including salaries and other expenses of Headquarters and Staff Post Offices and supplies and equipment for Revenue Post Offices	14,624,470 00	
259	Inspection and Investigation	1,046,840 00	
260	Railway Mail Service	10,323,670 00	
261	Air and Land Mail Services	8,052,005 00	
262	Audit of Revenue, Money Order, Postal Note and Savings Bank Business; Issue of Postage Stamps and Postal Notes, including amounts required to pay allowances to Office Appliance Operators, Grade 2, in accordance with terms of Order in Council P.C. 280/383, dated February 17, 1930, and P.C. 63/888, dated April 9, 1936	1,320,820 00	
263	To provide for payment to W. J. A. Stewart, a former employee of the Halifax Post Office, of the amount of $3,509.65, representing the difference between the amount of civil pay he received between the 25th September, 1915, and the 20th July, 1919, while absent on active military service overseas, and the amount he is entitled to under the provisions of Order in Council of the 11th August, 1914, P.C. 2102	3,509 65	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	POST OFFICE—*Concluded*		
	PENSIONS AND OTHER BENEFITS		
264	To provide for the payment of compassionate allowances to employees injured while in the performance of their duties, or to other persons injured while performing duties in any way connected with the Postal Service, or in protecting His Majesty's mails, or to the dependents of such employees or other persons who may be killed while so engaged; payments to be made only on the specific authority of the Governor in Council	5,000 00	
			35,929,334 65
	PRIME MINISTER'S OFFICE		
265	Salaries of Staff, including the appointment of E. Handy as Principal Clerk at $2,040		45,405 00
	PRIVY COUNCIL OFFICE		
266	Salaries and expenses of Office		54,115 00
	PUBLIC ARCHIVES		
267	General Administration		173,435 00
	PUBLIC PRINTING AND STATIONERY		
268	Departmental Administration	42,260 00	
269	Printing, binding and distributing the Annual Statutes	8,500 00	
270	Canada Gazette	23,500 00	
271	Plant—repairs and renewals	10,000 00	
272	Distribution of Official Documents	44,100 00	
273	Printing and binding Official Publications for sale and distribution to Departments and the Public	40,000 00	
			168,360 00
	PUBLIC WORKS		
274	Departmental Administration	190,670 00	
	CHIEF ARCHITECT'S BRANCH		
275	Branch Administration	224,460 00	
276	Ottawa—Maintenance and Operation of Dominion Public Buildings and Grounds, including rents, repairs, furniture, heating, etc	2,540,700 00	
277	Maintenance and Operation of Other Dominion Public Buildings and Grounds, including rents, repairs, furniture, heating, etc	3,399,515 00	
278	Telephone Service at Ottawa	96,000 00	
279	Telephone Service other than at Ottawa	8,285 00	
	Construction, Repairs and Improvements of Public Buildings		
	Nova Scotia		
280	Berwick—Public building (revote $3,500)	4,500 00	
	New Brunswick		
281	Saint John Quarantine Station–Partridge Island—Improvements, alterations and repairs (revote $2,000)	6.000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued*		
	CHIEF ARCHITECT'S BRANCH—*Concluded*		
	Construction, Repairs and Improvements of Public Buildings —*Concluded*		
	Maritime Provinces Generally		
282	Dominion Public Buildings—Improvements and repairs	50,000 00	
	Quebec		
283	Bedford—Public Building (revote $20,000)	23,000 00	
	Dominion Public Buildings—Improvements and repairs	100,000 00	
	Ontario		
284	Dominion Public Buildings—Improvements and repairs	125,000 00	
	Fort Erie—Public Building (revote)	4,000 00	
	Kenora Public Buildings—Installation of fittings and alterations (revote)	6,000 00	
	Kitchener—Public Building (revote)	175,000 00	
	Ottawa—Rideau Hall—Improvements	14,000 00	
	Powassan—Public building (revote)	3,500 00	
	Toronto—Dominion Building—Improvements and repairs	10,000 00	
	Manitoba		
285	Dominion Public Buildings—Improvements and repairs	40,000 00	
	Steinbach—Public building	3,000 00	
	Saskatchewan		
286	Dominion Public Buildings—Improvements and repairs	50,000 00	
	Saskatoon—Public Building—Improvement and repairs	6,000 00	
	Alberta		
287	Dominion Public Buildings—Improvements and repairs	40,000 00	
	Peace River—Public Building (revote)	36,000 00	
	British Columbia		
288	Dominion Public Buildings—Improvements and repairs	50,000 00	
	Kelowna—Public building	10,000 00	
	Powell River—Public building (revote)	58,000 00	
	Prince Rupert—Public building (revote $145,000)	170,000 00	
	Yukon Territory		
289	Dawson Administration Building—Repairs, improvements and alterations	12,500 00	
	Generally		
290	Dominion Immigration Buildings—Repairs, improvements, etc	35,000 00	
291	Dominion Quarantine Stations—Maintenance and repairs	13,000 00	
292	Experimental Farms and Science Laboratories—Replacements, repairs and improvements to buildings	100,000 00	
293	Flags for Dominion Buildings	5,000 00	
294	Military Buildings—Repairs, fittings and additions	25,000 00	
295	Veterans' Hospitals—Repairs, improvements and alterations (revote $16,000)	80,000 00	
296	National Monument on Connaught Place (revote $90,000)	150,000 00	
297	Statue of the late Sir Arthur G. Doughty, to be erected in front of the Dominion Archives Building	15,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued*		
	CHIEF ENGINEER'S BRANCH		
298	Branch Administration	210,880 00	
299	Engineering, including salaries of Engineers, Clerks, etc.	515,245 00	
	Dredging		
300	General Superintendence	12,640 00	
301	Maritime Provinces	375,000 00	
302	Ontario and Quebec	326,700 00	
303	Manitoba, Saskatchewan and Alberta	110,000 00	
304	British Columbia	185,000 00	
	Maintenance and Operation of Graving Docks, Locks and Dams, etc.		
305	Champlain Graving Dock	69,000 00	
306	Esquimalt Graving Dock	83,000 00	
307	Lorne Graving Dock	40,000 00	
308	Selkirk—Repair slip	4,000 00	
309	Maintenance and operation of locks and dams	62,800 00	
310	Maintenance and operation of snagboats	41,000 00	
	Maintenance and Operation of Roads and Bridges		
311	Burlington Channel Bridge	16,000 00	
312	Kingston, La Salle Causeway	10,500 00	
313	Ottawa, bridges and approaches (revote $3,500)	26,200 00	
314	Generally	31,200 00	
	Construction, Repairs and Improvements —Harbours and Rivers		
	Nova Scotia		
315	*Essential Undertakings*—		
	Little Anse—Breakwater reconstruction	43,400 00	
	Malagash—Wharf Improvements	19,000 00	
	New Harbour—Breakwater repairs	8,200 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken	250,000 00	
	Prince Edward Island		
316	*Under Contract*—		
	Summerside—Improvements to wharf	3,100 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken	75,000 00	
	New Brunswick		
317	*Under Contract*—		
	Grande Anse—Dredging (revote $4,800)	7,500 00	
	Essential Undertakings—		
	Caissie's Cape—Breakwater repairs and improvements	17,000 00	
	Escuminac—Breakwater improvements	45,000 00	
	Wilson's Beach—Breakwater-wharf extension, estimated total cost $100,000, revote $20,000	50,000 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken	100,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued*		
	CHIEF ENGINEER'S BRANCH—*Continued*		
	Construction, Repairs and Improvements—Harbours and Rivers—*Continued*		
	Quebec		
	Under Contract—		
	Riviere Laguerre—Contribution towards completion of improvements, the Provincial Government to bear a like amount (revote $1,000)	10,000 00	
	Essential Undertakings—		
	Cape Cove (Anse du Cap)—Wharf reconstruction	41,600 00	
318	Cacouna—Wharf repairs	13,000 00	
	Grande Baie (St. Alexis)—Wharf reconstruction	26,600 00	
	Manicouagan—Wharf improvements. One third of cost to be contributed by the Ontario Paper Co. Ltd	31,000 00	
	Riviere au Tonnerre—Harbour improvements	8,000 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken	275,000 00	
	Ontario		
	Under Contract—		
	Port Arthur—Harbour improvements (Revote)	51,300 00	
	Essential Undertakings—		
	Cobourg—Maintenance dredging	20,000 00	
	Owen Sound—Harbour repairs and improvements	49,000 00	
319	Sarnia—Reconstruction of harbour works	25,000 00	
	Rondeau—Reconstruction of East pier	28,000 00	
	Toronto—Maintenance of eastern channel	15,000 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken	180,000 00	
	Manitoba		
	Essential Undertakings—		
	Red River—Repairs to breakwaters	35,000 00	
320	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken	25,000 00	
	Saskatchewan, Alberta and North West Territories		
321	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken	15,000 00	
	British Columbia		
	Essential Undertakings—		
	Campbell River—Wharf repairs	8,800 00	
	Fraser River—Contribution towards protection work at Rosedale, the Provincial Government and the Municipality of Chilliwack each to contribute a like amount.	4,000 00	
	Port Clements—Wharf repairs	10,300 00	
322	Quathiaski Cove—Wharf extension and repairs	4,800 00	
	Queen Charlotte City—Wharf repairs	8,700 00	
	Shoal Bay—Wharf repairs and extension	8,800 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken	100,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Concluded*		
	CHIEF ENGINEER'S BRANCH—*Concluded*		
	Construction, Repairs and Improvements—Harbours and Rivers—*Concluded*		
	Yukon		
	Essential Undertakings—		
323	Stewart and Yukon Rivers—Improvements (revote $4,400)	5,000 00	
	Generally		
324	Miscellaneous works not otherwise provided for, not more than $3,000 to be expended upon any one work	50,000 00	
	TELEGRAPH BRANCH		
325	Branch Administration	26,160 00	
	Telegraph and Telephone Services—Operation and Maintenance		
326	Land and Cable Telegraph Lines—Lower St. Lawrence and Maritime Provinces, including working expenses of vessels for cable work	133,000 00	
327	Alberta and Saskatchewan	92,500 00	
328	Division Superintendent's office, Vancouver	12,300 00	
329	British Columbia—Northern and Yukon Districts	153,000 00	
330	British Columbia—Vancouver Island District	92,200 00	
331	Telegraph and Telephone Services Generally	3,600 00	
	Reconstruction, Repairs and Improvements		
332	Maritime Provinces	8,000 00	
333	Saskatchewan and Alberta	16,500 00	
334	British Columbia—Northern and Yukon Districts	17,000 00	
335	British Columbia—Vancouver Island District	9,000 00	
	GENERALLY		
336	National Gallery of Canada	115,000 00	
337	To supplement, on approval of Treasury Board, except where less than $200 is required, any of the appropriations of the Department of Public Works	100,000 00	
			12,443,655 00
	ROYAL CANADIAN MOUNTED POLICE		
338	General Administration	227,368 88	
339	Land Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses	5,036,172 87	
340	Marine Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses	700,257 25	
341	Grant to the Chief Constables Association of Canada	500 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	ROYAL CANADIAN MOUNTED POLICE—*Concluded*		
	PENSIONS AND OTHER BENEFITS		
342	To compensate members of the Royal Canadian Mounted Police for injuries received in the performance of duty	12,000 00	
343	Pensions to Mounted Police, Prince Albert Volunteers and Police Scouts on account of the Rebellion of 1885	587 65	
344	Pensions to families of members of the Mounted Police Force who lost their lives while on duty—		
	Mrs. Mary Emma Bossange	456 25	
	Mrs. Margaret Johnson Brooke	821 25	
	Mrs. Margaret Cox	470 63	
	Mrs. Elizabeth Fitzgerald	525 00	
	Mrs. Georgina Harrison	676 50	
	Mrs. Letitia Kennedy	423 50	
	Mrs. Nora Jean Massan	300 00	
	Mrs. Mary Miller	667 38	
	Mrs. Margaret Nicholson	566 83	
	Mrs. Catherine Mildred Ralls	765 25	
	Mrs. Myrtle L. Richards	720 00	
	Mrs. Doris Freda Sampson	816 00	
	Mrs. Amy Lillian Searle	406 98	
	Mrs. Madelaine Mary Shoebothom	810 00	
	Mrs. Eunice Wainwright	602 50	
345	Pension to James Elliott	672 00	
			5,986,586 72
	SECRETARY OF STATE		
346	Departmental Administration	95,775 00	
347	Naturalization Branch	62,180 00	
348	Companies Branch	48,360 00	
349	Bureau for Translations	281,130 00	
350	Canada Temperance Act	5,000 00	
	PATENT AND COPYRIGHT OFFICE		
351	Branch Administration	34,285 00	
352	Patent Division	143,000 00	
353	Trade Marks and Copyright Division	39,000 00	
354	Patent Record	31,980 00	
355	Contribution to the International Office for the Protection of Industrial Property, International Copyright Union Office and Union for the Protection of Literary and Artistic Works	2,700 00	
			743,410 00
	SOLDIER SETTLEMENT OF CANADA		
356	To provide for the cost of administration of Soldier Settlement, General Land Settlement and field services for other Departments of Government, and to empower the Civil Service Commission to authorize payment of salaries to unclassified employees made permanent by amendment to the Soldier Settlement Act, 1935, at the rates effective at the time they were made permanent	727,980 00	
357	To provide for the payment to the Government of the United Kingdom on account of ascertained losses sustained under the 3,000 British Family Agreement of August 20, 1924	10,896 88	
			738,876 88

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	TRADE AND COMMERCE		
358	Departmental Administration	113,563 00	
	An Act to place Canadian Coal used in the manufacture of Iron or Steel on a basis of equality with imported coal—		
359	Administration	600 00	
360	Commercial Intelligence Service	836,085 00	
361	Electricity and Gas Inspection Service, including administration of the Electricity and Fluid Exportation Act	259,890 00	
362	Exhibitions and Fairs	438,720 00	
363	Foreign Tariffs Office	36,200 00	
364	Motion Picture Bureau	88,059 00	
365	Precious Metals Marking Act	12,900 00	
366	Publicity and Advertising in Canada and Abroad other than in the United Kingdom and Europe	56,920 00	
367	Publicity and Advertising in the United Kingdom and Europe	356,580 00	
368	Weights and Measures Inspection Service	439,325 00	
369	Port of London Authority, Annual payment for defrosting facilities	2,233 82	
370	Contribution to the International Bureau of Exhibitions	1,000 00	
371	Contribution to the International Customs Tariffs Bureau	2,700 00	
372	To provide for expenses of the Royal Grain Inquiry Commission including authority for payment of honorarium to Dr. T. W. Grindley, Secretary	15,000 00	
	Canada Grain Act—		
373	Administration	105,169 00	
374	Operation and Maintenance, including Inspection and Weighing	1,502,601 00	
375	Canadian Government Elevators, including equipment	266,240 00	
	Dominion Bureau of Statistics—		
376	Administration	69,085 00	
377	Statistics	698,255 00	
378	Census of Population	120,520 00	
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS		
379	Administration	12,300 00	
	Atlantic Ocean		
380	Canada and the United Kingdom on the Atlantic, service between	250,000 00	
	Canada and South Africa, service between	100,000 00	
	Pacific Ocean		
	British Columbia and China, and/or Australia, service between	118,800 00	
	British Columbia and South Africa, service between	80,000 00	
	Canada, China and Japan, service between	600,000 00	
	Canada and New Zealand on the Pacific, service between	300,000 00	
381	Prince Rupert, B.C., and Queen Charlotte Islands, service between	10,000 00	
	Vancouver and the British West Indies, service between	25,000 00	
	Vancouver and Northern Ports of British Columbia, service between	15,000 00	
	Victoria, Vancouver, way ports and Skagway, service between	10,000 00	
	Victoria and West Coast Vancouver Island, service between	10,000 00	
	Local Services		
	Baddeck and Iona, service between	8,000 00	
	Charlottetown and Pictou, service between	25,000 00	
	Chester and Tancook Island, winter service between	1,600 00	
382	Grand Manan and the Mainland, service between	33,000 00	
	Halifax, Canso and Guysboro, service between	6,750 00	
	Halifax, Sherbrooke and Spry Bay, service between	2,900 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	TRADE AND COMMERCE—*Concluded*		
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS—*Concluded*		
	Halifax, LaHave and LaHave River Ports, service between..	1,500 00	
	Halifax, South Cape Breton, Bras d'Or Lake ports and Bay St. Lawrence, service between	5,500 00	
	Ile-aux-Coudres and Les Eboulements, service between	1,900 00	
	Mulgrave, Arichat and Canso, service between	37,000 00	
	Mulgrave and Guysboro, calling at intermediate ports, service between	9,500 00	
	Murray Bay and North Shore, winter service between	40,000 00	
	Parrsboro, Kingsport and Wolfville, service between	2,500 00	
	Pelee Island and the Mainland, service between	7,000 00	
	Pictou, Mulgrave and Cheticamp, service between	11,500 00	
	Pictou, Souris and the Magdalen Islands, service between	35,000 00	
	Quebec, Natashquan and Harrington, service between	85,000 00	
382	Quebec or Montreal and Gaspe, calling at way ports, service between	60,000 00	
	Rimouski and Matane and points on the North Shore of the St. Lawrence, service between	50,000 00	
	Riviere-du-Loup and Tadoussac and other North Shore points, service between	10,000 00	
	St. Catherine's Bay and Tadoussac, service between	3,500 00	
	St. John, Bear River, Annapolis and Granville and other way ports, service between	1,500 00	
	St. John and Bridgetown, service between	800 00	
	St. John and Margaretville, and other ports on the Bay of Fundy, service between	2,500 00	
	St. John and Minas Basin ports, service between	5,000 00	
	St. John and St. Andrews, calling at way ports, service between.	3,000 00	
	St. John, Westport and Yarmouth and other way ports, service between	10,000 00	
	St. John and Weymouth, service between	1,000 00	
	Summerville, Burlington and Windsor, N.S., service between.	750 00	
	Sydney and Bay St. Lawrence, calling at way ports, service between	22,000 00	
	Sydney and Bras d'Or Lake Ports and West Coast of Cape Breton and Prince Edward Island, service between	22,500 00	
	Sydney and Whycocomagh, service between	16,000 00	
	NATIONAL RESEARCH COUNCIL		
383	Salaries and other expenses of the National Research Council..	756,680 00	8,231,625 82
	TRANSPORT		
384	Departmental Administration	373,124 00	
	AIR SERVICE		
385	Air Service Administration	10,665 00	
	Civil Aviation Division		
386	Control of Civil Aviation including the administration of the Aeronautics Act and Regulations issued thereunder	317,500 00	
387	Airways and Airports—Construction and improvements including lighting and radio facilities—(Capital)	1,722,400 00	
388	Airways and Airports—Operation and maintenance including lighting, radio and meteorological services	910,669 00	
389	Grants to Aeroplane Clubs, including grant of $5,000 to the Canadian Flying Clubs Association	60,000 00	
390	To provide for contributions to assist municipalities to improve existing airports or provide new airports	800,000 00	

SCHEULDE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	TRANSPORT—*Continued*		
	AIR SERVICE—*Concluded*		
	Meteorological Division		
391	Meteorological Service, including an allowance of $400 to L. F. Gorman, Observer at Ottawa	426,000 00	
392	Grant to Kingston Observatory	500 00	
	Radio Division		
393	Administration of the Radiotelegraph Act and Regulations	100,775 00	
394	Radio direction finding stations, radio beacons and radiotelegraph stations—operation and maintenance	634,324 75	
395	Suppression of local electrical interferences	205,478 00	
396	Issue of radio receiving licences (Transport Department only)	113,420 00	
	CANALS SERVICE		
397	Canals Service Administration	33,100 00	
398	Canals—Operation and Maintenance	2,177,450 00	
399	Canals—Improvements (revote $23,500.00)	347,200 00	
400	To provide for expenses in connection with St. Lawrence Ship Canal Surveys and Investigations	3,000 00	
401	To provide for the carrying out of flow measurements and other expenses connected with the Department's supervision and control over the hydro-electric power development of the Beauharnois Light, Heat and Power Company, Limited	5,000 00	
	MARINE SERVICE		
402	Marine Service Administration	18,040 00	
403	Administration of floating equipment	28,835 00	
	Nautical Services—		
404	Nautical Service Administration	24,775 00	
405	Marine Service Steamers, including Ice-breakers—Maintenance, operation and repairs	1,326,700 00	
406	Miscellaneous services relating to navigation and shipping including grants of $600 towards School of Navigation at Lunenburg, N.S. and $500 towards School of Navigation at Queen's University	48,060 00	
407	Life saving service, including rewards for saving life	47,000 00	
408	Marine signal service	96,000 00	
409	Administration of pilotage	125,904 00	
410	To provide subsidies for wrecking plants—Quebec and British Columbia	45,000 00	
411	Aids to Navigation—Construction, maintenance and supervision of aids to navigation, including salaries and allowances to lightkeepers	1,897,785 00	
412	Maintenance and repairs to wharves	7,500 00	
413	To provide for breaking ice in Thunder Bay, Lake Superior, and other points deemed advisable in the interests of navigation	30,000 00	
414	To provide for Canada's share of the cost of the North Atlantic Ice Patrol	6,000 00	
415	Steamboat Inspection and the carrying out of the provisions of the Conventions for the safety of life at sea and load lines	185,310 00	
416	Agencies, salaries and office expenses	243,910 00	
417	River St. Lawrence Ship Channel—Contract dredging in the St. Lawrence River and Montreal Harbour, and the extension of existing weirs, including cost of administration—Capital	2,933,400 00	
418	River St. Lawrence Ship Channel—Operation and maintenance including any portion of contract dredging chargeable to maintenance	321,600 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	TRANSPORT—*Continued*		
	MARINE SERVICE—*Concluded*		
419	Grants of $200 each to the Royal Arthur Sailors Institutes, at Port Arthur, Kingston and Toronto, which provide for medical assistance to and hospitalization for distressed seamen on the Great Lakes	600 00	
420	To provide for the removal of derelicts in Canadian waters	15,000 00	
421	To provide towards the construction of a combination Icebreaker and Service Vessel, estimated to cost $600,000—Amount required for 1938-39—Capital	200,000 00	
	RAILWAY SERVICE		
422	Railway Grade Crossing Fund—Amount (in addition to that provided by section 262, subsection (6) of the Railway Act) to be placed to the credit of the Railway Grade Crossing Fund, and to be applied by the Board of Railway Commissioners for Canada pursuant to, and within the limitations of, the provisions of Section 262, of the Railway Act, as enacted by chapter 43 of the Statutes of Canada, 1928, and amended by chapter 54 of the Statutes of Canada, 1929	300,000 00	
423	Board of Railway Commissioners for Canada—Administration, maintenance and operation, including provision for the appointment of George Kydd as Division Engineer at a salary of $3,420.00 per annum, notwithstanding anything in the Civil Service Act	262,040 00	
424	Repairs and expenses in connection with the operation and maintenance of official railway cars under the jurisdiction of the Department	51,080 00	
425	Hudson Bay Railway—To provide for the difference between expenditures for operation and maintenance, and revenue accruing from operation during the year ending March 31, 1939, not exceeding	370,000 00	
426	Hudson Bay Railway—Construction and improvements—Capital	25,000 00	
	Maritime Freight Rates Act—		
427	To hereby authorize and provide for the payment from time to time during the fiscal year 1938-39 to the Canadian National Railway Company of the difference (estimated by the auditors of the said Company and certified by the said auditors to the Minister of Transport as and when required by the said Minister) occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (upon the same basis as set out in section 9 of the said Act with respect to companies therein referred to) on all traffic moved during the year 1938, under the tariffs approved, on the Eastern Lines (as referred to in section 2 of the said Act) of the Canadian National Railways	2,278,000 00	
428	Amount required to provide for payment from time to time during the fiscal year 1938-39 of the difference, estimated by the Board of Railway Commissioners and certified by the said Board to the Minister of Transport as and when required by him, occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (referred to in section 9 of the said Act) on all traffic moved during 1938, under the tariffs approved by the following companies: Canada & Gulf Terminal Railway; Canadian Pacific Railway, including: Fredericton & Grand Lake Coal & Railway Company; New Brunswick Coal & Railway Company, Cumberland Railway & Coal Company, Dominion Atlantic Railway, Maritime Coal, Railway & Power Company, Sydney & Louisburg Railway, Temiscouata Railway Company	860,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	TRANSPORT—*Concluded*		
	RAILWAY SERVICE—*Concluded*		
	Maritime Freight Rates Act—*Concluded*		
429	Interest on rails rolled for Canadian National Railways: To provide for payment of interest under the terms and conditions of Orders in Council P.C. 1462 and P.C. 1533 of June 7, 1935, respecting orders of steel rails for the Canadian National Railway Company	30,000 00	
	CANADIAN TRAVEL BUREAU SERVICE		
430	To assist in promoting Tourist Business in Canada	250,000 00	
	PENSIONS AND OTHER BENEFITS		
431	Amount required to pay pensions of $300 each to former pilots: Alphonse Asselin, Adjutor Baillargeon, J. Alphonse Lachance, Joseph Pouliot, Raoul Lachance, Arthur Baillargeon, J. H. Talbot, Jules Asselin, Joseph Vezina and $150 to J. B. Pouliot	2,850 00	
432	Compassionate allowance to John Davidson, formerly lightkeeper at Cape Mudge, B.C.	500 00	
433	Compassionate allowance to Lawrence Larson, formerly employed as caretaker at the Esquimalt Workshop of the Radiotelegraph Service	500 00	
434	Compassionate allowance to recoup the Workmen's Compensation Board of British Columbia in continuation of a pension granted and to be paid by that Board up to the 31st March, 1939, in the sum of $35.00 per month, to the widow of the late E. J. McCoskrie, who was formerly employed as Port Warden at Prince Rupert, B.C. and who was killed while in the performance of his duties	420 00	
435	Railway Employees Provident Fund— To supplement pension allowances under the provisions of the Intercolonial and Prince Edward Island Railway Employees Provident Fund Act so as to make the minimum payment during the period January 1, 1938, to March 31, 1939, the sum of $30.00 per month instead of $20.00, as fixed by the said Act	26,300 00	
			20,298,714 75
	GOVERNMENT OWNED ENTERPRISES		
	NATIONAL HARBOURS BOARD		
436	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, to meet expenditures during the calendar year 1938 on any or all of the following accounts:—		
	(a) Retirement of Maturing Debentures—		
	Halifax $ 1,700,000 00		
	Saint John 60,256 94		
	Quebec 400,000 00		
		2,160,256 94	
	(b) Reconstruction and Capital Expenditures (Revote $36,000)—		
	Saint John $ 130,000 00		
	Chicoutimi 12,000 00		
	Quebec 365,500 00		
	Trois-Rivieres 160,000 00		
	Generally unforeseen 100,000 00		
		767,500 00	

SCHEDULE A—*Concluded*

No. of Vote	Service	Amount	Total
	GOVERNMENT OWNED ENTERPRISES—*Concluded*	$ cts.	$ cts.
	CANADIAN NATIONAL RAILWAYS		
437	Prince Edward Island Car Ferry and Terminals—Capital construction and improvements	35,000 00	
	CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LIMITED		
438	Advances to Canadian National (West Indies) Steamships, Limited, repayable on demand with interest at a rate to be fixed by the Governor in Council upon such terms and conditions as the Governor in Council may determine and to be applied in payment of capital expenditure in connection with vessels under the Company's control during the year ending December 31, 1938	24,000 00	2,986,756 94
	LOANS AND INVESTMENTS		
	NATIONAL HARBOURS BOARD		
439	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, to meet expenditures during the calendar year 1938 on any or all of the following accounts (Revote $268,100):		
	Reconstruction and Capital Expenditures—		
	Montreal $ 1,297,500 00		
	Less amount to be expended from Replacement Fund 367,700 00	929,800 00	
	SOLDIER SETTLEMENT		
440	To provide for Soldier Land Settlement advances and for advances and for advances under the British Family Schemes and agreements, recoverable from the Government of the United Kingdom	247,700 00	1,177,500 00
	Total		*234,345,746 92

* Net Total, $156,230,497 94

SCHEDULE B

Based on the Supplementary Estimates, 1938-39. The amount hereby granted is $88,757,863.42, being five-sixths of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1939, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	AGRICULTURE		
475	Departmental Administration—Further amount required	7,350 00	
476	Publicity and Extension Division—Further amount required	5,640 00	
	Special		
477	To provide for the payment of freight on the return of live stock and equipment from places of feed supply to the dried-out areas in the Provinces of Saskatchewan and Alberta	100,000 00	
478	To provide for feed and fodder relief in the dried out areas and to provide for direct relief in the dried-out areas for the months of April, May and June, 1938	2,000,000 00	
479	To provide assistance to the Provinces for resettlement	365,000 00	
480	Prairie Farm Rehabilitation Act and Water Storage	3,500,000 00	
	MARKETING SERVICES		
481	Agricultural Economics, including grant of $5,000 to the International Conference of Agricultural Economists—Further amount required	7,690 00	
482	Dairy Products—Further amount required	20,050 00	
483	Subsidies for Cold Storage Warehouses under the Cold Storage Act, and special grant of $90,500 to Manitoba Cold Storage, Limited, Winnipeg, Manitoba, and special grant to the Temiskaming Producers' Co-operative, New Liskeard, Ontario, $1,050.00—Further amount required	178,836 80	
484	Fruit and Vegetable Products—Further amount required	4,972 00	
485	Live Stock and Poultry—Further amount required	7,040 00	
	PRODUCTION SERVICES		
	Health of Animals—		
486	Administration of Animal Contagious Diseases Act and Meat and Canned Foods Act—Further amount required	39,800 00	
487	Compensation for animals slaughtered—Further amount required	110,000 00	
488	Compensation to owners of animals affected with diseases coming under the operation of the Animal Contagious Diseases Act, which have died or have been slaughtered under circumstances unprovided for under the above Act and regulations thereunder	1,200 91	
489	Live Stock and Poultry—Further amount required	24,785 00	
490	Plant Inspection, Insects and Diseases—Further amount required	30,185 00	
491	Seed, Feed and Fertilizer Control—Further amount required	20,565 00	
	Grants to Fairs and Exhibitions—		
492	Administration of Grants to Fairs and Exhibitions—Further amount required	240 00	
493	Grants for fair buildings and improvements, in the amounts detailed in the Estimates—Further amount required.—	65,850 00	
	EXPERIMENTAL FARMS		
494	Central Experimental Farm, Ottawa—Further amount required	42,545 00	
495	Branch Farms and Stations and Illustration Stations—Further amount required	42,230 00	
496	New buildings at Central Farm and Branch Farms and Stations, as detailed in the Estimates	54,515 00	

SCHEDULE B—*Continued*

No. of	Service	Amount	Total
		$ cts.	$ cts.
	AGRICULTURE—*Concluded*		
	SCIENCE SERVICES		
497	Animal and Poultry Pathology—Further amount required.....	7,020 00	
498	Bacteriology—Further amount required.....	360 00	
499	Botany and Plant Pathology—Further amount required.....	8,595 00	
500	Chemistry—Further amount required.....	1,680 00	
501	Entomology—Further amount required.....	19,210 00	
502	New Buildings for Science Services, as detailed in the Estimates.....	76,700 00	
			6,742,059 71
	AUDITOR GENERAL'S OFFICE		
503	Salaries and expenses of office—Further amount required.....	.....	21,736 00
	CIVIL SERVICE COMMISSION		
504	Salaries and Expenses of the Commission—Further amount required.....	.....	5,340 00
	EXTERNAL AFFAIRS		
505	Representation abroad, including Ministers Plenipotentiary, Secretaries and Staff, notwithstanding anything to the contrary in the Civil Service Act or any of its amendments—Further amount required.....	60,000 00	
506	To provide for expenses arising out of the Trail Smelter Arbitration (Revote).....	7,600 00	
			67,600 00
	FINANCE		
507	Royal Canadian Mint, including the Dominion of Canada Assay Office—Further amount required.....	4,088 00	
	MISCELLANEOUS GRANTS AND CONTRIBUTIONS		
508	Federal District Commission—To provide for improvement of Parks and Driveways under the control of the Federal District Commission—Further amount required (Revote $25,000).....	31,000 00	
	Special		
509	National Battlefields Commission—Continuation of park development.....	100,000 00	
			135,088 00
	FISHERIES		
510	To provide for the replacement of fisheries service vessels.....	150,000 00	
	Special		
511	To enable aiding fishermen, groups of fishermen and others to establish or better establish themselves in the industry....	500,000 00	
512	To aid in expanding the sale of the products of the Canadian fishermen in foreign and domestic markets.....	150,000 00	
			800,000 00
	INSURANCE		
513	Departmental Administration—Further amount required.....	.....	3,600 00

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	JUSTICE		
514	To provide for publication of Canadian Constitutional Decisions of the Privy Council, 1929-1937: Payments may be made notwithstanding anything contained in the Civil Service Act	3,500 00	
515	To hereby provide for the payments of gratuities to the widows or to any dependent children, of judges who die while in office	15,000 00	
			18,500 00
	LABOUR		
	Special		
516	To provide for commitments under Relief Settlement Agreements with Provincial Governments (Revote)	200,000 00	
517	To provide for commitments and completion of works in connection with Federal contributions to Provincial and Municipal relief projects (Revote)	1,075,000 00	
518	To provide for commitments and completion of works in connection with Federal contributions towards the Greater Winnipeg Sewage Disposal Scheme (Revote)	40,000 00	
519	To provide for outstanding claims for Drought Area relief under the Relief Act, 1935	33,000 00	
520	To provide for Federal contributions to Farm Employment and Supplementary Plans (Revote for commitments $870,000)	1,870,000 00	
521	To provide for development and training projects for unemployed young people (Revote for commitments $290,000)	1,750,000 00	
522	To provide, in co-operation with the provinces, for rehabilitation of unemployed persons	500,000 00	
523	Amount required to provide for administration expenses generally, including salaries and travelling expenses—		
	Unemployment Relief Branch	211,500 00	
	National Registration	110,000 00	
524	Unforeseen contingencies	750,000 00	
	Grants-in-Aid		
525	Amount required to provide for monthly Grants-in-Aid to the Provinces	17,500,000 00	
			24,039,500 00
	LEGISLATION		
	The Senate		
526	To provide for the payment of the full sessional indemnity for the session of 1938 to Members of the Senate for days lost through absence due to public business, by illness, or on account of death. Payment to be made as Treasury Board may direct	10,000 00	
527	General Administration—Further amount required	10,000 00	
	House of Commons		
528	To provide for the full sessional indemnity to Members of the House of Commons—days lost through absence caused by illness, official public business, or on account of death during the present session—notwithstanding anything to the contrary in Chapter 147 of the Revised Statutes, 1927, an Act respecting the Senate and House of Commons, or any amendment thereto. Payments to be made as the Treasury Board may direct	30,000 00	
			50,000 00

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	MINES AND RESOURCES		
	MINES AND GEOLOGY BRANCH		
	Special		
529	Geological Surveys	50,000 00	
530	To assist in provision of transportation facilities into mining areas and to authorize subject to the approval of the Governor in Council, the appointment of such extra temporary officers, clerks and employees as may be necessary to carry out the purpose of any of the items designated "Special" under this Department	1,310,000 00	
	LANDS, PARKS AND FORESTS BRANCH		
	Government of the Northwest Territories—		
531	General Administration, operation, maintenance and improvement of services, including Wood Buffalo Park—Further amount required	20,300 00	
	Special		
	National Parks Bureau—		
532	Historic Sites	450,000 00	
533	National Parks	400,000 00	
534	Development of Tourist Highways	1,750,000 00	
535	Forest Conservation	200,000 00	
536	Construction Expenses, Banff-Jasper Highway	300,000 00	
537	To assist in the development of the Canadian section of the International Peace Garden, Manitoba	10,000 00	
	SURVEYS AND ENGINEERING BRANCH		
	Hydrographic and Map Service—		
538	Legal Surveys and Map Service—Further amount required	11,000 00	
539	To provide for expenses incurred under the Lake of the Woods Convention 1925 for participation in legal proceedings in the United States incidental to acquiring a flowage easement over lands bordering on Lake of the Woods in the United States, two-thirds of the moneys expended to be reimbursed to the Dominion by the Provinces of Manitoba and Ontario under the terms of the Agreement of November 15, 1922 (Revote)	1,000 00	
540	To provide for the construction of the Birchbank Gauging Station	2,590 00	
	Special		
541	Roads—Construction, improvement and repairs of Golden-Revelstoke Highway and improvements to main tourist routes from the International Boundary to Banff, in Banff National Park, and to Yoho and Kootenay Parks	600,000 00	
	INDIAN AFFAIRS BRANCH		
	Medical—		
542	Grants to Hospitals—Further amount required	25,000 00	
	Welfare and Training—		
543	Indian Education—Further amount required	25,000 00	
	Special		
544	Fur Conservation	50,000 00	
	IMMIGRATION BRANCH		
545	To provide for investigation of illegal entry of aliens into British Columbia	15,000 00	
			5,219,890 00

SCHEDULE B—*Continued*

No. of	Service	Amount	Total
		$ cts.	$ cts.
	NATIONAL DEFENCE		
	MILITIA SERVICES		
546	Engineer Services and Works—Further amount required (Revote $204,385)	316,385 00	
547	General Stores—Further amount required (Revote $394,300)	530,000 00	
	NAVAL SERVICES		
548	Royal Canadian Navy—Further amount required (Revote $73,875)	122,875 00	
549	Royal Canadian Naval Reserves—Further amount required	30,000 00	
	AIR SERVICES		
	Royal Canadian Air Force—		
550	Permanent Air Force—Further amount required (Revote $804,900)	884,900 00	
551	Non-Permanent Air Force—Further amount required (Revote)	48,000 00	
			1,932,160 00
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISIONS		
552	To provide for payment to C. P. Blair, formerly Assistant Commissioner of Customs, compensation for services in connection with the revision of the Customs Act, in the event of same being required	1,250 00	
553	To provide, notwithstanding anything contained in the Consolidated Revenue and Audit Act, or any other Act or Law, for payment out of the Consolidated Revenue Fund to Hector Hamel, formerly Assistant Customs Appraiser, Montreal, the amount of his contributions to the Civil Service Superannuation Fund	2,759 61	
	INCOME TAX DIVISION		
554	District Offices—Further amount required	41,742 00	
			45,751 61
	PENSIONS AND NATIONAL HEALTH		
	PENSIONS BRANCH		
555	Pensions Branch Administration—Further amount required	30,240 00	
556	War Veterans' Allowance Board—Further amount required	73,200 00	
	Direct Payments to Veterans and Dependents		
557	War Veterans' Allowances—Further amount required	1,400,000 00	
	Services to Veterans and Dependents		
558	For the continuation or carrying out of projects or schemes commenced or recommended by the Veterans' Assistance Commission, etc.—Further amount required	50,000 00	
	HEALTH BRANCH		
559	Venereal Diseases—For the distribution of arsenicals to the Provinces on the basis of population and the number of treatments and subject to an undertaking that the Provinces will not curtail their venereal diseases expenditures	50,000 00	
	MISCELLANEOUS GRANTS		
560	Grant to the "Association Des Medicins de Langue Francaise De L'Amerique du Nord"	5,000 00	
			1,608,440 00

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	POST OFFICE		
561	Departmental Administration—Further amount required	16,800 00	
562	Post Offices, including salaries and other expenses, Headquarters and Staff Post Offices, and supplies and equipment for Revenue Post Offices—Further amount required	335,000 00	
563	Inspection and Investigation—Further amount required	8,000 00	
564	Railway Mail Service—Further amount required	34,000 00	
565	Air and Land Mail Services—Further amount required	168,000 00	
566	Audit of Revenue, Money Order, Postal Note and Savings Bank Business; Issue of Postage Stamps and Postal Notes—Further amount required	17,000 00	
	PENSIONS AND OTHER BENEFITS		
567	Payment to the widow of the late Lorne C. Pethick, a former employee of the Orillia Post Office	1,000 00	
			579,800 00
	PUBLIC ARCHIVES		
568	General Administration, and to provide, notwithstanding the terms of the Civil Service Act or any other Act or Law, for payment of an honorarium of $1,000 to J. F. Kenney as a recognition of his services as Acting Dominion Archivist—Further amount required	.....	4,000 00
	PUBLIC PRINTING AND STATIONERY		
569	Plant—Repairs and Renewals—Further amount required	.....	20,000 00
	PUBLIC WORKS		
	CHIEF ARCHITECT'S BRANCH		
	Construction, Repairs and Improvements of Public Buildings		
	Nova Scotia		
	Bridgewater Public Building—Addition	16,500 00	
	Halifax Rockhead Hospital—Reconditioning and improvements (Revote $13,500)	18,700 00	
	Halifax Old Post Office Building—Alterations and improvements	32,000 00	
	Louisbourg—Public Building (Revote $18,800)	23,000 00	
570	Mulgrave—Public Building (Revote $24,300)	28,000 00	
	Port Hawkesbury—Public building	22,500 00	
	Springhill Public Building—Alterations and improvements (Revote $3,500)	13,500 00	
	Stewiacke—Public Building (Revote $14,300)	18,000 00	
	Trenton—Public Building (Revote)	4,000 00	
	Wolfville—Purchase of property adjacent to public building (Revote)	1,500 00	
	Prince Edward Island		
571	Charlottetown Public Building—Addition and alterations	6,500 00	
	New Brunswick		
	Bathurst Public Building—Addition and alterations	15,000 00	
	Fairville—Purchase of property adjoining public building	3,500 00	
	Minto—Public building (Revote)	21,000 00	
572	North Head—Public building (Revote $29,900)	31,000 00	
	Rogersville—Public building (Revote $9,800)	13,000 00	
	St. Leonard—Public building	15,000 00	
	St. Stephen—Building for Customs and Immigration purposes (Revote)	21,000 00	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued*		
	PUBLIC BUILDINGS—*Continued*		
	Quebec		
	Amos—Public Building (Revote $48,000)	50,000 00	
	Drummondville Public Building—Addition and alterations	7,000 00	
	Hull—Armoury (Revote $83,500)	260,000 00	
	L'Assomption—Public Building (Revote)	24,000 00	
	Lennoxville—Public building	25,000 00	
	Louiseville—Public Building—Addition, alterations and improvements	10,000 00	
	Montreal, Craig St. Drill Hall—Improvements and repairs	75,000 00	
	Montreal—Old Examining Warehouse—Improvements, alterations and repairs (Revote $21,500)	25,000 00	
	Montreal Public Building—Addition and alterations (Revote)	10,000 00	
	Mont Joli—Public building	25,000 00	
	North Hatley—Public Building (Revote $10,900)	13,500 00	
	Perce—Public building (Revote $9,100)	15,500 00	
	Pointe Claire—Public building (Revote $22,800)	25,000 00	
	Pointe au Pic—Public building (Revote)	28,000 00	
	Quebec—Postal Terminal Building (Revote)	300,000 00	
	Quebec Quarantine Facilities—Improvements	12,000 00	
	Quebec West—Public building (Revote)	12,500 00	
573	Rigaud—Moving public building	20,000 00	
	Rock Island Customs and Immigration Building—Addition to site	17,000 00	
	Rosemount—Public building	25,000 00	
	St. Andrews East—Public building (Revote $12,000)	16,500 00	
	Ste. Anne de Beaupre—Public building (Revote)	3,000 00	
	Ste. Anne de la Pocatiere Public Building—Alterations, improvements and repairs (Revote $2,000)	4,000 00	
	St. Charles de Bellechasse—Public Building (Revote $5,000)	5,500 00	
	St. George de Beauce—Public Building	29,000 00	
	St. Johns—Customs Building (Revote $31,000)	53,000 00	
	St. Pacome—Public Building	12,500 00	
	St. Raymond—Public building	15,000 00	
	St. Scholastique—Public Building	18,000 00	
	Scotstown—Public Building (Revote $13,000)	23,000 00	
	Temiskaming—Public Building (Revote $13,000)	13,500 00	
	Thetford Mines—Public Building	60,000 00	
	Thurso—Public Building	15,000 00	
	Ville Marie Public Building—Repairs and alterations	3,000 00	
	Ontario		
	Amherstburg Public Building—Improvements and alterations	6,100 00	
	Arthur—Public Building (Revote $500)	4,000 00	
	Barry's Bay—Public Building	15,000 00	
	Beaverton—Public Building	15,000 00	
	Blind River—Public Building	20,000 00	
	Bobcaygeon—Public Building (Revote $2,000)	8,500 00	
	Brighton—Public Building	15,000 00	
	Clinton—Public Building—Addition	15,000 00	
	Cobden—Public Building	15,000 00	
	Cobourg Public Building—Addition and alterations (Revote $500)	5,500 00	
	Cornwall—Armoury (Revote $87,000)	246,000 00	
	Dryden—Public Building	15,000 00	
	Forest—Public Building	15,000 00	
	Galt—Old Post Office Building—Addition, alterations and improvements	17,000 00	
	Havelock—Public Building (Revote $2,500)	5,500 00	
	Kapuskasing—Public Building	25,000 00	
	Lindsay Public Building—Alterations and improvements	6,500 00	
	Lucknow—Public Building (Revote $13,200)	18,000 00	
	Nipigon—Public Building (Revote $1,500)	4,000 00	

SCHEDULE B—*Continued*

No. of	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued*		
	PUBLIC BUILDINGS—*Continued*		
	Quebec—Concluded		
	Ottawa Postal Terminal Building—Improvements to ventilating system	2,500 00	
	Ottawa—Building for Supreme Court (Revote $250,000)	500,000 00	
	Ottawa—Buildings for Department of Mines and Resources (Revote $174,000)	219,000 00	
	Ottawa Central Heating Plant—Repairs and replacements	9,700 00	
	Ottawa—Improvements to Plaza (Revote $248,000)	350,000 00	
	Ottawa—Parliament Building	50,000 00	
	Ottawa Parliament Hill—Sidewalks and roadways	20,000 00	
	Ottawa Post Office—Removal and replacement, inclusive of site (Revote $8,000)—(Estimated cost $750,000)	500,000 00	
574	Ottawa—Record Storage Building (Revote $136,550)	300,000 00	
	Oakville—Public Building (Revote $24,500)	27,000 00	
	St. Thomas Public Building—Fittings, alterations and repairs	5,000 00	
	Sioux Lookout—Public building (Revote $9,300)	13,000 00	
	Stirling—Public Building	15,000 00	
	Tara—Public Building	15,000 00	
	Toronto—Additional postal accommodation (estimated cost, $1,715,000)	150,000 00	
	Toronto Postal Station "F"—Alterations and improvements (Revote)	15,000 00	
	Tweed—Public Building (Revote $12,000)	18,000 00	
	Vankleek Hill—Public Building (Revote $1,000)	3,500 00	
	Manitoba		
	Birtle—Public Building	15,000 00	
	Carberry—Public Building	15,000 00	
	Gilbert Plains—Public Building	15,000 00	
	Gimli—Public Building	13,500 00	
	Manitou—Public Building	15,000 00	
575	Morris—Public Building (Revote $3,500)	11,000 00	
	St. James—Public Building	15,000 00	
	St. Vital—Public Building (Revote $14,400)	16,000 00	
	Winkler—Public Building (Revote $10,800)	17,000 00	
	Winnipeg Immigration Building—Improvements to heating	6,000 00	
	Saskatchewan		
	Biggar—Public Building	20,000 00	
	Broadview—Purchase of and alterations to building for Armoury purposes	4,200 00	
	Foam Lake—Public Building (Revote $8,500)	27,500 00	
	Meadow Lake—Public Building (Revote $14,000)	29,500 00	
576	Moose Jaw Armoury—Reconstruction	18,000 00	
	Sintaluta—Purchase of Building for Postal purposes	3,500 00	
	Star City—Purchase of Building for Postal purposes	3,000 00	
	Wadena—Public Building (Revote $10,400)	24,500 00	
	Wynyard—Public Building	15,000 00	
	Yorkton—Public Building	35,000 00	
	Alberta		
	Cardston—Public Building (Revote)	5,000 00	
577	Jasper—Public Building	20,000 00	
	St. Paul—Public Building (Revote $12,000)	20,000 00	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued*		
	PUBLIC BUILDINGS—*Concluded*		
	British Columbia		
	Armstrong—Public Building	15,000 00	
	Esquimalt—H.M.C. Dockyard Office Building (Revote $8,000)	16,000 00	
	Kamloops—Entomological Laboratory for Department of Health	6,000 00	
	New Westminster Public Building—Addition (Revote $100,000)	185,000 00	
578	Prince George—Public Building	25,000 00	
	Salmon Arm—Purchase of Building for National Defence	1,650 00	
	Vancouver Examining Warehouse and Winch Building—Alterations, improvements and repairs	19,000 00	
	Victoria Public Building—Improvements and repairs	11,000 00	
	Generally		
579	Public Buildings Generally—Repairs, alterations, fittings and improvements	200,000 00	
580	Tractors for Postal purposes	12,200 00	
	CHIEF ENGINEER'S BRANCH		
	Special		
	Construction, Repairs and Improvements—Harbours and Rivers		
	Nova Scotia		
	Abbott's Harbour—Wharf	7,100 00	
	Battery Point (Victoria Beach)—Breakwater extension	7,000 00	
	Baxter's Harbour—Breakwater extension	7,000 00	
	Bear River—Dredging	20,500 00	
	Bridgewater—Dredging	4,800 00	
	Broad Cove Marsh—Breakwater repairs	10,000 00	
	Brooklyn—Breakwater repairs and improvements (Revote)—(Estimated cost $165,000)	75,000 00	
	Cape St. Mary's—Breakwater reconstruction (Revote $1,000)	15,000 00	
	Caribou Harbour—Improvements	100,000 00	
	Carleton Village—Breakwater	5,500 00	
	Comeauville—Breakwater	18,500 00	
	Cribbin's Point—Dredging	16,000 00	
	Dartmouth—Wharf repairs	9,600 00	
	Dayspring—Wharf	5,500 00	
	Digby—Dredging	29,000 00	
	Dingwall—Harbour improvements (Estimated cost $315,000)	90,000 00	
581	East River—Dredging	10,400 00	
	Estmere—Wharf	3,400 00	
	Fourchu—Wharf reconstruction	8,700 00	
	Fourchu—Dredging (Revote $9,400)	27,300 00	
	Framboise—Breakwater extension	4,500 00	
	Hantsport—Wharf extension	4,300 00	
	Johns Island—Breakwater-Wharf	7,000 00	
	Johnstown (North Pond)—Wharf	6,400 00	
	La Pointe (Cheticamp Point)—Wharf repairs	10,800 00	
	La Have—Dredging	4,500 00	
	L'Archeveque—Breakwater	9,400 00	
	Larry's River—Dredging	34,000 00	
	Lloyd's Cove—Breakwater extension	7,400 00	
	Liverpool—Dredging	20,000 00	
	Louis Head—Breakwater (Revote $1,800)	3,200 00	
	Lunenburg—Dredging	14,000 00	
	Mabou Bridge—Dredging	14,500 00	
	Margaree Harbour—Repairs to pier	8,000 00	
	Margaree Island—Extension to wharf and pier	10,700 00	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued*		
	Special—Continued		
	HARBOURS AND RIVERS—*Continued*		
	Nova Scotia—Concluded		
	Meat Cove—Wharf replacement	6,000 00	
	Meteghan—Breakwater repairs	5,000 00	
581	Middle Island—Breakwater and skidway	7,000 00	
	Middle Point Cove—Breakwater (Revote)	3,200 00	
	Mill Cove—Breakwater extension	30,000 00	
	Mulgrave (Pirate Harbour)—To purchase and repair wharf	4,600 00	
	North West Cove (Tancook)—Breakwater extension	13,000 00	
	Pictou Island—Breakwater	20,500 00	
	Pictou Landing—Harbour improvements (Revote $1,600)	25,700 00	
	Poirierville—Wharf extension	11,000 00	
	Port Hood—Closing Northern entrance (Revote $6,500)	48,200 00	
	Port Maitland—Harbour improvements	45,000 00	
	Portuguese Cove—Breakwater repairs	8,800 00	
	Pugwash—Warehouse	5,000 00	
	Rockdale—Breakwater extension	7,600 00	
	St. Mary's River—Dredging	48,200 00	
	Seal Island West—Breakwater repairs	6,000 00	
	Ship Harbour—Wharf extension	5,500 00	
	Skinner's Cove—Partial reconstruction of pier (Revote)	11,000 00	
	Sydney—Warehouse (Revote $41,500)	65,000 00	
	Tibbo's Cove—Breakwater	5,600 00	
	Walker's Cove—Harbour improvements	11,300 00	
	West Advocate—Improvements	3,300 00	
	Westport (South)—Breakwater (Revote)	3,100 00	
	Westmount (North)—Wharf extension	4,900 00	
	Weymouth—To purchase and reconstruct wharf	15,500 00	
	Windsor—Contribution towards protection work	2,055 00	
	Prince Edward Island		
	Basin Head—Boat harbour (Revote)	12,500 00	
	Belfast—Wharf repairs	6,000 00	
	Belle River Harbour—Breakwater extension	5,500 00	
	Boughton Island—Wharf	6,300 00	
582	Canoe Cove—Breakwater	14,800 00	
	Malpeque (Kier's Shore)—Wharf repairs	6,000 00	
	Mont Carmel—Breakwater extension	3,600 00	
	Summerside—To take over and reconstruct Queen's wharf	16,500 00	
	Wood Islands—Harbour (Revote)	150,000 00	
	New Brunswick		
	Bathurst—Wharf (Estimated cost $109,000)	60,000 00	
	Black's Harbour—Wharf extension (Revote $2,000)	30,000 00	
	Botsford—Breakwater (Estimated cost $30,000)	15,000 00	
	Buctouche—Wharf repairs	35,000 00	
	Campbellton—Wharf improvements and repairs	67,700 00	
	Caraquet (Young Wharf)—Extension (Revote $14,500)	20,000 00	
	Caraquet (Young Wharf)—Dredging	15,000 00	
	Chockfish—Repairs to breakwaters (Revote $15,000)	30,000 00	
	Colwell's—Wharf repairs	3,000 00	
583	Dipper Harbour—Dredging	5,000 00	
	Durham—Wharf repairs	5,000 00	
	Inner Wood Island—Wharf repairs and extension (Revote $3,800)	4,000 00	
	Kennebecasis Ferry Landings—Repairs	23,000 00	
	Lameque—Wharf repairs (Revote $15,000)	31,000 00	
	Middle Caraquet—Dredging	7,500 00	
	Miramichi Bay—Dredging	75,500 00	
	Miscou—Wharf repairs (Estimated cost, $40,000)	20,000 00	
	McLean's Gully (Baie Ste. Anne)—Dredging	4,800 00	
	Pointe du Chene—Repairs and improvements to wharfs	48,000 00	

SCHEDULE B—*Continued*

No. of	Service	Amount $ cts.	Total $ cts.
	PUBLIC WORKS—*Continued*		
	Special—Continued		
	HARBOURS AND RIVERS—*Continued*		
	New Brunswick—Concluded		
	Point Sapin—Pier (Revote $13,600)	30,000 00	
	Richibucto Harbour—Dredging (Revote $8,300)	9,500 00	
	Richibucto (Forbes Wharf)—Improvements	5,000 00	
	Richibucto Beach—Breakwater repairs and breastworks	5,000 00	
	Richibucto Cape—Breakwater repairs	5,000 00	
	Rothesay—Wharf repairs	10,000 00	
	Shippigan Gully—Repairs to breakwater and breastworks (Revote $25,000)	33,000 00	
583	St. Andrews—Dredging	28,500 00	
	St. John Harbour—Repairs to wharfs and low water landing at Partridge Island	5,000 00	
	St. Simon—Dredging	12,000 00	
	Tabusintac—Wharf extension and dredging	7,700 00	
	Tracadie Harbour—Dredging (Revote $13,400)	40,000 00	
	Victoria Bridge—Wharf	11,000 00	
	White's Bluff—Wharf repairs	5,000 00	
	White Head Island, Grand Manan—Dredging	19,000 00	
	Quebec		
	Anse au Beaufils—Harbour improvements	13,500 00	
	Anse au Griffon—Extension to breastwork	6,000 00	
	Bagotville—Wharf repairs (Revote)	14,800 00	
	Baie St. Paul—Protection work extension (Revote $8,700)	15,000 00	
	Beloeil—Protection work	6,500 00	
	Beauport—Completion of training wall	5,200 00	
	Bergeronnes (Point a John)—Wharf (Revote $4,800)	5,000 00	
	Berthier (Chenal du Nord)—Dredging	20,000 00	
	Berthierville—Protection wall and icebreaker	36,400 00	
	Black Cape (Howatson's Point)—Wharf extension (Estimated cost $70,000)	40,000 00	
	Bonaventure—Rebuilding protection work	13,100 00	
	Bromptonville—Protection work	22,000 00	
	Cap aux Meules—Wharf repairs and improvements (Revote $21,000)	31,200 00	
	Cap Chat—Deepwater wharf (Revote $5,000) (Estimated cost $101,000)	20,000 00	
	Carleton—Wharf repairs	10,500 00	
	Chateauguay River—Dredging (Revote)	4,800 00	
	Chenal du Moine—Dredging	5,700 00	
	Contrecoeur—Protection wall (Revote $4,500)	27,000 00	
	Colonie des Greves—Protection work	3,900 00	
	Drummondville—Protection work extension	15,000 00	
	Escuminac—Protection work	6,100 00	
	Farnham—Protection wall	7,700 00	
	Granby—Protection work extension	10,000 00	
	Grand Metis—Wharf and dredging	18,000 00	
	Grande Entree, M.I.—Wharf reconstruction (Revote $10,400)	11,500 00	
584	Grand Entree (West Point), M.I.—Breastwork extension	6,000 00	
	Grande Riviere—Rebuilding wharf (Revote $46,100)	50,000 00	
	Greenlay—Protection wall	20,600 00	
	Grande Vallee—Reconstruction of jetty	11,400 00	
	Gros Cap, M.I.—Wharf extension	3,600 00	
	Hamilton Cove (Riviere Portneuf)—Wharf (Revote)	4,500 00	
	Harrington—Wharf extension (Estimated cost $70,000)	20,000 00	
	Hull—Protection work	27,000 00	
	Isle Verte—Wharf extension and improvements	6,300 00	
	Lac Duparquet—Wharf (Revote)	1,500 00	
	Lacolle River—Dredging, the Provincial Government to contribute a like amount (Revote $14,600)	16,100 00	
	Laprairie—Protection wall (Revote)	9,000 00	
	L'Anse a Brillant—Fishing Harbour (Revote $26,575)	31,000 00	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued*		
	Special—Continued		
	HARBOURS AND RIVERS—*Continued*		
	Quebec—Continued		
	Little Montreal River—Contribution towards dredging, the balance of cost to be borne by the Province	3,000 00	
	Little River St. Lambert—To complete contribution towards dredging, the balance of the cost to be borne by the Province (Revote)	1,700 00	
	Lorne Dry Dock—New Power House—Pump House equipment and machine shop (Revote) (Estimated cost $205,000)	125,000 00	
	Magog—Protection work	16,000 00	
	Maniwaki (Riviere Desert)—Protection work	5,000 00	
	Matane—Harbour improvements (Estimated cost $86,000)	40,000 00	
	Montcerf (Riviere Desert)—Protection wall	3,000 00	
	New Carlisle (Marsh Creek)—Fishing harbour	37,000 00	
	Newport—Wharf	10,000 00	
	New Richmond—Protection work	6,000 00	
	Nicolet—Protection wall	5,000 00	
	Notre Dame de Pierreville—Protection work	20,600 00	
	Old Harry, M.I.—Breakwater	8,000 00	
	Parent—Landing	1,900 00	
	Paspebiac—Wharf repairs	13,800 00	
	Peribonka—Wharf (Revote)	5,900 00	
	Petit Gaspe—Wharf (Revote)	7,300 00	
	Petite Riviere Est—Construction of fishing harbour (Revote)	5,700 00	
	Pointe aux Anglais—Breakwater	16,600 00	
	Pointe aux Trembles—Protection work	50,000 00	
	Pointe Fortune—Icebreakers	6,200 00	
	Pointe Jaune—Improvements to fishing harbour	23,000 00	
	Pointe Lebel—Wharf (Revote) (Estimated cost $25,000)	12,000 00	
	Port au Saumon—Wharf reconstruction (Revote)	9,500 00	
	Rageneau—Wharf—(Estimated cost $29,600)	15,000 00	
	Richelieu River—Improvements (Revote)	400,000 00	
	Riviere du Loup, En Bas—Wharf	40,000 00	
	Riviere du Loup, En Haut—Dredging	10,000 00	
	Rimouski—Harbour improvements (Revote $42,000)—(Estimated cost $319,900)	200,000 00	
584	Riviere au Renard—Fishing harbour—(Estimated cost $60,000)	25,000 00	
	Riviere des Hurons—Contribution towards dredging, the balance of cost to be borne by Province (Revote)	70,000 00	
	Riviere Ouelle—Extension of Village Wharf	9,400 00	
	Riviere St. John—Protection wall	9,000 00	
	Riviere Whalen—Fishing harbour—(Estimated cost $46,500)	20,000 00	
	Ruisseau Boudrias—Dredging	3,500 00	
	Ruisseau Chapados (Gascons)—Fishing harbour (Revote $2,100)	23,100 00	
	Ruisseau du Marais—Contribution towards dredging, the balance of cost to be borne by the Province	6,000 00	
	Ruisseau Masse—Dredging—The Provincial Government to contribute a like amount	15,000 00	
	Ruisseau Pariseau—Contribution towards dredging, the balance of cost to be borne by the Province (Revote)	13,500 00	
	St. Andre de Kamouraska—Headblock (Revote)	12,200 00	
	Ste. Anne de Bellevue—Dredging	17,500 00	
	St. Antoine de Richelieu—Improvements to protection wall	5,000 00	
	St. Charles—Protection work	4,900 00	
	St. Charles de Caplan—Wharf extension (Revote)	23,000 00	
	St. Denis—Protection work	5,000 00	
	Ste. Emelie—Wharf reconstruction	44,000 00	
	St. Francois de Sales—Protection wall	4,800 00	
	St. Hilaire (Parish)—Protection wall	2,300 00	
	St. Ignace de Loyola—Protection wall (Revote)	12,500 00	
	St. Jerome—Protection work	27,000 00	
	St. Joseph de Soulanges—Protection work	7,500 00	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued*		
	Special—Continued		
	HARBOURS AND RIVERS—*Continued*		
	Quebec—Concluded		
	St. Laurent, I.O.—Wharf reconstruction	20,000 00	
	St. Marc—Protection work	4,900 00	
	St. Maurice de l'Echourie—Wharf repairs and improvements	15,000 00	
	St. Omer—Harbour improvements	14,000 00	
	St. Paul (Ile aux Noix)—Improvements (Revote $1,100)	4,000 00	
	St. Roch des Aulnaies—Wharf repairs	13,000 00	
	St. Romauld—Protection work extension	22,500 00	
584	St. Simeon—Extension to protection work	12,000 00	
	St. Zotique—Protection wall	4,950 00	
	Saguenay River—Dredging	46,000 00	
	Sacre Coeur—Wharf extension	4,500 00	
	Sault au Mouton—Channel (Revote $13,100)	15,700 00	
	Senneterre (Louvicourt)—Wharf and shed	1,700 00	
	Sorel—Harbour improvements (Revote $94,200)	200,000 00	
	Terrebonne—Protection wall extension	15,000 00	
	Varennes—Protection walls	22,600 00	
	Vercheres—Wharf reconstruction	15,000 00	
	Vercheres—Protection work	10,000 00	
	Yamaska River—Removal of dam and settlement of claims for land damages	5,000 00	
	Ontario		
	Bayfield—Training wall	12,300 00	
	Bracebridge—Breakwater extension	5,000 00	
	Burlington Channel—Reconstruction of pier	37,500 00	
	Byng Inlet—Dredging	52,300 00	
	Callander—Wharf extension	27,000 00	
	Dault's Bay—Wharf	8,000 00	
	Deseronto—Removal of old piers	3,400 00	
	Elgin House—Wharf	9,200 00	
	Fort Frances—Protection work	9,300 00	
	Fort William—Dredging (Revote)	9,600 00	
	Fort William (Chippewa Park)—Wharf extension	13,500 00	
	Goderich—Harbour improvements (Estimated cost $91,296)	50,000 00	
	Gore Bay—Wharf repairs (Revote $13,500)	19,400 00	
	Grand River—Contribution to improvements	300,000 00	
585	Hamilton—Harbour improvements (Revote $112,000)	300,000 00	
	Haliburton—Wharf	4,200 00	
	Heron Bay—Harbour improvements—The balance of cost to be borne by The Ontario Paper Co. Ltd	25,000 00	
	Howdenvale—Wharf	7,500 00	
	Innisfil Park (Lake Simcoe)—Wharf	3,700 00	
	Jersey River—Improvements to channel	10,000 00	
	Kashabowie—Wharf	1,925 00	
	Kenora (Laurenson's Creek)—Improvements (Revote $3,000)	13,000 00	
	Kincardine—Harbour improvements	26,000 00	
	Kingston—Mooring wharf	38,500 00	
	Leamington—Harbour improvements (Revote $85,000) (Estimated cost $222,500)	100,000 00	
	Lion's Head—Wharf reconstruction and addition to site	5,200 00	
	Little Current—Dredging west channel (Revote $4,800)	51,500 00	
	Little Current—Wharf extension	9,200 00	
	Mactier—Dock	2,000 00	
	Midland, Monument Channel—Dredging (Revote $13,300)	14,000 00	
	Nation River—Dredging—The Provincial Government to contribute (Revote $12,800)	60,000 00	
	Oshawa—Harbour improvements (Estimated cost $112,000)	50,000 00	
	Parry Sound—Dredging	12,000 00	
	Pelee Island—North wharf reconstruction (Revote $24,800)	65,000 00	
	Penetanguishene—Dredging	24,000 00	

SCHEDULE B—*Continued*

No. of	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued*		
	Special—Continued		
	HARBOURS AND RIVERS—*Continued*		
	Ontario—Concluded		
	Peterborough—Wharf (Revote)	6,600 00	
	Port Arthur—Harbour improvements (Revote $60,000)	155,000 00	
	Port Dover—Reconstruction of pier	25,000 00	
	Port Hope—Harbour repairs and improvements	63,000 00	
585	Port Stanley—Harbour repairs and improvements (Revote $88,000)	95,000 00	
	Presqu'Ile Point—Wharf and dredging	26,000 00	
	Sarnia—Harbour improvements (Revote)	8,700 00	
	Sault Ste. Marie —Dredging (Revote $20,000)	36,000 00	
	Thames River (Chatham)—Dredging (Revote $3,400)	16,100 00	
	Thames River Mouth—Dredging	23,200 00	
	Thornbury—Wharf reconstruction	11,500 00	
	Toronto—In full and final settlement of the claim of The Russell Construction Co. in connection with the contract for harbour headwall awarded in 1935	14,833 57	
	Toronto—Harbour improvements	300,000 00	
	Vail's Point—Wharf extension	3,600 00	
	Wabigoon—Wharf extension	3,100 00	
	Walpole Island—Wharf	5,500 00	
	Wallaceburg—Reconstruction of protection wall	1,800 00	
	Waubaushene—Breakwater and float	5,000 00	
	Whitby—Dredging	8,000 00	
	Windsor—Wharf extension and repairs (Revote $2,900)	15,500 00	
	Manitoba		
	Assiniboine River—Dyking and repairing present dykes	20,000 00	
586	Victoria Beach—Breakwater-wharf improvements	10,500 00	
	Winnipeg—Wharf extension and dredging	13,200 00	
	Saskatchewan		
	Ile a la Crosse—Wharf (Revote $10,800)	11,000 00	
587	Beaver and Cowan Rivers—Improvements	4,000 00	
	Waskesiu Lake—Dredging (Revote $9,400)	12,000 00	
	Alberta		
	Blairmore—Improvements	11,400 00	
	Pigeon Lake—Wharf	4,000 00	
588	Sylvan Lake—Breakwater wharf (Revote)	20,000 00	
	Waterways—Extension and repairs to wing dam	10,500 00	
	Northwest Territories		
589	Fort Smith—Repairs and improvements to wharf and protection wall (Revote)	4,500 00	
	British Columbia		
	Arrow Lakes—Reconstruction of the pile driver hull	4,500 00	
	Canoe—Wharf reconstruction	6,400 00	
	Courtenay River—Dredging	10,500 00	
	Columbia River Narrows—Dredging	9,500 00	
	Denman Island—Breakwater extension	15,500 00	
590	Digby Island—Wharf repairs and improvements (Revote $20,000)	33,000 00	
	Fauquiers—Wharf renewals and repairs	4,500 00	
	Fraser River—Contribution towards protection work at Matsqui	2,335 00	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued*		
	Special—Concluded		
	HARBOURS AND RIVERS—*Concluded*		
	British Columbia—Concluded		
	Fraser River—Improvements (Revote)	70,000 00	
	Fraser River (North Arm)—Improvements to jetty	34,000 00	
	Fraser River (Lulu Island)—Protection work (Revote $12,000).	20,000 00	
590	Harrison River—Dredging	16,800 00	
	Harrison Lake—Wharf repairs and improvements	4,500 00	
	McIvor's Landing—Float and approach	3,100 00	
	New Westminster—Fisheries Station (Revote $22,100)	30,000 00	
	Nanaimo—Improvements to assembly wharf	8,000 00	
	Nicomen Island—Protection work	7,000 00	
	Nitinat Lake—Dredging	6,700 00	
	Old Massett—Wharf extension and repairs	5,700 00	
	Powell River—Dredging	16,800 00	
	Sayward—Wharf extension	9,100 00	
	Union Bay—Harbour improvements	9,500 00	
	Vancouver—Stanley Park—Foreshore protection	8,000 00	
	Victoria—Floats	6,900 00	
	William Head (Quarantine Station)—Repairs to wharf and breakwater (Revote)	17,100 00	
	Generally		
591	Improvements, maintenance of services, repairs and additions	500,000 00	
592	Surveys and inspections in connection with above mentioned works	35,000 00	
593	Protection works generally	500,000 00	
	ROADS AND BRIDGES		
594	Kingston—La Salle Causeway—Improvements (Revote $6,500)	7,000 00	
595	Interprovincial bridge over the Missaguash River, the New Brunswick and Nova Scotia Governments each to contribute one-third of the cost and to pay annually one-third of the maintenance costs	20,000 00	
596	Interprovincial bridge, Campbellton, N.B., to Cross Point, Que., the Provinces of New Brunswick and Quebec each to pay one-third of the cost and maintenance thereof	100,000 00	
	TELEGRAPH BRANCH		
	Construction, Repairs and Improvements—Telegraph and Telephone Services—		
	Nova Scotia		
597	Installation of additional telephone equipment for the cable between Prince Edward Island and Nova Scotia	5,500 00	
	Saskatchewan and Alberta		
598	Telephone line from Ile a la Crosse to Buffalo Narrows	10,000 00	
	British Columbia		
	Telephone line between Francois Lake and Colleymount	3,800 00	
	Landry District telephone line	900 00	
	Bessborough telephone line	900 00	
599	Telephone line from Lone Butte to Bridge Lake	1,400 00	
	Upper Dog Creek telephone line	1,200 00	
	Telephone line from Chilco Ranch to Big Creek Area	3,500 00	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Concluded*		
	GENERALLY		
600	To authorize, subject to the approval of the Governor in Council, appointment of such extra temporary officers, clerks and employees as may be necessary to carry out the purpose of any item in these Supplementary Estimates, payment therefor to be made from the particular item with respect to which such extra assistance is required or from this item..	90,000 00	
601	To provide for balance required to complete any projects already undertaken, no new works to be undertaken.....	200,000 00	13,731,548 57
	ROYAL CANADIAN MOUNTED POLICE		
602	Land Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses—Further amount required.....	23,000 00	
603	Marine Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses—Further amount required.....	18,500 00	
604	To provide a pension on compassionate grounds to Basil Burke Currie, effective June 1, 1937.....	1,254 37	42,754 37
	SECRETARY OF STATE		
605	Companies Branch—Further amount required.....	6,800 00	
606	Bureau for Translations—Further amount required.....	8,460 00	
607	Adjustment of War Claims.....	12,000 00	
	PATENT AND COPYRIGHT OFFICE		
608	Patent Division—Further amount required.....	2,160 00	29,420 00
	TRADE AND COMMERCE		
609	Exhibitions and Fairs—Further amount required.....	90,000 00	
610	Publicity and Advertising in Canada and abroad other than in the United Kingdom and Europe—Further amount required.....	20,000 00	
	Dominion Bureau of Statistics—		
611	Administration—Further amount required.....	25,000 00	
612	Statistics—Further amount required.....	5,000 00	
613	Census of Population—Further amount required.....	25,795 00	
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS		
	Atlantic Ocean		
614	Canada and South Africa, service between—Further amount required.....	4,166 67	
	Pacific Ocean		
615	Prince Rupert, B.C., and Queen Charlotte Islands, service between—Further amount required.....	2,000 00	

SCHEDULE B—*Continued*

No. of	Service	Amount	Total
		$ cts.	$ cts.
	TRADE AND COMMERCE—*Concluded*		
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS—*Concluded*		
	Local Services		
616	Charlottetown and Pictou, service between—Further amount required	5,000 00	
	Halifax, LaHave and LaHave River Ports, service between—Further amount required	250 00	
	Pictou, Souris and the Magdalen Islands, service between—Further amount required	2,500 00	
	Sydney and Bay St. Lawrence, calling at way ports, service between—Further amount required	500 00	
	NATIONAL RESEARCH COUNCIL		
617	Grant toward the expenses of a meeting of the British Society of Chemical Industry to be held in Canada in June, 1938	2,000 00	
			182,211 67
	TRANSPORT		
	AIR SERVICE		
	Civil Aviation Division		
618	Airways and Airports—Operation and Maintenance including lighting, radio and meteorological services—Further amount required	50,000 00	
	Special		
619	Airways and Airports—Construction and improvements including lighting and radio facilities (Capital)—Further amount required	800,000 00	
620	To provide for assisting municipalities to improve existing airports or provide new airports—Further amount required	500,000 00	
	Radio Division		
621	Administration of the Radio-telegraph Act and Regulations—Further amount required	2,760 00	
622	Suppression of local electrical interferences—Further amount required	22,100 00	
623	Issue of radio receiving licences (Transport Department only)—Further amount required	12,865 00	
	CANALS SERVICE		
	Special		
624	Canals, improvements, including the proposed Highway Tunnel under the Lachine Canal at Cote St. Paul—Further amount required (Revote $49,550)	1,003,050 00	
	MARINE SERVICE		
	Nautical Services—		
625	Marine Service Steamers, including Icebreakers, maintenance, operation, and repairs—Further amount required	39,000 00	
626	Miscellaneous services relating to navigation and shipping, including provision to settle outstanding claims by the Imperial Board of Trade, London, England, for expenses incurred in respect of Canadian Distressed Seamen of British ships registered out of Canada and to provide for		

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	TRANSPORT—*Continued*		
	AIR SERVICE—*Concluded*		
	any future claims on account of Canadian Distressed Seamen of such British ships which may arise in future—Further amount required	6,720 00	
627	Administration of Pilotage, including provision for legal advice and representation for members of Pilotage Committees in deciding matters in dispute which may arise from time to time—Further amount required	1,000 00	
628	Steamboat Inspection and the carrying out of the provisions of the Conventions for the Safety of Life at Sea and Load Lines—Further amount required	15,000 00	
	RAILWAY SERVICE		
629	To provide for the discharge of commitments incurred prior to March 31, 1938, under the authority of Vote No. 357, Schedule "B" to the Appropriation Act No. 3, 1937, respecting highway crossings of railways (Revote)	1,641,319 42	
	Special		
630	Amount to be applied towards the actual cost of construction work for the protection, safety and convenience of the Public in respect of highway crossings of railways as the Governor in Council may from time to time determine	1,000,000 00	
631	To provide for contribution to cost of railway projects now needed but which have been deferred under present conditions	850,000 00	
	PENSIONS AND OTHER BENEFITS		
632	Compassionate allowance for the benefit of Jean Paul Sampson, dependent son of the late Edgar Sampson, formerly Chief Engineer of the C.G.S. "Montcalm"	507 75	
			61,223,722 10
	GOVERNMENT OWNED ENTERPRISES		
	(Non-Active Accounts)		
	CANADIAN NATIONAL RAILWAY COMPANY		
633	Amount not exceeding $42,000,000 to be paid from time to time under such conditions as the Minister of Finance may prescribe, to the Canadian National Railway Company (hereinafter called "the National Company") and to be applied by the National Company in payment of the deficit arising in the calendar year 1938, including such supplementary contribution to the Intercolonial and Prince Edward Island Railway Employees' Provident Fund as may be necessary to provide for payment in full of monthly allowances under the provisions of the Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act, notwithstanding the limitation contained in section four of the said Act, and including such supplementary contribution to the Grand Trunk Railway of Canada Superannuation and Provident Fund as may be necessary to enable payment to be made of monthly allowances under the rules and regulations of the Fund, notwithstanding the limitation contained in section thirteen of chapter sixty-five of the Statutes of Canada, 1874, but not including amounts charged to proprietor's equity of the National Railway system as defined in chapter twenty-two of the Statutes of Canada, 1937—		
	Canadian National Railways, exclusive of Eastern Lines	39,900,000 00	
	Eastern Lines	2,100,000 00	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	GOVERNMENT OWNED ENTERPRISES—*Concluded*		
	(Non-Active Accounts)		
	PRINCE EDWARD ISLAND CAR FERRY AND TERMINALS		
634	To hereby authorize and provide for the payment from time to time during the fiscal year 1938-39 to the Canadian National Railway Company of the difference between the operating expenses and the revenue from the operation of the Prince Edward Island Car Ferry and Terminals (certified by the auditors of the Canadian National Railway Company to the Minister of Transport as and when required by the said Minister) in the calendar year 1938	327 000 00	
	TRANS-CANADA AIR LINES		
635	To hereby authorize and provide for payment from time to time during the fiscal year 1938-39 to Trans-Canada Air Lines, to be applied by the said Trans-Canada Air Lines in payment of the deficit (certified by the Auditor of the said Trans-Canada Air Lines to the Minister of Transport as and when required by the said Minister) resulting from the operations of the said Trans-Canada Air Lines during the calendar year 1938	830,000 00	
	NATIONAL HARBOURS BOARD		
636	To provide for payment, to National Harbours Board, of the amounts hereinafter set forth, to be applied in payment of the deficits (after payment of interest due the public but exclusive of interest on Dominion Government Advances and depreciation) arising in the calendar year 1938, in the operation of the following harbours: Quebec $ 35,000 00 Churchill 126,747 00	161,747 00	
637	Advances to National Harbours Board with interest at a rate to be fixed by the Governor in Council for such period and upon such terms and conditions as the Governor in Council may determine, to be applied in payment of deficits resulting from the operations of the Jacques Cartier Bridge	386,967 00	
	Special		
638	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, 1936, to meet reconstruction and capital expenditures in the following Harbours:— Halifax $ 48,000 00 Saint John 360,000 00 Quebec 300,000 00	708,000 00	
			105,637,436 10
	LOANS AND INVESTMENTS		
	Special		
	CANADIAN BROADCASTING CORPORATION		
639	Loans to the Canadian Broadcasting Corporation repayable with interest at a rate to be fixed by the Governor in Council on such terms and conditions as the Governor in Council may determine and to be applied in payment of expenditures on the construction, extension or improvement of capital works		

SCHEDULE B—*Concluded*

No. of	Service	Amount	Total
		$ cts.	$ cts.
	LOANS AND INVESTMENTS—*Concluded*		
	Special—Concluded		
	CANADIAN BROADCASTING CORPORATION—*Concluded*		
	of the broadcasting facilities of the Canadian Broadcasting Corporation in Canada. Such loans, with interest, shall be a charge on the revenues of the Canadian Broadcasting Corporation next after the charge imposed under the provisions of Section 17 of the Canadian Broadcasting Act, 1936, and shall not exceed in the whole.....	500,000 00	
	NATIONAL HARBOURS BOARD		
640	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, 1936, to meet reconstruction and capital expenditures in the following Harbours:—		
	Montreal.....	296,000 00	
	Vancouver.....	76,000 00	
			872,000 00
	Total.....	.....	106,509,436 10

* Net Total, $88,757,863.42.

THE SENATE OF CANADA

18th Parliament, 3rd Session
1938

BILLS (First Reading)

- Dominion Association of Chartered Accountants	A
- Divorce and Matrimonial Causes Act, 1938	B
- Canadian Pacific Railway Company	C
- Révillon Frères Trading Company, Limited	D
- Restigouche Log Driving and Boom Company	E
- Hartt divorce bill	F
- Ryder divorce bill	G
- Case divorce bill	H
- Stern divorce bill	I
- Hird divorce bill	J
- Maynes divorce bill	K
- Gorham divorce bill	L
- Bender divorce bill	M
- Briggs divorce bill	N
- Holloway divorce bill	O
- Young divorce bill	P
- Williamson divorce bill	Q
- Hodges divorce bill	R
- Cohen divorce bill	S
- McMartin divorce bill	T
- Whitcombe divorce bill	U
- Kastus divorce bill	V
- Hislop divorce bill	W
- Oravec divorce bill	X
- Parry divorce bill	Y
- Klein divorce bill	Z
- Howard divorce bill	A^1
- Adams divorce bill	B^1
- Mizener divorce bill	C^1
- Skinner divorce bill	D^1
- Resnick divorce bill	E^1
- Dale divorce bill	F^1
- Adair divorce bill	G^1
- O'Sullivan divorce bill	H^1
- Bamford divorce bill	I^1

- Marie divorce bill J[1]
- MacDonald divorce bill K[1]
- Maritime Provinces General Insurance Company L[1]
- Madam B.H.H. Cazzani permitted to enter and remain in Canada M[1]
- Lindsay divorce bill N[1]
- Findlay divorce bill O[1]
- Watt divorce bill P[1]
- Sunbury divorce bill Q[1]
- Litwin divorce bill R[1]
- Pilot divorce bill S[1]
- Ross divorce bill T[1]
- Butler divorce bill U[1]
- Archambault divorce bill V[1]
- Morrison divorce bill W[1]
- Schneider divorce bill X[1]
- Megee divorce bill Y[1]
- Silberberg divorce bill Z[1]
- Brunet divorce bill A[2]
- Workers Benevolent Society of Canada B[2]
- Ballantyne divorce bill C[2]
- Burns divorce bill D[2]
- Andersen divorce bill E[2]
- Booth divorce bill F[2]
- Clarke divorce bill G[2]
- Ahern divorce bill H[2]
- Roman Catholic Episcopal Corporation of Hudson's Bay I[2]
- Mail Printing Company J[2]
- Globe Printing Company K[2]
- White divorce bill L[2]
- Gregory divorce bill M[2]
- Forester divorce bill N[2]
- Quinn divorce bill O[2]
- Gay divorce bill P[2]
- Hartney divorce bill Q[2]
- Russell divorce bill R[2]
- Ross divorce bill S[2]
- Stead divorce bill T[2]
- Tucker divorce bill U[2]
- Smith divorce bill V[2]
- Udashkin divorce bill W[2]
- Campbell divorce bill X[2]
- MacLeod divorce bill Y[2]
- International Highway Forwarders Z[2]
- Hedges divorce bill A[3]
- Henry divorce bill B[3]

- Macdonald divorce bill C^3
- Woodall divorce bill D^3
- De Gouzillon divorce bill E^3
- Edmondson divorce bill F^3
- Grothé divorce bill G^3
- Dawes divorce bill H^3
- Dubnitsky divorce bill I^3
- Roth divorce bill J^3
- Lowe divorce bill K^3
- Finchuk divorce bill L^3
- Nault divorce bill M^3
- Roberts divorce bill N^3
- Wadsworth divorce bill O^3
- Ettenberg divorce bill P^3
- McDade divorce bill Q^3
- Clarke divorce bill R^3
- Katz divorce bill S^3
- Kinney divorce bill T^3

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL A.

An Act respecting The Dominion Association of Chartered Accountants.

Read a first time, Thursday, 3rd March, 1938.

The Right Honourable Senator MEIGHEN, P.C.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51158

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL A.

An Act respecting The Dominion Association of Chartered Accountants.

Preamble.

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

1902, c. 58.

1. Section five of chapter fifty-eight of the statutes of 1902 is repealed and the following substituted therefor:—

Council of management.

"**5.** The affairs and business of the association shall be managed by a council, consisting of not less than six and not more than thirty members, to be constituted in such manner as may be provided by by-law."

EXPLANATORY NOTE.

The section to be repealed reads as follows:—

"**5.** The affairs and business of the Association shall be managed by a council consisting of not less than six and not more than twenty-one members, to be constituted in such manner as may be provided by by-law; and the following persons shall constitute the first council, viz.:—William H. Cross, Henry Barber, John Mackay, John Hyde, A. W. Stevenson, Alexander F. C. Ross and John C. Browne.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL B.

An Act respecting Divorce and Matrimonial Causes.

Read a first time, Tuesday, 8th March, 1938.

Honourable Senator McMEANS.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

53806

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL B.

An Act respecting Divorce and Matrimonial Causes.

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

Short title.

1. This Act may be cited as *The Divorce and Matrimonial Causes Act, 1938.*

DEFINITIONS.

2. In this Act, unless the context otherwise requires, the expression:—

"court". *(a)* "court" means any of the courts described in section three and includes a judge of such court;

"decree". *(b)* "decree" includes order, decision, judgment and sentence;

"divorce". *(c)* "divorce" means dissolution of marriage, anciently termed divorce *a vinculo matrimonii;*

"jurisdiction" *(d)* "jurisdiction" includes power and authority;

"now". *(e)* "now" means the time when this Act comes into force;

(f) "petition" includes action, suit, writ or other proceeding or process;

"petitioner". *(g)* "petitioner" includes plaintiff or other person presenting, instituting, or causing to be issued a petition as defined by this section;

"presentation" and "presented to". *(h)* "presentation," with relation to a petition as defined by this section, includes institution and commencement, and "presented to," with the same relation, includes instituted in or commenced in;

"respondent". *(i)* "respondent" includes defendant.

Explanatory Notes.

Dissolution of marriage is of statutory origin. The other familiar matrimonial causes had not statutory origin. Any court in Canada which has jurisdiction in divorce has jurisdiction also in the other matrimonial causes.

"Divorce" throughout these notes, means *dissolution of marriage.*

The only courts in Canada to which this Act applies are courts which *now* have jurisdiction to decree divorce.

A court in Prince Edward Island has had that right since 1835.

A court in Nova Scotia has had that right since 1758.

A court in New Brunswick has had that right since 1791.

No court has that right in Quebec.

A court in Ontario has had that right since 1930.

A court in Manitoba has had that right since 1870.

Courts in Saskatchewan and Alberta have had that right since 1905. Before then the right was inchoate in the N. W. Territories. Hence the right of Saskatchewan and Alberta although these provinces were only formed in 1905 is to the Divorce law of England as of 1870.

A court in British Columbia has had that right since 1858.

Prince Edward Island may now *exercise* its right under its own Act of 1835 (since unamended and unrepealed) by virtue of sec. 129, B.N.A. Act.

Nova Scotia, under the same authority, now exercises its right under its own Act of 1866.

New Brunswick also operates under its own preconfederation Act of 1860.

Ontario operates under Dominion Act, chapter 14 of the statutes of 1930.

Manitoba, Saskatchewan and Alberta operate under the terms of the respective Acts of 1870 and 1905 which erected them into provinces. The Judicial Committee of the Privy Council has confirmed their right, which extends to the divorce law of England as of 1870.

British Columbia yet operates under a proclamation of Governor Douglas made in 1858, which, it has been held, extends to that province the divorce law of England as in force in 1858.

APPLICATION.

Application of this Act in provinces.

3. This Act shall apply to and in those provinces of Canada wherein there are now constituted and maintained courts of divorce and matrimonial causes having jurisdiction to decree dissolution of marriage, and to and in such provinces only.

Application of this Act to courts.

(2) In each of such provinces this Act shall apply to and confer jurisdiction upon the court described in subsection one of this section (subsequently in this Act termed "the court") and to and upon that court only.

Jurisdiction of the court augmented.

4. The intent of this Act (saving the effect of section five) is to augment the now existing jurisdiction of the court with relation to divorce and matrimonial causes without disturbing the basis upon which that jurisdiction rests. Accordingly, it is declared that, notwithstanding anything in this Act, the court, to such extent as it now has (whether under any statute, order in council, proclamation or rule of law, or by reason of the time of the enactment, or making, publishing or issuing of any statute, order in council or proclamation or otherwise or at all) jurisdiction with relation to divorce and matrimonial causes, shall continue to derive that jurisdiction as heretofore without any impairment (saving the effect of section five) by reason of this Act, but that to such further extent as by the terms of this Act any new jurisdiction is capable of being conferred upon the court, and to that extent only, this Act shall apply and such new jurisdiction, so conferred, and that only, shall be deemed to be based upon and derived under this Act.

(2) All such new jurisdiction of the court shall be exercised and applied under rules of court, which it may provide.

DIVORCE.

Restrictions on petitions for divorce.

5. No petition for divorce shall be presented to or entertained by the court until a period of three years shall have elapsed since the date of the marriage unless the court, upon application made in accordance with rules of court, shall otherwise allow.

Cases of hardship or depravity.

(2) The court shall so allow only in cases of exceptional hardship suffered by the petitioner or of exceptional depravity on the part of the respondent.

Effect of misrepresentation or concealment.

(3) If at the hearing of the petition it appears to the court that the petitioner obtained under this section leave to present the petition by any misrepresentation or concealment of the nature of the case the court may, if it pronounces a decree nisi, do so subject to the condition that no application to make the decree absolute shall be

The various provinces, therefore, derive their various jurisdictions as now exercised through various sources—Imperial statutes, Provincial statutes, orders in council, Proclamations and the common law. In some of the provinces the gap between the date of the law of England which applies to them and the present time is broad.

This Act has been framed in terms designed to enable the proper court in each of the provinces to supplement its existing jurisdiction by addition thereto of such portion of what is now the law of England as will, in the result, make the total jurisdiction of each and all of them substantially the same, to wit, substantially, the law of divorce and matrimonial causes as it is now in England, preserving, in each province, however, so far as its now existing jurisdiction is concerned, its now existing *source of jurisdiction.* For example the Maritime provinces will retain their pre-confederation Acts, so far as they go and they will resort to this Act only for any *new* jurisdiction to be found in it. So with the other provinces according to their circumstances. The formula for this application of the Act is expressed by sections three and four, especially the latter. This procedure will cause the least possible disturbance in the application of the Act, which will be easily adapted to the differing conditions in each province.

Section 4 presents a novel departure. Except in what is bound to be a rare case a marriage cannot be dissolved within its first three years.

Sections 5, 6, 7, 8 and 9 deal with divorce, sections 10 and 11 with judicial separation, sections 12 and 13 with nullity, section 14 with alimony, sections 15 to 18 cover general matters.

Since section 16 of the Act extends the provisions of chapter 15 of the Dominion statutes of 1930 to deportation of an alien husband as well as desertion and to *any* matrimonial cause, it is proposed to repeal that Act.

made until after the expiration of such period of three years or it may dismiss the petition without prejudice to any petition which may be brought after the expiration of such period of three years upon the same, or substantially the same, facts as those proved in support of the petition so dismissed.

Relevant considerations for guidance of court.

(4) In determining any application made under this section for leave to present a petition the court shall have regard to the interests of any children of the marriage and to the question whether there is reasonable probability of a reconciliation between the parties before the expiration of such period of three years.

Misconduct within three years after marriage.

(5) Nothing in this section shall be deemed to prohibit the presentation, after the elapse of such period of three years, of a petition based upon matters which have occurred before the expiration of that period.

Grounds of petition for divorce by either husband or wife.

6. A petition for divorce may be presented either by the husband or the wife to, and it may be entertained by, the court, on the ground that the respondent:—

(a) has since the celebration of the marriage committed adultery; or

(b) has deserted the petitioner without cause for a period of at least three years immediately preceding the presentation of the petition; or

(c) has since the celebration of the marriage treated the petitioner with cruelty; or

(d) is incurably of unsound mind and has been continuously under care and treatment for a period of at least five years immediately preceding the presentation of the petition.

Grounds of petition by wife only.

(2) A petition for divorce may be presented by the wife to, and it may be entertained by, the court, on the ground that her husband has, since the celebration of the marriage, been guilty of rape, sodomy or bestiality.

Meaning of "care and treatment".

(3) For the purposes of this section a person of unsound mind shall be deemed to be under care and treatment only whilst he is:—

(a) detained in pursuance of an order or inquisition competently made or had under authority of a statute in force in the province concerned or as a criminal lunatic; or

(b) receiving treatment as a voluntary patient pursuant to any statute in force in the province concerned, being treatment which follows without any interval a period of such detention as aforesaid.

Duty of court on presentation of petition for divorce.

7. On a petition for divorce it shall be the duty of the court to enquire, so far as it reasonably can, into the facts alleged and whether there has been any connivance or condonation on the part of the petitioner and whether any

collusion exists between the parties and also to enquire into any countercharge which is made against the petitioner.

Proofs required.

(2) If the court is satisfied on the evidence that:—

(i) the case for the petition has been proved; and

(ii) where the ground of the petition is adultery, the petitioner has not in any manner been accessory to, or has not connived at or condoned the adultery, or, where the ground of the petition is cruelty, the petitioner has not in any manner condoned the cruelty; and

(iii) the petition is not presented or prosecuted in collusion with the respondent or either of the respondents;

the court, subject to section eight, shall pronounce a decree of divorce, but if the court is not satisfied with respect to any of the aforesaid matters it shall dismiss the petition.

When court not bound to decree divorce.

8. The court, notwithstanding the provisions of section seven, shall not be bound to pronounce a decree of divorce and may dismiss the petition if it finds that the petitioner has during the marriage been guilty of adultery or if, in the opinion of the court, the petitioner has been guilty:—

(a) of unreasonable delay in presenting or prosecuting the petition; or

(b) of cruelty towards the other party of the marriage; or

(c) where the ground of the petition is adultery or cruelty, of having without reasonable excuse deserted, or having without reasonable excuse wilfully separated himself or herself from, the other party before the adultery or cruelty complained of; or

(d) where the ground of the petition is adultery or unsoundness of mind or desertion, of such wilful neglect or misconduct as has conduced to the adultery or unsoundness of mind or desertion.

PRESUMPTION OF DEATH.

Proceedings for decree of presumption of death and dissolution of marriage.

9. Any married person who alleges that reasonable grounds exist for supposing that the other party to the marriage is dead may present a petition to the court to have it presumed that the other party is dead and to have the marriage dissolved, and the court, if satisfied that such reasonable grounds exist, may, by decree, presume the death and dissolve the marriage, with liberty to the petitioner lawfully to marry again.

Seven years absence.

(2) In any such proceedings the fact that for a period of seven years or upwards the other party to the marriage has been continually absent from the petitioner and the petitioner has no reason to believe that the other party

has been living within that time shall be evidence that he or she is dead until the contrary is proved.

Practice and procedure.

(3) The practice and procedure under this section shall be, as nearly as may be, the same as in ordinary proceedings in the court for a divorce.

JUDICIAL SEPARATION.

Decree of judicial separation.

10. A petition for judicial separation may be presented to the court either by the husband or the wife on any grounds on which a petition for divorce might have been presented, or on the ground of failure to comply with a decree of restitution of conjugal rights or on any ground on which a decree of judicial separation may now be pronounced in the court to which the petition is presented.

Sections 7 and 8 to apply.

(2) The provisions of sections seven and eight, relating to the duty of the court on presentation of a petition for divorce and the circumstances in which such a petition shall or may be granted or dismissed, shall apply in like manner to a petition for judicial separation, and where the court in accordance with such provisions grants a decree of judicial separation it shall no longer be obligatory for the petitioner to cohabit with the respondent.

Divorce following judicial separation.

11. Where an intending petitioner for a decree of divorce has previously been granted a decree of judicial separation he or she shall not be prevented from presenting his or her petition for divorce, nor the court be prevented from pronouncing a decree of divorce, by reason only of the granting of such previous decree, although it was made upon the same or substantially the same facts as those proved in support of the petition for divorce.

Previous decree may be accepted as proof of alleged misconduct.

(2) On any such petition for divorce the court may treat the decree of judicial separation as sufficient proof of the adultery, desertion or other ground on which it was granted, but the court shall not pronounce a decree of divorce without receiving evidence from the petitioner.

Effect of desertion in such proceedings.

(3) For the purposes of any such petition for divorce a period of desertion immediately preceding the institution of proceedings for a decree of judicial separation shall, if the parties have not resumed cohabitation and the decree has been continuously in force since the granting thereof, be deemed immediately to precede the presentation of the petition for divorce.

NULLITY.

New grounds for decree of nullity.

12. Subject to section thirteen, in addition to any other grounds on which, in the province and in the court to which the petition has been presented, a marriage is by law void or voidable, a marriage shall be voidable by the court on the grounds—

(a) that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate it; or

(b) that either party to the marriage was at the time of the marriage either of unsound mind or a mental defective within the meaning of any statute in force in the province of the court concerned or subject to recurrent fits of insanity or epilepsy; or

(c) that the respondent was at the time of the marriage suffering from venereal disease of a communicable form; or

(d) that the respondent was at the time of the marriage pregnant by some person other than the petitioner.

Limitation of effect of section twelve.

13. Notwithstanding the provisions of section twelve, in the cases specified in paragraphs *(b)*, *(c)* and *(d)* thereof the court shall not grant a decree unless it is satisfied—

(a) that the petitioner was at the time of the marriage ignorant of the facts alleged; and

(b) that proceedings looking to annulment were instituted within a year from the date of the marriage; and

(c) that martial intercourse with the consent of the petitioner has not occurred since the discovery by the petitioner of the existence of the grounds for a decree.

Issue legitimate.

(2) Any child born of a marriage avoided pursuant to paragraphs *(b)* or *(c)* of section twelve shall be a legitimate child of the parents thereto notwithstanding such avoidance.

Marriage void by law not validated.

(3) Nothing in this section or in section twelve shall be construed as validating any marriage which is by law void, but with respect to which a decree of nullity has not been granted.

ALIMONY.

Powers of court.

14. When a petition for divorce or nullity of marriage or judicial separation has been presented the court shall have power to order the provision of alimony, the settlement of the wife's property, the application of property which is the subject of marriage settlements and the securing of money for the benefit of the children of the marriage, and proceedings to obtain any such order may, subject to and in accordance with rules of court, be commenced at any time after the presentation of the petition: Provided that if the practice of the court provides for a decree nisi no order other than an interim order for the payment of alimony shall be made unless and until a decree nisi has been pronounced, and no such order, save in so far as it relates to the preparation, execution, or approval of a deed or instrument, nor any settlement made in pursuance of any such order, shall take effect unless and until the decree is made absolute.

Proviso.

Money may be ordered to be applied for benefit of children.

(2) The court may, if it thinks fit, on any decree of divorce or nullity of marriage, order the husband, or (in the case of a petition for divorce by a wife on the ground of her husband's insanity) order the wife to secure for the benefit of the children such gross sum of money or annual sum of money as the court may deem reasonable: Provided that the term for which any sum of money is secured for the benefit of a child shall not extend beyond the date when the child will attain twenty-one years of age.

Proviso.

GENERAL.

Clergyman not bound to marry divorced persons or to permit marriage in church or chapel.

15. No clergyman shall be compelled or bound to solemnize the marriage of any person whose former marriage has been dissolved on any ground and whose former husband or wife is still living or to permit the marriage of any such person to be solemnized in the church or chapel of which he is the minister.

Domicile when husband deserts wife or is deported as an alien.

16. Where a wife has been deserted by her husband, or where her husband has been deported from Canada under any law for the time being in force relating to the deportation of aliens, and the husband was immediately before the desertion or deportation domiciled in Canada the court shall have jurisdiction for the purpose of any proceedings under this or any other Act or law in force in the province concerned relating to Divorce and/or Matrimonial Causes, notwithstanding that the husband has changed his domicile since the desertion or deportation.

Repeal.

17. Chapter fifteen of the statutes of 1930, first session, *The Divorce Jurisdiction Act, 1930*, and sections four, five and six of the *Marriage and Divorce Act*, chapter one hundred and twenty-seven of the Revised Statutes of Canada, 1927, respectively, are repealed.

When this Act in force.

18. This Act shall come into force on the first day of July, 1938.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL C.

An Act respecting the Canadian Pacific Railway Company.

Read a first time, Thursday, 10th March, 1938.

Honourable Senator McMEANS.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51849

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL C.

An Act respecting the Canadian Pacific Railway Company.

Preamble.

WHEREAS the Canadian Pacific Railway Company has by its petition prayed for the passing of an Act authorizing it to lease the railway and undertaking of The Winnipeg River Railway Company, and it is expedient to grant the prayer of the said petition: Therefore His Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to lease.

1. The Canadian Pacific Railway Company, hereinafter called "the Company", may lease the railway and undertaking of The Winnipeg River Railway Company, provided that such transaction shall be subject to the approval of two-thirds of the votes of the shareholders of the Company present or represented at an annual general meeting or a special general meeting called for the purpose.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL D.

An Act respecting Révillon Frères Trading Company, Limited, and to change its name to Rupert's Land Trading Company.

Read a first time, Thursday, 10th March, 1938.

Honourable Senator McMEANS.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53519 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL D.

An Act respecting Révillon Frères Trading Company, Limited, and to change its name to Rupert's Land Trading Company.

WHEREAS Révillon Frères Trading Company, Limited, a company incorporated by chapter one hundred and forty-three of the statutes of 1912, has presented a petition praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1912, c. 143.

Change of name.

1. The name of the Company, Révillon Frères Trading Company, Limited, incorporated by chapter one hundred and forty-three of the statutes of 1912, is hereby changed to "Rupert's Land Trading Company", but such change in name shall not in any way impair, alter or affect the rights, obligations or liabilities of the Company, nor in any way affect any suit or proceeding now pending or judgment now existing, either by, or in favour of or against, the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed, and any suit or legal proceeding that might have been commenced or continued by or against the Company by its former name may be commenced or continued by or against it by its new name.

2. Section three of the said Act is amended by adding thereto as subsections two, three and four the following:—

Power to reduce or increase issued capital stock.

"(2) The Company may, by by-law, from time to time reduce or increase in any way its issued capital stock, and, for greater certainty, but not so as to restrict the generality of the foregoing terms of this subsection, it is hereby declared that the Company may, from time to time,

Explanatory Notes.

Section **1.**

The Révillon family being no longer the owners of the shares of the Company the latter and the former Révillon shareholders both desire that the name of the Company be changed.

Section **2.**

The intent of this provision is to enable the Company to rearrange its capital structure with relation to its actual assets and liabilities as of the present time, dealing only with issued capital stock.

(*a*) extinguish or reduce the liability on any of its shares in respect of capital not paid up;

(*b*) either with or without extinguishing or reducing liability on any of its shares, cancel any paid-up capital which is lost or not represented by available assets;

(*c*) either with or without extinguishing or reducing liability on any of its shares and either with or without reducing the number of such shares, pay off any paid-up capital which is in excess of the wants of the Company.

Approval of by-law, reducing or increasing capital stock.

(3) No by-law enacted under the next preceding subsection shall come into force until it shall have been approved by at least two-thirds of the votes cast at a special general meeting of the shareholders of the Company, called for the purpose of considering such by-law.

(4) Nothing in this section contained shall authorize or be deemed to have authorized either:—

(*a*) the reduction of the issued capital stock of the company below the amount of its liabilities, or

(*b*) the increase of the authorized capital stock of the company above that mentioned in subsection one of this section."

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL E.

An Act respecting The Restigouche Log Driving and Boom Company.

Read a first time, Thursday, 10th March, 1938.

Honourable Senator ROBINSON.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53595 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL E.

An Act respecting The Restigouche Log Driving and Boom Company.

Preamble.

1910, c. 155.

WHEREAS The Restigouche Log Driving and Boom Company, which was incorporated as a Dominion company by chapter one hundred and fifty-five of the statutes of 1910, has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

1910, c. 155, s. 7, ss. 2.

Directors.

1. Subsection two of section seven of chapter one hundred and fifty-five of the statutes of 1910 is hereby repealed and the following is substituted therefor:—

"(2) No person shall be elected or qualified to hold office as a director unless he is a member of the Company, or of a partnership which is a member of the Company, or a director or manager of a corporation which is a member of the Company, or a person authorized by resolution of the directors of a corporation which is a member of the Company."

Explanatory Note.

The Restigouche Log Driving and Boom Company, incorporated by chapter 155 of the statutes of Canada, 1910, is without share capital. Its members are all operators on the river having one hundred thousand feet of lumber, and upwards, passing through the boom in any given year.

Subsection 2 of section 7 of the Act reads as follows:—"No person shall be elected or qualified to hold office as a director unless he is a member of the Company, or of a partnership which is a member of the Company, or is a director or the manager of a corporation which is a member of the Company."

All the members are now corporations and it is not always practical for a director or a manager of certain of the corporate members of the Company to act as a director of the Company, and the Company is desirous of extending the qualifications for a director to apply to any person authorized by a resolution of a corporation which is a member of the Company.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL F.

An Act for the relief of Alice Cecile Pinder Hartt.

Read a first time, Thursday, 10th March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50806 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL F.

An Act for the relief of Alice Cecile Pinder Hartt.

Preamble.

WHEREAS Alice Cecile Pinder Hartt, residing at the city of Montreal, in the province of Quebec, wife of George Theodore Hartt, financier, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourteenth day of June, A.D. 1905, at the said city, she then being Alice Cecile Pinder, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Alice Cecile Pinder and George Theodore Hartt, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Alice Cecile Pinder may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Theodore Hartt had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL G.

An Act for the relief of Ruby May Foster Ryder.

Read a first time, Thursday, 10th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50774 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL G.

An Act for the relief of Ruby May Foster Ryder.

Preamble.

WHEREAS Ruby May Foster Ryder, residing at the city of Montreal, in the province of Quebec, wife of Charles Frederick Ryder, milkman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the seventh day of June, A.D. 1930, at the said city, she then being Ruby May Foster, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ruby May Foster and Charles Frederick Ryder, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ruby May Foster may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Frederick Ryder had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL H.

An Act for the relief of Ethel Sadie Davidson Case.

Read a first time, Thursday, 10th March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50781 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL H.

An Act for the relief of Ethel Sadie Davidson Case.

Preamble.

WHEREAS Ethel Sadie Davidson Case, residing at the city of Montreal, in the province of Quebec, wife of Francis Harold Case, machinist, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twentieth day of March, A.D. 1924, at the said city, she then being Ethel Sadie Davidson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ethel Sadie Davidson and Francis Harold Case, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ethel Sadie Davidson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Francis Harold Case had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL I.

An Act for the relief of Ray Simon Stern.

Read a first time, Thursday, 10th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

50792

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL I.

An Act for the relief of Ray Simon Stern.

Preamble.

WHEREAS Ray Simon Stern, residing at the city of Westmount, in the province of Quebec, wife of Henry Sidney Stern, salesman, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the seventh day of May, A.D. 1908, at the said city of Montreal, she then being Ray Simon, a spinster; that on the tenth day of May, A.D. 1908, at the said city of Westmount, they were married again; that during the year A.D. 1937, the said Henry Sidney Stern committed adultery; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage or marriages with the said Henry Sidney Stern; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriages dissolved.

1. The said marriage or marriages between Ray Simon and Henry Sidney Stern, her husband, are, respectively, hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to Marry again.

2. The said Ray Simon may at any time hereafter marry any man whom she might lawfully marry if the said marriage or marriages with the said Henry Sidney Stern had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL J.

An Act for the relief of Norma Adelaide MacKenzie Hird.

Read a first time, Thursday, 10th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

50795

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL J.

An Act for the relief of Norma Adelaide MacKenzie Hird.

Preamble.

WHEREAS Norma Adelaide MacKenzie Hird, residing at the city of Montreal, in the province of Quebec, wife of Charles Albert Hird, auditor, who is domiciled in Canada and residing at the city of Outremont, in the said province of Quebec, has by her petition alleged that they were married on the sixteenth day of November, A.D. 1927, at the city of Ottawa, in the province of Ontario, she then being Norma Adelaide MacKenzie, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Norma Adelaide MacKenzie and Charles Albert Hird, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Norma Adelaide MacKenzie may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Albert Hird had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL K.

An Act for the relief of Mabel Marjorie Thompson Maynes.

Read a first time, Thursday, 10th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50803 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL K.

An Act for the relief of Mabel Marjorie Thompson Maynes.

Preamble.

WHEREAS Mabel Marjorie Thompson Maynes, residing at the city of Montreal, in the province of Quebec, secretary, wife of Eric John Maynes, salesman, who is domiciled in Canada and residing at the city of Verdun, in the said province, has by her petition alleged that they were married on the sixteenth day of January, A.D. 1928, at the said city of Montreal, she then being Mabel Marjorie Thompson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mabel Marjorie Thompson and Eric John Maynes, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsover.

Right to marry again.

2. The said Mabel Marjorie Thompson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Eric John Maynes had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL L.

An Act for the relief of Walter Edward Gorham.

Read a first time, Thursday, 10th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

50784

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL L.

An Act for the relief of Walter Edward Gorham.

Preamble.

WHEREAS Walter Edward Gorham, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, mechanical engineer, has by his petition alleged that on the twenty-ninth day of August, A.D. 1918, at the city of Winnipeg, in the province of Manitoba, he and Hannah McMillan, who was then of the said city of Winnipeg, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Walter Edward Gorham and Hannah McMillan, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Walter Edward Gorham may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Hannah McMillan had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL M.

An Act for the relief of Margaret Anne Eddie Bender.

Read a first time, Thursday, 10th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

50802

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL M.

An Act for the relief of Margaret Anne Eddie Bender.

Preamble.

WHEREAS Margaret Anne Eddie Bender, residing at the city of Montreal, in the province of Quebec, nurse, wife of Hugh William Bender, salesman, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the sixteenth day of January, A.D. 1926, at the city of Victoria, in the province of British Columbia, she then being Margaret Anne Eddie, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Anne Eddie and Hugh William Bender, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Anne Eddie may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Hugh William Bender had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL N.

An Act for the relief of Kathryn Chronis Briggs.

Read a first time, Thursday, 10th March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
51809 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL N.

An Act for the relief of Kathryn Chronis Briggs.

Preamble.

WHEREAS Kathryn Chronis Briggs, residing at the city of Chicago, in the state of Illinois, one of the United States of America, wife of Stanley James Briggs, mine superintendent, who is domiciled in Canada and residing at the city of Thetford Mines, in the province of Quebec, has by her petition alleged that they were married on the third day of January, A.D. 1935, at the city of Montreal, in the said province, she then being Kathryn Chronis, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Kathryn Chronis and Stanley James Briggs, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Kathryn Chronis may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Stanley James Briggs had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL O.

An Act for the relief of Vera May Levis Holloway.

Read a first time, Thursday, 10th March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50790 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL O.

An Act for the relief of Vera May Levis Holloway.

Preamble.

WHEREAS Vera May Levis Holloway, residing at the city of Toronto, in the province of Ontario, head waitress, wife of Sydney Hawtrey Holloway, veterinary surgeon, who is domiciled in Canada and residing at the city of Westmount, in the province of Quebec, has by her petition alleged that they were married on the twenty-third day of May, A.D. 1934, at the said city of Toronto, she then being Vera May Levis, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Vera May Levis and Sydney Hawtrey Holloway, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to Marry again.

2. The said Vera May Levis may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Sydney Hawtrey Holloway had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL P.

An Act for the relief of Robert Andrew Young.

Read a first time, Thursday, 10th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

50789

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL P.

An Act for the relief of Robert Andrew Young.

Preamble.

WHEREAS Robert Andrew Young, domiciled in Canada and residing at the town of St. Lambert, in the county of Chambly, in the province of Quebec, clerk, has by his petition alleged that on the twelfth day of January, A.D. 1918, in the district of Rotherham, in the counties of Rotherham and York, England, he and Mabel Lilian Chippendale, who was then of the said district, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Robert Andrew Young and Mabel Lilian Chippendale, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Robert Andrew Young may at any time hereafter marry any woman who he might lawfully marry if the said marriage with the said Mabel Lilian Chippendale had not been solemnized.

Third Session. Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Q.

An Act for the relief of Mary Lorraine Ward Williamson.

Read a first time, Tuesday, 15th March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50796 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Q.

An Act for the relief of Mary Lorraine Ward Williamson.

Preamble.

WHEREAS Mary Lorraine Ward Williamson, residing at the city of Westmount, in the province of Quebec, stenographer, wife of Kenneth Paul Williamson, salesman, who is domiciled in Canada and residing at the said city of Westmount, has by her petition alleged that they were married on the twenty-fifth day of April, A.D. 1936, at the city of Montreal, in the said province, she then being Mary Lorraine Ward, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Lorraine Ward and Kenneth Paul Williamson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Lorraine Ward may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Kenneth Paul Williamson had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL R.

An Act for the relief of Lyall Gibson Hodges.

Read a first time, Tuesday, 15th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51734

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL R.

An Act for the relief of Lyall Gibson Hodges.

Preamble.

WHEREAS Lyall Gibson Hodges, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, clerk, has by his petition alleged that on the twenty-ninth day of April, A.D. 1930, at the said city, he and Doris Muriel Fergusson, who was then of the town of Hampstead, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lyall Gibson Hodges and Doris Muriel Fergusson, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lyall Gibson Hodges may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Doris Muriel Fergusson had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL S.

An Act for the relief of Esther Lazarovitch Cohen.

Read a first time, Tuesday, 15th March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50777 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL S.

An Act for the relief of Esther Lazarovitch Cohen.

Preamble.

WHEREAS Esther Lazarovitch Cohen, residing at the city of Montreal, in the province of Quebec, wife of Benny Cohen, commercial traveller, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-fifth day of February, A.D. 1917, at the said city, she then being Esther Lazarovitch, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Esther Lazarovitch and Benny Cohen, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Esther Lazarovitch may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Benny Cohen had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL T.

An Act for the relief of Dorothy Reaves McMartin.

Read a first time, Tuesday, 15th March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50776 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL T.

An Act for the relief of Dorothy Reaves McMartin.

Preamble.

WHEREAS Dorothy Reaves McMartin, residing at the city of New York, in the state of New York, one of the United States of America, wife of Allen Alderson McMartin, business executive, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the twenty-eighth day of August, A.D. 1923, at the town of Oyster Bay, in the county of Nassau, in the state of New York, one of the United States of America, she then being Dorothy Reaves, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy Reaves and Allen Alderson McMartin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy Reaves may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Allen Alderson McMartin had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL U.

An Act for the relief of Mary Dorothy Picard Whitcombe.

Read a first time, Tuesday, 15th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50783 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL U.

An Act for the relief of Mary Dorothy Picard Whitcombe.

Preamble.

WHEREAS Mary Dorothy Picard Whitcombe, residing at the city of Montreal, in the province of Quebec, sales clerk, wife of George Walters Whitcombe, salesman, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the thirty-first day of May, A.D. 1932, at the city of Westmount, in the said province, she then being Mary Dorothy Picard, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Dorothy Picard and George Walters Whitcombe, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Dorothy Picard may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Walters Whitcombe had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL V.

An Act for the relief of Emil Kastus.

Read a first time, Tuesday, 15th March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50797 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL V.

An Act for the relief of Emil Kastus.

Preamble.

WHEREAS Emil Kastus, domiciled in Canada and residing on the Island of Siscoe, in the province of Quebec, labourer, has by his petition alleged that on the seventeenth day of May, A.D. 1930, at the city of Westmount, in the said province, he and Signe Alvida Lund, who was then of the city of Montreal, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Emil Kastus and Signe Alvida Lund, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Emil Kastus may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Signe Alvida Lund had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL W.

An Act for the relief of Eva Fleming Hislop.

Read a first time, Tuesday, 15th March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50800 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL W.

An Act for the relief of Eva Fleming Hislop.

Preamble.

WHEREAS Eva Fleming Hislop, residing at the city of Montreal, in the province of Quebec, wife of Abraham Hislop, merchant, who is domiciled in Canada and residing at the village of Fort Coulonge, in the district of Pontiac, in the said province, has by her petition alleged that they were married on the fourth day of September, A.D. 1927, at the said city, she then being Eva Fleming, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eva Fleming and Abraham Hislop, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eva Fleming may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Abraham Hislop had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL X.

An Act for the relief of Sigmund Oravec.

Read a first time, Tuesday, 15th March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

50798

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL X.

An Act for the relief of Sigmund Oravec.

Preamble.

WHEREAS Sigmund Oravec, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, grocer, has by his petition alleged that on the eighth day of December, A.D. 1928, at the city of Winnipeg, in the province of Manitoba, he and Mary Sarady, who was then of the said city of Winnipeg, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Sigmund Oravec and Mary Sarady, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Sigmund Oravec may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Mary Sarady had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Y.

An Act for the relief of Robert Parry.

Read a first time, Tuesday, 15th March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
52790 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Y.

An Act for the relief of Robert Parry.

Preamble.

WHEREAS Robert Parry, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, salesman, has by his petition alleged that on the twenty-eighth day of May, A.D. 1927, at the said city, he and Angeline Stewart, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Robert Parry and Angeline Stewart, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Robert Parry may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Angeline Stewart had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Z.

An Act for the relief of Nacha Ferszt Klajner, otherwise known as Nora Firstenfeld Klein.

Read a first time, Tuesday, 15th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50804 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Z.

An Act for the relief of Nacha Ferszt Klajner, otherwise known as Nora Firstenfeld Klein.

Preamble.

WHEREAS Nacha Ferszt Klajner, otherwise known as Nora Firstenfeld Klein, residing at the city of Montreal, in the province of Quebec, milliner, wife of Lejzer Klajner, otherwise known as Leon Klein, manufacturer, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirty-first day of December, A.D. 1920, at the town of Bendzin, in the province of Kielce, in the Republic of Poland, she then being Nacha Ferszt, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Nacha Ferszt and Lejzer Klajner, otherwise known as Leon Klein, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Nacha Ferszt may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Lejzer Klajner, otherwise known as Leon Klein, had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL A[1].

An Act for the relief of Leonora May Howard.

Read a first time, Tuesday, 15th March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

50805

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL A[1].

An Act for the relief of Leonora May Howard.

Preamble.

WHEREAS Leonora May Howard, residing at the city of Montreal, in the province of Quebec, saleswoman, wife of Esmond Clifford Howard, accountant, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourth day of May, A.D. 1926, at the said city, she then being Leonora May McNab, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Leonora May McNab and Esmond Clifford Howard, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Leonora May McNab may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Esmond Clifford Howard had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL B[1].

An Act for the relief of Annie Elizabeth Climie Adams.

Read a first time, Thursday, 17th March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50799 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL B[1].

An Act for the relief of Annie Elizabeth Climie Adams.

Preamble.

WHEREAS Annie Elizabeth Climie Adams, residing at the town of Montreal West, in the province of Quebec, wife of Harry Franklin Adams, general manager, who is domiciled in Canada and residing at the said town, has by her petition alleged that they were married on the eighteenth day of October, A.D. 1899, at the city of Sault Ste. Marie, in the province of Ontario, she then being Annie Elizabeth Climie, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Annie Elizabeth Climie and Harry Franklin Adams, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Annie Elizabeth Climie may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Harry Franklin Adams had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL C[1].

An Act for the relief of Margaret Alice Mizener.

Read a first time, Thursday, 17th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

52864

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL C[1].

An Act for the relief of Margaret Alice Mizener.

Preamble.

WHEREAS Margaret Alice Mizener, residing at the city of Montreal, in the province of Quebec, clerk, wife of Karl Arlington Mizener, salesman, who is domiciled in Canada and residing at the town of Knowlton, in the district of Bedford, in the said province, has by her petition alleged that they were married on the tenth day of October, A.D. 1923, at the said town, she then being Margaret Alice Bates, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Alice Bates and Karl Arlington Mizener, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Alice Bates may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Karl Arlington Mizener had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL D[1].

An Act for the relief of Frances Dorothy Scott Skinner.

Read a first time, Thursday, 17th March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50780 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL D[1].

An Act for the relief of Frances Dorothy Scott Skinner.

Preamble.

WHEREAS Frances Dorothy Scott Skinner, residing at the city of Montreal, in the province of Quebec, hairdresser, wife of Henry Augustus Skinner, lithographer, who is domiciled in Canada and residing at the said city of Monreal, has by her petition alleged that they were married on the thirtieth day of July, A.D. 1927, at the city of London, in the province of Ontario, she then being Frances Dorothy Scott, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Frances Dorothy Scott and Henry Augustus Skinner, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Frances Dorothy Scott may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Henry Augustus Skinner had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL E[1].

An Act for the relief of Esther Rotman Resnick.

Read a first time, Thursday, 17th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51354

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL E[1].

An Act for the relief of Esther Rotman Resnick.

Preamble.

WHEREAS Esther Rotman Resnick, residing at the city of Montreal, in the province of Quebec, wife of Noah Resnick, clerk, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-eighth day of June, A.D. 1930, at the said city, she then being Esther Rotman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows:—

Marriage dissolved.

1. The said marriage between Esther Rotman and Noah Resnick, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to Marry again.

2. The said Esther Rotman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Noah Resnick had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL F[1].

An Act for the relief of Dorothy MacFie Safford Dale.

Read a first time, Wednesday, 23rd March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50794 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL F[1].

An Act for the relief of Dorothy MacFie Safford Dale.

Preamble.

WHEREAS Dorothy MacFie Safford Dale, residing at the city of Montreal, in the province of Quebec, secretary, wife of John Franklin Alan Dale, salesman, who is domiciled in Canada and residing at the city of Westmount, in the said province, has by her petition alleged that they were married on the twenty-first day of September, A.D. 1929, at the town of Sutton Junction, in the district of Bedford, in the said province, she then being Dorothy MacFie Safford, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy MacFie Safford and John Franklin Alan Dale, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy MacFie Safford may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Franklin Alan Dale had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL G[1].

An Act for the relief of Alice Temple Jamieson Adair.

Read a first time, Wednesday, 23rd March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51369

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL G[1].

An Act for the relief of Alice Temple Jamieson Adair.

Preamble.

WHEREAS Alice Temple Jamieson Adair, residing at the city of Montreal, in the province of Quebec, wife of Ian Watts Adair, treasurer, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifteenth day of April, A.D. 1926, at the said city, she then being Alice Temple Jamieson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate, and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Alice Temple Jamieson and Ian Watts Adair, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Alice Temple Jamieson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ian Watts Adair had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL H[1].

An Act for the relief of Gladys Kathleen Crook O'Sullivan.

Read a first time, Wednesday, 23rd March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50779 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL H[1].

An Act for the relief of Gladys Kathleen Crook O'Sullivan.

Preamble.

WHEREAS Gladys Kathleen Crook O'Sullivan, residing at the city of Montreal, in the province of Quebec, waitress, wife of Dermot Timothy O'Sullivan, salesman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twentieth day of October, A.D. 1929, at the town of Leatherhead, in the district of Epsom, in the county of Surrey, England, she then being Gladys Kathleen Crook, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Gladys Kathleen Crook and Dermot Timothy O'Sullivan, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Gladys Kathleen Crook may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Dermot Timothy O'Sullivan had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL I[1].

An Act for the relief of Geraldine Estelle Bamford.

Read a first time, Wednesday, 23rd March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50785 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL I[1].

An Act for the relief of Geraldine Estelle Bamford.

Preamble.

WHEREAS Geraldine Estelle Bamford, residing at the city of Montreal, in the province of Quebec, bookkeeper, wife of James Charles Bamford, movie operator, who is domiciled in Canada and residing at the city of Hull, in the province of Quebec, has by her petition alleged that they were married on the sixth day of October, A.D. 1923, at the city of Ottawa, in the province of Ontario, she then being Geraldine Estelle Leduc, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Geraldine Estelle Leduc, and James Charles Bamford, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Geraldine Estelle Leduc may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Charles Bamford had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL J[1].

An Act for the relief of Charles Marie.

Read a first time, Wednesday, 23rd March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELENT MAJESTY
51713 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL J[1].

An Act for the relief of Charles Marie.

Preamble.

WHEREAS Charles Marie, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, electrician, has by his petition alleged that on the second day of April, A.D. 1925, at the said city, he and Sybil Chandler, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Charles Marie and Sybil Chandler, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Charles Marie may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Sybil Chandler had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL K[1].

An Act for the relief of Rosamond Cheriton Stoyle MacDonald.

Read a first time, Wednesday, 23rd March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51364

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL K[1].

An Act for the relief of Rosamond Cheriton Stoyle MacDonald.

Preamble.

WHEREAS Rosamond Cheriton Stoyle MacDonald, residing at the city of Verdun, in the province of Quebec, hospital maid, wife of Ronald MacLeod MacDonald, who is domiciled in Canada and residing at the city of Montreal, in the said province of Quebec, has by her petition alleged that they were married on the fourteenth day of July, A.D. 1930, at the city of Saint John, in the province of New Brunswick, she then being Rosamond Cheriton Stoyle, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Rosamond Cheriton Stoyle and Ronald MacLeod MacDonald, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Rosamond Cheriton Stoyle may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ronald MacLeod MacDonald had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL L[1].

An Act to incorporate The Maritime Provinces General Insurance Company.

Read a first time, Wednesday, 23rd March, 1938.

Honourable Senator QUINN.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

53705

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL L[1].

An Act to incorporate The Maritime Provinces General Insurance Company.

Preamble.

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

Incorporation.

1. Richard Hibbert Oland, insurance broker, Henry Russell McCaughin, insurance broker, Charles Hamilton Gordon Stuart, office manager, George Carmen Macdonald, accountant, and Alexander Campbell Sinclair, accountant, all of the city of Halifax in the province of Nova Scotia, together with such persons as become shareholders of the Company, are hereby incorporated under the name of

Corporate name.

"The Maritime Provinces General Insurance Company", hereinafter called "the Company".

Provisional directors.

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

Capital stock.

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

Prior subscription.

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

Head Office.

5. The head office of the Company shall be in the city of Halifax in the province of Nova Scotia.

Classes of insurance authorized.

6. The Company may make contracts of insurance for all or any of the following classes of insurance:—

(*a*) Fire insurance;
(*b*) Accident insurance;
(*c*) Automobile insurance;
(*d*) Aviation insurance;
(*e*) Bond insurance;
(*f*) Burglary insurance;
(*g*) Civil commotion insurance;
(*h*) Credit insurance;
(*i*) Earthquake insurance;
(*j*) Explosion insurance;
(*k*) Falling aircraft insurance;
(*l*) Forgery insurance;
(*m*) Guarantee insurance;
(*n*) Hail insurance;
(*o*) Inland marine insurance;
(*p*) Inland transportation insurance;
(*q*) Machinery insurance;
(*r*) Marine insurance;
(*s*) Personal property insurance;
(*t*) Plate glass insurance;
(*u*) Sickness insurance;
(*v*) Sprinkler leakage insurance;
(*w*) Steam boiler insurance;
(*x*) Tornado insurance;

Subscription and payment before commencement of business.

7. (1) The Company shall not commence any business of insurance until at least two hundred and fifty thousand dollars of its capital stock has been *bona fide* subscribed and at least one hundred and twenty-five thousand dollars paid thereon. It may then transact the business of fire insurance, falling aircraft insurance, earthquake insurance, tornado insurance, sprinkler leakage insurance, limited or inherent explosion insurance, civil commotion insurance, burglary insurance, and insurance against damage to property, other than growing crops, by hail.

Additional amounts for certain classes of business.

(2) The Company shall not commence any of the other classes of business authorized by section six of this Act until the subscribed capital has been increased to at least three hundred and fifty thousand dollars and until the paid capital together with the surplus exceeds the said sum of one hundred and twenty-five thousand dollars by an amount or amounts depending upon the nature of the additional class or classes of business, as follows, that is to say:—For accident insurance not less than forty thousand dollars; for automobile insurance not less than twenty thousand dollars; for aviation insurance not less than twenty thousand dollars; for bond insurance not less than forty thousand dollars; for credit insurance not less than twenty thousand dollars; for forgery insurance not less than twenty thousand dollars; for guarantee insurance not less than fifty thousand dollars; for hail insurance not

less than fifty thousand dollars; for inland marine insurance not less than thirty-five thousand dollars; for inland transportation insurance not less than ten thousand dollars; for machinery insurance not less than twenty thousand dollars; for marine insurance not less than thirty-five thousand dollars; for personal property insurance not less than ten thousand dollars; for plate glass insurance not less than ten thousand dollars; for sickness insurance not less than ten thousand dollars; for steam boiler insurance not less than twenty thousand dollars: Provided that the Company may transact all or any of the classes of insurance business authorized by section six of this Act when the subscribed capital has been increased to at least five hundred thousand dollars and when the paid capital together with the surplus amounts to at least five hundred thousand dollars.

Periodic increase of paid-up capital and surplus.

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

"Surplus" defined.

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

Application of 1932, c. 46.

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

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL M[1].

An Act respecting Madam Belle Hervey Harper Cazzani.

Read a first time, Wednesday, 23rd March, 1938.

Honourable SENATOR LACASSE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

53701

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL M[1].

An Act respecting Madam Belle Hervey Harper Cazzani.

Preamble.

WHEREAS Robert O. Harper of the city of Detroit in the state of Michigan in the United States of America, insurance broker, and the Guaranty Trust Company of Canada, a corporation having its head office at the city of Windsor in the county of Essex in the province of Ontario, have by their petition represented that Madam Belle Hervey Harper Cazzani was born on the seventeenth day of October, 1875, in the said United Sates of America of parents who were nationals of that country; that she is now a subject of the Kingdom of Italy and resides at Edinburg, Scotland, where she, while temporarily resident there, was judicially found to be incapable of managing and attending to her affairs and her estate is now in the custody of a *curator bonis* resident at Edinburg aforesaid; that she is possessed of an estate of a value sufficient to ensure that she, if permitted to enter and remain in Canada, will never become a public charge, and that she is a widow with no children nor any other descendents or relatives except the said Robert O. Harper, who is her brother; and

WHEREAS by their said petition the said petitioners further represent that the said Guaranty Trust Company of Canada has been nominated by the said Robert O. Harper to be appointed in Canada, by the proper court in the province of Ontario, as Committee or Guardian of the person and estate of the said Madam Belle Hervey Harper Cazzani, and that they both desire to bring her to, and to secure permission for her to enter and to remain in, Canada, whereto the petitioners desire to cause her estate to be transferred and they pray that such permission be granted by special Act of the Parliament of Canada, and it is expedient that the prayer of the said petition be granted:

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

Explanatory Note.

The purpose of the Bill is explained in the preamble.

R.S., 1927, c. 93 not to apply.

1. The said Madam Belle Hervey Harper Cazzani is, by force of this Act, permitted to enter and remain in Canada, notwithstanding the provisions of the *Immigration Act*, chapter ninety-three of the Revised Statutes of Canada, 1927.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL N[1].

An Act for the relief of Louise Anderson Lindsay.

Read a first time, Tuesday, 29th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
51349 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL N[1].

An Act for the relief of Louise Anderson Lindsay.

Preamble.

WHEREAS Louise Anderson Lindsay, residing at the city of Ottawa, in the province of Ontario, dietician, wife of William Edward Lindsay, entomologist, who is domiciled in Canada and residing at the city of Shawinigan Falls, in the province of Quebec, has by her petition alleged that they were married on the seventh day of September, A.D. 1933, at the said city of Ottawa, she then being Louise Anderson Burns, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Louise Anderson Burns and William Edward Lindsay, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to Marry again.

2. The said Louise Anderson Burns may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Edward Lindsay had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL O[1].

An Act for the relief of Kathleen Helen Frances Penfold Findlay.

Read a first time, Tuesday, 29th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
51384 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL O[1].

An Act for the relief of Kathleen Helen Frances Penfold Findlay.

Preamble.

WHEREAS Kathleen Helen Frances Penfold Findlay, residing at the city of Montreal, in the province of Quebec, sales clerk, wife of Douglas Grier Findlay, trader, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the first day of August, A.D. 1925, at the town of Lachute, in the county of Argenteuil, in the said province, she then being Kathleen Helen Frances Penfold, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Kathleen Helen Frances Penfold and Douglas Grier Findlay, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Kathleen Helen Frances Penfold may at any time hereafter marry any man she might lawfully marry if the said marriage with the said Douglas Grier Findlay had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL P[1].

An Act for the relief of Mary Esther Wahl Watt.

Read a first time, Tuesday, 29th March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
51824 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL P[1].

An Act for the relief of Mary Esther Wahl Watt.

Preamble.

WHEREAS Mary Esther Wahl Watt, residing at the city of Montreal, in the province of Quebec, telephone operator, wife of William Wallace Watt, insurance broker, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-first day of October, A.D. 1925, at the said city, she then being Mary Esther Wahl, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Esther Wahl and William Wallace Watt, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Esther Wahl may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Wallace Watt had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Q[1].

An Act for the relief of Eva Grace Barlow Sunbury.

Read a first time, Tuesday, 29th March, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50807 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Q[1].

An Act for the relief of Eva Grace Barlow Sunbury.

Preamble.

WHEREAS Eva Grace Barlow Sunbury, residing at the city of Sherbrooke, in the district of St. Francis, in the province of Quebec, saleswoman, wife of Moody Carleton Sunbury, salesman, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the thirtieth day of July, A.D. 1927, at the said city of Sherbrooke, she then being Eva Grace Barlow, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eva Grace Barlow and Moody Carleton Sunbury, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eva Grace Barlow may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Moody Carleton Sunbury had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL R[1].

An Act for the relief of Irene Marjorie Wiseman Litwin.

Read a first time, Tuesday, 29th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50793 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL R[1].

An Act for the relief of Irene Marjorie Wiseman Litwin.

Preamble.

WHEREAS Irene Marjorie Wiseman Litwin, residing at the city of Montreal, in the province of Quebec, wife of Arthur Israel Litwin, merchant, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eleventh day of January, A.D. 1931, at the said city, she then being Irene Marjorie Wiseman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Irene Marjorie Wiseman and Arthur Israel Litwin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Irene Marjorie Wiseman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Arthur Israel Litwin had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL S[1].

An Act for the relief of Lorraine Olive Lafontaine Caron Pilot.

Read a first time, Tuesday, 29th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

53209

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL S[1].

An Act for the relief of Lorraine Olive Lafontaine Caron Pilot.

Preamble.

WHEREAS Lorraine Olive Lafontaine Caron Pilot, residing at the city of Montreal, in the province of Quebec, wife of Edward Frederick Pilot, agent, who is domiciled in Canada and residing at the town of Aylmer, in the said province, has by her petition alleged that they were married on the seventh day of August, A.D. 1925, at the said city, she then being Lorraine Olive Lafontaine Caron, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lorraine Olive Lafontaine Caron and Edward Frederick Pilot, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lorraine Olive Lafontaine Caron may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edward Frederick Pilot had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL T[1].

An Act for the relief of Dorothy Dean St. Clair Ross.

Read a first time, Wednesday, 30th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50801 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL T[1].

An Act for the relief of Dorothy Dean St. Clair Ross.

Preamble.

WHEREAS Dorothy Dean St. Clair Ross, residing at the city of Westmount, in the province of Quebec, wife of John Alistair Ross, chartered accountant, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-sixth day of September, A.D. 1927, at the city of Owatonna, in the state of Minnesota, one of the United States of America, she then being Dorothy Dean St. Clair, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy Dean St. Clair and John Alistair Ross, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy Dean St. Clair may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Alistair Ross had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL U[1].

An Act for the relief of Frances Margaret Stewart Butler.

Read a first time, Wednesday, 30th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50775 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL U[1].

An Act for the relief of Frances Margaret Stewart Butler.

Preamble.

WHEREAS Frances Margaret Stewart Butler, residing at the city of Montreal, in the province of Quebec, waitress, wife of George Joseph Butler, chauffeur, who is domiciled in Canada and residing at the city of Verdun, in the said province, has by her petition alleged that they were married on the first day of June, A.D. 1928, at the said city of Verdun, she then being Frances Margaret Stewart, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Frances Margaret Stewart and George Joseph Butler, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to Marry again.

2. The said Frances Margaret Stewart may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Joseph Butler had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL V[1].

An Act for the relief of Agnès Le Blanc Archambault.

Read a first time, Wednesday, 30th March, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50787 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL V1.

An Act for the relief of Agnès Le Blanc Archambault.

Preamble.

WHEREAS Agnès Le Blanc Archambault, residing at the city of Montreal, in the province of Quebec, hairdresser, wife of Henri Archambault, salesman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eleventh day of January, A.D. 1927, at the said city, she then being Agnès Le Blanc, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Agnès Le Blanc and Henri Archambault, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Agnès Le Blanc may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Henri Archambault had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL W[1].

An Act for the relief of Gerda Ellen Morrison.

Read a first time, Wednesday, 6th April, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51819

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL W[1].

An Act for the relief of Gerda Ellen Morrison.

Preamble.

WHEREAS Gerda Ellen Morrison, residing at the town of Summerside, in the county of Prince, in the province of Prince Edward Island, wife of Reginald Knight Morrison, clerk, who is domiciled in Canada and residing at the said town, has by her petition alleged that they were married on the first day of December, A.D. 1928, at the city of Cleveland, in the state of Ohio, one of the United States of America, she then being Gerda Ellen Holman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Gerda Ellen Holman and Reginald Knight Morrison, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Gerda Ellen Holman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Reginald Knight Morrison had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL X[1].

An Act for the relief of Hilda Elsa Naeke Schneider.

Read a first time, Wednesday, 6th April, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

54308

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL X[1].

An Act for the relief of Hilda Elsa Naeke Schneider.

Preamble.

WHEREAS Hilda Elsa Naeke Schneider, residing at the town of St. Lambert, in the province of Quebec, parlour maid, wife of Alexander Siegfried Wilhelm Schneider, air pilot, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the fifteenth day of June, A.D. 1929, at the said city, she then being Hilda Elsa Naeke, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage bewteen Hilda Elsa Naeke and Alexander Siegfried Wilhelm Schneider, her husband, is hereby dissolved, and shall be henceforth null and void to intents and purposes whatsoever.

Right to marry again.

2. The said Hilda Elsa Naeke may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Alexander Siegfried Wilhelm Schneider had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Y[1].

An Act for the relief of Margaret Robinson Mathieson Megee.

Read a first time, Wednesday, 6th April, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
54304 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Y[1].

An Act for the relief of Margaret Robinson Mathieson Megee.

Preamble.

WHEREAS Margaret Robinson Mathieson Megee, residing at the city of Montreal, in the province of Quebec, housekeeper, wife of Harold Megee, mechanic, who is domiciled in Canada and formerly resided at the said city, has by her petition alleged that they were married on the sixteenth day of November, A.D. 1934, at the said city, she then being Margaret Robinson Mathieson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Robinson Mathieson and Harold Megee, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Robinson Mathieson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Harold Megee had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Z[1].

An Act for the relief of Rachel Tencer Silberberg.

Read a first time, Wednesday, 6th April, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

50791

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Z[1].

An Act for the relief of Rachel Tencer Silberberg.

Preamble.

WHEREAS Rachel Tencer Silberberg, residing at the city of Outremont, in the province of Quebec, sales clerk, wife of Mordicai Silberberg, otherwise known as Max Silver, customer pedlar, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the thirty-first day of August, A.D. 1926, at the town of Champlain, in the county of Clinton, in the state of New York, one of the United States of America, she then being Rachel Tencer, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Rachel Tencer and Mordicai Silberberg, otherwise known as Max Silver, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Rachel Tencer may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Mordicai Silberberg, otherwise known as Max Silver, had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL A2.

An Act for the relief of George Brunet.

Read a first time, Wednesday, 6th April, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50782 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL A2.

An Act for the relief of George Brunet.

Preamble.

WHEREAS George Brunet, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, boarding-house keeper, has by his petition alleged that on the twelfth day of November, A.D. 1934, at the said city, he and Bertha Boucher, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between George Brunet and Bertha Boucher, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said George Brunet may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Bertha Boucher had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL B[2].

An Act to incorporate The Workers Benevolent Society of Canada.

Read a first time, Thursday, 5th May, 1938.

Honourable Senator HAIG.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
57370 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL B2.

An Act to incorporate The Workers Benevolent Society of Canada.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that they may be incorporated as a fraternal benefit society under the name of "The Workers Benevolent Society of Canada" and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

Incorporation.

1. Michael Hawryluik, packing plant employee, William Pura, collector, Alex Lewicki, sectionman, William Rybak, boilermaker, Anton Woytyshyn, secretary, William N. Kolisnyk, merchant, Peter Nykolachuk, barber, William Gawryluik, labourer, John Nawizowsky, publishing manager, Anna Nahorniak, housewife, Dmytro Korniak, labourer, and Alex Lazechko, labourer, all of the city of Winnipeg in the province of Manitoba, together with such other persons as become members of the society hereby incorporated, are incorporated under the name of "The Workers Benevolent Society of Canada" hereinafter called "the Society".

Corporate name.

Head office.

2. The head office of the Society shall be at the city of Winnipeg in the province of Manitoba.

Fraternal society.

3. The Society shall be a fraternal benefit society carrying on its benefit and insurance work solely for the protection of its members, their families and beneficiaries, and not for profit.

Powers.

4. The Society shall have power throughout Canada:—

(a) to institute, organize, establish and carry on local branches of the Society;

(b) to propogate and develop among the members of the Society a mutual and fraternal spirit;

(c) to establish and maintain homes and shelters for old, poor and infirm members, and to establish orphanages and otherwise take care of and maintain members of the Society and their children;

(d) to instruct members of the Society in the constitution and legislation of the Dominion of Canada, with the object of making them good Canadian citizens, conscious of their rights and duties as such;

(e) to facilitate and encourage the study of sciences, music and arts, and generally to enhance the instruction and education of its members, and for that purpose to establish, help and maintain schools and teaching institutions;

(f) to preserve and strengthen through the practice of physical culture and sports the health of its members;

(g) to solicit, receive and accept by gift, bequest or otherwise, and to hold and dispose of for the purposes of the Society, any monies;

(h) to establish, maintain and administer an insurance fund for the payment of:

(i) a benefit not exceeding one thousand dollars at the death of a member, the premiums for which shall be payable during the whole life of the member, or during a certain number of years;

(ii) an old age endowment benefit, not exceeding one thousand dollars, payable after the expiration of a certain number of years or upon the attainment of a certain age, but in neither case payable before the attainment by a member of the age of sixty-five years, or payable in the case of the death of a member prior to the expiration of the endowment period;

(iii) a benefit upon the permanent disability of a member, not exceeding one-half of the amount of the mortuary benefit under the contract, the amount payable on the death of a member being reduced by the amount paid as such disability benefit;

(i) to establish, maintain and administer a fund for the payment of:—

(i) a sick benefit to any member, not exceeding ten dollars per week;

(ii) a benefit to any member for his funeral expenses, not exceeding one hundred and fifty dollars;

(j) to act generally as a fraternal, charitable and benevolent society;

(k) subject to the provisions of sections fourteen and fifteen of this Act, to acquire the whole or any part of the rights and property, and to assume the obligations and liabilities of The Workers Benevolent Society of Canada, a corporation incorporated under the provisions of The Charitable Associations Act,

being chapter twenty-seven of the Revised Statutes of Manitoba, 1913 (now the Companies Act, chapter five of the statutes of Manitoba, 1932, Part VIII), by letters patent dated the sixteenth day of October, 1923, hereinafter called "the provincial society": Provided that the Society shall, upon the acquisition of the affairs of the provincial society, admit as members all persons who are members in good standing of the provincial society as then constituted.

Governing body.

5. The general convention which shall be constituted as provided in the by-laws and regulations of the Society shall be the final legislative and governing body of the Society.

Supreme executive.

6. The supreme executive which shall be constituted as provided in the by-laws and regulations of the Society shall manage, administer and govern the affairs of the Society, but a member who holds any office in any other fraternal benefit society shall be ineligible to hold office in the supreme executive.

Present officers.

7. The present officers and members of the supreme executive of the provincial society shall be the officers and members of the supreme executive of the Society until their successors are elected pursuant to the provisions of this Act and of the by-laws and regulations of the Society.

Existing by-laws.

8. (1) The existing by-laws and regulations of the provincial society, in so far as they are applicable and subject to the provisions hereof, shall govern the affairs of the Society and the members thereof from the date of its incorporation until and including the date of the first general convention of the Society.

Additional powers.

(2) The Society shall have power from time to time to make, amend and repeal its by-laws and regulations.

Administrative fund.

9. (1) The Society may maintain a general fund, to which shall be credited all dues and other sums intended to be used according to the by-laws and regulations for the payment of expenses of administration, and all expenses of the Society shall be payable out of such fund.

Special assessment.

(2) If, at any time, the general fund or the surplus in any other fund becomes exhausted or is in danger of becoming exhausted the general convention or any special convention shall have power to make a proportioniate assessment upon each member in the fund and such asses - ment shall thereupon be paid by each such member.

Application of surplus.

10. The Society may make provision in its by-laws and regulations whereby such portion as shall be approved by the actuary of the Society of the surplus above all liabilities in any benefit fund may be applied to grant new or additional benefits to the members of the Society or to the remission of premiums or portions thereof.

Property fund.

11. The funds necessary for the procuring of any properties required for halls or other premises, to be used for the proper housing of the Society and its members and for the carrying on of its activities, may be expended out of the general fund or raised through special assessments or donations or in any other way that the general or special convention may direct.

Vesting of property.

12. All properties purchased with the funds of the Society shall be the property of and shall be vested in the Society as a whole and shall be administered, managed and controlled by the supreme executive.

No disposition to members.

13. No property of the Society shall, under any circumstances, pass into the private ownership of any member or members of the Society as an individual or individuals, but all such property shall be and always remain the property and estate of the Society as a whole and shall be used exclusively for the work of the Society, and to promote its objects.

Acquiring provincial society.

14. (1) The Society may acquire the whole or any part of the rights and property of any kind whatsoever belonging to the provincial society at the time when this Act comes into force and, in the event of such acquisition, the Society shall assume, perform and discharge all unperformed obligations and undischarged liabilities of the provincial society in respect to the rights and property acquired and may give any receipt or discharge in connection with any right, obligation or liability thereof.

Approval of Treasury Board.

(2) No agreement between the Society and the provincial society providing for such acquisition and assumption shall become effective until such agreement has been submitted to and approved by the Treasury Board of Canada, and such Board shall not approve the agreement if it appears to the Board that more than one-third of the members of the general convention of the provincial society, present and voting at a meeting called for the purpose of considering such agreement, are opposed to it.

Coming into force.

15. This Act shall come into force on a date to be specified by the Superintendent of Insurance in a notice published in the *Canada Gazette*, and such notice shall not be given until this Act has been approved by a resolution

adopted by at least two-thirds of the votes of the members of the general convention of the provincial society at a meeting duly called for the purpose nor until the Superintendent of Insurance has been satisfied, by such evidence as he may require, that such approval has been given and that the provincial society has ceased to do business or will cease to do business forthwith upon a certificate of registry being issued to the Society, except such business as is necessary for the fulfilment of the terms of any agreement made under the provisions of section fourteen of this Act.

16. Except as hereinbefore otherwise provided, *The Canadian and British Insurance Companies Act, 1932*, shall apply to the Society.

1932, c. 46.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL C2.

An Act for the relief of Mary Elizabeth Fletcher Meigs Ballantyne.

Read a first time, Tuesday, 10th May, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

53788

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL C2.

An Act for the relief of Mary Elizabeth Fletcher Meigs Ballantyne.

Preamble.

WHEREAS Mary Elizabeth Fletcher Meigs Ballantyne, residing at the city of Montreal, in the province of Quebec, wife of James Ross Ballantyne, broker, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifth day of February, A.D. 1930, at the said city, she then being Mary Elizabeth Fletcher Meigs, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Elizabeth Fletcher Meigs and James Ross Ballantyne, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Elizabeth Fletcher Meigs may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Ross Ballantyne had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL D².

An Act for the relief of Ada Alice Burns.

Read a first time, Tuesday, 10th May, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

51379

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL D[2].

An Act for the relief of Ada Alice Burns.

Preamble.

WHEREAS Ada Alice Burns, residing at the town of Perth, in the county of Lanark, in the province of Ontario, textile worker, wife of Joseph George Burns, weaver, who is domiciled in Canada and residing at the city of Sherbrooke, in the province of Quebec, has by her petition alleged that they were married on the twenty-first day of January, A.D. 1928, at the said city, she then being Ada Alice Thompson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ada Alice Thompson and Joseph George Burns, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ada Alice Thompson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph George Burns had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL E2.

An Act for the relief of Marjorie Isabel Meldrum Andersen.

Read a first time, Tuesday, 10th May, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

56058

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL E2.

An Act for the relief of Marjorie Isabel Meldrum Andersen.

Preamble.

WHEREAS Marjorie Isabel Meldrum Andersen, residing at the city of Windsor, in the province of Ontario, wife of Niels Aege-Aegidius Andersen, prospector, who is domiciled in Canada and residing at the town of Noranda, in the province of Quebec, has by her petition alleged that they were married on the fifteenth day of March, A.D. 1934, at the said town, she then being Marjorie Isabel Meldrum, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marjorie Isabel Meldrum and Niels Aege-Aegidius Andersen, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marjorie Isabel Meldrum may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Niels Aege-Aegidius Andersen had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL F2.

An Act for the relief of Alice Pearl Shaver Booth.

Read a first time, Tuesday, 10th May, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

54829

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL F2.

An Act for the relief of Alice Pearl Shaver Booth.

Preamble.

WHEREAS Alice Pearl Shaver Booth, residing at the city of Montreal, in the province of Quebec, practical nurse, wife of Clarence Strathcona Booth, salesman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-eighth day of June, A.D. 1929, at the said city, she then being Alice Pearl Shaver, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Alice Pearl Shaver and Clarence Strathcona Booth, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Alice Pearl Shaver may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Clarence Strathcona Booth had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL G2.

An Act for the relief of Mary Grace French Clarke.

Read a first time, Tuesday, 10th May, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

53212

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL G2.

An Act for the relief of Mary Grace French Clarke.

Preamble.

WHEREAS Mary Grace French Clarke, residing at the city of Montreal, in the province of Quebec, wife of Noel Whitfoot Clarke, accountant, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the eleventh day of January, A.D. 1930, at the city of Westmount, in the said province, she then being Mary Grace French, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Grace French and Noel Whitfoot Clarke, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Grace French may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Noel Whitfoot Clarke had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL H².

An Act for the relief of John Gerard Ahern.

Read a first time, Tuesday, 10th May, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
54005 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL H[2].

An Act for the relief of John Gerard Ahern.

Preamble.

WHEREAS John Gerard Ahern, domiciled in Canada and residing at the city of Westmount, in the province of Quebec, advocate, has by his petition alleged that on the twenty-seventh day of December, A.D. 1915, at the city of Montreal, in the said province, he and Marie Jeanne Marcil, who was then of the said city of Montreal, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between John Gerard Ahern and Marie Jeanne Marcil, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Gerard Ahern may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Jeanne Marcil had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL I[2].

An Act to incorporate The Roman Catholic Episcopal Corporation of Hudson's Bay.

Read a first time, Tuesday, 10th May, 1938.

Honourable Senator COTÉ.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

57366

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL I[2].

An Act to incorporate The Roman Catholic Episcopal Corporation of Hudson's Bay.

Preamble.

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

Incorporation.

1. The Right Reverend Arsène Turquetil and his successors, being Vicars Apostolic of the Vicariate Apostolic of Hudson's Bay in communion with the Roman Catholic Church, are incorporated under the name of "The Roman Catholic Episcopal Corporation of Hudson's Bay," and, in the French language, "La Corporation Episcopale Catholique Romaine de la Baie d'Hudson," hereinafter called "the Corporation," with all powers and privileges contained in section thirty of chapter one of the Revised Statutes of Canada, 1927.

Corporate name.

Property of corporation.

2. All lands, tenements, hereditaments and property, real and personal, now belonging to and used, held, occupied and possessed or enjoyed by the said Right Reverend Arsène Turquetil or his church, in communion with the Roman Catholic Church, or by the Corporation, and which are situate within the said Vicariate Apostolic of Hudson's Bay, are declared to be vested in the Corporation for the general uses and purposes thereof, subject however to all existing rights of property therein and to all liens and encumbrances thereon had or held by or vested in any person or body politic other than the said Right Reverend Arsène Turquetil.

Conveyances to the corporation.

3. Any person, body politic or episcopal corporation in whom or in whose name any lands, tenements or hereditaments, or other property, real or personal, are now or shall

or may be hereafter vested, in trust or otherwise, for the benefit of the Roman Catholic Church within the said Vicariate, may grant, convey, assign or transfer by deed or otherwise in the usual way according to the law of the province or district in which the same may be situate, the said lands, tenements, hereditaments and other property, real and personal, of every nature and kind whatsoever, to the Corporation, for the uses and purposes thereof, subject however to all lawful charges and liens thereon and subject also to the provisions of the laws of the respective provinces or districts wherein such property is situated.

Power to hold property.

4. The Corporation may take, hold, receive and possess any real or personal property, notes, bonds, mortgages and agreements or other obligations for the payment of money by virtue of any purchase, agreement, voluntary conveyance or of any last will or testament of any person whatsoever, subject however to the laws of the respective provinces or districts wherein such property is situated: Provided that the annual revenue of the real property held by or in trust for the Corporation shall not exceed fifty thousand dollars.

Power to alienate property.

5. The Corporation may sell, exchange, alienate, let, demise, lease or otherwise dispose of any property, real or personal belonging to or vested in the corporation and also, subject to this Act, purchase and acquire other property, real or personal, for the use and purposes of the Corporation.

Manner of alienation of property.

6. The said Vicar Apostolic of the Vicariate of Hudson's Bay for the time being may in the name of the Corporation make or execute any deed, conveyance, demise, release or assignment of the whole or any part of the real estate acquired or held by the Corporation with the consent in writing of two clergymen to be selected by the said Vicar Apostolic; and all such selections and such consent shall appear upon the face of the deed or other instrument in writing intended to be executed by the Corporation and shall be testified to by the said Vicar Apostolic and two other clergymen as aforesaid being made parties to and signing and sealing all such deeds or other instruments in writing as consenting parties thereto respectively.

Vacancy, absence or incapacity.

7. In case of any vacancy occurring in the said Vicariate or in case the Vicar Apostolic for the time being shall from absence, sickness, infirmity or any other cause become incapable or incapacitated to perform his duties in the said Vicariate, then the member of his clergy who, according to Canon Law, is selected to administer the Vicariate shall, during such vacancy, absence, sickness, infirmity or incapacity, have the same powers as are by this Act conferred upon the said Vicar Apostolic.

Act to apply to diocese.

8. Whenever the said Vicariate or any part thereof is erected into a diocese the incorporation hereby enacted shall thereupon apply to such diocese and the Bishop thereof and his successors for the time being in communion with the Roman Catholic Church shall be deemed to be and to constitute The Roman Catholic Episcopal Corporation of Hudson's Bay, or, in the French language, La Corporation Episcopale Catholique Romaine de la Baie d'Hudson, being the Corporation hereby created, and shall have and possess under the said corporate name all the powers, rights and privileges and be subject to the same restrictions and limitations in respect thereof as are contained in this Act.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL J[2].

An Act respecting The Mail Printing Company.

Read a first time, Thursday, 12th May, 1938.

Honourable Senator McGUIRE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

57695

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL J[2].

An Act respecting The Mail Printing Company.

Preamble.

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

1880, c. 73, s. 1 amended.

1. Section one of chapter seventy-three of the statutes of 1880, *An Act to incorporate The Mail Printing Company*, is amended by striking out the proviso at the end thereof and substituting the following therefor:—

Proviso.

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

Explanatory Note.

The only change proposed by this Bill is the substitution of the underlined words "one hundred thousand" for the words "thirty thousand" as they appear in the Act of 1880.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL K[2].

An Act respecting the Globe Printing Company.

Read a first time, Thursday, 12th May, 1938.

Honourable Senator McGUIRE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

57699

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL K2.

An Act respecting the Globe Printing Company.

Preamble.

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

1877, c. 84, 1911, c. 78.

1. Subsection one of section two of chapter eighty-four of the statutes of 1877, as enacted by section three of chapter seventy-eight of the statutes of 1911, is repealed and the following is substituted therefor:

Increase of capital stock.

"**2.** (1) The directors of the Company may make from time to time by-laws for increasing the capital stock of the Company to any amount, not exceeding in the whole six million dollars, which they consider requisite for the due carrying out of the objects of the Company."

Explanatory Note.

The only change proposed by this Bill is the substitution of the underlined word "six" for the word "one" as it appears in the Act of 1911.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL L[2].

An Act for the relief of Paul Sanson White.

Read a first time, Thursday, 19th May, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53787 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL L[2].

An Act for the relief of Paul Sanson White.

Preamble.

WHEREAS Paul Sanson White, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, sales manager, has by his petition alleged that on the twenty-eighth day of August, A.D. 1927, at the town of Preble, in the county of Cortland, in the state of New York, one of the United States of America, he and Helen Renton Orvis, who was then of the city of Los Angeles, in the state of California, one of the United States of America, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Paul Sanson White and Helen Renton Orvis, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Paul Sanson White may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Helen Renton Orvis had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL M[2].

An Act for the relief of Louise Maud Thomas Gregory.

Read a first time, Thursday, 19th May, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53215 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL M[2].

An Act for the relief of Louise Maud Thomas Gregory.

Preamble.

WHEREAS Louise Maud Thomas Gregory, residing at the city of Montreal, in the province of Quebec, housemaid, wife of Maurice Robert Gregory, otherwise known as Maurice Beauchamp, cook, who is domiciled in Canada and residing at the city of Sorel, in the said province of Quebec, has by her petition alleged that they were married on the fifteenth day of July, A.D. 1922, at the city of Toronto, in the province of Ontario, she then being Louise Maud Thomas, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Louise Maud Thomas and Maurice Robert Gregory, otherwise known as Maurice Beauchamp, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Louise Maud Thomas may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Maurice Robert Gregory, otherwise known as Maurice Beauchamp, had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL N².

An Act for the relief of Emma Kathleen Lavery Forester.

Read a first time, Thursday, 19th May, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
54009 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL N2.

An Act for the relief of Emma Kathleen Lavery Forester.

Preamble.

WHEREAS Emma Kathleen Lavery Forester, residing at the city of Montreal, in the province of Quebec, wife of Arthur Forester, sales manager, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eleventh day of August, A.D. 1924, at the town of Whitby, in the province of Ontario, she then being Emma Kathleen Lavery, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Emma Kathleen Lavery and Arthur Forester, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Emma Kathleen Lavery may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Arthur Forester had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL O².

An Act for the relief of Edith Margaret Campbell Quinn.

Read a first time, Thursday, 19th May, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53789 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL O2.

An Act for the relief of Edith Margaret Campbell Quinn.

Preamble.

WHEREAS Edith Margaret Campbell Quinn, residing at the city of Montreal, in the province of Quebec, wife of Ivan Andrew Quinn, real estate broker, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the seventh day of December, A.D. 1925, at the city of Westmount, in the said province, she then being Edith Margaret Campbell, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Edith Margaret Campbell and Ivan Andrew Quinn, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Edith Margaret Campbell may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ivan Andrew Quinn had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL P2.

An Act for the relief of Dorothy Maud Doran Gay.

Read a first time, Thursday, 19th May, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50778 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL P2.

An Act for the relief of Dorothy Maud Doran Gay.

Preamble.

WHEREAS Dorothy Maud Doran Gay, residing at the town of Greenfield Park, in the county of Hochelaga, in the province of Quebec, wife of Reginald Benjamin Gay, salesman, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-ninth day of August, A.D. 1918, at the said city, she then being Dorothy Maud Doran, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy Maud Doran and Reginald Benjamin Gay, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy Maud Doran may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Reginald Benjamin Gay had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Q[2].

An Act for the relief of Kathleen Barnsley Prichard Hartney.

Read a first time, Monday, 23rd May, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
51814 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Q[2].

An Act for the relief of Kathleen Barnsley Prichard Hartney.

Preamble.

WHEREAS Kathleen Barnsley Prichard Hartney, residing at the town of St. Lambert, in the county of Chambly, in the province of Quebec, wife of James Rowan Hartney, insurance broker, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the thirtieth day of June, A.D. 1933, at the said town, she then being Kathleen Barnsley Prichard, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Kathleen Barnsley Prichard and James Rowan Hartney, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Kathleen Barnsley Prichard may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Rowan Hartney had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL R².

An Act for the relief of Thomas Russell.

Read a first time, Monday, 23rd May, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
54579 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL R2.

An Act for the relief of Thomas Russell.

Preamble.

WHEREAS Thomas Russell, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, insurance clerk, has by his petition alleged that on the seventeenth day of June, A.D. 1915, at the city of Westmount, in the said province, he and Phyllis Thorne Brown, who was then of the town of Brockville, in the province of Ontario, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Thomas Russell and Phyllis Thorne Brown, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Thomas Russell may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Phyllis Thorne Brown had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL S[2].

An Act for the relief of Marie Marguerite Agnès Marcelle Dupont Ross.

Read a first time, Monday, 23rd May, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53214 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL S2.

An Act for the relief of Marie Marguerite Agnès Marcelle Dupont Ross.

Preamble.

WHEREAS Marie Marguerite Agnès Marcelle Dupont Ross, residing at the city of Montreal, in the province of Quebec, translator, wife of John Wardrop Ross, junior, accountant, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifteenth day of May, A.D. 1937, at the said city, she then being Marie Marguerite Agnès Marcelle Dupont, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marie Marguerite Agnès Marcelle Dupont and John Wardrop Ross, junior, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marie Marguerite Agnès Marcelle Dupont may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Wardrop Ross, junior, had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL T[2].

An Act for the relief of Wilfred Augustus Cottle Stead.

Read a first time, Monday, 23rd May, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53213 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL T[2].

An Act for the relief of Wilfred Augustus Cottle Stead.

Preamble.

WHEREAS Wilfred Augustus Cottle Stead, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, hotel manager, has by his petition alleged that on the nineteenth day of April, A.D. 1912, at the city of Saskatoon, in the province of Saskatchewan, he and Elsie May Wilkinson, who was then of the said city of Saskatoon, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Wilfred Augustus Cottle Stead and Elsie May Wilkinson, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Wilfred Augustus Cottle Stead may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Elsie May Wilkinson had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL U2.

An Act for the relief of Celia Caplan Tucker.

Read a first time, Monday, 23rd May, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
57801 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL U2.

An Act for the relief of Celia Caplan Tucker.

Preamble.

WHEREAS Celia Caplan Tucker, residing at the city of Montreal, in the province of Quebec, book-keeper and stenographer, wife of Louis Tucker, poultry dealer, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifth day of October, A.D. 1930, at the said city, she then being Celia Caplan, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Celia Caplan and Louis Tucker, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Celia Caplan may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Louis Tucker had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL V2.

An Act for the relief of Irene Thomas Smith.

Read a first time, Wednesday, 25th May, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
54238 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL V2.

An Act for the relief of Irene Thomas Smith.

Preamble.

WHEREAS Irene Thomas Smith, residing at the city of Montreal, in the province of Quebec, hospital maid, wife of Cecil Edmund Smith, accountant, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-seventh day of September, A.D. 1930, at the said city, she then being Irene Thomas, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Irene Thomas and Cecil Edmund Smith, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Irene Thomas may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Cecil Edmund Smith had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL W2.

An Act for the relief of Sylvia Salzman Udashkin.

Read a first time, Wednesday, 25th May, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

50786

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL W2.

An Act for the relief of Sylvia Salzman Udashkin.

Preamble.

WHEREAS Sylvia Salzman Udashkin, residing at the city of Montreal, in the province of Quebec, wife of Louis Udashkin, butcher, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the twenty-first day of December, A.D. 1925, at the city of Philadelphia, in the state of Pennsylvania, one of the United States of America, she then being Sylvia Salzman, a spinster; that on the twenty-fourth day of January, A.D. 1926, at the said city of Philadelphia they were married again; that during the year A.D. 1937, the said Louis Udashkin committed adultery; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage or marriages with the said Louis Udashkin; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriages dissolved.

1. The said marriage or marriages between Sylvia Salzman and Louis Udashkin, her husband, are, respectively, hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Sylvia Salzman may at any time hereafter marry any man whom she might lawfully marry if the said marriage or marriages with the said Louis Udashkin had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL X[2].

An Act for the relief of William Dougald Stanley Campbell.

Read a first time, Wednesday, 25th May, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
55068 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL X[2].

An Act for the relief of William Dougald Stanley Campbell.

Preamble.

WHEREAS William Dougald Stanley Campbell, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, stock broker, has by his petition alleged that on the twelfth day of October, A.D. 1929, at the city of Westmount, in the said province, he and Idella Marie Lippert, who was then of the town of Saint Jèréme, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between William Dougald Stanley Campbell and Idella Marie Lippert, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said William Dougald Stanley Campbell may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Idella Marie Lippert had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Y².

An Act for the relief of Mildred Varner MacLeod.

Read a first time, Wednesday, 25th May, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

54284

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Y2.

An Act for the relief of Mildred Varner MacLeod.

Preamble.

WHEREAS Mildred Varner MacLeod, residing at the town of Summerside, in the county of Prince, in the province of Prince Edward Island, wife of Neil MacLeod, automobile salesman, who is domiciled in Canada and formerly resided at the said town, has by her petition alleged that they were married on the seventh day of January, A.D. 1930, at the said town, she then being Mildred Varner Muttart, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mildred Varner Muttart and Neil MacLeod, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mildred Varner Muttart may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Neil MacLeod had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Z².

An Act to incorporate International Highway Forwarders.

Read a first time, Tuesday, 31st May, 1938.

Honourable Senator LITTLE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
59124 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Z2.

An Act to incorporate International Highway Forwarders.

Preamble.

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

Incorporation.

1. Harold Hamilton Leather, transportation operator, of the city of Hamilton in the county of Wentworth and province of Ontario; Donald Alexander MacIntosh, insurance broker, of the city of Toronto in the county of York and province of Ontario; Armand Dudley Corelli, transportation consultant, of the city of Toronto in the county of York and province of Ontario; Joseph Isaac Chitwood, accountant, of the city of Detroit in the state of Michigan, one of the United States of America, and William John Scheel, accountant, of the city of Buffalo in the state of New York, one of the United States of America, together with such persons as become shareholders of the Company, are hereby incorporated under the name of "International Highway Forwarders," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Capital stock.

3. The capital stock of the Company shall be five hundred thousand dollars divided into two thousand five hundred shares of six per centum redeemable preferred stock of a par value of one hundred dollars each and two thousand five hundred shares of common stock of a par value of one hundred dollars each.

Head office.

4. The head office of the Company shall be in the city of St. Thomas in the province of Ontario.

Powers.

5. (1) Subject to the proviso at the end of this subsection, the Company may transport in bond, by motor vehicle, merchandise received from any United States motor carrier duly licensed by the Interstate Commerce Commission, in transit from Buffalo in the state of New York in the United States of America to Detroit in the state of Michigan in the United States of America, and from Detroit in the state of Michigan in the United States of America to Buffalo in the state of New York in the United States of America, through the customs port at or near the town of Fort Erie in the province of Ontario and through the customs port at or near the city of Windsor in the province of Ontario, as to the whole *via* the highway at present designated as the King's Highway Number Three in the province of Ontario, subject to any detour ordered by the Department of Highways for the province of Ontario on any portion of the said King's Highway Number Three, and as to the whole notwithstanding anything in the *Customs Act* and without payment of customs duties in Canada upon such merchandise so received and upon the same terms and conditions as are at present enjoyed by railway companies in Canada: Provided always that the Company shall, after the passing of this Act, have been granted by, and shall at all material times have and hold from, the province of Ontario authority to operate the motor vehicles of the Company *via* that King's Highway in the province of Ontario which is at present designated as Route Number Three.

(2) The Company may purchase or otherwise acquire the undertaking of any other company or corporation having objects altogether or in part similar to those of the Company, and it may acquire and exercise such of the rights and powers of the purchased or acquired company or corporation as are not in excess of or not in conflict with the rights and powers of the Company.

Bond to be delivered.

6. The Company, before being permitted to manifest goods in bond, shall enter into and deliver to the Minister of National Revenue a general bond of a guarantee company acceptable to that Minister in the penal sum of eighty thousand dollars conditioned for the due and faithful observance of all requirements of the *Customs Act* and all regulations made thereunder.

Purchasing in Canada.

7. All motor vehicles used for highway transportation by the Company, other than those required for the transport of automobiles, shall be purchased in Canada; all gasoline, oils and other petroleum products used in connection with the operation of any of the said motor vehicles shall be purchased from Canadian refiners; all tires used on the said

motor vehicles shall be of Canadian manufacture; the operators of all of the said motor vehicles shall be Canadian nationals resident in the Dominion of Canada.

Insurance.

8. All motor vehicles operated by the Company shall be covered by insurance extending to public liability, fire, theft, damage to property and collision; all cargo transported shall also be covered by insurance to the amount of the value of the cargo.

Motor vehicles to be approved.

9. All motor vehicles used by the Company shall be subject to the approval of the Minister of National Revenue and shall, as well, conform to the requirements of the Highway Traffic Act of the province of Ontario as from time to time revised, consolidated or amended.

Number of directors.

10. The number of directors of the Company shall be not less than five nor more than nine.

Application of Companies Act, 1934, c. 33.

11. Except where inconsistent with the provisions of this Act *The Companies Act, 1934*, shall apply to the Company as if the Company had been incorporated under that Act.

Borrowing powers.

12. (1) If authorized by by-law sanctioned by a vote of not less than two-thirds in value of the subscribed stock of the Company represented at a general meeting duly called for considering the by-law, the directors may from time to time:—

(a) borrow money upon the credit of the Company;

(b) limit or increase the amount to be borrowed;

(c) hypothecate, mortgage or pledge the real or personal property of the Company, or both, to secure the payment of any money borrowed for the purposes of the Company;

(d) borrow money upon the security of the rolling stock and equipment of the Company, the repayment of which may be secured by the issue of equipment trust certificates.

(2) Nothing in this section contained shall limit or restrict the power of the Company to borrow money on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Company.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL A3.

An Act for the relief of Frank Roy Hedges.

Read a first time, Monday, 6th June, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

53217

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL A3.

An Act for the relief of Frank Roy Hedges.

Preamble.

WHEREAS Frank Roy Hedges, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, importer, has by his petition alleged that on the twenty-fourth day of July, A.D. 1928, at the city of Saint John, in the province of New Brunswick, he and Lillian Pearl Lawrence, who was then of the said city of Saint John, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Frank Roy Hedges and Lillian Pearl Lawrence, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Frank Roy Hedges may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Lillian Pearl Lawrence had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL B[3].

An Act for the relief of Jessie Fields Chambers Henry.

Read a first time, Monday, 6th June, 1938.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
55275 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL B3.

An Act for the relief of Jessie Fields Chambers Henry.

Preamble.

WHEREAS Jessie Fields Chambers Henry, residing at the village of Chateauguay Basin, in the district of Beauharnois, in the province of Quebec, waitress, wife of Stanley Lawson Henry, station operator, who is domiciled in Canada and residing at the city of Quebec, in the said province, has by her petition alleged that they were married on the nineteenth day of October, A.D. 1933, at the city of Montreal, in the said province, she then being Jessie Fields Chambers, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jessie Fields Chambers and Stanley Lawson Henry, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jessie Fields Chambers may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Stanley Lawson Henry had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL C3.

An Act for the relief of Marguerite Oldham Jamieson Macdonald.

Read a first time, Monday, 6th June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

54833

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL C3.

An Act for the relief of Marguerite Oldham Jamieson Macdonald.

Preamble.

WHEREAS Marguerite Oldham Jamieson Macdonald, residing at the city of Westmount, in the province of Quebec, clerk, wife of Douglas Ogilvie Macdonald, physician, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the ninth day of October, A.D. 1925, at the said city of Montreal, she then being Marguerite Oldham Jamieson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marguerite Oldham Jamieson and Douglas Ogilvie Macdonald, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marguerite Oldham Jamieson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Douglas Ogilvie Macdonald had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL D[3].

An Act for the relief of Ida Hillman Livermore Woodall.

Read a first time, Monday, 6th June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

54577

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL D3.

An Act for the relief of Ida Hillman Livermore Woodall.

Preamble.

WHEREAS Ida Hillman Livermore Woodall, residing at the city of Montreal, in the province of Quebec, wife of William Thomas Woodall, accountant, who is domiciled in Canada and residing at the said city, has by her petition alleged that the were married on the seventeenth day of December, A.D. 1919, at the said city, she then being Ida Hillman Livermore, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ida Hillman Livermore and William Thomas Woodall, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ida Hillman Livermore may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Thomas Woodall had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL E3.

An Act for the relief of Gabrielle Rachel Cécile Pelissier de Kermeno de Gouzillon.

Read a first time, Monday, 6th June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

53216

3rd Session. 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL E[3].

An Act for the relief of Gabrielle Rachel Cécile Pelissier de Kermeno de Gouzillon.

Preamble.

WHEREAS Gabrielle Rachel Cécile Pelissier de Kermeno de Gouzillon, residing at the city of Montreal, in the province of Quebec, saleswoman, wife of Maurice de Gouzillon, manufacturer, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the nineteenth day of September, A.D. 1922, at the said city, she then being Gabrielle Rachel Cécile Pelissier de Kermeno, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Gabrielle Rachel Cécile Pelissier de Kermeno and Maurice de Gouzillon, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Gabrielle Rachel Cécile Pelissier de Kermeno may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Maurice de Gouzillon had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL F3.

An Act for the relief of Millicent Barbeau Edmondson.

Read a first time, Monday, 6th June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53786 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL F[3].

An Act for the relief of Millicent Barbeau Edmondson.

Preamble.

WHEREAS Millicent Barbeau Edmondson, residing at the city of Montreal, in the province of Quebec, book-keeper, wife of James Leo Edmondson, insurance agent, who is domiciled in Canada and formerly resided at the said city, has by her petition alleged that they were married on the fifteenth day of September, A.D. 1926, at the said city, she then being Millicent Barbeau, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Millicent Barbeau and James Leo Edmondson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Millicent Barbeau may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Leo Edmondson had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL G[3].

An Act for the relief of Théodore Charles Grothé.

Read a first time, Monday, 6th June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
57374 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL G3.

An Act for the relief of Théodore Charles Grothé.

Preamble.

WHEREAS Théodore Charles Grothé, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, manufacturer, has by his petition alleged that on the sixteenth day of May, A.D. 1899, at the said city, he and Marie Alphonsine Fébronie Pauzé who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Théodore Charles Grothé and Marie Alphonsine Fébronie Pauzé, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Théodore Charles Grothé, may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Alphonsine Fébronie Pauzé had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL H[3].

An Act for the relief of Stella Maude Lash Dawes.

Read a first time, Thursday, 9th June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53210 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL H3.

An Act for the relief of Stella Maude Lash Dawes.

Preamble.

WHEREAS Stella Maude Lash Dawes, residing at the city of Montreal, in the province of Quebec, wife of Kenneth Thomas Dawes, sales manager, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the twentieth day of April, A.D. 1912, at the city of Toronto, in the province of Ontario, she then being Stella Maude Lash, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Stella Maude Lash and Kenneth Thomas Dawes, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Stella Maude Lash may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Kenneth Thomas Dawes had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL I[3].

An Act for the relief of Elizabeth Dubnitsky, otherwise known as Elizabeth Dubney.

Read a first time, Thursday, 9th June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53649 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL I[3].

An Act for the relief of Elizabeth Dubnitsky, otherwise known as Elizabeth Dubney.

Preamble.

WHEREAS Elizabeth Dubnitsky, otherwise known as Elizabeth Dubney, residing at the city of Westmount, in the province of Quebec, wife of Joseph Dubnitsky, otherwise known as Joseph Dubney, insurance agent, who is domiciled in Canada and residing at the city of Quebec, in the said province, has by her petition alleged that they were married on the thirtieth day of June, A.D. 1925, at the city of Montreal, in the said province, she then being Elizabeth Schwartz, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Elizabeth Schwartz and Joseph Dubnitsky, otherwise known as Joseph Dubney, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Elizabeth Schwartz may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Dubnitsky, otherwise known as Joseph Dubney, had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL J[3].

An Act for the relief of Harry Roth.

Read a first time, Thursday, 9th June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
50788 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL J3.

An Act for the relief of Harry Roth.

Preamble.

WHEREAS Harry Roth, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, tailor, has by his petition alleged that on the fifteenth day of August, A.D. 1914, at the said city, he and Annie Hymovitch, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Harry Roth and Annie Hymovitch, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Harry Roth may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Annie Hymovitch had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL K[3].

An Act for the relief of Marjorie Ruth Nicholson Lowe.

Read a first time, Wednesday, 15th June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELENT MAJESTY
57803 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL K[3].

An Act for the relief of Marjorie Ruth Nicholson Lowe.

Preamble.

WHEREAS Marjorie Ruth Nicholson Lowe, residing at the city of Montreal, in the province of Quebec, wife of James Moore Lowe, superintendent, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the third day of September, A.D. 1919, in the parish of Cloughton, in the county of York, England, she then being Marjorie Ruth Nicholson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marjorie Ruth Nicholson and James Moore Lowe, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marjorie Ruth Nicholson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Moore Lowe had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL L[3].

An Act for the relief of Anna Vereszczak Finchuk.

Read a first time, Wednesday, 15th June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

57802

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL L[3].

An Act for th relief of Anna Vereszczak Finchuk.

Preamble.

WHEREAS Anna Vereszczak Finchuk, residing at the city of Montreal, in the province of Quebec, grocer's clerk, wife of Ivan Finchuk, labourer, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the first day of February, A.D. 1930, at the city of Winnipeg, in the province of Manitoba, she then being Anna Vereszczak, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Anna Vereszczak and Ivan Finchuk, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Anna Vereszczak may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ivan Finchuk had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL M3.

An Act for the relief of Aldège Nault.

Read a first time, Tuesday, 21st June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
57804 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL M3.

An Act for the relief of Aldège Nault.

Preamble.

WHEREAS Aldège Nault, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, interior decorator, has by his petition alleged that on the fourth day of February, A.D. 1924, at the town of Chelmsford, in the province of Ontario, he and Marie Rose Eva Brousseau, who was then of the said town, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Aldège Nault and Marie Rose Eva Brousseau, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Aldège Nault may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Rose Eva Brousseau had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL N3.

An Act for the relief of Muriel Gladys Jones Roberts.

Read a first time, Tuesday, 21st June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
55146 1938

3rd Session, 18th Parliament, 2nd George VI, 1938.

THE SENATE OF CANADA

BILL N3.

An Act for the relief of Muriel Gladys Jones Roberts.

Preamble.

WHEREAS Muriel Gladys Jones Roberts, residing at the city of Toronto, in the province of Ontario, domestic servant, wife of Gordon Thomas Roberts, mill-hand, who is domiciled in Canada and residing at the village of Little Gaspé, in the county of Gaspé, in the province of Quebec, has by her petition alleged that they were married on the twenty-eighth day of June, A.D. 1922, at the said village, she then being Muriel Gladys Jones, a spinster; and whereas by her petition she has prayed that, because of his adultery, since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Muriel Gladys Jones and Gordon Thomas Roberts, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Muriel Gladys Jones may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Gordon Thomas Roberts had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL O³.

An Act for the relief of Virginia Amelia Loomis Wadsworth.

Read a first time, Tuesday, 21st June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53318 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL O[3].

An Act for the relief of Virginia Amelia Loomis Wadsworth.

Preamble.

WHEREAS Virginia Amelia Loomis Wadsworth, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Charles Frederick Wadsworth, stock salesman, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the second day of October, A.D. 1926, at the city of Sherbrooke, in the district of Saint Francis, in the said province, she then being Virginia Amelia Loomis, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Virginia Amelia Loomis and Charles Frederick Wadsworth, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Virginia Amelia Loomis may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Frederick Wadsworth had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL P3.

An Act for the relief of Jennie Erdrich Ettenberg.

Read a first time, Tuesday, 21st June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53211 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL P3.

An Act for the relief of Jennie Erdrich Ettenberg.

Preamble.

WHEREAS Jennie Erdrich Ettenberg, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Bernard Robert Ettenberg, manufacturer, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirtieth day of October, A.D. 1932, at the said city, she then being Jennie Erdrich, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jennie Erdrich and Bernard Robert Ettenberg, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jennie Erdrich may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Bernard Robert Ettenberg had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Q[3].

An Act for the relief of Thomas McDade.

Read a first time, Thursday, 23rd June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
57228 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL Q3.

An Act for the relief of Thomas McDade.

Preamble.

WHEREAS Thomas McDade, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, caretaker, has by his petition alleged that on the tenth day of February, A.D. 1919, at the city of Saint John, in the province of New Brunswick, he and Mary Hawkes, who was then of the said city of Saint John, a spinster, were married; that on the fourth day of December, A.D. 1919, at the said city of Montreal, they were married again; that during the year A.D. 1928, the said Mary Hawkes committed adultery; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage or marriages with the said Mary Hawkes; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage or marriages between Thomas McDade and Mary Hawkes, his wife, are, respectively, hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Thomas McDade may at any time hereafter marry any woman whom he might lawfully marry if the said marriage or marriages with the said Mary Hawkes had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL R[3].

An Act for the relief of Isabel Bovill Clarke.

Read a first time, Thursday, 23rd June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE. I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
60240 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL R3.

An Act for the relief of Isabel Bovill Clarke.

Preamble.

WHEREAS Isabel Bovill Clarke, residing at the city of Montreal, in the province of Quebec, wife of Harry Dickson Clarke, musician, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the seventh day of November, A.D. 1930, at the city of Verdun, in the said province, she then being Isabel Bovill, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Isabel Bovill and Harry Dickson Clarke, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Isabel Bovill may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Harry Dickson Clarke had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL S[3].

An Act for the relief of Bessie Goldberg Katz.

Read a first time, Thursday, 23rd June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

54578

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL S3.

An Act for the relief of Bessie Goldberg Katz.

Preamble.

WHEREAS Bessie Goldberg Katz, residing at the city of Montreal, in the province of Quebec, sales clerk, wife of Jack Katz, merchant, who is domiciled in Canada and residing at the city of Outremont, in the said province, has by her petition alleged that they were married on the thirtieth day of December, A.D. 1933, at the said city of Montreal, she then being Bessie Goldberg, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Bessie Goldberg and Jack Katz, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Bessie Goldberg may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Jack Katz had not been solemnized.

Third Session, Eighteenth Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL T3.

An Act for the relief of Eric Thomas Robert Kinney.

Read a first time, Thursday, 23rd June, 1938.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
57805 1938

3rd Session, 18th Parliament, 2 George VI, 1938.

THE SENATE OF CANADA

BILL T[3].

An Act for the relief of Eric Thomas Robert Kinney.

Preamble.

WHEREAS Eric Thomas Robert Kinney, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, insurance inspector, has by his petition alleged that on the ninth day of September, A.D. 1926, at the said city, he and Mary Hannah Donnelly, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eric Thomas Robert Kinney and Mary Hannah Donnelly, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eric Thomas Robert Kinney may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Mary Hannah Donnelly had not been solemnized.