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LIST OF ACTS

2888

SESSION 1935

SIXTH SESSION, SEVENTEENTH PARLIAMENT, 25-26 GEORGE V, 1935

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73.	Bennett, Eva	H2
74.	Bennett, Mary Wynifred Bayford	C
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78.	Campbell, Dora Eleanor Mathieson	T2
79.	Dafoe, Minnie Elizabeth Lyons	E
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88.	Kinnon, Maria Elphinstone Hastie	L
89.	Ley, John Henry	O
90.	McCabe, Nora Ellen Moore	X
91.	McCaffrey, Marie Philomene Florence Maher	I
92.	McGuire, Charles Michael	W
93.	McIntyre, Lillian Gurden	D
94.	Muttart, Muriel Mabel	F2
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97.	Rice, Isabelle Hume Sadlier	T
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99.	Stokolsky, Emma Gelfman Goldman	P
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72.	Aronoff, Bay Leipman	H
73.	Bennett, Eva	H2
74.	Bennett, Mary Winifred Bayford	C
75.	Bradshaw, Agnes Mabel Potter	N
76.	Bruker, Lily Gebendl	O2
77.	Campbell, Charles Henry	K
78.	Campbell, Dora Eleanor Mathieson	L2
79.	Dale, Minnie Elizabeth Lyons	E
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82.	Eardley-Wilmot, Trevor	C2
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84.	Gauthier, Mary Frances Isobel Brown	U
85.	Gorman, Amy May Wolfe	V
86.	Herfeld, Jean Tegart	I2
87.	Henderson, Stuart Lewis Ralph	J
88.	Kinnon, Maria Philomene Hardie	L
89.	Lay, John Henry	O
90.	McCabe, Nora Ellen Moore	K
91.	McCaffrey, Maria Philomene Florence Maher	I
92.	McGuire, Charles Michael	W
93.	McIntyre, Lillian Gordon	D
94.	Mattson, Marie) Mabel	P2
95.	Nicholson, Mary Elizabeth Taylor	K2
96.	Nordby, Ethel Zella Calloy	N
97.	Pike, Isabella Hume Sadler	T
98.	Sonny, Hilder Emilia Hill	Y
99.	Sokolsky, Emma Gellman Goldman	P
100.	Weeks, Gladys Sarah Jenkinson	J2
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Sixth Session, Seventeenth Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 2.

An Act to amend the Precious Metals Marking Act, 1928

First reading, January 23, 1935.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
91332 1935

6th Session, 17th Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 2.

An Act to amend the Precious Metals Marking Act, 1928.

R.S., c. 84; 1928, c. 40; 1929, c. 53; 1934, c. 14.

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

1. The *Precious Metals Marking Act, 1928*, chapter eighty-four of the Revised Statutes of Canada, 1927, as amended by chapter forty of the statutes of 1928, chapter fifty-three of the statutes of 1929, and by chapter fourteen of the statutes of 1934, is further amended by repealing paragraph *(i)* of section two of the said Act, as enacted by section two of chapter fourteen of the statutes of 1934, and substituting the following therefor:—

"Mount"

'*(i)* "mount' means any part, other than the plating of silver, of an article of silver plated ware attached to the body of the article."

2. Paragraph *(d)* of subsection four of section ten of the said Act, as enacted by section six of chapter fourteen of the statutes of 1934, is repealed, and the following is substituted therefor:—

"Sheffield Reproduction".

"*(d)* The words 'Sheffield Reproduction' to any articles silver plated on a nickel or pure copper base having a soldered-on decorative or plain border, such border and any mounts being of silver, nickel or copper, solid, or filled."

3. Subsection three of section twelve of the said Act, as enacted by section ten of chapter fourteen of the statutes of 1934, is repealed, and the following is substituted therefor:—

Marks "B.M." and "W.M."

"(3) The letters 'B.M.' or 'W.M.' shall not be applied to any article within the purview of section eleven or section 11A of this Act of the relative material of which tin does not comprise ninety per cent. When the base of inferior

EXPLANATORY NOTES.

1. Owing to changing manufacturing conditions, some manufacturers were not complying with the intention of the section and were stamping a design on the border of an article and claiming it was applied. The purpose of the paragraph was that a mount proper should be raised upon the body of the article. The paragraph to be repealed and re-enacted reads as follows:—

"*(i)* 'mount' means any part, other than the plating of silver, of an article of silver plated ware applied or attached to the body of the article."

The words "applied or" in the second line are eliminated.

2. Owing to the recent and increasing demand by the buying public for articles in silver plated hollow ware that are a reproduction of the Old Sheffield Plate, some manufacturers were making articles with metals complying with the paragraph to be repealed and re-enacted as amended, with what might be termed a mount stamped on, and others with just rolling the edge. Now it is proposed that, before the words "Sheffield Reproduction" can be used, the article must have a raised decorative or plain border. This raises the standard of this class of merchandise and protects the buying public.

The paragraph to be repealed and re-enacted reads as follows:—

"*(d)* The words 'Sheffield Reproduction' to any article silver plated on a nickel or pure copper base with mounts of silver, nickel or copper solid or filled."

The amendment is indicated by the underlined words in the Bill.

3. Provision is made in section 11 (9) of the existing Act to take care of metal that does not come up to the requirements of what is known to the Trade as hard metal, viz., Nickel Silver, in that the word Brass is used. It is now proposed to do the same thing for soft metal goods, viz., Britannia Metal. By stamping the name of the metal on the base of an article on which silver has been deposited the buying public are further protected. They know what they are buying; also the cost of a metal may enter into the manufacturing of the article. Therefore, provision should be made for the use of a cheaper metal if the manufacturer wishes to use it.

Subsection (3) of section 12, to be repealed and re-enacted, reads as follows:—

"(3) the letters 'B.M.' or 'W.M.' shall not be applied to any article within the purview of section 11 or section 11A of this Act of the relative material of which tin does not comprise ninety per cent."

The amendment consists of the words added to the subsection, as indicated in the Bill.

metal upon which a plating of silver is deposited contains less than ninety per cent of pure tin, then the predominating metal with no abbreviation must be legibly and conspicuously stamped on the article, in conjunction with the registered trade mark."

4. The said Act is amended by inserting the following section immediately after section fifteen thereof:—

Limitation of time for complaint.

"**15**A. Section eleven hundred and forty-two of the *Criminal Code* shall not apply to any proceedings in respect of any offence under this Act."

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

Certificate of Master or assayer of Royal Mint to be evidence of facts stated in certificate.

"**18.** In any prosecution under this Act, a certificate signed or purporting to be signed by the Master or any assayer of the Royal Canadian Mint of assay of any article, shall be *prima facie* evidence in any court of the facts stated in such certificate and shall be conclusive evidence in any court of the authority of the person making the same without any proof of appointment or signature."

4. This is designed to extend the present limitation of six months for prosecution under the statute. The necessity for section 4 is that in many cases a much longer period may elapse before discovery is made that there has been a violation of the Act. Under section 1142 of the Criminal Code of Canada a limitation of six months is made on any offence punishable on summary conviction. A manufacturer or dealer may knowingly be guilty of a contravention of the Act, and in the matter of jewelery a longer time than six months may elapse before the contravention would be discovered.

5. In section eighteen it is deemed necessary to alter the present provisions as to acceptance of assay certificates to provide for the acceptance of official assays being admitted without question.

The section to be repealed, and for which the new section is substituted, reads as follows:—

"**18.** An official certificate by the Ottawa Branch of the Royal Mint or by any Dominion Government assay office in Canada that any article to which this Act applies has been assayed by such office shall be *prima facie* evidence that the ingredients and quantities stated by the certificate to be contained in the article are contained therein, and in all legal proceedings had in pursuance of this Act shall be receivable as evidence of the facts set forth in the certificate."

Sixth Session, Seventeenth Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 2.

An Act to amend the Precious Metals Marking Act, 1928

AS PASSED BY THE HOUSE OF COMMONS,
5th FEBRUARY, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
91334 1935

6th Session, 17th Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA

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An Act to amend the Precious Metals Marking Act, 1928.

R.S., c. 84; 1928, c. 40; 1929, c. 53; 1934, c. 14.

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

1. The *Precious Metals Marking Act, 1928*, chapter eighty-four of the Revised Statutes of Canada, 1927, as amended by chapter forty of the statutes of 1928, chapter fifty-three of the statutes of 1929, and by chapter fourteen of the statutes of 1934, is further amended by repealing paragraph *(i)* of section two of the said Act, as enacted by section two of chapter fourteen of the statutes of 1934, and substituting the following therefor:—

"Mount"

"*(i)* 'mount' means any part, other than the plating of silver, of an article of silver plated ware attached to the body of the article."

2. Paragraph *(d)* of subsection four of section ten of the said Act, as enacted by section six of chapter fourteen of the statutes of 1934, is repealed, and the following is substituted therefor:—

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"*(d)* The words 'Sheffield Reproduction' to any articles silver plated on a nickel or pure copper base having a soldered-on decorative or plain border, such border and any mounts being of silver, nickel or copper, solid, or filled."

3. Subsection three of section twelve of the said Act, as enacted by section ten of chapter fourteen of the statutes of 1934, is repealed, and the following is substituted therefor:—

Marks "B.M." and "W.M."

"(3) The letters 'B.M.' or 'W.M.' shall not be applied to any article within the purview of section eleven or section 11A of this Act of the relative material of which tin does not comprise ninety per cent. When the base of inferior

1. Owing to changing manufacturing conditions, some manufacturers were not complying with the intention of the section and were stamping a design on the border of an article and claiming it was applied. The purpose of the paragraph was that a mount proper should be raised upon the body of the article. The paragraph to be repealed and re-enacted reads as follows:—

"*(i)* 'mount' means any part, other than the plating of silver, of an article of silver plated ware applied or attached to the body of the article."

The words "applied or" in the second line are eliminated.

2. Owing to the recent and increasing demand by the buying public for articles in silver plated hollow ware that are a reproduction of the Old Sheffield Plate, some manufacturers were making articles with metals complying with the paragraph to be repealed and re-enacted as amended, with what might be termed a mount stamped on, and others with just rolling the edge. Now it is proposed that, before the words "Sheffield Reproduction" can be used, the article must have a raised decorative or plain border. This raises the standard of this class of merchandise and protects the buying public.

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"*(d)* The words 'Sheffield Reproduction' to any article silver plated on a nickel or pure copper base with mounts of silver, nickel or copper solid or filled."

The amendment is indicated by the underlined words in the Bill.

3. Provision is made in section 11 (9) of the existing Act to take care of metal that does not come up to the requirements of what is known to the Trade as hard metal, viz., Nickel Silver, in that the word Brass is used. It is now proposed to do the same thing for soft metal goods, viz., Britannia Metal. By stamping the name of the metal on the base of an article on which silver has been deposited the buying public are further protected. They know what they are buying; also the cost of a metal may enter into the manufacturing of the article. Therefore, provision should be made for the use of a cheaper metal if the manufacturer wishes to use it.

Subsection (3) of section 12, to be repealed and re-enacted, reads as follows:—

"(3) the letters 'B.M.' or 'W.M.' shall not be applied to any article within the purview of section 11 or section 11A of this Act of the relative material of which tin does not comprise ninety per cent."

The amendment consists of the words added to the subsection, as indicated in the Bill.

metal upon which a plating of silver is deposited contains less than ninety per cent of pure tin, then the predominating metal with no abbreviation must be legibly and conspicuously stamped on the article, in conjunction with the registered trade mark."

4. The said Act is amended by inserting the following section immediately after section fifteen thereof:—

Limitation of time for complaint.

"**15A.** Section eleven hundred and forty-two of the *Criminal Code* shall not apply to any proceedings in respect of any offence under this Act."

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

Certificate of Master or assayer of Royal Mint to be evidence of facts stated in certificate.

"**18.** In any prosecution under this Act, a certificate signed or purporting to be signed by the Master or any assayer of the Royal Canadian Mint of assay of any article, shall be *prima facie* evidence in any court of the facts stated in such certificate and shall be conclusive evidence in any court of the authority of the person making the same without any proof of appointment or signature."

4. This is designed to extend the present limitation of six months for prosecution under the statute. The necessity for section 4 is that in many cases a much longer period may elapse before discovery is made that there has been a violation of the Act. Under section 1142 of the Criminal Code of Canada a limitation of six months is made on any offence punishable on summary conviction. A manufacturer or dealer may knowingly be guilty of a contravention of the Act, and in the matter of jewelery a longer time than six months may elapse before the contravention would be discovered.

5. In section eighteen it is deemed necessary to alter the present provisions as to acceptance of assay certificates to provide for the acceptance of official assays being admitted without question.

The section to be repealed, and for which the new section is substituted, reads as follows:—

"**18.** An official certificate by the Ottawa Branch of the Royal Mint or by any Dominion Government assay office in Canada that any article to which this Act applies has been assayed by such office shall be *prima facie* evidence that the ingredients and quantities stated by the certificate to be contained in the article are contained therein, and in all legal proceedings had in pursuance of this Act shall be receivable as evidence of the facts set forth in the certificate."

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to amend the Interpretation Act.

First reading, January 23, 1935.

THE MINISTER OF JUSTICE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
91654 1935

6th Session, 17th Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to amend the Interpretation Act.

R.S., c. 1; 1931. c. 36.

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

Definitions.

1. Paragraph eleven of section thirty-seven of the *Interpretation Act*, chapter one of the Revised Statutes of Canada, 1927, is repealed, and the following is substituted therefor:—

"Holiday."

"(11) 'holiday' includes Sundays, New Year's Day, the Epiphany, Good Friday, the Ascension, All Saints' Day, Conception Day, Easter Monday, Ash Wednesday, Christmas Day, the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning sovereign, Victoria Day, Dominion Day, the first Monday in September, designated Labour Day, Remembrance Day, and any day appointed by proclamation for a general fast or thanksgiving;"

Explanatory Notes.

1. Paragraph (11) of section 37 at present reads as follows:—

"(11) 'holiday' includes Sundays, New Year's Day, the Epiphany, Good Friday, the Ascension, All Saints' Day, Conception Day, Easter Monday, Ash Wednesday, Christmas Day, the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning sovereign, Victoria Day, Dominion Day, the first Monday in September, designated Labour Day, Armistice Day, and any day appointed by proclamation for a general fast or thanksgiving;"

The purpose of this amendment is to make "Armistice Day," where the words appear in the second last line of the paragraph, read "Remembrance Day," to conform with the provisions of section 2, chapter 4, of the statutes of 1931.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to amend the Interpretation Act.

AS PASSED BY THE HOUSE OF COMMONS,
29th JANUARY, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
91660 1935

6th Session, 17th Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to amend the Interpretation Act.

R.S., c. 1; 1931, c. 36.

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

Definitions.

1. Paragraph eleven of section thirty-seven of the *Interpretation Act*, chapter one of the Revised Statutes of Canada, 1927, is repealed, and the following is substituted therefor:—

"Holiday."

"(11) 'holiday' includes Sundays, New Year's Day, the Epiphany, Good Friday, the Ascension, All Saints' Day, Conception Day, Easter Monday, Ash Wednesday, Christmas Day, the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning sovereign, Victoria Day, Dominion Day, the first Monday in September, designated Labour Day, Remembrance Day, and any day appointed by proclamation for a general fast or thanksgiving;"

Explanatory Notes.

1. Paragraph (11) of section 37 at present reads as follows:—

"(11) 'holiday' includes Sundays, New Year's Day, the Epiphany, Good Friday, the Ascension, All Saints' Day, Conception Day, Easter Monday, Ash Wednesday, Christmas Day, the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning sovereign, Victoria Day, Dominion Day, the first Monday in September, designated Labour Day, Armistice Day, and any day appointed by proclamation for a general fast or thanksgiving;"

The purpose of this amendment is to make "Armistice Day," where the words appear in the second last line of the paragraph, read "Remembrance Day," to conform with the provisions of section 2, chapter 4, of the statutes of 1931.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act to amend The Representation Act, 1933.

First reading, January 23, 1935.

The MINISTER OF JUSTICE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
91724 1935

6th Session, 17th Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act to amend The Representation Act, 1933.

1932-33, c. 54.

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

1. Paragraphs twenty-two and twenty-three of that Part of the Schedule to *The Representation Act, 1933*, chapter fifty-four of the statutes of Canada, 1932-33, dealing with the description of the electoral districts in the province of Ontario, which describe the Electoral Districts of Hamilton East and Hamilton West, are repealed and the following are substituted therefor:—

Hamilton East.

"22. HAMILTON EAST consisting of that part of the city of Hamilton lying east of Wellington street and west of Ottawa street, but excluding that part lying to the south of a line which may be described as commencing at the centre line of the westerly jog of Wellington street where it intersects the centre line of Concession street, thence easterly along the centre line of Concession street to its intersection with the centre line of the easterly jog of Sherman avenue, thence northerly along the centre line of the easterly jog of Sherman avenue to its intersection with the line of the brow of the mountain, thence easterly following the line of the brow of the mountain until it joins the city limit near the end of Kerr avenue.

Hamilton West.

"23. HAMILTON WEST consisting of that part of the city of Hamilton lying west of Wellington street, east of Paradise road, and north of Cootes Paradise but excluding that part lying to the south of a line which may be described as commencing at the centre line of the westerly jog of Wellington street where it intersects the centre line of Concession street, thence westerly along the centre line of Concession street and its extension westerly to its intersection with the centre line of Claremont drive, thence westerly along the centre line of Claremont drive and across West Fifth street to its intersection with the city limit."

Explanatory Notes.

1. When the Representation Act of 1933 was framed it was decided that the constituencies of Hamilton East, Hamilton West and Wentworth should be left as they were at the time of the previous Representation Act, and the descriptions of these constituencies were, therefore, allowed to stand as they appeared in that Act. It was subsequently discovered that the boundaries of the city of Hamilton had been changed, and in order to carry out the intention of Parliament it is necessary to amend the Schedule to the Representation Act of 1933 so as properly to describe the constituencies of Hamilton East and Hamilton West.

The existing paragraphs read as follows:—

"22. HAMILTON EAST consisting of that part of the city of Hamilton lying east of Wellington street and west of Ottawa street.

"23. HAMILTON WEST consisting of that part of the city of Hamilton lying west of Wellington street, east of Paradise road, and north of Cootes Paradise."

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act to amend The Representation Act, 1933.

AS PASSED BY THE HOUSE OF COMMONS,
29th JANUARY, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
91726 1935

6th Session, 17th Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act to amend The Representation Act, 1933.

1932-33, c. 54.

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

1. Paragraphs twenty-two and twenty-three of that Part of the Schedule to *The Representation Act, 1933*, chapter fifty-four of the statutes of Canada, 1932-33, dealing with the description of the electoral districts in the province of Ontario, which describe the Electoral Districts of Hamilton East and Hamilton West, are repealed and the following are substituted therefor:—

Hamilton East.

"22. HAMILTON EAST consisting of that part of the city of Hamilton lying east of Wellington street and west of Ottawa street, but excluding that part lying to the south of a line which may be described as commencing at the centre line of the westerly jog of Wellington street where it intersects the centre line of Concession street, thence easterly along the centre line of Concession street to its intersection with the centre line of the easterly jog of Sherman avenue, thence northerly along the centre line of the easterly jog of Sherman avenue to its intersection with the line of the brow of the mountain, thence easterly following the line of the brow of the mountain until it joins the city limit near the end of Kerr avenue.

Hamilton West.

"23. HAMILTON WEST consisting of that part of the city of Hamilton lying west of Wellington street, east of Paradise road, and north of Cootes Paradise but excluding that part lying to the south of a line which may be described as commencing at the centre line of the westerly jog of Wellington street where it intersects the centre line of Concession street, thence westerly along the centre line of Concession street and its extension westerly to its intersection with the centre line of Claremont drive, thence westerly along the centre line of Claremont drive and across West Fifth street to its intersection with the city limit."

Explanatory Notes.

1. When the Representation Act of 1933 was framed it was decided that the constituencies of Hamilton East, Hamilton West and Wentworth should be left as they were at the time of the previous Representation Act, and the descriptions of these constituencies were, therefore, allowed to stand as they appeared in that Act. It was subsequently discovered that the boundaries of the city of Hamilton had been changed, and in order to carry out the intention of Parliament it is necessary to amend the Schedule to the Representation Act of 1933 so as properly to describe the constituencies of Hamilton East and Hamilton West.

The existing paragraphs read as follows:—

"22. HAMILTON EAST consisting of that part of the city of Hamilton lying east of Wellington street and west of Ottawa street.

"23. HAMILTON WEST consisting of that part of the city of Hamilton lying west of Wellington street, east of Paradise road, and north of Cootes Paradise."

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

An Act to amend the Criminal Code.

First reading, January 23, 1935.

THE MINISTER OF JUSTICE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
91653 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

An Act to amend the Criminal Code.

R.S., c. 36; 1930, c. 11; 1931, c. 28; 1932, cc. 7, 8, 9 and 28; 1932-33, cc. 25, 53; 1934, cc. 11, 47.

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

1. The first two provisoes of subsection two of section two hundred and thirty-five of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927 (beginning at line twenty and ending at line twenty-nine of the said subsection), as enacted by section one of chapter eleven of the Statutes of 1934, are repealed, and the following are substituted therefor:—

Race meetings.

"Provided that as to race meetings at which there are running races, no such race meeting continues for more than fourteen consecutive days on days on which such racing may be lawfully carried on, and that there be not more than seven such races on any of such days; and provided that no such association holds, and that on any one track there be not held, in any one calendar year more than one race meeting, at which there are running races, of more than seven and not exceeding fourteen such days, or two such race meetings having an interval of at least twenty days between them of not more than seven such days each."

2. Subsection two of section seven hundred and forty-nine of the said Act is repealed, and the following is substituted therefor:—

Saskatchewan, Alberta, Northwest and Yukon no jury.

"(2) In the case of the provinces of Saskatchewan and Alberta, and of the Northwest Territories and the Yukon Territory, the judge or stipendiary magistrate hearing any such appeal shall sit without a jury; and such sitting in the Northwest Territories and the Yukon Territory shall be held at the place where the cause of the information or complaint arose, or at the nearest place thereto where a court is appointed to be held."

Explanatory Notes.

1. The provisoes to be repealed and re-enacted read as follows:—

"Provided that as to race-meetings at which there are running races no such race-meeting continues for more than fourteen days of continuous racing on days on which such racing may be lawfully carried on, and that there be not more than seven races on any such day; and provided that no such association holds, and that on any one race track there be not held, in any one calendar year, more than two race-meetings of seven days each at which there are running races and that there is an interval of at least twenty days between meetings."

2. The subsection to be repealed and re-enacted reads as follows:—

"(2) In the case of the provinces of Saskatchewan and Alberta, and of the Northwest Territories and the Yukon Territory, the judge or stipendiary magistrate hearing any such appeal shall sit without a jury at the place where the cause of the information or complaint arose, or at the nearest place thereto where a court is appointed to be held."

3. Section nine hundred and twenty-seven of the said Act is amended by adding at the end thereof the following subsection:—

Six jurors in Sask. and Alberta.

"(6) Notwithstanding the provisions of subsections four and five of this section, in the provinces of Saskatchewan and Alberta six jurors only shall be sworn."

4. Subsection one of section nine hundred and twenty-nine of the said Act is repealed, and the following is substituted therefor:—

Who shall be the jury.

"(1) The twelve men, or in the provinces of Saskatchewan or Alberta the six men, who in manner aforesaid are ultimately drawn and sworn shall be the jury to try the issues of the indictment, and the names of the men so drawn and sworn shall be kept apart by themselves until such jury give in their verdict or until they are discharged; and then the names shall be returned to the box there to be kept with the other names remaining at that time undrawn, and so *toties quoties* as long as any issue remains to be tried."

Return of names to the box.

3. In the province of Alberta, pursuant to the Alberta Act, only six jurors are sworn, in both civil and criminal cases, and the province of Saskatchewan is arranging at present to swear only six jurors in civil cases, and has requested that the same procedure be followed in criminal cases.

4. The subsection to be repealed and re-enacted reads as follows:—

"The twelve men who in manner aforesaid are ultimately drawn and sworn shall be the jury to try the issues on the indictment, and the names of the men so drawn and sworn shall be kept apart by themselves until such jury give in their verdict or until they are discharged; and then the names shall be returned to the box, there to be kept with the other names remaining at that time undrawn, and so *toties quoties* as long as any issue remains to be tried."

Sixth Session, Seventeenth Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend the Pension Act.

First reading, January 23, 1935.

THE MINISTER OF PENSIONS AND NATIONAL HEALTH.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

91415

6th Session, 17th Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend the Pension Act.

R.S., c. 157; 1928, c. 38; 1930, (1st s.) c. 35; 1931, c. 44; 1932-33, c. 45.

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

1. Subsection four of section three of the *Pension Act*, chapter one hundred and fifty-seven of the Revised Statutes of Canada, 1927, as enacted by chapter forty-five of the Statutes of 1932-33, is repealed and the following is substituted therefor:—

Tenure of office.

"(4) Each Commissioner shall hold office during good behaviour for a period of seven years from the date of his appointment or for such lesser period as may be specified by the Governor in Council in the instrument of his appointment or reappointment, and shall be removable at any time for cause by the Governor in Council."

EXPLANATORY NOTES.

1. The subsection to be repealed and reenacted reads as follows:—

"(4) Each Commissioner shall hold office during good behaviour for a period of seven years from the date of his appointment, and shall be removable at any time for cause by the Governor in Council."

The proposed amendment is shown by the underlined words in the text of the Bill.

Sixth Session, Seventeenth Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend the Pension Act.

AS PASSED BY THE HOUSE OF COMMONS, 29th JANUARY, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
91417 1935

6th Session, 17th Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend the Pension Act.

R.S., c. 157; 1928, c. 38; 1930, (1st s.) c. 35; 1931, c. 44; 1932-33, c. 45.

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

1. Subsection four of section three of the *Pension Act*, chapter one hundred and fifty-seven of the Revised Statutes of Canada, 1927, as enacted by chapter forty-five of the Statutes of 1932-33, is repealed and the following is substituted therefor:—

Tenure of office.

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EXPLANATORY NOTES.

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The proposed amendment is shown by the underlined words in the text of the Bill.

BILL 7.

PATENT ACT, 1935.

ARRANGEMENT OF SECTIONS.

PATENT ACT, 1935.

Arrangement of Sections.

SECTION

1. Short title.
2. Interpretation.
3. Patent Office.
   Appointment of Commissioner.
4. Duties of Commissioner.
5. Powers of Commissioner.
   Assistant Commissioner to act in case of his absence or inability.
6. Assistant Commissioner.
7. Staff.
8. Officers not to deal in patents.
9. Clerical errors.
10. Destroyed or lost patents.
11. Inspection by public.
12. Rules and Regulations.
13. Seal of Patent Office.
    Seal to be judicially noticed.
14. Certified copies of patents as evidence.
15. Register of Patent Attorneys.
16. Misconduct of Patent Attorneys.
17. Appeals generally.
18. Notice of appeal.
19. Government may use any patented invention.
20. Patented invention in vessels of any other country.
21. Patented article to be stamped or marked.
22. Costs of Commissioner in discretion of court.
    No costs against Commissioner.
23. Patents issued prior to 18 June, 1923.
24. Status under 1921, c. 44 not affected by repeal of that Act.
25. Annual Report.
26. Application for Patents.
    Who may obtain patents.
    Applicants not debarred unless applications in any other country filed more than twelve months prior to filing in Canada.
    What may not be patented.
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71. Offences and penalties.
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72. Falsely marking article as patented.
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Sixth Session, Seventeenth Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA

BILL 7.

An Act to amend and consolidate the Acts relating to Patents of Invention.

First reading, January, 25, 1935.

THE SECRETARY OF STATE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

90896

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA

BILL 7.

An Act to amend and consolidate the Acts relating to Patents of Invention.

R.S., c. 150.

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 Patent Act, 1935*. R.S., c. 150, s. 1.

INTERPRETATION.

Definitions.

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

"Applicant,"

(a) "applicant" includes an inventor and the legal representatives of an applicant or inventor;

"Commissioner."

(b) "Commissioner" means the Commissioner of Patents;

"Invention."

(c) "invention" means any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvement in any art, process, machine, manufacture or composition of matter;

"Legal representatives."

(d) "legal representatives" includes heirs, executors, administrators, guardians, curators, tutors, assigns or other legal representatives;

"Minister."

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

"Patent."

(f) "patent" means letters patent for an invention;

"Patentee."

(g) "patentee" means the person for the time being entitled to the benefit of a patent;

"Work on a commercial scale."

(h) "work on a commercial scale" means the manufacture of the article or the carrying on of the process described and claimed in a specification for a patent in or by means of a definite and substantial establishment or organization, and on a scale which is adequate and reasonable under the circumstances. R.S., c. 150, s. 2, Am.

Explanatory Notes.

In this revision all short amendments are underlined, and longer amendments are indicated by vertical lines at the side of new sections or sections amended.

The sections of general application which in the existing Act are inserted at the end of the Act, are transposed and inserted in the earlier sections of this revision in their proper connection.

The principal amendments are made by sections 3, 26, 28, 33, 43, 47, 63 and 64 of this revision, being respectively, sections 3, 7, 9, 14, 22, 26, 40 and 41 of the existing Act, relating to the appointment of the Commissioner, applications for patents, oath of inventor, specification and claims, conflicting applications, the term of patents, conditions applicable to all patents, and revocation of patents.

2. (a) "Applicant". This definition is for the purpose of confining the use of the word to an applicant or inventor, or their legal representatives as defined in this section.

2. (f) "Patent". This is the same as the British definition.

2. (h) "Work on a commercial scale". This is the same as the British definition. (Patent and Design Acts, 1907-1932, s. 93).

Patent Office.

3. (1) There shall be attached to the Department of the Secretary of State of Canada or to such other department of the Government of Canada as may be determined by the Governor in Council an office which shall be called the Patent Office. R.S., c. 150, s. 3 (1), Am.

Commissioner of Patents. Salary.

(2) A Commissioner of Patents may be appointed by the Governor in Council, who shall hold office during pleasure and who may be paid an annual salary not exceeding seven thousand dollars, as may be determined by the Governor in Council. R.S., c. 150, s. 3, Am.

Duties of Commissioner.

4. The Commissioner shall receive all applications, fees, papers, documents and models for patents, and shall perform and do all acts and things requisite for the granting and issuing of patents of invention; and he shall have the charge and custody of the books, records, papers, models, machines and other things belonging to the Patent Office. R.S., c. 150, s. 4.

Powers of Commissioner.

5. (1) The Commissioner shall, under the direction of the Minister, exercise the powers conferred and perform the duties imposed upon him by this Act.

Absence or inability to act.

(2) In the absence or inability of the Commissioner to act, the Assistant Commissioner or another officer designated by the Minister, shall exercise the powers and perform the duties of the Commissioner.

Inquiries.

(3) For the purposes of this Act the Commissioner shall have all the powers that are or may be given by the *Inquiries Act* to a commissioner appointed under Part II thereof. R.S., c. 150, s. 5, Am.

Assistant Commissioner.

6. An Assistant Commissioner may be appointed who shall be a technical officer of experience in the administration of the Patent Office.

Staff.

7. There may be appointed from time to time in the manner authorized by law, such principal examiners, examiners, associate examiners and assistant examiners, clerks, stenographers and other assistants as are necessary for the administration of this Act. R.S., c. 150, s. 3 (2), Am.

Officers of Patent Office not to deal in patents.

8. No officer or employee of the Patent Office shall buy, sell or acquire or traffic in any invention or patent or in any right to a patent; and every such purchase and sale, and every assignment or transfer thereof by or to any officer or employee, as aforesaid, shall be null and void, but this provision shall not apply to any original inventor or to any acquisition by bequest. R.S., c. 150, s. 56.

3. This is amended to provide for the appointment of the Commissioner by the Governor in Council. The existing section reads as follows:—

"**3.** There shall be attached to such department of the Government of Canada as may be determined by the Governor in Council an office which shall be called the Patent Office, and a Commissioner of Patents may be appointed."

4. No change.

5. This amends section 5 of the Act to provide for the Assistant Commissioner or another designated officer acting in the absence or inability to act of the Commissioner. The existing section reads as follows:—

"**5.** The Commissioner shall exercise the powers conferred and perform the duties imposed upon him by this Act subject to the Minister, and in the absence or inability to act of the Commissioner, any officer or clerk named by the Minister to perform the duties of the Commissioner may as Acting Commissioner exercise such powers and shall perform such duties.

2. For the purposes of this Act the Commissioner shall have all the powers that are or may be given by the *Inquiries Act* to a Commissioner appointed under Part II thereof."

6. New. There has been an Assistant Commissioner in the Patent Office for years, but the existing Act is silent in respect to the appointment and qualifications required.

7. This is subsection 2 transposed from section 3 of the Act, and amended as indicated by the underlined words to establish the organization required in the Patent Office.

8 to **12.** These sections are transposed without change from the latter part of the Act. In each case the original number of the section is cited at the end.

Clerical errors.

9. Clerical errors which occur in the framing or copying of any instrument in the Patent Office shall not be construed as invalidating the same, but, when discovered, they may be corrected under the authority of the Commissioner. R.S., c. 150, s. 53.

Destroyed or lost patents.

10. If any patent is destroyed or lost, a certified copy thereof may be issued in lieu thereof upon the person who applies therefor paying the fees hereinafter prescribed for office copies of documents. R.S., c. 150, s. 54.

Inspection by the public.

11. All specifications, drawings, models, disclaimers, judgments, returns, and other papers, except *caveats*, and except those filed in connection with applications for patents which are still pending, shall be open to the inspection of the public at the Patent Office, under such regulations as are adopted in that behalf. R.S., c. 150, s. 52, Am.

RULES AND REGULATIONS.

Regulations and forms.

12. (1) The Governor in Council, on the application of the Minister, may make, amend or repeal such rules and regulations and prescribe such forms as may be deemed expedient

(a) for carrying into effect the objects of this Act, or for ensuring the due administration thereof by the Commissioner and other officers and employees of the Patent Office; and

(b) for carrying into effect the terms of any treaty, convention, arrangement or engagement which then subsists between Canada and any other country; and

(c) in particular with respect to the following matters:—

(i) The form and contents of applications for patents;

(ii) The form of the Register of Patents and of the indexes thereto;

(iii) The registration of assignments, transmissions, licences, disclaimers, judgments or other documents relating to any patent; and

(iv) The form and contents of any certificate issued pursuant to the terms of this Act.

ffect.

(2) Any rule or regulation made by the Governor in Council shall be of the same force and effect as if it had been enacted herein. R.S., c. 150, s. 59, Am.

SEAL.

Seal of office.

13. (1) The Commissioner shall cause a seal to be made for the purposes of this Act, and may cause to be sealed therewith every patent and other instrument and copy thereof issuing from the Patent Office. R.S., c. 150, s. 6.

12. This is new.

13. Subsection 2 is taken from the amendment made in 1930, c. 34, s. 2, and inserted here, as it relates to judicial notice of the seal of the Patent Office.

Seal to be evidence.

(2) Every court, judge and person whosoever shall take notice of the seal of the Patent Office, and shall receive the impressions thereof in evidence in like manner as the impressions of the Great Seal are received in evidence, and shall also take notice of and receive in evidence, without further proof and without productions of the originals, all copies or extracts certified under the seal of the Patent Office to be copies of or extracts from documents deposited in such office. 1930, c. 34, s. 2.

PROOF OF PATENTS.

Certified copies of patents as evidence.

14. In any action or proceeding respecting a patent of invention authorized to be had or taken in Canada under the provisions of this Act, a copy of any patent granted in any other country or any official document connected therewith, purporting to be certified under the hand of the proper officer of the Government of the country in which such patent has been obtained, may be produced before the Court, or a judge thereof, and the copy of such patent or document purporting to be so certified may be received in evidence without production of the original and without proof of the signature or of the official character of the person appearing to have signed the same. 1930, c. 34, s. 2, Am.

PATENT ATTORNEYS.

Register of attorneys.

15. (1) A register of attorneys shall be kept in the Patent Office on which shall be entered the names of all persons entitled to represent applicants in the presentation and prosecution of applications for patents or in other business before the Patent Office.

Entries.

(2) Entry on such register shall be made in accordance with regulations to be made by the Commissioner with the approval of the Governor in Council. R.S., c. 150, s. 57.

Misconduct.

16. For gross misconduct or any other cause which he may deem sufficient, the Commissioner may refuse to recognize any person as a patent agent or attorney either generally or in any particular case. R.S., c. 150, s. 58.

APPEALS.

Practice on appeals.

17. In all cases where an appeal is provided from the decision of the Commissioner to the Exchequer Court under this Act, such appeal shall be had and taken pursuant to the provisions of the Exchequer Court Act and the rules and practice of the said Court. R.S., c. 150, s. 62.

14. This section, relating to the production of certified copies of patents as evidence was adopted in 1930, c. 34, s. 2.

15 and **16.** These sections relate to Patent Attorneys, and are sections 57 and 58 of the existing Act transposed without change.

17. This section, relating to appeals generally, is section 62 of the existing Act transposed without change.

Notice of appeal.

18. Whenever an appeal to the Exchequer Court from the decision of the Commissioner is permitted under this Act, notice of his decision shall be mailed by the Commissioner by registered letter addressed to the interested parties or their respective agents, and the appeal shall be taken within three months from the date of mailing of such notice unless otherwise extended by the Commissioner with the approval of the Minister and unless herein otherwise expressly provided. R.S., c. 150, s. 68, Am.

GENERAL.

Government may use patented invention.

19. The Government of Canada may, at any time, use any patented invention, paying to the patentee such sum as the Commissioner reports to be a reasonable compensation for the use thereof, and any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court. R.S., c. 150, s. 48.

Patented invention in vessels, air craft, etc., of any other country.

20. No patent shall extend to prevent the use of any invention in any ship, vessel, air craft or land vehicle of any other country, entering Canada temporarily or accidentally, provided such invention is employed exclusively for the needs of the ship, vessel, air craft or land vehicle, and not so used for the manufacture of any goods to be vended within or exported from Canada. 1928, c. 4, s. 3, Am.

Patented article to be stamped or marked.

21. Every patentee under this Act shall stamp or engrave on each patented article sold or offered for sale by him the year of the date of the patent applying to such article thus—Patented, 1935, or as the case may be; or when, from the nature of the article, this cannot be done, thereby affixing to it, or to every package wherein one or more of such articles is or are enclosed, a label marked with a like notice. R.S., c. 150, s. 51, Am.

Cost of proceedings before the court.

22. In all proceedings before the court under this Act the costs of the Commissioner shall be in the discretion of the court, but the Commissioner shall not be ordered to pay the costs of any other of the parties. R.S., c. 150, s. 61.

Patents issued prior to the 13th June, 1923.

23. Any patent issued prior to the thirteenth day of June, one thousand nine hundred and twenty-three, which could successfully have been impeached for violation of or non-compliance with any provision of the Acts in force prior to that date, may with like effect be so impeached after the said date, and in any action for the infringement of any such patent any such violation or non-compliance which could have been set up as a defence may with like effect be so set up after the said date. R.S., c. 150, s. 66.

18. As this section relates to appeals it is also transposed from section 68 of the existing Act and inserted here in its proper connection.

19. This is section 48 of the existing Act transposed without change.

20. This section was adopted in 1928, c. 4, s. 3.

21 to **25.** These sections are sections 51, 61, 66, 67 and 60 of the existing Act transposed without change.

Status not affected.

24. No relief, right or privilege granted to or acquired by any patentee or other person in respect of any patent or application for the same under chapter forty-four of the statutes of the year one thousand nine hundred and twenty-one shall be affected by the repeal of the said Act, but such relief, right or privilege shall continue as if the said Act had remained in force. R.S., c. 150, s. 67.

Annual report.

25. The Commissioner shall cause a report to be prepared annually and laid before Parliament of the proceedings under this Act, and shall, from time to time and at least once in each year, publish a list of all patents granted, and may, with the approval of the Governor in Council, cause such specifications and drawings as are deemed of interest or essential parts thereof, to be printed, from time to time for distribution or sale. R.S., c. 150, s. 60.

APPLICATIONS FOR PATENTS.

Who may obtain patents.

26. (1) Any person who has invented any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvements thereof,

(a) not known or used by others before his invention thereof, and

(b) not patented or described in any printed publication in this or any other country more than two years prior to his application, and

(c) not in public use or on sale in this country for more than two years prior to his application;

may, on a petition to that effect, presented to the Commissioner, and on compliance with the other requirements of this Act, obtain a patent granting to such person an exclusive property in such invention. R.S., c. 150, s. 7, Am.

Applications in other countries.

(2) No person otherwise entitled thereto who has complied with the provisions of the preceding subsection shall be debarred from receiving a patent for his invention, nor shall any patent be declared invalid, by reason of its having been first patented or caused to be patented by the inventor or his legal representatives or assigns in any other country, unless the application for the said patent was filed in such other country more than twelve months prior to the filing in Canada, in which case no patent shall be granted in Canada. (New.)

What may not be patented.

(3) No patent shall issue for an invention which has an illicit object in view, or for any mere scientific principle or abstract theorem. R.S., c. 150, s. 7, Am.

26. This amends section 7 of the existing Act respecting applications for patents. The present section reads as follows:—

"**7.** (1) Any person who has invented any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvements thereof, not known or used by others before his invention thereof and not patented or described in any printed publication in this or any foreign country more than two years prior to his application and not in public use or on sale in this country for more than two years prior to his application may, on a petition to that effect, presented to the Commissioner, and on compliance with the other requirements of this Act, obtain a patent granting to such person an exclusive property in such invention.

(2) No patent shall issue for an invention which has an illicit object in view, or for any mere scientific principal or abstract theorem."

Subsection 1 is redrafted and divided into paragraphs to make the provisions clearer. The new subsection 2 is adapted from the United States patent laws, section 4887. The present subsection 2 is unchanged and re-numbered subsection 3.

Section 7 in the existing Canadian Act was adapted from section 4886 of the United States patent laws, but did not include the provision of section 4887, now to be inserted in the Canadian Act by the proposed subsection 2.

The existing Act has given greater consideration to Nationals of other countries than to Nationals of Canada. An inventor in Canada almost without exception first applies for patent protection in Canada, whereas a National of another country first applies for protection in such other country. The foreign inventor is then permitted to apply for patent protection in Canada within two years after the issue of his foreign patent, and this extended period has the effect of retarding early development of industry in Canada.

Effect of application in another country if same applied for in Canada.

27. (1) An application for patent for an invention filed in Canada by any person who has previously regularly filed an application for a patent for the same invention in any other country which by treaty, convention or law affords similar privilege to citizens of Canada, shall have the same force and effect as the same application would have if filed in Canada on the date on which the application for patent for the same invention was first filed in such other country, provided the application in this country is filed within twelve months from the earliest date on which any such application was filed in another country or from the thirteenth day of June, one thousand nine hundred and twenty-three.

Limitation of two years after publication or public use or sale.

(2) No patent shall be granted on an application for patent for an invention which had been patented or described in a patent or printed publication in this or any other country more than two years before the date of the actual filing of the application in Canada, or which had been in public use or on sale in Canada for more than two years prior to such filing.

Rights reserved.

(3) No patent granted by virtue of *The Patent Act*, chapter twenty-three of the statutes of 1923, on an application filed prior to the passing of this Act or within six months thereafter and within two years of the date of the grant of the first patent granted in any other country for the same invention, shall be void by reason of the filing date having been more than one year from the date of filing in any other country of the first application on the same invention. 1930, c. 34, s. 1, Am.

Canadian industrialists may in good faith start manufacturing in Canada between the issue of the foreign patent and the issue of the Canadian patent, and may after considerable expense in developing an industry be restrained by the Court from manufacturing in Canada on account of infringement of the subsequently issued Canadian patent. The foreign patentee has the unfair advantage of all the ground work done by the Canadian in creating a market in Canada for the patented article.

Subsection 2 provides that no patent shall be granted in Canada if the application for the foreign patent was filed more than twelve months prior to the filing of an application in Canada. Otherwise the field is open for the Canadian manufacturer.

Section 7 as it now stands permits the objectionable practice by some attorneys of circulating high class solicitor clients, and offering to file Canadian applications corresponding to United States patents at cut rate fees.

The object of the proposed amendment is at least to minimize these objections.

27. This is section 8 of the existing Act as adopted in 1930, c. 34, s. 1, and unchanged except that the words "other" or "any other" are substituted for the word "foreign."

Oath of inventor to be made before obtaining patent.

28. (1) Every inventor shall, at the time of filing his application for a patent, make oath, or when entitled by law to make an affirmation instead of an oath, shall make an affirmation, that he verily believes that he is the inventor of the invention for which the patent is asked, and that the several allegations in the application contained are respectively true and correct.

Oath of the applicant if the inventor dead, incapable, or his residence unknown.

(2) In the event of the inventor being dead, or mentally or physically incapable, or if, after the assignment or his invention, the inventor refuses to make such oath or affirmation, or if his whereabouts cannot be ascertained after diligent enquiries, such oath or affirmation shall be made by the applicant, and shall state that he verily believes that the person whose assignee or legal representative he is was the inventor of the invention for which the patent is solicited, and that the several allegations in the application contained are respectively true and correct.

Before whom oath may be made.

(3) Such oath or affirmation may be made before a minister plenipotentiary, charge d'affaires, consul, vice-consul or consular agent, a judge of any court, a notary public, a justice of the peace, or the mayor of any city, borough or town, or a commissioner for taking affidavits having authority or jurisdiction within the place where the oath may be administered. R.S., c. 150, s. 10, Am.

Address of applicant and representative to be stated.

29. (1) Every applicant for a patent shall for the purposes of this Act state in his application, if resident in Canada, his address in Canada, and if not so resident, the name and address of some person resident in Canada to represent and stand in the place and stead of such applicant or patentee for all purposes of this Act, including the service of any proceedings taken under any provision of this Act. R.S., c. 150, s. 12.

May be changed on issued patent.

(2) The name and address of the person so appointed to represent the patentee may be changed on the issued patent upon the written authority of the patentee or of his legal representatives, and such new appointment shall be recorded and added to the patent file on the payment of a fee of five dollars. (New.)

Applications to be completed within six months.

30. All applications for patents shall be completed and prepared for examination within six months after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within six months after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto. (New.)

When deemed to be abandoned.

28. The first subsection of this section amends subsection 1 of section 10 of the existing Act by the insertion of the underlined words. Subsections 2 and 3 are not amended. The object of this amendment is to prevent the informal filing of patent applications by attorneys, who frequently petition and take an oath instead of the inventor when such an application has been delayed, and an oath could not be obtained from the inventor within the time prescribed by section 26.

29. A new subsection is added to section 12 of the existing Act to authorize the change of name of a representative on an issued patent. There is no provision at present for changing the name of the Canadian representative on a patent. It frequently happens that when a patent is assigned to a company, such company desires to appoint its own counsel as his representative, and it is to facilitate such a substitution and to keep the file in the Patent Office complete that this amendment is required.

The present practice is to place any request for a change of Canadian representative on a correspondence file and not in the patent file itself. Any one searching the files with the purpose of communicating with the Canadian representative might at the present time be misled as to who was the actual representative, unless they consulted the correspondence the existence of which they are not always conversant with. Also, when a certified copy of the file wrappers of the patent as issued does not contain changes of name, the file is actually incomplete as to the present standing of the representative.

30. This inserts a new section in the Act. The object is to make the applicant proceed with due diligence. It is essential to fix a statutory period for completion and prosecution of an application, as unnecessary and vexatious delay frequently occurs.

At present an applicant may place a stop order, that is, a stay of proceedings, on his application, which prevents office action on that application. The applicant may, on receiving an official letter, delay for one year before answering, and this may be carried on to any degree, *ad infinitum*. The applicant may amend as often as the examiner presents any new reference or reasons for rejection. (Rules 26 and 41).

This proposed section is adapted from section 4894 of the United States Patent Laws.

JOINT APPLICATIONS.

Refusal of assignee to proceed.

31. (1) In any case where

(a) an applicant has agreed in writing to assign a patent when granted to another party or a joint applicant and refuses to proceed with the application; or

Disputes between joint applicants.

(b) disputes arise between joint applicants as to proceeding with an application;

Powers of Commissioner.

the Commissioner, on proof of such agreement to his satisfaction, or if satisfied that one or more of such joint applicants ought to be allowed to proceed alone, may allow such other party or joint applicant to proceed with the application, and may grant a patent to him, so, however, that all parties interested shall be entitled to be heard before the Commissioner after such notice as he may deem requisite and sufficient.

Procedure when one joint applicant retires.

(2) When an application is filed by joint applicants, one of whom subsequently discovers that he has no part in the invention, the prosecution of such application may be carried on by the remaining applicant on satisfying the Minister by affidavit of the joint applicants that the remaining applicant is the sole inventor. (New.)

When patent to be granted to joint applicants.

(3) Subject to the provisions of this section, in cases of joint applications the patent shall be granted in the names of all the applicants. R.S., c. 150, s. 23 (2), Am.

Appeal.

(4) An appeal shall lie from the decision of the Commissioner under this section to the Exchequer Court. R.S., c. 150, s. 11, Am.

IMPROVEMENTS.

Improvements may be patented.

32. Any person who has invented any improvement on any patented invention may obtain a patent for such improvement, but he shall not thereby obtain the right of making, vending or using the original invention, nor shall the patent for the original invention confer the right of making, vending or using the patented improvement. R.S., c. 150, s. 9.

SPECIFICATIONS AND CLAIMS.

Particulars required.

33. The applicant shall, in his application for a patent, insert the title or name of the invention, and shall, with the application, send in a specification in duplicate of the invention and an additional or third copy of the claim or claims. R.S., c. 150, s. 13.

31. This amendment to section 11 of the Act adds a subsection to section 1, relating to procedure when one joint applicant retires on discovering that he has no part in the invention. The necessity for this is self-evident. When situations of this nature are encountered it has been difficult for the Patent Office to deal with them, due to the silence of the Act in this regard. This procedure does not in any way affect the rights of the other inventor, as his rights have not been impaired. The right existed, so no hardship is imposed. We are not giving a greater right by allowing the application to be presented in the name of the remaining applicant.

Subsection (3) is transposed from section 23 (2) of the existing Act and inserted here in the section respecting joint applicants, to which it relates.

32. This is section 9 of the existing Act, relating to patents for improvements, transposed without change.

33. This is section 13 of the existing Act transposed without change.

Specification.

34. (1) The specification shall

Description and operation.

(a) particularly, correctly and fully describe and ascertain the nature of the invention and its operation or use as contemplated by the inventor;

Various steps and methods.

(b) set forth clearly the various steps in a process, or the method of constructing, making, compounding or using a machine, manufacture or composition of matter, in such full, clear, concise and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound and use the same; and in case of a machine he shall explain the principle thereof, and the best mode in which he has contemplated applying that principle, so as to distinguish it from other inventions; and he shall particularly point out and distinctly claim the part, improvement or combination which he claims as his invention; (New.)

Claims.

(c) end with a claim or claims which shall particularly point out and distinctly state in explicit terms the novelty, improvement or combination which the applicant regards as his invention, and in which he claims an exclusive property and privilege;

Place and date.

(d) bear the name of the place where, and the date when it is made, and shall be signed by the applicant. R.S., c. 150, s. 14, Am.

Apparatus or machine.

(2) *(a)* A claim for an apparatus or machine shall clearly state the several parts necessary to identify such novel structure, such parts being in their proper co-operative relation.

Process.

(b) A process claim shall clearly state the several steps of said process in their proper sequence necessary to accomplish a new and useful result.

References in claims.

(c) A dependent claim may refer to one preceding claim only.

Contents of product claim.

(3) *(a)* A product claim shall state the physical or chemical properties of the product to clearly identify the same.

Generic and specific claims.

(b) In a patent application, if the state of the art permits, there may be included generic claims covering the several forms of the invention disclosed, and claims specific to only one preferred embodiment of the invention.

Additional claims.

(4) *(a)* When the number of claims in an application exceeds twenty-five a surcharge of ten dollars shall be imposed for every additional twenty-five claims or part thereof up to fifty claims, and a fee of five dollars shall be imposed for each additional ten claims or less in excess of that number.

34. This amends section 14 of the existing Act, which has been redrafted to meet difficulties arising in the Patent Office. It is essential that the specification shall set out particularly and fully in clear, concise and exact terms the nature of the invention, and that the claims shall be distinct and expressed in explicit terms.

It is also essential that the form of claims should be clearly defined, otherwise it is impossible to formulate a satisfactory office practice.

In British practice reference is permitted from one claim to another to avoid repetition. In the United States this is objected to as being indefinite and each claim is self-contained. The general practice in the Canadian Patent Office has been to follow the form used in American practice, but the British form has been decided to be allowable by a recent Exchequer Court judgment. This, however, does not add to the clarity of the claims as it permits reference to a multiplicity of prior claims, and so unduly increases the number of claims out of all proportion to the inventive subject matter disclosed in the application.

The object of the amended section is to clarify the situation as far as possible. It provides that a dependent claim may refer to *one* preceding claim only (2 (c)). In addition there are provisions to impose fees on an excessive number of claims, which is the practice followed in the United States, as provided in section 4934 of their Patent Laws relating to fees.

Although the necessity of fully describing the invention in a patent application is fundamental, nevertheless it happens, particularly in chemical applications, that information which is necessary to permit others to manufacture the patented invention is insufficiently or inadequately described.

It is essential, therefore, that intending applicants for a patent should describe as fully as possible the nature of their invention and the manner whereby it may be commercially practised. To effect this purpose paragraph (b) of subsection 1, of section 14 of the existing Act, (now section 34) has been materally extended, following section 4888 of the United States Patent Laws.

It frequently happens, particularly in chemical cases, that claims of a generic nature claim more than is actually disclosed in the application. It has been held in the United States courts that such claims are void on account of undue breadth. The applicant should not be allowed to claim more than he has actually invented, and the scope of his claims should be limited to the disclosure made in his specification.

Claims exceeding original number.

(b) If a patent issues with a greater number of claims than was originally presented in the application therefor, a fee of five dollars shall be imposed for any claims in excess of those originally filed, in addition to the fees imposed by the preceding paragraph.

Claims refused on reference.

(c) When a claim or claims, the scope of which has or have not been altered during the prosecution, has or have been refused twice on references or for the same reasons, such claim or claims may be finally rejected.

EXAMINATION.

Examination.

35. On each application for a patent a careful examination shall be made by competent examiners to be employed in the Patent Office for that purpose. R.S., c. 150, s. 15.

DIVISIONAL APPLICATIONS.

Patent for one invention only. Divisional applications if more than one invention claimed.

36. (1) Two or more separate inventions shall not be claimed in one application, nor included in one patent.

(2) If the application describes and claims more than one invention the applicant shall, on the direction of the Commissioner to that effect, limit his claims to one invention only, and the deleted claims may be made the subject of one or more divisional applications.

Separate applications bearing same date.

(3) Such divisional applications shall be entitled to bear the filing date of the original application, and shall constitute separate and distinct applications for which separate fees shall be paid. (New.)

DRAWINGS AND MODELS.

Drawings.

37. (1) In the case of a machine, or in any other case in which the invention admits of illustration by means of drawings, the applicant shall also with his application, send in drawings in duplicate, showing clearly all parts of the invention; and each drawing shall bear the signature of the inventor, or of the applicant, or of the attorney of such inventor or applicant, and shall have written references corresponding with the specification, but the Commissioner may require further drawings or dispense with any of them as he sees fit.

Duplicates.

(2) One duplicate of the specification and of the drawings, if there are drawings, shall be annexed to the patent, of which it shall form an essential part, and the other duplicate shall remain deposited in the Patent Office.

Copies in place of duplicates.

(3) The Commissioner may, in his discretion, dispense with the duplicate specification and drawing, and in lieu thereof cause copies of the specification and drawing, in print or otherwise, to be attached to the patent, of which they shall form an essential part. R.S., c. 150, s. 14, Am.

35. This is section 15 of the existing Act transposed without change.

36. New. There is no provision in the existing Act to provide that separate inventions shall not be claimed in one application nor included in one patent. Nor is there provision for dividing applications. The British Act provides that "every patent shall be granted for one invention only". (Section 14 (b)). Statutory authority is therefore given for the division of applications under the direction of the Commissioner.

37. This section comprises the provisions of subsections 3, 4 and 5 of section 14 of the Act, which are not altered.

Models and specimens.

38. (1) In all cases in which the invention admits of representation by model, the applicant, if required by the Commissioner, shall furnish a model of convenient size exhibiting its several parts in due proportion; and when the invention is a composition of matter, the applicant, if required by the Commissioner, shall furnish specimens of the ingredients, and of the composition, sufficient in quantity for the purpose of experiment.

Dangerous substances.

(2) If such ingredients or composition be of an explosive or dangerous character, they shall be furnished with such precautions as are prescribed in the requisition therefor. R.S., c. 150, s. 16.

CHEMICAL PRODUCTS AND SUBSTANCES.

Chemical products and substances intended for food or medicine.

39. (1) In the case of inventions relating to substances prepared or produced by chemical processes or intended for food or medicine, the specification shall not include claims for the substance itself, except when prepared or produced by the methods or processes of manufacture particularly described and claimed or by their obvious chemical equivalents. R.S. c. 150, s. 17 (1), Am.

Action for infringement.

(2) In an action for infringement of a patent where the invention relates to the production of a new substance, any substance of the same chemical composition and constitution shall, in the absence of proof to the contrary, be deemed to have been produced by the patented process.

No patent to preclude free manufacture or free sale or use of article for human food or medical purpose.

(3) In the case of any patent for an invention intended for or capable of being used for the preparation or production of food or medicine, the Commissioner shall, unless he sees good reason to the contrary, grant to any person applying for the same, a licence limited to the use of the invention for the purposes of the preparation or production of food or medicine but not otherwise; and, in settling the terms of such licence and fixing the amount of royalty or other consideration payable, the Commissioner shall have regard to the desirability of making the food or medicine available to the public at the lowest possible price consistent with giving to the inventor due reward for the research leading to the invention.

Appeals.

(4) Any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court.

Application.

(5) This section shall apply only to patents granted after the thirteenth day of June, one thousand nine hundred and twenty-three. R.S., c. 150, s. 17.

REFUSAL TO GRANT PATENTS

Power of Commissioner to refuse grant.

40. The Commissioner may object to grant a patent whenever he is satisfied that the applicant is not by law entitled thereto, and when it appears to him that the in-

38. This section is the same as section 16 of the existing Act, transposed without change. Sections 37 and 38 relate to drawings and models, and are therefor put under the same heading.

39. This amends section 17 of the Act verbally. It relates to chemical products and substances intended for food or medicine.

The underlined word "or" is substituted for "and" to correct an unintentional error, and the words at the latter part of the subsection replace the words "special methods or processes of manufacture by their obvious chemical equivalents", following the amended British section 38A.

40, 41, 42. These sections, relating to the refusal to grant patents, are the same as sections 19, 20 and 21 of the existing Act.

vention has already been patented, unless the Commissioner has doubts as to whether the patentee or the applicant is the first inventor and the application was filed within two years from the date of the patent. R.S., c. 150, s. 19.

Notice to applicant.

41. Whenever the Commissioner objects to grant a patent as aforesaid, he shall notify the applicant to that effect and shall state the ground or reason therefor, with sufficient detail to enable the applicant to answer, if he can, the objection of the Commissioner. R.S., c, 150, s. 20.

Appeal to Exchequer Court.

42. (1) Every applicant who has failed to obtain a patent by reason of the objection of the Commissioner as aforesaid may, at any time within six months after notice thereof has been mailed by registered letter, addressed to him or his agent, appeal from the decision of the said Commissioner to the Exchequer Court.

Jurisdiction.

(2) The Exchequer Court shall have exclusive jurisdiction to hear and determine any such appeal. R.S., c. 150, s. 21.

CONFLICTING APPLICATIONS.

When conflict exists.

43. (1) Conflict between two or more pending applications shall exist

(a) when each of them contains one or more claims defining substantially the same invention;

(b) when one or more claims of one application describe the invention disclosed in the other application. (New).

Procedure to be followed before conflict is declared.

(2) When the Commissioner has before him two or more such applications, he shall notify each of the applicants of the apparent conflict, and transmit to each of them a copy of the conflicting claims, together with a copy of this section, and the Commissioner shall give each applicant the opportunity of inserting the same or similar claims in his application within a specified time. (New).

Preliminary notice of conflict.

(3) In the event of each of two or more such completed applications containing one or more claims describing as new, and claiming an exclusive property or privilege in, things or combinations so nearly identical that, in the opinion of the Commissioner, separate patents to different patentees should not be granted, the Commissioner shall forthwith notify each of the applicants to that effect. (New).

Response.

(4) Each of the applicants, within a time to be fixed by the Commissioner, shall either avoid the conflict by the amendment or cancellation of the conflicting claim or claims, or, if unable to make such claims owing to knowledge of prior art, may submit to the Commissioner such prior art alleged to anticipate the claims. Thereupon each

43. Section 22 of the Act, respecting conflicting applications, has been redrafted and amended to define more clearly the practice relating to conflicts.

The section of the Act as it now stands does not give the applicants an opportunity to put their applications in condition for conflict proceedings. The result is that applications arriving in the Court before the patentability of the invention has been thoroughly determined by the Patent Office, are not in the best interest of the applicant. The present amendment also provides for the bringing to the attention of the Patent Office, prior art, which is not at present available to the Office. It further provides that the sealed envelopes must be opened by the Commissioner in the presence of a witness, and the date endorsed upon the affidavits.

application shall be re-examined with reference to such prior art, and the Commissioner shall decide if the subject matter of such claims is patentable. 1932, c. 21, s. 1, Am.

Formal declaration of conflict.

(5) If the subject matter is found to be patentable and the conflicting claims are retained in the applications, the Commissioner shall require each applicant to file in the Patent Office, in a sealed envelope duly endorsed, within a time specified by him, an affidavit of the record of the invention. The affidavit shall declare:—

(a) the date at which the idea of the invention described in the conflicting claims was conceived;

(b) the date upon which the first drawing of the invention was made;

(c) the date and mode on which the first written or verbal disclosure of the invention was made;

(d) the dates and nature of the successive steps subsequently taken by the inventor to develop and perfect the said invention from time to time up to the date of the filing of the application for patent. 1932, c. 21, s. 1 (2), Am.

Opening envelopes containing record of invention.

(6) No envelope containing any such affidavit as aforesaid shall be opened nor shall the affidavits be permitted to be inspected unless there continues to be a conflict between two or more applicants, in which event all the envelopes shall be opened at the same time by the Commissioner in the presence of the Assistant Commissioner or an examiner as witness thereto, and the date of such opening shall be endorsed upon the affidavits. A copy of each affidavit shall be transmitted to the several applicants. 1932, c. 21, s. 1 (2), Am.

Decision of Commissioner.

(7) The Commissioner after examining the facts stated in the affidavits shall determine which of them is the prior inventor to whom he will allow the claims in conflict, and shall forward to each applicant a copy of his decision. 1932, c. 21, s. 1 (2), Am.

Disposition of applications unless proceedings taken in Exchequer Court.

(8) The claims in conflict shall be rejected or allowed accordingly unless within a time to be fixed by the Commissioner and notified to the several applicants one of them commences proceedings in the Exchequer Court of Canada for the determination of their respective rights, in which event the Commissioner shall suspend further action on the applications in conflict until in such action it has been determined either

(i) that there is in fact no conflict between the claims in question, or

(ii) that none of the applicants is entitled to the issue of a patent containing the claims in conflict as applied for by him, or

(iii) that a patent or patents, including substitute claims approved by the Court, may issue to one or more of the applicants, or

(iv) that one of the applicants is entitled as against the others to the issue of a patent including the claims in conflict as applied for by him.

Sending files to Court.

(9) The Commissioner shall, upon the request of any of the parties to a proceeding under this section, transmit to the Exchequer Court of Canada the papers on file in the Patent Office relating to the applications in conflict. 1932, c. 21, s. 1, Am.

GRANT AND DURATION OF PATENTS.

What patent shall contain and confer.

44. Every patent granted under this Act shall contain the title or name of the invention, with a reference to the specification, and shall, subject to the performance of the conditions in this Act prescribed, grant to the patentee and his legal representatives for the term therein mentioned, from the granting of the same, the exclusive right, privilege and liberty of making, constructing and using, and vending to others to be used, the said invention, subject to adjudication in respect thereof before any court of competent jurisdiction. R.S., c. 150, s. 23, Am.

INVENTIONS BY PUBLIC SERVANTS.

Patents for inventions by persons in public service.

45. (1) Every patent granted in respect of an invention made by a person while employed in the public service of Canada and relating to the nature of his employment shall, notwithstanding anything in the patent or in this Act to the contrary, be subject to the following conditions, which shall be endorsed on such patent, that is to say:—

Terms.

(a) The Commissioner may grant to any person applying therefor a licence to use the patented invention on terms to be fixed by the Commissioner;

Duty of Commissioner.

(b) In fixing the said terms the Commissioner shall have regard to the circumstances under which the invention was made and the right and interest of the Government of Canada therein in consequence thereof, which right and interest the said government is hereby declared to have, and shall reduce the royalty payable to the patentee accordingly or apportion the royalty between the patentee and the Government of Canada, but in no case shall the amount payable to the patentee be less than one-half of what it would have been had the inventor not been in the public service when making the invention;

(c) The patentee shall not make use of nor allow others to make use of the patented invention without the consent of the Commissioner, who in granting such

44. This is subsection 1 of section 23 of the existing Act. Subsection 2 of that section, relating to joint applicants has been transposed to section 31 of this Act.

45. This is section 24 of the existing Act, with the addition of paragraph *(e)* of subsection 1.

consent may exact a royalty for such use to be fixed by him and paid to the Government of Canada;

(d) The Attorney General of Canada shall have a right of action in any court of competent jurisdiction to restrain the unauthorized use of the patented invention and recover damages therefor, which may be apportioned by the Commissioner, with the approval of the Minister, between the patentee and the Government;

(e) Notwithstanding the foregoing provisions of this section, the patentee, with the consent of the Governor in Council, may assign the patent on such terms as to the division and payment of the consideration therefor, or otherwise, as the Governor in Council may decide, in which case the Government of Canada shall not be deemed to have any special right or interest in such patent except such rights and interests as are expressly reserved by the terms of the order in council granting such consent. (New).

Disputes.

(2) Any question which may arise as to whether any invention comes within the terms of this section shall be determined by the Commissioner on the application for a patent therefor.

Deputy may apply if inventor refuses.

(3) On the refusal of such inventor to apply for a patent for such invention after being thereunto duly required by the deputy head of the department in which he was at the time of making the invention employed, such deputy head may in his official capacity apply for and obtain a patent for such invention.

Inventor's right outside of Canada.

(4) Nothing herein contained shall be construed to restrict the right of the inventor to the full enjoyment of his invention outside of Canada.

Appeal.

(5) Any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court. R.S., c. 150, s. 24, Am.

FORM OF PATENTS.

Form of issue.

46. Every patent shall be issued under the seal of the Patent Office and the signature of the Commissioner, and, when duly registered, shall be good, and shall avail the grantee and his legal representatives for the term mentioned in the patent. R.S., c. 150, s. 25.

TERM OF PATENTS.

Term of patent.

47. (1) The term limited for the duration of every patent of invention issued by the Patent Office shall be eighteen years from the date when the application therefor was filed in the Patent Office. R.S., c. 150, s. 26, Am.

Patents pending.

(2) The term limited for the duration of every patent of invention the application for which has been filed in the

46. This is the same as section 25 of the existing Act.

47. This amends section 26 of the Act, respecting the term of patents.

The existing Act and the Patent Office rules do not contain any provision as to the date a patent is to bear. In the United States the patent bears date as of the date of issue. In Britain the patent is dated as of the date of the application. (Patent Acts, 1907-1932, s. 13).

Patent Office prior to the coming into force of this section shall be eighteen years from the sealing of the patent. (New).

REISSUE OF PATENTS.

Issue of new or amended patents.

48. (1) Whenever any patent is deemed defective or inoperative by reason of insufficient description or specification, or by reason of the patentee claiming more or less than he had a right to claim as new, but at the same time it appears that the error arose from inadvertance, accident or mistake, without any fraudulent or deceptive intention, the Commissioner may, upon the surrender of such patent, within four years from its date, and the payment of the further fee hereinafter provided, cause a new patent, in accordance with an amended description and specification made by such patentee, to be issued to him for the same invention for any part or for the whole of the then unexpired residue of the term for which the original patent was or might have been granted.

Effect of new patent.

(2) Such new patent, and the amended description and specification, shall have the same effect in law, on the trial of any action thereafter commenced for any cause subsequently accruing, as if the same had been originally filed in such corrected form before the issue of the original patent.

Separate patents for separate parts.

(3) The Commissioner may entertain separate applications and cause patents to be issued for distinct and separate parts of the invention patented, upon payment of the fee for a reissue for each of such reissued patents. R.S., c. 150, s. 27, Am.

DISCLAIMERS.

Patentee may disclaim anything included in patent by mistake.

49. (1) Whenever, by any mistake, accident or inadvertence, and without any wilful intent to defraud or mislead the public, a patentee has

(a) made his specification too broad, claiming more than that of which he or the person through whom he claims was the first inventor; or

(b) in the specification, claimed that he or the person through whom he claims was the first inventor of any material or substantial part of the invention patented of which he was not the first inventor, and to which he had no lawful right;

the patentee may, on payment of the fee hereinafter provided, make disclaimer of such parts as he does not claim to hold by virtue of the patent or the assignment thereof.

Form and attestation of disclaimer.

(2) Such disclaimer shall be in writing, and in duplicate, and shall be attested by one or more witnesses; one copy thereof shall be filed and recorded in the office of the Commissioner, and the other copy thereof shall be attached to the patent, and made a part thereof by reference, and

Applications may be pending under the present practice for years, but this amendment will hasten their completion and require due diligence to avoid the loss of time involved by any unnecessary delay, as the patent is dated from the date of application.

48. This amends subsection 1 of section 27 of the Act, relating to the reissue of patents, by striking out the words "or within one year from the thirteenth day of June, one thousand nine hundred and twenty-three" in the eighth and ninth lines, as that date has lapsed.

Subsection 2 of the existing section 27 is omitted as unnecessary. The provision is covered by the definition of patentee in section 2 *(g)*. Subsection 2 reads as follows:

"2. In the event of the death of the original patentee or of his having assigned the patent, a like right shall vest in his assignee or his legal representatives."

49. This amends section 28 of the Act to substitute the underlined words "by one or more witnesses" for the words "attested in the manner hereinbefore prescribed" in subsection 2. There is no manner prescribed in the Act.

such disclaimer shall thereafter be taken and considered as part of the original specification.

Pending suits not affected.

(3) Such disclaimer shall not affect any action pending at the time of its being made, except in so far as relates to the question of unreasonable neglect or delay in making it.

Death of patentee.

(4) In case of the death of the original patentee, or of his having assigned the patent, a like right shall vest in his legal representatives, any of whom may make disclaimer.

Effect of disclaimer.

(5) The patent shall thereafter be deemed good and valid for so much of the invention as is truly the invention of the disclaimant, and is not disclaimed, if it is a material and substantial part of the invention, and is definitely distinguished from other parts claimed without right; and the disclaimant shall be entitled to maintain an action or suit in respect of such part accordingly. R.S., c. 150, s. 28. Am.

ASSIGNMENTS.

Assignee or representatives may obtain patent.

50. (1) The patent may be granted to any person to whom the inventor, entitled under this Act to obtain a patent, has assigned or bequeathed the right of obtaining the same, or in default of such assignment, or bequest, to the legal representatives of the inventor. R.S., c. 150, s. 29.

Withdrawal of applications.

(2) No application for a patent shall be withdrawn without the consent in writing of each and every registered assignee of such patent or any part thereof. R.S., c. 150, s. 18.

Patents to be assignable.

51. (1) Every patent issued for an invention shall be assignable in law, either as to the whole interest or as to any part thereof, by any instrument in writing.

Registration.

(2) Such assignment, and every grant and conveyance of any exclusive right to make and use and to grant to others the right to make and use the invention patented, within and throughout Canada or any part thereof, shall be registered in the Patent Office in the manner from time to time prescribed by the Commissioner for such registration.

Attestation.

(3) Every such assignment, grant or conveyance before being entitled to registration shall be accompanied by the affidavit of one or more witnesses that the same was signed and executed in their presence by the assignor or other party thereto. (New)

Assignment null if not registered.

(4) Every assignment affecting a patent for invention shall be null and void against any subsequent assignee, unless such instrument is registered as hereinbefore prescribed, before the registration of the instrument under which such subsequent assignee claims. R.S., c. 150, s. 30. Am.

50. This amends section 29 of the existing Act by incorporating therein as subsection 2 the provisions of section 18 of the Act, preventing the withdrawal of applications without the consent of the registered assignee.

51. This amends section 30 of the Act by adding provisions for proper proof of the execution of assignments, and for the proof of title of other instruments, before registration. This is to prevent the attempted registration of documents executed without sufficient authority.

LEGAL PROCEEDINGS IN RESPECT OF PATENTS

Patent to be void in certain cases, or valid only for parts.

52. (1) A patent shall be void, if any material allegation in the petition or declaration of the applicant hereinbefore mentioned in respect of such patent is untrue, or if the specifications and drawings contain more or less than is necessary for obtaining the end for which they purport to be made, when such omission or addition is wilfully made for the purpose of misleading, or if the patentee and his legal representatives fail to perform the conditions in this Act prescribed.

Exception in case of involuntary error.

(2) If it appears to the court that such omission or addition was an involuntary error, and if it is proved that the patentee is entitled to the remainder of his patent *pro tanto*, the court shall render a judgment in accordance with the facts, and shall determine as to costs, and the patent shall be held valid for such part of the invention described, as the patentee is so found entitled to.

Copies of judgment to be sent to Patent Office.

(3) Two office copies of such judgment shall be furnished to the Patent Office by the patentee, one of which shall be registered and remain of record in the office, and the other of which shall be attached to the patent, and made a part of it by a reference thereto. R.S., c. 150, s. 31. Am.

INFRINGEMENT.

Jurisdiction of courts.

53. Any action for the infringement of a patent may be brought in the court of record having jurisdiction, to the amount of the damages claimed, in the province in which the infringement is alleged to have taken place, which holds its sittings nearest to the place of residence or of business of the defendant; and such court shall decide the case and determine as to costs: Provided, however, that after the lapse of a period of three years from the date of a patent, neither the patentee nor his legal representatives shall be entitled to obtain any interlocutory order or injunction restraining the opposite party from further manufacture, production or use of the patented invention or any final judgment for the infringement of a patent in any court of competent jurisdiction, unless such patentee or legal representatives shall have proved to the satisfaction of the court that at the time of the infringement alleged in such action the patented invention was being worked on a commercial scale within Canada by the patentee or by such legal representatives. R.S., c. 150, s. 33, Am.

Infringement of patent, defined and remedy provided by action for damages.

54. Except as in this Act otherwise provided, every person who, without the consent in writing of the patentee, makes, constructs or puts in practice any invention for which a patent has been obtained under this Act or any

52, 53, 54. These are sections 31, 32 and 33 of the existing Act, amended as indicated.

previous Act, or who procures such invention from any person not authorized by the patentee or his legal representatives to make or use it, and who uses it, shall be liable to the patentee or his legal representatives in an action of damages for so doing; and the judgment shall be enforced, and the damages and costs that are adjudged shall be recoverable, in like manner as in other cases in the court in which the action is brought. R.S., c. 150, s. 32, Am.

Patent not to affect a previous purchaser.

55. (1) Every person who purchases of the inventor, or constructs any newly invented machine, or other patentable article, prior to the application by the inventor for a patent, or who sells or uses one so constructed, shall have the right to use, and vend to others to be used, the specific thing so made or purchased, without liability therefor.

Infringement by other persons.

(2) Notwithstanding the above preceding subsection, any person who manufactures or sells an article for which a patent shall subsequently issue under the present Act, shall be liable to an action for infringement provided such manufacture or sale occurred after the filing of the application covering the said patent. R.S., c. 150, s. 50, Am.

Injunction may issue.

56. In any action for infringement of a patent, the court, or any judge thereof, may, on the application of the plaintiff or defendant, respectively, but subject to the provisions of section fifty-three, make such order as the court or judge sees fit,

(a) restraining or for an injunction restraining the opposite party from further use, manufacture or sale of the subject matter of the patent, and for his punishment in the event of disobedience of such order; or

(b) for and respecting inspection or account; and

(c) generally respecting the proceedings in the action.

Appeal.

(2) An appeal shall lie from any such order under the same circumstances and to the same court, as from other judgments or orders of the court in which the order is made. R.S., c. 150, s. 34, Am.

Invalid claims not to affect valid claims.

57. When in any action or proceeding respecting a patent which contains two or more claims, one or more of such claims are held to be valid but another or others invalid and void, effect shall be given to the patent as if it contained only the valid claim or claims. 1932, c. 21, s. 2.

Defence.

58. The defendant, in any such action, may plead as matter of defence, any fact of default which by this Act, or by law, renders the patent void; and the court shall take cognizance of such pleading and of the facts connected therewith, and shall decide the case accordingly. R.S., c. 150, s. 36.

55. This inserts a new section in place of section 50. The latter part of this section seems to be unnecessary, and the first part, which gives rights to a previous purchaser, should properly be confined to purchase or taking before the application for a patent is filed instead of before the issue of a patent.

Section 4899 of the United States Patent Laws covers this situation more satisfactorily, and a provision (subsection (2)) is added respecting liability if the manufacture or sale occurred after the filing of the application covering the said patent, since the grant of the patent will now date from the filing of the application instead of from the date of the sealing of the application.

56. This is the same as section 34 of the existing Act, with the underlined words inserted.

57. This is section 35 of the Act as enacted in 1932, c. 21.

58. This is the same as section 36 of the existing Act.

IMPEACHMENT.

Impeachment of patents or patent claims.

59. (1) A patent or any claim in a patent may be declared invalid or void by the Exchequer Court of Canada at the instance of the Attorney General of Canada or at the instance of any interested person.

Declaration as to infringement.

(2) If any person has reasonable cause to believe that any process used or proposed to be used, or any article made, used or sold or proposed to be made, used or sold by him might be alleged by any patentee to constitute an infringement of an exclusive property or privilege granted thereby, he may bring an action in the Exchequer Court of Canada against the patentee for a declaration that such process or article does not or would not constitute an infringement of such exclusive property or privilege.

Security for costs.

(3) Except the Attorney General of Canada or the Attorney General of a province of Canada the plaintiff in any action under this section shall, before proceeding therein, give security for the costs of the patentee in such sum as the Court may direct, but a defendant in any action for the infringement of a patent shall be entitled to obtain a declaration under this section without being required to furnish any security. 1932, c. 21, s. 3, Am.

PRIORITY OF INVENTIONS.

Prior inventor must disclose his invention to establish priority.

60. (1) No patent or claim in a patent shall be declared invalid or void on the ground that, before the invention therein defined was made by the inventor by whom the patent was applied for, it had already been known or used by some other inventor, unless it is established either that,

(a) before the date of the application for the patent such other inventor had disclosed or used the invention in such manner that it had become available to the public; or that

(b) before the issue of the patent, such other inventor had made an application for a patent by virtue of which he is entitled to priority or upon which conflict proceedings should have been directed. 1932, c. 21, s. 4, Am.

A second patent cannot issue unless on adjudication the first patent is set aside.

Action to set aside prior patent.

(2) Notwithstanding the provisions of section forty of this Act, an application for a patent on an invention for which a patent has already issued under this Act shall be rejected unless the applicant or his assignee within a time to be fixed by the Commissioner commences an action to set aside the prior patent, so far as it covers the invention in question, but if such action is so commenced and diligently prosecured, the application shall not be deemed to have been abandoned unless the applicant fails to proceed

59. This is section 37 of the Act as enacted in 1932, c. 21, with the underlined words inserted.

60. This amends section 37A of the Act as enacted in 1932, c. 21, s. 4, by redrafting and division into paragraphs and subsections.

upon it within a reasonable time after the action has been finally disposed of.

When provisions of subsection one do not apply.

(3) If the application was filed within one year from the date of the filing of the application for the prior patent, the provisions of subsection one of this section shall not apply to the determination of the respective rights of the parties to such action. 1932, c. 21, s. 4, Am.

JUDGMENTS.

Judgment voiding patent to be filed.

61. A certificate of the judgment avoiding any patent shall, at the request of any person filing it to make it of record in the Patent Office, be entered on the margin of the enrolment of the patent in the Patent Office, and the patent shall thereupon be and be held to have been void and of no effect, unless the judgment is reversed on appeal as hereinafter provided. R.S., c. 150, s. 38.

Appeal.

62. The judgment declaring or refusing to declare any patent void shall be subject to appeal to any court having appellate jurisdication in other cases decided by the court by which such judgment was rendered. R.S., c. 150, s. 39.

CONDITIONS.

Conditions governing all patents.

63. (1) Every patent, except those governed by the provisions of this Act relating to the granting of patents in the public service, shall be subject to the following conditions:—

Reasonable public requirements to be satisfied. Manufacture on a commercial scale within Canada.

(a) Every patentee shall satisfy the reasonable requirements of the public with reference to his patent, and to that end shall work the patented invention on a commercial scale within Canada; 1928, c. 4, s. 1, Am.

Use of materials produced in Canada.

(b) component parts or materials, which are manufactured or produced in Canada, shall be used so far as they are available in the manufacture or production of the patented article; (New)

Importation or assembling not work on a commercial scale.

(c) importation of more than fifty per cent in value of the parts or materials used in the manufacture or production of a patented article or in the assembling thereof in Canada shall not be deemed to be work on a commercial scale in Canada. (New).

Annual returns to Minister.

(2) Every registered owner of one or more patents shall, within thirty days after the close of each calendar year, transmit or deliver to the Commissioner a return stating:—

61, 62. These sections, relating to judgments, are the same as sections 38 and 39 of the existing Act.

63. Amends section 40 of the Act, relating to conditions governing patents.

Throughout this section the term "work on a commercial scale," as defined in section 2 of this Act, is used in place of the words "adequately manufacture."

The importation and assembling of parts are dealt with and restricted, and it is provided that all available parts must be fabricated in Canada. If the patented article is one capable of being worked in Canada the patentee must work it or carry on the process on a commercial scale within Canada. (Subsection 1, *(a), (b), (c)*). And the reasonable requirements of the public are not satisfied if the working of the invention within Canada on a commercial scale is prevented or limited by importation from abroad of the patented article. (Subsection 8 (i), adapted from the British Act, section 27(1)*(b)*).

Then provision is added to require annual returns to the Commissioner respecting outstanding patents, especially to ascertain whether or not they are being worked or carried on, and the reason why they are not being worked or carried on, if such be the case. (Subsection (2)).

This is regarded by the Department as essential to check attempts to hold patents indefinitely without providing for manufacture or sale, and thus restraining others who are ready to manufacture or produce the article for public use.

(*a*) the number, date and title of each patent granted to him, and the date of any registered assignment or conveyance thereof, giving the name of the assignee or person entitled thereto;

(*b*) whether or not work on a commercial scale of the patented invention is being carried on in Canada, the place where and the name and address of the person or company making or supplying the same;

(*c*) the reasons why such patented invention is not being worked on a commercial scale in Canada, if such be the case. (New.)

Date of earliest return applicable.

(3) The registered owner may not invoke any other date than that given in the earliest annual return of manufacture of the patented article in Canada as against a person seeking a licence to manufacture under the patent in Canada. (New.)

Petition to compel supply.

(4) The Attorney General of Canada or any person interested may present a petition to the Commissioner alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, or that the patentee has failed to work on a commercial scale the patented invention in Canada, and praying that the patentee may be ordered to manufacture or to produce within Canada and to supply the patented invention at a reasonable price or to grant licences for the manufacture or production and use within Canada of the patented invention on reasonable terms 1928, c. 4, s. 1 (*b*), Am.

Powers of Commissioner.

(5) If the parties do not come to an arrangement between themselves, the Commissioner shall proceed to hear and determine the matter, and if it is proved to his satisfaction

(*a*) that the reasonable requirements of the public with respect to the patented invention have not been satisfied; or

(*b*) that the patentee has failed to work on a commercial scale the patented invention in Canada;

the Commissioner may order the patentee

Order to compel supply.

(i) to manufacture or produce and to supply the patented article within reasonable limits at such price as may be fixed by him, and in accordance with the custom of the trade to which the invention relates as to payment and delivery; or

To grant licences.

(ii) to grant licences for the manufacture or production and use of the patented invention as may be fixed by him;

in either case within and after such time as may be fixed by the Commissioner and on pain of forfeiture of the patent. 1928, c. 4, s. 1(*c*), Am.

Restriction.

(6) No order shall be made by the Commissioner under the provisions of the preceding subsection before the expiration of three years from the date of the issue of the patent. 1928, c. 4, s. 1 (*c*), Am.

This amendment will be favourable to an intending applicant for a licence who in good faith desires to establish an industry in Canada, and who is prevented by the existence of a patent held but not worked by the registered owner.

It was never the intention that a merely formal working should be deemed to be a compliance with the terms of the Act, and it is to clear up any misapprehension that the requirement of working on a commercial scale is necessary.

This section has been redrafted and amended as indicated by the words underlined and vertical lines.

Reference to Exchequer Court.

(7) The Commissioner may, with the approval of the Minister, instead of hearing and determining the matter himself, refer the petition to the Exchequer Court, which shall have jurisdiction in the premises, and may make such order thereon as the Commissioner is authorized to make under this section. 1928, c. 4, s. 1*(c)*, Am.

Reasonable requirements.

(8) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied,

Default to manufacture or supply on reasonable terms.

(i) if by reason of the default of the patentee to work on a commercial scale and supply on reasonable terms the patented article, or any parts thereof which are necessary for its efficient working, or to carry on the patented process on a commercial scale or to grant licences on reasonable terms, any existing trade or industry, or the establishment of any new trade or industry, in the Dominion of Canada is unfairly prejudiced, or the demand for the patented invention or the article produced by the patented process is not reasonably met, or if the working of the invention within Canada on a commercial scale is being prevented or hindered by the importation from abroad of the patented article; or

Unfair conditions of patentee.

(ii) if any trade or industry in the Dominion of Canada is unfairly prejudiced by the conditions attached by the patentee to the purchase, hire or use of the patented invention. R.S., c. 150, s. 40, Am.

Appeal.

(9) Any decision of the Commisioner under this section shall be subject to appeal to the Exchequer Court. R.S., c. 150, s. 40, Am.

REVOCATION.

Revocation of patent time limit.

64. (1) At any time not less than three years after the date of a patent any person may apply to the Commissioner for the revocation of the patent on the ground that the patented invention is manufactured or produced exclusively or mainly outside Canada to supply the Canadian market with the invention covered by the patent.

Powers of Commissioner.

(2) The Commissioner shall consider the application, and if after enquiry he is satisfied that the allegations contained therein are correct, and if the grant of a licence in respect of the said patent has previously been ordered under section sixty-three of this Act, then, subject to the provisions of this section, and unless the patentee proves that the patented invention is worked on a commercial scale within Canada, or gives reasons satisfactory to the Commissioner why the patented invention is not so worked on a commercial scale, the Commissioner may make an order revoking the patent either

64. Section 41 of the existing Act is amended by inserting the words "worked on a commercial scale within Canada" in place of the words "is manufactured or carried on to an adequate extent in Canada."

(*a*) forthwith; or

(*b*) after such reasonable interval as may be specified in the order;

unless in the meantime it is shown to his satisfaction that the patented invention is being worked on a commercial scale within Canada.

Treaty.

(3) No such order as aforesaid shall be made which is at variance with any treaty, convention, arrangement or engagement which then subsists between Canada and any other country.

Extension of time.

(4) If within the time limited in the order the patented invention is not worked on a commercial scale within Canada, but the patentee gives satisfactory reasons why it is not so worked on a commercial scale, the Commissioner may extend the period mentioned in the previous order for such period not exceeding twelve months as may be specified in the subsequent order.

Appeal.

(5) Any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court. 1928, c. 4, s. 2, Am.

CAVEATS

Intending applicant for patent may file a caveat.

65. (1) Any intending applicant for a patent who has not yet perfected his invention and is in fear of being despoiled of his idea, may file, in the Patent Office, a description of his invention so far as it has proceeded, with or without plans, at his own will; and the Commissioner, on payment of the fee in this Act prescribed, shall cause the said document, which shall be called a *caveat*, to be preserved in secrecy with the exception of delivering copies of the same whenever required by the said applicant or by any judicial tribunal, but the secrecy of the document shall cease when the applicant obtains a patent for his invention.

Notice of application by another to be sent to person filing caveat.

(2) If application is made by any other person for a patent for any invention with which such *caveat* may in any respect interfere, the Commissioner shall forthwith give notice by mail, of such application, to the person who has filed such *caveat*, and such person shall, within three months after the date of mailing the notice, if he wishes to avail himself of the *caveat*, file his petition and take the other steps necessary on an application for a patent, and if, in the opinion of the Commissioner, the applications are conflicting, like proceedings may be had in all respects as are by this Act provided in the case of conflicting applications.

Duration of caveat.

(3) Unless the person filing a *caveat* makes application within one year from the filing thereof for a patent, the Commissioner shall be relieved from the obligation of

65. This is the same as section 42 of the existing Act.

giving notice, and the *caveat* shall then remain as a simple matter of proof as a novelty or priority of invention, if required. R.S., c. 150, s. 42.

PATENT FEES.

Tariff of fees.

66. (1) The following fees shall be payable before an application for any of the purposes herein mentioned shall be received by the Commissioner, that is to say:—

On filing an application for patent	$15 00
On grant of patent payable on pain of forfeiture within three months from the date of notice of the allowance of patent	20 00
On filing an amendment after allowance of an application for patent	5 00
On lodging a *caveat*	5 00
On asking to register a judgment *pro tanto*	4 00
On asking to register an assignment, or any other document affecting or relating to a patent	2 00
On asking to attach a disclaimer to a patent	2 00
On asking for a copy of patent with specification exclusive of drawings	4 00
On petition to re-issue a patent after surrender	30 00
On filing an application or petition under sections thirty-nine, forty-five, sixty-three or sixty-four of this Act—For each patent mentioned therein	10 00
On filing an application for the restoration and revival of a patent—For each patent mentioned herein	35 00
On application for registration under section fifteen	5 00
On office copies of documents, not above-mentioned, the following charges shall be made, the minimum charge being $1.00:—	
For every single or first folio of one hundred words certified copy	0 25
For every such subsequent folio, fractions of or under one-half not being counted, and of one-half or more being counted as a folio	0 10
For every copy of drawings, per sheet	0 25
For every additional copy of drawings, per sheet	0 15

Fees paid prior to this Act.

(2) In the case of a patent on which a fee of twenty dollars was paid prior to the thirtieth day of June, one thousand nine hundred and twenty-three, a further fee of fifteen dollars on pain of nullity of the patent shall be payable at or before the expiration of six years from the date of its issue.

Forfeited application.

(3) A forfeited application may be restored and a patent granted thereon on application to the Commissioner within six months from the incurrence of the forfeiture, on pay-

66. Section 43 of the Act relating to fees is amended by inserting several new charges, and providing that the mere cancellation of claims after allowance of an application shall not involve the payment of an additional fee.

ment with the application for restoration, in addition to the fee payable on the grant of the patent, of a further fee of fifteen dollars.

Cancellation of claims excepted.

(4) The mere cancellation of claims after allowance of an application shall not involve the payment of an additional fee.

Unprovided fees.

(5) The fees on any proceedings not herein provided for shall be such as may be fixed by the Commissioner with the approval of the Governor in Council. R.S. c. 150, s. 43, Am.

Fees in full for all services.

67. The said fees shall be in full of all services performed under this Act, in any such case, by the Commissioner or any person employed in the Patent Office. R.S., c. 150, s. 44.

Application of fees.

68. All fees or charges for which payment is received under this Act shall be paid over to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada, except such sums as are paid for copies of drawings when made by persons not receiving salaries in the Patent Office R.S., c. 150, s. 45.

No exemptions.

69. No person shall be exempt from the payment of any fee or charge payable in respect of any services performed for such person under this Act; and no fee, when paid, shall be returned to the person who paid it. R.S., c. 150, s. 46, Am.

RESTORATION OF PATENTS

Restoration and revival of patents.

70. Where any patent has become void under the terms of the *Patent Act*, chapter sixty-nine, Revised Statutes of Canada, 1906, of the *Patent Act*, chapter one hundred and fifty of the Revised Statutes of Canada, 1927, or of this Act, in consequence of the non-payment of fees or failure to construct or manufacture, or because of the importation of the patented invention, the patentee may within two years from the date of such voidance apply to the Commissioner for an order for the restoration and revival of the patent.

Order of restoration or dismissal.

(2) The Commissioner after hearing the patentee and any other interested parties on such application of which hearing due notice shall be given by publication in the *Canada Gazette* and the *Canadian Patent Office Record* or any other official publication of the Patent Office, and after considering all the circumstances of the case, may make an order either restoring and reviving the patent or dismissing the application.

67, 68, 69. These are the same as sections 44, 45 and 46 of the existing Act, except that part of 69 which is no longer applicable.

70. Amends section 47 of the Act, respecting restoration and revivals of patents, in regard only to patents becoming void under the various Patent Acts cited in subsection 1.

Effects of delay in application.

(3) No such application shall be granted if it appears that there has been undue delay in making the same or that the voidance of the patent was intentional on the part of the patentee.

Non-payment of fee.

(4) If the voidance of the patent was in consequence of the non-payment of any fee, such fees must be paid before any order restoring and reviving the patent can become effective.

Return of fee.

(5) If the application be dismissed, the Commissioner at his discretion may return the fee paid thereon less the sum of fifteen dollars.

Saving rights.

(6) In any case where a patent has become void is restored and revived as aforesaid and during the period when such patent was void and before publication of notice of hearing on an application for its restoration and revival as aforesaid, any person has commenced lawfully to construct, manufacture, use or sell in Canada the invention covered by such patent, such person may continue to construct, manufacture, use or sell such invention in as full and ample a manner as if such patent had not been restored and revived.

Appeal.

(7) The Attorney General of Canada, the applicant or any other interested party who has opposed any such application may appeal from the decision of the Commissioner thereon to the Exchequer Court, which shall have jurisdiction to hear and determine any such appeal. R.S., c. 150, s. 47, Am.

OFFENCES AND PENALTIES.

Patented articles to be stamped or marked.

71. Any patentee under this Act who sells or offers for sale any article patented under this Act not stamped or engraved with the year of the patent applying to such article, or when from the nature of the article this cannot be done, not having affixed to it or every package wherein one or more of such articles is or are enclosed a label marked with the year of the date of the patent applying to such article in manner and form provided by this Act, shall be liable to a penalty not exceeding one hundred dollars, and in default of the payment of such penalty, to imprisonment for a term not exceeding two months. R.S., c. 150, s. 63.

Falsely marking articles as patented.

72. Every person who

(a) writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything made or sold by him, and for the sole making or selling of which he is not the patentee, the name of any imitation of the name of any patentee for the sole making or selling of such thing, without the consent of such patentee;

71, 72, 73. These are the same as sections 63, 64 and 65 of the existing Act, except for the amendment to 73 as indicated.

(*b*) without the consent of the patentee, writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything not purchased from the patentee, the words *Patent, Letters Patent, King's or Queen's Patent, Patented,* or any word or words of like import, with the intent of counterfeiting or imitating the stamp, mark or device of the patentee, or of deceiving the public and inducing them to believe that the thing in question was made or sold by or with the consent of the patentee or his legal representatives; or

(*c*) offers for sale as patented any article not patented in Canada, for the purpose of deceiving the public;

An indictable offence.

is guilty of an indictable offence, and liable to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding three months, or to both. R.S., c. 150, s. 64.

False entries an indictable offence.

73. Every person who wilfully makes or causes to be made any false entry in any register or book or any false or altered copy of any document relating to the purposes of this Act, or who produces or tenders any such false or altered document in evidence, knowing the same to be such, is guilty of an indictable offence and shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both. R.S., c. 150, s. 65, Am.

REPEAL.

Repeal.

74. The *Patent Act,* chapter one hundred and fifty of the Revised Statutes of Canada, 1927, and the amending Acts, chapter four of the Statutes of 1928, chapter thirty-four of the Statutes of 1930, and chapter twenty-one of the Statutes of 1932, are hereby repealed.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 8.

An Act to establish an Employment and Social Insurance Commission, to provide for a National Employment Service, for Insurance against Unemployment, for aid to Unemployed Persons, and for other forms of Social Insurance and Security, and for purposes related thereto.

First reading, January 29, 1935.

The PRIME MINISTER.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
91046 1935

6th Session, 17th Parliament, George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 8.

An Act to establish an Employment and Social Insurance Commission, to provide for a National Employment Service, for Insurance against Unemployment, for aid to Unemployed Persons, and for other forms of Social Insurance and Security, and for purposes related thereto.

Preamble.

WHEREAS the Dominion of Canada was a signatory, as Part of the British Empire, to the Treaty of Peace made between the Allied and Associated Powers and Germany, signed at Versailles, on the 28th day of June, 1919; and whereas the said Treaty of Peace was confirmed by The Treaties of Peace Act 1919; and whereas, by Article 23 of the said Treaty, each of the signatories thereto agreed that they would endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and by Article 427 of the said Treaty declared that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance; and whereas it is desirable to discharge the obligations to Canadian Labour assumed under the provisions of the said Treaty; and whereas it is essential for the peace, order and good government of Canada to provide for a National Employment Service and Insurance against unemployment, and for other forms of Social Insurance and for the purpose of maintaining on equitable terms, interprovincial and international trade, and to authorize the creation of a National Fund out of which benefits to unemployed persons throughout Canada will be payable and to provide for levying contributions from employers and workers for the maintaining of the said Fund and for contributions thereto by the Dominion: Therefore 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 Employment and Social Insurance Act.*

INTERPRETATION.

Definitions.

2. (1) In this Act and in any regulation or order made thereunder unless the context otherwise requires,

"Commission".

(a) "Commission" means the Employment and Social Insurance Commission created by this Act;

"Contribution" or "contributions".

(b) "contribution" or "contributions," in relation to the number counted for the purposes of determining benefit rights and the duration of benefits of an insured contributor on an application for unemployment benefit, means full weekly contribution or contributions, as the case may be, after making allowance for the number of unemployed days for which contributions were paid in respect of him and in respect of which he is entitled to a refund of contributions paid by him by reason of having been unemployed during those days;

"Day".

(c) "day", means a period of twenty-four hours from midnight to midnight or such other period of twenty-four hours as the Commission may for any general or special purpose prescribe;

"Employment Service".

(d) "employment service", includes employment offices organized and administered as provided by this Act;

"Insurance year".

(e) "insurance year", means such period of not less than fifty-two or more than fifty-three weeks as may be prescribed by regulation in that behalf;

"Minister".

(f) "Minister", means the Minister designated by the Governor in Council for the purposes of this Act;

"Person".

(g) "Person" means a person of either sex.

"Prescribed'

(h) "prescribed", means prescribed by regulation;

"Regulation".

(i) "regulation", means any regulation made in the manner prescribed by this Act;

"Trade dispute".

(j) "trade dispute", means any dispute between employers and employees, or between employees and employees, which is connected with the employment or non-employment, or the terms or conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises, or not.

Construction of certain expressions in this Act.

(2) In this Act and in any regulation or order made thereunder, unless the context otherwise requires, each of the following expressions shall have the meaning assigned thereto in the provisions of this Act hereinafter in this subsection respectively mentioned:

(a) "an insured contributor," subsection 1 of section 20;

(b) "benefit year," section 24;

(c) "calendar week," Second Schedule, Part II, paragraph 10;
(d) "child," Third Schedule, Part II, paragraph 6;
(e) "continuously unemployed," subsection 4 of section 20;
(f) "continuous period of unemployment," subsection 4 of section 20;
(g) "employer's contribution," subsection 3 of section 17;
(h) "employed persons," subsection 1 of section 15;
(i) "insurable employment," subsection 1 of section 15;
(j) "statutory conditions," section 19 and subsection 1 of section 20;
(k) "unemployment benefit," section 19;
(l) "unemployment books," subsection 2 of section 18;
(m) "unemployment cards," subsection 2 of section 18;
(n) "Unemployment Insurance Advisory Committee," section 36;
(o) "Unemployment Insurance Fund," subsection 1 of section 17 and subsection 1 of section 35;
(p) "unemployment insurance stamps," subsection 2 of section 18;

Division into Parts.

(3) The remainder of this Act may be referred to as follows:—

PART I, sections four to nine inclusive, relating to the Employment and Social Insurance Commission;

PART II, sections ten to fourteen inclusive, relating to Employment Service;

PART III, sections fifteen to thirty-eight inclusive, relating to Unemployment Insurance;

PART IV, sections thirty-nine to forty-one inclusive, relating to National Health;

PART V, sections forty-two to forty-eight inclusive, General.

PART I.

Commission.

EMPLOYMENT AND SOCIAL INSURANCE COMMISSION

4. (1) This Act shall be administered by a Commission to be called "The Employment and Social Insurance Commission," which shall consist of a Chief Commissioner and two other Commissioners appointed by the Governor in Council.

How chosen.

(2) Of the said Commissioners, other than the Chief Commissioner, one shall be appointed after consultation with organizations representative of workers and the other after consultation with organizations representative of employers.

Quorum: vacancy.

(3) Two Commissioners shall be a quorum and no vacancy in the Commission shall impair the right of the remaining Commissioners to act.

(4) The decision of the majority of the Commissioners present at any meeting shall be the decision of the Commission, and in the event of a tie the Chief Commissioner shall have a second or casting vote.

Body corporate.

(5) The Commission shall be a body corporate having capacity to contract and to sue and be sued in the name of the Commission.

Power to hold property.

(6) The Commission shall have power, for the purposes of this Act, to acquire, hold and dispose of real and personal property.

Head Office.

(7) The head office of the Commission shall be in the city of Ottawa in the Dominion of Canada.

Duration of office.

5. (1) Each Commissioner shall, subject to his earlier removal for cause or permanent incapacity hold office for a period of ten years from the date of his appointment, but his office shall become vacant upon his attaining the age of seventy years.

Eligible for reappointment.

(2) A Commissioner upon expiration of his term of office, if under seventy years of age, shall be eligible for reappointment.

(3) In the event of absence or temporary incapacity of any Commissioner the Governor in Council may appoint a person to act in his stead.

Salaries of Commissioners.

6. The Chief Commissioner and the other members of the Commission shall be paid such salaries as may from time to time be fixed by the Governor in Council, and they shall devote their whole time to the performance of the duties of their respective offices.

Commission to undertake investigations.

7. (1) In addition to the powers and duties of the Commission as otherwise provided by this Act, the Commission shall, as soon as practicable after appointment, undertake investigations for the purpose of making proposals to the Governor in Council for—

Extension of insurance to excepted employments.

(a) providing unemployment insurance for the employments excepted from the operation of Part III of this Act, or for any of them, either by extending thereto the provisions of that Part, with such modifications, if any, as may be found necessary, or by special or supplementary schemes;

Assistance for unemployed.

(b) making provision for the assistance, during unemployment, of persons

(i) ordinarily employed in any of the employments excepted from the operation of Part III of this Act, or

(ii) ordinarily employed in insurable employment but who for the time being are not entitled to unemployment insurance benefit under this Act ; and

Training of unemployed.

(c) providing, in co-operation with educational authorities and institutions, or otherwise, either generally or

in certain areas or for any class or classes of such persons—

(i) physical and industrial training with a view to maintaining or increasing their industrial fitness, skill and efficiency, or enlarging their knowledge of the industry in which they normally seek employment, or

(ii) training and instruction in some occupation, trade or handicraft; or

(iii) employment in any work, having regard for their capacity, training and experience, with a view to re-habilitating them for regular employment.

Schemes of assistance.

(2) Proposals concerning assistance within the meaning of paragraph *(b)* of subsection one of this section may include proposals for the establishment of savings or any other funds derived either wholly out of contributions made by such persons or any of them while in employment or partly out of contributions so made and partly out of contributions made by the employers of such persons, or any other plan of assistance.

Report to Governor in Council.

(3) The Commission shall from time to time report to the Governor in Council their conclusions and recommendations based on any investigation made as hereinbefore in this section provided, and if any such report includes recommendations for the establishment of any fund under paragraph *(b)* of subsection one of this section, the recommendations shall be made on the basis that any such fund shall be maintained wholly distinct and separate from any other funds.

Report by Advisory Committee on recommendation of Commission.

(4) The Unemployment Insurance Advisory Committee, established under Part III of this Act, shall report to the Governor in Council on any recommendations made by the Commission in respect of the matters specified in paragraphs *(a)* and *(b)* of subsection one of this section.

Officers and employees to be appointed under Civil Service Act.

8. (1) The Commission may employ such officers, clerks and employees for the purposes of this Act as the Commission may determine, and all appointments of officers, clerks and employees so employed by the Commission shall be made in pursuance of the *Civil Service Act.*

Technical and professional employees for special purposes.

(2) For the purposes of any investigation, or for any other purpose of this Act, the Commission may, subject to the approval of the Governor in Council, from time to time temporarily employ such persons of technical and professional attainments as the Commission may deem necessary.

Cost of administration to be provided by Parliament.

(3) The costs of administration of this Act, including remuneration of Commissioners, officers, clerks and employees, shall be paid out of moneys provided by Parliament.

Power of Commission under Inquiries Act.

9. (1) For the purposes of any investigations undertaken by the Commission under the provisions of this Act, the Commission shall have the powers of a Commissioner under the *Inquiries Act.*

Notice of investigation.

(2) The Commission shall give such public notice as they consider sufficient of their intention to investigate any matters which under this Act they are empowered to investigate, and they shall receive any representations submitted to them by person or associations of persons appearing to the Commission to have an interest in the matters under investigation.

PART II.

EMPLOYMENT SERVICE.

Organization of Employment Service.

10. The Commission shall organize an employment service for the Dominion of Canada, in manner hereinafter provided, and shall be responsible for the constitution and management of such employment service and the direction, maintenance and control of all employment offices established as hereinafter provided.

Regional divisions: Central Offices.

11. (1) The Commission shall establish such regional divisions as they may deem expedient and desirable, and there shall be a central office in each such division at such place as the Commission may determine, and all employment offices provided for under the next succeeding subsection of this section which are within any such division shall be directed and controlled by the Commission through the central office of that division.

Employment offices.

(2) The Commission shall establish employment offices within each regional division at such places as they may deem expedient and desirable for the purposes of this Act.

Central Office Clearing House.

(3) The central office within each regional division shall be a clearing house for collecting from and distributing to the employment offices therein information concerning employers seeking workers and workers seeking employment.

Co-ordination of central offices.

(4) The Commission shall co-ordinate the services of the central offices so that the information obtained in any regional division may be available to workers and employers in other regional divisions.

Collection of Information.

12. (1) The Commission shall collect information concerning employers requiring workers and workers seeking employment and shall make the same available at the employment offices.

Failure to make returns an offence.

(2) The Commission may request any person to make written returns of such information as the Commission may deem necessary for the purposes of this Act, and failure to comply with any such request shall be an offence against this Act and shall render any person liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a period not exceeding three months, or to both fine and imprisonment.

Loca Committees.

13. (1) The Commission may for any central office or for any employment office, establish a local committee for the purpose of advising and otherwise assisting the Commission.

How chosen.

(2) Each such committee shall include members chosen after consultation with local organizations representative of workers and an equal number after consultation with employers.

Advances to workers seeking employment.

14. (1) The Commission may make regulations authorizing advances by way of loan towards meeting the expenses of workers travelling to places where employment has been found for them through an employment office.

Recovery of loans.

(2) Any sum advanced in accordance with such regulations shall be a debt due by the worker to the Commission and recoverable by process of law.

Moneys provided by Parliament.

(3) All advances made in accordance with regulations made under this section shall be made out of moneys provided by Parliament for that purpose, and all repayments of such advances shall be paid into the Consolidated Revenue Fund of Canada.

PART III.

UNEMPLOYMENT INSURANCE

Insured Persons

Persons to be insured against unemployment; "employed persons" defined.

15. (1) Subject to the provisions of this Act, all persons of the age of sixteen years and upwards who are engaged in any of the employments specified in Part I of the First Schedule to this Act, not being employments specified as excepted employments in Part II of that Schedule (in this Act referred to as "employed persons"), shall be insured against unemployment in manner provided by this Act, and the employment in which any such person is engaged shall in this Act be referred to as "insurable employment."

Power to enlarge or restrict excepted employments.

(2) Where it appears to the Commission that the terms and conditions of service of, and the nature of the work performed by, any class of persons employed in an excepted employment are so similar to the terms and conditions of service of, and the nature of the work performed by, a class of persons employed in an insurable employment as to result in anomalies in the operation of this Act, the Commission may, by regulations either unconditionally or subject to such conditions as may be specified in the regulations, either:—

(*a*) provide for including the class of persons employed in insurable employment among the classes of persons employed in excepted employment; or

(*b*) provide for including the class of persons employed in excepted employment among the classes of persons employed in insurable employment.

Persons in insurable employment to an inconsiderable extent.

(3) The Commission may by regulations provide, subject to such exceptions and conditions as the Commission think fit, for adding any class of employment to the excepted employments but only as respects persons who are in any week employed in that class of employment to such extent (being in the opinion of the Commission inconsiderable) as may be specified in the regulations.

Exemptions.

16. (1) Where any employed person proves that he is either:—

Persons entitled to certificates of exemption.

(*a*) in receipt of any pension or income of the annual value of $365.00 or upwards, which does not depend on his personal exertions; or

(*b*) a person who is employed in an occupation which is seasonal and does not ordinarily extend over more than twenty-two weeks in any year and who is not ordinarily employed in any other occupation which is insurable employment; or

(*c*) a person who habitually works for less than the ordinary working day;

Certificate of exemption.

he shall be entitled to a certificate exempting him from liability to contribute under this Act and while holding such certificate shall not be insured under this Act.

Certificate by Commission.

(2) All claims for exemption shall be made to the Commission in the prescribed form and certificates of exemption shall be granted only by the Commission.

Contributions.

Contributions by employed persons and employers.

17. (1) The funds required for providing unemployment benefit and for making any other payments which under this Act are to be made out of the Unemployment Insurance Fund, established under this Part of this Act, shall be derived partly from moneys provided by Parliament, partly from contributions by employed persons and partly from contributions by the employers of those persons, which contributions shall be paid by means of revenue stamps as hereinafter provided.

Rates of contribution.

(2) Subject to the provisions of this Act, every employed person and every employer of any such person shall be liable to pay contributions in accordance with the provisions of the Second schedule to this Act.

Employer liable for both contributions but may recover from employee.

(3) Except where regulations under this Act otherwise prescribe, the employer shall in the first instance be liable to pay both the contribution payable by himself (in this Act referred to as "the employer's contribution") and also, on behalf of the employed person, the contribution

payable by that person, and subject to any such regulations shall be entitled to recover from the employed person, by deduction from his wages or otherwise, the amount of the contributions so paid by him on behalf of the employed person.

Contributions payable only from date of decision on appeal.

(4) Where the Commission decides in manner provided by this Act that contributions under this Act are not payable in respect of any person or any class of persons, and that decision is subsequently revised or reversed on appeal, so as to make contributions payable in respect of that person or that class of persons, contributions shall be so payable only as from the date on which the decision was so revised or reversed.

Employer's contribution payable in respect of exempted person.

(5) The employer of a person who holds a certificate of exemption under this Act shall be liable to pay the like contributions as would be payable by him as employer's contributions if that person were a person insured under this Act, and in this Act any reference to the employer's contribution shall be construed as including a contribution payable under this subsection.

Return of contributions paid in error.

(6) The regulations made under this Act shall provide for the return to a person and to his employer of any contributions paid by them or either of them within the prescribed period under the erroneous belief that the contributions were payable in respect of that person, subject, in the case of that person's contributions, to the deduction of any amount received by him in respect of unemployment benefit to which he was erroneously deemed to be entitled by reason of the contributions so paid in respect of him: Provided that no return of contributions shall be made under this provision except on an application made in the prescribed manner and within the prescribed period, not being less than one year from the date on which the contributions were paid.

Payment and recovery of contributions subject to rules.

(7) The payment of contributions and the recovery of contributions paid by employers on behalf of employed persons shall be subject to the rules in Part II of the Second Schedule to this Act.

Payment by stamps or otherwise.

18. (1) The Governor in Council may by regulation provide for the payment of contributions by means of revenue stamps (in this Act referred to as "unemployment insurance stamps") affixed to or impressed upon books or cards (in this Act respectively referred to as "unemployment books" and "unemployment cards"), and such stamps shall be prepared and issued in such manner as may be prescribed by such regulation.

Power to make regulations as to payment of contributions.

(2) Subject to the provisions of this Part, the Commission may make regulations providing for any matters relating to the payment and collection of contributions payable under this Act, and in particular for—

(*a*) regulating the manner, times and conditions in, at and under which payments are to be made;

(*b*) the entry in or upon unemployment books or cards of particulars of contributions and benefits paid in respect of the persons to whom the unemployment books or cards relate;

(*c*) the issue, sale, custody, production and delivery up of unemployment books or cards and the replacement of unemployment books or cards which have been lost, destroyed or defaced, and

(*d*) the offering of reward for the return of an unemployment book or card which has been lost and for the recovery from the person responsible for the custody of the book or card at the time of its loss of any reward paid for the return thereof.

Unemployment Benefit.

Right of insured person to unemployment benefit.

19. Every person who being insured under this Act is unemployed and in whose case the conditions laid down by this Act (in this Act referred to as " statutory conditions ") are fulfilled, shall be entitled, subject to the provisions of this Act, to receive payments (in this Act referred to as " unemployment benefit ") at weekly or other prescribed intervals at such rates as are authorized by or under the Third Schedule to this Act, so long as the statutory conditions continue to be fulfilled and so long as he is not disqualified under this Act for the receipt of unemployment benefit.

Statutory conditions for receipt of unemployment benefit.

20. (1) Subject to the provisions hereinafter contained, the statutory conditions for receipt of unemployment benefit by a person insured under this Act (in this Act referred to as "an insured contributor") are—

(i) that contributions for not less than forty full weeks (exclusive of any unemployed days for which, pursuant to the provisions of the Second Schedule to this Act, he is entitled to a refund of contributions paid by him) have been paid in respect of him while employed in insurable employment during a period not exceeding two years immediately preceding the date on which a claim for benefit is made;

(ii) that he has made application for unemployment benefit in the prescribed manner, and proves that since the date of the application he has been continuously unemployed; and

(iii) that he is capable of and available for work but unable to obtain suitable employment.

Account taken only of contributions when *bonâ fide* employed.

(2) In determining whether an insured contributor has proved that the first statutory condition is fulfilled in his case, no account shall be taken of any contributions paid in respect of him for any period during which he was not

bonâ fide employed in insurable employment, nor for any period during which he was exempt from the provisions of this Act.

Enlargement of first statutory condition.

(3) If an insured contributor proves in the prescribed manner that he was during any period, falling within the two years specified in the first statutory condition, incapacitated for work by reason of some specific disease or bodily or mental disablement, or employed in any of the employments specified in Part II of the First Schedule to this Act, or engaged in business on his own account, the first statutory condition shall have effect as if for the said period of two years there were substituted a period of two years increased by the said periods of incapacity or of such employment or business engagement as aforesaid, but so as not to exceed in any case four years.

Meaning of continuous period of unemployment.

(4) Any three days of unemployment, whether consecutive or not, within a period of six consecutive days shall be treated as a continuous period of unemployment, and any two such continuous periods separated by a period of not more than six weeks shall be treated as one continuous period of unemployment, and the expressions "continuously unemployed" and "continuous period of unemployment" shall be construed accordingly.

Period of disqualification not to count in continuous period of unemployment unless due to disease or disablement.

(5) Any period during which a person fails to fulfil the statutory conditions (other than the first statutory condition) or is, under the provisions of this Act, disqualified for receiving benefit, or is, under the provisions of this Act, deemed not to be unemployed, shall be excluded in the computation of continuous periods of unemployment unless that person proves that the failure to fulfil the condition or the disqualification was due to incapacity for work arising from some specific disease or bodily or mental disablement.

Continuous unemployment to begin on date of application.

Proviso.

(6) A continuous period of unemployment shall be deemed to begin on the date on which the insured contributor makes application for benefit in the prescribed manner: Provided that regulations may be made authorizing some earlier date to be substituted for the date of application

(i) where good cause is shown for delay in making application; or

(ii) for the purpose of computing the first week of a continuous period of unemployment in a case in which the applicant, upon a claim for benefit which begins his benefit year, proves in the prescribed manner that a continuous period of unemployment was in fact current at the date of that application.

Employment which is unsuitable within the third statutory condition.

(7) An insured contributor shall not be deemed to have failed to fulfil the third statutory condition by reason only that he has declined—

Unemployment due to trade dispute.

(*a*) an offer of employment arising in consequence of a stoppage of work due to a trade dispute; or

Employment at low wages or on unfavourable conditions.

(*b*) an offer of employment at wages lower, or on conditions less favourable, than those which he might reasonably have expected to obtain, having regard to those which he habitually obtained in his usual occupation, or would have obtained had he continued to be so employed, or

Employment less favourable than observed by agreements between employers and employees.

(*c*) an offer of employment in his usual occupation at wages lower, or on conditions less favourable, than those observed by agreement between employers and employees, or failing any such agreement, than those recognized by good employers;

Proviso.

Provided that after the lapse of such an interval from the date on which an insured contributor becomes unemployed as, in the circumstances of the case, is reasonable, employment shall not be deemed to be unsuitable by reason only that it is employment of a kind other than employment in the usual occupation of the insured contributor, if it is employment at wages not lower and on conditions not less favourable than those observed by agreement between employees and employers or, failing any such agreement, than those recognized by good employers, but no insured contributor shall be disqualified for receipt of benefit by reason only of his refusal to accept employment if by acceptance thereof he would lose the right—

Right to membership in organizations of workers preserved.

(i) to become a member of, or

(ii) to continue to be a member and to observe the lawful rules of, or

(iii) to refrain from becoming a member of,

any association, organization or union of workers.

Periods not counted in computing unemployment.

(8) Notwithstanding that the employment of an insured contributor has terminated, he shall not be deemed to be unemployed—

While in receipt of compensation substantially equivalent to wages lost.

(*a*) during any period for which he continues to receive wages by way of compensation for loss of, and substantially equivalent to, the remuneration he would have received if his employment had not terminated, or,

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

(*b*) on any day on which he is following an occupation from which he derives any remuneration or profit, unless that occupation could ordinarily be followed by him in addition to his usual employment and outside the ordinary working hours of that employment, and the remuneration or profit received therefrom for that day does not exceed one dollar, or where the remuneration or profit is payable or is earned in respect of a period longer than a day, the remuneration or profit does not on the daily average exceed that amount,

nor shall an insured contributor be deemed to be unemployed

Holidays.

(i) on any day which is recognized as a holiday for his grade or class or shift at the factory, workshop or other premises at which he is employed, or

In excess of number of shifts for week.

(ii) on any day of any calendar week during which he works for the number of days or the number of shifts which constitutes the full week's work for his grade or class or shift at the factory, workshop or other premises or place of his employment.

Disqualifications for unemployment benefit.

21. An insured contributor shall be disqualified for receiving unemployment benefit—

(a) if he has lost his employment by reason of a stoppage of work, which was due to a trade dispute at the factory, workshop or other premises at which he was employed, except where he has, during a stoppage of work, become *bonâ fide* employed elsewhere in the occupation which he usually follows, or has become regularly engaged in some other occupation, but this disqualification shall last only so long as the stoppage of work continues, and shall not apply in any case in which the insured contributor proves

Loss of work due to trade dispute.

(i) that he is not participating in, or financing or directly interested in the trade dispute which caused the stoppage of work, and

(ii) that he does not belong to a grade or class of workers of which immediately before the commencement of the stoppage there were members employed at the premises at which the stoppage is taking place any of whom are participating in or financing or directly interested in the dispute,

and where separate branches of work which are commonly carried on as separate businesses in separate premises are carried on in separate departments on the same premises, each of those departments shall, for the purposes of this provision, be deemed to be a separate factory or workshop or separate premises as the case may be; or

Disqualification on proof by an officer of the Commission of neglect by insured contributor to avail himself of opportunity for work.

(b) if on a claim for benefit it is proved by an officer of the commission that the claimant—

(i) after a situation in any employment which is suitable in his case has been notified to him by an employment office or other recognized agency, or by or on behalf of an employer as vacant or about to become vacant, has without good cause refused or failed to apply for such situation, or refused to accept such situation when offered to him, or

(ii) has neglected to avail himself of an opportunity of suitable employment, or

(iii) has without good cause refused or failed to carry out any written direction given to him by an officer of the employment office with a view to assisting him to find suitable employment (being directions

which were reasonable having regard both to the circumstances of the claimant and to the means of obtaining that employment usually adopted in the district in which the claimant resides); or

Loss of work due to misconduct.

(c) if he has been discharged from his employment by reason of his own misconduct or if he voluntarily leaves his employment without just cause; or

While an inmate of public institution.

(d) while he is an inmate of any prison or an institution supported wholly or partly out of public funds, or, subject to the provisions of this Act, while he is a resident, whether temporarily or permanently, out of Canada; or

While in receipt of old age pension.

(e) while he is in receipt of an old age pension under an Old Age Pensions Act.

Period of disallowance of benefit in certain cases.

22. Where a claim for benefit by an insured contributor is disallowed by the court of referees or the umpire, on the ground

(a) that the third statutory condition is not fulfilled in his case by reason of his failure to prove that he is unable to obtain suitable employment; or

(b) that he is disqualified under paragraph *(b)* or *(c)* of the next preceding section of this Act for receiving benefit,

the court of referees or the umpire shall declare the insured contributor to be disentitled to benefit for a period not exceeding six weeks beginning from such date as may be determined by the court of referees or the umpire as the case may be.

Duration of benefit.

23. (1) An insured contributor shall, if the statutory conditions are fulfilled in his case, and if he is not disqualified under this Act, be entitled to receive in a benefit year, benefit

Ordinary benefit days.

(a) for periods not exceeding in the aggregate seventy-eight days of continuous unemployment, and

Additional days.

(b) for additional days of which the maximum number shall be computed in manner provided by the next succeeding subsection.

Computation of additional days.

(2) An insured contributor in respect of whom not less than one hundred contributions have been paid during the complete insurance years, not exceeding five, last preceding the benefit year for which the computation of additional days is made shall be qualified for additional days determined as of the beginning of such benefit year equal to one day for every contribution paid in respect of him as an insured contributor for the insurance years aforesaid, less one day for every three days for which benefit has been paid to him for his benefit years, if any, which ended in the period, not exceeding five years, immediately preceding his benefit year for which the computation is made:

Proviso.

Provided that for the purposes of this subsection,

(i) fractions of a day shall be disregarded,

(ii) every two contributions paid in respect of an insured contributor under the age of eighteen years shall be reckoned as one contribution, and

(iii) the number of additional days so computed shall not in any case be deemed to continue the benefit rights of the insured contributor beyond the end of his benefit year.

Benefit not to extend beyond benefit year.

(3) An insured contributor who has in any benefit year exhausted his benefit rights shall not thereafter be entitled to benefit for any day in that benefit year, nor shall he become entitled to benefit in his next benefit year before the Monday next after the end of the calendar week for which there is paid in respect of him the last of the thirteen contributions specified in paragraph (*b*) of the next succeeding section.

Only periods of *bonâ fide* employment to count in computing benefits.

(4) In calculating contributions for the purposes of the two next preceding subsections of this section, no account shall be taken of any contributions paid in respect of any insured contributor for any period during which he was not *bonâ fide* employed in insurable employment, nor for any period during which he was exempted under the provisions of section sixteen of this Act.

Adjustment of benefits on account of contributions or benefits paid in error.

(5) The Commission may prescribe by regulations the circumstances in which and the extent to which contributions paid in error and sums paid to a person by way of benefit while he was not entitled thereto are to be taken into account for the purposes of this and the next succeeding section.

Proof of first statutory condition at beginning of benefit year only.

(6) After an insured contributor has at the beginning of his benefit year proved that the first statutory condition is fulfilled in his case, then, subject to and in accordance with regulations made by the Commission, he shall be treated throughout the remainder of that benefit year as if that condition continued to be so fulfilled.

Definition of benefit year.

24. For all the purposes of this Act, the expression "benefit year" shall mean, in relation to an insured contributor, the period of twelve months beginning on the date on which, on an application for benefit, he proves for the first time

(*a*) that the first statutory condition is fulfilled in his case; and

(*b*) also, in the case only of an insured contributor who has exhausted his benefit rights in his last preceding benefit year, that thirteen contributions have been paid in respect of him since the Sunday last before the last day for which he received benefit;

and every subsequent period of twelve months commencing on the date on which that contributor on a claim for benefit proves the matters aforesaid for the first time after the termination of his last preceding benefit year.

Error in benefit year: rectification.

(2) If it is found that any insured contributor has been treated as having begun his benefit year on any date by reason of his having been wrongly treated as having proved any of the matters aforesaid on that date, his benefit year shall nevertheless be deemed to have begun on that date, but he shall not be entitled to benefit during the remainder of that benefit year until he proves the matters aforesaid.

Special classes of insured persons.

25. (1) This section applies to certain special classes of insured contributors, being

Casual workers.

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

Seasonal workers.

(*b*) persons whose normal employment is for portions of the year only in occupations which are seasonal;

Intermittent workers.

(*c*) persons whose normal employment is in an occupation in which their services are not normally required for the full week or who owing to personal circumstances are not normally employed for the full week; and

Married women.

(*d*) married women who, since marriage or in any prescribed period subsequent to marriage, have had less than the prescribed number of contributions paid in respect of them.

Power to make regulations in respect of special classes.

(2) Where it appears to the Commission that the application of the provisions of this Act in the determination of benefits for any of the said classes would result in anomalies, having regard for the benefits of other classes of insured contributors, the Commission may from time to time make regulations which shall, in relation to the classes of persons to whom this section applies, impose such additional conditions and terms with respect to the receipt of benefit and such restrictions on the amount and period of benefit and on the number of days of any period of continuous unemployment to be excluded from the benefit period, and make such modifications in the provisions of this Act relating to the determination of claims for benefit and the meaning of "continuous period of unemployment", as may appear necessary to remove or substantially remove the anomalies.

Notice of intention to make regulations.

(3) The Commission shall give such public notice as they consider sufficient of their intention to make regulations under this section and shall receive any representations which may be made to them with respect thereto.

Regulations may apply generally or otherwise.

(4) Regulations made in pursuance of this section may apply either generally to all the persons specified in subsection one of this section or to any class of those persons or to any portion of such a class, or with respect to them or any of them, in any specified area.

Benefits inalienable.

26. Subject to the provisions of this Act, every assignment of, or charge on, and every agreement to assign or charge, any of the benefits conferred by this Act, shall be void, and, on an assignment for the benefit of creditors

being made by any person entitled to any such benefit, the benefit shall not pass to any trustee or other person acting on behalf of his creditors.

Determination of Questions: Appeals.

Determination of questions by Commission concerning the rights of persons and appeals to the Exchequer Court.

27. (1) If any question arises—

(a) as to whether any employment or any class of employment is or will be such employment as to make the person engaged therein an employed person within the meaning of this Act or whether a person is or was an employed person within the meaning of this Act; or

(b) whether a person or class of persons is or is not, or was or was not, a person or class of persons to whom a special or supplementary scheme under this Act applies or applied; or

(c) as to who is or was the employer of any employed person; or

(d) as to the rate of contribution payable under or in pursuance of this Act by or in respect of any person or class of persons or as to the rates of contribution payable in respect of any employed person by the employer and that person respectively; or

(e) whether a person was or was not employed in any excepted employment during any period falling within the period of two years specified in the first statutory condition;

the question shall be decided by the Commission: Provided that—

Proviso: Appeal.

(i) any person aggrieved by the decision of the Commission on any such question may appeal from that decision to the Exchequer Court, and

(ii) the Commission may, if they think fit, instead of themselves deciding such question, refer the question for decision to the Exchequer Court.

Regard to nature of work of employed person.

(2) In determining any question as to whether any occupation, in which a person is or has been engaged, is or was such as to make him an employed person within the meaning of this Act, regard shall be had to the nature of the work on which he is or was engaged rather than to the business of the person by whom he is or was employed.

Commission may revise decision: Exception.

(3) The Commission may, on new facts being brought to their notice, revise any decision given under this section, other than a decision against which an appeal is pending, and an appeal shall lie against any such revised decision in the same manner as against an original decision.

Regulations governing appeals.

(4) The Governor in Council may make regulations prescribing the procedure governing appeals under this section and those regulations shall provide for limiting the time within which an appeal or reference may be brought and for the determination in a summary manner of any

such appeals or references and for requiring notice of any such appeals to be given to the Commission.

Insurance Officer: Referee: Umpire.

Insurance officers.

28. (1) The Commission may in each regional division employ such number of persons as the Governor in Council may approve, to be insurance officers for such division.

Chairmen of court of referees.

(2) The Governor in Council may, in each regional division established under section eleven of this Act, designate such number of persons as are deemed necessary to be chairmen of courts of referees in each such division.

Umpires, and deputy-umpires.

(3) The Governor in Council may, from amongst the Judges of the Exchequer Court of Canada and of the Superior Courts of the provinces of Canada, designate an umpire and such number of deputy-umpires as the Governor in Council may deem necessary for the purposes of this Act, and, subject to the provisions of this Act, may prescribe their jurisdiction; and unless the context otherwise requires, any reference to the umpire shall include a reference to a deputy-umpire.

Court of referees.

29. (1) A court of referees for the purposes of this Act shall consist of one or more members chosen to represent employers, with an equal number of members chosen to represent insured contributors, and a chairman appointed as provided in the next preceding section of this Act.

Panels of members of courts of referees.

(2) Panels of persons chosen to represent employers and insured contributors respectively shall be constituted by the Commission for such districts and such trades or groups of trades as the Commission may think fit, and the members of a court of referees to be chosen to represent employers and insured contributors shall be selected from those panels in the prescribed manner.

Subject to regulations.

(3) Subject as aforesaid, the constitution of courts of referees shall be determined by regulations under this Act.

Court may not proceed if chairman absent.

(4) Regulations under this Act may provide that any claim or question which is reported or referred to a court of referees may, with the consent of the claimant or the person or association in whose case the question arises, but not otherwise, be proceeded with in the absence of any member or members of the court other than the chairman, and in any such case the court shall, notwithstanding anything in this Act, be deemed to be properly constituted, and the chairman shall, if the number of the members of the court is an even number, have a second or casting vote.

Remuneration of chairman and members; expenses of persons required to attend.

(5) The Commission may pay such remuneration to the chairman and other members of a court of referees, and such travelling and other allowances to any such chairman or members or to any persons required to attend before any such court, and such other expenses in connection with

any court of referees as the Commission determines, and any such payments shall be treated as costs of administration of this Act.

Claim Procedure.

Examination and determination of claims.

30. (1) All claims for benefit, and all questions arising in connection with such claims, shall be submitted forthwith for examination to one of the insurance officers.

Insurance officer may allow claim.

(2) The insurance officer shall forthwith take into consideration any claim submitted to him for examination under this section, and if he is of opinion that the claim ought to be allowed, he may himself allow the claim.

Insurance officer may disallow claim or refer to court of referees.

(3) If the insurance officer is not satisfied that a claim ought to be allowed he may either refer the claim (so far as practicable within fourteen days from the date on which the claim was submitted to him for examination) to the court of referees for their decision or, subject to the provisions of this subsection, himself disallow the claim. Provided that

(a) the insurance officer shall not himself disallow a claim on any of the following grounds, namely—

(i) that the third statutory condition is not fulfilled; or

(ii) that the claimant is disqualified by reason of his having been discharged from his employment by reason of his own misconduct or having voluntarily left his employment without just cause, or by reason of the provisions of paragraph *(b)* of section twenty-one of this Act; or

(iii) that the claimant does not fulfil one or more of the additional conditions or terms for the receipt of benefit imposed by regulations made under this Act, or is subject to restrictions on the amount or period of benefit imposed by such regulations; and

(b) the insurance officer shall refer to the court of referees any question whether the claimant is liable to have deductions made under any of the provisions of this Act from any benefit to which he is, or may become, entitled.

Appeals of claimant to court of referees.

(4) Where a claim is disallowed by the insurance officer, the claimant may at any time within twenty-one days of the date on which the decision of the insurance officer is communicated to him, or within such further time as the Commission may in any particular case for special reasons allow, appeal in the prescribed manner to the court of referees.

Appeal to umpire.

(5) Subject as hereinafter provided, an appeal shall lie to the umpire from any decision of a court of referees as follows:

(a) At the instance of an insurance officer, in any case;

(b) at the instance of an association of employed persons of which the claimant is a member, in any case;

(*c*) at the instance of the claimant

(i) without leave in any case in which the decision of the court of referees is not unanimous; and

(ii) with the leave of the chairman of the court of referees in any other case; so however, that where leave to appeal is not granted when the decision of the court of referees is given, an application for such leave may be made by the claimant in such form, and within such time after the date of the decision, as may be prescribed by regulations made by the Commission under this Act, and any application for leave to appeal shall be granted by the chairman if it appears to him that there is a principle of importance involved in the case or any other special circumstance by reason of which leave to appeal ought to be given.

Findings of a court of referees in writing.

(6) A court of referees shall record their decisions in writing and shall include in the record of every decision a statement of their findings on questions of fact material to the decision.

Chairman to record grounds for granting appeal to umpire.

(7) Where the chairman of a court of referees grants leave to appeal to the umpire from the decision of the court, the chairman shall record in writing a statement of the grounds on which leave to appeal is granted.

Appeal within six months.

(8) An appeal under subsection five of this section must be brought within six months of the date of the decision of the court of referees or such longer period as the umpire may in any case for special reasons allow.

Associations which may appeal on behalf of a claimant member.

(9) For the purposes of paragraph (*b*) of subsection five of this section, a claimant for benefit shall not, in relation to any appeal, be deemed to be a member of any association of employed persons unless he was a member thereof on the last date on which he was employed before the claim subject to the appeal was made, and has continued to be a member thereof until the date when the appeal is made, and no such association shall be deemed to be an association of employed persons for the purposes of this section unless an important and declared part of its functions is the furtherance of the interests of its members in relation to their employment and unemployment, and the question whether any association is or is not an association of employed persons for the purpose of this section shall be for the decision of the umpire.

Decisions of umpire final.

(10) The decision of the umpire on any appeal from the court of referees shall be final.

Expenses of persons required to attend appeal.

(11) If on an appeal to the umpire from a decision of a court of referees any person affected by the decision is requested by the umpire to attend before him on the consideration of the appeal and so attends, he shall be paid out of moneys provided by Parliament for meeting the costs of administration of this Act such travelling and other

allowances, including compensation for loss of remunerative time, as the Commission may determine.

Insurance officer, court of referees, or umpire may revise a decision given.

(12) An insurance officer, a court of referees or the umpire, on new facts being brought to his or their knowledge, may revise a decision given in any particular case, and where any such revision is made, the revised decision shall have effect as if it had been an original decision, and the foregoing provisions of this section shall apply accordingly.

Decision of court of referees to have effect pending appeal to umpire: exception.

(13) Where a claim for benefit is allowed by a court of referees, benefit shall be payable in accordance with the decision of the court of referees notwithstanding that an appeal to the umpire is pending, unless the appeal has been brought on the ground that the claimant ought to be disqualified under the provisions of paragraph (*a*) of section twenty-one of this Act and within twenty-one days of the date on which the decision of the court of referees was given, and any benefit paid in pursuance of the provisions of this subsection shall be treated, notwithstanding that the final determination of the question is adverse to the claim, as having been duly paid and shall not be recoverable from the insured contributor.

References to claims for benefit: construction.

(14) In this section references to claims for benefit shall be construed as including references to questions arising in relation to such claims, and references to allowing or disallowing a claim shall be construed as including references to determining a question in favour of or adversely to a claimant.

Legal Proceedings

Penalty for obtaining benefit or avoiding any payment through misrepresentation.

31. (1) If for the purpose of obtaining any benefit or payment under this Part of this Act, either for himself or for any other person, or for the purpose of avoiding any payment to be made by himself under this Part of this Act, or enabling any other person to avoid any such payment, any person knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding three months, with or without hard labour.

Penalty for failure to pay contributions or for contravention of Act or regulations.

(2) If any employer or employed person has failed or neglected to pay any contributions which he is liable under this Part of this Act to pay, or if any employer or employed person or any other person is guilty of any contravention of or non-compliance with any of the requirements of this Part of this Act or the regulations made thereunder in respect of which no penalty is provided, or if any employer deducts or attempts to deduct from the wages or other remuneration of an employed person the whole or any part of the employer's contribution, he shall, for each offence, be liable on summary conviction, to a fine not

exceeding fifty dollars, or to imprisonment for a period not exceeding three months, or to both fine and imprisonment.

Penalty for sale or improper use of unemployment books, cards, stamps, etc.

(3) Every person who buys, sells, or offers for sale, takes or gives in exchange or pawns or takes in pawn, any unemployment card, unemployment book, or used unemployment insurance stamp, or any document or thing used in the administration of this Part of this Act, shall for each offence be liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

Power to take and conduct proceedings.

32. (1) Proceedings for an offence under this Part of this Act shall not be instituted except by or with the consent in writing of the Commission or by an inspector or other officer appointed under this Act and authorized in that behalf by special or general directions of the Commission.

Proceedings may be commenced within three months of evidence of offence.

(2) Proceedings for an offence under this Part of this Act may be commenced at any time within three months from the date on which evidence, sufficient in the opinion of the Commission to justify a prosecution for the offence, comes to its knowledge, or within twelve months after the commission of the offence, whichever period is the longer.

Certificate of Commission evidence of date.

(3) For the purpose of the next preceding subsection, a certificate purporting to be signed by the Commission as to the date on which such evidence as aforesaid came to its knowledge shall be conclusive evidence thereof.

Civil proceedings by employee against employer for neglect to comply with Act.

33. (1) Where an employer has failed or neglected to pay any contributions which under this Part of this Act he is liable to pay in respect of any employed person in his employment, or has failed or neglected to comply, in relation to any such person, with the requirements of any regulations relating to the payment and collection of contributions, and by reason thereof that person has lost in whole or in part the unemployment benefit to which he would have been entitled under this Part of this Act, he shall be entitled to recover from the employer as a civil debt a sum equal to the amount of the unemployment benefit so lost.

Penalty for receipt of benefit through non-disclosure or misrepresentation of material fact.

(2) If it is found at any time that any person, by reason of the non-disclosure or misrepresentation by him of a material fact (whether the non-disclosure or the misrepresentation was or was not fraudulent) has received any sum by way of benefit while the statutory conditions or any other conditions for the receipt of benefit imposed by this Part of this Act were not fulfilled in his case, or while he was disqualified for receiving benefit, he shall be liable to repay to the Unemployment Insurance Fund a sum equal to the amount so received by him.

Alternative proceedings.

(3) Proceedings may be taken under this section notwithstanding that proceedings have been taken under any other provision of this Part of this Act in respect of the same failure or neglect.

Proceedings may be taken within one year.

(4) Proceedings under this section may, notwithstanding any provision in any enactment, be brought at any time within one year after the date on which the employed persons, but for the failure or neglect of the employer, would have been entitled to receive benefit which he has lost.

Proceedings for recovery of sums due Insurance Fund may be taken within three years.

(5) Proceedings for the recovery as civil debts of sums due to the Unemployment Insurance Fund established under this Act may not be brought except within three years from the time when the matter complained of arose.

Inspection.

Powers of Inspectors.

34. (1) Any person authorized to act as an inspector by the Commission shall, for the purpose of the execution of this Act, have power to do all or any of the following things, namely:

To enter premises other than private dwelling.

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

To make examination concerning compliance with Act.

(b) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Act are complied with in any such premises or place;

To examine persons.

(c) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Act, every person whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been an employed person, and to require every such person to be so examined, and to sign a declaration of the truth of the matters in respect of which he is so examined;

Other powers.

(d) to exercise such other powers as may be necessary for carrying this Act into effect.

Occupiers of premises to facilitate inspection.

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

Penalty for delay or obstruction of inspection.

(3) If any person wilfully delays or obstructs an inspector in the exercise of any power under this section or fails to give such information or to produce such documents as aforesaid, or conceals or prevents or attempts to conceal

or prevent any person from appearing before or being examined by an inspector, he shall be liable on summary conviction to a fine not exceeding twenty-five dollars.

Inspector to produce certificate of appointment.

(4) Every inspector shall be furnished with the prescribed certificate of his appointment, and on applying for admission to any premises or place for the purpose of this Act shall, if so required, produce the said certificate to the occupier.

Financial Provisions.

Unemployment Insurance Fund.

35. (1) The Minister of Finance shall from time to time deposit in the Bank of Canada, to the credit of the Commission, in an account to be called "The Unemployment Insurance Fund" (hereinafter referred to as "The Fund"), all revenue received from the sale of unemployment insurance stamps (including contributions recovered by process of law) under the provisions of this Part of this Act.

Contributions out of moneys provided by Parliament.

(2) The Minister of Finance shall also deposit in like manner from time to time out of moneys provided by Parliament an amount equal to one-fifth of the aggregate deposits from time to time made as aforesaid after deducting from the said aggregate deposits any refunds of contributions from time to time made under the provisions of this Act from the Fund.

Withdrawals.

(3) Moneys may be withdrawn from the Fund only by means of cheque or other authorization signed by two Commissioners, and out of the Fund shall be paid all claims for unemployment benefit and refunds of contributions as provided for in this Part of this Act but no other payments.

Investment of Fund.

(4) Any sums standing to the credit of the Fund, which are not required to meet current expenditure, may be invested in obligations, payable in Canadian currency, of or guaranteed by the Dominion of Canada or any province of Canada, and investments so made may be sold or exchanged for other like securities, and interest received on the investments shall be deposited as aforesaid.

Transactions to be authorized by Investment Committee.

(5) Transactions under the provisions of the last preceding subsection of this section shall be made only on the authorization of an Investment Committee of three members, consisting of one member nominated by the Commission, one member nominated by the Minister of Finance, and the Governor of the Bank of Canada, or in his absence or incapacity, the Deputy Governor or the Acting Governor for the time being.

Bank of Canada may be fiscal agent.

(6) The Bank of Canada shall be employed to carry out transactions authorized by the said Committee under the last preceding subsection of this section.

Deposits in chartered banks.

(7) The Commission may open and maintain deposit accounts with chartered Banks and any balances so maintained shall form part of the fund.

Pledging of securities to secure loans.

(8) For the purpose of borrowing money, to pay unemployment benefits, the Commission may pledge with the Bank of Canada, any of the securities of the Fund.

Extension of powers of Bank of Canada.

(9) The powers of the Bank of Canada shall be deemed to include the power to do all of the things required to be done under the provisions of this section.

Unemployment Insurance Advisory Committee.

Establishment of Unemployment Insurance Advisory Committee and duties of committee as respects Unemployment Insurance Fund.

36. (1) There shall be appointed by the Governor in Council a committee to be called "The Unemployment Insurance Advisory Committee," in this Act referred to as "the Advisory Committee" or "the Committee" to give advice and assistance to the Commission in relation to the discharge of its functions under this Act, and to perform the other duties herein specified.

Annual report.

(2) The Committee shall, not later than the end of February in each year, make a report to the Governor in Council on the financial condition of the Unemployment Insurance Fund as of the thirty-first day of December next preceding, and shall also make a report to the Governor in Council on the financial condition of that Fund whenever the Committee considers that the Fund is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities, and may make a report on the financial condition of the Fund at such other times as the Committee may think fit.

Reports on condition of Fund.

Recommendations if Fund is or is likely to become insufficient to discharge liabilities.

(3) If the Committee at any time reports that the Fund is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities, or is and is likely to continue to be more than reasonably sufficient to discharge its liabilities, the report shall contain recommendations for the amendment, of the provisions of this Act, or of any regulation made thereunder, either generally or in relation to special classes of insured contributors, concerning—

(i) the statutory conditions for receipt of unemployment benefit and the provisions relating to the right to benefit; or

(ii) the disqualifications for unemployment benefit; or

(iii) the meaning of "unemployment," of "unemployed," of "continuous period of employment," of "continuously unemployed," and of "benefit year"; or

(iv) the rates of unemployment benefit, the periods for which such benefit may be paid and the computation thereof; or

(v) the payment of benefit pending appeals; or

(vi) the rates of contribution; or

(vii) the rates of benefits in respect of dependants and the provisions and conditions relating to the payment thereof;

being, if in the opinion of the Committee the Fund is insufficient, such amendment as in the opinion of the Committee is required in order to make the Fund sufficient, or if in the opinion of the Committee the Fund is more than reasonably sufficient to discharge its liabilities, such amendments as in the opinion of the Committee may appropriately be made in the circumstances, and, in either case, the report shall contain an estimate of the effect which the amendments recommended will have on the financial condition of the Fund.

Notice of intention to make report.

(4) The Committee shall give such public notice as it considers sufficient of its intention to make a report under this section and shall receive any representations which may be made to it with respect thereto.

Report to be laid before Parliament.

(5) Any report made under this section shall be laid before Parliament within four weeks after being made, or if Parliament is not then sitting within four weeks after Parliament next sits.

Number of members.

37. (1) The Committee shall consist of a Chairman and not less than four nor more than six other members.

Term of office.

(2) The Chairman and other members shall hold office for a period which, in the case of each of the members first appointed, and of any member appointed to fill a vacancy, shall be of such duration not exceeding five years as may be determined by the Governor in Council, and in the case of all other members shall be a period of five years.

Not eligible to sit in Parliament.

(3) No member of the Committee shall be eligible to be elected to, or to sit in, the Parliament of Canada.

Members representative of employers and workers

(4) Of the said members, other than the Chairman, there shall be appointed either one or two after consultation with organizations representative of workers, and an equal number after consultation with employers.

Unfitness or incapacity of member.

(5) If, in the opinion of the Minister, a member becomes unfit to continue in office or incapable of performing his duties, the Minister shall forthwith report the facts to the Governor in Council and the Governor in Council may declare vacant the office of such member.

Assistance for Committee.

(6) The Minister may assign to the Committee from the public service of Canada or otherwise such professional, technical, secretarial and other assistance as the Committee may require, but the provision of such assistance otherwise than from the said service shall be subject to authorization by the Governor in Council.

Vacancy.

(7) The Committee may act notwithstanding any vacancy in the membership of the Committee.

Rules and Quorum.

(8) The Committee may make rules for regulating the procedure of the Committee.

Information to be available to Committee.

(9) There shall be made available to the Committee such information as they may reasonably require for the proper discharge of their functions under this Act.

Expenses.

(10) Members of the Committee shall be entitled to indemnity for travelling and other expenses incurred in the discharge of their duties under this Act.

Regulations.

Regulations.

38. In addition to the authority otherwise conferred upon the Commission to make regulations under this Act, the Commission may also make regulations;—

Persons under same employer partly in insurable employment and partly in another occupation.

(*a*) for permitting persons who are engaged under the same employer, partly in insurable employment and partly in some other occupation, to be treated, with the consent of the employer, for the purposes of this Act, as if they were wholly engaged in insurable employment; and

Prescribing evidence required.

(*b*) for prescribing the evidence to be required as to the fulfilment of the conditions and the absence of the disqualifications for receiving or continuing to receive unemployment benefit, and for that purpose requiring the attendance of insured contributors at such offices or places and at such time as may be required, and requiring employers to answer inquiries relating to any matters on which the fulfilment of the conditions or the absence of the disqualifications depends; and

Procedure on claims for unemployment benefit.

(*c*) for prescribing the manner in which claims for unemployment benefit may be made and the procedure to be followed on the consideration and examination of claims and questions to be considered by the Commission, insurance officer, courts of referees, and umpire, and the mode in which any question may be raised as to the continuance, in the case of a person in receipt of unemployment benefit, of the benefit; and,

Acting umpires.

(*d*) for making provision for the appointment of persons to act in the place of the umpire in the case of his unavoidable absence or incapacity; and

Payment of benefits and contributions pending determination of question.

(*e*) with respect to the payment of contributions and benefits during any period intervening between any application for the determination of any question or any claim for benefit and the final determination of the question or claim; and

References to central or local Committees.

(*f*) to provide for the reference to central or to local committees representing employers and employed persons, for consideration and advice of questions bearing upon the administration of this Act; and

Provision as to persons employed on night work.

(*g*) for prescribing, either generally or with respect to any special class of cases, that where a period of employment begun on one day extends over midnight into another day, the person employed shall be treated as having been employed on such one or other only of those two days as the regulations may direct; and

Payment of contributions and benefits through Post Office in remote places.

(*h*) to provide, with the concurrence of the Postmaster General, for enabling claimants of unemployment benefit in remote places to make their claims for unemployment benefit through the Post Office, and for the payment of unemployment benefit of such claimants through the Post Office; and

Penalties.

(*i*) for prescribing punishment for the violation of any regulation including maximum and minimum fines but not exceeding fifty dollars, and terms of imprisonment not exceeding three months; and

Generally.

(*j*) generally for carrying this Act into effect.

PART IV.

NATIONAL HEALTH.

Co-operation in matters of Health and Health Insurance.

39. The duties and powers of the Commission under this Part of this Act shall be exercised, so far as may be found practicable and expedient, in co-operation with any department or departments of the Government of Canada, with the Dominion Council of Health, with any province or any number of provinces collectively, or with any municipality or any number of municipalities collectively, or with associations or corporations.

To collect information and data.

40. It shall be the duty of the Commission

(*a*) to assemble reports, publications, information and data concerning any scheme or plan, whether a state, community or other scheme or plan for any group or class of persons, and whether in operation or proposed, in Canada or elsewhere, of providing, on a collective or on a co-operative basis by means of insurance or otherwise, for

(i) medical, dental and surgical care, including medicines, drugs, appliances, or hospitalization, or

(ii) compensation for loss of earnings arising out of ill-health, accident or disease;

To make information and data available.

(b) to analyze and make available to any province, municipality, corporation or group of persons desiring to use the information so assembled for the purpose of providing such benefits or any of them; and

To examine and report on proposed scheme.

(c) as far as may be found practicable so to do on request by any province, municipality, corporation or group of persons, to examine and report on any such scheme or plan proposed to be put into effect or in effect at the date of such request, and to afford technical and professional guidance in regard to the establishing, working or reorganization of the scheme or plan.

Proposals to Governor in Council: Special investigation.

41. The Commission may from time to time submit to the Governor in Council proposals for co-operation by the Dominion in providing any of the benefits enumerated in paragraph *(a)* of the next preceding section of this Act for such action as the Governor in Council is authorized to take, and may undertake special investigations in regard thereto, subject to approval of the Governor in Council concerning the scope and nature of each such investigation.

PART V.

GENERAL.

Governor in Council to approve regulations.

42. (1) All regulations made under this Act shall be without effect until approved by the Governor in Council and published in the *Canada Gazette*, and shall have effect as if enacted in this Act and shall be laid before Parliament within two weeks after approval, or, if Parliament is not then sitting, within two weeks after Parliament next sits; and any regulation made as aforesaid may be varied or revoked by any subsequent regulation made in like manner.

Report by Advisory Committee.

(2) All regulations made under the provisions of section twenty-five of this Act or in relation to the matters specified in subsection three of section thirty-six of this Act shall be reported on by the Unemployment Insurance Advisory Committee before being acted upon by the Governor in Council.

Annual Report by Commission.

43. Within one month after the thirty-first day of March in each year, or within such longer period as may be approved by the Governor in Council, the Commission shall submit to the Minister a report covering the business and affairs of the Commission, for the twelve months ending on the said thirty-first day of March, in such detail as the Minister may from time to time direct; and such report shall contain a statement of the costs arising out of the

administration of this Act, including the indirect costs as nearly as they may be ascertainable.

(2) The Minister shall lay before Parliament, any such report within fifteen days after it is submitted to him if Parliament is then in Session, or, if not then in session, within fifteen days after the opening of the next following session.

Reports transmitted through the Minister to the Governor in Council.

44. All reports, recommendations and submissions required to be made under this Act to the Governor in Council, whether by the Commission or by the Advisory Committee, shall be submitted by the Minister.

Deposition of Fines.

45. Any fine imposed under this Act or regulations made hereunder shall be payable to His Majesty in the right of the Dominion of Canada and be disposed of as the Governor in Council may direct.

Repeal.

46. The *Employment Offices Co-ordination Act*, chapter fifty-seven of the Revised Statutes of Canada, 1927, may be repealed by Proclamation of the Governor in Council.

Audit.

47. The Commission shall be subject to the provisions of *The Consolidated Revenue and Audit Act, 1931.*

Act to become operative.

48. This Act shall come into force when assented to: provided that no contribution shall be payable or paid under the provisions of Part III of this Act until a date to be set by the Commission of which due notice shall be published in the *Canada Gazette* and in such other manner as the Commission may deem necessary.

SCHEDULES.

FIRST SCHEDULE.

EMPLOYMENT WITHIN THE MEANING OF PART III OF THIS ACT.

PART I.

(a) Employment in Canada under any contract of service or apprenticeship, written or oral, whether expressed or implied, or whether the employed person is paid by the employer or some other person, and whether under one or more employers, and whether paid by time or by the piece, or partly by time and partly by the piece, or otherwise.

(b) Employment under the Dominion, or under any province of Canada with the concurrence of the province, or under any municipal or other public authority, other than any such employment as may be excluded by special order of the Commission.

(c) Employment outside of Canada, or partly outside of Canada, for the purpose of the execution of some particular work, by persons who were insured contributors immediately before leaving Canada, for an employer resident or having a place of business in Canada, being employment which if it were employment in Canada, would make the persons employed therein employed persons within the meaning of this Act; subject however, to any prescribed conditions, modifications or exceptions.

PART II.

EXCEPTED EMPLOYMENTS.

(a) Employment in agriculture, horticulture and forestry.

(b) Employment in fishing.

(c) Employment in lumbering and logging.

(d) Employment in hunting and trapping.

(e) Employment in transportation by water or by air, and stevedoring.

(f) Employment in banking, mortgage, loan, trust, insurance or other financial business.

(g) Employment in domestic service, except where the employed person is employed in a club or in any trade or business carried on for the purposes of gain.

(h) Employment as a professional nurse for the sick or as a probationer undergoing training for employment as such nurse.

(i) Employment as a teacher, including teachers of music and dancing, whether engaged in schools, colleges, universities or institutes or in a private capacity.

(j) Employment in the Permanent Active Militia, The Royal Canadian Navy, the Royal Canadian Air Force and the Royal Canadian Mounted Police.

(k) Employment as a member of Dominion, Provincial, or Municipal Police forces.

(*l*) Employment—

(i) in the public service of Canada pursuant to the provisions of the Civil Service Act; or

(ii) in the public service of Canada or of a province or by a municipal authority upon certification satisfactory to the Commission that the employment is, having regard to the normal practice of the employment, permanent in character.

(m) Employment as an agent paid by commission or fees or a share in the profits, or partly in one and partly in another of such ways, where the person so employed is mainly dependent for his livelihood on his earnings from some other occupation, or where he is ordinarily employed as such agent by more than one employer, and his employment under no one of such employers is that on which he is mainly dependent for his livelihood.

(n) Employment otherwise than by way of manual labour and at a rate of remuneration exceeding in value two thousand dollars a year or in cases where such employment involves part time service only, at a rate of remuneration which, in the opinion of the Commission, is equivalent to a rate of remuneration exceeding two thousand dollars a year for full time service.

Provided that any person in respect of whom contributions have been paid as an insured contributor for not less than five hundred weeks may continue as an insured contributor notwithstanding anything in this paragraph contained.

(o) Employment of a casual nature otherwise than for the purpose of the employer's trade or business.

(p) Employment of any class which may be specified in a special order made by the Commission, and declared by the Commission to apply for the purposes of this Act, as being of such a nature that it is ordinarily adopted as subsidiary employment only and not as the principal means of livelihood.

(q) Employment in the service of the husband or wife of the employed person.

(r) Employment for which no wages or other money payment is made, where the person employed is the child of, or is maintained by the employer.

SECOND SCHEDULE.

PART I.

WEEKLY RATES OF CONTRIBUTION.

Class of employed person:	By the employer	By the employed person
Aged 21 years and upwards—		
Men	$0 25	$0 25
Women	0 21	0 21
Aged 18 years and under 21 years:		
Young men	0 18	0 18
Young women	0 15	0 15
Aged 17 years and under 18 years:		
Boys	0 11	0 11
Girls	0 09	0 09
Aged 16 years and under 17 years:		
Boys	0 07	0 07
Girls	0 06	0 06

PART II.

RULES AS TO PAYMENT AND RECOVERY OF CONTRIBUTIONS PAID BY EMPLOYERS ON BEHALF OF EMPLOYED PERSONS.

1. A weekly contribution shall be payable for each calendar week during the whole or any part of which an employed person has been employed by an employer:

Provided that where one weekly contribution has been paid in respect of an employed person in any week, no further contribution shall be payable in respect of him

in the same week, and that, where no remuneration has been received, and no services rendered by an employed person during any such week, the employer shall not be liable to pay and shall not pay any contribution either on his own behalf or on behalf of the employed person for that week:

Provided further that the employed person shall be entitled to a refund of contributions paid by him for any days of any such week (exclusive of any fraction of a day) in respect of which he proves that he was unemployed within the period of five years immediately preceding the date on which he makes application for unemployment benefit, and the whole of the refund to which he may be so entitled shall be payable to him at the same time as the first payment of unemployment benefit is payable to him on that application.

2. The employer shall, except as hereinafter provided, be entitled to recover from the employed person the amount of any contributions paid by him on behalf of the employed person.

3. Except where the employed person does not receive any wages or other pecuniary remuneration from the employer, the amounts so recoverable shall, notwithstanding the provisions of any Act or any contract to the contrary, be recoverable by means of deductions from the wages of the employed person or from any other remuneration due from the employer to the employed person and not otherwise, but no such deductions may be made from any wages or remuneration other than such as are paid for the period or part of the period for which the contribution is payable, or in excess of the sum which represents the amount of contributions for the period (if such period is longer than a week) for which the wages or other remuneration are paid.

4. Where a contribution paid by the employer on behalf of an employed person is recoverable from such person, but is not recoverable by means of deductions as aforesaid, it shall (without prejudice to any other means of recovery) be recoverable summarily as a civil debt, but no such contribution shall be recoverable unless proceedings for the purpose are instituted within three months from the date when the contribution was payable.

5. Where the employed person is employed by more than one person in any calendar week, the first person employing him in that week, or such other employer or employers as may be prescribed, shall be deemed to be the employer for the purposes of the provisions of this Act relating to the payment of contributions and of this Schedule.

6. Regulations made under this Act may provide that in any cases or any classes of cases where employed persons work under the general control and management of some person other than their immediate employer, such as the

owner, agent or manager of a mine or quarry, or the occupier of a factory or workshop, such person shall, for the purposes of the provisions of this Act relating to the payment of contributions and of this Schedule, be treated as the employer, and may provide for allowing him to deduct the amount of any contributions (other than employer's contributions) which he may become liable to pay from any sums payable by him to the immediate employer, and for enabling the immediate employer to recover from the employed persons the like sums and in the like manner as if he were liable to pay the contributions.

7. Where the employed person is not paid wages or other money payments by his employer or any other person, the employer shall be liable to pay the contributions payable both by himself and the employed person and shall not be entitled to recover any part thereof from the employed person.

8. Notwithstanding any contract to the contrary, the employer shall not be entitled to deduct from the wages of, or otherwise to recover from the employed person, the employer's contribution.

9. Any sum deducted by an employer from wages or other remuneration under this schedule shall be deemed to have been entrusted to him for the purpose of paying the contribution for which it was deducted.

10. For the purposes of this schedule, the expression "calendar week" means the period from midnight on one Sunday to midnight on the following Sunday.

THIRD SCHEDULE.

PART I.

RATES OF UNEMPLOYMENT BENEFIT.

	Daily Rate	Weekly Rate
Class of insured person—		
Aged 21 years and upwards		
Men	$1 00	$6 00
Women	0 85	5 10
Aged 18 years and under 21 years		
Young men	0 70	4 20
Young women	0 60	3 60
Aged 17 years and under 18 years		
Boys	0 45	2 70
Girls	0 35	2 10

Aged 16 years and under 17 years		
Boys	0 30	1 80
Girls	0 25	1 50
Dependents' benefit—		
Adult dependent	0 45	2 70
Dependent child	0 15	0 90

PART II.

SUPPLEMENTARY PROVISIONS GOVERNING THE PAYMENT OF UNEMPLOYMENT BENEFIT.

1. No person shall receive benefit for any fraction of a day, nor for the first nine days of any period of continuous unemployment.

2. Subject to the provisions hereinafter in this schedule contained, where a person entitled to benefit

(a) is a married man whose wife is living with him or is being maintained wholly or mainly by him, or

(b) being either a man or a woman (but not being a person entitled to an increase under this provision otherwise than in respect of his or her dependent children), has residing with him or her, and is wholly or mainly maintaining, a female person who has the care of the dependent children of the person entitled to benefit; or

(c) is a married woman who has a husband dependent on her,

the rate of benefit of such person as shown in Part I of this Schedule shall be increased by the amount of the adult dependent's benefit there shown, and where the person so entitled to benefit has dependent children, the said rate of benefit of such person shall be increased in respect of each dependent child by the amount of the dependent child's benefit shown in Part I of this Schedule;

Provided that the additional benefit aforesaid shall not be payable in respect of a wife or female person who is in receipt of benefit, or who is in regular wage-earning employment otherwise than as having the care of the dependent children of the person entitled to benefit, or is engaged in any occupation ordinarily carried on for profit:

Provided further that benefit in respect of only one dependent adult shall be paid to any insured person entitled to benefit and the total benefit paid to any such person, including dependents' benefits, shall not exceed eighty per centum of the wages or compensation of which he is deprived by unemployment, having regard for his average earnings during periods of employment during the six months preceding the date of claim for benefit.

3. If any question arises as to whether any addition ought to be made to the rate of benefit in respect of any wife or child or other person, that question shall be determined in the same manner as a claim for benefit.

4. No increase of benefit shall be payable to an insured contributor in respect of any person for any period before the date on which the insured contributor makes application in the prescribed manner for an increase in respect of that person, so, however, that regulations may be made under this Act authorizing some earlier date to be substituted for the date of the application in cases in which good cause is shown for the delay in making the application.

5. Where a claim for benefit is made by an insured contributor and another insured contributor receives an increase of benefit in respect of the first mentioned insured contributor for any period between the date when the claim is made and the date when it is allowed, the benefit payable to the first mentioned insured contributor for that period shall be reduced by the amount of increase of benefit so received by the second-mentioned insured contributor.

6. For the purposes of this Schedule the expression "a dependent child" means, in relation to a person entitled to benefit, any child of his who

(a) is under the age of 14 years and is maintained wholly or mainly by him; or

(b) is between the ages of 14 and 16 years and is maintained wholly or mainly by him and is either

(i) a person under full time instruction at a day school; or

(ii) a person who is prevented from receiving such instruction by reason of illness or physical or mental infirmity;

and the expression "child" includes a stepchild, adopted child, and illegitimate child.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 8.

An Act to establish an Employment and Social Insurance Commission, to provide for a National Employment Service, for Insurance against Unemployment, for aid to Unemployed Persons, and for other forms of Social Insurance and Security, and for purposes related thereto.

AS PASSED BY THE HOUSE OF COMMONS, 12th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
91048 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 8.

An Act to establish an Employment and Social Insurance Commission, to provide for a National Employment Service, for Insurance against Unemployment, for aid to Unemployed Persons, and for other forms of Social Insurance and Security, and for purposes related thereto.

Preamble.

WHEREAS the Dominion of Canada was a signatory, as Part of the British Empire, to the Treaty of Peace made between the Allied and Associated Powers and Germany, signed at Versailles, on the 28th day of June, 1919; and whereas the said Treaty of Peace was confirmed by The Treaties of Peace Act 1919; and whereas, by Article 23 of the said Treaty, each of the signatories thereto agreed that they would endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and by Article 427 of the said Treaty declared that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance; and whereas it is desirable to discharge the obligations to Canadian Labour assumed under the provisions of the said Treaty; and whereas it is essential for the peace, order and good government of Canada to provide for a National Employment Service and Insurance against unemployment, and for other forms of Social Insurance and for the purpose of maintaining on equitable terms, interprovincial and international trade, and to authorize the creation of a National Fund out of which benefits to unemployed persons throughout Canada will be payable and to provide for levying contributions from employers and workers for the maintaining of the said Fund and for contributions thereto by the Dominion: Therefore 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 Employment and Social Insurance Act.*

INTERPRETATION.

Definitions.

2. (1) In this Act and in any regulation or order made thereunder unless the context otherwise requires,

"Commission".

(a) "Commission" means the Employment and Social Insurance Commission created by this Act;

"Contribution" or "contributions".

(b) "contribution" or "contributions," in relation to the number counted for the purposes of determining benefit rights and the duration of benefits of an insured contributor on an application for unemployment benefit, means full weekly contribution or contributions, as the case may be, after making allowance for the number of unemployed days for which contributions were paid in respect of him and in respect of which he is entitled to a refund of contributions paid by him by reason of having been unemployed during those days;

"Day".

(c) "day", means a period of twenty-four hours from midnight to midnight or such other period of twenty-four hours as the Commission may for any general or special purpose prescribe;

"Employment Service".

(d) "employment service", includes employment offices organized and administered as provided by this Act;

"Insurance year".

(e) "insurance year", means such period of not less than fifty-two or more than fifty-three weeks as may be prescribed by regulation in that behalf;

"Minister".

(f) "Minister", means the Minister designated by the Governor in Council for the purposes of this Act;

"Person".

(g) "Person" means a person of either sex.

"Prescribed".

(h) "prescribed", means prescribed by regulation;

"Regulation".

(i) "regulation", means any regulation made in the manner prescribed by this Act;

"Trade dispute".

(j) "trade dispute", means any dispute between employers and employees, or between employees and employees, which is connected with the employment or non-employment, or the terms or conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises, or not.

Construction of certain expressions in this Act.

(2) In this Act and in any regulation or order made thereunder, unless the context otherwise requires, each of the following expressions shall have the meaning assigned thereto in the provisions of this Act hereinafter in this subsection respectively mentioned:

(a) "an insured contributor," subsection 1 of section 20;

(b) "benefit year," section 24;

(c) "calendar week," Second Schedule, Part II, paragraph 10;
(d) "child," Third Schedule, Part II, paragraph 6;
(e) "continuously unemployed," subsection 4 of section 20;
(f) "continuous period of unemployment," subsection 4 of section 20;
(g) "employer's contribution," subsection 3 of section 17;
(h) "employed persons," subsection 1 of section 15;
(i) "insurable employment," subsection 1 of section 15;
(j) "statutory conditions," section 19 and subsection 1 of section 20;
(k) "unemployment benefit," section 19;
(l) "unemployment books," subsection 2 of section 18;
(m) "unemployment cards," subsection 2 of section 18;
(n) "Unemployment Insurance Advisory Committee," section 36;
(o) "Unemployment Insurance Fund," subsection 1 of section 17 and subsection 1 of section 35;
(p) "unemployment insurance stamps," subsection 2 of section 18.

Division into Parts.

3. The remainder of this Act may be referred to as follows:—

PART I, sections four to nine inclusive, relating to the Employment and Social Insurance Commission;

PART II, sections ten to fourteen inclusive, relating to Employment Service;

PART III, sections fifteen to thirty-eight inclusive, relating to Unemployment Insurance;

PART IV, sections thirty-nine to forty-one inclusive, relating to National Health;

PART V, sections forty-two to forty-eight inclusive, General.

PART I.

EMPLOYMENT AND SOCIAL INSURANCE COMMISSION

Commission.

4. (1) This Act shall be administered by a Commission to be called "The Employment and Social Insurance Commission," which shall consist of a Chief Commissioner and two other Commissioners appointed by the Governor in Council.

How chosen.

(2) Of the said Commissioners, other than the Chief Commissioner, one shall be appointed after consultation with organizations representative of workers and the other after consultation with organizations representative of employers.

Quorum: vacancy.

(3) Two Commissioners shall be a quorum and no vacancy in the Commission shall impair the right of the remaining Commissioners to act.

Decision of majority.

(4) The decision of the majority of the Commissioners present at any meeting shall be the decision of the Commission, and in the event of a tie the Chief Commissioner shall have a second or casting vote.

Casting vote.

Body corporate.

(5) The Commission shall be a body corporate having capacity to contract and to sue and be sued in the name of the Commission.

Power to hold property.

(6) The Commission shall have power, for the purposes of this Act, to acquire, hold and dispose of real and personal property.

Head Office.

(7) The head office of the Commission shall be in the city of Ottawa in the Dominion of Canada.

Duration of office.

5. (1) Each Commissioner shall, subject to his earlier removal for cause or permanent incapacity hold office for a period of ten years from the date of his appointment, but his office shall become vacant upon his attaining the age of seventy years.

Eligible for reappointment.

(2) A Commissioner upon expiration of his term of office, if under seventy years of age, shall be eligible for reappointment.

Absence or incapacity.

(3) In the event of absence or temporary incapacity of any Commissioner the Governor in Council may appoint a person to act in his stead.

Vacancy.

(4) Any vacancy arising in the Commission shall be filled within a period of four months.

Salaries of Commissioners.

6. The Chief Commissioner and the other members of the Commission shall be paid such salaries as may from time to time be fixed by the Governor in Council, and they shall devote their whole time to the performance of the duties of their respective offices.

Commission to undertake investigations.

7. (1) In addition to the powers and duties of the Commission as otherwise provided by this Act, the Commission shall, as soon as practicable after appointment, undertake investigations for the purpose of making proposals to the Governor in Council for—

Extension of insurance to excepted employments.

(a) providing unemployment insurance for the employments excepted from the operation of Part III of this Act, or for any of them, either by extending thereto the provisions of that Part, with such modifications, if any, as may be found necessary, or by special or supplementary schemes;

Assistance for unemployed.

(b) making provision for the assistance, during unemployment, of persons

(i) ordinarily employed in any of the employments excepted from the operation of Part III of this Act, or

(ii) ordinarily employed in insurable employment but who for the time being are not entitled to unemployment insurance benefit under this Act ; and

Training of unemployed.

(c) providing, in co-operation with educational authorities and institutions, or otherwise, either generally or

in certain areas or for any class or classes of such persons—

(i) physical and industrial training with a view to maintaining or increasing their industrial fitness, skill and efficiency, or enlarging their knowledge of the industry in which they normally seek employment, or

(ii) training and instruction in some occupation, trade or handicraft; or

(iii) employment in any work, having regard for their capacity, training and experience, with a view to re-habilitating them for regular employment.

Schemes of assistance.

(2) Proposals concerning assistance within the meaning of paragraph *(b)* of subsection one of this section may include proposals for the establishment of savings or any other funds derived either wholly out of contributions made by such persons or any of them while in employment or partly out of contributions so made and partly out of contributions made by the employers of such persons, or any other plan of assistance.

Report to Governor in Council.

(3) The Commission shall from time to time report to the Governor in Council their conclusions and recommendations based on any investigation made as hereinbefore in this section provided, and if any such report includes recommendations for the establishment of any fund under paragraph *(b)* of subsection one of this section, the recommendations shall be made on the basis that any such fund shall be maintained wholly distinct and separate from any other funds.

Report by Advisory Committee on recommendation of Commission.

(4) The Unemployment Insurance Advisory Committee, established under Part III of this Act, shall report to the Governor in Council on any recommendations made by the Commission in respect of the matters specified in paragraphs *(a)* and *(b)* of subsection one of this section.

Officers and employees to be appointed under Civil Service Act.

8. (1) The Commission may employ such officers, clerks and employees for the purposes of this Act as the Commission may determine, and all appointments of officers, clerks and employees so employed by the Commission shall be made in pursuance of the *Civil Service Act.*

Technical and professional employees for special purposes.

(2) For the purposes of any investigation, or for any other purpose of this Act, the Commission may, subject to the approval of the Governor in Council, from time to time temporarily employ such persons of technical and professional attainments as the Commission may deem necessary.

Cost of administration to be provided by Parliament.

(3) The costs of administration of this Act, including remuneration of Commissioners, officers, clerks and employees, shall be paid out of moneys provided by Parliament.

Power of Commission under Inquiries Act.

9. (1) For the purposes of any investigations undertaken by the Commission under the provisions of this Act, the Commission shall have the powers of a Commissioner under the *Inquiries Act.*

Notice of investigation.

(2) The Commission shall give such public notice as they consider sufficient of their intention to investigate any matters which under this Act they are empowered to investigate, and they shall receive any representations submitted to them by person or associations of persons appearing to the Commission to have an interest in the matters under investigation.

PART II.

EMPLOYMENT SERVICE.

Organization of Employment Service.

10. The Commission shall organize an employment service for the Dominion of Canada, in manner hereinafter provided, and shall be responsible for the constitution and management of such employment service and the direction, maintenance and control of all employment offices established as hereinafter provided.

Regional divisions: Central Offices.

11. (1) The Commission shall establish such regional divisions as they may deem expedient and desirable, and there shall be a central office in each such division at such place as the Commission may determine, and all employment offices provided for under the next succeeding subsection of this section which are within any such division shall be directed and controlled by the Commission through the central office of that division.

Employment offices.

(2) The Commission shall establish employment offices within each regional division at such places as they may deem expedient and desirable for the purposes of this Act.

Central Office Clearing House.

(3) The central office within each regional division shall be a clearing house for collecting from and distributing to the employment offices therein information concerning employers seeking workers and workers seeking employment.

Co-ordination of central offices.

(4) The Commission shall co-ordinate the services of the central offices so that the information obtained in any regional division may be available to workers and employers in other regional divisions.

Collection of Information.

12. (1) The Commission shall collect information concerning employers requiring workers and workers seeking employment and shall make the same available at the employment offices.

Failure to make returns an offence.

(2) The Commission may request any person to make written returns of such information as the Commission may deem necessary for the purposes of this Act, and failure to comply with any such request shall be an offence against this Act and shall render any person liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a period not exceeding three months, or to both fine and imprisonment.

Local Committees

13. (1) The Commission may for any central office or for any employment office, establish a local committee for the purpose of advising and otherwise assisting the Commission.

How chosen.

(2) Each such committee shall include members chosen after consultation with local organizations representative of workers and an equal number after consultation with employers.

Advances to workers seeking employment.

14. (1) The Commission may make regulations authorizing advances by way of loan towards meeting the expenses of workers travelling to places where employment has been found for them through an employment office.

Recovery of loans.

(2) Any sum advanced in accordance with such regulations shall be a debt due by the worker to the Commission and recoverable by process of law.

Moneys provided by Parliament.

(3) All advances made in accordance with regulations made under this section shall be made out of moneys provided by Parliament for that purpose, and all repayments of such advances shall be paid into the Consolidated Revenue Fund of Canada.

PART III.

UNEMPLOYMENT INSURANCE

Insured Persons

Persons to be insured against unemployment "employed persons" defined.

15. (1) Subject to the provisions of this Act, all persons of the age of sixteen years and upwards who are engaged in any of the employments specified in Part I of the First Schedule to this Act, not being employments specified as excepted employments in Part II of that Schedule (in this Act referred to as "employed persons"), shall be insured against unemployment in manner provided by this Act, and the employment in which any such person is engaged shall in this Act be referred to as "insurable employment."

Power to enlarge or restrict excepted employments.

(2) Where it appears to the Commission that the terms and conditions of service of, and the nature of the work performed by, any class of persons employed in an excepted employment are so similar to the terms and conditions of service of, and the nature of the work performed by, a class of persons employed in an insurable employment as to result in anomalies in the operation of this Act, the Commission may, by regulations either unconditionally or subject to such conditions as may be specified in the regulations, either:—

(*a*) provide for including the class of persons employed in insurable employment among the classes of persons employed in excepted employment; or

(*b*) provide for including the class of persons employed in excepted employment among the classes of persons employed in insurable employment.

Persons in insurable employment to an inconsiderable extent.

(3) The Commission may by regulations provide, subject to such exceptions and conditions as the Commission think fit, for adding any class of employment to the excepted employments but only as respects persons who are in any week employed in that class of employment to such extent (being in the opinion of the Commission inconsiderable) as may be specified in the regulations.

Exemptions.

16. (1) Where any employed person proves that he is either:—

Persons entitled to certificates of exemption.

(*a*) in receipt of any pension or income of the annual value of $365.00 or upwards, which does not depend on his personal exertions; or

(*b*) a person who is employed in an occupation which is seasonal and does not ordinarily extend over more than twenty-four weeks in any year and who is not ordinarily employed in any other occupation which is insurable employment; or

(*c*) a person who habitually works for less than the ordinary working day;

Certificate of exemption.

he shall be entitled to a certificate exempting him from liability to contribute under this Act and while holding such certificate shall not be insured under this Act.

Certificate by Commission.

(2) All claims for exemption shall be made to the Commission in the prescribed form and certificates of exemption shall be granted only by the Commission.

Contributions.

Contributions by employed persons and employers.

17. (1) The funds required for providing unemployment benefit and for making any other payments which under this Act are to be made out of the Unemployment Insurance Fund, established under this Part of this Act, shall be derived partly from moneys provided by Parliament, partly from contributions by employed persons and partly from contributions by the employers of those persons, which contributions shall be paid by means of revenue stamps as hereinafter provided.

Rates of contribution.

(2) Subject to the provisions of this Act, every employed person and every employer of any such person shall be liable to pay contributions in accordance with the provisions of the Second schedule to this Act.

Employer liable for both contributions but may recover from employee.

(3) Except where regulations under this Act otherwise prescribe, the employer shall in the first instance be liable to pay both the contribution payable by himself (in this Act referred to as "the employer's contribution") and also, on behalf of the employed person, the contribution payable by that person, and subject to any such regulations shall be entitled to recover from the employed person, by deduction from his wages or otherwise, the amount of the contributions so paid by him on behalf of the employed person.

Employer's contribution payable in respect of exempted person.

(4) The employer of a person who holds a certificate of exemption under this Act shall be liable to pay the like contributions as would be payable by him as employer's contributions if that person were a person insured under this Act, and in this Act any reference to the employer's contribution shall be construed as including a contribution payable under this subsection.

Return of contributions paid in error.

(5) The regulations made under this Act shall provide for the return to a person and to his employer of any contributions paid by them or either of them within the prescribed period under the erroneous belief that the contributions were payable in respect of that person, subject, in the case of that person's contributions, to the deduction of any amount received by him in respect of unemployment benefit to which he was erroneously deemed to be entitled by reason of the contributions so paid in respect of him: Provided that no return of contributions shall be made under this provision except on an application made in the prescribed manner and within the prescribed period, not being less than one year from the date on which the contributions were paid.

Payment and recovery of contributions subject to rules.

(6) The payment of contributions and the recovery of contributions paid by employers on behalf of employed persons shall be subject to the rules in Part II of the Second Schedule to this Act.

Payment by stamps or otherwise.

18. (1) The Governor in Council may by regulation provide for the payment of contributions by means of revenue stamps (in this Act referred to as "unemployment insurance stamps") affixed to or impressed upon books or cards (in this Act respectively referred to as "unemployment books" and "unemployment cards"), and such stamps shall be prepared and issued in such manner as may be prescribed by such regulation.

Power to make regulations as to payment of contributions.

(2) Subject to the provisions of this Part, the Commission may make regulations providing for any matters relating to the payment and collection of contributions payable under this Act, and in particular for—

(a) regulating the manner, times and conditions in, at and under which payments are to be made;

(b) the entry in or upon unemployment books or cards of particulars of contributions and benefits paid in respect of the persons to whom the unemployment books or cards relate;

(c) the issue, sale, custody, production and delivery up of unemployment books or cards and the replacement of unemployment books or cards which have been lost, destroyed or defaced, and

(d) the offering of reward for the return of an unemployment book or card which has been lost and for the recovery from the person responsible for the custody of the book or card at the time of its loss of any reward paid for the return thereof.

Unemployment Benefit.

Right of insured person to unemployment benefit.

19. Every person who being insured under this Act is unemployed and in whose case the conditions laid down by this Act (in this Act referred to as " statutory conditions ") are fulfilled, shall be entitled, subject to the provisions of this Act, to receive payments (in this Act referred to as " unemployment benefit ") at weekly or other prescribed intervals at such rates as are authorized by or under the Third Schedule to this Act, so long as the statutory conditions continue to be fulfilled and so long as he is not disqualified under this Act for the receipt of unemployment benefit.

Statutory conditions for receipt of unemployment benefit.

20. (1) Subject to the provisions hereinafter contained, the statutory conditions for receipt of unemployment benefit by a person insured under this Act (in this Act referred to as "an insured contributor") are—

(i) that contributions for not less than forty full weeks (exclusive of any unemployed days for which, pursuant to the provisions of the Second Schedule to this Act, he is entitled to a refund of contributions paid by him) have been paid in respect of him while employed in insurable employment during a period not exceeding two years immediately preceding the date on which a claim for benefit is made;

(ii) that he has made application for unemployment benefit in the prescribed manner, and proves that since the date of the application he has been continuously unemployed; and

(iii) that he is capable of and available for work but unable to obtain suitable employment.

Account taken only of contributions when *bonâ fide* employed.

(2) In determining whether an insured contributor has proved that the first statutory condition is fulfilled in his case, no account shall be taken of any contributions paid in respect of him for any period during which he was not

bonâ fide employed in insurable employment, nor for any period during which he was exempt from the provisions of this Act.

Enlargement of first statutory condition.

(3) If an insured contributor proves in the prescribed manner that he was during any period, falling within the two years specified in the first statutory condition, incapacitated for work by reason of some specific disease or bodily or mental disablement, or employed in any of the employments specified in Part II of the First Schedule to this Act, or engaged in business on his own account, the first statutory condition shall have effect as if for the said period of two years there were substituted a period of two years increased by the said periods of incapacity or of such employment or business engagement as aforesaid, but so as not to exceed in any case four years.

Meaning of continuous period of unemployment.

(4) Any three days of unemployment, whether consecutive or not, within a period of six consecutive days shall be treated as a continuous period of unemployment, and any two such continuous periods separated by a period of not more than six weeks shall be treated as one continuous period of unemployment, and the expressions "continuously unemployed" and "continuous period of unemployment" shall be construed accordingly.

Period of disqualification not to count in continuous period of unemployment unless due to disease or disablement.

(5) Any period during which a person fails to fulfil the statutory conditions (other than the first statutory condition) or is, under the provisions of this Act, disqualified for receiving benefit, or is, under the provisions of this Act, deemed not to be unemployed, shall be excluded in the computation of continuous periods of unemployment unless that person proves that the failure to fulfil the condition or the disqualification was due to incapacity for work arising from some specific disease or bodily or mental disablement.

Continuous unemployment to begin on date of application.

Proviso.

(6) A continuous period of unemployment shall be deemed to begin on the date on which the insured contributor makes application for benefit in the prescribed manner: Provided that regulations may be made authorizing some earlier date to be substituted for the date of application

(i) where good cause is shown for delay in making application; or

(ii) for the purpose of computing the first week of a continuous period of unemployment in a case in which the applicant, upon a claim for benefit which begins his benefit year, proves in the prescribed manner that a continuous period of unemployment was in fact current at the date of that application.

Employment which is unsuitable within the third statutory condition.

(7) An insured contributor shall not be deemed to have failed to fulfil the third statutory condition by reason only that he has declined—

Unemployment due to trade dispute.

(*a*) an offer of employment arising in consequence of a stoppage of work due to a trade dispute; or

Employment at low wages or on unfavourable conditions.

(*b*) an offer of employment at wages lower, or on conditions less favourable, than those which he might reasonably have expected to obtain, having regard to those which he habitually obtained in his usual occupation, or would have obtained had he continued to be so employed, or

Employment less favourable than observed by agreements between employers and employees.

(*c*) an offer of employment in his usual occupation at wages lower, or on conditions less favourable, than those observed by agreement between employers and employees, or failing any such agreement, than those recognized by good employers;

Proviso.

Provided that after the lapse of such an interval from the date on which an insured contributor becomes unemployed as, in the circumstances of the case, is reasonable, employment shall not be deemed to be unsuitable by reason only that it is employment of a kind other than employment in the usual occupation of the insured contributor, if it is employment at wages not lower and on conditions not less favourable than those observed by agreement between employees and employers or, failing any such agreement, than those recognized by good employers, but no insured contributor shall be disqualified for receipt of benefit by reason only of his refusal to accept employment if by acceptance thereof he would lose the right—

Right to membership in organizations of workers preserved.

(i) to become a member of, or

(ii) to continue to be a member and to observe the lawful rules of, or

(iii) to refrain from becoming a member of,

any association, organization or union of workers.

Periods not counted in computing unemployment.

(8) Notwithstanding that the employment of an insured contributor has terminated, he shall not be deemed to be unemployed—

While in receipt of compensation substantially equivalent to wages lost.

(*a*) during any period for which he continues to receive wages by way of compensation for loss of, and substantially equivalent to, the remuneration he would have received if his employment had not terminated, or,

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

(*b*) on any day on which he is following an occupation from which he derives any remuneration or profit, unless that occupation could ordinarily be followed by him in addition to his usual employment and outside the ordinary working hours of that employment, and the remuneration or profit received therefrom for that day does not exceed one dollar, or where the remuneration or profit is payable or is earned in respect of a period longer than a day, the remuneration or profit does not on the daily average exceed that amount,

nor shall an insured contributor be deemed to be unemployed

Holidays.

(i) on any day which is recognized as a holiday for his grade or class or shift at the factory, workshop or other premises at which he is employed, or

In excess of number of shifts for week.

(ii) on any day of any calendar week during which he works for the number of days or the number of shifts which constitutes the full week's work for his grade or class or shift at the factory, workshop or other premises or place of his employment.

Disqualifications for unemployment benefit.

21. An insured contributor shall be disqualified for receiving unemployment benefit—

(a) if he has lost his employment by reason of a stoppage of work, which was due to a trade dispute at the factory, workshop or other premises at which he was employed, except where he has, during a stoppage of work, become *bonâ fide* employed elsewhere in the occupation which he usually follows, or has become regularly engaged in some other occupation, but this disqualification shall last only so long as the stoppage of work continues, and shall not apply in any case in which the insured contributor proves

Loss of work due to trade dispute.

(i) that he is not participating in, or financing or directly interested in the trade dispute which caused the stoppage of work, and

(ii) that he does not belong to a grade or class of workers of which immediately before the commencement of the stoppage there were members employed at the premises at which the stoppage is taking place any of whom are participating in or financing or directly interested in the dispute,

and where separate branches of work which are commonly carried on as separate businesses in separate premises are carried on in separate departments on the same premises, each of those departments shall, for the purposes of this provision, be deemed to be a separate factory or workshop or separate premises as the case may be; or

Disqualification on proof by an officer of the Commission of neglect by insured contributor to avail himself of opportunity for work.

(b) if on a claim for benefit it is proved by an officer of the commission that the claimant—

(i) after a situation in any employment which is suitable in his case has been notified to him by an employment office or other recognized agency, or by or on behalf of an employer as vacant or about to become vacant, has without good cause refused or failed to apply for such situation, or refused to accept such situation when offered to him, or

(ii) has neglected to avail himself of an opportunity of suitable employment, or

(iii) has without good cause refused or failed to carry out any written direction given to him by an officer of the employment office with a view to assisting him to find suitable employment (being directions

which were reasonable having regard both to the circumstances of the claimant and to the means of obtaining that employment usually adopted in the district in which the claimant resides); or

Loss of work due to misconduct.

(c) if he has been discharged from his employment by reason of his own misconduct or if he voluntarily leaves his employment without just cause; or

While an inmate of public institution.

(d) while he is an inmate of any prison or an institution supported wholly or partly out of public funds, or, subject to the provisions of this Act, while he is a resident, whether temporarily or permanently, out of Canada; or

While in receipt of old age pension.

(e) while he is in receipt of an old age pension under an Old Age Pensions Act.

Period of disallowance of benefit in certain cases.

22. Where a claim for benefit by an insured contributor is disallowed by the court of referees or the umpire, on the ground

(a) that the third statutory condition is not fulfilled in his case; or

(b) that he is disqualified under paragraph *(b)* or *(c)* of the next preceding section of this Act for receiving benefit,

the court of referees or the umpire shall declare the insured contributor to be disentitled to benefit for a period not exceeding six weeks beginning from such date as may be determined by the court of referees or the umpire as the case may be.

Duration of benefit.

23. (1) An insured contributor shall, if the statutory conditions are fulfilled in his case, and if he is not disqualified under this Act, be entitled to receive in a benefit year, benefit

Ordinary benefit days.

(a) for periods not exceeding in the aggregate seventy-eight days of continuous unemployment, and

Additional days.

(b) for additional days of which the maximum number shall be computed in manner provided by the next succeeding subsection.

Computation of additional days.

(2) An insured contributor in respect of whom not less than one hundred contributions have been paid during the complete insurance years, not exceeding five, last preceding the benefit year for which the computation of additional days is made shall be qualified for additional days determined as of the beginning of such benefit year equal to one day for every contribution paid in respect of him as an insured contributor for the insurance years aforesaid, less one day for every three days for which benefit has been paid to him for his benefit years, if any, which ended in the period, not exceeding five years, immediately preceding his benefit year for which the computation is made:

Proviso.

Provided that for the purposes of this subsection,

(i) fractions of a day shall be disregarded,

(ii) every two contributions paid in respect of an insured contributor under the age of eighteen years shall be reckoned as one contribution, and

(iii) the number of additional days so computed shall not in any case be deemed to continue the benefit rights of the insured contributor beyond the end of his benefit year.

Benefit not to extend beyond benefit year.

(3) An insured contributor who has in any benefit year exhausted his benefit rights shall not thereafter be entitled to benefit for any day in that benefit year, nor shall he become entitled to benefit in his next benefit year before the Monday next after the end of the calendar week for which there is paid in respect of him the last of the thirteen contributions specified in paragraph (*b*) of the next succeeding section.

Only periods of *bonâ fide* employment to count in computing benefits.

(4) In calculating contributions for the purposes of the two next preceding subsections of this section, no account shall be taken of any contributions paid in respect of any insured contributor for any period during which he was not *bonâ fide* employed in insurable employment, nor for any period during which he was exempted under the provisions of section sixteen of this Act.

Adjustment of benefits on account of contributions or benefits paid in error.

(5) The Commission may prescribe by regulations the circumstances in which and the extent to which contributions paid in error and sums paid to a person by way of benefit while he was not entitled thereto are to be taken into account for the purposes of this and the next succeeding section.

Proof of first statutory condition at beginning of benefit year only.

(6) After an insured contributor has at the beginning of his benefit year proved that the first statutory condition is fulfilled in his case, then, subject to and in accordance with regulations made by the Commission, he shall be treated throughout the remainder of that benefit year as if that condition continued to be so fulfilled.

Definition of benefit year.

24. For all the purposes of this Act, the expression "benefit year" shall mean, in relation to an insured contributor, the period of twelve months beginning on the date on which, on an application for benefit, he proves for the first time

(*a*) that the first statutory condition is fulfilled in his case; and

(*b*) also, in the case only of an insured contributor who has exhausted his benefit rights in his last preceding benefit year, that thirteen contributions have been paid in respect of him since the Sunday last before the last day for which he received benefit;

and every subsequent period of twelve months commencing on the date on which that contributor on a claim for benefit proves the matters aforesaid for the first time after the termination of his last preceding benefit year.

Error in benefit year: rectification.

(2) If it is found that any insured contributor has been treated as having begun his benefit year on any date by reason of his having been wrongly treated as having proved any of the matters aforesaid on that date, his benefit year shall nevertheless be deemed to have begun on that date, but he shall not be entitled to benefit during the remainder of that benefit year until he proves the matters aforesaid.

Special classes of insured persons.

25. (1) This section applies to certain special classes of insured contributors, being

Casual workers.

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

Seasonal workers.

(*b*) persons whose normal employment is for portions of the year only in occupations which are seasonal;

Intermittent workers.

(*c*) persons whose normal employment is in an occupation in which their services are not normally required for the full week or who owing to personal circumstances are not normally employed for the full week; and

Married women.

(*d*) married women who, since marriage or in any prescribed period subsequent to marriage, have had less than the prescribed number of contributions paid in respect of them.

Power to make regulations in respect of special classes.

(2) Where it appears to the Commission that the application of the provisions of this Act in the determination of benefits for any of the said classes would result in anomalies, having regard for the benefits of other classes of insured contributors, the Commission may from time to time make regulations which shall, in relation to the classes of persons to whom this section applies, impose such additional conditions and terms with respect to the receipt of benefit and such restrictions on the amount and period of benefit and on the number of days of any period of continuous unemployment to be excluded from the benefit period, and make such modifications in the provisions of this Act relating to the determination of claims for benefit and the meaning of "continuous period of unemployment", as may appear necessary to remove or substantially remove the anomalies.

Notice of intention to make regulations.

(3) The Commission shall give such public notice as they consider sufficient of their intention to make regulations under this section and shall receive any representations which may be made to them with respect thereto.

Regulations may apply generally or otherwise.

(4) Regulations made in pursuance of this section may apply either generally to all the persons specified in subsection one of this section or to any class of those persons or to any portion of such a class, or with respect to them or any of them, in any specified area.

Benefits inalienable.

26. Subject to the provisions of this Act, every assignment of, or charge on, and every agreement to assign or charge, any of the benefits conferred by this Act, shall be void, and, on an assignment for the benefit of creditors

being made by any person entitled to any such benefit, the benefit shall not pass to any trustee or other person acting on behalf of his creditors.

Determination of Questions.

Determination of questions by Commission concerning the rights of persons and appeals to the Exchequer Court.

27. (1) If any question arises—

(a) as to whether any employment or any class of employment is or will be such employment as to make the person engaged therein an employed person within the meaning of this Act or whether a person is or was an employed person within the meaning of this Act; or

(b) whether a person or class of persons is or is not, or was or was not, a person or class of persons to whom a special or supplementary scheme under this Act applies or applied; or

(c) as to who is or was the employer of any employed person; or

(d) as to the rate of contribution payable under or in pursuance of this Act by or in respect of any person or class of persons or as to the rates of contribution payable in respect of any employed person by the employer and that person respectively; or

(e) whether a person was or was not employed in any excepted employment during any period falling within the period of two years specified in the first statutory condition;

Proviso:

the question shall be decided by the Commission: Provided that the Commission may, if they think fit, instead of themselves deciding such question, refer the question for decision to the Exchequer Court.

Reference to Exchequer Court.

Regard to nature of work of employed person.

(2) In determining any question as to whether any occupation, in which a person is or has been engaged, is or was such as to make him an employed person within the meaning of this Act, regard shall be had to the nature of the work on which he is or was engaged rather than to the business of the person by whom he is or was employed.

Commission may revise decision.

(3) The Commission may, on new facts being brought to their notice, revise any decision given under this section.

Regulations governing procedure.

(4) The Governor in Council may make regulations prescribing the procedure under this section.

Insurance Officer: Referee: Umpire.

Insurance officers.

28. (1) The Commission may in each regional division employ such number of persons as the Governor in Council may approve, to be insurance officers for such division.

Chairmen of court of referees.

(2) The Governor in Council may, in each regional division established under section eleven of this Act, designate such number of persons as are deemed necessary to be chairmen of courts of referees in each such division.

Umpires, and deputy-umpires.

(3) The Governor in Council may, from amongst the Judges of the Exchequer Court of Canada and of the Superior Courts of the provinces of Canada, designate an umpire and such number of deputy-umpires as the Governor in Council may deem necessary for the purposes of this Act, and, subject to the provisions of this Act, may prescribe their jurisdiction; and unless the context otherwise requires, any reference to the umpire shall include a reference to a deputy-umpire.

Court of referees.

29. (1) A court of referees for the purposes of this Act shall consist of one or more members chosen to represent employers, with an equal number of members chosen to represent insured contributors, and a chairman appointed as provided in the next preceding section of this Act.

Panels of members of courts of referees.

(2) Panels of persons chosen to represent employers and insured contributors respectively shall be constituted by the Commission for such districts and such trades or groups of trades as the Commission may think fit, and the members of a court of referees to be chosen to represent employers and insured contributors shall be selected from those panels in the prescribed manner.

Subject to regulations.

(3) Subject as aforesaid, the constitution of courts of referees shall be determined by regulations under this Act.

Court may not proceed if chairman absent.

(4) Regulations under this Act may provide that any claim or question which is reported or referred to a court of referees may, with the consent of the claimant or the person or association in whose case the question arises, but not otherwise, be proceeded with in the absence of any member or members of the court other than the chairman, and in any such case the court shall, notwithstanding anything in this Act, be deemed to be properly constituted, and the chairman shall, if the number of the members of the court is an even number, have a second or casting vote.

Remuneration of chairman and members; expenses of persons required to attend.

(5) The Commission may pay such remuneration to the chairman and other members of a court of referees, and such travelling and other allowances to any such chairman or members or to any persons required to attend before any such court, and such other expenses in connection with

any court of referees as the Commission determines, and any such payments shall be treated as costs of administration of this Act.

Claim Procedure.

Examination and determination of claims.

30. (1) All claims for benefit, and all questions arising in connection with such claims, shall be submitted forthwith for examination to one of the insurance officers.

Insurance officer may allow claim.

(2) The insurance officer shall forthwith take into consideration any claim submitted to him for examination under this section, and if he is of opinion that the claim ought to be allowed, he may himself allow the claim.

Insurance officer may disallow claim or refer to court of referees.

(3) If the insurance officer is not satisfied that a claim ought to be allowed he may either refer the claim (so far as practicable within fourteen days from the date on which the claim was submitted to him for examination) to the court of referees for their decision or, subject to the provisions of this subsection, himself disallow the claim. Provided that

(a) the insurance officer shall not himself disallow a claim on any of the following grounds, namely—

(i) that the third statutory condition is not fulfilled; or

(ii) that the claimant is disqualified by reason of his having been discharged from his employment by reason of his own misconduct or having voluntarily left his employment without just cause, or by reason of the provisions of paragraph *(b)* of section twenty-one of this Act; or

(iii) that the claimant does not fulfil one or more of the additional conditions or terms for the receipt of benefit imposed by regulations made under this Act, or is subject to restrictions on the amount or period of benefit imposed by such regulations; and

(b) the insurance officer shall refer to the court of referees any question whether the claimant is liable to have deductions made under any of the provisions of this Act from any benefit to which he is, or may become, entitled.

Appeals of claimant to court of referees.

(4) Where a claim is disallowed by the insurance officer, the claimant may at any time within twenty-one days of the date on which the decision of the insurance officer is communicated to him, or within such further time as the Commission may in any particular case for special reasons allow, appeal in the prescribed manner to the court of referees.

Appeal to umpire.

(5) Subject as hereinafter provided, an appeal shall lie to the umpire from any decision of a court of referees as follows:

(a) At the instance of an insurance officer, in any case;

(b) at the instance of an association of employed persons of which the claimant is a member, in any case;

(*c*) at the instance of the claimant

(i) without leave in any case in which the decision of the court of referees is not unanimous; and

(ii) with the leave of the chairman of the court of referees in any other case; so however, that where leave to appeal is not granted when the decision of the court of referees is given, an application for such leave may be made by the claimant in such form, and within such time after the date of the decision, as may be prescribed by regulations made by the Commission under this Act, and any application for leave to appeal shall be granted by the chairman if it appears to him that there is a principle of importance involved in the case or any other special circumstance by reason of which leave to appeal ought to be given.

Findings of a court of referees in writing.

(6) A court of referees shall record their decisions in writing and shall include in the record of every decision a statement of their findings on questions of fact material to the decision.

Chairman to record grounds for granting appeal to umpire.

(7) Where the chairman of a court of referees grants leave to appeal to the umpire from the decision of the court, the chairman shall record in writing a statement of the grounds on which leave to appeal is granted.

Appeal within six months.

(8) An appeal under subsection five of this section must be brought within six months of the date of the decision of the court of referees or such longer period as the umpire may in any case for special reasons allow.

Associations which may appeal on behalf of a claimant member.

(9) For the purposes of paragraph (*b*) of subsection five of this section, a claimant for benefit shall not, in relation to any appeal, be deemed to be a member of any association of employed persons unless he was a member thereof on the last date on which he was employed before the claim subject to the appeal was made, and has continued to be a member thereof until the date when the appeal is made, and no such association shall be deemed to be an association of employed persons for the purposes of this section unless an important and declared part of its functions is the furtherance of the interests of its members in relation to their employment and unemployment, and the question whether any association is or is not an association of employed persons for the purpose of this section shall be for the decision of the umpire.

Decisions of umpire final.

(10) The decision of the umpire on any appeal from the court of referees shall be final.

Expenses of persons required to attend appeal.

(11) If on an appeal to the umpire from a decision of a court of referees any person affected by the decision is requested by the umpire to attend before him on the consideration of the appeal and so attends, he shall be paid out of moneys provided by Parliament for meeting the costs of administration of this Act such travelling and other

allowances, including compensation for loss of remunerative time, as the Commission may determine.

Insurance officer, court of referees, or umpire may revise a decision given.

(12) An insurance officer, a court of referees or the umpire, on new facts being brought to his or their knowledge, may revise a decision given in any particular case, and where any such revision is made, the revised decision shall have effect as if it had been an original decision, and the foregoing provisions of this section shall apply accordingly.

Decision of court of referees to have effect pending appeal to umpire: exception.

(13) Where a claim for benefit is allowed by a court of referees, benefit shall be payable in accordance with the decision of the court of referees notwithstanding that an appeal to the umpire is pending, unless the appeal has been brought on the ground that the claimant ought to be disqualified under the provisions of paragraph (*a*) of section twenty-one of this Act and within twenty-one days of the date on which the decision of the court of referees was given, and any benefit paid in pursuance of the provisions of this subsection shall be treated, notwithstanding that the final determination of the question is adverse to the claim, as having been duly paid and shall not be recoverable from the insured contributor.

References to claims for benefit: construction.

(14) In this section references to claims for benefit shall be construed as including references to questions arising in relation to such claims, and references to allowing or disallowing a claim shall be construed as including references to determining a question in favour of or adversely to a claimant.

Legal Proceedings

Penalty for obtaining benefit or avoiding any payment through misrepresentation.

31. (1) If for the purpose of obtaining any benefit or payment under this Part of this Act, either for himself or for any other person, or for the purpose of avoiding any payment to be made by himself under this Part of this Act, or enabling any other person to avoid any such payment, any person knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding three months, with or without hard labour.

Penalty for failure to pay contributions or for contravention of Act or regulations.

(2) If any employer or employed person has failed or neglected to pay any contributions which he is liable under this Part of this Act to pay, or if any employer or employed person or any other person is guilty of any contravention of or non-compliance with any of the requirements of this Part of this Act or the regulations made thereunder in respect of which no penalty is provided, or if any employer deducts or attempts to deduct from the wages or other remuneration of an employed person the whole or any part of the employer's contribution, he shall, for each offence, be liable on summary conviction, to a fine not

exceeding fifty dollars, or to imprisonment for a period not exceeding three months, or to both fine and imprisonment.

Penalty for sale or improper use of unemployment books, cards, stamps, etc.

(3) Every person who buys, sells, or offers for sale, takes or gives in exchange or pawns or takes in pawn, any unemployment card, unemployment book, or used unemployment insurance stamp, or any document or thing used in the administration of this Part of this Act, shall for each offence be liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

Power to take and conduct proceedings.

32. (1) Proceedings for an offence under this Part of this Act shall not be instituted except by or with the consent in writing of the Commission or by an inspector or other officer appointed under this Act and authorized in that behalf by special or general directions of the Commission.

Proceedings may be commenced within three months of evidence of offence.

(2) Proceedings for an offence under this Part of this Act may be commenced at any time within three months from the date on which evidence, sufficient in the opinion of the Commission to justify a prosecution for the offence, comes to its knowledge, or within twelve months after the commission of the offence, whichever period is the longer.

Certificate of Commission evidence of date.

(3) For the purpose of the next preceding subsection, a certificate purporting to be signed by the Commission as to the date on which such evidence as aforesaid came to its knowledge shall be conclusive evidence thereof.

Civil proceedings by employee against employer for neglect to comply with Act.

33. (1) Where an employer has failed or neglected to pay any contributions which under this Part of this Act he is liable to pay in respect of any employed person in his employment, or has failed or neglected to comply, in relation to any such person, with the requirements of any regulations relating to the payment and collection of contributions, and by reason thereof that person has lost in whole or in part the unemployment benefit to which he would have been entitled under this Part of this Act, he shall be entitled to recover from the employer as a civil debt a sum equal to the amount of the unemployment benefit so lost.

Proceedings may be instftuted by Commission.

(2) Proceedings under subsection one of this section may at the instance of an employed person be instituted by the Commission on behalf of such employed person.

Penalty for receipt of benefit through non-disclosure or misrepresentation of material fact.

(3) If it is found at any time that any person, by reason of the non-disclosure or misrepresentation by him of a material fact (whether the non-disclosure or the misrepresentation was or was not fraudulent) has received any sum by way of benefit while the statutory conditions or any other conditions for the receipt of benefit imposed by this Part of this Act were not fulfilled in his case, or while he was disqualified for receiving benefit, he shall be liable to repay to the Unemployment Insurance Fund a sum equal to the amount so received by him.

Alternative proceedings.

(4) Proceedings may be taken under this section notwithstanding that proceedings have been taken under any other provision of this Part of this Act in respect of the same failure or neglect.

Proceedings may be taken within one year.

(5) Proceedings under this section may, notwithstanding any provision in any enactment, be brought at any time within one year after the date on which the employed persons, but for the failure or neglect of the employer, would have been entitled to receive benefit which he has lost.

Proceedings for recovery of sums due Insurance Fund may be taken within three years.

(6) Proceedings for the recovery as civil debts of sums due to the Unemployment Insurance Fund established under this Act may not be brought except within three years from the time when the matter complained of arose.

Inspection.

Powers of Inspectors.

34. (1) Any person authorized to act as an inspector by the Commission shall, for the purpose of the execution of this Act, have power to do all or any of the following things, namely:

To enter premises other than private dwelling.

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

To make examination concerning compliance with Act.

(b) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Act are complied with in any such premises or place;

To examine persons.

(c) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Act, every person whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been an employed person, and to require every such person to be so examined, and to sign a declaration of the truth of the matters in respect of which he is so examined;

Other powers.

(d) to exercise such other powers as may be necessary for carrying this Act into effect.

Occupiers of premises to facilitate inspection.

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

Penalty for delay or obstruction of inspection.

(3) If any person wilfully delays or obstructs an inspector in the exercise of any power under this section or fails to give such information or to produce such documents as aforesaid, or conceals or prevents or attempts to conceal

or prevent any person from appearing before or being examined by an inspector, he shall be liable on summary conviction to a fine not exceeding twenty-five dollars.

Inspector to produce certificate of appointment.

(4) Every inspector shall be furnished with the prescribed certificate of his appointment, and on applying for admission to any premises or place for the purpose of this Act shall, if so required, produce the said certificate to the occupier.

Financial Provisions.

Unemployment Insurance Fund.

35. (1) The Minister of Finance shall from time to time deposit in the Bank of Canada, to the credit of the Commission, in an account to be called "The Unemployment Insurance Fund" (hereinafter referred to as "The Fund"), all revenue received from the sale of unemployment insurance stamps (including contributions recovered by process of law) under the provisions of this Part of this Act.

Contributions out of moneys provided by Parliament.

(2) The Minister of Finance shall also deposit in like manner from time to time out of moneys provided by Parliament an amount equal to one-fifth of the aggregate deposits from time to time made as aforesaid after deducting from the said aggregate deposits any refunds of contributions from time to time made under the provisions of this Act from the Fund.

Withdrawals.

(3) Moneys may be withdrawn from the Fund only by means of cheque or other authorization signed by two Commissioners, and out of the Fund shall be paid all claims for unemployment benefit and refunds of contributions as provided for in this Part of this Act but no other payments.

Investment of Fund.

(4) Any sums standing to the credit of the Fund, which are not required to meet current expenditure, may be invested in obligations, payable in Canadian currency, of or guaranteed by the Dominion of Canada or any province of Canada, and investments so made may be sold or exchanged for other like securities, and interest received on the investments shall be deposited as aforesaid.

Transactions to be authorized by Investment Committee.

(5) Transactions under the provisions of the last preceding subsection of this section shall be made only on the authorization of an Investment Committee of three members, consisting of one member nominated by the Commission, one member nominated by the Minister of Finance, and the Governor of the Bank of Canada, or in his absence or incapacity, the Deputy Governor or the Acting Governor for the time being.

Bank of Canada may be fiscal agent.

(6) The Bank of Canada shall be employed to carry out transactions authorized by the said Committee under the last preceding subsection of this section.

Deposits in chartered banks.

(7) The Commission may open and maintain deposit accounts with chartered Banks and any balances so maintained shall form part of the fund.

Pledging of securities to secure loans.

(8) For the purpose of borrowing money, to pay unemployment benefits, the Commission may pledge with the Bank of Canada, any of the securities of the Fund.

Extension of powers of Bank of Canada.

(9) The powers of the Bank of Canada shall be deemed to include the power to do all of the things required to be done under the provisions of this section.

Unemployment Insurance Advisory Committee.

Establishment of Unemployment Insurance Advisory Committee and duties of committee as respects Unemployment Insurance Fund.

36. (1) There shall be appointed by the Governor in Council a committee to be called "The Unemployment Insurance Advisory Committee," in this Act referred to as "the Advisory Committee" or "the Committee" to give advice and assistance to the Commission in relation to the discharge of its functions under this Act, and to perform the other duties herein specified.

Annual report.

(2) The Committee shall, not later than the end of February in each year, make a report to the Governor in Council on the financial condition of the Unemployment Insurance Fund as of the thirty-first day of December next preceding, and shall also make a report to the Governor in Council on the financial condition of that Fund whenever the Committee considers that the Fund is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities, and may make a report on the financial condition of the Fund at such other times as the Committee may think fit.

Reports on condition of Fund.

Recommendations if Fund is or is likely to become insufficient to discharge liabilities.

(3) If the Committee at any time reports that the Fund is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities, or is and is likely to continue to be more than reasonably sufficient to discharge its liabilities, the report shall contain recommendations for the amendment, of the provisions of this Act, or of any regulation made thereunder, either generally or in relation to special classes of insured contributors, concerning—

(i) the statutory conditions for receipt of unemployment benefit and the provisions relating to the right to benefit; or

(ii) the disqualifications for unemployment benefit; or

(iii) the meaning of "unemployment," of "unemployed," of "continuous period of employment," of "continuously unemployed," and of "benefit year"; or

(iv) the rates of unemployment benefit, the periods for which such benefit may be paid and the computation thereof; or

(v) the payment of benefit pending appeals; or

(vi) the rates of contribution; or

(vii) the rates of benefits in respect of dependants and the provisions and conditions relating to the payment thereof;

being, if in the opinion of the Committee the Fund is insufficient, such amendment as in the opinion of the Committee is required in order to make the Fund sufficient, or if in the opinion of the Committee the Fund is more than reasonably sufficient to discharge its liabilities, such amendments as in the opinion of the Committee may appropriately be made in the circumstances, and, in either case, the report shall contain an estimate of the effect which the amendments recommended will have on the financial condition of the Fund.

Notice of intention to make report.

(4) The Committee shall give such public notice as it considers sufficient of its intention to make a report under this section and shall receive any representations which may be made to it with respect thereto.

Report to be laid before Parliament.

(5) Any report made under this section shall be laid before Parliament within four weeks after being made, or if Parliament is not then sitting within four weeks after Parliament next sits.

Number of members.

37. (1) The Committee shall consist of a Chairman and not less than four nor more than six other members.

Term of office.

(2) The Chairman and other members shall hold office for a period which, in the case of each of the members first appointed, and of any member appointed to fill a vacancy, shall be of such duration not exceeding five years as may be determined by the Governor in Council, and in the case of all other members shall be a period of five years.

Not eligible to sit in Parliament.

(3) No member of the Committee shall be eligible to be elected to, or to sit in, the Parliament of Canada.

Members representative of employers and workers

(4) Of the said members, other than the Chairman, there shall be appointed either one or two after consultation with organizations representative of workers, and an equal number after consultation with employers.

Unfitness or incapacity of member.

(5) If, in the opinion of the Minister, a member becomes unfit to continue in office or incapable of performing his duties, the Minister shall forthwith report the facts to the Governor in Council and the Governor in Council may declare vacant the office of such member.

Assistance for Committee.

(6) The Minister may assign to the Committee from the public service of Canada or otherwise such professional, technical, secretarial and other assistance as the Committee may require, but the provision of such assistance otherwise than from the said service shall be subject to authorization by the Governor in Council.

Vacancy.

(7) The Committee may act notwithstanding any vacancy in the membership of the Committee.

Rules and Quorum.

(8) The Committee may make rules for regulating the procedure of the Committee.

Information to be available to Committee.

(9) There shall be made available to the Committee such information as they may reasonably require for the proper discharge of their functions under this Act.

Expenses.

(10) Members of the Committee shall be entitled to indemnity for travelling and other expenses incurred in the discharge of their duties under this Act.

Regulations.

Regulations.

38. In addition to the authority otherwise conferred upon the Commission to make regulations under this Act, the Commission may also make regulations;—

Persons under same employer partly in insurable employment and partly in another occupation.

(*a*) for permitting persons who are engaged under the same employer, partly in insurable employment and partly in some other occupation, to be treated, with the consent of the employer, for the purposes of this Act, as if they were wholly engaged in insurable employment; and

Prescribing evidence required.

(*b*) for prescribing the evidence to be required as to the fulfilment of the conditions and the absence of the disqualifications for receiving or continuing to receive unemployment benefit, and for that purpose requiring the attendance of insured contributors at such offices or places and at such time as may be required, and requiring employers to answer inquiries relating to any matters on which the fulfilment of the conditions or the absence of the disqualifications depends; and

Procedure on claims for unemployment benefit.

(*c*) for prescribing the manner in which claims for unemployment benefit may be made and the procedure to be followed on the consideration and examination of claims and questions to be considered by the Commission, insurance officer, courts of referees, and umpire, and the mode in which any question may be raised as to the continuance, in the case of a person in receipt of unemployment benefit, of the benefit; and,

Acting umpires.

(*d*) for making provision for the appointment of persons to act in the place of the umpire in the case of his unavoidable absence or incapacity; and

Payment of benefits and contributions pending determination of question.

(*e*) with respect to the payment of contributions and benefits during any period intervening between any application for the determination of any question or any claim for benefit and the final determination of the question or claim; and

References to central or local Committees.

(*f*) to provide for the reference to central or to local committees representing employers and employed persons, for consideration and advice of questions bearing upon the administration of this Act; and

Provision as to persons employed on night work.

(*g*) for prescribing, either generally or with respect to any special class of cases, that where a period of employment begun on one day extends over midnight into another day, the person employed shall be treated as having been employed on such one or other only of those two days as the regulations may direct; and

Payment of contributions and benefits through Post Office in remote places.

(*h*) to provide, with the concurrence of the Postmaster General, for enabling claimants of unemployment benefit in remote places to make their claims for unemployment benefit through the Post Office, and for the payment of unemployment benefit of such claimants through the Post Office; and

Penalties

(*i*) for prescribing punishment for the violation of any regulation including maximum and minimum fines but not exceeding fifty dollars, and terms of imprisonment not exceeding three months; and

Generally

(*j*) generally for carrying this Act into effect.

PART IV.

NATIONAL HEALTH.

Co-operation in matters of Health and Health Insurance.

39. The duties and powers of the Commission under this Part of this Act shall be exercised, so far as may be found practicable and expedient, in co-operation with any department or departments of the Government of Canada, with the Dominion Council of Health, with any province or any number of provinces collectively, or with any municipality or any number of municipalities collectively, or with associations or corporations.

To collect information and data.

40. It shall be the duty of the Commission

(*a*) to assemble reports, publications, information and data concerning any scheme or plan, whether a state, community or other scheme or plan for any group or class of persons, and whether in operation or proposed, in Canada or elsewhere, of providing, on a collective or on a co-operative basis by means of insurance or otherwise, for

(i) medical, dental and surgical care, including medicines, drugs, appliances, or hospitalization, or

(ii) compensation for loss of earnings arising out of ill-health, accident or disease;

To make information and data available.

(b) to analyze and make available to any province, municipality, corporation or group of persons desiring to use the information so assembled for the purpose of providing such benefits or any of them; and

To examine and report on proposed scheme.

(c) as far as may be found practicable so to do on request by any province, municipality, corporation or group of persons, to examine and report on any such scheme or plan proposed to be put into effect or in effect at the date of such request, and to afford technical and professional guidance in regard to the establishing, working or reorganization of the scheme or plan.

Proposals to Governor in Council: Special investigation.

41. The Commission may from time to time submit to the Governor in Council proposals for co-operation by the Dominion in providing any of the benefits enumerated in paragraph *(a)* of the next preceding section of this Act for such action as the Governor in Council is authorized to take, and may undertake special investigations in regard thereto, subject to approval of the Governor in Council concerning the scope and nature of each such investigation.

PART V.

GENERAL.

Governor in Council to approve regulations.

42. (1) All regulations made under this Act shall be without effect until approved by the Governor in Council and published in the *Canada Gazette*, and shall have effect as if enacted in this Act and shall be laid before Parliament within two weeks after approval, or, if Parliament is not then sitting, within two weeks after Parliament next sits; and any regulation made as aforesaid may be varied or revoked by any subsequent regulation made in like manner.

Report by Advisory Committee.

(2) All regulations made under the provisions of section twenty-five of this Act or in relation to the matters specified in subsection three of section thirty-six of this Act shall be reported on by the Unemployment Insurance Advisory Committee before being acted upon by the Governor in Council.

Annual Report by Commission.

43. Within one month after the thirty-first day of March in each year, or within such longer period as may be approved by the Governor in Council, the Commission shall submit to the Minister a report covering the business and affairs of the Commission, for the twelve months ending on the said thirty-first day of March, in such detail as the Minister may from time to time direct; and such report shall contain a statement of the costs arising out of the

administration of this Act, including the indirect costs as nearly as they may be ascertainable.

(2) The Minister shall lay before Parliament, any such report within fifteen days after it is submitted to him if Parliament is then in Session, or, if not then in session, within fifteen days after the opening of the next following session.

Reports transmitted through the Minister to the Governor in Council.

44. All reports, recommendations and submissions required to be made under this Act to the Governor in Council, whether by the Commission or by the Advisory Committee, shall be submitted by the Minister.

Deposition of Fines.

45. Any fine imposed under this Act or regulations made hereunder shall be payable to His Majesty in the right of the Dominion of Canada and be disposed of as the Governor in Council may direct.

Repeal.

46. The *Employment Offices Co-ordination Act*, chapter fifty-seven of the Revised Statutes of Canada, 1927, may be repealed by Proclamation of the Governor in Council.

Audit.

47. The Commission shall be subject to the provisions of *The Consolidated Revenue and Audit Act, 1931*.

Act to become operative.

48. This Act shall come into force when assented to: provided that no contribution shall be payable or paid under the provisions of Part III of this Act until a date to be set by the Commission of which due notice shall be published in the *Canada Gazette* and in such other manner as the Commission may deem necessary.

SCHEDULES.

FIRST SCHEDULE.

EMPLOYMENT WITHIN THE MEANING OF PART III OF THIS ACT.

PART I.

(a) Employment in Canada under any contract of service or apprenticeship, written or oral, whether expressed or implied, or whether the employed person is paid by the employer or some other person, and whether under one or more employers, and whether paid by time or by the piece, or partly by time and partly by the piece, or otherwise.

(b) Employment under the Dominion, or under any province of Canada with the concurrence of the province, or under any municipal or other public authority, other than any such employment as may be excluded by special order of the Commission.

(c) Employment outside of Canada, or partly outside of Canada, for the purpose of the execution of some particular work, by persons who were insured contributors immediately before leaving Canada, for an employer resident or having a place of business in Canada, being employment which if it were employment in Canada, would make the persons employed therein employed persons within the meaning of this Act; subject however, to any prescribed conditions, modifications or exceptions.

PART II.

EXCEPTED EMPLOYMENTS.

(a) Employment in agriculture, horticulture and forestry.

(b) Employment in fishing.

(c) Employment in lumbering and logging, exclusive of the saw mill, planing mill, and shingle mill industries.

(d) Employment in hunting and trapping.

(e) Employment in transportation by water or by air, and stevedoring.

(f) Employment in banking, mortgage, loan, trust, insurance or other financial business.

(g) Employment in domestic service, except where the employed person is employed in a club or in any trade or business carried on for the purposes of gain.

(h) Employment as a professional nurse for the sick or as a probationer undergoing training for employment as such nurse.

(i) Employment as a teacher, including teachers of music and dancing, whether engaged in schools, colleges, universities or institutes or in a private capacity.

(j) Employment in the Permanent Active Militia, The Royal Canadian Navy, the Royal Canadian Air Force and the Royal Canadian Mounted Police.

(k) Employment as a member of Dominion, Provincial, or Municipal Police forces.

(*l*) Employment—

(i) in the public service of Canada pursuant to the provisions of the Civil Service Act; or

(ii) in the public service of Canada or of a province or by a municipal authority upon certification satisfactory to the Commission that the employment is, having regard to the normal practice of the employment, permanent in character.

(m) Employment as an agent paid by commission or fees or a share in the profits, or partly in one and partly in another of such ways, where the person so employed is mainly dependent for his livelihood on his earnings from some other occupation, or where he is ordinarily employed as such agent by more than one employer, and his employment under no one of such employers is that on which he is mainly dependent for his livelihood.

(n) Employment otherwise than by way of manual labour and at a rate of remuneration exceeding in value two thousand dollars a year or in cases where such employment involves part time service only, at a rate of remuneration which, in the opinion of the Commission, is equivalent to a rate of remuneration exceeding two thousand dollars a year for full time service.

Provided that any person in respect of whom contributions have been paid as an insured contributor for not less than five hundred weeks may continue as an insured contributor notwithstanding anything in this paragraph contained.

(o) Employment of a casual nature otherwise than for the purpose of the employer's trade or business.

(p) Employment of any class which may be specified in a special order made by the Commission, and declared by the Commission to apply for the purposes of this Act, as being of such a nature that it is ordinarily adopted as subsidiary employment only and not as the principal means of livelihood.

(q) Employment in the service of the husband or wife of the employed person.

(r) Employment for which no wages or other money payment is made, where the person employed is the child of, or is maintained by the employer.

SECOND SCHEDULE.

PART I.

WEEKLY RATES OF CONTRIBUTION.

Class of employed person:	By the employer	By the employed person
Aged 21 years and upwards—		
Men	$0 25	$0 25
Women	0 21	0 21
Aged 18 years and under 21 years:		
Young men	0 18	0 18
Young women	0 15	0 15
Aged 17 years and under 18 years:		
Boys	0 11	0 11
Girls	0 09	0 09
Aged 16 years and under 17 years:		
Boys	0 07	0 07
Girls	0 06	0 06

PART II.

RULES AS TO PAYMENT AND RECOVERY OF CONTRIBUTIONS PAID BY EMPLOYERS ON BEHALF OF EMPLOYED PERSONS.

1. A weekly contribution shall be payable for each calendar week during the whole or any part of which an employed person has been employed by an employer:

Provided that where one weekly contribution has been paid in respect of an employed person in any week, no further contribution shall be payable in respect of him

in the same week, and that, where no remuneration has been received, and no services rendered by an employed person during any such week, the employer shall not be liable to pay and shall not pay any contribution either on his own behalf or on behalf of the employed person for that week:

Provided further that the employed person shall be entitled to a refund of contributions paid by him for any days of any such week (exclusive of any fraction of a day) in respect of which he proves that he was unemployed within the period of five years immediately preceding the date on which he makes application for unemployment benefit, and the whole of the refund to which he may be so entitled shall be payable to him at the same time as the first payment of unemployment benefit is payable to him on that application.

2. The employer shall, except as hereinafter provided, be entitled to recover from the employed person the amount of any contributions paid by him on behalf of the employed person.

3. Except where the employed person does not receive any wages or other pecuniary remuneration from the employer, the amounts so recoverable shall, notwithstanding the provisions of any Act or any contract to the contrary, be recoverable by means of deductions from the wages of the employed person or from any other remuneration due from the employer to the employed person and not otherwise, but no such deductions may be made from any wages or remuneration other than such as are paid for the period or part of the period for which the contribution is payable, or in excess of the sum which represents the amount of contributions for the period (if such period is longer than a week) for which the wages or other remuneration are paid.

4. Where a contribution paid by the employer on behalf of an employed person is recoverable from such person, but is not recoverable by means of deductions as aforesaid, it shall (without prejudice to any other means of recovery) be recoverable summarily as a civil debt, but no such contribution shall be recoverable unless proceedings for the purpose are instituted within three months from the date when the contribution was payable.

5. Where the employed person is employed by more than one person in any calendar week, the first person employing him in that week, or such other employer or employers as may be prescribed, shall be deemed to be the employer for the purposes of the provisions of this Act relating to the payment of contributions and of this Schedule.

6. Regulations made under this Act may provide that in any cases or any classes of cases where employed persons work under the general control and management of some person other than their immediate employer, such as the

owner, agent or manager of a mine or quarry, or the occupier of a factory or workshop, such person shall, for the purposes of the provisions of this Act relating to the payment of contributions and of this Schedule, be treated as the employer, and may provide for allowing him to deduct the amount of any contributions (other than employer's contributions) which he may become liable to pay from any sums payable by him to the immediate employer, and for enabling the immediate employer to recover from the employed persons the like sums and in the like manner as if he were liable to pay the contributions.

7. Where the employed person is not paid wages or other money payments by his employer or any other person, the employer shall be liable to pay the contributions payable both by himself and the employed person and shall not be entitled to recover any part thereof from the employed person.

8. Notwithstanding any contract to the contrary, the employer shall not be entitled to deduct from the wages of, or otherwise to recover from the employed person, the employer's contribution.

9. Any sum deducted by an employer from wages or other remuneration under this schedule shall be deemed to have been entrusted to him for the purpose of paying the contribution for which it was deducted.

10. For the purposes of this schedule, the expression "calendar week" means the period from midnight on one Sunday to midnight on the following Sunday.

THIRD SCHEDULE.

PART I.

RATES OF UNEMPLOYMENT BENEFIT.

	Daily Rate	Weekly Rate
Class of insured person—		
Aged 21 years and upwards		
Men	$1 00	$6 00
Women	0 85	5 10
Aged 18 years and under 21 years		
Young men	0 70	4 20
Young women	0 60	3 60
Aged 17 years and under 18 years		
Boys	0 45	2 70
Girls	0 35	2 10

Aged 16 years and under 17 years		
Boys.....	0 30	1 80
Girls.....	0 25	1 50
Dependents' benefit—		
Adult dependent.....	0 45	2 70
Dependent child.....	0 15	0 90

PART II.

SUPPLEMENTARY PROVISIONS GOVERNING THE PAYMENT OF UNEMPLOYMENT BENEFIT.

1. No person shall receive benefit for any fraction of a day, nor for the first nine days of any period of continuous unemployment.

2. Subject to the provisions hereinafter in this schedule contained, where a person entitled to benefit

(a) is a married man whose wife is living with him or is being maintained wholly or mainly by him, or

(b) being either a man or a woman (but not being a person entitled to an increase under this provision otherwise than in respect of his or her dependent children), has residing with him or her, and is wholly or mainly maintaining, a female person who has the care of the dependent children of the person entitled to benefit; or

(c) is a married woman who has a husband dependent on her,

the rate of benefit of such person as shown in Part I of this Schedule shall be increased by the amount of the adult dependent's benefit there shown, and where the person so entitled to benefit has dependent children, the said rate of benefit of such person shall be increased in respect of each dependent child by the amount of the dependent child's benefit shown in Part I of this Schedule;

Provided that the additional benefit aforesaid shall not be payable in respect of a wife or female person who is in receipt of benefit, or who is in regular wage-earning employment otherwise than as having the care of the dependent children of the person entitled to benefit, or is engaged in any occupation ordinarily carried on for profit:

Provided further that benefit in respect of only one dependent adult shall be paid to any insured person entitled to benefit and the total benefit paid to any such person, including dependents' benefits, shall not exceed eighty per centum of the wages or compensation of which he is deprived by unemployment, having regard for his average earnings during periods of employment during the six months preceding the date of claim for benefit.

3. If any question arises as to whether any addition ought to be made to the rate of benefit in respect of any wife or child or other person, that question shall be determined in the same manner as a claim for benefit.

4. No increase of benefit shall be payable to an insured contributor in respect of any person for any period before the date on which the insured contributor makes application in the prescribed manner for an increase in respect of that person, so, however, that regulations may be made under this Act authorizing some earlier date to be substituted for the date of the application in cases in which good cause is shown for the delay in making the application.

5. Where a claim for benefit is made by an insured contributor and another insured contributor receives an increase of benefit in respect of the first mentioned insured contributor for any period between the date when the claim is made and the date when it is allowed, the benefit payable to the first mentioned insured contributor for that period shall be reduced by the amount of increase of benefit so received by the second-mentioned insured contributor.

6. For the purposes of this Schedule the expression "a dependent child" means, in relation to a person entitled to benefit, any child of his who

(a) is under the age of 14 years and is maintained wholly or mainly by him; or

(b) is between the ages of 14 and 16 years and is maintained wholly or mainly by him and is either

(i) a person under full time instruction at a day school; or

(ii) a person who is prevented from receiving such instruction by reason of illness or physical or mental infirmity;

and the expression "child" includes a stepchild, adopted child, and illegitimate child.

Sixth Session, Seventeenth Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 9.

An Act to amend the Royal Canadian Mounted Police Act.

First reading, January 29, 1935.

THE MINISTER OF JUSTICE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
91655 1935

6th Session, 17th Parliament, 25 George V, 1935

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BILL 9.

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.

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

Publication in *Canada Gazette*.

1. Section twenty-five of the *Royal Canadian Mounted Police Act*, chapter one hundred and sixty of the Revised Statutes of Canada, 1927, is repealed.

Trial and punishment.

2. Section thirty-one of the said Act, as enacted by section seven of chapter eight of the statutes of 1934, is further amended by adding thereto the following subsection:

Payment of amount specified in charge.

"(5) Any such offender on being convicted of an offence contrary to paragraphs *(e)*, *(i)* or *(j)* of section thirty of this Act may be required to pay the amount specified in such charge, or any portion thereof, or may be required to pay such amounts or portions thereof by pay stoppages as may be levied against him by the officer trying the case, in addition to any other punishment which may be awarded."

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

Application of penalties.

"**33.** (1) All pecuniary penalties imposed under the three last preceding sections, and all pay due to deserters at the time of their desertion, with the exception of those penalties referred to in subsections two and three of this section, shall form a fund to be managed by the Commissioner, with the approval of the Minister, and be applicable to the payment of rewards for good conduct, or meritorious service, to the establishment of libraries and recreation rooms and to such other objects, for the benefit of the members of the Force, as the Minister approves.

Explanatory Notes.

(Underlining and vertical lines, on the opposite page, indicate new matter introduced in the R.C.M.P. Act.)

1. This section at present reads as follows:—

"**25.** Every regulation made under this Part shall be published in the *Canada Gazette*, and shall have the force of law from the date of its publication, or from such later date as is in such regulation appointed for its coming into force."

In accordance with the Royal Canadian Mounted Police Act, the Governor in Council may make regulations for the discipline and guidance of the Force, and in such regulations, certain matters are left to the discretion of the Commissioner and are published in General Orders, and it is therefore considered that it would be less unwieldy if section 25 were repealed altogether, as the procedure required by section 25 prevents prompt action and is considered no longer necessary.

2. There are certain offences enumerated in section 30 of the Act, and the Department of Justice, recently ruled that the Act at present does not permit any penalty for a breach of these to include the payment of an amount which may be involved in paragraphs *(e)*, *(i)* or *(j)* of section 30, and the proposed amendment is to make it possible to levy a money stoppage against the offender, in addition to any other punishment which may be awarded.

3. Section 33 at present reads as follows:—

"**33.** All pecuniary penalties imposed under the three last preceding sections, and all pay due to deserters at the time of their desertion, shall form a fund to be managed by the Commissioner, with the approval of the Minister, and be applicable to the payment of rewards for good conduct or meritorious services, to the establishment of libraries and recreation rooms and to such other objects, for the benefit of the members of the Force, as the Minister approves."

From the above mentioned section, it will be seen that all pecuniary penalties are to form a fund to be managed by the Commissioner, but this is obviously improper where the loser is either the Government of Canada or some private person or organization, and the amendment is to

Certain penalties paid to the credit of the Receiver General, etc.

(2) Where pecuniary penalties are imposed for offences under either one or more of paragraphs *(e)*, *(i)* or *(j)* of section thirty, or for an offence which comes within the scope of subsection four of section thirty-one, that part of such penalties imposed which relate to a full or partial re-imbursement for loss, damage or deficiency shall be paid to the credit of the Receiver General of Canada or to the credit of the respective person or organization sustaining the loss, damage or deficiency for which the offender was tried.

How stoppage of pay effected.

(3) When any offender is penalized under subsection three of section thirty-one by a stoppage of pay, the stoppage shall be effected by deducting the number of days without pay from the total he otherwise would have been allowed on the paylist.

Officers' pensions.

4. Section forty-eight of the said Act, as amended by section twelve of chapter thirty-seven of the statutes of 1932 and by section eight of chapter eight of the statutes of 1934, is further amended by adding thereto the following subsections:—

Time served in South Africa may be included.

"(8) Time served with the Canadian Military Forces in South Africa in any one or more of the years 1899, 1900, 1901 and 1902, and time during which the officer was invalided but remained on full pay on account of wounds, injuries or disease suffered or contracted on such service may be included in the term of service for the purpose of pension under this part.

If pension granted under the *Militia Pension Act*.

(9) Time served with the military Forces for which a pension has been granted under the provisions of the *Militia Pension Act*, chapter one hundred and thirty-three of the Revised Statutes of Canada, 1927, shall not be included in the term of service for the purposes of pension under this Part."

Constables' pensions.

5. Section sixty-seven of the said Act, as amended by section fourteen of chapter thirty-seven of the statutes of 1932, and by section twelve of chapter eight of the statutes of 1934, is further amended by adding thereto the following subsections:—

Time served in South Africa may be included.

"(5) Time served with the Canadian Military Forces in South Africa in any one or more of the years 1899, 1900, 1901 and 1902, and the time during which the constable was invalided but remained on full pay on account of wounds, injuries, or disease suffered or contracted on such service may be included in the term of service for the purpose of pension under this Part.

If pension granted under the *Militia Pension Act*.

(6) Time served with the Military Forces for which a pension has been granted under the provisions of the *Militia Pension Act*, chapter one hundred and thirty-three

permit that part of the pecuniary penalty which is intended as a full or partial re-imbursement of the loss, damage or deficiency to be paid to the Receiver General of Canada or to the respective person or organization sustaining the loss, damage or deficiency.

Subsection 3 of the new section 33 is merely to provide for pay stoppages to be made on the paylist for members of the Force convicted of absence without leave. In short to merely deduct the number of days absent from the total he otherwise would have been credited with on the paylist.

4. The intention is to permit time served in South Africa with the Canadian Military Forces during the years mentioned to count for pension in the same way as is done with the Permanent Corps of the Active Militia,—See section 8 of chapter 133 of the Revised Statutes of Canada, 1927.

5. The purpose of the new subsection is to make provision for service with the Canadian Military Forces in South Africa to count in the case of a "constable" in the same manner as for officers, as set forth above under section 4 of the Act.

of the Revised Statutes of Canada, 1927, shall not be included in the term of service for the purposes of pension under this Part."

Widows and orphans pensions.

6. Subsection five of section seventy-eight of the said Act, as enacted by section one of chapter forty of the statutes of 1934, is repealed and the following is substituted therefor:—

Election to contribute.

"(5) Any constable on the Force at the date this Part comes into force who does not elect within six months to contribute under the provisions of subsection one of this section shall not thereafter become subject to this Part unless the Commissioner is satisfied that the health of such constable is such as would be satisfactory for enlistment in the Force. Provided that if due to remoteness of location or difficulties of communication any constable may in the opinion of the Commissioner not have had a reasonable opportunity within the said six months period of electing to so contribute, the Commissioner may extend the period of election of such constable for such period as the Commissioner may deem reasonable."

Proviso.

Widows and orphans pensions.

7. Subsection three of section eighty-one of the said Act as enacted by chapter forty of the statutes of 1934, is repealed and the following substituted therefor:—

Benefits to be determined in accordance with section seventy-nine.

"(3) Instead of contributing the full amount determined in respect of such period of service as hereinbefore in this section provided, any such person may contribute any portion thereof and in event of his death there shall become payable benefits determined in accordance with section seventy-nine of this Act."

6. Section 78, subsection (5), as it stands at present, gives a constable one year within which he may elect without proof of health to accept the benefits of Part IV of the R.C.M. Police Act. Having regard for the objects of Part IV, and the manner in which benefits are provided, it is considered advisable that the period for which election may be made without evidence of health should be reduced to six months.

The underlined words "six months" (on the opposite page) have been substituted for the words "one year".

7. This amendment is for the purpose of bringing the subsection in complete harmony with the primary principles on which Part IV is founded.

Section 81 (3) at present provides that where a constable pays a portion of the full contribution required for prior service, the "benefits purchased thereby shall be the same proportion of the benefits which would be purchasable by the full contribution as the amount actually paid is of the full contribution", that is to say, that children's benefits and the other benefits would all be reduced in the same proportion. This is inconsistent with sections 78 (4) and 79 which provide that whatever contribution may be paid are to be applied as follows: 25% thereof in the purchase of children's benefits until the child benefit attain 7% of pay, and the balance in the purchase of other benefits. Further, section 83 *(b)* provides that where the service of a constable, who is contributing for prior service, should terminate otherwise than by death or by grant of a pension, and if he has not paid in full for prior service, the contributions he has made are to be applied to purchase benefits in accordance with section 79, that is in harmony with the fundamental principles of the Act.

The subsection to be repealed, at present reads as follows:—

"(3) Instead of contributing the full amount determined in respect of such period of service as hereinbefore in this section provided, any such person may contribute any portion thereof and *the benefits purchased thereby shall be the same proportion of the benefits which would be purchasable by the full contribution as the amount actually contributed is of the full contribution.*"

Sixth Session, Seventeenth Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 9.

An Act to amend the Royal Canadian Mounted Police Act.

AS PASSED BY THE HOUSE OF COMMONS, 19th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
91661 1935

6th Session, 17th Parliament, 25 George V. 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 9.

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.

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

Trial and punishment.

1. Section thirty-one of the *Royal Canadian Mounted Police Act*, chapter one hundred and sixty of the Revised Statutes of Canada, 1927, as enacted by section seven of chapter eight of the statutes of 1934, is further amended by adding thereto the following subsection:

Payment of amount specified in charge.

"(5) Any such offender on being convicted of an offence contrary to paragraphs *(e)*, *(i)* or *(j)* of section thirty of this Act may be required to pay the amount specified in such charge, or any portion thereof, or may be required to pay such amounts or portions thereof by pay stoppages as may be levied against him by the officer trying the case, in addition to any other punishment which may be awarded."

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

Application of penalties.

"**33.** (1) All pecuniary penalties imposed under the three last preceding sections, and all pay due to deserters at the time of their desertion, with the exception of those penalties referred to in subsections two and three of this section, shall form a fund to be managed by the Commissioner, with the approval of the Minister, and be applicable to the payment of rewards for good conduct, or meritorious service, to the establishment of libraries and recreation rooms and to such other objects, for the benefit of the members of the Force, as the Minister approves.

Explanatory Notes.

(Underlining and vertical lines, on the opposite page, indicate new matter introduced in the R.C.M.P. Act.)

1. There are certain offences enumerated in section 30 of the Act, and the Department of Justice, recently ruled that the Act at present does not permit any penalty for a breach of these to include the payment of an amount which may be involved in paragraphs *(e)*, *(i)* or *(j)* of section 30, and the proposed amendment is to make it possible to levy a money stoppage against the offender, in addition to any other punishment which may be awarded.

2. Section 33 at present reads as follows:—

"**33.** All pecuniary penalties imposed under the three last preceding sections, and all pay due to deserters at the time of their desertion, shall form a fund to be managed by the Commissioner, with the approval of the Minister, and be applicable to the payment of rewards for good conduct or meritorious services, to the establishment of libraries and recreation rooms and to such other objects, for the benefit of the members of the Force, as the Minister approves."

From the above mentioned section, it will be seen that all pecuniary penalties are to form a fund to be managed by the Commissioner, but this is obviously improper where the loser is either the Government of Canada or some private person or organization, and the amendment is to

Certain penalties paid to the credit of the Receiver General, etc.

(2) Where pecuniary penalties are imposed for offences under either one or more of paragraphs *(e)*, *(i)* or *(j)* of section thirty, or for an offence which comes within the scope of subsection four of section thirty-one, that part of such penalties imposed which relate to a full or partial re-imbursement for loss, damage or deficiency shall be paid to the credit of the Receiver General of Canada or to the credit of the respective person or organization sustaining the loss, damage or deficiency for which the offender was tried.

How stoppage of pay effected.

(3) When any offender is penalized under subsection three of section thirty-one by a stoppage of pay, the stoppage shall be effected by deducting the number of days without pay from the total he otherwise would have been allowed on the paylist.

Officers' pensions.

3. Section forty-eight of the said Act, as amended by section twelve of chapter thirty-seven of the statutes of 1932 and by section eight of chapter eight of the statutes of 1934, is further amended by adding thereto the following subsections:—

Time served in South Africa may be included.

"(8) Time served with the Military Forces in South Africa in any one or more of the years 1899, 1900, 1901 and 1902, and time during which the officer was invalided but remained on full pay on account of wounds, injuries or disease suffered or contracted on such service may be included in the term of service for the purpose of pension under this part.

If pension granted under the *Militia Pension Act*.

(9) Time served with the military Forces for which a pension has been granted under the provisions of the *Militia Pension Act*, chapter one hundred and thirty-three of the Revised Statutes of Canada, 1927, shall not be included in the term of service for the purposes of pension under this Part."

Constables' pensions.

4. Section sixty-seven of the said Act, as amended by section fourteen of chapter thirty-seven of the statutes of 1932, and by section twelve of chapter eight of the statutes of 1934, is further amended by adding thereto the following subsections:—

Time served in South Africa may be included.

"(5) Time served with the Military Forces in South Africa in any one or more of the years 1899, 1900, 1901 and 1902, and the time during which the constable was invalided but remained on full pay on account of wounds, injuries, or disease suffered or contracted on such service may be included in the term of service for the purpose of pension under this Part.

If pension granted under the *Militia Pension Act*.

(6) Time served with the Military Forces for which a pension has been granted under the provisions of the *Militia Pension Act*, chapter one hundred and thirty-three

permit that part of the pecuniary penalty which is intended as a full or partial re-imbursement of the loss, damage or deficiency to be paid to the Receiver General of Canada or to the respective person or organization sustaining the loss, damage or deficiency.

Subsection 3 of the new section 33 is merely to provide for pay stoppages to be made on the paylist for members of the Force convicted of absence without leave. In short to merely deduct the number of days absent from the total he otherwise would have been credited with on the paylist.

3. The intention is to permit time served in South Africa with the Military Forces during the years mentioned to count for pension in the same way as is done with the Permanent Corps of the Active Militia,—See section 8 of chapter 133 of the Revised Statutes of Canada, 1927.

4. The purpose of the new subsection is to make provision for service with the Military Forces in South Africa to count in the case of a "constable" in the same manner as for officers, as set forth above under section 4 of the Act.

of the Revised Statutes of Canada, 1927, shall not be included in the term of service for the purposes of pension under this Part."

Widows and orphans pensions.

5. Subsection five of section seventy-eight of the said Act, as enacted by section one of chapter forty of the statutes of 1934, is repealed and the following is substituted therefor:—

Election to contribute.

"(5) Any constable on the Force at the date this Part comes into force who does not elect within eight months to contribute under the provisions of subsection one of this section shall not thereafter become subject to this Part unless the Commissioner is satisfied that the health of such constable is such as would be satisfactory for enlistment in the Force. Provided that if due to remoteness of location or difficulties of communication any constable may in the opinion of the Commissioner not have had a reasonable opportunity within the said eight months period of electing to so contribute, the Commissioner may extend the period of election of such constable for such period as the Commissioner may deem reasonable."

Proviso.

Widows and orphans pensions.

6. Subsection three of section eighty-one of the said Act as enacted by chapter forty of the statutes of 1934, is repealed and the following substituted therefor:—

Benefits to be determined in accordance with section seventy-nine.

"(3) Instead of contributing the full amount determined in respect of such period of service as hereinbefore in this section provided, any such person may contribute any portion thereof and in event of his death there shall become payable benefits determined in accordance with section seventy-nine of this Act."

5. Section 78. subsection (5), as it stands at present, gives a constable one year within which he may elect without proof of health to accept the benefits of Part IV of the R.C.M. Police Act. Having regard for the objects of Part IV, and the manner in which benefits are provided, it is considered advisable that the period for which election may be made without evidence of health should be reduced to eight months.

The underlined words "eight months" (on the opposite page) have been substituted for the words "one year".

6. This amendment is for the purpose of bringing the subsection in complete harmony with the primary principles on which Part IV is founded.

Section 81 (3) at present provides that where a constable pays a portion of the full contribution required for prior service, the "benefits purchased thereby shall be the same proportion of the benefits which would be purchasable by the full contribution as the amount actually paid is of the full contribution", that is to say, that children's benefits and the other benefits would all be reduced in the same proportion. This is inconsistent with sections 78 (4) and 79 which provide that whatever contribution may be paid are to be applied as follows: 25% thereof in the purchase of children's benefits until the child benefit attain 7% of pay, and the balance in the purchase of other benefits. Further, section 83 *(b)* provides that where the service of a constable, who is contributing for prior service, should terminate otherwise than by death or by grant of a pension, and if he has not paid in full for prior service, the contributions he has made are to be applied to purchase benefits in accordance with section 79, that is in harmony with the fundamental principles of the Act.

The subsection to be repealed, at present reads as follows:—

"(3) Instead of contributing the full amount determined in respect of such period of service as hereinbefore in this section provided, any such person may contribute any portion thereof and *the benefits purchased thereby shall be the same proportion of the benefits which would be purchasable by the full contribution as the amount actually contributed is of the full contribution.*"

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 10.

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

First reading, January 30, 1935.

The MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92477 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 10.

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

1934, c. 53.

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 Farmers' Creditors Arrangement Act Amendment Act, 1935.*

2. Subsection one of section eleven of *The Farmers' Creditors Arrangement Act, 1934,* is repealed and the following is 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 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."

R.S., c. 11.

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

Chief Commissioner to be a judge.

"(3) The Chief Commissioner shall be a judge of the court of the province invested with original or appellate jurisdiction in bankruptcy by the *Bankruptcy Act,* and one Commissioner shall be appointed as a representative of creditors and one Commissioner shall be appointed as a

EXPLANATORY NOTES.

2. The only amendments to section eleven are:—first, the substitution of the word "ninety", underlined on the opposite page, for the word "sixty"; and secondly, the substitution of the underlined words "makes one or more orders extending" for the word "extending".

3. Subsection (3) of section 12 is amended by adding at the end thereof the words underlined on the next page.

representative of debtors. In the event of any Commissioner other than the Chief Commissioner being unable to hear and deal with any case for any reason considered sufficient by the remaining Commissioners, then the remaining Commissioners shall name an *ad hoc* Commissioner to hear and deal with such case with all the powers of the Commissioner whose place he takes. In the event of the Chief Commissioner being unable to hear and deal with any case on the request of the other Commissioners the Minister shall name an *ad hoc* Chief Commissioner with all the powers of the Chief Commissioner."

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

Board may confirm proposal.

"(6) If the creditors or the debtor decline to approve the proposal so formulated, the Board may nevertheless confirm such proposal, either as formulated or as amended by the Board, in which case it shall be filed in the Court and shall be binding upon all the creditors and the debtor as in the case of a proposal duly accepted by the creditors and approved by the Court."

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

Requests dealt with by the full Board.

"(7) Every request to formulate a proposal shall be dealt with by the full Board, but a determination of the majority shall be deemed to be the determination of the Board:

Proviso.

Provided that the Board may direct any one or more of its members on its behalf to inspect and investigate any or all circumstances of any request for review and report to the Board."

4. Subsection (6) of section 12 is amended by substituting the underlined words "filed in" for the words "approved by".

5. Subsection (7) of section 12 is amended by adding at the end thereof the priviso underlined on the opposite page.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 10.

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

AS PASSED BY THE HOUSE OF COMMONS, 5th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92479 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 10.

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

1934, c. 53.

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 Farmers' Creditors Arrangement Act Amendment Act, 1935.*

2. Subsection one of section eleven of *The Farmers' Creditors Arrangement Act, 1934*, is repealed and the following is 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 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."

R.S., c. 11.

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

Chief Commissioner to be a judge.

"(3) The Chief Commissioner shall be a judge of the court of the province invested with original or appellate jurisdiction in bankruptcy by the *Bankruptcy Act*, and one Commissioner shall be appointed as a representative of creditors and one Commissioner shall be appointed as a

Explanatory Notes.

2. The only amendments to section eleven are:—first, the substitution of the word "ninety", underlined on the opposite page, for the word "sixty"; and secondly, the substitution of the underlined words "makes one or more orders extending" for the word "extending".

3. Subsection (3) of section 12 is amended by adding at the end thereof the words underlined on the next page.

representative of debtors. In the event of any Commissioner other than the Chief Commissioner being unable to hear and deal with any case for any reason considered sufficient by the remaining Commissioners, then the remaining Commissioners shall name an *ad hoc* Commissioner to hear and deal with such case with all the powers of the Commissioner whose place he takes. In the event of the Chief Commissioner being unable to hear and deal with any case on the request of the other Commissioners the Minister shall name an *ad hoc* Chief Commissioner with all the powers of the Chief Commissioner."

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

Board may confirm proposal.

"(6) If the creditors or the debtor decline to approve the proposal so formulated, the Board may nevertheless confirm such proposal, either as formulated or as amended by the Board, in which case it shall be filed in the Court and shall be binding upon all the creditors and the debtor as in the case of a proposal duly accepted by the creditors and approved by the Court."

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

Requests dealt with by the full Board.

"(7) Every request to formulate a proposal shall be dealt with by the full Board, but a determination of the majority shall be deemed to be the determination of the Board:

Proviso.

Provided that the Board may direct any one or more of its members on its behalf to inspect and investigate any or all circumstances of any request for review and report to the Board."

4. Subsection (6) of section 12 is amended by substituting the underlined words "filed in" for the words "approved by".

5. Subsection (7) of section 12 is amended by adding at the end thereof the priviso underlined on the opposite page.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act to amend the Interest Act.

First reading, February 1, 1935.

Mr. COOTE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92941 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act to amend the Interest Act.

R.S., c. 102.

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

1. Section two of the *Interest Act*, chapter one hundred and two of the Revised Statutes of Canada, 1927, is repealed, and the following is substituted therefor:—

Interest on contracts and agreements restricted to seven per cent.

"**2.** Except as otherwise provided by this or any other Act of the Parliament of Canada, no person may stipulate for, allow, charge or exact on any contract, sale or agreement whatsoever any rate of interest or discount exceeding seven per centum per annum, and no higher rate of interest shall be recoverable on any such contract, sale or agreement: Provided, however, that in a case where the interest amounts to less than one dollar, a total charge of one dollar may be allowed, charged and exacted."

Proviso as to small amounts.

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

Four per cent to be rate if no other provision.

"**3.** Whenever any interest is payable by contract, sale or agreement between parties or by law and no rate is fixed by such contract, sale or agreement, the rate of interest shall not exceed four per centum per annum, and no higher rate of interest shall be recoverable thereon."

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

When rate not per annum contracted for only 4 per centum recoverable.

"**4.** Except as to mortgages on real estate, whenever any interest is, by the terms of any written or printed contract, whether under seal or not, made payable at a rate or percentage per day, week, month, or at any rate or percentage for any period less than a year, no interest exceeding the rate or percentage of four per centum per annum shall be chargeable, payable or recoverable on any part of the principal money."

Explanatory Notes.

1. The section to be repealed and re-enacted as amended reads as follows:—

"**2.** Except as otherwise provided by this or by any other Act of the Parliament of Canada, any person may stipulate for, allow and exact, on any contract or agreement whatsoever, any rate of interest or discount which is agreed upon."

2. The section to be repealed and re-enacted as amended reads as follows:—

"**3.** Except as to liabilities existing immediately before the seventh day of July, one thousand nine hundred, whenever any interest is payable by the agreement of parties or by law, and no rate is fixed by such agreement or by law, the rate of interest shall be five per centum per annum."

3. The section to be repealed and re-enacted as amended reads as follows:—

"**4.** Except as to mortgages on real estate, whenever any interest is, by the terms of any written or printed contract, whether under seal or not, made payable at a rate or percentage per day, week, month, or at any rate or percentage for any period less than a year, no interest exceeding the rate or percentage of five per centum per annum shall be chargeable, payable or recoverable on any part of the principal money unless the contract contains an express statement of the yearly rate or percentage of interest to which such other rate or percentage is equivalent."

4. The said Act is further amended by inserting the following section immediately before section six thereof:

Rate of interest chargeable on mortgages.

"**5A.** In no case shall interest exceeding the rate or percentage of four per centum per annum be stipulated for, charged, taken, payable or recoverable on the whole or any part of the principal money advanced on or secured by mortgage of real estate, or on moneys payable under agreements for sale of real estate."

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

Overcharge may be recovered back.

"**9.** If any sum is paid on account of any interest, fine or penalty not chargeable, payable or recoverable under the four sections last preceding, such sum may be recovered back, or deducted from any other interest, fine or penalty chargeable, payable or recoverable on the principal."

Section repealed.

6. Section eleven of the said Act is repealed.

4. This is new.

5. The only change made in this section is by substituting the underlined word "four" in place of the word "three," as by the insertion of the new section 5A there will be four preceding sections.

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

"**11.** The provisions of the five sections last preceding shall apply only to moneys so secured by mortgage executed after the first day of July, one thousand eight hundred and eighty."

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act to amend the Interest Act.

Reprinted as Amended and Reported by the Standing Committee on Banking and Commerce.

Mr. COOTE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
361 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act to amend the Interest Act.

R.S., c. 102.

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

1. The *Interest Act*, chapter one hundred and two of the Revised Statutes of Canada, 1927, is amended by inserting the following section immediately before section six thereof:—

Rate of interest on mortgages of real estate or agreements for sale of real estate.

"5A. Except in the case of moneys owing to the Crown in the right of the Dominion or of any of the Provinces of Canada, no interest at a rate exceeding six per centum per annum shall be charged, payable or recoverable on any existing mortgage of real estate or agreement covering the sale of real estate".

2. The said Act is further amended by inserting the following sections immediately after section 5A thereof:—

Overcharge may be recovered.

"5B. If any sum is hereafter paid on account of any interest not chargeable, payable or recoverable under section 5A, such sum may be recovered back or deducted from any other interest chargeable, payable or recoverable on the principal.

Applies only when executed prior to Jan. 1st, 1935.

"5C. Sections 5A and 5B shall apply only to moneys secured by mortgage and to agreements covering the sale of real estate executed prior to the first day of January, 1935."

Explanatory Notes.

In this reprint all the sections of the Bill as introduced are struck out, and the two sections reported by the Committee are substituted therefor.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 12.

An Act to amend the Railway Act (Traffic by Water).

First reading, February 5, 1935.

MR. NEILL.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93111 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 12.

An Act to amend the Railway Act (Traffic by Water).

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. The *Railway Act*, chapter one hundred and seventy of the Revised Statutes of Canada, 1927, is amended by inserting the following section immediately after section three hundred and fifty-eight thereof:—

Rates, tolls and charges in coasting trade to be subject to Board.

"**358A.** (1) The rates, tolls, charges, routes of voyage and points of call for the carriage of passengers and goods by water on ships engaged in the coasting trade of Canada shall be submitted to the Board, and the Board shall have jurisdiction to approve such rates, tolls, charges, routes of voyage and points of call in whole or in part, or to change, alter, vary or disallow any provision thereof and establish passenger and freight tariffs therefor.

Application for approval.

(2). The person or company owning any such ship, or the operator or charterer thereof, shall on or before the first day of July, 1935, submit to the Board for approval the rates, tolls, charges, routes of voyage and points of call for the carriage of passengers and goods thereon, and maps or plans showing the general lines of voyage, the names of terminal points, points of call, the name, tonnage, capacity and accommodation of each ship employed, and such other particulars and information as the Board may require.

Routes, termini, etc., may be approved or altered.

(3). The Board may approve such routes of voyage, terminal points, and other particulars specified in the preceding subsections, or any portion thereof, or may make or require to be made such changes and alterations therein as it deems most expedient in the public interest.

Hearings.

(4). The Board shall give opportunity for all interested parties to be heard at such time and place as in the opinion of the Board may be most convenient, and shall give due consideration to all written or oral representations from

Representations.

Explanatory Notes.

1. The purpose of this Bill is to give the Board of Railway Commissioners for Canada jurisdiction to regulate and establish tariffs for the carriage of passengers and goods on vessels of over twenty tons burthen engaged in the coasting trade of Canada.

The existing rates, tolls and charges are to be submitted to the Board for approval, and may be altered, varied or disallowed as it deems most expedient in the public interest. The Board is to hear all parties interested and give due consideration to written or oral representations. Unjust or excessive rates may be disallowed, and unjust discrimination or undue or unreasonable preference as between ports is to be prevented. The shortest and most direct routes, so far as practicable, are to be established.

No subsidy, bonus, appropriation or subvention is to be paid by the Government of Canada to any person or company engaged in the coasting trade and not complying with these provisions.

public bodies or individuals who may desire changes to be made in any such provisions or whose interests may be affected.

Effective date of tariffs.

(5). The Board may designate the date at which any passenger or freight tariff or any amended tariff shall come into effect, and either on application or of its own motion may, pending investigation or for any reason, postpone the effective date of, or either before or after it comes into effect, suspend any tariff or any portion thereof.

Regulation as to publication.

(6). The Board may make regulations fixing the time when, the places where, and the manner in which such tariffs shall be filed, published and kept open for public inspection.

Form and particulars.

(7). All tariffs shall be in such form, size and style, and give such information, particulars and details, as the Board may, by regulation, or in any case prescribe.

Unjust discrimination.

(8). The Board may disallow any rates, tolls or charges for the carriage by water of either passengers or goods which it considers to be unjust, unreasonable or excessive, or which lead to unjust discrimination or undue or unreasonable preference as between ports; and the Board shall, so far as may be practicable, either by tariffs or regulations, establish traffic by the shortest and most direct route.

No other rates to be imposed except those approved by Board.

(9). After the date designated by the Board for such passenger and freight tariffs to be effective, no rates, tolls or charges other than those approved by the Board shall be imposed, charged or collected by any person, company, owner, charterer or operator of any ship engaged in the coasting trade of Canada.

Subsidized lines.

(10). No subsidy, bonus, appropriation or subvention shall be paid by the Government of Canada to the owner or charterer of any ship or person or company operating the same in the coasting trade of Canada, not complying with the provisions of this section.

"Ship" defined.

(11). In this section "ship" shall include every description of vessel over twenty tons burthen, and shall include every description of lighter, barge or like vessel used in navigation in the coasting trade of Canada, however propelled.

'Coasting trade of Canada" defined.

(12). In this section "coasting trade of Canada" shall include the carriage of goods or passengers from one port or place in Canada to another port or place in Canada but shall not apply to the Great Lakes, that is, Lakes Ontario, Erie, Huron (including Georgian Bay), Michigan and Superior, nor to the rivers, lakes and other navigable fresh waters within Canada, except the River St. Lawrence east of Montreal.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 13.

An Act to amend The Canadian and British Insurance Companies Act, 1932.

First reading, February 5, 1935.

Mr. COOTE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

93008

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 13.

An Act to amend The Canadian and British Insurance Companies Act, 1932.

1932, c. 46; 1932-33, c. 32; 1934, cc. 27,45.

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

1. *The Canadian and British Insurance Companies Act, 1932*, as amended by chapter thirty-two of the statutes of 1932-33 and by chapters twenty-seven and forty-five of the statutes of 1934, is further amended by inserting the following section therein immediately after section eighty thereof:—

Surrender of policy.

"**80A.** (1) In the case of life companies, whenever any holder of a policy other than a term or natural premium policy has paid three or more annual premiums thereon or their equivalent half-yearly or quarterly premiums and fails to pay any further premium or desires to surrender the policy, the premiums paid shall not be forfeited, but he shall be entitled to receive a paid-up and commuted policy for such sum as the directors ascertain and determine, or to be paid in cash such sum as the directors fix as the surrender value of the policy; such sum in either case to be ascertained upon principles to be adopted by by-law applicable generally to all such cases as occur, or extended insurance under the policy for a period proportionate to such cash surrender value.

Surrender value.

To be inserted in policy.

(2) The sums so ascertained and the duration for which insurance may be extended, based upon the assumption that the policy is not subject to any lien by way of loan or otherwise, shall be inserted in the policy and form a part of the contract between the company and the insured.

Liens.

(3) In the event of the policy being subject to any such lien when default is made in payment of a premium as aforesaid, such lien shall be taken into account in fixing the cash surrender value and the paid-up and commuted policy herein referred to.

Explanatory Note.

1. The first four subsections of the proposed section 80A are the same as the provisions of section 180 of the Insurance Act, chapter 101 of the Revised Statutes, 1927. That section was omitted in the Act of 1932, and the purpose of this Bill is to restore the section to the Act, and to add thereto the new subsection (5) to control the rate of interest imposed by insurance companies.

Policy to be continued in force.

(4) Until the policy holder elects to accept such cash surrender value or such paid-up and commuted policy, such cash surrender value shall be applied by the company to maintain the policy in force at its full face value until the whole of the surrender value under the policy is exhausted.

Rate of interest.

(5) On and after the first day of July, 1935, no interest exceeding the rate of four per centum per annum shall be stipulated for, charged, exacted or recoverable for a loan on any policy, or on ascertaining the cash surrender value or on computing the amount of such paid-up and commuted policy, or on the amount to be applied by the company to maintain the policy in force at its full face value."

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 13.

An Act to amend The Canadian and British Insurance Companies Act, 1932.

Reprinted as amended and reported by the Standing Committee on Banking and Commerce.

Mr. COOTE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96624 1935

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 13.

An Act to amend The Canadian and British Insurance Companies Act, 1932.

1932, c. 46; 1932-33, c. 32; 1934, cc. 27,45.

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

1. *The Canadian and British Insurance Companies Act, 1932*, as amended by chapter thirty-two of the statutes of 1932-33 and by chapters twenty-seven and forty-five of the statutes of 1934, is further amended by inserting the following section therein immediately after section eighty-six thereof:—

Interest on loans on life insurance policies.

"**86A.** (1) No company shall charge, stipulate for, or recover as interest in respect of any loan made to any person on a policy of insurance issued or effected upon the life of any person resident in Canada at the time the policy was issued or effected, any amount in excess of five per centum per annum, compounded annually, on the balance of the loan from time to time unpaid by the borrower.

'Interest' defined.

(2) In this section the word 'interest' shall include charges for any examination, service, commission, expense or any other charge of any kind, nature or description whatsoever in respect of the loan.

Not applicable to certain loans or balances.

(3) This section shall not apply to any loan or unpaid balance thereof made under an agreement executed, or advanced automatically under any policy issued, before the first day of January, 1936".

Section 134 amended.

2. Section one hundred and thirty-four of the said Act, as enacted by section forty-seven of chapter twenty-seven of the statutes of 1934, is amended by striking out the words "section seventy-eight" in the second line thereof and substituting therefor the words "sections seventy-eight and eighty-six A."

Application of section 86A.

3. The said Act is further amended by inserting after section one hundred and forty-nine thereof the following section:—

"**149A.** Section 86A of this Act shall apply to every provincial company transacting the business of life insurance."

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 14.

An Act to amend The Foreign Insurance Companies Act, 1932.

First reading, February 5, 1935.

Mr. COOTE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93012 1935

6th Session, 17th Parliament, 25 George V, 1935.

BILL 14.

THE HOUSE OF COMMONS OF CANADA.

An Act to amend The Foreign Insurance Companies Act, 1932.

1932, c. 47; 1934, c. 36.

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

1. *The Foreign Insurance Companies Act, 1932*, as amended by chapter thirty-six of the statutes of 1934, is further amended by inserting the following section therein immediately after section thirty-nine thereof:—

Surrender of policy.

"**39A.** (1) In the case of life companies, whenever any holder of a policy other than a term or natural premium policy has paid three or more annual premiums thereon or their equivalent half-yearly or quarterly premiums and fails to pay any further premium or desires to surrender the policy, the premiums paid shall not be forfeited, but he shall be entitled to receive a paid-up and commuted policy for such sum as the directors ascertain and determine, or to be paid in cash such sum as the directors fix as the surrender value of the policy; such sum in either case to be ascertained upon principles to be adopted by by-law applicable generally to all such cases as occur, or extended insurance under the policy for a period proportionate to such cash surrender value.

Surrender value.

To be inserted in policy.

(2) The sums so ascertained and the duration for which insurance may be extended, based upon the assumption that the policy is not subject to any lien by way of loan or otherwise, shall be inserted in the policy and form a part of the contract between the company and the insured.

Liens.

(3) In the event of the policy being subject to any such lien when default is made in payment of a premium as aforesaid, such lien shall be taken into account in fixing the cash surrender value and the paid-up and commuted policy herein referred to.

Explanatory Notes.

1. The first four subsections of the proposed section 39A are the same as the provisions of section 180 of the Insurance Act, chapter 101 of the Revised Statutes, 1927. That section was omitted in the Foreign Insurance Companies Act, 1932, and the purpose of this Bill is to restore the section to the Act, and to add thereto the new subsection (5) to control the rate of interest imposed by insurance companies.

Policy to be continued in force.

(4) Until the policy holder elects to accept such cash surrender value or such paid-up and commuted policy, such cash surrender value shall be applied by the company to maintain the policy in force at its full face value until the whole of the surrender value under the policy is exhausted.

Rate of interest.

(5) On and after the first day of July, 1935, no interest exceeding the rate of four per centum per annum shall be stipulated for, charged, exacted or recoverable for a loan on any policy, or on ascertaining the cash surrender value or on computing the amount of such paid-up and commuted policy, or on the amount to be applied by the company to maintain the policy in force at its full face value."

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 14.

An Act to amend The Foreign Insurance Companies Act, 1932.

Reprinted as amended and reported by the Standing Committee on Banking and Commerce.

Mr. Coote.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96623 1935

6th Session, 17th Parliament, 25 George V, 1935.

BILL 14.

THE HOUSE OF COMMONS OF CANADA.

An Act to amend The Foreign Insurance Companies Act, 1932.

1932, c. 47; 1934, c. 36.

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

1. *The Foreign Insurance Companies Act, 1932*, as amended by chapter thirty-six of the statutes of 1934, is further amended by inserting the following section therein immediately after section thirty-nine thereof:—

Interest on loans on life insurance policies.

"**39**A. (1) No company shall charge, stipulate for, or recover as interest in respect of any loan made to any person on a policy of insurance issued or effected upon the life of any person resident in Canada at the time the policy was issued or effected, any amount in excess of five per centum per annum, compounded annually, on the balance of the loan from time to time unpaid by the borrower.

'Interest' defined.

(2) In this section the word 'interest' shall include charges for any examination, service, commission, expense or any other charge of any kind, nature or description whatsoever in respect of the loan.

Not applicable to certain loans or balances.

(3) This section shall not apply to any loan or unpaid balance thereof made under an agreement executed, or advanced automatically under any policy issued, before the first day of January, 1936."

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 15.

An Act to amend the Canadian Farm Loan Act.

First reading, February 5, 1935.

The MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92481 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 15.

An Act to amend the Canadian Farm Loan Act.

R.S., c. 66; 1934, c. 46.

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 Canadian Farm Loan Act Amendment Act, 1935.*

2. Section three of the *Canadian Farm Loan Act,* chapter sixty-six of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor:—

Canadian Farm Loan Board.

"**3.** (1) There shall be a board, known as the Canadian Farm Loan Board, which shall be a body politic and corporate and shall consist of not less than three nor more than five members who shall be appointed by the Governor in Council, on such terms and conditions as the Governor in Council may prescribe.

Farm Loan Commissioner.

(2) One of the members so appointed shall be designated the 'Canadian Farm Loan Commissioner', and shall be the chairman of the Board.

Tenure of office.

(3) The Commissioner shall be appointed for such a period of years as the Governor in Council may designate.

Compensation.

(4) The Commissioner shall be paid such salary and the other members such fees as the Governor in Council may prescribe, such salary and fees to be a charge against the revenues of the Board."

3. Section five of the said Act is amended by renumbering paragraph *(a)* thereof as subsection one and by striking out paragraph *(b)* thereof and substituting therefor the following as subsections two and three:—

Capital stock.

"(2) In addition to the initial capital provided for in the next preceding subsection the Board shall issue capital stock in shares of one dollar each, which shares shall be subscribed for by the Government of Canada from time to time as loans are made under this Act to an amount equal

Explanatory Notes.

2. Section 3 to be repealed and re-enacted reads as follows:—

"**3.** There shall be a board, known as the Canadian Farm Loan Board, which shall be a body politic and corporate and shall consist of four members, one of whom shall be the Minister who shall be chairman thereof, and the other three of whom shall be appointed by the Governor in Council, on such terms and conditions as the Governor in Council may prescribe.

2. One of the members so appointed shall be designated the "Canadian Farm Loan Commissioner," and shall be the chief executive officer of the Board.

3. The Commissioner shall be appointed for such a period of years as the Governor in Council may designate.

4. The other members of the Board shall be appointed in the first instance, one for a period of three years and the other for a period of six years; thereafter appointment of members other than the Commissioner shall be for a period of six years, and any member of the Board shall be eligible for reappointment.

5. The Commissioner shall be paid such salary and the other members such fees as the Governor in Council may prescribe, such salary and fees to be a charge against the revenues of the Board."

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

"*(b)* In addition to the initial capital provided for in the preceding paragraph the Board shall issue capital stock in shares of one dollar each, which shares shall be non-transferable, except at the option of the Board, and shall be subscribed for in the following manner:—

(i) The government of Canada shall subscribe for the said capital stock from time to time as loans are made under this Act to an amount equal to five per cent of the said loans, so that the total amount subscribed under this subparagraph shall equal at any time as nearly as may be, five per cent of the total amount of principal outstanding on loans theretofore made, the same to be called for by the Board as required;

(ii) Each province of Canada in which loans are made shall be required to subscribe for the said capital stock from time to time as loans are made under this Act in the province to an amount equal to five per cent of the said loans, so that the total amount subscribed under this subparagraph shall equal at any time, as nearly as may be, five per cent of the total amount of principal outstanding on loans theretofore made in the province, the same to be called for by the Board as required;

(iii) Each borrower under this Act shall subscribe for the said capital stock to an amount equal to five per cent of the sum borrowed by him which stock shall be paid for at the time the loan is made."

to five per cent of the said loans, so that the total amount subscribed under this subsection shall equal at any time as nearly as may be, five per cent of the total amount of principal outstanding on loans theretofore made, the same to be called for by the Board as required.

Purchase of capital stock.

"(3) The Minister may purchase at a price not exceeding the par value thereof, the capital stock issued by the Board to any province and for the purpose of such purchase the Minister may make the necessary expenditure out of any unappropriated moneys in the Consolidated Revenue Fund."

4. Section six of the said Act is amended by striking out subsection one thereof and by substituting therefor the following:—

Limit of outstanding bonds.

"**6.** (1) The outstanding Farm Loan bonds shall not exceed at any time twenty times the paid up capital stock subscribed for by the Government of Canada in the manner provided in the next preceding section."

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

When loans available.

"**8.** Loans under the provisions of this Act shall not be made in any province of Canada until notice of intention to commence the making of loans in that province has been given by the Board in the *Canada Gazette*."

The effect of the amendment is to eliminate the requirements for the purchase of capital stock in the Board by borrowers and provincial governments, as provided in the repealed paragraphs.

The new subsection (3) authorizes the purchase by the Minister of Finance of stock already subscribed for by the provinces.

4. The subsection to be repealed reads as follows:—

"**6.** The outstanding Farm Loan bonds shall not exceed at any time twenty times the paid-up capital stock subscribed for by the borrowers in the manner provided in the next preceding section."

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

"**8.** Loans under the provisions of this Act shall not be made in any province of Canada until notice of intention to commence the making of loans in that province has been given by the Board in the *Canada Gazette*. Provided that the Board shall not give such notice until the legislature of such province shall, by enactment, authorize, prescribe or provide,

(a) the subscription by the government of the province to the capital stock of the Board to the extent of five per cent of the total loans outstanding at any time in that province as such loans are issued;

(b) the establishment of a provincial board of four members to act as agent for the Board in the province, three of whom shall be nominated by the government of the province and appointed by and subject to the approval of the Board; and the other member shall be nominated by the borrowers resident in the province and shall be appointed by the Board in accordance with regulations to be made by the Board as hereinafter provided. Provided that until such time as in the judgment of the Board such nomination by the borrowers is practicable the members of the provincial board nominated by the government of the province may exercise all the functions of the provincial board;

(c) subject to the approval of the Board whether loans shall be made directly to farmers or through local co-operative societies or recognized colonization societies or both directly to farmers and through local co-operative societies, or recognized colonization societies as the province may desire.

(d) the treasurer of the said province and the chief executive officer of the provincial board to act on the Advisory Council hereinafter provided for;

(e) that Farm Loan bonds shall be a legal investment for trust funds within the province;

(f) that in case of an adverse report on the operations of any provincial board by the auditors of the Board, or should any provincial board refuse to enforce in a satisfactory manner the regulations and directions of the Board, the Board may after conference with the said provincial board relieve such provincial board of its duties and may undertake directly, or through officials appointed by the Board for that purpose, the management of the business of such provinial board until a new provincial board satisfactory to the Board has been nominated and appointed as hereinbefore provided for."

6. (1) Section nine of the said Act, as amended by section seven of chapter forty-six of the statutes of 1934, is amended by striking out subsections three and four thereof and by substituting the following as subsection three:—

Accumulated dividends.

"(3) All dividends paid upon stock held by any borrower, subscribed for under the provisions of sub-paragraph (iii) of paragraph *(b)* of section five of the *Canadian Farm Loan Act*, shall remain in possession of the Board and shall be allowed to accumulate at the rate of five per cent per annum compounded annually until such time as the said stock with accumulated dividends is sufficient to provide for the payment of all indebtedness under the loan when the amount of the said stock and the accumulated dividends shall be credited to the Board as a final payment, and the borrower shall thereupon cease to be a stockholder of the Board."

Where title transferred.

(2) Subsection five of the said section nine is re-numbered as subsection four.

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

Chief executive officer in provinces.

"**10.** The Board may appoint for any province or for any two or more provinces in which it operates, a chief executive officer to have charge of the operations of the Board in such province or provinces; such officer shall, upon appointment, exercise all the powers and duties conferred upon him by the Board."

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

Local loan advisory board.

"**11.** The Board may appoint for any province or for any two or more provinces in which the Board is authorized to make loans, a local loan advisory board of not more than three members. The chief executive officer appointed by the Board for such province or provinces shall, *ex officio*, be a member of such local loan advisory board and the chairman thereof. The associate members of such local board shall hold office at the pleasure of the Board, and shall be paid such fees as the Board may prescribe."

9. Section twelve of the said Act is repealed and the following is substituted therefor:—

Legislation prejudicially affecting security.

"**12.** In the event of legislation being passed by the legislature of any province after loans have been made available in that province which, in the opinion of the Board, would prejudicially affect the security of existing or future loans, the Board, by notice to be published in the *Canada Gazette*, may cease to make further loans in that province."

6. The subsections to be repealed read as follows:—

3. After the reserves held by the Board shall have reached the amount stated in the next preceding subsection, should the net income of the Board in any year exceed the amount necessary to meet the requirements of subsection one of this section with regard to further reserve and to pay a dividend of five per cent on the capital stock of the Board, the Board may declare an additional dividend upon the stock held by borrowers.

4. All dividends paid upon stock held by any borrower shall remain in possession of the Board and shall be allowed to accumulate at the rate of five per cent per annum compounded annually until such time as the said stock with accumulated dividends is sufficient to provide for the payment of all indebtedness under the loan when the amount of the said stock and the accumulated dividends shall be credited to the borrower as a final payment, and the borrower shall thereupon cease to be a stockholder of the Board. R.S., 1927, c. 66, s. 9.

The elimination of former subsection (3) is entailed by reason of the discontinuance of capital stock subscriptions by borrowers.

Former subsection (4) appears as subsection (3) in the Bill with the underlined words added.

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

"10. In case of an adverse report on the operations of any provincial board by the auditors appointed by the Board, or should any provincial board refuse to enforce in a satisfactory manner the regulations and directions of the Board, the Board may, after conference with the provincial board, relieve such provincial board of its duties and may undertake directly, or by officials appointed by the Board for that purpose, the management of the business theretofore conducted by such provincial board until a new provincial board satisfactory to the Board has been nominated and appointed as hereinbefore provided for."

In view of the change in the method of provincial administration provided by sections 7 and 8 of the Bill, former section 10 is no longer applicable.

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

"11. There shall be an Advisory Council to the Board consisting of the provincial treasurer of each province of Canada in which a provincial board is organized as hereinbefore provided, and the chief executive officer of each provincial board.

2. The Advisory Council shall meet at least once a year on the call of the Minister to discuss the general policy of the Board and the credit requirements of farmers".

Former section 11 is to be repealed, as the provincial governments will no longer have a direct interest in the administration of the Board.

9. The section prior to the amendment proposed by the Bill reads as follows:—

"12. In the event of legislation being passed by the legislature of any province operating under this Act after loans have been made available in that province which in the opinion of the Board, would prejudicially affect the security of existing or future loans, the Board, by notice to be published in the *Canada Gazette*, may cease to make further loans in that province."

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

Audit.

"**13.** An audit of the books of the Board shall be made in accordance with regulations made under the provisions of section seventeen of this Act by a firm of chartered accountants appointed for that purpose by the Governor in Council, and a copy of the report of the said accountants on the annual statement of the Board shall be laid before Parliament by the Minister within the first fifteen days of the first session thereof following the date of the said report."

Report.

11. Section fourteen of the said Act is repealed and the following is substituted therefor:—

Action of Board conclusive.

"**14.** Except as may be otherwise decided from time to time by the Governor in Council, all actions and decisions of the Board shall be deemed within its powers and shall be conclusive against all interested parties, and the Board shall for all purposes be deemed to be the agent of the Crown and any security taken by the Board shall be so taken on behalf of the Crown."

Sections repealed.

12. Sections fifteen and sixteen of the said Act are repealed and section seventeen is re-numbered as section fifteen.

13. Section eighteen of the said Act, as enacted by section eight of chapter forty-six of the statutes of 1934, is renumbered as section sixteen and subsections one and two of said section are repealed and the following are substituted therefor:—

Purchase of bonds by Minister.

"**16.** (1) The Minister may purchase from time to time, on behalf of the Dominion of Canada, from the Board, bonds issued by the Board, which bonds shall on the request of the Minister be repurchased by the Board at the price originally paid therefor when funds for that purpose become available through the public sale of Farm Loan bonds: Provided that the amount of such bonds held at any one time by the Minister on behalf of the Dominion of Canada shall not exceed fifty million dollars.

Guarantee.

(2) The Governor in Council may authorize the guarantee of the principal and interest of Farm Loan bonds to the amount of forty million dollars."

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

"13. The cost of administration of any provincial board shall be a charge against the provision made for expenses of operation under paragraph *(e)* of section seven of this Act.

2. The salaries paid to all officers and employees of any provincial board shall be fixed by the Board."

The section to be repealed is no longer required in view of the changes in administration provided in sections 7 and 8 of the Bill.

The new section is the former section 14 re-numbered and amended, which reads as follows:—

"14. An audit of the books of the Board and of each provincial board shall be made in accordance with regulations made under the provisions of section nineteen of this Act by a firm of chartered accountans appointed for that purpose by the Governor in Council, and a copy of the report of the said accountants on the annual statement of the Board shall be laid before Parliament by the Minister within the first fifteen days of the first session thereof following the date of the said report.

11. The section repealed has been amended and re-enacted in section 10 of the Bill and is quoted in the note to section 10.

The new section 14 is the former section 16 re-numbered and amended. Former section 16 reads as follows:

"16. Except as may be otherwise decided from time to time by the Governor in Council, all actions and decisions of the Board shall be deemed within its powers and shall be conclusive against all interested parties."

12. The sections to be repealed read as follows:—

15. Notwithstanding anything contained in this Act the operations of the Board in virtue thereof shall be conducted in such a manner as to give, as far as practicable, to the shareholders in each province the full benefit of the operations in such province.

2. The word "shareholders" in this section shall mean the holders of shares of the Board subscribed by the provinces, respectively, by the borrowers in such provinces and by the Government of Canada as provided in paragraph *(b)* of section five of this Act.

The former section 15 is no longer applicable in view of the change in the method of provincial administration.

Section 16 as amended is re-enacted in section 11 of the Bill.

13. The subsections to be repealed and re-enacted read as follows:—

"18. (1) The Minister may purchase from time to time, on behalf of the Dominion of Canada, from the Board, bonds issued by the Board, which bonds shall on the request of the Minister be repurchased by the Board at the price originally paid therefor when funds for that purpose become available through the public sale of Farm Loan bonds. Provided that the amount of such bonds held at any one time by the Minister on behalf of the Dominion of Canada shall not exceed forty million dollars.

(2) The Governor in Council may authorize the guarantee of the principal and interest of Farm Loan bonds to the amount of thirty million dollars."

14. Section nineteen of the said Act is repealed and the following is substituted therefor as section seventeen:—

Regulations.

"**17.** The Board may, subject to the approval of the Governor in Council, make regulations not inconsistent with the provisions of this Act for the conduct of the business of the Board, and without limiting the generality of the foregoing provision the Board shall have power to provide by regulation for

(a) the employment of officers, appraisers, inspectors, attorneys, clerks and other employees, their remuneration and their duties;

(b) the charges to be made against borrowers for the expenses of appraisal, determination of title and recording;

(c) the bases of valuation of farm land;

(d) the form of application for loans, farm loan bonds, mortgages, books of account and annual statements of the Board;

(e) the manner of crediting advance payments by borrowers under the mortgages;

(f) the auditing and inspection of the accounts and assets of the Board;

(g) the bonding of agents, officers and employees of the Board;

(h) the signing of cheques, transfers, assignments, discharges, deeds, bonds and other instruments of the Board;

(i) the duties of the chief executive officers appointed under section ten;

(j) the duties of the local advisory loan committees appointed under section eleven."

Section re-numbered.

15. Section twenty of the said Act is re-numbered as section eighteen.

Sections incorporated in Canadian Farm Loan Act.

16. Sections nine, ten, eleven and twelve of *The Canadian Farm Loan Act Amendment Act, 1934*, comprising Part II of the said *Canadian Farm Loan Act Amendment Act*, as subsequently amended by this Act, are hereby incorporated into the *Canadian Farm Loan Act* as Part II thereof, and numbered sections nineteen, twenty, twenty-one and twenty-two thereof, and may be cited hereafter as Part II of the *Canadian Farm Loan Act*.

Supplementary advances.

17. Subsection two of section nine of *The Canadian Farm Loan Act Amendment Act, 1934*, renumbered as section nineteen of the *Canadian Farm Loan Act*, is repealed and the following is substituted therefor:—

14. The section to be repealed and re-enacted reads as follows:—

"**19.** The Board may, subject to the approval of the Governor in Council, make regulations not inconsistent with the provisions of this Act for the conduct of the business of the Board, and without limiting the generality of the foregoing provision the Board shall have power to provide by regulation for

(a) the employment of officers, appraisers, inspectors, attorneys, clerks and other employees, their reumneration and their duties;

(b) the charges to be made against borrowers for the expenses of appraisal, determination of title and recording;

(c) the bases of valuation of farm land;

(d) the form of application for loans, farm loan bonds, mortgages, books of account and annual statements of the Board;

(e) the manner of nomination and appointment of representatives of the borrowers on the provincial board in any province:

(f) the manner of crediting advance payments by borrowers under the mortgages;

(g) the auditing and inspection of the accounts and assets of the Board;

(h) the bonding of agents, officers and employees of the Board;

(i) the signing of cheques, transfers, assignments, discharges, deeds, bonds and other instruments of the Board."

In section 14 of the Bill, paragraph *(e)* of the above section is eliminated. Paragraphs *(f)*, *(g)*, *(h)* and *(i)* become paragraphs *(e)*, *(f)*, *(g)* and *(h)* respectively.

16. The effect of this section is to transfer Part II of The Canadian Farm Loan Act Amendment Act, 1934, comprising sections 9, 10, 11 and 12 thereof and to incorporate it in the Canadian Farm Loan Act as Part II thereof.

17. The subsection to be repealed reads as follows:—

"(2) The aggregate of loans made to any one borrower under the provisions of this Act and of the *Canadian Farm Loan Act* shall not exceed two-thirds of the appraised value of the land and buildings in respect of which security is taken and shall not exceed at any one time the sum of seven thousand five hundred dollars. The amount advanced under this section shall not exceed one-half the amount advanced on the security of the first mortgage."

The purpose and effect of the amendment is to enable the Board to make advances under this section in provinces in which security on personal property cannot be taken.

Aggregate of loans.

"(2) The aggregate of loans made to any one borrower under the provisions of Parts I and II of this Act shall not exceed, in those provinces of Canada where chattel security may be taken by the Board, two-thirds of the appraised value of the land and buildings in respect of which security is taken, and in any province where chattel security may not be taken sixty per cent of the said value and shall not exceed at any one time the sum of seven thousand five hundred dollars. The amount advanced under this section shall not exceed one-half the amount advanced on the security of the first mortgage."

18. Subsection three of section eleven of *The Canadian Farm Loan Act Amendment Act, 1934*, re-numbered as section twenty-one of the *Canadian Farm Loan Act*, is repealed and the following is substituted therefor:—

When title transferred to Board.

"(3) If as a result of proceedings to realize upon any security held by the Board in respect of a loan made under section nineteen of this Act, the title to the property which is the subject of such security is transferred to the Board, or if an amount insufficient to discharge the debt secured is realized, the stock in the Board subscribed by the Dominion Government in respect of such loan shall be cancelled and the amount paid thereon shall be transferred to reserve account."

19. Section twelve of *The Canadian Farm Loan Act Amendment Act, 1934*, re-numbered as section twenty-two of the *Canadian Farm Loan Act*, is repealed and the following is substituted therefor:—

Application of Part I.

"**22.** The provisions of Part I of this Act shall apply *mutatis mutandis* in the case of loans made under this Part, except in so far as the provisions of this Part are inconsistent therewith."

18. The subsection to be amended reads as follows:—

"3. If, as a result of proceedings to realize upon any security held by the Board, the title to the property which is the subject of such security is transferred to the Board, or if an amount insufficient to discharge the debt secured is realized, the stock in the Board subscribed by the Dominion Government and the Government of the Province in which the said property is situate in respect of the loan made under this Part shall be cancelled, and the amount paid thereon shall be transferred to reserve account."

The amendment of this subsection is required in view of the elimination of capital stock subscription by provinces.

19. The section to be repealed and re-enacted reads as follows:—

12. The provisions of the *Canadian Farm Loan Act as amended by this Act* shall apply *mutatis mutandis* in the case of loans made under this Part except in so far as the provisions of this Part are inconsistent therewith.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 15.

An Act to amend the Canadian Farm Loan Act.

AS PASSED BY THE HOUSE OF COMMONS, 5th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92483 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 15.

An Act to amend the Canadian Farm Loan Act.

R.S., c. 66; 1934, c. 46.

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 Canadian Farm Loan Act Amendment Act, 1935.*

2. Section two of the *Canadian Farm Loan Act*, chapter sixty-six of the Revised Statutes of Canada, 1927, is amended by striking out paragraph *(d)* thereof and substituting therefor the following:—

"Farmer" defined.

(d) 'farmer' means a person whose principal occupation consists in farming;"

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

Canadian Farm Loan Board.

"**3.** (1) There shall be a board, known as the Canadian Farm Loan Board, which shall be a body politic and corporate and shall consist of not less than three nor more than five members who shall be appointed by the Governor in Council, on such terms and conditions as the Governor in Council may prescribe.

Farm Loan Commissioner.

(2) One of the members so appointed shall be designated the 'Canadian Farm Loan Commissioner', and shall be the chairman of the Board.

Tenure of office.

(3) The Commissioner shall be appointed for such a period of years as the Governor in Council may designate.

Compensation.

(4) The Commissioner shall be paid such salary and the other members such fees as the Governor in Council may prescribe, such salary and fees to be a charge against the revenues of the Board."

Explanatory Notes.

2. Paragraph *(d)* of section 2 to be repealed and re-enacted reads as follows:—

(d) "Farmer" means any person whose business is that of farming and who owns and occupies a farm, or who proposes to acquire a farm for immediate occupation and cultivation by him;

3. Section 3 to be repealed and re-enacted reads as follows:—

"3. There shall be a board, known as the Canadian Farm Loan Board, which shall be a body politic and corporate and shall consist of four members, one of whom shall be the Minister who shall be chairman thereof, and the other three of whom shall be appointed by the Governor in Council, on such terms and conditions as the Governor in Council may prescribe.

2. One of the members so appointed shall be designated the "Canadian Farm Loan Commissioner," and shall be the chief executive officer of the Board.

3. The Commissioner shall be appointed for such a period of years as the Governor in Council may designate.

4. The other members of the Board shall be appointed in the first instance, one for a period of three years and the other for a period of six years; thereafter appointment of members other than the Commissioner shall be for a period of six years, and any member of the Board shall be eligible for reappointment.

5. The Commissioner shall be paid such salary and the other members such fees as the Governor in Council may prescribe, such salary and fees to be a charge against the revenues of the Board."

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

Capital requirements.

"**5.** The capital requirements of the Board shall be provided as follows:—

Initial capital.

(1) The Government of Canada may subscribe to an initial capital to an amount not exceeding five million dollars and may pay the amount of any such subscription at such times and in such amounts as in the judgment of the Board are necessary for the purposes of the Board; and the amounts provided from time to time under this subsection shall be free from interest charges for a period of three years, after which time interest shall be paid at such rate as the Governor in Council shall direct, repayment of the amounts so provided shall be made from time to time out of the earnings of the Board: Provided that before any such proposed repayment is made, the reserve fund of the Board provided for by section nine of this Act, shall be at least equal to the total repayments, including the repayment then proposed to be made.

Capital stock.

(2) In addition to the initial capital provided for in the next preceding subsection the Board shall issue capital stock in shares of one dollar each, which shares shall be subscribed for by the Government of Canada from time to time as loans are made under this Act to an amount equal to five per cent of the said loans, so that the total amount subscribed under this subsection shall equal at any time as nearly as may be, five per cent of the total amount of principal outstanding on loans theretofore made, the same to be called for by the Board as required.

Purchase of capital stock.

(3) The Minister may purchase at a price not exceeding the par value thereof, the capital stock issued by the Board to any province and for the purpose of such purchase the Minister may make the necessary expenditure out of any unappropriated moneys in the Consolidated Revenue Fund."

Retirement of outstanding capital stock.

(4) The Board may retire the outstanding capital stock subscribed by borrowers under the Act, by crediting the amount of the par value of the stock subscribed by the borrower as a payment upon the borrower's indebtedness under his loan from the Board, and when so credited, the borrower shall thereupon cease to be a stockholder of the Board."

5. Section six of the said Act is amended by striking out subsection one thereof and by substituting therefor the following:—

Limit of outstanding bonds.

"**6.** (1) The outstanding Farm Loan bonds shall not exceed at any time twenty times the paid up capital stock subscribed for by the Government of Canada in the manner provided in the next preceding section."

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

"**5.** The capital requirements of the Board shall be provided as follows:—

(a) The Government of Canada may subscribe to an initial capital to an amount not exceeding five million dollars and may pay the amount of any such subscription at such times and in such amounts as in the judgment of the Board are necessary for the purposes of the Board; and the amounts provided from time to time under this paragraph shall be free from interest charges for a period of three years, after which time interest shall be paid at the rate of five per cent per annum, repayment of the amounts so provided shall be made from time to time out of the earnings of the Board: Provided that before any such proposed repayment is made the reserve fund of the Board provided for by section nine of this Act, shall be at least equal to the total repayments including the repayment then proposed to be made.

"*(b)* In addition to the initial capital provided for in the preceding paragraph the Board shall issue capital stock in shares of one dollar each, which shares shall be non-transferable, except at the option of the Board, and shall be subscribed for in the following manner:—

(i) The government of Canada shall subscribe for the said capital stock from time to time as loans are made under this Act to an amount equal to five per cent of the said loans, so that the total amount subscribed under this subparagraph shall equal at any time as nearly as may be, five per cent of the total amount of principal outstanding on loans theretofore made, the same to be called for by the Board as required;

(ii) Each province of Canada in which loans are made shall be required to subscribe for the said capital stock from time to time as loans are made under this Act in the province to an amount equal to five per cent of the said loans, so that the total amount subscribed under this subparagraph shall equal at any time, as nearly as may be, five per cent of the total amount of principal outstanding on loans theretofore made in the province, the same to be called for by the Board as required;

(iii) Each borrower under this Act shall subscribe for the said capital stock to an amount equal to five per cent of the sum borrowed by him which stock shall be paid for at the time the loan is made."

The effect of the amendment is to permit the Government to fix the rate of interest and to eliminate the requirements for the purchase of capital stock in the Board by borrowers and provincial governments, as provided in the repealed section.

The new subsection (3) authorizes the purchase by the Minister of Finance of stock already subscribed for by the provinces.

The new subsection (4) prescribes the method by which the Board may retire the outstanding capital stock subscribed by borrowers.

5. The subsection to be repealed reads as follows:—

"**6.** The outstanding Farm Loan bonds shall not exceed at any time twenty times the paid-up capital stock subscribed for by the borrowers in the manner provided in the next preceding section."

6. (1) Section seven of the said Act, as amended by chapter forty-six of the statutes of 1934, is further amended by striking out paragraph *(a)* thereof and substituting the following therefor:—

First mortgages.

"*(a)* Loans shall be made only on the security of first mortgages on farm lands up to fifty per cent of the Board's appraised value of such lands and the buildings thereon: Provided that no one person and no two or more persons having joint or several ownership of the land to be mortgaged shall have by way of loan in the aggregate at any one time more than seven thousand five hundred dollars."

(2) The said section seven is further amended by striking out paragraph *(f)* thereof and substituting the following therefor:—

Repayment.

"*(f)* Every loan made under this section shall be repayable upon such terms and within such periods not in excess of twenty-five years as the Board may prescribe: Provided, however, that all loans repayable over a period in excess of five years shall be repayable in equal annual or semi-annual instalments of principal and interest."

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

When loans available.

"**8.** Loans under the provisions of this Act shall not be made in any province of Canada until notice of intention to commence the making of loans in that province has been given by the Board in the *Canada Gazette*."

6. The only change in paragraph *(a)* is to enlarge the valuation of a farm from the figure of fifty per cent of the land and twenty per cent of the buildings to fifty per cent of the land and buildings.

Paragraph *(f)* to be repealed and re-enacted reads as follows:—

"*(f)* Every farm loan shall be repayable in equal annual or semi-annual instalments of principal and interest at the option of the borrower; and the amount of such instalment or instalments payable in any year shall be a fixed percentage of the amount of the loan, such percentage to be the rate of interest mentioned in the mortgage increased by either one per cent or two per cent of the amount of the loan as the borrower may elect."

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

"8. Loans under the provisions of this Act shall not be made in any province of Canada until notice of intention to commence the making of loans in that province has been given by the Board in the *Canada Gazette*. Provided that the Board shall not give such notice until the legislature of such province shall, by enactment, authorize, prescribe or provide,

(a) the subscription by the government of the province to the capital stock of the Board to the extent of five per cent of the total loans outstanding at any time in that province as such loans are issued;

(b) the establishment of a provincial board of four members to act as agent for the Board in the province, three of whom shall be nominated by the government of the province and appointed by and subject to the approval of the Board; and the other member shall be nominated by the borrowers resident in the province and shall be appointed by the Board in accordance with regulations to be made by the Board as hereinafter provided. Provided that until such time as in the judgment of the Board such nomination by the borrowers is practicable the members of the provincial board nominated by the government of the province may exercise all the functions of the provincial board;

(c) subject to the approval of the Board whether loans shall be made directly to farmers or through local co-operative societies or recognized colonization societies or both directly to farmers and through local co-operative societies, or recognized colonization societies as the province may desire.

(d) the treasurer of the said province and the chief executive officer of the provincial board to act on the Advisory Council hereinafter provided for;

(e) that Farm Loan bonds shall be a legal investment for trust funds within the province;

(f) that in case of an adverse report on the operations of any provincial board by the auditors of the Board, or should any provincial board refuse to enforce in a satisfactory manner the regulations and directions of the Board, the Board may after conference with the said provincial board relieve such provincial board of its duties and may undertake directly, or through officials appointed by the Board for that purpose, the management of the business of such provinial board until a new provincial board satisfactory to the Board has been nominated and appointed as hereinbefore provided for."

8. Section nine of the said Act, as amended by section seven of chapter forty-six of the statutes of 1934, is further amended by striking out subsections three, four and five thereof and by substituting the following as subsection three:—

Where title transferred to Board.

"(3) If, as a result of proceedings to realize upon any security held by the Board, the title to the property which is the subject of such security is transferred to the Board or if an amount insufficient to discharge the debt secured is realized, the stock in the Board subscribed by the Dominion Government in respect of such loan shall be cancelled and the amount paid thereon shall be transferred to reserve account."

9. Section ten of the Act is repealed and the following is substituted therefor:—

Chief executive officer in provinces.

"**10.** The Board may appoint for any province or for any two or more provinces in which it operates, a chief executive officer to have charge of the operations of the Board in such province or provinces; such officer shall, upon appointment, exercise all the powers and duties conferred upon him by the Board."

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

Local loan advisory board.

"**11.** The Board may appoint for any province or for any two or more provinces in which the Board is authorized to make loans, a local loan advisory board of not more than three members. The chief executive officer appointed by the Board for such province or provinces shall, *ex officio*, be a member of such local loan advisory board and the chairman thereof. The associate members of such local board shall hold office at the pleasure of the Board, and shall be paid such fees as the Board may prescribe."

11. Section twelve of the said Act is repealed and the following is substituted therefor:—

Legislation prejudicially affecting security.

"**12.** In the event of legislation being passed by the legislature of any province after loans have been made available in that province which, in the opinion of the Board, would prejudicially affect the security of existing or future loans, the Board, by notice to be published in the *Canada Gazette*, may cease to make further loans in that province."

8. The subsections to be repealed read as follows:—

3. After the reserves held by the Board shall have reached the amount stated in the next preceding subsection, should the net income of the Board in any year exceed the amount necessary to meet the requirements of subsection one of this section with regard to further reserve and to pay a dividend of five per cent on the capital stock of the Board, the Board may declare an additional dividend upon the stock held by borrowers.

4. All dividends paid upon stock held by any borrower shall remain in possession of the Board and shall be allowed to accumulate at the rate of five per cent per annum compounded annually until such time as the said stock with accumulated dividends is sufficient to provide for the payment of all indebtedness under the loan when the amount of the said stock and the accumulated dividends shall be credited to the borrower as a final payment, and the borrower shall thereupon cease to be a stockholder of the Board.

5. If, as a result of proceedings to realize upon any mortgage the title to the property which is the subject of such mortgage is transferred to the Board, or if an amount insufficient to discharge the debt secured is realized, the stock in the Board held by the borrower shall be cancelled, and the amount paid thereon by the borrower shall be forfeited to the Board."

The elimination of former subsection (3) is entailed by reason of the discontinuance of capital stock subscriptions by borrowers. Subsection (4) is also deleted.

Former subsection (5) appears as subsection (3) in the Bill with the underlined words substituted.

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

"**10.** In case of an adverse report on the operations of any provincial board by the auditors appointed by the Board, or should any provincial board refuse to enforce in a satisfactory manner the regulations and directions of the Board, the Board may, after conference with the provincial board, relieve such provincial board of its duties and may undertake directly, or by officials appointed by the Board for that purpose, the management of the business theretofore conducted by such provincial board until a new provincial board satisfactory to the Board has been nominated and appointed as hereinbefore provided for."

In view of the change in the method of provincial administration provided by sections 9 and 10 of the Bill, former section 10 is no longer applicable.

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

"**11.** There shall be an Advisory Council to the Board consisting of the provincial treasurer of each province of Canada in which a provincial board is organized as hereinbefore provided, and the chief executive officer of each provincial board.

2. The Advisory Council shall meet at least once a year on the call of the Minister to discuss the general policy of the Board and the credit requirements of farmers".

Former section 11 is to be repealed, as the provincial governments will no longer have a direct interest in the administration of the Board.

11. The section prior to the amendment proposed by the Bill reads as follows:—

"**12.** In the event of legislation being passed by the legislature of any province operating under this Act after loans have been made available in that province which in the opinion of the Board, would prejudicially affect the security of existing or future loans, the Board, by notice to be published in the *Canada Gazette*, may cease to make further loans in that province."

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

Audit.

"**13.** An audit of the books of the Board shall be made in accordance with regulations made under the provisions of section seventeen of this Act by a firm of chartered accountants appointed for that purpose by the Governor in Council, and a copy of the report of the said accountants on the annual statement of the Board shall be laid before Parliament by the Minister within the first fifteen days of the first session thereof following the date of the said report."

Report.

13. Section fourteen of the said Act is repealed and the following is substituted therefor:—

Action of Board conclusive.

"**14.** Except as may be otherwise decided from time to time by the Governor in Council, all actions and decisions of the Board shall be deemed within its powers and shall be conclusive against all interested parties, and the Board shall for all purposes be deemed to be the agent of the Crown and any security taken by the Board shall be so taken on behalf of the Crown."

Sections repealed.

14. Sections fifteen and sixteen of the said Act are repealed and section seventeen is re-numbered as section fifteen.

15. Section eighteen of the said Act, as enacted by section eight of chapter forty-six of the statutes of 1934, is renumbered as section sixteen and subsections one and two of said section are repealed and the following are substituted therefor:—

Purchase of bonds by Minister.

"**16.** (1) The Minister may purchase from time to time, on behalf of the Dominion of Canada, from the Board, bonds issued by the Board, which bonds shall on the request of the Minister be repurchased by the Board at the price originally paid therefor when funds for that purpose become available through the public sale of Farm Loan bonds: Provided that the amount of such bonds held at any one time by the Minister on behalf of the Dominion of Canada shall not exceed fifty million dollars.

Guarantee.

(2) The Governor in Council may authorize the guarantee of the principal and interest of Farm Loan bonds to the amount of forty million dollars."

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

"13. The cost of administration of any provincial board shall be a charge against the provision made for expenses of operation under paragraph *(e)* of section seven of this Act.

2. The salaries paid to all officers and employees of any provincial board shall be fixed by the Board."

The section to be repealed is no longer required in view of the changes in administration provided in sections 9 and 10 of the Bill.

The new section is the former section 14 re-numbered and amended, which reads as follows:—

"14. An audit of the books of the Board and of each provincial board shall be made in accordance with regulations made under the provisions of section nineteen of this Act by a firm of chartered accountants appointed for that purpose by the Governor in Council, and a copy of the report of the said accountants on the annual statement of the Board shall be laid before Parliament by the Minister within the first fifteen days of the first session thereof following the date of the said report.

13. The section repealed has been amended and re-enacted in section 12 of the Bill and is quoted in the note to section 12.

The new section 14 is the former section 16 re-numbered and amended. Former section 16 reads as follows:

"16. Except as may be otherwise decided from time to time by the Governor in Council, all actions and decisions of the Board shall be deemed within its powers and shall be conclusive against all interested parties."

14. The sections to be repealed read as follows:—

15. Notwithstanding anything contained in this Act the operations of the Board in virtue thereof shall be conducted in such a manner as to give, as far as practicable, to the shareholders in each province the full benefit of the operations in such province.

2. The word "shareholders" in this section shall mean the holders of shares of the Board subscribed by the provinces, respectively, by the borrowers in such provinces and by the Government of Canada as provided in paragraph *(b)* of section five of this Act.

The former section 15 is no longer applicable in view of the change in the method of provincial administration.

Section 16 as amended is re-enacted in section 13 of the Bill.

15. The subsections to be repealed and re-enacted read as follows:—

"18. (1) The Minister may purchase from time to time, on behalf of the Dominion of Canada, from the Board, bonds issued by the Board, which bonds shall on the request of the Minister be repurchased by the Board at the price originally paid therefor when funds for that purpose become available through the public sale of Farm Loan bonds. Provided that the amount of such bonds held at any one time by the Minister on behalf of the Dominion of Canada shall not exceed forty million dollars.

(2) The Governor in Council may authorize the guarantee of the principal and interest of Farm Loan bonds to the amount of thirty million dollars."

16. Section nineteen of the said Act is repealed and the following is substituted therefor as section seventeen:—

Regulations

"**17.** The Board may, subject to the approval of the Governor in Council, make regulations not inconsistent with the provisions of this Act for the conduct of the business of the Board, and without limiting the generality of the foregoing provision the Board shall have power to provide by regulation for

(a) the employment of officers, appraisers, inspectors, attorneys, clerks and other employees, their remuneration and their duties;

(b) the charges to be made against borrowers for the expenses of appraisal, determination of title and recording;

(c) the bases of valuation of farm land;

(d) the form of application for loans, farm loan bonds, mortgages, books of account and annual statements of the Board;

(e) the manner of crediting advance payments by borrowers under the mortgages;

(f) the auditing and inspection of the accounts and assets of the Board;

(g) the bonding of agents, officers and employees of the Board;

(h) the signing of cheques, transfers, assignments, discharges, deeds, bonds and other instruments of the Board;

(i) the duties of the chief executive officers appointed under section ten;

(j) the duties of the local advisory loan committees appointed under section eleven."

Section re-numbered.

17. Section twenty of the said Act is re-numbered as section eighteen.

Sections incorporated in Canadian Farm Loan Act.

18. Sections nine, ten, eleven and twelve of *The Canadian Farm Loan Act Amendment Act, 1934*, comprising Part II of the said *Canadian Farm Loan Act Amendment Act*, as subsequently amended by this Act, are hereby incorporated into the *Canadian Farm Loan Act* as Part II thereof, and numbered sections nineteen, twenty, twenty-one and twenty-two thereof, and may be cited hereafter as Part II of the *Canadian Farm Loan Act*.

16. The section to be repealed and re-enacted reads as follows:—

"**19.** The Board may, subject to the approval of the Governor in Council, make regulations not inconsistent with the provisions of this Act for the conduct of the business of the Board, and without limiting the generality of the foregoing provision the Board shall have power to provide by regulation for

(a) the employment of officers, appraisers, inspectors, attorneys, clerks and other employees, their reumneration and their duties;

(b) the charges to be made against borrowers for the expenses of appraisal, determination of title and recording;

(c) the bases of valuation of farm land;

(d) the form of application for loans, farm loan bonds, mortgages, books of account and annual statements of the Board;

(e) the manner of nomination and appointment of representatives of the borrowers on the provincial board in any province;

(f) the manner of crediting advance payments by borrowers under the mortgages;

(g) the auditing and inspection of the accounts and assets of the Board;

(h) the bonding of agents, officers and employees of the Board;

(i) the signing of cheques, transfers, assignments, discharges, deeds, bonds and other instruments of the Board."

In section 16 of the Bill, paragraph *(e)* of the above section is eliminated. Paragraphs *(f)*, *(g)*, *(h)* and *(i)* become paragraphs *(e)*, *(f)*, *(g)* and *(h)* respectively.

18. The effect of this section is to transfer Part II of The Canadian Farm Loan Act Amendment Act, 1934, comprising sections 9, 10, 11 and 12 thereof and to incorporate it in the Canadian Farm Loan Act as Part II thereof.

Supplementary advances.

19. Subsections one and two of section nine of *The Canadian Farm Loan Act Amendment Act, 1934*, renumbered as section nineteen of the *Canadian Farm Loan Act*, are repealed and the following are substituted therefor:—

Further loan may be made.

"(1) Notwithstanding anything contained in Part I of this Act, the Board may in any case where it lends on the security of a first mortgage, make a further loan for a period of not more than six years, repayable on such terms as the Board may determine, on the security of a second mortgage on the farm lands and in those provinces of Canada where chattel security may be taken by the Board, of a charge on live stock and other personal property.

Aggregate of loans.

(2) The aggregate of loans made to any one borrower under the provisions of Parts I and II of this Act shall not exceed, in those provinces of Canada where chattel security may be taken by the Board, two-thirds of the appraised value of the land and buildings in respect of which security is taken, and in any province where chattel security may not be taken sixty per cent of the said value and shall not exceed at any one time the sum of seven thousand five hundred dollars. The amount advanced under this section shall not exceed one-half the amount advanced on the security of the first mortgage."

20. Subsection three of section eleven of *The Canadian Farm Loan Act Amendment Act, 1934*, re-numbered as section twenty-one of the *Canadian Farm Loan Act*, is repealed and the following is substituted therefor:—

When title transferred to Board.

"(3) If as a result of proceedings to realize upon any security held by the Board in respect of a loan made under section nineteen of this Act, the title to the property which is the subject of such security is transferred to the Board, or if an amount insufficient to discharge the debt secured is realized, the stock in the Board subscribed by the Dominion Government in respect of such loan shall be cancelled and the amount paid thereon shall be transferred to reserve account."

21. Section twelve of *The Canadian Farm Loan Act Amendment Act, 1934*, re-numbered as section twenty-two of the *Canadian Farm Loan Act*, is repealed and the following is substituted therefor:—

Application of Part I.

"**22.** The provisions of Part I of this Act shall apply *mutatis mutandis* in the case of loans made under this Part, except in so far as the provisions of this Part are inconsistent therewith."

19. The subsections to be repealed read as follows:—

9. (1) Notwithstanding anything contained in the *Canadian Farm Loan Act*, the Board may in any case where it lends on the security of a first mortgage, make a further loan for a period of not more than six years, repayable on such terms as the Board may determine, on the security of a second mortgage on the farm lands and of a charge on live stock and other personal property.

"(2) The aggregate of loans made to any one borrower under the provisions of this Act and of the *Canadian Farm Loan Act* shall not exceed two-thirds of the appraised value of the land and buildings in respect of which security is taken and shall not exceed at any one time the sum of seven thousand five hundred dollars. The amount advanced under this section shall not exceed one-half the amount advanced on the security of the first mortgage."

The purpose is to enable the Board to make advances under this section in provinces in which security on personal property cannot be taken.

The principal effect of this amendment is to provide that in Quebec where a chattel mortgage cannot be taken, the position shall not be prejudiced on that account, and therefore an arbitrary figure of sixty per cent is prescribed as against sixty-six and two-thirds per cent where chattel mortgages can be taken.

20. The subsection to be amended reads as follows:—

"3. If, as a result of proceedings to realize upon any security held by the Board, the title to the property which is the subject of such security is transferred to the Board, or if an amount insufficient to discharge the debt secured is realized, the stock in the Board subscribed by the Dominion Government and the Government of the Province in which the said property is situate in respect of the loan made under this Part shall be cancelled, and the amount paid thereon shall be transferred to reserve account."

The amendment of this subsection is required in view of the elimination of capital stock subscription by provinces.

21. The section to be repealed and re-enacted reads as follows:—

12. The provisions of the *Canadian Farm Loan Act as amended by this Act* shall apply *mutatis mutandis* in the case of loans made under this Part except in so far as the provisions of this Part are inconsistent therewith.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 15.

An Act to amend the Canadian Farm Loan Act.

AS PASSED BY THE HOUSE OF COMMONS, 5th MARCH, 1935.

Reprinted with the Amendments made by the Senate, set out on the opposite page to the text of the Bill.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

96985

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 15.

An Act to amend the Canadian Farm Loan Act.

R.S., c. 66; 1934, c. 46.

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 Canadian Farm Loan Act Amendment Act, 1935.*

2. Section two of the *Canadian Farm Loan Act*, chapter sixty-six of the Revised Statutes of Canada, 1927, is amended by striking out paragraph *(d)* thereof and substituting therefor the following:—

"Farmer" defined.

(d) 'farmer' means a person whose principal occupation consists in farming;"

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

Canadian Farm Loan Board.

"**3.** (1) There shall be a board, known as the Canadian Farm Loan Board, which shall be a body politic and corporate and shall consist of not less than three nor more than five members who shall be appointed by the Governor in Council, on such terms and conditions as the Governor in Council may prescribe.

Farm Loan Commissioner.

(2) One of the members so appointed shall be designated the 'Canadian Farm Loan Commissioner', and shall be the chairman of the Board.

Tenure of office.

(3) The Commissioner shall be appointed for such a period of years as the Governor in Council may designate.

Compensation.

(4) The Commissioner shall be paid such salary and the other members such fees as the Governor in Council may prescribe, such salary and fees to be a charge against the revenues of the Board."

AMENDMENTS MADE BY THE SENATE.

1. Page 1, line 12. Insert the following as sub-clause (2) of clause 2:—

"(2) Section two of the said Act is further amended by adding thereto as paragraph *(j)* the following:—

"*(j)* 'Mortgage' and 'First Mortgage' include, with relation to loans made in the province of Quebec under this Act, hypothecs and vente à rémère, whether with relation the the latter, the Board has or has not expressly accorded to the borrower, at the time of making the loan, an additional right to redeem notwithstanding elapse of the time for repayment, and 'mortgagor' and 'mortgagee' shall be construed accordingly.

2. Page 1, lines 14 to 19 inclusive. For new clause 3 (1) substitute the following:—

"3. (1) There shall be a board, known as the Canadian Farm Loan Board, which shall consist of not less than three nor more than five members who shall be appointed by the Governor in Council, on such terms and conditions as the Governor in Council may prescribe. One of such members shall be the Deputy Minister of Finance or the Comptroller, Government Guarantee Branch of the Department of Finance."

3. Page 1, line 28. Insert the following as sub-clause (5) of new clause 3:—

"(5) The Board shall be a body corporate and politic and be and be deemed to be for all the purposes of this Act, except contractual dealings between the Government of Canada and the Board relating to the purchase by the Government of the capital stock or bonds of the Board or the repurchase by the Board of those bonds, the agent of His Majesty the King in the right of the Dominion of Canada and to take security, receive, lend, pay, agree, acquire, hold, convey, transfer and otherwise do as this Act directs or authorizes as such agent and not otherwise."

4. Page 1, line 28. Insert the following as new Clause A:—

New Clause A

Paragraph *(c)* of section four of the said Act is repealed and the following is substituted therefor:—

"*(c)* hold real estate which, having been mortgaged or otherwise secured to it, is acquired by it for the protection of any loan, sell, mortgage, lease or otherwise dispose thereof and, if the Board in its discretion shall decide so to do, but not as an obligation, pay yearly to local taxing authorities amounts to the extent of the taxes that would have been owing on such real estate had the same been assessed and a levy made thereon in that year: Provided, however, that any such real estate shall be disposed of within three years from the date on which it is acquired or within such additional period, not exceeding two years, as the Governor in Council may fix and determine."

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

Capital requirements.

"**5.** The capital requirements of the Board shall be provided as follows:—

Initial capital.

(1) The Government of Canada may subscribe to an initial capital to an amount not exceeding five million dollars and may pay the amount of any such subscription at such times and in such amounts as in the judgment of the Board are necessary for the purposes of the Board; and the amounts provided from time to time under this subsection shall be free from interest charges for a period of three years, after which time interest shall be paid at such rate as the Governor in Council shall direct, repayment of the amounts so provided shall be made from time to time out of the earnings of the Board: Provided that before any such proposed repayment is made, the reserve fund of the Board provided for by section nine of this Act, shall be at least equal to the total repayments, including the repayment then proposed to be made.

Capital stock.

(2) In addition to the initial capital provided for in the next preceding subsection the Board shall issue capital stock in shares of one dollar each, which shares shall be subscribed for by the Government of Canada from time to time as loans are made under this Act to an amount equal to five per cent of the said loans, so that the total amount subscribed under this subsection shall equal at any time as nearly as may be, five per cent of the total amount of principal outstanding on loans theretofore made, the same to be called for by the Board as required.

Purchase of capital stock.

(3) The Minister may purchase at a price not exceeding the par value thereof, the capital stock issued by the Board to any province and for the purpose of such purchase the Minister may make the necessary expenditure out of any unappropriated moneys in the Consolidated Revenue Fund."

Retirement of outstanding capital stock.

(4) The Board may retire the outstanding capital stock subscribed by borrowers under the Act, by crediting the amount of the par value of the stock subscribed by the borrower as a payment upon the borrower's indebtedness under his loan from the Board, and when so credited, the borrower shall thereupon cease to be a stockholder of the Board."

5. Section six of the said Act is amended by striking out subsection one thereof and by substituting therefor the following:—

Limit of outstanding bonds.

"**6.** (1) The outstanding Farm Loan bonds shall not exceed at any time twenty times the paid up capital stock subscribed for by the Government of Canada in the manner provided in the next preceding section."

6. (1) Section seven of the said Act, as amended by chapter forty-six of the statutes of 1934, is further amended by striking out paragraph *(a)* thereof and substituting the following therefor:—

First mortgages.

"*(a)* Loans shall be made only on the security of first mortgages on farm lands up to fifty per cent of the Board's appraised value of such lands and the buildings thereon: Provided that no one person and no two or more persons having joint or several ownership of the land to be mortgaged shall have by way of loan in the aggregate at any one time more than seven thousand five hundred dollars."

(2) The said section seven is further amended by striking out paragraph *(f)* thereof and substituting the following therefor:—

Repayment.

"*(f)* Every loan made under this section shall be repayable upon such terms and within such periods not in excess of twenty-five years as the Board may prescribe: Provided, however, that all loans repayable over a period in excess of five years shall be repayable in equal annual or semi-annual instalments of principal and interest."

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

When loans available.

"**8.** Loans under the provisions of this Act shall not be made in any province of Canada until notice of intention to commence the making of loans in that province has been given by the Board in the *Canada Gazette*."

5. Page 3, line 1. For clause 6 substitute the following:—

"6. (1) Section seven of the said Act, as amended by chapter forty-six of the statutes of 1934, is further amended by striking out paragraph *(a)* thereof and substituting the following therefor:—

"*(a)* Loans shall be made only on the security of first mortgages on farm lands not exceeding fifty per cent of the actual value of such lands and the buildings thereon as appraised by the Board: Provided that in arriving at such actual value, the value of the buildings shall be considered only to the extent to which the same add to the actual value of the land as farm land and no one person and no two or more persons having joint or several ownership of the land to be mortgaged shall have by way of loan in the aggregate at any time more than five thousand dollars."

(2) The said section seven is further amended by striking out paragraph *(f)* thereof and substituting the following therefor:—

"*(f)* Every loan made under this section shall be repayable upon such terms and within such periods not in excess of twenty-five years as the Board may prescribe: Provided, however, that all loans repayable over a period in excess of five years shall be repayable in equal annual or semi-annual instalments of principal and interest."

(3) The said section seven is further amended by striking out paragraph *(h)* and substituting the following:—

"*(h)* Except as provided in, and subject to, such regulations, not inconsistent with the provisions of the *Interest Act*, as the Board may prescribe, any borrower may at any time repay the whole or part of his loan on any date on which an instalment becomes due. When the payment is part of the loan only it shall be credited to the borrower in such manner as the Board may by regulation prescribe, but so that no such payment shall relieve the borrower from liability to pay or from continuing to pay, at the times agreed upon, the various instalments next ensuing due after such partial payment is made, and until the loan and interest is repaid in full."

(4) The said section seven is further amended by striking out paragraph *(j)* and substituting the following therefor:—

"*(j)* It shall be a term of any mortgage taken as security for a loan that upon the sale or lease of the farm land mortgaged the loan shall, at the option of the Board, immediately become due and payable."

6. Page 3, lines 23 to 28, inclusive. For clause 7 substitute the following:—

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

"8. (1) All monies lent under this Act after the thirtieth day of June, 1935, by the Board upon mortgage or other security, and, as well, all monies thereafter owing to the Board by reason of the terms of such mortgage or other security, and secured thereby or pursuant to the provisions of this Act, shall be deemed, for so long as any part of any of such monies remains unpaid to the Board, to be monies of His Majesty the King, in the right, of the Dominion of Canada, secured by a first and paramount right, privilege, lien and charge upon and against the land or other property to which such mortgage or other security relates.

(2) When the effect at law of any mortgage or other security made or given under this Act after the thirtieth day of June, 1935, to the Board is to convey or transfer to the Board the legal title to the land or other property to which such mortgage or other security relates, such land or other property shall, for so long as any part of any monies lent upon such mortgage or other security or owing to the Board by reason of the terms of such mortgage or other security, and secured thereby or pursuant to the provisions of this Act, remains unpaid, be deemed to be the land or property of His Majesty the King in his right of the Dominion of Canada.

(3) Notwithstanding any law, whether statute or other, now in force or which hereafter may be in force in any province, no mechanic's lien law, taxation lien law or other law or privilege of any species whatever whereunder liens, charges or privileges upon or against land or other property of any species whatever are created, arise or exist shall, without the consent in writing of the Board, which consent shall be revocable, affect or apply to any land or other property of any species whatever or any part thereof or interest therein, to which any mortgage or other security, lien, charge or privilege made or given to the Board under this Act after the thirtieth day of June, 1935, shall relate, in prejudice of the Board as the holder of any such mortgage or other security, lien, charge or privilege so made or given,

but every such mortgage or other security, lien, charge or privilege thereafter made or given to the Board shall, for so long as it shall remain wholly or partially unpaid, rank upon such land or other property or part thereof or interest therein, as the case may be, in priority to all other securities, liens, charges or privileges, whatsoever.

(4) Notwithstanding the provisions of the next preceding subsection, if any mortgagor or other person who shall give or make to the Board under this Act after the thirtieth day of June, 1935, any mortgage or other security, lien, charge, or privilege shall fail or neglect to pay any lawful rates, taxes or assessments, which, under the law of the province concerned, are claimed to be liens or charges upon or against any land or any such other property, or part thereof or interest therein, to which any mortgage or other security lien, charge or privilege so thereafter made or given to the Board relates, or if the mortgagor of such mortgage, or other person who has made or given such security, lien, charge or privilege, having agreed with the Board to insure the property to which such mortgage, security, lien, charge or privilege relates and to pay the premiums of insurance, shall fail or neglect to pay such premiums of insurance, as agreed with the Board, and at the times agreed, it shall be lawful, but not obligatory, for the Board to pay—

(a) such rates, taxes or assessments, if any, as the Board by regulation approved by the Governor in Council on the recommendation of the Minister shall determine to be of a species of taxation which, in general, is of benefit to farm lands.

(b) such premiums of insurance, if any, as such mortgagor or other person shall have so failed or neglected to pay: Provided, that in any case where the Board shall be advised in advance by the insurer that the latter has reason to believe that the mortgagor or other person concerned will fail or neglect to pay any such premium of insurance, as and when due, the Board may, in order to prevent the lapse of such insurance, pay or contract to pay any such premium before failure or neglect as aforesaid has actually occurred.

(5) Whenever, pursuant to the two next preceding subsections, the Board shall have paid any such rates, taxes, assessments or insurance premiums all monies so expended by it, with interest thereon not exceeding eight per centum per annum, computed from the time of payment, shall be repaid by such mortgagor or such other person, as the case may be, to the Board on demand, and until wholly repaid such payments shall be deemed to have been added to the principal sum secured by the mortgage or other security, lien or charge, as the case may be, and failure or neglect fully to repay such payments or any of them on demand shall constitute default on the part of such mortgagor or such other person, as the case may be, entitling the Board to proceed at once to realize by suit or, lawfully, otherwise, upon the mortgage, lien, charge, privilege or other security concerned."

8. Section nine of the said Act, as amended by section seven of chapter forty-six of the statutes of 1934, is further amended by striking out subsections three, four and five thereof and by substituting the following as subsection three:—

Where title transferred to Board.

"(3) If, as a result of proceedings to realize upon any security held by the Board, the title to the property which is the subject of such security is transferred to the Board or if an amount insufficient to discharge the debt secured is realized, the stock in the Board subscribed by the Dominion Government in respect of such loan shall be cancelled and the amount paid thereon shall be transferred to reserve account."

9. Section ten of the Act is repealed and the following is substituted therefor:—

Chief executive officer in provinces.

"**10.** The Board may appoint for any province or for any two or more provinces in which it operates, a chief executive officer to have charge of the operations of the Board in such province or provinces; such officer shall, upon appointment, exercise all the powers and duties conferred upon him by the Board."

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

Local loan advisory board.

"**11.** The Board may appoint for any province or for any two or more provinces in which the Board is authorized to make loans, a local loan advisory board of not more than three members. The chief executive officer appointed by the Board for such province or provinces shall, *ex officio*, be a member of such local loan advisory board and the chairman thereof. The associate members of such local board shall hold office at the pleasure of the Board, and shall be paid such fees as the Board may prescribe."

11. Section twelve of the said Act is repealed and the following is substituted therefor:—

Legislation prejudicially affecting security.

"**12.** In the event of legislation being passed by the legislature of any province after loans have been made available in that province which, in the opinion of the Board, would prejudicially affect the security of existing or future loans, the Board, by notice to be published in the *Canada Gazette*, may cease to make further loans in that province."

7. Page 4, lines 6 to 13, inclusive. For sub-clause (3) substitute the following:—

"(3) Whenever, whether as the result of proceedings taken to realize upon a mortgage or other security or as the result of compromise or agreement, the right or interest in the land and/or other property concerned which by law remained in the mortgagor or other person after the making or giving of the mortgage or other security becomes vested in the Board so that it holds, as against such mortgagor or other person, title, ownership and right to possession, or whenever, as the result of such proceedings, an amount is realized which is not sufficient to discharge in full the amount of the loan, interest, costs and charges, the capital stock of the Board subscribed for by the Government of Canada shall be cancelled to an amount equivalent to that so subscribed for which relation to loans of the like amount and the amount paid upon capital stock in respect of such loan shall be transferred to reserve account."

8. Page 4, lines 14 to 21, inclusive. For clause 9 substitute the following:—

"9. Section ten of the Act is repealed and the following is substituted therefor:—

"10. (1) The Board may appoint, for any province or provinces in which it operates or is about to operate, such chief executive officer as, on the nomination of the Board and the recommendation of the Minister, the Governor in Council may approve.

(2) Such officer shall, in the province or provinces for which he is appointed have charge of the operations of the Board and exercise and perform such powers and duties as it may confer and impose upon him."

9. Page 4, line 32. After the word "may" insert the words "by regulation".

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

Audit.

"**13.** An audit of the books of the Board shall be made in accordance with regulations made under the provisions of section seventeen of this Act by a firm of chartered accountants appointed for that purpose by the Governor in Council, and a copy of the report of the said accountants on the annual statement of the Board shall be laid before Parliament by the Minister within the first fifteen days of the first session thereof following the date of the said report."

Report.

13. Section fourteen of the said Act is repealed and the following is substituted therefor:—

Action of Board conclusive.

"**14.** Except as may be otherwise decided from time to time by the Governor in Council, all actions and decisions of the Board shall be deemed within its powers and shall be conclusive against all interested parties, and the Board shall for all purposes be deemed to be the agent of the Crown and any security taken by the Board shall be so taken on behalf of the Crown."

Sections repealed.

14. Sections fifteen and sixteen of the said Act are repealed and section seventeen is re-numbered as section fifteen.

15. Section eighteen of the said Act, as enacted by section eight of chapter forty-six of the statutes of 1934, is renumbered as section sixteen and subsections one and two of said section are repealed and the following are substituted therefor:—

Purchase of bonds by Minister.

"**16.** (1) The Minister may purchase from time to time, on behalf of the Dominion of Canada, from the Board, bonds issued by the Board, which bonds shall on the request of the Minister be repurchased by the Board at the price originally paid therefor when funds for that purpose become available through the public sale of Farm Loan bonds: Provided that the amount of such bonds held at any one time by the Minister on behalf of the Dominion of Canada shall not exceed fifty million dollars.

Guarantee.

(2) The Governor in Council may authorize the guarantee of the principal and interest of Farm Loan bonds to the amount of forty million dollars."

10. Page 5, lines 16 to 19, inclusive. Leave out the words "and the Board shall for all purposes be deemed to be the agent of the Crown and any security taken by the Board shall be so taken on behalf of the Crown."

16. Section nineteen of the said Act is repealed and the following is substituted therefor as section seventeen:—

Regulations

"**17.** The Board may, subject to the approval of the Governor in Council, make regulations not inconsistent with the provisions of this Act for the conduct of the business of the Board, and without limiting the generality of the foregoing provision the Board shall have power to provide by regulation for

(a) the employment of officers, appraisers, inspectors, attorneys, clerks and other employees, their remuneration and their duties;

(b) the charges to be made against borrowers for the expenses of appraisal, determination of title and recording;

(c) the bases of valuation of farm land;

(d) the form of application for loans, farm loan bonds, mortgages, books of account and annual statements of the Board;

(e) the manner of crediting advance payments by borrowers under the mortgages;

(f) the auditing and inspection of the accounts and assets of the Board;

(g) the bonding of agents, officers and employees of the Board;

(h) the signing of cheques, transfers, assignments, discharges, deeds, bonds and other instruments of the Board;

(i) the duties of the chief executive officers appointed under section ten;

(j) the duties of the local advisory loan committees appointed under section eleven."

Section re-numbered.

17. Section twenty of the said Act is re-numbered as section eighteen.

Sections incorporated in Canadian Farm Loan Act.

18. Sections nine, ten, eleven and twelve of *The Canadian Farm Loan Act Amendment Act, 1934*, comprising Part II of the said *Canadian Farm Loan Act Amendment Act*, as subsequently amended by this Act, are hereby incorporated into the *Canadian Farm Loan Act* as Part II thereof, and numbered sections nineteen, twenty, twenty-one and twenty-two thereof, and may be cited hereafter as Part II of the *Canadian Farm Loan Act.*

11. Page 6, line 28. After the word "duties" insert the words "and salaries".

12. Page 6, line 30. After the word "duties" insert the words "fees and scale of expenses".

Supplementary advances.

19. Subsections one and two of section nine of *The Canadian Farm Loan Act Amendment Act, 1934*, renumbered as section nineteen of the *Canadian Farm Loan Act*, are repealed and the following are substituted therefor:—

Further loan may be made.

"(1) Notwithstanding anything contained in Part I of this Act, the Board may in any case where it lends on the security of a first mortgage, make a further loan for a period of not more than six years, repayable on such terms as the Board may determine, on the security of a second mortgage on the farm lands and in those provinces of Canada where chattel security may be taken by the Board, of a charge on live stock and other personal property.

Aggregate of loans.

(2) The aggregate of loans made to any one borrower under the provisions of Parts I and II of this Act shall not exceed, in those provinces of Canada where chattel security may be taken by the Board, two-thirds of the appraised value of the land and buildings in respect of which security is taken, and in any province where chattel security may not be taken sixty per cent of the said value and shall not exceed at any one time the sum of seven thousand five hundred dollars. The amount advanced under this section shall not exceed one-half the amount advanced on the security of the first mortgage."

20. Subsection three of section eleven of *The Canadian Farm Loan Act Amendment Act, 1934*, re-numbered as section twenty-one of the *Canadian Farm Loan Act*, is repealed and the following is substituted therefor:—

When title transferred to Board.

"(3) If as a result of proceedings to realize upon any security held by the Board in respect of a loan made under section nineteen of this Act, the title to the property which is the subject of such security is transferred to the Board, or if an amount insufficient to discharge the debt secured is realized, the stock in the Board subscribed by the Dominion Government in respect of such loan shall be cancelled and the amount paid thereon shall be transferred to reserve account."

21. Section twelve of *The Canadian Farm Loan Act Amendment Act, 1934*, re-numbered as section twenty-two of the *Canadian Farm Loan Act*, is repealed and the following is substituted therefor:—

Application of Part I.

"**22.** The provisions of Part I of this Act shall apply *mutatis mutandis* in the case of loans made under this Part, except in so far as the provisions of this Part are inconsistent therewith."

13. Page 7, line 16. For 'two-thirds" substitute 'sixty per cent".

14. Page 7, line 19. For "sixty" substitute "fifty-five".

15. Page 7, lines 20 and 21. For "seven thousand five hundred dollars." substitute "six thousand dollars".

16. Page 7, line 23. Insert the following:—

"(2) The said section nine, so renumbered, is further amended by striking out subsection three thereof and substituting the following:—

"(3) Loans made under this Part of this Act shall be used for the following and no other purposes:—

(a) to enable the debtor to pay existing liabilities;

(b) to purchase live stock, tools, machinery implements and equipment necessary for the proper operation of the farm mortgaged;

(c) to erect farm buildings or to clear, drain, fence or make any other permanent improvement tending to increase the productive value of the land;

(d) for such other purposes relating to the development and operation of the farm as the Board approves.

17. Page 7, line 23. Add the following as new Clause B:—

New Clause B

Section ten of the *Canadian Farm Loan Act Amendment Act, 1934*, renumbered as section 20 of the *Canadian Farm Loan Act*, is amended by striking out subsections one, four, eight and ten and substituting therefor the following:

"(1) In addition the Board may, subject to the conditions hereinafter provided, lend to a mortgagee on the security of the assignment or hypothecation of a first mortgage on farm lands situate in any province in which the Board is empowered to make loans under this Act."

"(4) Each loan shall bear interest at the rate charged by the Board on loans made under Part I of this Act and shall be for a period not exceeding one year, but in any event shall be repayable with interest out of the first moneys received by the mortgagee or the Board on account of the mortgage assigned or hypothecated."

"(8) The provisions of subsection two of section five of Part I of this Act shall not apply with respect to loans made under this section."

"(10) In this section unless the context otherwise requires or implies, the expression,—

(a) 'first mortgage' and 'mortgage' includes an agreement for sale securing the purchase price of farm lands to which the mortgagee has title;

(b) 'mortgagee' means any loan, trust or insurance company incorporated under Dominion or provincial laws and such other corporations or persons or classes of corporations or persons as may be designated by the Governor in Council."

18. Page 7, lines 28 to 36, inclusive. For sub-clause (3) substitute the following:—

"(3) The provisions of subsection three of section nine of this Act shall apply to all loans made under section nineteen of this Act."

19. Page 7, line 44. Add the following as new clauses C and D:—

New Clause C

Subsection nine of section ten of the *Canadian Farm Loan Amendment Act, 1934*, renumbered as section twenty of the *Canadian Farm Loan Act*, is repealed and the following substituted therefor:—

"(9) The Governor in Council may make advances to the Board out of any unappropriated moneys in the Consolidated Revenue Fund for the purposes of this section."

New Clause D

The said *Canadian Farm Loan Act* is further amended by adding immediately before section three thereof, as a heading, the words "Part I" and sections three to eighteen, inclusive, of such Acts shall hereafter constitute Part I of that Act."

Sixth Session, Seventeenth Parliament, 25 George V 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 16.

An Act to amend The Dominion Elections Act, 1934.

First reading, February 11, 1935.

Mr. MacInnis.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93175 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 16.

An Act to amend The Dominion Elections Act, 1934.

1934, c. 50.

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

Absentee voters.

1. Section ninety-nine of *The Dominion Elections Act, 1934*, is amended by inserting the following paragraph immediately after paragraph *(e)* thereof:—

"unemployment relief camp worker" defined.

"*(f)* 'unemployment relief camp worker' means all workers at any unemployment relief camp or in any institution or refuge maintained either by public or private moneys for the relief of distressed or unemployed persons."

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

Persons to whom absentee voting provisions apply.

"(2) The provisions of this section and of sections one hundred to one hundred and four, inclusive, of this Act, shall apply only to persons whose regular occupation on polling day is that of lumbermen, fishermen, miners or sailors, or unemployment relief camp workers, as by subsection one of this section defined, and they shall not apply to any person who on polling day is not actually engaged or employed in one of such occupations within the limits of the polling division of the polling station whereat he seeks to vote."

Explanatory Notes.

1. The purpose of this Bill is to make the provisions of the Dominion Elections Act in regard to absentee voting apply to unemployment relief camp workers. The persons to whom this part of the existing Act applies are lumbermen, fishermen, miners and sailors, which are defined in section 99 of the Act.

The definition of unemployment relief camp worker is based upon rule 9 of section 3 of The Dominion Franchise Act, chapter 51 of the statutes of 1934.

2. The only change in the subsection to be repealed and re-enacted is the insertion of the underlined words in the text of the Bill.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

An Act to amend The Fisheries Act, 1932.

First reading, February 11, 1935.

Mr. REID.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93446 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA

BILL 17.

An Act to amend The Fisheries Act, 1932.

1932, 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 Fisheries Act, 1932*, chapter forty-two of the statutes of 1932, is amended by inserting the following section therein immediately after section twenty-two thereof:—

Seine fishing for salmon prohibited in waters adjacent to the mouth of the Fraser River.

"**22**A. No seine fishing for salmon shall be allowed within the boundaries of a line drawn from the extreme westerly point of Point Gray to the most northerly point of Galiano Island; thence in a straight line to and following the international boundary line to the outer range light on said boundary; thence in a line drawn in a westerly and northerly direction to the point of commencement."

Explanatory Note.

The object of this Bill is to prohibit by statute the catching of salmon by the use of seines in the waters adjacent to the mouth of the Fraser River.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 18.

An Act to amend The Electricity Inspection Act, 1928, (French Version).

First reading, February 11, 1935.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92215 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 18.

An Act to amend The Electricity Inspection Act, 1928, (French Version).

1928, c. 22.

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

French version amended.

1. The French version of *The Electricity Inspection Act, 1928*, chapter twenty-two of the statutes of 1928, is amended by striking out section twelve thereof and substituting the following therefor:—

Le droit de briser les scellés.

«**12.** Personne, sauf le propriétaire ou un inspecteur, pour un motif valable, ne doit briser les scellés d'un compteur vérifié, et personne ne doit briser les scellés d'un compteur dont l'exactitude est contestée, si ce n'est suivant les prescriptions de la présente loi et des règlements établis sous son empire. Nul compteur dont les scellés ont été brisés ne doit être maintenu en usage, sauf les dispositions que peut prescrire un règlement du ministère.»

Explanatory Note.

The purpose of this amendment is to correct a clerical error by which the words underlined on the opposite page were omitted from the French version of section 12 of this Act, which section in the English version reads as follows:—

"**12.** No person, except the owner, or an inspector, for a valid reason, shall break the seal of any verified meter, and no person shall break the seal of any meter the correctness of which is in dispute, except as provided for in this Act and regulations established thereunder. No meter on which the seal is broken shall be continued in use, except as may be provided for by regulation of the Department."

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 18.

An Act to amend The Electricity Inspection Act, 1928, (French Version).

AS PASSED BY THE HOUSE OF COMMONS, 12th FEBRUARY, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92217 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 18.

An Act to amend The Electricity Inspection Act, 1928, (French Version).

1928, c. 22.

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

French version amended.

1. The French version of *The Electricity Inspection Act, 1928,* chapter twenty-two of the statutes of 1928, is amended by striking out section twelve thereof and substituting the following therefor:—

Le droit de briser les scellés.

«**12.** Personne, sauf le propriétaire ou un inspecteur, pour un motif valable, ne doit briser les scellés d'un compteur vérifié, et personne ne doit briser les scellés d'un compteur dont l'exactitude est contestée, si ce n'est suivant les prescriptions de la présente loi et des règlements établis sous son empire. Nul compteur dont les scellés ont été brisés ne doit être maintenu en usage, sauf les dispositions que peut prescrire un règlement du ministère.»

Explanatory Note.

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Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 19.

An Act respecting the Canadian National Railways and to provide for the refunding of maturing and callable financial obligations.

First reading, February 14, 1935.

The MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93364 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 19.

An Act respecting the Canadian National Railways and to provide for the refunding of maturing and callable financial obligations.

1929, c. 11; 1930, c. 8.

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, 1935.*

Power for refunding.

2. The Governor in Council may provide for the refunding of 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 the Canadian Northern Railway Company and/or of any one or more of the other Companies comprised in the Canadian National Railways, as defined in chapter ten of the statutes of Canada, 1929.

Issue 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 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.

Amount o substituted securities.

4. The substituted securities may be in such amount as to enable the National Company to raise sufficient moneys to provide for the refunding of the original securities, such amount not to exceed two hundred million dollars.

Approval of Governor in Council.

5. (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, and the form and terms of temporary substituted securities and temporary guarantees.

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.

6. 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 Railways and Canals, 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.

7. 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.

8. The Minister of Finance, with the approval of the Governor in Council, may make loans to the National Company out of the Consolidated Revenue Fund of Canada, for the purpose of such refunding, repayable on such terms and at such rates of interest as the Governor in Council may determine and secured by the substituted securities which the National Company is authorized to issue from time to time under the provisions of section three of this Act, upon applications, approved by the Minister of Railways and Canals, 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 two hundred million dollars.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 19.

An Act respecting the Canadian National Railways and to provide for the refunding of maturing and callable financial obligations.

AS PASSED BY THE HOUSE OF COMMONS, 22nd FEBRUARY, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93366 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 19.

An Act respecting the Canadian National Railways and to provide for the refunding of maturing and callable financial obligations.

1929, c. 11; 1930, c. 8.

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, 1935.*

Power for refunding.

2. The Governor in Council may provide for the refunding of 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 the Canadian Northern Railway Company and/or of any one or more of the other Companies comprised in the Canadian National Railways, as defined in chapter ten of the statutes of Canada, 1929.

Issue 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 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.

Amount of substituted securities.

4. The substituted securities may be in such amount as to enable the National Company to raise sufficient moneys to provide for the refunding of the original securities, such amount not to exceed two hundred million dollars.

Approval of Governor in Council.

5. (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, and the form and terms of temporary substituted securities and temporary guarantees.

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.

6. 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 Railways and Canals, 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.

7. 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.

8. The Minister of Finance, with the approval of the Governor in Council, may make loans to the National Company out of the Consolidated Revenue Fund of Canada, for the purpose of such refunding, repayable on such terms and at such rates of interest as the Governor in Council may determine and secured by the substituted securities which the National Company is authorized to issue from time to time under the provisions of section three of this Act, upon applications, approved by the Minister of Railways and Canals, 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 two hundred million dollars.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 20.

An Act respecting the appointment of Auditors for National Railways.

First reading, February 15, 1935.

The MINISTER OF RAILWAYS AND CANALS.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

93576

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 20.

An Act respecting the appointment of Auditors for National Railways.

Preamble. 1932-33, c. 33; 1934, c. 3.

WHEREAS by section thirteen of *The Canadian National-Canadian Pacific Act, 1933*, it is provided that a continuous audit of the accounts of National Railways shall be made by independent auditors appointed annually by a Resolution of Parliament;

And whereas it is expedient that auditors should be appointed by an Act of Parliament: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Auditors appointed.

1. Clarkson, Gordon, Dilworth, Guilfoyle and Nash, of the city of Toronto, chartered accountants, are appointed as independent auditors for the year 1935, to make a continuous audit under the provisions of section thirteen of *The Canadian National-Canadian Pacific Act, 1933*, of the accounts of National Railways as defined in the said Act.

Explanatory Note.

The object of this Bill is to appoint independent auditors for the Canadian National Railways as provided under the provisions of *The Canadian National-Canadian Pacific Act, 1933*.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 20.

An Act respecting the appointment of Auditors for National Railways.

AS PASSED BY THE HOUSE OF COMMONS, 5th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93578 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 20.

An Act respecting the appointment of Auditors for National Railways.

Preamble. 1932-33, c. 33; 1934, c. 3.

WHEREAS by section thirteen of *The Canadian National-Canadian Pacific Act, 1933*, it is provided that a continuous audit of the accounts of National Railways shall be made by independent auditors appointed annually by a Resolution of Parliament;

And whereas it is expedient that auditors should be appointed by an Act of Parliament: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Auditors appointed.

1. Clarkson, Gordon, Dilworth, Guilfoyle and Nash, of the city of Toronto, chartered accountants, are appointed as independent auditors for the year 1935, to make a continuous audit under the provisions of section thirteen of *The Canadian National-Canadian Pacific Act, 1933*, of the accounts of National Railways as defined in the said Act.

Explanatory Note.

The object of this Bill is to appoint independent auditors for the Canadian National Railways as provided under the provisions of *The Canadian National-Canadian Pacific Act, 1933.*

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

An Act to provide for limiting the Hours of Work in Industrial Undertakings to eight in the day and forty-eight in the week, in accordance with the Convention concerning the application of the principle of the Eight Hour Day or of the Forty-eight Hour Week adopted by the General Conference of the International Labour Organization of the League of Nations, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919.

First reading, February 22, 1935.

The PRIME MINISTER.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93379 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

An Act to provide for limiting the Hours of Work in Industrial Undertakings to eight in the day and forty-eight in the week, in accordance with the Convention concerning the application of the principle of the Eight Hour Day or of the Forty-eight Hour Week adopted by the General Conference of the International Labour Organization of the League of Nations, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919.

Preamble.

WHEREAS the Dominion of Canada is a signatory, as Part of the British Empire, to the Treaty of Peace made between the Allied and Associated Powers and Germany, signed at Versailles, on the 28th day of June, 1919; and whereas the said Treaty of Peace was confirmed by the Treaty of Peace Act 1919; and whereas by Article 23 of the said Treaty the signatories thereto each agreed that they would endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and by Article 427 of the said Treaty it was declared that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme importance; and whereas a Draft Convention respecting hours of work in industrial undertakings was agreed upon at a General Conference of the International Labour Organization of the League of Nations, in accordance with the relevant Articles of the said Treaty, which said Convention has been ratified by Canada; and whereas it is advisable to enact the necessary legislation to enable Canada to discharge the obligations assumed under the provisions of the said Treaty and the said Convention, and to provide for the limitation of hours of work in industrial undertakings, in accordance with the general provisions of the said Convention, and to assist in the maintenance on equitable terms of interprovincial and international trade: Therefore His Majesty, by and with the advice and consent of the House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Limitation of Hours of Work Act.*

"Industrial undertaking."

2. In this Act, unless the context otherwise requires, the term "industrial undertaking" includes:

Mines, quarries, etc.

(a) Mines, quarries, and other works for the extraction of minerals from the earth;

Industries, shipbuilding, electricity or motive power.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind;

Works of construction, maintenance, repair, etc.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;

Transport of passengers or goods, and handling of goods.

(d) Transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

Eight hours in the day, forty-eight in the week.

3. No person shall employ or require or permit any person to work in any public or private industrial undertaking or in any branch thereof for hours in excess of eight in the day or forty-eight in the week except in the cases hereinafter provided for.

Persons to whom section three does not apply.

4. The provisions of section three of this Act shall not apply to persons holding positions of supervision or management, nor to persons employed in a confidential capacity.

If less than eight hours in one or more days in the week.

5. Where by law, custom, or agreement between employers' and workers' organizations, or, where no such organizations exist, between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight may be exceeded on the remaining days of the week with the sanction of the Governor in Council or by agreement between such organizations or representatives: Provided, however, that in no case shall the daily limit of eight hours be exceeded by more than one hour.

Persons employed in shifts.

6. Where persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in one day and forty-eight hours in one week if the average number of hours over a period of three weeks or less does not exceed eight per day and forty-eight per week.

Urgency or *vis major*.

7. The limit of hours of work prescribed in this Act may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *vis major*, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

In case of continuity by a succession of shifts.

8. The limit of hours of work prescribed in this Act may be exceeded in those processes which are required, by reason of the nature of the process, to be carried on continuously by a succession of shifts: Provided, however, that the working hours shall not exceed fifty-six in the week on the average.

Exceptional cases.

9. The Governor in Council may, in exceptional cases where it is recognized that the daily limit of hours of work cannot be applied and agreements between workers' and employers' organizations to increase the daily limit have been made, give effect to such agreements and permit in such cases the said daily limit of hours to be exceeded: Provided, however, that the average number of hours per week over the number of weeks covered by any such agreement shall not exceed forty-eight.

Regulations.

10. (1) The Governor in Council may also make regulations permitting,—

Permanent exceptions.

(a) permanent exceptions to the limits of hours of work fixed by this Act in case of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of an establishment, or for certain classes of workers whose work is essentially intermittent;

Temporary exceptions.

(b) temporary exceptions to the hours of work fixed by this Act, so that establishments may deal with exceptional cases of pressure of work.

Regulations to fix maximum of additional hours and rate of pay.

(2) Regulations under this section shall be made only after consultation with the organizations of employers and workers concerned, if any such organizations exist, and the regulations shall fix the maximum of additional hours in each instance, and the rate of pay for additional hours shall not be less than one and one-quarter times the regular rate.

Duties of employers.

11. Every employer shall,

Notices of hours of work.

(a) notify by means of notices posted conspicuously in the establishment, or any other convenient place, or in any other manner determined by or under the authority of the Governor in Council, the hours at which work begins and ends, and, where work is carried on by shifts, the hours at which each shift begins and ends, and no change shall be made in these hours

except upon such notice and in such manner as may be approved by or under the authority of the Governor in Council;

Notices of rest intervals.

(b) notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours;

Record of additional hours.

(c) keep a record in the form prescribed by or under the authority of the Governor in Council, of all additional hours worked, as permitted under sections seven and ten of this Act.

Regulations to be published and to provide for communication of certain information.

12. Regulations of the Governor in Council made under this Act shall be published in the *Canada Gazette* and the regulations shall provide for the communication to the International Labour Office at Geneva of,—

(a) a list of the processes which are classed as being necessarily continuous in character under section eight of this Act;

(b) full information as to the working of the agreements mentioned in section nine of this Act.

(c) full information concerning regulations made under this Act and their application.

Offences and penalties.

13. Every employer who violates, or fails or omits to comply with any provision of this Act or of any regulation made thereunder, shall for each offence be liable on summary conviction to a fine not exceeding one hundred dollars and not less than twenty dollars in addition to any other penalty prescribed by law for the same offence.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

An Act to provide for limiting the Hours of Work in Industrial Undertakings to eight in the day and forty-eight in the week, in accordance with the Convention concerning the application of the principle of the Eight Hour Day or of the Forty-eight Hour Week adopted by the General Conference of the International Labour Organization of the League of Nations, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919.

(Reprinted as amended in the Committee of the Whole).

The PRIME MINISTER.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95703 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

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Preamble.

WHEREAS the Dominion of Canada is a signatory, as Part of the British Empire, to the Treaty of Peace made between the Allied and Associated Powers and Germany, signed at Versailles, on the 28th day of June, 1919; and whereas the said Treaty of Peace was confirmed by the Treaty of Peace Act 1919; and whereas by Article 23 of the said Treaty the signatories thereto each agreed that they would endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and by Article 427 of the said Treaty it was declared that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme importance; and whereas a Draft Convention respecting hours of work in industrial undertakings was agreed upon at a General Conference of the International Labour Organization of the League of Nations, in accordance with the relevant Articles of the said Treaty, which said Convention has been ratified by Canada; and whereas it is advisable to enact the necessary legislation to enable Canada to discharge the obligations assumed under the provisions of the said Treaty and the said Convention, and to provide for the limitation of hours of work in industrial undertakings, in accordance with the general provisions of the said Convention, and to assist in the maintenance on equitable terms of interprovincial and international trade: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Reprint.

Explanatory Notes.

In this Reprint new sections or subsections, and amendments, are indicated by vertical lines in the margin and by the explanatory notes.

Short title.

1. This Act may be cited as *The Limitation of Hours of Work Act.*

"Industrial undertaking."

2. In this Act, unless the context otherwise requires, the term "industrial undertaking" includes:

Mines, quarries, etc.

(a) Mines, quarries, and other works for the extraction of minerals from the earth;

Industries, shipbuilding, electricity or motive power.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind;

Works of construction, maintenance, repair, etc.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;

Transport of passengers or goods, and handling of goods.

(d) Transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

Eight hours in the day, forty-eight in the week.

3. (1) No person shall employ or require or permit any person to work in any public or private industrial undertaking or in any branch thereof for hours in excess of eight in the day or forty-eight in the week except in the cases hereinafter provided for.

Distinction between industry, commerce and agriculture.

(2) The Governor in Council may define the line of division which separates industry from commerce and agriculture for the purpose of determining the employers and the employees to whom this Act shall apply.

Persons to whom section three does not apply.

4. The provisions of section three of this Act shall not apply to persons holding positions of supervision or management, nor to persons employed in a confidential capacity.

If less than eight hours in one or more days in the week.

5. Where by law, custom, or agreement between employers' and workers' organizations, or, where no such organizations exist, between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight may be exceeded on the remaining days of the week with the sanction of the Governor in Council or by agreement between such organizations or representatives: Provided, however, that in no case shall the daily limit of eight hours be exceeded by more than one hour.

(2) This subsection has been added to section 3 as it stood.

Persons employed in shifts.

6. Where persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in one day and forty-eight hours in one week if the average number of hours over a period of three weeks or less does not exceed eight per day and forty-eight per week.

Urgency or *vis major*.

7. The limit of hours of work prescribed in this Act may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *vis major*, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

In case of continuity by a succession of shifts.

8. The limit of hours of work prescribed in this Act may be exceeded in those processes which are required, by reason of the nature of the process, to be carried on continuously by a succession of shifts: Provided, however, that the working hours shall not exceed fifty-six in the week on the average.

Exceptional cases.

9. The Governor in Council may, in exceptional cases where it is recognized that the daily limit of hours of work cannot be applied and agreements between workers' and employers' organizations to increase the daily limit have been made, give effect to such agreements and permit in such cases the said daily limit of hours to be exceeded: Provided, however, that the average number of hours per week over the number of weeks covered by such agreement shall not exceed forty-eight; and provided, further, that in case such an agreement has been made prior to the thirty-first day of December, 1934, between a railway company and any employees' organization which embodies the basic principle of eight hours as the daily period of employment, the provisions of such agreement relating to the hours of employment shall, notwithstanding anything contained in this Act, continue in force for a period of one year from the thirty-first day of March, 1935, unless suspended during such period by the Governor in Council.

Regulations may except employment in any industry under prescribed conditions.

10. (1) The Governor in Council may by regulation except any or all employment in any industry from the limits of hours of work fixed by this Act whenever he is satisfied that,

(a) the work of the employees must necessarily be carried on outside the limits laid down for the general working of an establishment because it is preparatory or complementary, or that

(b) the work is essentially intermittant in that,

(i) the worker is not continuously occupied during the hours of employment, or

(ii) the work is seasonal in its nature, or

9. The change made in this section consists in the addition of the second proviso.

10. This section is new, and has been substituted for the former section ten.

(iii) the work is of such a character that it must necessarily be performed in variable periods of employment, or

(iv) the work in its nature is subject to intervals of discontinuance or variations in supply of raw materials, or that

(c) there is an exceptional pressure of work:

Proviso.

Provided that fair and humane conditions of labour in the matter of hours of work prevail in respect of such employment, and provided further that in the case of exceptional pressure of work the regulation shall be temporary.

Existing organizations to be consulted.

(2) If any organizations of employers and workers concerned in the employment affected by any regulation made under this section exist, such organizations shall be consulted.

Maximum of additional hours and rate of pay.

(3) Whenever it is practicable the maximum of additional hours shall be fixed by the regulations and in any such case the rate of pay for additional hours shall not be less than one and one-quarter times the regular rate.

Duties of employers.

11. Every employer shall,

Notices of hours of work.

(a) notify by means of notices posted conspicuously in the establishment, or any other convenient place, or in any other manner determined by or under the authority of the Governor in Council, the hours at which work begins and ends, and, where work is carried on by shifts, the hours at which each shift begins and ends, and no change shall be made in these hours except upon such notice and in such manner as may be approved by or under the authority of the Governor in Council;

Notices of rest intervals.

(b) notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours;

Record of additional hours.

(c) keep a record in the form prescribed by or under the authority of the Governor in Council, of all additional hours worked, as permitted under sections seven and ten of this Act.

Regulations to be published and to provide for communication of certain information.

12. Regulations of the Governor in Council made under this Act shall be published in the *Canada Gazette* and the regulations shall provide for the communication to the International Labour Office at Geneva of,—

(a) a list of the processes which are classed as being necessarily continuous in character under section eight of this Act;

(b) full information as to the working of the agreements mentioned in section nine of this Act;

(c) full information concerning regulations made under this Act and their application.

Offences and penalties.

13. Every employer who violates, or fails or omits to comply with any provision of this Act or of any regulation made thereunder, shall for each offence be liable on summary conviction to a fine not exceeding one hundred dollars and not less than twenty dollars in addition to any other penalty prescribed by law for the same offence.

Provincial statutes fixing shorter hours to be obligatory.

14. Nothing in this Act contained shall be construed as relieving any employer from any obligation under any provincial statute establishing shorter hours of work than those established under this Act.

When Act comes into force.

15. This Act shall come into force three months after the date on which it is assented to.

14. This section is new.

15. This section is new.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

An Act to provide for limiting the Hours of Work in Industrial Undertakings to eight in the day and forty-eight in the week, in accordance with the Convention concerning the application of the principle of the Eight Hour Day or of the Forty-eight Hour Week adopted by the General Conference of the International Labour Organization of the League of Nations, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919.

AS PASSED BY THE HOUSE OF COMMONS, 25th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93381 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

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Preamble

WHEREAS the Dominion of Canada is a signatory, as Part of the British Empire, to the Treaty of Peace made between the Allied and Associated Powers and Germany, signed at Versailles, on the 28th day of June, 1919; and whereas the said Treaty of Peace was confirmed by the Treaty of Peace Act 1919; and whereas by Article 23 of the said Treaty the signatories thereto each agreed that they would endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and by Article 427 of the said Treaty it was declared that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme importance; and whereas a Draft Convention respecting hours of work in industrial undertakings was agreed upon at a General Conference of the International Labour Organization of the League of Nations, in accordance with the relevant Articles of the said Treaty, which said Convention has been ratified by Canada; and whereas it is advisable to enact the necessary legislation to enable Canada to discharge the obligations assumed under the provisions of the said Treaty and the said Convention, and to provide for the limitation of hours of work in industrial undertakings, in accordance with the general provisions of the said Convention, and to assist in the maintenance on equitable terms of interprovincial and international trade: 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 Limitation of Hours of Work Act.*

"Industrial undertaking."

2. In this Act, unless the context otherwise requires, the term "industrial undertaking" includes:

Mines, quarries, etc.

(a) Mines, quarries, and other works for the extraction of minerals from the earth;

Industries, shipbuilding, electricity or motive power.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind;

Works of construction, maintenance, repair, etc.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;

Transport of passengers or goods, and handling of goods.

(d) Transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

Eight hours in the day, forty-eight in the week.

3. (1) No person shall employ or require or permit any person to work in any public or private industrial undertaking or in any branch thereof for hours in excess of eight in the day or forty-eight in the week except in the cases hereinafter provided for.

Distinction between industry, commerce and agriculture.

(2) The Governor in Council may define the line of division which separates industry from commerce and agriculture for the purpose of determining the employers and the employees to whom this Act shall apply.

Persons to whom section three does not apply.

4. The provisions of section three of this Act shall not apply to persons holding positions of supervision or management, nor to persons employed in a confidential capacity.

If less than eight hours in one or more days in the week.

5. Where by law, custom, or agreement between employers' and workers' organizations, or, where no such organizations exist, between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight may be exceeded on the remaining days of the week with the sanction of the Governor in Council or by agreement between such organizations or representatives: Provided, however, that in no case shall the daily limit of eight hours be exceeded by more than one hour.

Persons employed in shifts.

6. Where persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in one day and forty-eight hours in one week if the average number of hours over a period of three weeks or less does not exceed eight per day and forty-eight per week.

Urgency or *vis major*.

7. The limit of hours of work prescribed in this Act may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *vis major*, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

In case of continuity by a succession of shifts.

8. The limit of hours of work prescribed in this Act may be exceeded in those processes which are required, by reason of the nature of the process, to be carried on continuously by a succession of shifts: Provided, however, that the working hours shall not exceed fifty-six in the week on the average.

Exceptional cases.

9. The Governor in Council may, in exceptional cases where it is recognized that the daily limit of hours of work cannot be applied and agreements between workers' and employers' organizations to increase the daily limit have been made, give effect to such agreements and permit in such cases the said daily limit of hours to be exceeded: Provided, however, that the average number of hours per week over the number of weeks covered by such agreement shall not exceed forty-eight; and provided, further, that in case such an agreement has been made prior to the thirty-first day of December, 1934, between a railway company and any employees' organization which embodies the basic principle of eight hours as the daily period of employment, the provisions of such agreement relating to the hours of employment shall, notwithstanding anything contained in this Act, continue in force for a period of one year from the thirty-first day of March, 1935, unless suspended during such period by the Governor in Council.

Regulations may except employment in any industry under prescribed conditions.

10. (1) The Governor in Council may by regulation except any or all employment in any industry from the limits of hours of work fixed by this Act whenever he is satisfied that,

(a) the work of the employees must necessarily be carried on outside the limits laid down for the general working of an establishment because it is preparatory or complementary, or that

(b) the work is essentially intermittant in that,

(i) the worker is not continuously occupied during the hours of employment, or

(ii) the work is seasonal in its nature, or

(iii) the work is of such a character that it must necessarily be performed in variable periods of employment, or

(iv) the work in its nature is subject to intervals of discontinuance or variations in supply of raw materials, or that

(c) there is an exceptional pressure of work:

Proviso.

Provided that fair and humane conditions of labour in the matter of hours of work prevail in respect of such employment, and provided further that in the case of exceptional pressure of work the regulation shall be temporary.

Existing organizations to be consulted.

(2) If any organizations of employers and workers concerned in the employment affected by any regulation made under this section exist, such organizations shall be consulted.

Maximum of additional hours and rate of pay.

(3) Whenever it is practicable the maximum of additional hours shall be fixed by the regulations and in any such case the rate of pay for additional hours shall not be less than one and one-quarter times the regular rate.

Duties of employers.

11. Every employer shall,

Notices of hours of work.

(a) notify by means of notices posted conspicuously in the establishment, or any other convenient place, or in any other manner determined by or under the authority of the Governor in Council, the hours at which work begins and ends, and, where work is carried on by shifts, the hours at which each shift begins and ends, and no change shall be made in these hours except upon such notice and in such manner as may be approved by or under the authority of the Governor in Council;

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(b) notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours;

Record of additional hours.

(c) keep a record in the form prescribed by or under the authority of the Governor in Council, of all additional hours worked, as permitted under sections seven and ten of this Act.

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(a) a list of the processes which are classed as being necessarily continuous in character under section eight of this Act;

(b) full information as to the working of the agreements mentioned in section nine of this Act;

(c) full information concerning regulations made under this Act and their application.

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13. Every employer who violates, or fails or omits to comply with any provision of this Act or of any regulation made thereunder, shall for each offence be liable on summary conviction to a fine not exceeding one hundred dollars and not less than twenty dollars in addition to any other penalty prescribed by law for the same offence.

Provincial statutes fixing shorter hours to be obligatory.

14. Nothing in this Act contained shall be construed as relieving any employer from any obligation under any provincial statute establishing shorter hours of work than those established under this Act.

When Act comes into force.

15. This Act shall come into force three months after the date on which it is assented to.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

An Act to provide for limiting the Hours of Work in Industrial Undertakings to eight in the day and forty-eight in the week, in accordance with the Convention concerning the application of the principal of the Eight Hour Day or of the Forty-eight Hour Week adopted by the General Conference of the International Labour Organization of the League of Nations, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919.

AS PASSED BY THE HOUSE OF COMMONS, 25th MARCH, 1935.

Reprinted with the Amendments made by the Senate, set out on the opposite page to the text of the Bill.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
305 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

An Act to provide for limiting the Hours of Work in Industrial Undertakings to eight in the day and forty-eight in the week, in accordance with the Convention concerning the application of the principle of the Eight Hour Day or of the Forty-eight Hour Week adopted by the General Conference of the International Labour Organization of the League of Nations, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919.

Preamble.

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(a) Mines, quarries, and other works for the extraction of minerals from the earth;

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Works of construction, maintenance, repair, etc.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;

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(d) Transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

Eight hours in the day, forty-eight in the week.

3. (1) No person shall employ or require or permit any person to work in any public or private industrial undertaking or in any branch thereof for hours in excess of eight in the day or forty-eight in the week except in the cases hereinafter provided for.

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(2) The Governor in Council may define the line of division which separates industry from commerce and agriculture for the purpose of determining the employers and the employees to whom this Act shall apply.

Persons to whom section three does not apply.

4. The provisions of section three of this Act shall not apply to persons holding positions of supervision or management, nor to persons employed in a confidential capacity.

If less than eight hours in one or more days in the week.

5. Where by law, custom, or agreement between employers' and workers' organizations, or, where no such organizations exist, between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight may be exceeded on the remaining days of the week with the sanction of the Governor in Council or by agreement between such organizations or representatives: Provided, however, that in no case shall the daily limit of eight hours be exceeded by more than one hour.

AMENDMENTS MADE BY THE SENATE.

1. Page 2, line 27. After "thereof" insert "other than an undertaking in which only members of the same family are employed".

2. Page 2, line 28. For "or" substitute "and".

3. Page 2, line 41. After "limit of eight" insert "hours".

4. Page 2, line 42. For "with" substitute "by".

5. Page 2, line 44. After "no" insert "such".

Persons employed in shifts.

6. Where persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in one day and forty-eight hours in one week if the average number of hours over a period of three weeks or less does not exceed eight per day and forty-eight per week.

Urgency or *vis major*.

7. The limit of hours of work prescribed in this Act may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *vis major*, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

In case of continuity by a succession of shifts.

8. The limit of hours of work prescribed in this Act may be exceeded in those processes which are required, by reason of the nature of the process, to be carried on continuously by a succession of shifts: Provided, however, that the working hours shall not exceed fifty-six in the week on the average.

Exceptional cases.

9. The Governor in Council may, in exceptional cases where it is recognized that the daily limit of hours of work cannot be applied and agreements between workers' and employers' organizations to increase the daily limit have been made, give effect to such agreements and permit in such cases the said daily limit of hours to be exceeded: Provided, however, that the average number of hours per week over the number of weeks covered by such agreement shall not exceed forty-eight; and provided, further, that in case such an agreement has been made prior to the thirty-first day of December, 1934, between a railway company and any employees' organization which embodies the basic principle of eight hours as the daily period of employment, the provisions of such agreement relating to the hours of employment shall, notwithstanding anything contained in this Act, continue in force for a period of one year from the thirty-first day of March, 1935, unless suspended during such period by the Governor in Council.

Regulations may except employment in any industry under prescribed conditions.

10. (1) The Governor in Council may by regulation except any or all employment in any industry from the limits of hours of work fixed by this Act whenever he is satisfied that,

(a) the work of the employees must necessarily be carried on outside the limits laid down for the general working of an establishment because it is preparatory or complementary, or that

(b) the work is essentially intermittant in that,

(i) the worker is not continuously occupied during the hours of employment, or

(ii) the work is seasonal in its nature, or

6. Page 3, line 2. After "hours in" insert "any".

7. Page 3, line 3. After "hours in" insert "any".

8. Page 3, line 17. After "average." insert "Such regulation of the hours of work shall in no case affect any rest days which may be secured by the law of Canada to the workers in such processes in compensation for the weekly rest day."

9. Page 3, line 33. For the words "one year from the thirty-first day of March, 1935, unless suspended during such period by the Governor in Council." substitute the words "three months from the date of the coming into force of this Act.".

10. Page 3, lines 36 to 47, inclusive, and Page 4, lines 1 to 20, inclusive. For clause 10 substitute the following:—

"**10.** (1) Whenever the Governor in Council, after consultation as required by the Convention mentioned in the preamble to this Act has been had, is satisfied that the work, or any class of work, in any industrial undertaking or class of industrial undertaking is—

(a) preparatory or complementary, so that it must necessarily be carried on outside the limits laid down for the general working of an establishment; or

(b) essentially intermittent, as when it—

(i) does not require that the worker be continuously occupied during the hours of employment; or

(ii) is such that it must necessarily be performed in variable periods of employment; or

(iii) the work is of such a character that it must necessarily be performed in variable periods of employment, or

(iv) the work in its nature is subject to intervals of discontinuance or variations in supply of raw materials, or that

(c) there is an exceptional pressure of work:

Proviso. Provided that fair and humane conditions of labour in the matter of hours of work prevail in respect of such employment, and provided further that in the case of exceptional pressure of work the regulation shall be temporary.

Existing organizations to be consulted. (2) If any organizations of employers and workers concerned in the employment affected by any regulation made under this section exist, such organizations shall be consulted.

Maximum of additional hours and rate of pay. (3) Whenever it is practicable the maximum of additional hours shall be fixed by the regulations and in any such case the rate of pay for additional hours shall not be less than one and one-quarter times the regular rate.

Duties of employers.

11. Every employer shall,

Notices of hours of work. *(a)* notify by means of notices posted conspicuously in the establishment, or any other convenient place, or in any other manner determined by or under the authority of the Governor in Council, the hours at which work begins and ends, and, where work is carried on by shifts, the hours at which each shift begins and ends, and no change shall be made in these hours except upon such notice and in such manner as may be approved by or under the authority of the Governor in Council;

Notices of rest intervals. *(b)* notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours;

Record of additional hours. *(c)* keep a record in the form prescribed by or under the authority of the Governor in Council, of all additional hours worked, as permitted under sections seven and ten of this Act.

Regulations to be published and to provide for communication of certain information. **12.** Regulations of the Governor in Council made under this Act shall be published in the *Canada Gazette* and the regulations shall .provide for the communication to the International Labour Office at Geneva of,—

(a) a list of the processes which are classed as being necessarily continuous in character under section eight of this Act;

(b) full information as to the working of the agreements mentioned in section nine of this Act;

(c) full information concerning regulations made under this Act and their application.

(iii) is, in its nature, either seasonal or subject to intervals of discontinuance or to variations in the supply of raw materials; or

(c) exceptional, owing to pressure of work for the time being,

the Governor in Council may, by regulation, except all or any employment at such work or class of work in such industrial undertaking or class of industrial undertakings from application thereto of the limits of hours fixed by this Act.

(2) Such regulations shall provide so that fair and humane conditions of labour, with relation of hours of work, shall prevail in such excepted employment, and so that any regulation made by reason of pressure of work shall be temporary in character.

(3) Whenever it is practicable the minimum of additional hours permitted under this section shall be fixed by the regulations, and in such case the rate of pay for overtime shall not be less than one and one-quarter times the regular rate."

11. Page 4, lines 22 to 31, inclusive. For paragraph *(a)* substitute the following:—

"*(a)* notify by means of the posting of notices in conspicuous places in the works or other suitable place, or by such other method as may be approved by the Governor in Council, the hours at which work begins and ends and where work is carried on by shifts, the hours at which each shift begins and ends. These hours shall be so fixed that the duration of the work shall not exceed the limits prescribed by this Act, and when so notified they shall not be changed except with such notice and in such manner as may be approved by the Governor in Council."

12. Page 4, lines 40 to 49, inclusive. Leave out the words after "Gazette" to the end of the clause.

Offences and penalties.

13. Every employer who violates, or fails or omits to comply with any provision of this Act or of any regulation made thereunder, shall for each offence be liable on summary conviction to a fine not exceeding one hundred dollars and not less than twenty dollars in addition to any other penalty prescribed by law for the same offence.

Provincial statutes fixing shorter hours to be obligatory.

14. Nothing in this Act contained shall be construed as relieving any employer from any obligation under any provincial statute establishing shorter hours of work than those established under this Act.

When Act comes into force.

15. This Act shall come into force three months after the date on which it is assented to.

13. Page 5, line 3. After "shall" insert "be guilty of an offence against this Act and".

14. Page 5, line 5. Leave out the words "and not less than twenty dollars".

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act to provide for a weekly day of rest in accordance with the Convention concerning the application of the Weekly Rest in Industrial Undertakings adopted by the General Conference of the International Labour Organization of the League of Nations, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919.

First reading, February 22, 1935.

The PRIME MINISTER.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93276 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act to provide for a weekly day of rest in accordance with the Convention concerning the application of the Weekly Rest in Industrial Undertakings adopted by the General Conference of the International Labour Organization of the League of Nations, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919.

Preamble.

WHEREAS the Dominion of Canada is a signatory, as Part of the British Empire, to the Treaty of Peace made between the Allied and Associated Powers and Germany, signed at Versailles, on the 28th day of June, 1919; and whereas the said Treaty of Peace was confirmed by the Treaty of Peace Act 1919; and whereas by Article 23 of the said Treaty the signatories thereto each agreed that they would endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and by Article 427 of the said Treaty it was declared that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme importance; and whereas a Draft Convention respecting the application of the weekly rest in industrial undertakings was agreed upon at a General Conference of the International Labour Organization of the League of Nations, in accordance with the relevant Articles of the said Treaty, which said Convention has been ratified by Canada; and whereas it is advisable to enact the necessary legislation to enable Canada to discharge the obligations assumed under the provisions of the said Treaty and the said Convention, and to provide for the application of the weekly rest in industrial undertakings, in accordance with the general provisions of the said Convention, and to assist in the maintenance on equitable terms of interprovincial and international trade: Therefore His Majesty, by and with the advice and consent of the House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Weekly Rest in Industrial Undertakings Act.*

"Industrial undertaking."

2. In this Act, unless the context otherwise requires, the term "industrial undertaking" includes:—

Mines, quarries, etc.

(a) Mines, quarries, and other works for the extraction of minerals from the earth;

Industries, shipbuilding, electricity or motive power.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind;

Works of construction, maintenance, repair, etc.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction as well as the preparation for or laying the foundation of any such work or structure;

Transport of passengers or goods, and handling of goods.

(d) Transport of passengers or goods by roads, rail, or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

Period of rest of 24 hours in each seven days.

3. (1) The whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof, shall except as otherwise provided for herein be granted by the employer in every period of seven days a period of rest comprising at least twenty-four consecutive hours.

For whole staff simultaneously.

(2) This period of rest shall wherever possible be granted simultaneously to the whole of the staff of each undertaking.

To be on Lord's Day wherever possible.

(3) This period of rest shall wherever possible be the Lord's Day as defined in the *Lord's Day Act*, chapter one hundred and twenty-three of the Revised Statutes of Canada, 1927.

Regulations for total or partial exceptions.

4. (1) The Governor in Council may make regulations authorizing total or partial exceptions including suspensions or diminutions from the provisions of the next preceding section, and in making such regulations shall have special regard to all proper humanitarian and economic consideration, and shall consult with responsible associations of employers or workers whenever such exist.

For compensatory periods of rest.

(2) By such regulations it shall be provided that as far as possible there shall be compensatory periods of rest for the suspensions or diminutions made, except in cases where agreements or customs already provide for such periods.

To be sent to International Labour Office.

(3) The regulations shall provide for the communication of the said regulations and amendments thereof to the International Labour Office at Geneva.

When notice of days and hours of rest to be posted.

5. Where the weekly rest given does not coincide with the Lord's Day as defined in the *Lord's Day Act*, the employer shall make known the days and hours of rest by means of notices posted conspicuously in the establishment or any other convenient place, or in any other manner determined by the Governor in Council by regulation.

R.S., c. 123, sec. 5, ss. 2 repealed.

6. Subsection two of section five of the *Lord's Day Act* is repealed.

Penalty for violation.

7. Every employer who violates, or fails or omits to comply with any provision of this Act shall for each offence be liable on summary conviction to a fine not exceeding one hundred dollars and not less than twenty dollars in addition to any other penalty prescribed by law for the same offence.

Lord's Day Act not affected except by section six hereof.

8. Nothing in this Act contained except section six thereof shall be construed as amending, repealing, or otherwise affecting the operation of any provision of the *Lord's Day Act*.

Explanatory Note.

6. Section 5 of the Lord's Day Act, of which subsection 2 is to be repealed, reads as follows:—

"**5.** Except in cases of emergency, it shall not be lawful for any person to require any employee engaged in any work of receiving, transmitting or delivering telegraph or telephone messages, or in the work of any industrial process, or in connection with transportation, to do on the Lord's Day the usual work of his ordinary calling, unless such employee is allowed during the next six days of such week, twenty-four consecutive hours without labour.

2. This section shall not apply to any employee engaged in the work of any industrial process in which the regular day's labour of such employee is not more than eight hours' duration."

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act to provide for a weekly day of rest in accordance with the Convention concerning the application of the Weekly Rest in Industrial Undertakings adopted by the General Conference of the International Labour Organization of the League of Nations, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919.

AS PASSED BY THE HOUSE OF COMMONS, 14th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93278 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act to provide for a weekly day of rest in accordance with the Convention concerning the application of the Weekly Rest in Industrial Undertakings adopted by the General Conference of the International Labour Organization of the League of Nations, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919.

Preamble.

WHEREAS the Dominion of Canada is a signatory, as Part of the British Empire, to the Treaty of Peace made between the Allied and Associated Powers and Germany, signed at Versailles, on the 28th day of June, 1919; and whereas the said Treaty of Peace was confirmed by the Treaty of Peace Act 1919; and whereas by Article 23 of the said Treaty the signatories thereto each agreed that they would endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and by Article 427 of the said Treaty it was declared that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme importance; and whereas a Draft Convention respecting the application of the weekly rest in industrial undertakings was agreed upon at a General Conference of the International Labour Organization of the League of Nations, in accordance with the relevant Articles of the said Treaty, which said Convention has been ratified by Canada; and whereas it is advisable to enact the necessary legislation to enable Canada to discharge the obligations assumed under the provisions of the said Treaty and the said Convention, and to provide for the application of the weekly rest in industrial undertakings, in accordance with the general provisions of the said Convention, and to assist in the maintenance on equitable terms of interprovincial and international trade: 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 Weekly Rest in Industrial Undertakings Act.*

"Industrial undertaking."

2. In this Act, unless the context otherwise requires, the term "industrial undertaking" includes:—

Mines, quarries, etc.

(a) Mines, quarries, and other works for the extraction of minerals from the earth;

Industries, shipbuilding, electricity or motive power.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind;

Works of construction, maintenance, repair, etc.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction as well as the preparation for or laying the foundation of any such work or structure;

Transport of passengers or goods, and handling of goods.

(d) Transport of passengers or goods by road or rail including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

Period of rest of 24 hours in each seven days.

3. (1) The whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof, shall except as otherwise provided for herein be granted by the employer in every period of seven days a period of rest comprising at least twenty-four consecutive hours.

For whole staff simultaneously.

(2) This period of rest shall wherever possible be granted simultaneously to the whole of the staff of each undertaking.

To be on Lord's Day wherever possible.

(3) This period of rest shall wherever possible be the Lord's Day as defined in the *Lord's Day Act*, chapter one hundred and twenty-three of the Revised Statutes of Canada, 1927.

Persons to whom this section does not apply.

(4) The provisions of this section shall not apply in the case of persons holding positions of supervision or management, nor to persons employed in a confidential capacity.

Regulations for total or partial exceptions.

4. (1) The Governor in Council may make regulations authorizing total or partial exceptions including suspensions or diminutions from the provisions of the next preceding section, and in making such regulations shall have special regard to all proper humanitarian and economic consideration, and shall consult with responsible associations of employers or workers whenever such exist.

For compensatory periods of rest.

(2) By such regulations it shall be provided that as far as possible there shall be compensatory periods of rest for the suspensions or diminutions made, except in cases where agreements or customs already provide for such periods.

To be sent to International Labour Office.

(3) The regulations shall provide for the communication of the said regulations and amendments thereof to the International Labour Office at Geneva.

When notice of days and hours of rest to be posted.

5. Where the weekly rest given does not coincide with the Lord's Day as defined in the *Lord's Day Act*, the employer shall make known the days and hours of rest by means of notices posted conspicuously in the establishment or any other convenient place, or in any other manner determined by the Governor in Council by regulation.

R.S., c. 123, sec. 5, ss. 2 repealed.

6. Subsection two of section five of the *Lord's Day Act* is repealed.

Penalty for violation.

7. Every employer who violates, or fails or omits to comply with any provision of this Act shall for each offence be liable on summary conviction to a fine not exceeding one hundred dollars and not less than twenty dollars in addition to any other penalty prescribed by law for the same offence.

Lord's Day Act not affected except by section six hereof.

8. Nothing in this Act contained except section six thereof shall be construed as amending, repealing, or otherwise affecting the operation of any provision of the *Lord's Day Act*.

Commencement of Act.

9. This Act shall come into force three months after the date on which it is assented to.

Explanatory Note.

6. Section 5 of the Lord's Day Act, of which subsection 2 is to be repealed, reads as follows:—

"**5.** Except in cases of emergency, it shall not be lawful for any person to require any employee engaged in any work of receiving, transmitting or delivering telegraph or telephone messages, or in the work of any industrial process, or in connection with transportation, to do on the Lord's Day the usual work of his ordinary calling, unless such employee is allowed during the next six days of such week, twenty-four consecutive hours without labour.

2. This section shall not apply to any employee engaged in the work of any industrial process in which the regular day's labour of such employee is not more than eight hours' duration."

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

An Act to authorize an agreement between His Majesty the King and the Corporation of the City of Ottawa.

First reading, February 25, 1935.

THE MINISTER OF PUBLIC WORKS.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92682 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

An Act to authorize an agreement between His Majesty the King and the Corporation of the City of Ottawa.

1920, c. 15; 1924, c. 59; 1925, c. 21; 1931, c. 43; 1932, c. 11; 1932-33, c. 17; 1934, c. 7.

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, 1934, the provisions of the existing agreement between His Majesty the King and the Corporation, dated the thirtieth day of March, 1920, which last mentioned agreement as amended was extended to the first day of July, 1934, under the authority of chapter seven of the statutes of 1934.

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 1st July, 1930, and the Minister was empowered to agree on behalf of His Majesty to pay to the Corporation annually the sum of $100,000 during the said period of five years from 1st July, 1925, instead of the annual sum of $75,000 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 1st July, 1931; by chapter 11 of the statutes of 1932, it was extended to 1st July, 1932; by chapter 17 of the statutes of 1932-33, it was extended to 1st July, 1933, and by chapter 7 of the statutes of 1934, it was further extended to 1st July, 1934.

The present object is to extend the agreement for one year.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

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,
1st MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92684 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

An Act to authorize an agreement between His Majesty the King and the Corporation of the City of Ottawa.

1920, c. 15; 1924, c. 59; 1925, c. 21; 1931, c. 43; 1932, c. 11; 1932-33, c. 17; 1934, c. 7.

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, 1934, the provisions of the existing agreement between His Majesty the King and the Corporation, dated the thirtieth day of March, 1920, which last mentioned agreement as amended was extended to the first day of July, 1934, under the authority of chapter seven of the statutes of 1934.

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 1st July, 1930, and the Minister was empowered to agree on behalf of His Majesty to pay to the Corporation annually the sum of $100,000 during the said period of five years from 1st July, 1925, instead of the annual sum of $75,000 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 1st July, 1931; by chapter 11 of the statutes of 1932, it was extended to 1st July, 1932; by chapter 17 of the statutes of 1932-33, it was extended to 1st July, 1933, and by chapter 7 of the statutes of 1934, it was further extended to 1st July, 1934.

The present object is to extend the agreement for one year.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 24.

An Act respecting the Canadian National Railways and to authorize the provision of moneys to meet expenditures made and indebtedness incurred during the calendar year 1935.

First reading, March 4, 1935.

The MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94450 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 24.

An Act respecting the Canadian National Railways and to authorize the provision of moneys to meet expenditures made and indebtedness incurred during the calendar year 1935.

1931, c. 22; 1932, c. 25; 1932-33, c. 34; 1934, c. 28.

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 Act, 1935.*

Power to issue notes 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 (hereinafter called "the National Company") may issue notes (hereinafter called "notes"), payable on such terms and at such rates of interest as the Governor in Council may approve, to provide the amounts necessary to meet expenditures made or indebtedness incurred during the calendar year 1935 (where amounts available from net operating income or investments may be insufficient) by or on behalf of the National Company or any Company comprised in the Canadian National Railways (as defined in chapter ten of the statutes of Canada, 1929), or any company controlled by stock ownership or otherwise by any company comprised in the Canadian National Railways, or by the National Company in respect of any of the Canadian Government Railways entrusted to the National Company, or any one or more of such companies, or any or all of the following accounts, such expenditures or indebtedness being hereinafter called "authorized expenditures",—

(a) Equipment principal payments, sinking funds, miscellaneous maturing or matured notes and other obligations secured or unsecured, not exceeding $8,700,000.

(b) Construction and betterments, including co-ordinations; acquisition of real or personal property, and working capital, not exceeding $5,500,000.

Provided, however, that for such purposes the aggregate principal amount at any one time outstanding of the notes which the National Company is hereby authorized to issue from time to time shall not exceed the sum of $14,200,000, being the total of the items hereinabove 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 loans to the National Company out of the Consolidated Revenue Fund of Canada, for the purpose of meeting authorized expenditures, repayable on such terms and at such rates of interest as the Governor in Council may determine and secured by notes 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 Railways and Canals, 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 $14,200,000.

Minister of Finance may make advances on account of net income deficits.

4. The Minister of Finance with the approval of the Governor in Council may make from time to time during the fiscal year 1935-36, accountable advances not exceeding in the aggregate $44,000,000 to the National Company out of any unappropriated moneys in the Consolidated Revenue Fund of Canada to be applied by the National Company on account of the net income deficits, including such supplementary contribution to The Intercolonial and Prince Edward Island Railways 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 Railways Employees' Provident Fund Act, notwithstanding the limitation contained in section four of the said Act, and including profit and lose but not including non-cash items and interest on Dominion Government advances, of the National Company or of any other or others of the said companies, which expression as used here and hereinafter shall include the Canadian Government Railways entrusted as aforesaid, from time to time arising within the calendar year 1935, upon applications, approved by the Minister of Railways and Canals, made by the National Company to the Minister of Finance for such advances, and the total amount of the net income deficits for the calendar year 1935, as certified by auditors appointed to audit the accounts of the National Company and of any other or others of the said companies, shall be included in the Estimates submitted to Parliament at its first session following the close of the said calendar year.

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, 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 from time to time:—

(a) Apply the proceeds of any issue of notes in meeting authorized expenditures on its own account or on account of any other or others of the said companies;

(b) Make advances for the purpose of meeting authorized expenditures to any other or others of the said companies, upon or without any security, at discretion;

(c) Apply any and all accountable advances made by the Minister of Finance to the National Company under the provisions of section four of this Act on account of the net income deficits, in the said section described, of the National Company, or of any other or others of the said companies.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 24.

An Act respecting the Canadian National Railways and to authorize the provision of moneys to meet expenditures made and indebtedness incurred during the calendar year 1935.

AS PASSED BY THE HOUSE OF COMMONS, 15th APRIL, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94452 1935

6th Session, 17th Parliament, 25 George V, 193

THE HOUSE OF COMMONS OF CANADA

BILL 24.

An Act respecting the Canadian National Railways and to authorize the provision of moneys to meet expenditures made and indebtedness incurred during the calendar year 1935.

1931, c. 22; 1932, c. 25; 1932-33, c. 34; 1934, c. 28.

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 Act, 1935.*

Power to issue notes 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 (hereinafter called "the National Company") may issue notes (hereinafter called "notes"), payable on such terms and at such rates of interest as the Governor in Council may approve, to provide the amounts necessary to meet expenditures made or indebtedness incurred during the calendar year 1935 (where amounts available from net operating income or investments may be insufficient) by or on behalf of the National Company or any Company comprised in the Canadian National Railways (as defined in chapter ten of the statutes of Canada, 1929), or any company controlled by stock ownership or otherwise by any company comprised in the Canadian National Railways, or by the National Company in respect of any of the Canadian Government Railways entrusted to the National Company, or any one or more of such companies, or any or all of the following accounts, such expenditures or indebtedness being hereinafter called "authorized expenditures",—

(a) Equipment principal payments, sinking funds, miscellaneous maturing or matured notes and other obligations secured or unsecured, not exceeding $8,700,000.

(b) Construction and betterments, including co-ordinations; acquisition of real or personal property, and working capital, not exceeding $5,500,000.

Provided, however, that for such purposes the aggregate principal amount at any one time outstanding of the notes which the National Company is hereby authorized to issue from time to time shall not exceed the sum of $14,200,000, being the total of the items hereinabove 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 loans to the National Company out of the Consolidated Revenue Fund of Canada, for the purpose of meeting authorized expenditures, repayable on such terms and at such rates of interest as the Governor in Council may determine and secured by notes 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 Railways and Canals, 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 $14,200,000.

Minister of Finance may make advances on account of net income deficits.

4. The Minister of Finance with the approval of the Governor in Council may make from time to time during the fiscal year 1935-36, accountable advances not exceeding in the aggregate $44,000,000 to the National Company out of any unappropriated moneys in the Consolidated Revenue Fund of Canada to be applied by the National Company on account of the net income deficits, including such supplementary contribution to The Intercolonial and Prince Edward Island Railways 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 Railways Employees' Provident Fund Act, notwithstanding the limitation contained in section four of the said Act, and including profit and lose but not including non-cash items and interest on Dominion Government advances, of the National Company or of any other or others of the said companies, which expression as used here and hereinafter shall include the Canadian Government Railways entrusted as aforesaid, from time to time arising within the calendar year 1935, upon applications, approved by the Minister of Railways and Canals, made by the National Company to the Minister of Finance for such advances, and the total amount of the net income deficits for the calendar year 1935, as certified by auditors appointed to audit the accounts of the National Company and of any other or others of the said companies, shall be included in the Estimates submitted to Parliament at its first session following the close of the said calendar year.

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, 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 from time to time:—

(a) Apply the proceeds of any issue of notes in meeting authorized expenditures on its own account or on account of any other or others of the said companies;

(b) Make advances for the purpose of meeting authorized expenditures to any other or others of the said companies, upon or without any security, at discretion;

(c) Apply any and all accountable advances made by the Minister of Finance to the National Company under the provisions of section four of this Act on account of the net income deficits, in the said section described, of the National Company, or of any other or others of the said companies.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 25.

An Act to amend the Meat and Canned Foods Act.

First reading, March 5, 1935.

The Acting MINISTER OF FISHERIES.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94382 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 25.

An Act to amend the Meat and Canned Foods Act.

R.S., c. 77; 1934, c. 38.

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

1. Section seventeen of the *Meat and Canned Foods Act*, chapter seventy-seven of the Revised Statutes of Canada, 1927, is amended by adding thereto the following as subsection two:—

Power to prescribe fees for inspection.

"(2) The Governor in Council may from time to time prescribe a tariff of fees that shall be charged for the inspection of canned fish and shellfish."

Explanatory Notes.

Section 4 of the Meat and Canned Foods Act authorizes the Governor in Council to make such orders and regulations, not inconsistent with the provisions of the Act, as seem necessary for carrying out its provisions. Section 18 of the Act authorizes regulations for the inspection of canned fish and shellfish. By Order in Council of April 4th, 1932, regulations for the inspection of all canned salmon packed in British Columbia were adopted. Section 20 of these regulations provides for a fee for inspection at the rate of one cent per case. The fee is a reasonable one, and at present covers only the cost of inspection. No difficulty has arisen in the collection of the fee, but there is room for doubt as to whether, in the absence of a specific statutory provision, it can legally be required. As fees paid in the past are not recoverable, the amendment does not need to be retroactive.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 25.

An Act to amend the Meat and Canned Foods Act.

AS PASSED BY THE HOUSE OF COMMONS,
7th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

94384

6th Session, 17th Parliament, 25-26 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 25.

An Act to amend the Meat and Canned Foods Act.

R.S., c. 77; 1934, c. 38.

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

1. Section seventeen of the *Meat and Canned Foods Act*, chapter seventy-seven of the Revised Statutes of Canada, 1927, is amended by adding thereto the following as subsection two:—

Power to prescribe fees for inspection.

"(2) The Governor in Council may from time to time prescribe a tariff of fees that shall be charged for the inspection of canned fish and shellfish."

Explanatory Notes.

Section 4 of the Meat and Canned Foods Act authorizes the Governor in Council to make such orders and regulations, not inconsistent with the provisions of the Act, as seem necessary for carrying out its provisions. Section 18 of the Act authorizes regulations for the inspection of canned fish and shellfish. By Order in Council of April 4th, 1932, regulations for the inspection of all canned salmon packed in British Columbia were adopted. Section 20 of these regulations provides for a fee for inspection at the rate of one cent per case. The fee is a reasonable one, and at present covers only the cost of inspection. No difficulty has arisen in the collection of the fee, but there is room for doubt as to whether, in the absence of a specific statutory provision, it can legally be required. As fees paid in the past are not recoverable, the amendment does not need to be retroactive.

Sixth Session, Seventeenth Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 26.

An Act to amend The Fisheries Act, 1932.

First reading, March 5, 1935.

The Acting MINISTER OF FISHERIES.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94378 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 26.

An Act to amend The Fisheries Act, 1932.

1932, c. 42; 1934, c. 6.

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

1. Section seven of *The Fisheries Act, 1932,* chapter 42 of the statutes of 1932, is amended by adding thereto the following as subsection two:—

Power to prescribe fees for fishery licences.

"(2). Except where licence fees are prescribed in this Act, the Governor in Council may from time to time prescribe the fees that shall be charged for fishery licences."

Explanatory Notes.

Section 34 of The Fisheries Act gives the Governor in Council authority, amongst other things, "to forbid fishing except under authority of leases or licences." There was similar authority in previous Fisheries Acts since Confederation. Under it, regulations have all along been adopted by Order in Council requiring, for administrative purposes, that licences must be obtained before engaging in certain kinds of fishing, and specifying fees for such licences. While no difficulty has arisen in the collection of the fees, there is room for doubt as to whether in the absence of specific statutory provision, fees can legally be required. As fees paid in the past are not recoverable, the amendment does not need to be retroactive.

The exception referred to is section 9, subsection 4, of the Act, which provides a fee of fifty dollars for hunting whales in Hudson Bay.

As a lease implies a rental the charge would not come within the category of a fee.

Sixth Session, Seventeenth Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 26.

An Act to amend The Fisheries Act, 1932.

AS PASSED BY THE HOUSE OF COMMONS, 18th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94380 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 26.

An Act to amend The Fisheries Act, 1932.

1932, c. 42; 1934, c. 6.

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

1. Section seven of *The Fisheries Act, 1932*, chapter forty-two of the statutes of 1932, is amended by adding thereto the following as subsection two:—

Power to prescribe fees for fishery licences.

"(2). Except where licence fees are prescribed in this Act, the Governor in Council may from time to time prescribe the fees that shall be charged for fishery licences."

Explanatory Notes.

Section 34 of The Fisheries Act gives the Governor in Council authority, amongst other things, "to forbid fishing except under authority of leases or licences." There was similar authority in previous Fisheries Acts since Confederation. Under it, regulations have all along been adopted by Order in Council requiring, for administrative purposes, that licences must be obtained before engaging in certain kinds of fishing, and specifying fees for such licences. While no difficulty has arisen in the collection of the fees, there is room for doubt as to whether in the absence of specific statutory provision, fees can legally be required. As fees paid in the past are not recoverable, the amendment does not need to be retroactive.

The exception referred to is section 9, subsection 4, of the Act, which provides a fee of fifty dollars for hunting whales in Hudson Bay.

As a lease implies a rental the charge would not come within the category of a fee.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 32.

An Act respecting the Additional Protocol of 1935 to The Canada-France Trade Agreement of 1933.

First reading, March 11, 1935.

The PRIME MINISTER.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

95245

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 32.

An Act respecting the Additional Protocol of 1935 to The Canada-France Trade Agreement of 1933.

1932-33, c. 31.

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 Supplementary Canada-France Trade Agreement Act, 1935.*

Additional Protocol approved.

2. The Additional Protocol to the Trade Agreement between Canada and France 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.

Rates of duty on natural and manufactured products.

3. After the said Additional Protocol is brought into force and so long as it remains in force, the natural and manufactured products mentioned in the said Additional Protocol, originating in and coming from the French customs territory, the French colonies and countries under French protectorates and territories under French mandate, imported into the Dominion of Canada in the manner provided in the said Additional Protocol, shall be admitted to the Dominion of Canada at the rates of duties provided in the said Additional Protocol.

Orders in Council authorized.

4. 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 Additional Protocol.

When Act comes into force.

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

SCHEDULE

Additional Protocol to the Trade Agreement Between Canada and France.

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, and the President of the French Republic, desiring to develop commercial relations between Canada and France on the basis of the Trade Agreement signed May 12th, 1933, have resolved to conclude an Additional Protocol to this Agreement and, for that purpose, have appointed as their respective plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, for the Dominion of Canada:

The Right Honourable Richard Bedford Bennett, Prime Minister, President of the Privy Council and Secretary of State for External Affairs;

The President of the French Republic:

Monsieur Raymond Brugère, Envoy Extraordinary and Minister Plenipotentiary of the French Republic in Canada, Officer of the National Order of the Legion of Honour;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following provisions:

Article 1.

The natural or manufactured products, originating in and coming from Canada, enumerated in supplementary Schedule A to this additional Protocol, shall enjoy, on their importation into French Customs Territory, the French Minimum Tariff, that is to say the most favoured foreign nation treatment.

The natural or manufactured products, originating in and coming from Canada, enumerated in supplementary Schedule A to this additional Protocol, enjoying the French Minimum Tariff, are entitled to the lowest rates which France accords or may accord to the same or similar products of any other foreign country.

ARTICLE 2.

The natural or manufactured products, originating in and coming from French Customs Territory, enumerated in supplementary Schedule C to this additional Protocol, shall enjoy, on their importation into Canada, the rates of the Canadian Intermediate Tariff, it being understood, however, that of the amount of duty to be paid, under the said tariff, the importer shall have the benefit of the percentages of discount indicated in the said supplementary Schedule.

The natural or manufactured products, originating in and coming from French Customs Territory, enumerated in supplementary Schedule C to this additional Protocol, shall enjoy any other more favourable tariff rates which Canada may accord to the same or similar products of any other foreign country.

ARTICLE 3.

The natural or manufactured products, originating in and coming from Canada, enumerated in supplementary Schedule A to this additional Protocol, and the natural or manufactured products, originating in and coming from French Customs Territory, enumerated in supplementary Schedule C to this additional Protocol shall, on their importation into the territory of the other Party, enjoy the most favourable rates accorded to any foreign country, that may arise from modifications made in the tariff classification as a result of administrative or legislative action or of conventions entered into with other countries.

ARTICLE 4.

The natural or manufactured products, originating in and coming from Canada, enumerated in supplementary Schedule A to this additional Protocol, on their importation into French colonies, which are called "assimilées," that is, which have in principle the same customs tariff as France, shall enjoy the minimum tariff whether this tariff is the French tariff or a special tariff.

In French colonies described as "non assimilées," that is, which have a special customs tariff, as well as in countries under French protectorate, the natural or manufactured products, originating in and coming from Canada, enumerated in supplementary Schedule A to this additional Protocol, shall enjoy the lowest customs tariff.

The natural or manufactured products, originating in and coming from French colonies "assimilées" and "non assimilées," countries under French protectorate and territories under French mandate, enumerated in supplementary Schedule C to this additional Protocol, on their

importation into Canada, shall be subject to the duties of the Canadian Intermediate Tariff, provided, however, that on the amount of the duty computed under the said tariff, the importer shall be entitled to the percentages of discount enumerated in the said Schedule.

The natural or manufactured products, originating in and coming from French colonies, "assimilées" and "non assimilées," countries under French protectorate and territories under French mandate, enumerated in supplementary Schedule C to this additional Protocol, shall enjoy any other more favourable tariff rate which Canada may accord to the same or similar products of any other foreign country.

ARTICLE 5.

With regard to the quantitative restrictions on imports into France, the French Government undertake to grant to Canada for each of the products enumerated in Schedule E to this additional Protocol, a share of the global basic quota corresponding to the percentage indicated for each product in Schedule E. These percentages shall not be reduced whether the global quotas be increased or reduced. This undertaking shall not be interpreted as preventing the abolition of existing quotas.

Moreover, with respect to any quota which may be imposed in the future on any commodity, the French Government undertake to accord to Canada the full share mathematically attributable on the basis of the proportion of imports from Canada of that commodity compared with the total French imports of that commodity in the base period.

With regard to the administration of quotas, Canada shall, in any case when a request to this effect is made by the Canadian Government, be granted, under the same conditions and reservations, the most favourable treatment accorded to any other country in respect of like products.

The administration of quotas on frozen salmon (Ex. No. 45 of the French Customs Tariff) and on preserved or prepared lobster (Ex. No. 49 of the French Customs Tariff) shall be carried out in Canada under the conditions provided in the Note annexed to Schedule A of the Agreement of May 12, 1933 (*re* Nos. 47 and 49 of the French Customs Tariff). In the event that the importation of preserved crustaceans is controlled by a system of import licences, the French Government shall take over the administration of the quotas.

ARTICLE 6.

The products, originating in and coming from Canada, enumerated in Schedule F to this additional Protocol, shall

be entitled, on their importation into French Customs Territory during the fourth quarter of 1934, to the quotas indicated in the said Schedule.

With regard to the products enumerated in the said Schedule F the French Government shall give sympathetic consideration to the possibility of granting quotas to Canada for subsequent quarterly periods.

The import licences for the products originating in and coming from Canada enumerated in Schedule F to this additional Protocol, shall bear the visa of the Canadian officials in Paris duly authorized for this purpose by their Government.

ARTICLE 7.

In the event that the system of temporary admission of wheat into France is modified or abandoned, and that suitable facilities are not provided whereby wheat, the produce of Canada, would retain marketing opportunities in France equivalent to those now enjoyed, the French Government recognize the right of the Canadian Government, with regard to the advantages conceded by the present additional Protocol in respect of wines, liqueurs, Cognac and Armagnac, specified in supplementary Schedule C to this additional Protocol, to take whatever measures they may consider advisable, provided that these measures shall not constitute a discrimination against France as compared with any other foreign country.

ARTICLE 8.

The increase in the rate of the import tax provided by Article 32 of the Law of March 31, 1932, shall not apply, as long as the present additional Protocol remains in force, to products originating in Canada, in accordance with the terms of the decree of September 29, 1934.

ARTICLE 9.

Maple sugar and maple syrup (Ex 91 and Ex 93 French Customs Tariff) imported into France by the French Tobacco Monopoly for use in the preparation of tobaccos shall be exempt from internal taxes in accordance with the provisions of the Law of April 8, 1910. Maple sugar and maple syrup imported under these conditions shall not be subject to the provisions of the decree of December 5, 1931, nor to the regulations introduced under this decree in particular that of October 8, 1934, concerning the importation of sugar.

Maple sugar and maple syrup imported into France under other conditions than those set forth in the preceding paragraph, shall remain subject to internal taxes and such importations shall be limited to an annual quota of 1,000 kilograms.

ARTICLE 10.

The value for duty of layettes and clothing for children up to and including the age of 4 years, fixed under authority of Order in Council No. 2838 of November 12, 1931, shall be reduced to $4.50 per dozen.

The value for duty of cherries "glacé" fixed at 8 francs per kilogram, shall be reduced by 20 per cent.

These provisions concerning value for duty shall be applied in accordance with the general provisions of the Canadian Customs Tariff and shall be extended to the above mentioned products originating in and coming from French Customs Territory on their importation into Canada.

ARTICLE 11.

The Canadian Government renew the undertakings under Article 11 of the Trade Agreement of May 12, 1933, with regard to the protection of appellations of origin of agricultural and wine or other products which have been or may be registered in conformity with the provisions of the said Article.

ARTICLE 12.

The provisions of the Trade Agreement of May 12, 1933, in so far as they are not modified, amended or replaced by the provisions of the present additional Protocol, shall remain in force.

ARTICLE 13.

The present additional Protocol shall come into force on the date which the High Contracting Parties shall fix by joint agreement and shall remain in force as long as the Trade Agreement of May 12, 1933, of which it forms an integral part, remains in effect.

It shall be ratified and the ratifications shall be exchanged at Ottawa as soon as possible.

It may be terminated in the manner provided for in Article 17 of the above mentioned Agreement.

IN WITNESS WHEREOF the respective plenipotentiaries, duly authorized, have signed the present additional Protocol and have affixed thereto their seals.

Done, in duplicate, in English and in French, at Ottawa on the twenty-sixth day of February, in the year of Our Lord one thousand nine hundred and thirty-five.

(L.S.) R. B. BENNETT.

(L.S.) R. BRUGÈRE.

SUPPLEMENTARY SCHEDULE A

CANADIAN PRODUCTS SUBJECT, ON THEIR IMPORTATION INTO THE FRENCH CUSTOMS TERRITORY, TO THE DUTIES OF THE FRENCH MINIMUM TARIFF

Number of French Customs Tariff		—	—
Ex	16B	Frozen pig livers	Minimum tariff
Ex	49	Lobsters, preserved or prepared (within the limits of the annual quota)	Minimum tariff
	68	Wheat, spelt, meslin in grain or in flour	Minimum tariff
	69	Oats	Minimum tariff
	70	Barley	Minimum tariff
	71	Rye	Minimum tariff
Ex	76	Groats and rolled oats	Minimum tariff
	83	Potatoes destined to the French West Indies	Minimum tariff
Ex	115	Resinous products artificially prepared, except synthetic resins listed under item 0376 bis	Minimum tariff
Ex	168	Wood-pulp, chemical, dry, bleached, treated with bi-sulphite, sulphate or soda	Minimum tariff
Ex	174	Whisky	Minimum tariff
	222	Lead	Minimum tariff
	224	Zinc	Minimum tariff
Ex	0376 bis	Synthetic resins produced by the condensation of aldehydes with vinyl alcohol	Minimum tariff
Ex	0381	Vinyl acetate	Minimum tariff
	0381 bis	Derivatives of glycol, glycol ethylene (irgasol)	Minimum tariff
Ex	462	Insulating board of vegetable fibre of a thickness exceeding 10 m/m	Minimum tariff
Ex	495 C	Pen nibs of gold, including pen nibs for fountain pens	Minimum tariff
	595	Casks, empty, serviceable, staves fitted together or not, hooped with wood or metal	Minimum tariff
	597	Builders' and cartwrights' wood, shaped	Minimum tariff
	600	Wood planed, grooved and/or tongued, etc	Minimum tariff
Ex	602 bis	Canoe paddles	Minimum tariff
	603 quater A	Veneer sheets and leaves, etc	Minimum tariff
	603 quater B	Veneers and counterveneers	Minimum tariff
	603 quater C	Other wares of wood	Minimum tariff
	617	River boats	Minimum tariff
	617 bis	Collapsible canoes with hull of rubberized tissues	Minimum tariff
	620 N, 1	Footwear of all kinds with uppers of rubber or other material, single or double, rubberized and soles of rubber or other material glued or attached in any other manner	Minimum tariff

SUPPLEMENTARY SCHEDULE C.

FRENCH PRODUCTS SUBJECT, ON THEIR IMPORTATION INTO CANADA, TO THE INTERMEDIATE TARIFF RATES LESS DISCOUNTS AS HEREINAFTER INDICATED BASED UPON PERCENTAGES OF THE RATES PAYABLE BY VIRTUE OF SAID INTERMEDIATE TARIFF OR SUBJECT TO THE SAME RATE AS THE BRITISH PREFERENTIAL TARIFF.

Number of Canadian Customs Tariff		—	—
Ex	17	Cheese: Roquefort, Camembert, Pont-l'Eveque, Bleu d'Auvergne, Munster	Intermediate tariff less a discount of 15 p.c.
Ex	30	Pepper, unground	Intermediate tariff less a discount of 20 p.c.
Ex	85	Mushrooms, canned, the weight of the packages to be included in the weight for duty	Intermediate tariff less a discount of 25 p.c.
Ex	141	Candied chestnuts	Intermediate tariff less a discount of 10 p.c. of the ad valorem rate.
Ex	156	Liqueurs	Intermediate tariff less a discount of 10 p.c.
Ex	156	Cognac brandy and Armagnac brandy	Intermediate tariff less a discount of 20 p.c.
Ex	160	Alcoholic perfumes and perfumed spirits:— *(a)* when in bottles or flasks containing not more than four ounces each	Intermediate tariff less a discount of 33·33 p.c.
Ex	163	Wines of the fresh grape of all kinds, not sparkling, imported in barrels or in bottles:— *(a)* containing not more than 23 p.c. proof apirit	Intermediate tariff less a discount of 63·63 p.c.
		(b) for sacramental purposes, containing not more than 26 p.c. proof spirit	Intermediate tariff less a discount of 63·63 p.c.
	165	Champagne and all other sparkling wines:— *(a)* in bottles containing each not more than a quart but more than a pint (old wine measure)	Intermediate tariff less a discount of 20 p.c.
		(b) in bottles containing not more than a pint each, but more than one-half pint (old wine measure)	Intermediate tariff less a discount of 20 p.c.
		(c) in bottles containing on-half pint each or less (old wine measure)	Intermediate tariff less a discount of 20 p.c.
		(d) in bottles containing over one quart each (old wine measure)	Intermediate tariff less a discount of 20 p.c.
Ex	178	Advertising and printed matter, on paper or cardboard, printed in France, in the French language, describing and accompanying French products	Same rate as British preferential tariff.
Ex Ex	197 198	Cigarette paper, gummed or not, in rolls	Intermediate tariff of Item 197 less a discount of 10 p.c.
Ex	199	Cigarette papers, gummed or not, in tubes, booklets or packets	Intermediate tariff less a discount of 15 p.c.

SUPPLEMENTARY SCHEDULE C—*Concluded*

FRENCH PRODUCTS SUBJECT ON THEIR IMPORTATION INTO CANADA TO THE INTERMEDIATE TARIFF RATES LESS DISCOUNTS AS HEREINAFTER INDICATED BASED UPON PERCENTAGES OF THE RATES PAYABLE BY VIRTUE OF SAID INTERMEDIATE TARIFF OR SUBJECT TO THE SAME RATE AS THE BRITISH PREFERENTIAL TARIFF.

Number of Canadian Customs Tariff		—	—
Ex	529	Lace, nettings and bobinet, n.o.p., wholly of cotton.....	Intermediate tariff less a discount of 20 p.c.
Ex	529	Lace and embroideries, wholly of cotton, coloured, imported by manufacturers for use exclusively in the manufacture of clothing in their own factories.....	Intermediate tariff: 17½ p.c.
	529 a	Lace and embroideries, wholly of cotton, not coloured, imported by manufacturers for use exclusively in the manufacture of clothing in their own factories.....	Intermediate tariff less a discount of 15 p.c.
Ex	535 a	Fibres of raffia or of sisal, n.o.p.....	Intermediate tariff less a discount of 20 p.c.
	545	Lace and embroideries, wholly of flax, or of hemp, or of flax, hemp and cotton, not coloured, imported by manufacturers for use exclusively in the manufacture of clothing in their own factories.....	Intermediate tariff less a discount of 20 p.c.
Ex	565	Embroideries and lace, whether containing tinsel or not, nettings and bobinet, n.o.p.....	Intermediate tariff less a discount of 15 p.c.
Ex	568 c	Women's dress gloves of kid, elbow length.....	Intermediate tariff less a discount of 35 p.c.

SCHEDULE E.

PERCENTAGES OF THE BASIC GLOBAL QUOTAS ACCORDED TO CANADIAN PRODUCTS

Number of French Customs Tariff		—	Percentages
	36	Cheese	1·2 p.c.
Ex	45	Salmonoids other than trout	15 p.c.
Ex	49	Lobsters, preserved or prepared	9·82 p.c.
	70	Barley	1 p.c.
Ex	84	Fresh apples and pears	3·3 p.c. in 4th quarter. 4·7 p.c. in 1st quarter.
	94	Sugared biscuits	0·80 p.c.
	128, 128 bis and 133	Common wood	0·12 p.c.
Ex	158 C	Tomatoes preserved	1·72 p.c.
	222	Lead	3·25 p.c.
Ex	462	Insulating board of vegetable fibre of a thickness exceeding 10 m/m	5 p.c.
Ex	476 bis	Patent leather	5·42 p.c.
Ex	476 ter	Calf and other small skins	1·80 p.c.
Ex	522	Agricultural machinery:	
		cultivators, spring harrows, horse rakes, etc	11·58 p.c.
		harvesters, binders, reapers	8·28 p.c.
		other agricultural machinery	3·86 p.c.
	597 and 600	Builders' and cartwrights' wood, shaped, wood planed, grooved and/or tongued, boards, flooring strips	9 p.c.
	603 quarter A	Veneer sheets and leaves	4·27 p.c.
	603 quarter B	Veneers and counterveneers	1·60 p.c.
Ex	614 ter	Passenger automobiles	12·55 p.c.
Ex	646 2 E	Ice skates	5·68 p.c. of the total quarterly quotas for the 3rd and 4th quarters of each year.

SCHEDULE F.

ADDITIONAL QUOTAS

Number of French Customs Tariff		—	—
Ex	347 bis A	Porcelain insulators without parts of metal	30 quintals
Ex	347 bis B	Porcelain insulators with parts of metal	50 quintals
	524 bis K	Electric heating apparatus including electric stoves	100 quintals
Ex	524 bis M	Vacuum cleaners and parts thereof	10 quintals

PROTOCOL OF SIGNATURE

At the time of signing the present additional Protocol, the undersigned plenipotentiaries declare that its provisions entirely replace the provisions of the exchange of Notes of September 29, 1934.

IN WITNESS WHEREOF the respective plenipotentiaries, duly authorized, have signed the present additional Protocol.

R. B. BENNETT.

R. BRUGÈRE.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 32.

An Act respecting the Additional Protocol of 1935 to The Canada-France Trade Agreement of 1933.

AS PASSED BY THE HOUSE OF COMMONS, 15th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95247 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 32.

An Act respecting the Additional Protocol of 1935 to The Canada-France Trade Agreement of 1933.

1932-33, c. 31.

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 Supplementary Canada-France Trade Agreement Act, 1935.*

Additional Protocol approved.

2. The Additional Protocol to the Trade Agreement between Canada and France 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.

Rates of duty on natural and manufactured products.

3. After the said Additional Protocol is brought into force and so long as it remains in force, the natural and manufactured products mentioned in the said Additional Protocol, originating in and coming from the French customs territory, the French colonies and countries under French protectorates and territories under French mandate, imported into the Dominion of Canada in the manner provided in the said Additional Protocol, shall be admitted to the Dominion of Canada at the rates of duties provided in the said Additional Protocol.

Orders in Council authorized.

4. 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 Additional Protocol.

When Act comes into force.

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

SCHEDULE

Additional Protocol to the Trade Agreement Between Canada and France.

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, and the President of the French Republic, desiring to develop commercial relations between Canada and France on the basis of the Trade Agreement signed May 12th, 1933, have resolved to conclude an Additional Protocol to this Agreement and, for that purpose, have appointed as their respective plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, for the Dominion of Canada:

The Right Honourable Richard Bedford Bennett, Prime Minister, President of the Privy Council and Secretary of State for External Affairs;

The President of the French Republic:

Monsieur Raymond Brugère, Envoy Extraordinary and Minister Plenipotentiary of the French Republic in Canada, Officer of the National Order of the Legion of Honour;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following provisions:

Article 1.

The natural or manufactured products, originating in and coming from Canada, enumerated in supplementary Schedule A to this additional Protocol, shall enjoy, on their importation into French Customs Territory, the French Minimum Tariff, that is to say the most favoured foreign nation treatment.

The natural or manufactured products, originating in and coming from Canada, enumerated in supplementary Schedule A to this additional Protocol, enjoying the French Minimum Tariff, are entitled to the lowest rates which France accords or may accord to the same or similar products of any other foreign country.

ARTICLE 2.

The natural or manufactured products, originating in and coming from French Customs Territory, enumerated in supplementary Schedule C to this additional Protocol, shall enjoy, on their importation into Canada, the rates of the Canadian Intermediate Tariff, it being understood, however, that of the amount of duty to be paid, under the said tariff, the importer shall have the benefit of the percentages of discount indicated in the said supplementary Schedule.

The natural or manufactured products, originating in and coming from French Customs Territory, enumerated in supplementary Schedule C to this additional Protocol, shall enjoy any other more favourable tariff rates which Canada may accord to the same or similar products of any other foreign country.

ARTICLE 3.

The natural or manufactured products, originating in and coming from Canada, enumerated in supplementary Schedule A to this additional Protocol, and the natural or manufactured products, originating in and coming from French Customs Territory, enumerated in supplementary Schedule C to this additional Protocol shall, on their importation into the territory of the other Party, enjoy the most favourable rates accorded to any foreign country, that may arise from modifications made in the tariff classification as a result of administrative or legislative action or of conventions entered into with other countries.

ARTICLE 4.

The natural or manufactured products, originating in and coming from Canada, enumerated in supplementary Schedule A to this additional Protocol, on their importation into French colonies, which are called "assimilées," that is, which have in principle the same customs tariff as France, shall enjoy the minimum tariff whether this tariff is the French tariff or a special tariff.

In French colonies described as "non assimilées," that is, which have a special customs tariff, as well as in countries under French protectorate, the natural or manufactured products, originating in and coming from Canada, enumerated in supplementary Schedule A to this additional Protocol, shall enjoy the lowest customs tariff.

The natural or manufactured products, originating in and coming from French colonies "assimilées" and "non assimilées," countries under French protectorate and territories under French mandate, enumerated in supplementary Schedule C to this additional Protocol, on their

importation into Canada, shall be subject to the duties of the Canadian Intermediate Tariff, provided, however, that on the amount of the duty computed under the said tariff, the importer shall be entitled to the percentages of discount enumerated in the said Schedule.

The natural or manufactured products, originating in and coming from French colonies, "assimilées" and "non assimilées," countries under French protectorate and territories under French mandate, enumerated in supplementary Schedule C to this additional Protocol, shall enjoy any other more favourable tariff rate which Canada may accord to the same or similar products of any other foreign country.

ARTICLE 5.

With regard to the quantitative restrictions on imports into France, the French Government undertake to grant to Canada for each of the products enumerated in Schedule E to this additional Protocol, a share of the global basic quota corresponding to the percentage indicated for each product in Schedule E. These percentages shall not be reduced whether the global quotas be increased or reduced. This undertaking shall not be interpreted as preventing the abolition of existing quotas.

Moreover, with respect to any quota which may be imposed in the future on any commodity, the French Government undertake to accord to Canada the full share mathematically attributable on the basis of the proportion of imports from Canada of that commodity compared with the total French imports of that commodity in the base period.

With regard to the administration of quotas, Canada shall, in any case when a request to this effect is made by the Canadian Government, be granted, under the same conditions and reservations, the most favourable treatment accorded to any other country in respect of like products.

The administration of quotas on frozen salmon (Ex. No. 45 of the French Customs Tariff) and on preserved or prepared lobster (Ex. No. 49 of the French Customs Tariff) shall be carried out in Canada under the conditions provided in the Note annexed to Schedule A of the Agreement of May 12, 1933 (*re* Nos. 47 and 49 of the French Customs Tariff). In the event that the importation of preserved crustaceans is controlled by a system of import licences, the French Government shall take over the administration of the quotas.

ARTICLE 6.

The products, originating in and coming from Canada, enumerated in Schedule F to this additional Protocol, shall

be entitled, on their importation into French Customs Territory during the fourth quarter of 1934, to the quotas indicated in the said Schedule.

With regard to the products enumerated in the said Schedule F the French Government shall give sympathetic consideration to the possibility of granting quotas to Canada for subsequent quarterly periods.

The import licences for the products originating in and coming from Canada enumerated in Schedule F to this additional Protocol, shall bear the visa of the Canadian officials in Paris duly authorized for this purpose by their Government.

ARTICLE 7.

In the event that the system of temporary admission of wheat into France is modified or abandoned, and that suitable facilities are not provided whereby wheat, the produce of Canada, would retain marketing opportunities in France equivalent to those now enjoyed, the French Government recognize the right of the Canadian Government, with regard to the advantages conceded by the present additional Protocol in respect of wines, liqueurs, Cognac and Armagnac, specified in supplementary Schedule C to this additional Protocol, to take whatever measures they may consider advisable, provided that these measures shall not constitute a discrimination against France as compared with any other foreign country.

ARTICLE 8.

The increase in the rate of the import tax provided by Article 32 of the Law of March 31, 1932, shall not apply, as long as the present additional Protocol remains in force, to products originating in Canada, in accordance with the terms of the decree of September 29, 1934.

ARTICLE 9.

Maple sugar and maple syrup (Ex 91 and Ex 93 French Customs Tariff) imported into France by the French Tobacco Monopoly for use in the preparation of tobaccos shall be exempt from internal taxes in accordance with the provisions of the Law of April 8, 1910. Maple sugar and maple syrup imported under these conditions shall not be subject to the provisions of the decree of December 5, 1931, nor to the regulations introduced under this decree in particular that of October 8, 1934, concerning the importation of sugar.

Maple sugar and maple syrup imported into France under other conditions than those set forth in the preceding paragraph, shall remain subject to internal taxes and such importations shall be limited to an annual quota of 1,000 kilograms.

ARTICLE 10.

The value for duty of layettes and clothing for children up to and including the age of 4 years, fixed under authority of Order in Council No. 2838 of November 12, 1931, shall be reduced to $4.50 per dozen.

The value for duty of cherries "glacé" fixed at 8 francs per kilogram, shall be reduced by 20 per cent.

These provisions concerning value for duty shall be applied in accordance with the general provisions of the Canadian Customs Tariff and shall be extended to the above mentioned products originating in and coming from French Customs Territory on their importation into Canada.

ARTICLE 11.

The Canadian Government renew the undertakings under Article 11 of the Trade Agreement of May 12, 1933, with regard to the protection of appellations of origin of agricultural and wine or other products which have been or may be registered in conformity with the provisions of the said Article.

ARTICLE 12.

The provisions of the Trade Agreement of May 12, 1933, in so far as they are not modified, amended or replaced by the provisions of the present additional Protocol, shall remain in force.

ARTICLE 13.

The present additional Protocol shall come into force on the date which the High Contracting Parties shall fix by joint agreement and shall remain in force as long as the Trade Agreement of May 12, 1933, of which it forms an integral part, remains in effect.

It shall be ratified and the ratifications shall be exchanged at Ottawa as soon as possible.

It may be terminated in the manner provided for in Article 17 of the above mentioned Agreement.

IN WITNESS WHEREOF the respective plenipotentiaries, duly authorized, have signed the present additional Protocol and have affixed thereto their seals.

Done, in duplicate, in English and in French, at Ottawa on the twenty-sixth day of February, in the year of Our Lord one thousand nine hundred and thirty-five.

(L.S.) R. B. BENNETT.

(L.S.) R. BRUGÈRE.

SUPPLEMENTARY SCHEDULE A

CANADIAN PRODUCTS SUBJECT, ON THEIR IMPORTATION INTO THE FRENCH CUSTOMS TERRITORY, TO THE DUTIES OF THE FRENCH MINIMUM TARIFF

Number of French Customs Tariff	—	—
Ex 16B	Frozen pig livers	Minimum tariff
Ex 49	Lobsters, preserved or prepared (within the limits of the annual quota)	Minimum tariff
68	Wheat, spelt, meslin in grain or in flour	Minimum tariff
69	Oats	Minimum tariff
70	Barley	Minimum tariff
71	Rye	Minimum tariff
Ex 76	Groats and rolled oats	Minimum tariff
83	Potatoes destined to the French West Indies	Minimum tariff
Ex 115	Resinous products artificially prepared, except synthetic resins listed under item 0376 bis	Minimum tariff
Ex 168	Wood-pulp, chemical, dry, bleached, treated with bi-sulphite, sulphate or soda	Minimum tariff
Ex 174	Whisky	Minimum tariff
222	Lead	Minimum tariff
224	Zinc	Minimum tariff
Ex 0376 bis	Synthetic resins produced by the condensation of aldehydes with vinyl alcohol	Minimum tariff
Ex 0381	Vinyl acetate	Minimum tariff
0381 bis	Derivatives of glycol, glycol ethylene (irgasol)	Minimum tariff
Ex 462	Insulating board of vegetable fibre of a thickness exceeding 10 m/m	Minimum tariff
Ex 495 C	Pen nibs of gold, including pen nibs for fountain pens	Minimum tariff
595	Casks, empty, serviceable, staves fitted together or not, hooped with wood or metal	Minimum tariff
597	Builders' and cartwrights' wood, shaped	Minimum tariff
600	Wood planed, grooved and/or tongued, etc	Minimum tariff
Ex 602 bis	Canoe paddles	Minimum tariff
603 quater A	Veneer sheets and leaves, etc	Minimum tariff
603 quater B	Veneers and counterveneers	Minimum tariff
603 quater C	Other wares of wood	Minimum tariff
617	River boats	Minimum tariff
617 bis	Collapsible canoes with hull of rubberized tissues	Minimum tariff
620 N, 1	Footwear of all kinds with uppers of rubber or other material, single or double, rubberized and soles of rubber or other material glued or attached in any other manner	Minimum tariff

SUPPLEMENTARY SCHEDULE C.

FRENCH PRODUCTS SUBJECT, ON THEIR IMPORTATION INTO CANADA, TO THE INTERMEDIATE TARIFF RATES LESS DISCOUNTS AS HEREINAFTER INDICATED BASED UPON PERCENTAGES OF THE RATES PAYABLE BY VIRTUE OF SAID INTERMEDIATE TARIFF OR SUBJECT TO THE SAME RATE AS THE BRITISH PREFERENTIAL TARIFF.

Number of Canadian Customs Tariff	—	—
Ex 17	Cheese: Roquefort, Camembert, Pont-l'Eveque, Bleu d'Auvergne, Munster	Intermediate tariff less a discount of 15 p.c.
Ex 30	Pepper, unground	Intermediate tariff less a discount of 20 p.c.
Ex 85	Mushrooms, canned, the weight of the packages to be included in the weight for duty	Intermediate tariff less a discount of 25 p.c.
Ex 141	Candied chestnuts	Intermediate tariff less a discount of 10 p.c. of the ad valorem rate.
Ex 156	Liqueurs	Intermediate tariff less a discount of 10 p.c.
Ex 156	Cognac brandy and Armagnac brandy	Intermediate tariff less a discount of 20 p.c.
Ex 160	Alcoholic perfumes and perfumed spirits:— *(a)* when in bottles or flasks containing not more than four ounces each	Intermediate tariff less a discount of 33·33 p.c.
Ex 163	Wines of the fresh grape of all kinds, not sparkling, imported in barrels or in bottles:— *(a)* containing not more than 23 p.c. proof apirit	Intermediate tariff less a discount of 63·63 p.c.
	(b) for sacramental purposes, containing not more than 26 p.c. proof spirit	Intermediate tariff less a discount of 63·63 p.c.
165	Champagne and all other sparkling wines:— *(a)* in bottles containing each not more than a quart but more than a pint (old wine measure)	Intermediate tariff less a discount of 20 p.c.
	(b) in bottles containing not more than a pint each, but more than one-half pint (old wine measure)	Intermediate tariff less a discount of 20 p.c.
	(c) in bottles containing on-half pint each or less (old wine measure)	Intermediate tariff less a discount of 20 p.c.
	(d) in bottles containing over one quart each (old wine measure)	Intermediate tariff less a discount of 20 p.c.
Ex 178	Advertising and printed matter, on paper or cardboard, printed in France, in the French language, describing and accompanying French products	Same rate as British preferential tariff.
Ex 197 Ex 198	Cigarette paper, gummed or not, in rolls	Intermediate tariff of Item 197 less a discount of 10 p.c.
Ex 199	Cigarette papers, gummed or not, in tubes, booklets or packets	Intermediate tariff less a discount of 15 p.c.

SUPPLEMENTARY SCHEDULE C—*Concluded*

FRENCH PRODUCTS SUBJECT ON THEIR IMPORTATION INTO CANADA TO THE INTERMEDIATE TARIFF RATES LESS DISCOUNTS AS HEREINAFTER INDICATED BASED UPON PERCENTAGES OF THE RATES PAYABLE BY VIRTUE OF SAID INTERMEDIATE TARIFF OR SUBJECT TO THE SAME RATE AS THE BRITISH PREFERENTIAL TARIFF.

Number of Canadian Customs Tariff		—	—
Ex	529	Lace, nettings and bobinet, n.o.p., wholly of cotton.....	Intermediate tariff less a discount of 20 p.c.
Ex	529	Lace and embroideries, wholly of cotton, coloured, imported by manufacturers for use exclusively in the manufacture of clothing in their own factories.....	Intermediate tariff: 17½ p.c.
	529 a	Lace and embroideries, wholly of cotton, not coloured, imported by manufacturers for use exclusively in the manufacture of clothing in their own factories.....	Intermediate tariff less a discount of 15 p.c.
Ex	535 a	Fibres of raffia or of sisal, n.o.p.....	Intermediate tariff less a discount of 20 p.c.
	545	Lace and embroideries, wholly of flax, or of hemp, or of flax, hemp and cotton, not coloured, imported by manufacturers for use exclusively in the manufacture of clothing in their own factories.....	Intermediate tariff less a discount of 20 p.c.
Ex	565	Embroideries and lace, whether containing tinsel or not, nettings and bobinet, n.o.p.....	Intermediate tariff less a discount of 15 p.c.
Ex	568 c	Women's dress gloves of kid, elbow length.....	Intermediate tariff less a discount of 35 p.c.

SCHEDULE E.

PERCENTAGES OF THE BASIC GLOBAL QUOTAS ACCORDED TO CANADIAN PRODUCTS

Number of French Customs Tariff		—	Percentages
	36	Cheese	1·2 p.c.
Ex	45	Salmonoids other than trout	15 p.c.
Ex	49	Lobsters, preserved or prepared	9·82 p.c.
	70	Barley	1 p.c.
Ex	84	Fresh apples and pears	3·3 p.c. in 4th quarter. 4·7 p.c. in 1st quarter.
	94	Sugared biscuits	0·80 p.c.
	128, 128 bis and 133	Common wood	0·12 p.c.
Ex	158 C	Tomatoes preserved	1·72 p.c.
	222	Lead	3·25 p.c.
Ex	462	Insulating board of vegetable fibre of a thickness exceeding 10 m/m	5 p.c.
Ex	476 bis	Patent leather	5·42 p.c.
Ex	476 ter	Calf and other small skins	1·80 p.c.
Ex	522	Agricultural machinery:	
		cultivators, spring harrows, horse rakes, etc	11·58 p.c.
		harvesters, binders, reapers	8·28 p.c.
		other agricultural machinery	3·86 p.c.
	597 and 600	Builders' and cartwrights' wood, shaped, wood planed, grooved and/or tongued, boards, flooring strips	9 p.c.
	603 quarter A	Veneer sheets and leaves	4·27 p.c.
	603 quarter B	Veneers and counterveneers	1·60 p.c.
Ex	614 ter	Passenger automobiles	12·55 p.c.
Ex	646 2 E	Ice skates	5·68 p.c. of the total quarterly quotas for the 3rd and 4th quarters of each year.

SCHEDULE F.

ADDITIONAL QUOTAS

Number of French Customs Tariff		—	—
Ex	347 bis A	Porcelain insulators without parts of metal	30 quintals
Ex	347 bis B	Porcelain insulators with parts of metal	50 quintals
	524 bis K	Electric heating apparatus including electric stoves	100 quintals
Ex	524 bis M	Vacuum cleaners and parts thereof	10 quintals

PROTOCOL OF SIGNATURE

At the time of signing the present additional Protocol, the undersigned plenipotentiaries declare that its provisions entirely replace the provisions of the exchange of Notes of September 29, 1934.

IN WITNESS WHEREOF the respective plenipotentiaries, duly authorized, have signed the present additional Protocol.

R. B. BENNETT.

R. BRUGÈRE.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 38.

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

First reading, March 15, 1935.

Mr. REID.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

92310

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 38.

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.

Sixth Session, Seventeenth Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 39.

An Act to establish an Economic Council.

First reading, March 18, 1935.

The PRIME MINISTER.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94904 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 39.

An Act to establish an Economic 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 Economic Council of Canada Act, 1935.*

INTERPRETATION.

Definitions.

2. Unless the context otherwise requires,

"Chairman."

(a) "Chairman" means the Chairman of the Economic Council of Canada;

"Council."

(b) "Council" means the Economic Council established under this Act;

"Minister."

(c) "Minister" means the Prime Minister.

"Economic Council."

3. There shall be an Honorary Advisory Council on social and economic questions which shall be known as The Economic Council of Canada.

Council.

4. (1) The Council shall consist of the Prime Minister, who shall be the Chairman, and fifteen members who shall be appointed by the Governor in Council.

Members.

(2) The members of the Council shall be selected from,

(a) officers of the public service of Canada, not exceeding seven in number, whose administrative duties require consideration of social or economic problems;

(b) representatives of organized bodies of a social or economic character, not exceeding five in number;

(c) other persons having special experience or knowledge in connection with social or economic problems, not exceeding three in number.

Actual travelling and living allowances.

(3) No fees or emoluments of any kind shall be payable to or received by any member of the Council in connection with services rendered as such member, but members shall be paid actual travelling and living expenses necessarily incurred in connection with the business of the Council.

Secretary.

5. (1) The Dominion Statistician shall be the Secretary of the Council.

Staff,

R.S., c. 22.

(2) The Governor in Council may authorize the appointment, pursuant to the *Civil Service Act*, of such officers and clerks as may be deemed necessary.

Temporary assistants.

(3) The Council may, notwithstanding the provisions of the *Civil Service Act* but subject to the approval of the Governor in Council, temporarily employ such assistants as are necessary in connection with any special work or investigation, and the remuneration or expenses of such assistants may, on the certificate of the Secretary, be paid out of moneys appropriated by Parliament for the work of the Council.

Duties of the Council.

6. The duties of the Council shall be to discharge such duties of an advisory character as the Chairman may request them to undertake and particularly, without limiting the generality of the foregoing,

(a) to study, investigate, report and advise upon questions relating to the general trend of social or economic conditions or to any social or economic problem of Canada, and to authorize the investigations in that behalf as hereinafter provided;

(b) to make recommendations to promote and co-ordinate social and economic research within Canada;

(c) to make recommendations to co-ordinate the activities of a social or economic character of the several departments of the Government of Canada;

(d) to make recommendations as to the organization of statistics as the basic data required for social and economic investigations;

(e) to publish such reports and findings as may be considered to be in the public interest.

Meetings of Council.

7. The Council shall meet at least twice a year or oftener as may be decided by the Chairman.

Special statistical investigations.

R.S., c. 190.

8. The Dominion Statistician shall undertake any special statistical investigation under the *Statistics Act* which the Council requires, and the provisions of the *Statistics Act* shall apply in any such case as if the investigations were had under that Act.

Committees of Council.

9. The Council may set up committees in connection with any questions referred to it and may add to any such committees persons who are not members of the Council, and persons so added to a committee shall be regarded as associate members of the Council for the purpose of the reference in question.

Regulations.

10. The Governor in Council may make regulations governing the procedure of the Council and other matters connected with the proper administration of this Act.

Annual report.

11. The Secretary shall prepare an annual report to the Minister with regard to the work of the Council during the preceding year, which report shall be tabled in the House of Commons.

Expenditures.

Audit.

12. Moneys appropriated by Parliament for the purposes of the Council shall be expended under the direction of the Minister and all such expenditure shall be subject to audit by the Auditor General.

Sixth Session, Seventeenth Parliament, 25 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 39.

An Act to establish an Economic Council.

AS PASSED BY THE HOUSE OF COMMONS,
25th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94906 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 39.

An Act to establish an Economic 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 Economic Council of Canada Act, 1935.*

INTERPRETATION.

Definitions.

2. Unless the context otherwise requires,

"Chairman."

(a) "Chairman" means the Chairman of the Economic Council of Canada;

"Council."

(b) "Council" means the Economic Council established under this Act;

"Minister."

(c) "Minister" means the Prime Minister.

"Economic Council."

3. There shall be an Honorary Advisory Council on social and economic questions which shall be known as The Economic Council of Canada.

Council.

4. (1) The Council shall consist of the Prime Minister, who shall be the Chairman, and fifteen members who shall be appointed by the Governor in Council.

Members.

(2) The members of the Council shall be selected from,

(a) officers of the public service of Canada, not exceeding seven in number, whose administrative duties require consideration of social or economic problems;

(b) representatives of organized bodies of a social or economic character, not exceeding five in number;

(c) other persons having special experience or knowledge in connection with social or economic problems, not exceeding three in number.

Actual travelling and living allowances.

(3) No fees or emoluments of any kind shall be payable to or received by any member of the Council in connection with services rendered as such member, but members shall be paid actual travelling and living expenses necessarily incurred in connection with the business of the Council.

Secretary.

5. (1) The Dominion Statistician shall be the Secretary of the Council.

Staff,

R.S., c. 22.

(2) The Governor in Council may authorize the appointment, pursuant to the *Civil Service Act*, of such officers and clerks as may be deemed necessary.

Temporary assistants.

(3) The Council may, notwithstanding the provisions of the *Civil Service Act* but subject to the approval of the Governor in Council, temporarily employ such assistants as are necessary in connection with any special work or investigation, and the remuneration or expenses of such assistants may, on the certificate of the Secretary, be paid out of moneys appropriated by Parliament for the work of the Council.

Duties of the Council.

6. The duties of the Council shall be to discharge such duties of an advisory character as the Chairman may request them to undertake and particularly, without limiting the generality of the foregoing,

(a) to study, investigate, report and advise upon questions relating to the general trend of social or economic conditions or to any social or economic problem of Canada, and to authorize the investigations in that behalf as hereinafter provided;

(b) to make recommendations to promote and co-ordinate social and economic research within Canada;

(c) to make recommendations to co-ordinate the activities of a social or economic character of the several departments of the Government of Canada;

(d) to make recommendations as to the organization of statistics as the basic data required for social and economic investigations;

(e) to publish such reports and findings as may be considered to be in the public interest.

Meetings of Council.

7. The Council shall meet at least twice a year or oftener as may be decided by the Chairman.

Special statistical investigations.

R.S., c. 190.

8. The Dominion Statistician shall undertake any special statistical investigation under the *Statistics Act* which the Council requires, and the provisions of the *Statistics Act* shall apply in any such case as if the investigations were had under that Act.

Committees of Council.

9. The Council may set up committees in connection with any questions referred to it and may add to any such committees persons who are not members of the Council, and persons so added to a committee shall be regarded as associate members of the Council for the purpose of the reference in question.

Regulations.

10. The Governor in Council may make regulations governing the procedure of the Council and other matters connected with the proper administration of this Act.

Annual report.

11. The Secretary shall prepare an annual report to the Minister with regard to the work and findings of the Council during the preceding year, which report shall be tabled in the House of Commons.

Expenditures.

Audit.

12. Moneys appropriated by Parliament for the purposes of the Council shall be expended under the direction of the Minister and all such expenditure shall be subject to audit by the Auditor General.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 40.

An Act to provide for Minimum Wages pursuant to the Convention concerning minimum wages adopted by the International Labour Organization in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding parts of the other treaties of peace.

First reading, March 19, 1935.

THE PRIME MINISTER.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94199 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 40.

An Act to provide for Minimum Wages pursuant to the Convention concerning minimum wages adopted by the International Labour Organization in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding parts of the other treaties of peace.

Preamble.

WHEREAS the Dominion of Canada is a signatory, as Part of the British Empire, to the Treaty of Peace made between the Allied and Associated Powers and Germany, signed at Versailles, on the 28th day of June, 1919; and whereas the said Treaty of Peace was confirmed by the Treaty of Peace Act 1919; and whereas by Article 23 of the said Treaty the signatories thereto each agreed that they would endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and by Article 427 of the said Treaty it was declared that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme importance; and whereas a Convention concerning minimum wages was adopted as a Draft Convention by the General Conference of the International Labour Organization of the League of Nations in accordance with the relevant articles of the said Treaty, which said Convention has been ratified by Canada; and whereas it is advisable to enact the necessary legislation to enable Canada to discharge the obligations assumed under the provisions of the said Treaty and the said Convention, and to provide for minimum wages in accordance with the provisions of the said Convention, and to assist in the maintenance on equitable terms of interprovincial and international trade: 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 Minimum Wages Act.*

Definitions.

"Committee."

"Convention."

"Employer."

"Minimun rates of wages."

"Minister."

"Order."

"Regulation".

"Trade".

"Worker."

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

(a) "Committee" means a committee or provincial board or commission authorized to fix minimum rates of wages under this Act;

(b) "Convention" means the Convention concerning the creation of minimum wage fixing machinery adopted as a draft convention by the General Conference of the International Labour Organization of the League of Nations at its 11th Session in Geneva on the 16th of June, 1928, in accordance with the Provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace.

(c) "employer" means any employer engaged in manufacture or commerce;

(d) "minimum rates of wages" means the remuneration payable to a worker, whether by way of wages, salary or for piece work, fixed under this Act;

(e) "Minister" means the Minister of Labour;

(f) "order" means an order of a Committee fixing a rate of miminum wages under this Act;

(g) "regulation" means a regulation of the Governor in Council;

(h) "trade" refers to employment in manufacture or commerce;

(i) "worker" means a male or female worker over the age of sixteen years.

Penalty for paying less than minimum wages.

3. Every employer is guilty of an offence, punishable on summary conviction, and liable to a penalty not exceeding one thousand dollars or to one month's imprisonment or, if a corporation, to a penalty not exceeding five thousand dollars, who pays to any worker wages at less than the minimum rates of wages.

Governor in Council may authorize Committee to fix minimum wages where no arrangements exist.

4. (1) The Governor in Council may, in the case of any trade or part of a trade in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise, authorize:—

(a) a Committee consisting of the Minister and a person representing employers and a person representing workers;

(b) in respect of any province, a board or commission established under the law of such province to regulate wages;

by order to fix the minimum rates of wages therein after consultation with the representatives of the employers and workers concerned, including representatives of their respective organizations, if any, as well as any other persons being specially qualified for the purpose by their occupations.

When wages fixed by Committee shall apply.

(2) Whenever the minimum rates of wages have been fixed under this section, the minimum rates of wages so fixed shall apply in the case of employers and workers engaged in the trade or part of a trade in lieu of minimum rates of wages otherwise fixed under this Act.

Powers of Committee under R.S., c. 99.

(3) A Committee authorized by the Governor in Council under this section to fix minimum rates of wages shall have the powers of a commissioner appointed under the *Inquiries Act*.

Governor in Council may fix minimum wages if trade injuriously affected or workers oppressed.

5. Subject to the provisions of this Act, the Governor in Council may by regulation fix and determine the minimum rates of wages payable by employers whenever he is satisfied that

(i) the trade and commerce of Canada is being injuriously affected by the absence of uniform minimum rates of wages, or

(ii) workers are being oppressed by the payment of wages insufficient to enable them to obtain the necessities of life according to a decent standard:

Proviso.

Provided, however, that the employers engaged in any trade in which minimum rates of wages have been fixed by a Committee shall be excepted from the operation of any such regulation.

Regulations.

6. Notwithstanding anything contained in this Act, the Governor in Council may by regulation—

(a) except from the operation of any regulation or order, employers in any geographical area of Canada where, in the opinion of the Governor in Council, the cost of the necessities of life, according to a decent standard, differs from that which prevails elsewhere in Canada;

(b) except any class of employers from the operation of any regulation where he is satisfied that the wages paid by such employers owing to the circumstances of employment are not oppressive;

(c) authorize the Minister to permit an employer to pay wages less than the minimum rates of wages in the case of a worker who, by reason of his age, infirmity or inexperience, is incapable of doing the work of a competent worker;

(d) enable the Minister to authorize any person, including an officer or employee of any provincial government, to act as an inspector or supervisor in connection with the enforcement of this Act;

(e) ensure that the employers and workers concerned are informed of the minimum rates of wages in force;

(f) prescribe the procedure whereby the order of a Committee or of a provincial board or commission fixing minimum rates of wages is made effective including the method of proving and publishing any such order;

(g) do such other thing as may be deemed necessary for the enforcement of this Act and for carrying out its provisions according to their true intent and meaning.

Inquiry by Minister as to minimum wages required.

7. (1) The Minister may at any time on the application of representatives of employers or workers conduct an inquiry as to the minimum rates of wages required to enable a worker to obtain the necessities of life according to a decent standard.

Powers under R.S., c. 99.

(2) The Minister shall, for the purposes of such inquiry, have the powers of a commissioner appointed under the *Inquiries Act*.

Minimum rates not subject to abatement by agreement.

Proviso.

8. Minimum rates of wages fixed under this Act shall be binding on the employers and workers concerned so as not to be subject to abatement by agreement; Provided however, that the Governor in Council may except any employers or workers from the operation of an order or regulation in the case there is a collective agreement relating to rates of wages.

Recovery by worker of amount underpaid.

9. A worker to whom minimum rates of wages are applicable and who has been paid wages at less than minimum rates shall be entitled to recover as an ordinary debt the amount by which he has been underpaid.

Penalty.

10. Every person who fails or omits to comply with any provision of this Act or of any regulation or order is guilty of an offence punishable or summary conviction and, if no other penalty is prescribed by this Act, liable to a penalty not exceeding fifty dollars.

Provincial rates to prevail if higher than relevant rates under this Act.

11. Nothing in this Act contained shall be construed as relieving any employer from the obligation to pay any minimum wages fixed by or under any provincial statute, if such minimum wages are higher than the relevant minimum wages fixed under this Act.

When Act comes into force. Section 4 upon proclamation.

12. This Act, except section four, shall come into force when assented to, and section four shall come into force when proclaimed by the Governor in Council.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 40.

An Act to provide for Minimum Wages pursuant to the Convention concerning minimum wages adopted by the International Labour Organization in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding parts of the other treaties of peace.

AS PASSED BY THE HOUSE OF COMMONS, 12th APRIL, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94201 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 40.

An Act to provide for Minimum Wages pursuant to the Convention concerning minimum wages adopted by the International Labour Organization in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding parts of the other treaties of peace.

Preamble.

WHEREAS the Dominion of Canada is a signatory, as Part of the British Empire, to the Treaty of Peace made between the Allied and Associated Powers and Germany, signed at Versailles, on the 28th day of June, 1919; and whereas the said Treaty of Peace was confirmed by the Treaty of Peace Act 1919; and whereas by Article 23 of the said Treaty the signatories thereto each agreed that they would endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and by Article 427 of the said Treaty it was declared that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme importance; and whereas a Convention concerning minimum wages was adopted as a Draft Convention by the General Conference of the International Labour Organization of the League of Nations in accordance with the relevant articles of the said Treaty, which said Convention has been ratified by Canada; and whereas it is advisable to enact the necessary legislation to enable Canada to discharge the obligations assumed under the provisions of the said Treaty and the said Convention, and to provide for minimum wages in accordance with the provisions of the said Convention, and to assist in the maintenance on equitable terms of interprovincial and international trade: 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 Minimum Wages Act.*

Definitions.

"Committee."

"Convention."

"Employer."

"Minimum rates of wages."

"Minister."

"Order."

"Regulation".

"Trade".

"Worker."

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

(a) "Committee" means a committee or provincial board or commission authorized to fix minimum rates of wages under this Act;

(b) "Convention" means the Convention concerning the creation of minimum wage fixing machinery adopted as a draft convention by the General Conference of the International Labour Organization of the League of Nations at its 11th Session in Geneva on the 16th of June, 1928, in accordance with the Provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace.

(c) "employer" means any employer engaged in manufacture or commerce;

(d) "minimum rates of wages" means the remuneration payable to a worker, whether by way of wages, salary or for piece work, fixed under this Act;

(e) "Minister" means the Minister of Labour;

(f) "order" means an order of a Committee fixing a rate of miminum wages under this Act;

(g) "regulation" means a regulation of the Governor in Council;

(h) "trade" refers to employment in manufacture or commerce;

(i) "worker" means a male or female worker over the age of sixteen years.

Penalty for paying less than minimum wages.

3. Every employer is guilty of an offence, punishable on summary conviction, and liable to a penalty not exceeding one thousand dollars or to one month's imprisonment or, if a corporation, to a penalty not exceeding five thousand dollars, who pays to any worker wages at less than the minimum rates of wages.

Governor in Council may authorize Committee to fix minimum wages where no arrangements exist.

4. (1) The Governor in Council may, in the case of any trade or part of a trade in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise, authorize:—

(a) a Committee consisting of the Minister and a person representing employers and a person representing workers;

(b) in respect of any province, a board or commission established under the law of such province to regulate wages;

by order to fix the minimum rates of wages therein after consultation with the representatives of the employers and workers concerned, including representatives of their respective organizations, if any, as well as any other persons being specially qualified for the purpose by their occupations.

When wages fixed by Committee shall apply.

(2) Whenever the minimum rates of wages have been fixed under this section, the minimum rates of wages so fixed shall apply in the case of employers and workers engaged in the trade or part of a trade in lieu of minimum rates of wages otherwise fixed under this Act.

Powers of Committee under R.S., c. 99.

(3) A Committee authorized by the Governor in Council under this section to fix minimum rates of wages shall have the powers of a commissioner appointed under the *Inquiries Act*.

Governor in Council may fix minimum wages if trade injuriously affected or workers oppressed.

5. Subject to the provisions of this Act, the Governor in Council may by regulation fix and determine the minimum rates of wages payable by employers whenever he is satisfied that

(i) the trade and commerce of Canada is being injuriously affected by the absence of uniform minimum rates of wages, or

(ii) workers are being oppressed by the payment of wages insufficient to enable them to obtain the necessities of life according to a decent standard:

Proviso.

Provided, however, that the employers engaged in any trade in which minimum rates of wages have been fixed by a Committee shall be excepted from the operation of any such regulation.

Regulations.

6. Notwithstanding anything contained in this Act, the Governor in Council may by regulation—

(a) except from the operation of any regulation or order, employers in any geographical area of Canada where, in the opinion of the Governor in Council, the cost of the necessities of life, according to a decent standard, differs from that which prevails elsewhere in Canada;

(b) except any class of employers from the operation of any regulation where he is satisfied that the wages paid by such employers owing to the circumstances of employment are not oppressive;

(c) authorize the Minister to permit an employer to pay wages less than the minimum rates of wages in the case of a worker who, by reason of his age, infirmity or inexperience, is incapable of doing the work of a competent worker;

(d) enable the Minister to authorize any person, including an officer or employee of any provincial government, to act as an inspector or supervisor in connection with the enforcement of this Act;

(e) ensure that the employers and workers concerned are informed of the minimum rates of wages in force;

(f) prescribe the procedure whereby the order of a Committee or of a provincial board or commission fixing minimum rates of wages is made effective including the method of proving and publishing any such order;

(g) do such other thing as may be deemed necessary for the enforcement of this Act and for carrying out its provisions according to their true intent and meaning.

Inquiry by Minister as to minimum wages required.

7. (1) The Minister may at any time on the application of representatives of employers or workers conduct an inquiry as to the minimum rates of wages required to enable a worker to obtain the necessities of life according to a decent standard.

Powers under R.S., c. 99.

(2) The Minister shall, for the purposes of such inquiry, have the powers of a commissioner appointed under the *Inquiries Act*.

Minimum rates not subject to abatement by agreement.

Proviso.

8. Minimum rates of wages fixed under this Act shall be binding on the employers and workers concerned so as not to be subject to abatement by agreement; Provided however, that the Governor in Council may except any employers or workers from the operation of an order or regulation in the case there is a collective agreement relating to rates of wages.

Recovery by worker of amount underpaid.

9. A worker to whom minimum rates of wages are applicable and who has been paid wages at less than minimum rates shall be entitled to recover as an ordinary debt the amount by which he has been underpaid.

Penalty.

10. Every person who fails or omits to comply with any provision of this Act or of any regulation or order is guilty of an offence punishable or summary conviction and, if no other penalty is prescribed by this Act, liable to a penalty not exceeding fifty dollars.

Provincial rates to prevail if higher than relevant rates under this Act.

11. Nothing in this Act contained shall be construed as relieving any employer from the obligation to pay any minimum wages fixed by or under any provincial statute, if such minimum wages are higher than the relevant minimum wages fixed under this Act.

When Act comes into force. Section 4 upon proclamation.

12. This Act, except section four, shall come into force when assented to, and section four shall come into force when proclaimed by the Governor in Council.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935

THE HOUSE OF COMMONS OF CANADA.

BILL 40.

An Act to provide for Minimum Wages pursuant to the Convention concerning minimum wages adopted by the International Labour Organization in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding parts of the other treaties of peace.

AS PASSED BY THE HOUSE OF COMMONS, 12th APRIL, 1935.

Reprinted with the amendments made by the Senate, set out on the opposite page to the text of the Bill.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
304 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 40.

An Act to provide for Minimum Wages pursuant to the Convention concerning minimum wages adopted by the International Labour Organization in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding parts of the other treaties of peace.

Preamble.

WHEREAS the Dominion of Canada is a signatory, as Part of the British Empire, to the Treaty of Peace made between the Allied and Associated Powers and Germany, signed at Versailles, on the 28th day of June, 1919; and whereas the said Treaty of Peace was confirmed by the Treaty of Peace Act 1919; and whereas by Article 23 of the said Treaty the signatories thereto each agreed that they would endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and by Article 427 of the said Treaty it was declared that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme importance; and whereas a Convention concerning minimum wages was adopted as a Draft Convention by the General Conference of the International Labour Organization of the League of Nations in accordance with the relevant articles of the said Treaty, which said Convention has been ratified by Canada; and whereas it is advisable to enact the necessary legislation to enable Canada to discharge the obligations assumed under the provisions of the said Treaty and the said Convention, and to provide for minimum wages in accordance with the provisions of the said Convention, and to assist in the maintenance on equitable terms of interprovincial and international trade: 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 Minimum Wages Act.*

Definitions.

"Committee."

"Convention."

"Employer."

"Minimum rates of wages."

"Minister."

"Order."

"Regulation".

"Trade".

"Worker."

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

(a) "Committee" means a committee or provincial board or commission authorized to fix minimum rates of wages under this Act;

(b) "Convention" means the Convention concerning the creation of minimum wage fixing machinery adopted as a draft convention by the General Conference of the International Labour Organization of the League of Nations at its 11th Session in Geneva on the 16th of June, 1928, in accordance with the Provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace.

(c) "employer" means any employer engaged in manufacture or commerce;

(d) "minimum rates of wages" means the remuneration payable to a worker, whether by way of wages, salary or for piece work, fixed under this Act;

(e) "Minister" means the Minister of Labour;

(f) "order" means an order of a Committee fixing a rate of miminum wages under this Act;

(g) "regulation" means a regulation of the Governor in Council;

(h) "trade" refers to employment in manufacture or commerce;

(i) "worker" means a male or female worker over the age of sixteen years.

Penalty for paying less than minimum wages.

3. Every employer is guilty of an offence, punishable on summary conviction, and liable to a penalty not exceeding one thousand dollars or to one month's imprisonment or, if a corporation, to a penalty not exceeding five thousand dollars, who pays to any worker wages at less than the minimum rates of wages.

Governor in Council may authorize Committee to fix minimum wages where no arrangements exist.

4. (1) The Governor in Council may, in the case of any trade or part of a trade in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise, authorize:—

(a) a Committee consisting of the Minister and a person representing employers and a person representing workers;

(b) in respect of any province, a board or commission established under the law of such province to regulate wages;

by order to fix the minimum rates of wages therein after consultation with the representatives of the employers and workers concerned, including representatives of their respective organizations, if any, as well as any other persons being specially qualified for the purpose by their occupations.

1. Pages 2, 3 and 4. For clauses 2 to 8, inclusive, substitute the following:—

"2. In this Act, unless the context otherwise requires,—

(a) "Convention" means the Convention concerning the creation of minimum wage fixing machinery adopted as a draft convention by the General Conference of the International Labour Organization of the League of Nations at its Eleventh Session in Geneva on the sixteenth of June, 1928, in accordance with the Provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace;

(b) "employer" means an employer in a rateable trade;

(c) "minimum rates of wages" means the remuneration, fixed under this Act as payable to workers, whether by way of wages or salary or for piece work, in a rateable trade;

(d) "Minister" means the Minister of Labour;

(e) "rateable trades" means those trades or parts of trades (in particular, home working trades) in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low;

(f) "specified rateable trades" means such rateable trades as, pursuant to section five of this Act, shall be decided and declared to be those to which the minimum wage rate fixing machinery provided pursuant to this Act shall be applied;

(g) "regulation" means regulation made by or under the authority of the Governor in Council;

(h) "trade" and "trades" include manufacture and commerce and employment in either thereof;

(i) "worker" means an employed person, male or female, who is not under sixteen years of age."

"3. (1) Such minimum rates of wages as shall, pursuant to this Act, be fixed as payable in specified rateable trades shall be paid by employers to workers in such trades.

(2) Every employer who, being engaged in a specified rateable trade, pays or agrees to pay to any worker employed in that trade wages at less than the minimum rates applicable pursuant to this Act thereto is guilty of an offence against this Act, punishable on summary conviction, and liable to a penalty not exceeding five thousand dollars."

"4. (1) The Governor in Council may on the recommendation of the Minister create, and by regulation provide for the operation by or under the Minister of, machinery whereby minimum rates of wages can be fixed for workers employed in rateable trades: Provided that the employers and workers concerned shall be associated in the operation of such machinery in such manner and to such extent, but in any case in equal numbers and on equal terms, as the Governor in Council may by regulation determine.

When wages fixed by Committee shall apply.

(2) Whenever the minimum rates of wages have been fixed under this section, the minimum rates of wages so fixed shall apply in the case of employers and workers engaged in the trade or part of a trade in lieu of minimum rates of wages otherwise fixed under this Act.

Powers of Committee under R.S., c. 99.

(3) A Committee authorized by the Governor in Council under this section to fix minimum rates of wages shall have the powers of a commissioner appointed under the *Inquiries Act*.

Governor in Council may fix minimum wages if trade injuriously affected or workers oppressed.

5. Subject to the provisions of this Act, the Governor in Council may by regulation fix and determine the minimum rates of wages payable by employers whenever he is satisfied that

(i) the trade and commerce of Canada is being injuriously affected by the absence of uniform minimum rates of wages, or

(ii) workers are being oppressed by the payment of wages insufficient to enable them to obtain the necessities of life according to a decent standard:

Proviso.

Provided, however, that the employers engaged in any trade in which minimum rates of wages have been fixed by a Committee shall be excepted from the operation of any such regulation.

Regulations.

6. Notwithstanding anything contained in this Act, the Governor in Council may by regulation—

(a) except from the operation of any regulation or order, employers in any geographical area of Canada where, in the opinion of the Governor in Council, the cost of the necessities of life, according to a decent standard, differs from that which prevails elsewhere in Canada;

(b) except any class of employers from the operation of any regulation where he is satisfied that the wages paid by such employers owing to the circumstances of employment are not oppressive;

(c) authorize the Minister to permit an employer to pay wages less than the minimum rates of wages in the case of a worker who, by reason of his age, infirmity or inexperience, is incapable of doing the work of a competent worker;

(d) enable the Minister to authorize any person, including an officer or employee of any provincial government, to act as an inspector or supervisor in connection with the enforcement of this Act;

(e) ensure that the employers and workers concerned are informed of the minimum rates of wages in force;

(f) prescribe the procedure whereby the order of a Committee or of a provincial board or commission fixing minimum rates of wages is made effective including the method of proving and publishing any such order;

(2) Minimum rates of wages which have been fixed by way of such machinery shall be binding on the employers and workers concerned so as not to be subject to abatement by them by means of individual agreement, nor, except with the general or particular authorization of the Minister, by collective agreement."

"5. (1) The Governor in Council may, on the recommendation of the Minister (made after the Minister has consulted or caused consultation as the Convention requires) decide, and by regulation declare, which trades or parts of trades are those rateable trades to which the minimum wage fixing machinery referred to in section four of this Act shall be applied.

(2) Such machinery shall be applied only in rateable trades and it shall not be applied in any particular rateable trade until after the Minister has consulted or caused consultation as the Convention requires and has decided and declared by regulation of his Department the nature and form of, and the methods to be followed in the operation of, that machinery, as it shall be applied to that particular trade.

(3) A rateable trade specified as by this section provided is referred to in this Act as a specified rateable trade."

"6. The Governor in Council, subject to the provisions of this Act and in substitution for the provisions of subsection one of section four and for those of section five of this Act, whenever he is satisfied that—

(a) the trade and commerce, or the public revenue, of Canada is being injuriously affected by the absence of uniform minimum rates of wages, or

(b) workers throughout Canada are being oppressed by reason of the insufficiency of the wages being paid to them to enable them to maintain a suitable standard of living,

may fix and determine by regulation minimum uniform rates of wages, or fair and suitable rates of wages, as the case may be, to be paid by employers or workers in the trades concerned, and provide or indicate all necessary machinery for enforcing observance and punishing non-observance of such regulation."

"7. Notwithstanding anything contained in this Act, the Governor in Council may, by regulation—

(a) provide that the Minister or his nominee may generally or specially permit employers or any employer to pay wages less than the minimum rates of wages in the case of workers who, by reason of age, infirmity or inexperience, are incapable of doing the work of a competent worker;

(g) do such other thing as may be deemed necessary for the enforcement of this Act and for carrying out its provisions according to their true intent and meaning.

Inquiry by Minister as to minimum wages required.

7. (1) The Minister may at any time on the application of representatives of employers or workers conduct an inquiry as to the minimum rates of wages required to enable a worker to obtain the necessities of life according to a decent standard.

Powers under R.S., c. 99.

(2) The Minister shall, for the purposes of such inquiry, have the powers of a commissioner appointed under the *Inquiries Act*.

Minimum rates not subject to abatement by agreement.

Proviso.

8. Minimum rates of wages fixed under this Act shall be binding on the employers and workers concerned so as not to be subject to abatement by agreement; Provided however, that the Governor in Council may except any employers or workers from the operation of an order or regulation in the case there is a collective agreement relating to rates of wages.

Recovery by worker of amount underpaid.

9. A worker to whom minimum rates of wages are applicable and who has been paid wages at less than minimum rates shall be entitled to recover as an ordinary debt the amount by which he has been underpaid.

Penalty.

10. Every person who fails or omits to comply with any provision of this Act or of any regulation or order is guilty of an offence punishable or summary conviction and, if no other penalty is prescribed by this Act, liable to a penalty not exceeding fifty dollars.

Provincial rates to prevail if higher than relevant rates under this Act.

11. Nothing in this Act contained shall be construed as relieving any employer from the obligation to pay any minimum wages fixed by or under any provincial statute, if such minimum wages are higher than the relevant minimum wages fixed under this Act.

When Act comes into force. Section 4 upon proclamation.

12. This Act, except section four, shall come into force when assented to, and section four shall come into force when proclaimed by the Governor in Council.

(*b*) provide that the Minister may authorize any person, including an officer or employee of any provincial government, to act as an inspector or supervisor in connection with the enforcement of this Act;

(*c*) ensure that the employers and workers concerned are informed of the minimum rates of wages in force;

(*d*) prescribe the procedure whereby regulations or orders fixing minimum rates of wages are made effective, including the manner of proving and publishing them;

(*e*) provide that whenever minimum rates of wages have been fixed pursuant to any one part of the machinery provided by or under this Act the rates of wages so fixed shall apply to employers and workers engaged in that trade in lieu of minimum rates of wages fixed in that trade pursuant to any other part of such machinery;

(*f*) provide that any board, commission, committee, commissioner or functionary authorized under this Act to fix minimum rates of wages shall have the powers of a commissioner appointed under the *Inquiries Act;*

(*g*) provide so that the Minister may permit delays to enable the orderly and proper application of this Act to industry and commerce and all necessary consultation and arrangement with relation thereto to be had and made;

(*h*) do such other things as, being consonant with the convention, are necessary for the enforcement of this Act and for carrying out its provisions according to their true intent and meaning."

"8. (1) The Minister or his nominee may at any time, on the application of representatives of employers or workers, conduct an inquiry as to the minimum rates of wages required to enable a worker to maintain a suitable standard of living.

(2) The Minister or his nominee shall, for the purposes of such inquiry, have the powers of a commissioner appointed under the *Inquiries Act.*"

2. Page 4, line 22. After "underpaid," insert "Alternatively, on any prosecution had under section three of this Act the Court may, in addition to the imposition of any penalty, order payment to the employee concerned of the amount of wages proved to be unpaid or short paid, as the case may be, and with relation to such order all provisions of Part XV of the *Criminal Code* shall apply."

3. Page 4, line 24. After the word "order" insert "made thereunder."

4. Page 4, line 33. For clause 12 substitute the following:—

"12. Subsection one of section four of this Act and section five of this Act shall not come into force until proclaimed by the Governor in Council."

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 41.

An Act respecting Relief Measures.

First reading, March 19, 1935.

The MINISTER OF LABOUR.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95600 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 41.

An Act respecting Relief Measures.

Preamble.

WHEREAS the Provinces may require further assistance in carrying out necessary relief measures and in meeting financial conditions as the same may arise; and whereas in such event it is in the national interest that Parliament should support and supplement the relief measures of the Provinces and grant them financial assistance in such manner and to such extent as the Governor in Council may deem expedient; and whereas it is necessary to make provision for further expenditure for relief purposes under the Department of National Defence and the Department of the Interior; and whereas for these and similar purposes the powers necessary to insure the speedy and unhampered prosecution of such relief measures and the maintenance of the credit of the Dominion and the Provinces thereof should be vested in the Governor in Council; Now, therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1932, c. 36.
1932-33, c. 18.
1934, c. 15.

Short title.

1. This Act may be cited as *The Relief Act, 1935.*

Agreements with provinces.

2. Notwithstanding the provisions of any statute or law the Governor in Council may, upon such terms and conditions as may agreed upon,—enter into agreements with any of the provinces respecting relief measures therein; grant financial assistance to any province and to Canadian Co-operative Wheat Producers Limited by way of loan, advance, guarantee or otherwise; and in respect of such loans, advances and guarantees, may accept such security, enter into such agreements and generally do all such acts and things as the Governor in Council may deem necessary and expedient in the public interest.

Loans to provinces, and Canadian Co-operative Wheat Producers Limited.

Maintain peace, order and good government.

3. In addition to the powers conferred under the provisions of any statute or law the Governor in Council may, when Parliament is not in session, take all such measures as in his discretion may be deemed necessary or advisable to maintain, within the competence of Parliament, peace, order and good government throughout Canada; and at all times take all such measures as in his discretion may be deemed necessary or advisable to protect and maintain the credit and financial position of the Dominion or any Province thereof.

Protect financial credit.

Further powers of Governor in Council.

4. Without restricting the generality of the terms of the next preceding section hereof and notwithstanding the provisions of any statute or law, the Governor in Council may

(a) Provide for special relief, works and undertakings under control and direction of the Department of National Defence and the Department of the Interior;

(b) Take all such other measures as may be deemed necessary or advisable for carrying out the provisions of this Act.

Payments out of the Consolidated Revenue Fund.

5. The Governor in Council may pay out of the Consolidated Revenue Fund such moneys as may be necessary for all or any of the purposes of this Act.

Orders and regulations.

6. The Governor in Council shall have full power to make all such orders and regulations as may be deemed necessary or desirable to carry out the purposes and intention of this Act.

Enforcement of orders and regulations.

7. 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.

Orders and regulations laid before Parliament.

8. 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*.

Report to Parliament.

9. A report shall be laid before Parliament within fifteen 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, guarantees given and obligations contracted under this Act.

Payment of undischarged obligations under Relief Act, 1934.

10. Notwithstanding the expiration of *The Relief Act, 1934*, chapter fifteen of the statutes of 1934, on the thirty-first day of March, 1935, and the provisions of the said Act, all undischarged obligations created under the authority of the said Act may be paid and discharged out of the Consolidated Revenue Fund.

Duration of Act.

Payment of obligations incurred after expiration.

11. This Act shall expire on the thirty-first day of March, 1936, but any obligation or liability incurred or created under the authority of this Act may be paid and discharged out of the Consolidated Revenue Fund notwithstanding the expiration of this Act on the said date.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 41.

An Act respecting Relief Measures.

AS PASSED BY THE HOUSE OF COMMONS,
21st MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95602 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 41.

An Act respecting Relief Measures.

Preamble.

WHEREAS the Provinces may require further assistance in carrying out necessary relief measures and in meeting financial conditions as the same may arise; and whereas in such event it is in the national interest that Parliament should support and supplement the relief measures of the Provinces and grant them financial assistance in such manner and to such extent as the Governor in Council may deem expedient; and whereas it is necessary to make provision for further expenditure for relief purposes under the Department of National Defence and the Department of the Interior; and whereas for these and similar purposes the powers necessary to insure the speedy and unhampered prosecution of such relief measures and the maintenance of the credit of the Dominion and the Provinces thereof should be vested in the Governor in Council; Now, therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1932, c. 36.
1932-33, c. 18.
1934, c. 15.

Short title.

1. This Act may be cited as *The Relief Act, 1935.*

Agreements with provinces.

2. Notwithstanding the provisions of any statute or law the Governor in Council may, upon such terms and conditions as may be agreed upon,—enter into agreements with any of the provinces respecting relief measures therein; grant financial assistance to any province and to Canadian Co-operative Wheat Producers Limited by way of loan, advance, guarantee or otherwise; and in respect of such loans, advances and guarantees, may accept such security, enter into such agreements and generally do all such acts and things as the Governor in Council may deem necessary and expedient in the public interest.

Loans to provinces, and Canadian Co-operative Wheat Producers Limited.

Maintain peace, order and good government.

3. In addition to the powers conferred under the provisions of any statute or law the Governor in Council may, when Parliament is not in session, take all such measures as in his discretion may be deemed necessary or advisable to maintain, within the competence of Parliament, peace, order and good government throughout Canada; and at all times take all such measures as in his discretion may be deemed necessary or advisable to protect and maintain the credit and financial position of the Dominion or any Province thereof.

Protect financial credit.

Further powers of Governor in Council.

4. Without restricting the generality of the terms of the next preceding section hereof and notwithstanding the provisions of any statute or law, the Governor in Council may

(a) Provide for special relief, works and undertakings under control and direction of the Department of National Defence and the Department of the Interior;

(b) Take all such other measures as may be deemed necessary or advisable for carrying out the provisions of this Act.

Payments out of the Consolidated Revenue Fund.

5. The Governor in Council may pay out of the Consolidated Revenue Fund such moneys as may be necessary for all or any of the purposes of this Act.

Orders and regulations.

6. The Governor in Council shall have full power to make all such orders and regulations as may be deemed necessary or desirable to carry out the purposes and intention of this Act.

Enforcement of orders and regulations.

7. 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.

Orders and regulations laid before Parliament.

8. 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*.

Report to Parliament.

9. A report shall be laid before Parliament within fifteen 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, guarantees given and obligations contracted under this Act.

Payment of undischarged obligations under Relief Act, 1934.

10. Notwithstanding the expiration of *The Relief Act, 1934*, chapter fifteen of the statutes of 1934, on the thirty-first day of March, 1935, and the provisions of the said Act, all undischarged obligations created under the authority of the said Act may be paid and discharged out of the Consolidated Revenue Fund.

Duration of Act.

Payment of obligations incurred after expiration.

11. This Act shall expire on the thirty-first day of March, 1936, but any obligation or liability incurred or created under the authority of this Act may be paid and discharged out of the Consolidated Revenue Fund notwithstanding the expiration of this Act on the said date.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 42.

An Act to amend The Gold Export Act.

First reading, March 20, 1935.

The MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95548 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 42.

An Act to amend The Gold Export Act.

1932, c. 33.

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

Licences for export of gold.

1. Section two of *The Gold Export Act*, chapter thirty-three of the Statutes of 1932, is amended by striking out the proviso at the end of the said section and substituting the following:—

"Provided that no such licence shall be issued to other than a Canadian chartered bank or the Bank of Canada."

EXPLANATORY NOTE.

1. Section 2 of The Gold Export Act reads as follows:—

"**2.** The Governor in Council may prohibit, from time to time and for any period or periods, the export of gold, whether in the form of coin or bullion, from the Dominion of Canada, except in such cases as may be deemed desirable by the Minister of Finance and under licences to be issued by him: Provided that no such licence shall be issued to other than a Canadian chartered bank."

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 42.

An Act to amend The Gold Export Act.

AS PASSED BY THE HOUSE OF COMMONS,
10th APRIL, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95550 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 42.

An Act to amend The Gold Export Act.

1932, c. 33.

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

Licences for export of gold.

1. Section two of *The Gold Export Act*, chapter thirty-three of the Statutes of 1932, is amended by striking out the proviso at the end of the said section and substituting the following:—

"Provided that no such licence shall be issued to other than a Canadian chartered bank or the Bank of Canada."

Explanatory note.

1. Section 2 of The Gold Export Act reads as follows:—

"**2.** The Governor in Council may prohibit, from time to time and for any period or periods, the export of gold, whether in the form of coin or bullion, from the Dominion of Canada, except in such cases as may be deemed desirable by the Minister of Finance and under licences to be issued by him: Provided that no such licence shall be issued to other than a Canadian chartered bank."

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 46.

An Act to amend the Weights and Measures Act

First reading, March 27, 1935.

The MINISTER OF TRADE AND COMMERCE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95687 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 46.

An Act to amend the Weights and Measures Act.

R.S., c. 212.

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

1. The *Weights and Measures Act*, chapter two hundred and twelve of the Revised Statutes of Canada, 1927, is amended by inserting therein immediately after section twenty-two thereof, the following as section 22A:—

"Cord" defined.

"**22A.** The cord of wood or other substance shall contain one hundred and twenty-eight (128) cubic feet, being four and seven hundred and forty, nine hundred and ninety-ninths ($4.\frac{740}{999}$) cubic yards according to the Dominion standard yard."

Regulations by Governor in Council.

2. The said Act is further amended by adding the following paragraph at the end of subsection one of section fifty-two thereof:—

"*(k)* the measurement of wood."

Explanatory Note.

2. The first two lines of section 52 read as follows:—

"**52.** The Governor in Council may, from time to time make regulations concerning . . . ."

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 47.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1935.

AS PASSED BY THE HOUSE OF COMMONS, 28th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95776 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 47.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1935.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency The Right Honourable the Earl of Bessborough, 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-five, 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, 1935.*

$49,285,095.37 granted for 1934-35.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole forty-nine million, two hundred and eight-five thousand, ninety-five dollars and thirty-seven cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-four, to the thirty-first day of March, one thousand nine hundred and thirty-five, not otherwise provided for, set forth in the Schedule to this Act.

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.

SCHEDULE

Based on Further Supplementary Estimates, 1934-35. The amount hereby granted is $49,285,095.37.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1935, and the purposes for which they are granted.

No. of Vote	Service.	Amouht	Total
		$ cts.	$ cts.
	LEGISLATION		
	HOUSE OF COMMONS		
	Clerical Assistance, etc.—Further amount required	23,500 00	
	Contingencies—Further amount required	1,487 26	
298	Expenses of Committees, Witnesses, etc.—Further amount required	8,000 00	
	Sergeant-at-Arms—Further amount required	11,000 00	
			43,987 26
	RAILWAYS AND CANALS		
	MARITIME FREIGHT RATES ACT		
299	Additional amount, in excess of the sum of $1,440,000 already appropriated, required to provide for the payment from time to time during the fiscal year 1934-35 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 Railways and Canals 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 1934, under the tariffs approved, on the Eastern Lines (as referred to in Section 1 of the said Act) of the Canadian National Railways	338,239 21	
300	Additional amount in excess of the sum of $700,000 already appropriated, required to provide for the payment from time to time during the fiscal year 1934-35 of the difference, estimated by the Board of Railway Commissioners and certified by the said Board to the Minister of Railways and Canals, 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 1934, 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	51,154 56	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	RAILWAYS AND CANALS—*Concluded*		
	DEFICIT OF CANADIAN NATIONAL RAILWAYS		
301	Amount required to provide for payment to the Canadian National Railway Company of the net income deficit including profit and loss, incurred by the system during the year 1934, as certified to by the Auditors in the annual report of the Company for the year 1934, but exclusive of all non-cash items, including interest on Dominion Government advances, as further certified to by the Auditors and approved by the Minister of Railways and Canals; this payment to be applied in reduction of accountable advances made to the Company from the Consolidated Revenue Fund under authority of the Canadian National Railways Financing Act, 1934:		
	Canadian National Railways, excluding Eastern Lines	42,589,824 96	
	Eastern Lines, excluding Prince Edward Island Car Ferry and Terminals	5,434,133 74	
	Prince Edward Island Car Ferry and Terminals	383,942 00	
			48,797,294 47
	PUBLIC WORKS		
	(Chargeable to Income)		
	PUBLIC BUILDINGS		
	RENTS, REPAIRS, FURNITURE, HEATING, ETC.		
302	Ottawa Public Buildings and Grounds—Telephone Service—Further amount required		3,000 00
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS		
303	Pictou, Mulgrave and Cheticamp, service between—Further amount required		2,000 00
	OCEAN AND RIVER SERVICE		
304	Miscellaneous and unforeseen expenses—Further amount required		6,100 00
	LABOUR		
305	Annuities Act—Further amount required		50,000 00
	PUBLIC PRINTING AND STATIONERY		
306	Printing, binding, etc., the Annual Statutes—Further amount required		10,713 64
	PENSIONS AND NATIONAL HEALTH		
307	War Veterans Allowances—Further amount required		20,000 00

SCHEDULE—*Concluded*

No. of Vote	Service.	Amount	Total
		$ cts.	$ cts.
	MISCELLANEOUS		
308	Compassionate Grant to Miss Jeanne Toman	2,000 00	
309	To provide for grants to Veterans of the North West Mounted Police, who served in the North West Rebellion of 1885, in lieu of scrip, $300 each, as authorized by the Governor in Council	3,000 00	
310	Grant to the Chief Constables' Association of Canada	500 00	
311	Loan to the Chicoutimi Harbour Commissioners for the construction of harbour improvements and facilities, additional to the amount authorized by the Chicoutimi Harbour Loan Act, 1931, and to be subject to the provision of the said Act	256,500 00	
312	Chief Electoral Officer—Salaries and Contingencies of Office—Further amount required	15,000 00	
313	Royal Commission on Price Spreads and Mass Buying	75,000 00	
			352,000 00
			49,285,095 37

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 49.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1936.

AS PASSED BY THE HOUSE OF COMMONS, 29th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95946 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 49.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1936.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency the Right Honourable the Earl of Bessborough, 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-six, 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, 1935.*

$16,058,144.05 granted for 1935-36.

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

Additional interim vote of $3,914,063.00 granted for 1935-36 on certain items.

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

$278,083.33 granted for 1935-36 on certain items.

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

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, 1935-36. The amount hereby granted is $3,914,063.00, being one-sixth 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, 1936, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	LEGISLATION		
	SENATE		
35	Salaries and contingent expenses	162,241 50	
	HOUSE OF COMMONS		
36	Salaries	116,246 00	
	Expenses of committees, etc.	15,000 00	
	Clerical assistance, etc.	107,203 50	
	Contingencies	44,099 00	
	Publishing Debates, including salaries of amanuenses, etc.	63,000 00	
	Estimates of the Sergeant-at-Arms	195,635 25	
	LIBRARY OF PARLIAMENT		
37	Salaries, and to authorize payment of M. C. MacCormac from April 1, 1935	42,498 00	
	Books for the General Library, including binding	15,000 00	
	Books for the Library of American History	1,000 00	
	Contingencies	12,000 00	
	To provide for the cost of printing reports	1,000 00	
	GENERAL		
38	Printing, printing paper and binding, including salaries of staff in joint distribution office	75,000 00	
			849,923 25
	AGRICULTURE		
44	Experimental Farms, including investigations concerning plant diseases	.....	1,937,898 00
	PENSIONS		
65	Pensions payable to men on active service, Northwest Rebellion, 1885, and general pensions, and Civil Flying	.....	21,000 00
	SCIENTIFIC INSTITUTIONS		
	DEPARTMENT OF THE INTERIOR		
	Geodetic Survey of Canada		
155	Control Operations—Precise levelling based on sea level, triangulation, geodetic astronomy and investigations—all basic for correlation of water areas, power developments, charts and maps and for the scientific study of the earth's crust, curvature, figure and dimensions. The above is the recognized basis of operations for federal and provincial departments, municipal authorities and engineering projects over the whole country	.....	130,000 00
	FISHERIES		
159	Salaries and Disbursements of Fishery Officers and Guardians, Fisheries Patrol and Fisheries Protection Services	985,328 00	
163	Fish Culture	240,000 00	
164	Oyster Culture	10,000 00	
			1,235,328 00

SCHEDULE A—*Concluded*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	MINES		
	Geological Survey		
170	For explorations, surveys, and investigations; for publication of English and French editions of reports, maps, illustrations, etc., relating thereto; and for salaries and wages of explorers, topographers and others		190,000 00
	ROYAL CANADIAN MOUNTED POLICE		
185	Pay of Force and Allowances: (including salaries of two Constables, Ellesmere Island District at $2.25 per diem to assure Department against loss through death) arms and ammunition, barrack buildings, repairs and renewals and furnishings, clothing and equipment, communication services, court and legal expenses, criminal investigation branch, enforcement of federal statutes, fuel and light, transport horses and dogs, transport mechanical, dental, medical and hospital, miscellaneous (including grants to Royal Canadian Mounted Police messes and publication of Royal Canadian Mounted Police Quarterly for instructional purposes) special services Opium and Narcotic Drug Act, printing and stationery, transport railway, rations, rents, travelling expenses, transport water		5,893,595 75
	PENSIONS AND NATIONAL HEALTH		
193	Unemployment relief	2,100,000 00	
196	Sheltered Employment	50,000 00	
			2,150,000 00
	MISCELLANEOUS		
226	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	
235	Chief Electoral Officer—Salaries and contingencies of office	28,724 00	
236	Dominion Franchise Commissioner—Salaries and contingencies of office, etc	600,000 00	
			708,724 00
	NATIONAL REVENUE		
	Salaries and contingent expenses of the several Ports of the Dominion, including pay for overtime of officers, notwithstanding anything in the Civil Service Act, and temporary buildings and rentals	6,150,000 00	
	Salaries and travelling expenses of officers of the Inspection, Investigation, Audit and the Preventive Service Undervaluation Services	971,708 00	
267	To provide for the administration of the Income War Tax Act 1917 and Amendments thereof, and authority for this purpose to create positions and make appointments 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, and salary of $9,000, (less statutory deduction) for the Commissioner of Income Tax	2,025,000 00	
			9,146,708 00
	TRADE AND COMMERCE		
275	An Act to place Canadian coal used in the manufacture of iron or steel on a basis of equality with imported coal, Administration of	600 00	
277	Commercial Intelligence Service, including miscellaneous expenditure in connection with Canada's trade	696,251 00	
280	Electricity and Gas Inspection Service	209,954 00	
288	Weights and Measures Inspection Service, including the International Bureau of Weights and Measures	314,396 00	
			1,221,201 00
	Total		*23,484,378 00

*Net total $3,914,063.00.

SCHEDULE B.

Based on Estimates, 1935–36. The amount hereby granted is $278,083.33, being one-twelfth 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, 1936, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	DEFICIT OF CANADIAN NATIONAL STEAMSHIPS		
	CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LIMITED		
293	Amount to provide for the payment from time to time to The Canadian National (West Indies) Steamships, Limited, (hereinafter called "the Company"), of the amounts of the deficits including profits and loss but not including non-cash items and interest on Dominion Government advances, occurring during the year ending December 31st, 1935, in the operations of the company and of the vessels under the control of the company, as certified to by the auditors of the company, and upon applications made by the company to the Minister of Finance and approved by the Minister of Railways and Canals, not exceeding.....	316,000 00	
	CANADIAN GOVERNMENT MERCHANT MARINE, LIMITED		
294	Amount to provide for the payment from time to time to The Canadian Government Merchant Marine, Limited (hereinafter called "the Company"), of the amounts of the deficits including profit and loss but not including non-cash items and interest on Dominion Government advances, occurring during the year ending December 31st, 1935, in the operations of the company and of the vessels under the control of the company, as certified to by the auditors of the company and upon applications made by the company to the Minister of Finance and approved by the Minister of Railways and Canals, not exceeding.....	45,000 00	361,000 00
	LOAN TO CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LIMITED		
295	Loan 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 31st, 1935 (revote $178,500).....	.....	196,000 00
	MARITIME FREIGHT RATES ACT		
296	Amount required to provide for payment from time to time during the fiscal year 1935-36 of the difference, estimated by the Board of Railway Commissioners and certified by the said Board to the Minister of Railways and Canals, 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 1935, under the tariffs approved, by the following companies:		

SCHEDULE B—*Concluded*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	MARITIME FREIGHT RATES ACT—*Concluded*		
	Canada and 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.....	900,000 00	
297	To hereby authorize and provide for the payment from time to time during the fiscal year 1935-36 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 Railways and Canals 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 1935, under the tariffs approved, on the Eastern Lines (as referred to in section 1 of the said Act) of the Canadian National Railways.....	1,880,000 00	
			2,780,000 00
	Total.....	.....	*3,337,000 00

*Net total $278,083.33.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 50.

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

First reading, April 3, 1935.

Mr. CHURCH.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93284 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 50.

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

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 names of persons 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."

(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.

Penalty for failure.

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 Act.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 50.

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

AS PASSED BY THE HOUSE OF COMMONS, 9th APRIL, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93286 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 50.

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

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 names of persons 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."

(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.

Penalty for failure.

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."

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 51.

An Act to amend the Criminal Code (Libels).

First reading, April 8, 1935.

Mr. LUCHKOVICH.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96628 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 51.

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.

An Act to amend the Criminal Code (Libels).

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 the following section immediately after section three hundred and eighteen thereof:—

Defamation of persons or groups on account of race, colour or religion.

"**318A.** Everyone who utters, prints, publishes, circulates or otherwise disseminates any false and defamatory matter reflecting upon any persons or body of persons of any race, colour or religion and tending to degrade, revile or expose them to hatred, injury, insult or contempt among the people, or to incite a breach of the peace, is guilty of an offence and shall be liable, on summary conviction, for a first offence, to a penalty not exceeding two hundred dollars and not less than fifty dollars and in default of payment of such penalty, to a term of imprisonment not exceeding two months and not less than one month, and for every subsequent offence to a penalty not exceeding five hundred dollars and not less than one hundred and fifty dollars, and in default of payment of each penalty to a term of imprisonment with hard labour not exceeding six months and not less than two months."

Explanatory Note.

The purpose of this Bill is to prevent the uncalled for defamation of persons or groups on account of race, colour or religion. The publication of such defamatory statements sets up race against race and religious groups against religious groups, and the intention is to control the issue of such defamatory statements in the interest of unity and harmony between the various racial and religious groups in this country.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 52.

An Act to amend The Dominion Elections Act, 1934 (Alternative Vote).

First reading, April 9, 1934.

Mr. BEYNON.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96634 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 52.

An Act to amend The Dominion Elections Act, 1934 (Alternative Vote).

1934, c. 50.

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

Instructions to voters on receiving ballot paper.

1. Subsection two of section forty-six of *The Dominion Elections Act, 1934*, is hereby amended by placing at the beginning of said subsection the words "Except in the province of Saskatchewan."

Mode of voting.

2. Subsection three of the said section is amended by placing at the beginning thereof the words "Except in the province of Saskatchewan."

3. The said Act is further amended by adding after section forty-six, the following as section 46A:—

"Manner of Voting in Saskatchewan.

Mode of marking, folding and depositing ballot paper.

"**46A.** In the province of Saskatchewan every voter shall have one vote only which shall be transferable in the manner hereinafter provided.

The voter on receiving his ballot paper, which shall be as in Form No. 15A, shall forthwith proceed into one of the compartments of the polling place and there mark his ballot paper with the black lead pencil provided, as follows,

(a) he shall place the figure 1 on the ballot paper within the white space containing the name of the candidate who is his first choice and every vote given by placing the said figure 1 in such white space shall be a first preference vote;

(b) if the ballot paper contains the names of more than two candidates, he shall in addition to the figure 1 authorized by this section, place on his ballot paper the figure 2 within the white space containing the name of his second choice, and if the ballot paper contains the

names of more than three candidates the figure 3 within the white space containing the name of his third choice and so on in the order of the candidates he would prefer. If the candidate of his prior choice does not need his vote or cannot be elected, he shall thus express as many choices as there are candidates less one. For example: if there are three candidates he shall express two choices and so on, as shown in the form of ballot paper given for illustration at the end of Form No. 16;

(c) he shall then fold the ballot paper so that the initials and stamp on the back of it and the number on the counterfoil can be seen without opening it and hand it to the deputy returning officer, who shall without unfolding it ascertain by examining his initials and the stamp and the number of the counterfoil that it is the same ballot paper that he furnished to the voter and shall then in full view of all present including the voter, remove the counterfoil and tear up or otherwise destroy it and place the ballot paper in the ballot box."

4. The said Act is further amended by adding to section fifty-two thereof, the following subsection:—

Sections 50, 51 and 52 not to apply.

"(9) The provisions of sections fifty, fifty-one and fifty-two of this Act shall not apply to the province of Saskatchewan."

5. The said Act is further amended by inserting the following sections and headings:—

"Counting and Reporting the Vote in Saskatchewan.

Duties of deputy returning officer after close of poll.

"**50A.** (1) In the province of Saskatchewan immediately after the close of the poll the deputy returning officer shall in the following order:—

(a) place all the spoiled ballots in an envelope and seal it up;

(b) count the number of voters whose names appear on 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 division is (stating the number)" and sign his name thereto.

Opening ballot box and counting number of ballots.

(2) The deputy returning officer shall then in the presence of the poll clerk and of such of the candidates or their agents as may then lawfully be present, open the ballot box and count the number of the ballot papers therein. The result shall be recorded.

Ballots without initials.

(3) If there are more ballots in the box than there should be according to the poll book, any ballot paper which has not on its back the initials of the deputy returning officer or which is otherwise invalid according to the provisions of this Act shall be set aside.

Rejection of ballot papers.

(4) He shall reject any ballot papers—

(a) which have not been supplied by him; or

(b) on which a cross or X is marked; or

(c) on which 1 is not marked; or

(d) on which the figure 1 standing alone indicating a first preference is marked for more than one candidate; or

(e) on which the figure 1 standing alone indicating a first preference and some other figure are marked for the same candidate; or

(f) on which there is any writing or mark by which the voter can be identified, but no word, letter or mark written or made or omitted to be written or made by the deputy returning officer on the ballot paper shall void the same or warrant its rejection.

Noting objection.

(5) He shall make a note in the poll book of every objection taken to a ballot paper by an agent of any of the candidates or a voter present and shall decide any question arising out of such objection; but the decision of the deputy returning officer may be reversed or modified by the returning officer, whose decision shall be final, subject only to reversal on an appeal, recount or final addition of votes as hereinafter provided for. Each objection shall be numbered and a corresponding number placed on the back of the ballot paper and initialed by the deputy returning officer.

Valid ballots arranged in parcels.

(6) All the valid ballot papers remaining shall be examined and arranged in parcels according to the name of each candidate marked with the figure 1.

First preference votes counted.

(7) The deputy returning officer shall then count the number of ballot papers in each parcel of valid ballot papers and credit each candidate with one vote in respect of each valid ballot on which a first preference has been recorded for him.

Result announced.

(8) After the number of votes recorded for each candidate as a first preference has been ascertained the result may be announced to the public.

Statement in triplicate.

(9) He shall make out a statement in triplicate in Form No. 31, which statement shall forthwith be signed by him and the poll clerk and such of the agents of the candidate as may be present and desire to sign it. One copy of the statement shall be attached to the poll book, another shall be retained by him and the third shall be enclosed by him in a separate envelope supplied for the purpose, and placed in the ballot box. After making the statement last mentioned the deputy returning officer shall deliver to the agents of each of the candidates, or in the absence of agents, to the voters present representing the candidates, a certificate in Form No. 32.

Certificate to candidates.

First preference ballots in envelopes.

(10) He shall then place the ballots having first preference votes for each of the candidates in a separate envelope provided, marking on the outside of the envelopes the

names of each of the candidates respectively and shall then place the said envelopes in a large envelope provided and shall indorse same so as to indicate the contents.

Rejected and unused ballots put in separate envelope.

(11) He shall put the rejected and unused ballot papers into separate envelopes and shall indorse each so as to indicate the contents and shall seal same and any agent present may write his signature across the flap of the envelope or parcel and may affix his seal.

Placing of poll book and documents in larger envelope.

(12) The voters' list, the different envelopes containing the ballot papers, the poll book and other documents which served at the election shall then be placed in a large envelope supplied for the purpose, sealed with the seal of the deputy returning officer and the seals of such of the agents of the candidates as desire to affix their seals, and placed in the ballot box, which the deputy returning officer shall immediately lock and seal.

Oath of poll clerk.

(13) The poll clerk immediately after the completion of the counting of the votes shall take and subscribe the oath in Form No. 30.

Advance polls ballot boxes when to be opened and counted.

(14) At the hour fixed for the closing of the poll on election day the deputy returning officer of an advance poll and his poll clerk shall attend with the ballot box at the place where the advance poll was held and then, and not sooner, in the presence of the candidates or their agents who may attend, shall open the ballot box, count the ballots showing the first preference votes for each of the candidates and take all other proceedings as near as may be provided herein for the deputy returning officer in connection with the conduct of an election after the closing of the poll.

"Return of Ballot Boxes in Saskatchewan.

Delivery of ballot box and key to returning officer.

"**50**B. (1) The deputy returning officer after locking and sealing the ballot box shall enclose the key in an envelope supplied for the purpose and as soon as possible thereafter personally deliver the ballot box and key to the returning officer, or if the returning officer lives a distance away and a post office or express office is nearer at hand he shall send the ballot box and key to the returning officer by registered mail, or the box by express and the key by registered mail.

Procedure in case of illness of deputy returning officer.

(2) If the deputy returning officer is unable to attend to the return of the ballot box and key owing to illness or other imperative cause he shall deliver them to the poll clerk, or where the poll clerk is unable to act, to some reliable messenger and shall write on the box or on a ticket attached thereto the name of the person to whom the box and key have been delivered and shall take a receipt therefor in Form No. 32A and the poll clerk or person so chosen shall without delay deliver or mail the ballot box and key or mail the key and express the ballot box to the returning officer and shall take before the returning officer, election

clerk, a justice of the peace, a commissioner for oaths or a notary public, the oath in Form No. 33 and deliver or transmit it by registered mail to the returning officer.

Oath of deputy returning officer.

(3) The deputy returning officer after the closing of the poll shall take and subscribe before the returning officer, election clerk, a justice of the peace, a commissioner for oaths or a notary public the oath in Form No. 29, and shall personally deliver or transmit it by registered mail to the returning officer.

Vouchers in duplicate for fees, expenses and rent.

(4) The deputy returning officer before leaving the polling place shall see that vouchers in duplicate for all fees and expenses of poll officials, and rent are properly filled out and certified, and not put in the ballot box but delivered or mailed to the returning officer.

"Count by Returning Officer where One Member is to be elected and only Two Candidates go to the Poll (in Saskatchewan).

Count where only two candidates go to poll.

"**50c.** (1) The returning officer of an electoral division where one member is to be elected and only two candidates go to the poll shall at the place, day and hour appointed by the proclamation and after having received all the ballot boxes, open them and the sealed envelopes containing the statement of poll in each and the envelopes containing the ballots and shall in the presence of the election clerk or clerks and the candidates or their representatives if present check the statement of the deputy returning officer with the ballots contained in the respective parcels, make a note in the poll book of every objection taken to a ballot paper by a candidate or his representative and decide any question arising out of such objection irrespective of whether such objection had been decided by the deputy returning officer or not or of the nature of such decision, if given, and the decision of the returning officer shall be final subject to appeal, recount or final addition of votes as hereinafter provided for.

Candidate with majority of first preference votes elected.

(2) He shall then add up the first preference votes given for each candidate and if one of the candidates is found to have received a majority of all the first preference votes cast, the returning officer shall at once declare such candidate duly elected.

Casting vote of returning officer.

(3) Where, on the addition of first preference votes an equality of votes is found to exist between the two candidates and an additional vote would entitle one of them to be declared elected, the returning officer shall forthwith give the additional or casting vote to one of the candidates and shall thereupon declare such candidate duly elected.

Certificate of number of votes counted for each candidate.

"**50D.** (1) The returning officer shall prepare a statement in duplicate in Form No. 33A of the votes counted for each candidate at each poll and such other information as may be required by said form, and shall deliver to the agent of each candidate or in the absence of agents, to the voters present representing the candidates, a certificate in Form 32 of the number of votes so counted for each candidate.

Retained for 10 days.

(2) The statement prepared by the returning officer shall be retained by him for ten days to allow an application to be made for an appeal, recount or final addition of the votes as hereinafter provided.

After declaration election papers to be sealed and placed in ballot boxes.

(3) After the counting of the votes has been completed, the candidate declared elected, and the statement made out, the voters' list, the different envelopes containing the ballots, the poll book and other documents which served at the election shall be sealed with the seal of the returning officer and the seals of such of the candidates or their agents as desire to affix their seals, and placed in their respective ballot boxes which the returning officer shall immediately lock and seal.

"Count by Returning Officer where One Member is to be elected and more than Two Candidates go to the Poll (in Saskatchewan).

Count where one of more than two candidates is to be elected.

"**50E.** (1) The returning officer of an electoral division, where one member is to be elected and more than two candidates go to the poll shall at the place, day and hour appointed by the proclamation and after having received all the ballot boxes, open them and the sealed envelopes containing the statement of poll in each and the envelopes containing the ballots, and shall in the presence of the election clerk or clerks and the candidates or their representatives if present, check the statement of the deputy returning officer with the ballots contained in the respective parcels, making a note in the poll book of every objection taken to a ballot paper by a candidate or his representative and decide any question arising out of such objection irrespective of whether such objection had been decided by the deputy returning officer or not, or of the nature of such decision, if any, and the decision of the returning officer shall be final, subject to appeal, recount or final addition of votes as hereinafter provided for.

First preference votes to be counted.

(2) He shall then add up the first preference votes given for each candidate and if any candidate is found to have surplus votes, that is, if he has received an absolute majority of all the first preference or original votes cast, the returning officer shall declare such candidate duly elected.

Absolute majority.

(3) The term "absolute majority" shall mean as respects any count made under this and the following subsections, the next whole number greater than one-half of the total number of ballot papers reckoned at the closing of that count; no account being taken of "exhausted ballot papers" as defined in section 50F.

Casting vote in case of equality.

(4) If the first preference votes cast for any one candidate exactly equals the total number of first preference votes cast for all the other candidates, the returning officer shall forthwith give the casting vote in favor of such first mentioned candidate and he shall then be declared duly elected.

Second count where no candidate has absolute majority.

(5) If no candidate has received an absolute majority of the number of ballots showing first preference votes given, including the casting vote of the returning officer, if one is given, the returning officer shall forthwith proceed to a second count and shall exclude from the contest the candidate who received the lowest number of first preference votes.

Transfer of votes given to excluded candidate.

(6) The returning officer shall examine all the ballot papers credited to such excluded candidate and shall transfer, subject to subsection ten hereof, to each of the remaining or continuing candidates all the ballot papers in which such candidate has been given a second preference vote and those ballot papers having no second preference indicated thereon shall be set aside as being exhausted.

Candidate obtaining absolute majority declared elected.

(7) If on the second count any candidate obtains an absolute majority of the votes reckoned in that count he shall be declared elected. In case of an equal final total at the second count or any subsequent count the returning officer shall give the casting vote to and declare elected that candidate who has the greater number of first preference votes or where there is no difference in this respect, to that candidate who has the greater number of second preference votes and so on. Where there is an equality in all respects the returning officer at the final second count or any subsequent final count shall give the casting vote as provided in the case of the first count.

Casting vote, in case of equality.

Third count if no candidate has absolute majority.

(8) If on the second count no candidate obtains an absolute majority of the votes reckoned on that count, the returning officer shall exclude the candidate with the smallest number of votes reckoned on that count and shall transfer subject to subsections ten and eleven hereof the alternative vote shown on the ballot papers reckoned in favor of the excluded candidate on the second count and proceed as before to a third count and shall if necessary repeat the process until a candidate is found to have a majority on any count, and that candidate shall thereupon be declared elected.

How votes reckoned after first count.

(9) The votes reckoned in favor of a candidate on any count after the first shall be his first preference vote together with any votes transferred to him from excluded candidates.

When ballot paper of excluded candidate is exhausted.

(10) It shall be deemed that a ballot paper of an excluded candidate is "exhausted' in any case in which—

(a) no further preference for any candidate not exhausted is marked; or

(b) the names of two or more candidates whether excluded or not are marked with the same figure and are next in order of preference; or

(c) the name of the candidate next in order of preference whether excluded or not is marked: (i) by a figure not following consecutively after some other figure on the ballot paper, or, (ii) by two or more figures indicating different preferences.

What votes shall be transferred from excluded candidate.

(11) The votes transferred from an excluded candidate after any count shall be the votes, if any, indicated as next in order of preference on the ballot papers reckoned on that count in favor of the excluded candidate, but in no case shall a vote be transferred to a candidate who has already been excluded—the vote transferred shall be the vote, if any, next in order of preference to that given to an excluded candidate.

Method of fixing exclusion where votes equal.

(12) If at any time, two or more candidates, one of whom ought to be excluded, have an equal number of votes, that candidate shall be excluded the greater number of whose votes are transferred votes, but if there is no difference in this respect between the candidates, or if none of the votes of either of the candidates are transferred votes, the returning officer shall determine which of the candidates is to be excluded.

Statement of returning officer.

(13) The returning officer shall prepare a statement in duplicate in Form No. 33A of the votes counted for each candidate at each poll and of such other information as may be required by said form and also a statement in duplicate in Form No. 33B of the number of votes of first preference and the number of votes transferred under the foregoing subsections and of the total number of votes counted for each candidate after such transfer and shall deliver to the agents of each of the candidates or in the absence of the agents, to the voters present representing the candidates, a certificate in Form No. 32 of the total number of votes so counted for each candidate.

Retained for 10 days.

(14) The statement prepared by the returning officer shall be retained by him for ten days to allow an application to be made for an appeal, recount or final addition of the votes as hereinafter provided.

After candidate elected, election documents to be sealed.

(15) After the counting of the votes has been completed, the candidate declared elected and the statements made out, the voters' list, the different envelopes containing the ballots, the poll books and other documents which served

at the election shall be sealed with the seal of the returning officer and the seal of such of the candidates or their agents as desire to fix their seals, and placed in their respective ballot boxes which the returning officer shall immediately lock and seal:

Disposition of ballots when they cannot be restored to original envelopes.

Provided that where there has been such a transfer of ballots as would prevent their being restored to their original envelopes by polls, each of the parcels as shown by the last count shall be sealed with the seal of the returning officer and the seals of such of the candidates or their agents as desire to affix their seals, and placed in a ballot box or ballot boxes which the returning officer shall immediately lock and seal."

Interpretation.

Definitions.

50F. In the five preceding sections of this Act

"Ballot."

(1) The expressions "ballot-paper," "ballot," "paper," mean ballot papers of the form provided by section 46A of this Act.

"First preference."

(2) The expression "first preference" means the figure "1"; the expression "second preference" means the figure "2;" and the expression "third preference" means the figure "3," set opposite the name of any candidate, and so on.

"Original vote."

(3) The expression "original vote" in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate.

"Transferred vote."

(4) The expression "transferred vote" in regard to any candidate means a vote derived from a ballot paper on which a second or subsequent transferable preference is recorded for that candidate.

"Surplus."

(5) The expression "surplus" means the number of votes by which the total number of the votes, original and transferred, credited to any candidate, exceeds the quota, and the total of such credited to all candidates.

"Continuing candidate."

(6) The expression "continuing candidate" means any candidate not elected and not excluded from the poll.

"Exhausted ballot paper."

(7) The expression "exhausted ballot paper" means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate.

When paper deemed to be an exhausted ballot paper.

(8) A paper shall be deemed to be an exhausted ballot paper in any case in which—

(a) the names of two or more candidates (whether continuing or not) are marked with the same figure, and are next in order of preference; or

(b) the name of the candidate next in order of preference (whether continuing or not) is marked—

(i) by a figure not following consecutively after some other figures on the ballot paper; or

(ii) by two or more figures indicating different preferences.

Deposits of Candidates, how dealt with.

6. Subsection thirteen of section nineteen of the said Act is amended by adding at the end thereof the following words:—"except in the province of Saskatchewan, and in that province the sum so deposited by any candidate in an election shall be returned to him in the event of his being elected or of his obtaining a number of first preference votes at least equal to fifty per cent of the total number of first preference votes balloted, otherwise except in the case hereinafter provided for it shall belong to His Majesty for the public use of Canada."

Form added.

7. The said Act is amended by inserting the following form therein which shall apply in the province of Saskatchewan:

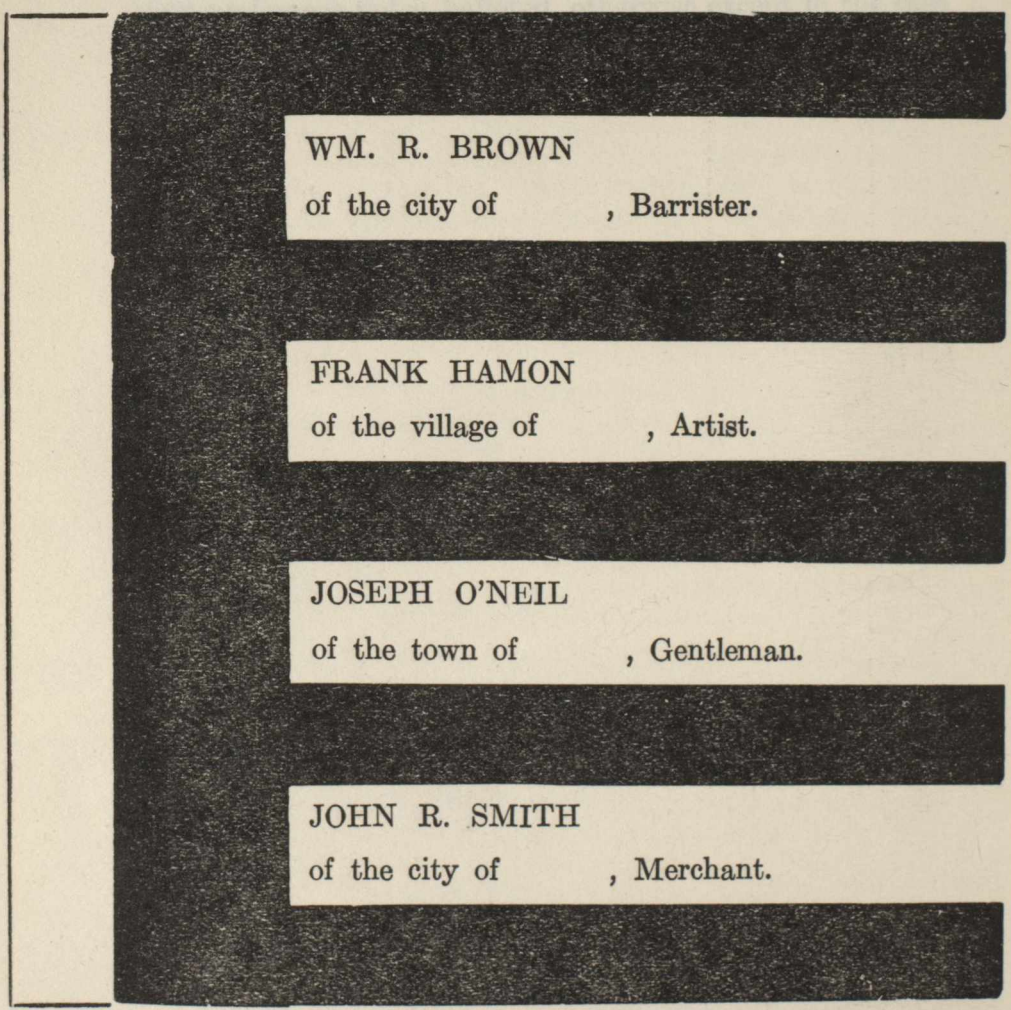
FORM No. 15A.

FORM OF BALLOT PAPER (Sec. 46A).

Front

The black line above the first name shall extend to the upper edge and the black line below the last name shall extend to the lower edge of the ballot paper and all black lines be prolonged to the edge of the paper. The black margin to the left is the counterfoil and the space to the left of the counterfoil is the stub. There shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

The names of the candidates alphabetically arranged in the order of their surnames, with the address and occupation of each, shall be printed on the ballot paper as close as possible to the black margin at the left.



FORM No. 15A—*Continued*

FORM OF BALLOT PAPER.

Back.

No. 325

(Line of Perforations here.)

No. 325

P. B. No.....

(Line of Perforations here.)

D.-R.-O.

INITIALS

R. O.
STAMP.

ELECTORAL DISTRICT OF

, 19

JAMES BROWN, Printer,
Ottawa.

Form 16 amended.

8. Form No. 16 of the said Act, being the directions for voters, is amended as follows:—

(1) Add at the end of the second paragraph of the form: "This paragraph shall not apply to the province of Saskatchewan."

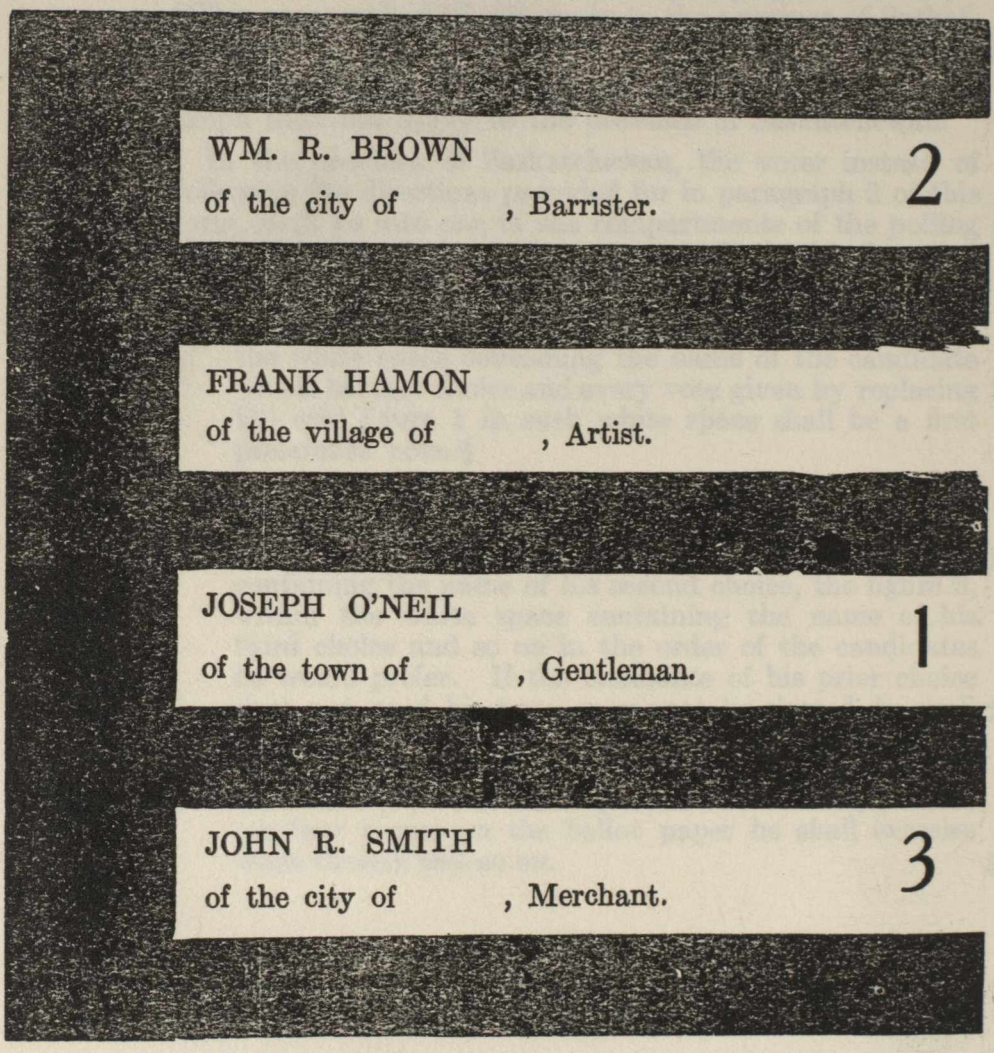
(2) At the end of the last paragraph add: "This paragraph shall not apply to the province of Saskatchewan.

In the province of Saskatchewan, the voter instead of following the directions provided for in paragraph 2 of this form, shall go into one of the compartments of the polling place, there mark his ballot paper with the black pencil provided as follows:—

(a) He shall place the figure 1 on the ballot paper within the white space containing the name of the candidate who is his first choice and every vote given by replacing the said figure 1 in such white space shall be a first preference vote.

(b) If the ballot paper contains the names of more than two candidates, he shall in addition to the figure 1, place on his ballot paper the figure 2 within the white space containing the name of his second choice, the figure 3, within the white space containing the name of his third choice and so on in the order of the candidates he would prefer. If the candidate of his prior choice does not need his vote or cannot be elected, he shall thus express as many choices as there are candidates less one. For example, if there are three names on the ballot paper, he shall exercise two choices, if there are four names on the ballot paper he shall exercise three choices and so on.

In the following form of ballot paper given for illustration, the candidates are



and the voter has marked his ballot in favour of Joseph O'Neil as his first preference vote, Wm. R. Brown as his second preference vote, and John R. Smith as the third preference vote.

Forms added.

9. The said Act is further amended by inserting the following therein which shall apply in the province of Saskatchewan.

FORM No. 32A.

(Section 50B, Subsection 2).

RECEIPT TO BE RETAINED BY DEPUTY RETURNING OFFICER WHEN HE EMPLOYS POLL CLERK OR MESSENGER TO RETURN BALLOT BOX.

Electoral Division of.....

Polling Division No..... 5

.....19....

Received from....., deputy returning officer at the above described polling division, the ballot box used at the poll held in the said polling division, together with the key thereof enclosed in an envelope, the said ballot box being locked and sealed as provided by *The Dominion Elections Act, 1934*, all to be delivered or sent by me in the same condition as I received them to..... .....of.....returning officer for the said electoral division of..... 15

.....

Witness.....

FORM No. 33A.

(Section 50D and 50E).

GENERAL STATEMENT BY RETURNING OFFICER.

(All blanks must be filled in, additions made and totals set down.)

Respecting Votes Polled and Ballot Papers used at the Polling Places of the Electoral Division of.....

at the Election held on the.....day of.....19....

Number and Names of Polling Places	Names of Candidates and number of first preference votes polled for each.					Votes at each Polling Place			Names on list.			Ballot papers sent out and how disposed of in each polling place.				Remarks
						Total Number of Votes polled.	Number of Votes polled by Men.	Number of Votes polled by Women.	Total Number of names on List.	Number of Names of Men on List.	Number of Names of Women on List.	Number of Ballot papers sent out to each poll.	Number used.	Number unused and returned.	Number rejected, cancelled, declined or taken from polls.	

FORM No. 33A.

(Section 50E, Subsection 13.)

EXTRA STATEMENT BY RETURNING OFFICER OF THE RESULT OF THE POLL AT AN ELECTION WHERE ONE MEMBER TO BE ELECTED, AND THERE ARE MORE THAN TWO CANDIDATES.

The Electoral Division of .....

Election held on the .....day of .....19...

Names of Candidates	First Count	Second Count		Third Count		Candidate elected.
		Transfer of —Votes	Result	Transfer of —Votes	Result	
A.....						
B.....						
C.....						
D.....						
Preference exhausted.....						
Total.....						

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 53.

An Act to provide for the deduction from compensation in the Public Service.

First reading, April 10, 1935.

The MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96093 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 53.

An Act to provide for the deduction from compensation in the Public Service.

1932, c. 52; 1932-33, c. 19; 1934, 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 Salary Deduction (Continuance) Act, 1935.*

Definitions.

"Compensation."

2. In this Act, unless the context otherwise requires,—

(a) "compensation" means the salaries, wages, commissions, fees, or other remuneration, authorized to be paid by statute, or regulation, or other authority, and includes sessional indemnities, and allowances, in cash or in kind, forming part of the remuneration attached to an office;

"Member of the public service of Canada."

(b) "member of the public service of Canada" means every officer, clerk and employee in any branch or portion of the public service of Canada, to whom any compensation is paid, either directly or indirectly, out of the revenue of His Majesty in respect of his Government of Canada, other than the Governor General of Canada, the Lieutenant-Governors of the several Provinces of Canada, the members of the Judiciary, and the members of the military, naval and air forces of Canada, and the Royal Canadian Mounted Police, and includes members of the Senate and House of Commons of Canada, and members, officers, clerks and employees of every commission, board or corporate body, being an agent or trustee of His Majesty in respect of his Government of Canada, created or established under the authority of an Act of the Parliament of Canada, other than the Canadian National Railway Company.

Explanatory Notes.

This Bill follows in general the provisions of the Act of 1934, and any deviation therefrom is shown by the words underlined in the text of the Bill.

Five per cent deduction.

3. (1) Notwithstanding the provisions of any statute or law, there shall, during the fiscal year ending the thirty-first day of March, 1936, be deducted from the compensation of every member of the public service of Canada five per centum of the amount thereof: Provided that no provision of this Act shall operate to reduce the compensation of any member of the public service of Canada below one thousand two hundred dollars per annum. Provided further that such deduction shall not apply to any member of the public service of Canada whose compensation during such fiscal year is not more than one thousand two hundred dollars, and there may be paid out of any unappropriated moneys in the Consolidated Revenue Fund such sums, not to exceed in the aggregate three million dollars, as are required and not otherwise provided in order to ensure that the compensation of every member of the public service of Canada shall not be less than the full amount thereof reduced only by the deduction provided for by this Act.

Proviso.

Apportionment of deduction.

(2) The deduction at the rate aforesaid shall be made from the instalments of compensation as the same become payable.

Indemnities.

(3) Notwithstanding the provisions of subsections one and two of this section the said deduction shall apply to the indemnities of the members of the Senate and House of Commons only for the Session of Parliament which commenced on the seventeenth day of January, 1935.

No duplication of deductions.

4. Where specific provision has been made by any Appropriation Act for the fiscal year ending the thirty-first day of March, 1936, for the reduced amount of the compensation of any member of the public service of Canada, after taking into account the deduction herein provided for, such reduction shall not operate to impose a deduction greater than provided for by the terms of this Act.

Basis of superannuation benefits not reduced. R.S., 1927, c. 24; R.S., 1906, c. 17.

Penitentiary employees. R.S., c. 154.

5. Deductions made under the provisions of this Act from the compensation of a contributor under the provisions of the *Civil Service Superannuation Act*, or Part I of the *Civil Service Superannuation and Retirement Act*, or from the compensation of any officer, clerk or employee employed in a penitentiary who may be eligible on retirement to receive a gratuity or retiring allowance under the provisions of the *Penitentiary Act*, shall not be taken to have reduced the amount of compensation on which the superannuation or retirement benefits of any such contributor would, but for the said deduction, have been based under any of the said Acts.

SECTION **3.** (1) Change of rate from 10 per cent to 5 per cent. Exemption increased from $1,000 to $1,200.

Under the 1934 Act, contribution to the Superannuation and Retirement Funds of employees with compensation not exceeding $1,200 are paid from the Consolidated Revenue Fund. The continuation of this provision and reduction in rate to 5 per cent would involve total exemption of permanent employees between $1,000 and $1,200. The change in exemption is to give the same treatment to temporary employees in this class. A further reason is the desire to give employees just over $1,000 an increase in compensation, which they would not get unless the exemption is increased.

The necessity for the provision of $3,000,000 is due to the fact that the Estimates provide for 90 per cent of salaries over $1,000, whereas it is intended to pay full salaries to $1,200 and 95 per cent of salaries over that amount.

SECTION **4.** To ensure that a specific salary, already reduced in the Estimates, shall not be subject to a further deduction. Change from previous terms is incidental only.

Regulations by Treasury Board.

6. The Treasury Board may make regulations,—

(a) prescribing and determining, in any case of doubt respecting the application of the definition of "member of the public service of Canada," to what persons or class of persons the provisions of this Act do or do not apply;

(b) determining in any case of doubt the amount to be treated as the amount of compensation of any member of the public service of Canada for the purposes of this Act, and prescribing in such case the method by which deductions shall be made.

(c) for any other purpose deemed necessary to give effect to this Act.

Duration of Act.

7. This Act shall expire on the thirty-first day of March, 1936.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 53.

An Act to provide for the deduction from compensation in the Public Service.

AS PASSED BY THE HOUSE OF COMMONS, 12th APRIL, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96095 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 53.

An Act to provide for the deduction from compensation in the Public Service.

1932, c. 52; 1932-33, c. 19; 1934, 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 Salary Deduction (Continuance) Act, 1935.*

Definitions.

"Compensation."

2. In this Act, unless the context otherwise requires,—

(a) "compensation" means the salaries, wages, commissions, fees, or other remuneration, authorized to be paid by statute, or regulation, or other authority, and includes sessional indemnities, and allowances, in cash or in kind, forming part of the remuneration attached to an office;

"Member of the public service of Canada."

(b) "member of the public service of Canada" means every officer, clerk and employee in any branch or portion of the public service of Canada, to whom any compensation is paid, either directly or indirectly, out of the revenue of His Majesty in respect of his Government of Canada, other than the Governor General of Canada, the Lieutenant-Governors of the several Provinces of Canada, the members of the Judiciary, and the members of the military, naval and air forces of Canada, and the Royal Canadian Mounted Police, and includes members of the Senate and House of Commons of Canada, and members, officers, clerks and employees of every commission, board or corporate body, being an agent or trustee of His Majesty in respect of his Government of Canada, created or established under the authority of an Act of the Parliament of Canada, other than the Canadian National Railway Company.

Explanatory Notes.

This Bill follows in general the provisions of the Act of 1934, and any deviation therefrom is shown by the words underlined in the text of the Bill.

Five per cent deduction.

3. (1) Notwithstanding the provisions of any statute or law, there shall, during the fiscal year ending the thirty-first day of March, 1936, be deducted from the compensation of every member of the public service of Canada five per centum of the amount thereof: Provided that no provision of this Act shall operate to reduce the compensation of any member of the public service of Canada below one thousand two hundred dollars per annum. Provided further that such deduction shall not apply to any member of the public service of Canada whose compensation during such fiscal year is not more than one thousand two hundred dollars, and there may be paid out of any unappropriated moneys in the Consolidated Revenue Fund such sums, not to exceed in the aggregate three million dollars, as are required and not otherwise provided in order to ensure that the compensation of every member of the public service of Canada shall not be less than the full amount thereof reduced only by the deduction provided for by this Act.

Proviso.

Apportionment of deduction.

(2) The deduction at the rate aforesaid shall be made from the instalments of compensation as the same become payable.

Indemnities.

(3) Notwithstanding the provisions of subsections one and two of this section the said deduction shall apply to the indemnities of the members of the Senate and House of Commons only for the Session of Parliament which commenced on the seventeenth day of January, 1935.

No duplication of deductions.

4. Where specific provision has been made by any Appropriation Act for the fiscal year ending the thirty-first day of March, 1936, for the reduced amount of the compensation of any member of the public service of Canada, after taking into account the deduction herein provided for, such reduction shall not operate to impose a deduction greater than provided for by the terms of this Act.

Basis of superannuation benefits not reduced. R.S., 1927, c. 24; R.S., 1906, c. 17.

5. Deductions made under the provisions of this Act from the compensation of a contributor under the provisions of the *Civil Service Superannuation Act*, or Part I of the *Civil Service Superannuation and Retirement Act*, or from the compensation of any officer, clerk or employee employed in a penitentiary who may be eligible on retirement to receive a gratuity or retiring allowance under the provisions of the *Penitentiary Act*, shall not be taken to have reduced the amount of compensation on which the superannuation or retirement benefits of any such contributor would, but for the said deduction, have been based under any of the said Acts.

Penitentiary employees. R.S., c. 154.

SECTION **3.** (1) Change of rate from 10 per cent to 5 per cent. Exemption increased from $1,000 to $1,200.

Under the 1934 Act, contribution to the Superannuation and Retirement Funds of employees with compensation not exceeding $1,200 are paid from the Consolidated Revenue Fund. The continuation of this provision and reduction in rate to 5 per cent would involve total exemption of permanent employees between $1,000 and $1,200. The change in exemption is to give the same treatment to temporary employees in this class. A further reason is the desire to give employees just over $1,000 an increase in compensation, which they would not get unless the exemption is increased.

The necessity for the provision of $3,000,000 is due to the fact that the Estimates provide for 90 per cent of salaries over $1,000, whereas it is intended to pay full salaries to $1,200 and 95 per cent of salaries over that amount.

SECTION **4.** To ensure that a specific salary, already reduced in the Estimates, shall not be subject to a further deduction. Change from previous terms is incidental only.

Regulations by Treasury Board.

6. The Treasury Board may make regulations,—

(a) prescribing and determining, in any case of doubt respecting the application of the definition of "member of the public service of Canada," to what persons or class of persons the provisions of this Act do or do not apply;

(b) determining in any case of doubt the amount to be treated as the amount of compensation of any member of the public service of Canada for the purposes of this Act, and prescribing in such case the method by which deductions shall be made.

(c) for any other purpose deemed necessary to give effect to this Act.

Duration of Act.

7. This Act shall expire on the thirty-first day of March, 1936.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 54.

An Act to amend the Income War Tax Act (Special Tax).

First reading, April 10, 1935.

The MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

96148

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 54.

An Act to amend the Income War Tax Act (Special Tax).

R.S., c. 97; 1932, c. 44; 1932-33, c. 15; 1934, c. 19.

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

1. The *Income War Tax Act*, chapter ninety-seven of the Revised Statutes of Canada, 1927, is amended by inserting immediately after section nine thereof the following section:—

Special Income Tax on certain salaries.

"**9A.** (1) Notwithstanding anything contained in this Act or in any other statute or law, the members of the judiciary and Commissioned Officers of the Military, Naval and Air Forces of Canada and of the Royal Canadian Mounted Police shall be liable to pay a special income tax of five per centum upon the salaries or pay paid to them by the Dominion of Canada.

Payable on salaries for 1935-1936.

(2) The special tax imposed hereby shall apply only to the said salaries or pay received during or in respect of the fiscal year commencing the first day of April, 1935, and ending the thirty-first day of March, 1936, and shall be payable by the taxpayer in twelve equal monthly instalments on the last day of each month commencing in April, 1935: provided that in the case of persons appointed during the fiscal year, the tax shall be payable in equal monthly instalments on the last day of each month.

Interest on default.

(3) In case default is made in the payment of any instalment, the taxpayer shall thereafter be liable to pay interest at the rate of six per centum per annum upon such instalment to the time payment is made.

Special tax additional.

(4) The special tax imposed hereby shall be in addition to any other tax payable under this Act.

Deductions.

(5) Every payment made on account of the said special tax shall be deductible from the income of the year in which payment is made for the purpose of determining income liable to income tax other than the special tax imposed by this section."

Taxpayer may elect to be subject to Salary Deduction Act.

2. (1) Every person liable to pay the special tax imposed by this Act may, in lieu of paying such tax, elect in the manner and within the time hereinafter prescribed, to be subject in respect of the salary or pay paid to him by the Dominion of Canada during or in respect of the fiscal year ending the thirty-first day of March, 1936, to the provisions of *The Salary Deduction (Continuance) Act, 1935;* and every person who so elects shall thereupon cease to be liable to pay the said special tax and shall become subject to the provisions of *The Salary Deduction (Continuance) Act, 1935*, which shall apply, mutatis mutandis, to him in respect of the salary or pay so paid to him.

Manner and time of election.

(2) Such election shall be made in writing and transmitted by registered post within thirty days after the coming into force of this Act to the Comptroller of the Treasury, Department of Finance, Ottawa; and upon receipt of every election so made, the Comptroller of the Treasury shall cause a true copy thereof to be transmitted forthwith by registered post to the Commissioner of Income Tax.

When Act comes into force.

3. The provisions of this Act shall come into force on the first day of April, 1935.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 54.

An Act to amend the Income War Tax Act (Special Tax).

AS PASSED BY THE HOUSE OF COMMONS,
12th APRIL, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96150 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 54.

An Act to amend the Income War Tax Act (Special Tax).

R.S., c. 97; 1932, c. 44; 1932-33, c. 15; 1934, c. 19.

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1. The *Income War Tax Act*, chapter ninety-seven of the Revised Statutes of Canada, 1927, is amended by inserting immediately after section nine thereof the following section:—

Special Income Tax on certain salaries.

"**9A.** (1) Notwithstanding anything contained in this Act or in any other statute or law, the members of the judiciary and Commissioned Officers of the Military, Naval and Air Forces of Canada and of the Royal Canadian Mounted Police shall be liable to pay a special income tax of five per centum upon the salaries or pay paid to them by the Dominion of Canada.

Payable on salaries for 1935-1936.

(2) The special tax imposed hereby shall apply only to the said salaries or pay received during or in respect of the fiscal year commencing the first day of April, 1935, and ending the thirty-first day of March, 1936, and shall be payable by the taxpayer in twelve equal monthly instalments on the last day of each month commencing in April, 1935: provided that in the case of persons appointed during the fiscal year, the tax shall be payable in equal monthly instalments on the last day of each month.

Interest on default.

(3) In case default is made in the payment of any instalment, the taxpayer shall thereafter be liable to pay interest at the rate of six per centum per annum upon such instalment to the time payment is made.

Special tax additional.

(4) The special tax imposed hereby shall be in addition to any other tax payable under this Act.

Deductions.

(5) Every payment made on account of the said special tax shall be deductible from the income of the year in which payment is made for the purpose of determining income liable to income tax other than the special tax imposed by this section."

Taxpayer may elect to be subject to Salary Deduction Act.

2. (1) Every person liable to pay the special tax imposed by this Act may, in lieu of paying such tax, elect in the manner and within the time hereinafter prescribed, to be subject in respect of the salary or pay paid to him by the Dominion of Canada during or in respect of the fiscal year ending the thirty-first day of March, 1936, to the provisions of *The Salary Deduction (Continuance) Act, 1935;* and every person who so elects shall thereupon cease to be liable to pay the said special tax and shall become subject to the provisions of *The Salary Deduction (Continuance) Act, 1935,* which shall apply, mutatis mutandis, to him in respect of the salary or pay so paid to him.

Manner and time of election.

(2) Such election shall be made in writing and transmitted by registered post within thirty days after the coming into force of this Act to the Comptroller of the Treasury, Department of Finance, Ottawa; and upon receipt of every election so made, the Comptroller of the Treasury shall cause a true copy thereof to be transmitted forthwith by registered post to the Commissioner of Income Tax.

When Act comes into force.

3. The provisions of this Act shall come into force on the first day of April, 1935.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 55.

An Act to provide for the rehabilitation of drought and soil drifting areas in the Provinces of Manitoba, Saskatchewan and Alberta.

First reading, April 10, 1935.

The MINISTER OF AGRICULTURE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96761 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 55.

An Act to provide for the rehabilitation of drought and soil drifting areas in the Provinces of Manitoba, Saskatchewan and Alberta.

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 Prairie Farm Rehabilitation Act.*

"Minister."

2. In this Act and in any regulations made hereunder, unless the context otherwise requires, "Minister" means the Minister of Agriculture.

Committee.

3. (1) The Governor in Council may establish a committee to be known as the Prairie Farm Rehabilitation Advisory Committee, hereinafter called "the Committee," the members of which shall hold office during pleasure.

Chairman.

(2) One of the members of the Committee shall be appointed Chairman by the Governor in Council.

Membership of Committee.

(3) The Committee shall consist of the following:—

(a) one representative of the Manitoba Grain Growing Farmers from the drought and soil drifting areas;

(b) one representative of the Saskatchewan Grain Growing Farmers from the drought and soil drifting areas;

(c) one representative of the Alberta Grain Growing Farmers from the drought and soil drifting areas;

(d) one representative of Saskatchewan Live Stock Farmers from the drought areas;

(e) one representative of Alberta Range Farmers from the drought areas;

(f) one representative of Mortgage Companies of Canada;

(g) one representative of the Canadian Bankers' Association;

(*h*) one representative each from the Canadian Pacific Railway Company and the Canadian National Railways;

(*i*) two representatives from the Dominion Department of Agriculture; and

(*j*) one representative of the Government in each of the Provinces of Manitoba, Saskatchewan and Alberta.

Duties of Committee.

4. The Committee shall consider and advise the Minister as to the best methods to be adopted to secure the rehabilitation of the drought and soil drifting areas in the Provinces of Manitoba, Saskatchewan and Alberta and to develop and promote within those areas systems of farm practice, tree culture and water supply that will afford greater economic security and to make such representations thereon to the Minister as the Committee may deem expedient.

Payments of actual expenses.

5. No member of the Committee shall receive any payment or emolument for his services, but he shall be repaid all actual reasonable travelling or other expenses in connection with the work of the Committee.

Assistants.

6. The Minister may appoint such temporary technical, professional and other officers and employees as he may deem necessary and expedient for carrying out the provisions of this Act and the salaries and expenses of such officers shall be fixed by the Governor in Council.

Regulations.

7. The Governor in Council may make such regulations as may be necessary or expedient for the effectual execution and working of this Act and the attainment of the intention and objects thereof.

Appropriations.

8. For the purposes of this Act the sum of seven hundred and fifty thousand dollars shall be appropriated and paid out of the Consolidated Revenue fund of Canada during the fiscal year 1935-36 and for each fiscal year for a further period of four years a sum not exceeding one million dollars per annum as may be necessary to continue and extend the work undertaken under this Act.

Annual report.

9. The Minister shall annually lay before Parliament a report of all proceedings under this Act for the preceding fiscal year.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 55.

An Act to provide for the rehabilitation of drought and soil drifting areas in the Provinces of Manitoba, Saskatchewan and Alberta.

AS PASSED BY THE HOUSE OF COMMONS, 11th APRIL, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96763 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 55.

An Act to provide for the rehabilitation of drought and soil drifting areas in the Provinces of Manitoba, Saskatchewan and Alberta.

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 Prairie Farm Rehabilitation Act.*

"Minister."

2. In this Act and in any regulations made hereunder, unless the context otherwise requires, "Minister" means the Minister of Agriculture.

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3. (1) The Governor in Council may establish a committee to be known as the Prairie Farm Rehabilitation Advisory Committee, hereinafter called "the Committee," the members of which shall hold office during pleasure.

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(2) One of the members of the Committee shall be appointed Chairman by the Governor in Council.

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(3) The Committee shall consist of the following:—

(a) one representative of the Manitoba Grain Growing Farmers from the drought and soil drifting areas;

(b) one representative of the Saskatchewan Grain Growing Farmers from the drought and soil drifting areas;

(c) one representative of the Alberta Grain Growing Farmers from the drought and soil drifting areas;

(d) one representative of Saskatchewan Live Stock Farmers from the drought areas;

(e) one representative of Alberta Range Farmers from the drought areas;

(f) one representative of Mortgage Companies of Canada;

(g) one representative of the Canadian Bankers' Association;

(h) one representative each from the Canadian Pacific Railway Company and the Canadian National Railways;

(i) two representatives from the Dominion Department of Agriculture; and

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Assistants.

6. The Minister may appoint such temporary technical, professional and other officers and employees as he may deem necessary and expedient for carrying out the provisions of this Act and the salaries and expenses of such officers shall be fixed by the Governor in Council.

Regulations.

7. The Governor in Council may make such regulations as may be necessary or expedient for the effectual execution and working of this Act and the attainment of the intention and objects thereof.

Appropriations.

8. For the purposes of this Act the sum of seven hundred and fifty thousand dollars shall be appropriated and paid out of the Consolidated Revenue fund of Canada during the fiscal year 1935-36 and for each fiscal year for a further period of four years a sum not exceeding one million dollars per annum as may be necessary to continue and extend the work undertaken under this Act.

Annual report.

9. The Minister shall annually lay before Parliament a report of all proceedings under this Act for the preceding fiscal year.

58.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 58.

An Act to amend The Copyright Amendment Act, 1931.

First reading, 11th April, 1935.

THE SECRETARY OF STATE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96474 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 58.

R.S., c. 32; 1931, c. 8.

An Act to amend The Copyright Amendment Act, 1931.

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

1. *The Copyright Amendment Act, 1931*, is amended by inserting the following subsections immediately after subsection three of section ten thereof:—

Right of action barred when fees paid or tendered.

"(4) No action or other proceeding to enforce any civil or summary remedy for infringement of the performing right in any dramatico-musical or musical work claimed by any association, society or company referred to in subsection one of this section, shall be commenced or continued, and no judgment or sentence shall be rendered in any court against any person who has tendered or paid the fees, charges or royalties which are specified, revised or otherwise presented pursuant to the provisions of this section.

Right of action barred pending enquiry.

"(5) Unless the consent of the Secretary of State of Canada is given in writing, no action or other proceeding to enforce any civil or summary remedy for infringement of the performing right in any dramatico-musical or musical work claimed by any association, society or company referred to in subsection one of this section, shall be commenced or continued, and no judgment or sentence shall be rendered in any court after notice has been published in the *Canada Gazette* that a Commissioner has been appointed under the *Inquiries Act* to make an investigation and report as provided in subsection two of this section; Provided, however, that the stay of proceedings herein provided shall not be effective for more than six months, unless the Secretary of State in writing extends the time."

R.S., c. 99.

Section 10 of *The Copyright Amendment Act of 1931* is as follows:—

"**10.** (1) Each association, society 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:— Performing rights.

(a) Lists of all dramatico-musical and musical works, in respect of which such association, society or company claims authority to issue or grant performing licences or to collect fees, charges or royalties for or in respect of the performance of such works in Canada; and Lists of works to be filed.

(b) Statements of all fees, charges or royalties which such society, association or company proposes from time to time or at any time to collect in compensation for the issue or grant of licences for or in respect of the performance of such works in Canada. Statement of fees, charges, and royalties.

(2) Whenever, in the opinion of the Minister, after an investigation and report by a Commissioner appointed under the *Inquiries Act*, any such society, association, or company which exercises in Canada a substantial control of the performing rights in dramatico-musical or musical works in which copyright subsists, unduly withholds the issue or grant of licences for or in respect of the performance of such works in Canada, or proposes to collect excessive fees, charges or royalties in compensation for the issue or grant of such licences, or otherwise conducts its operations in Canada in a manner which is deemed detrimental to the interests of the public, then and in any such case the Governor in Council on the recommendation of the Minister is authorized from time to time to revise, or otherwise prescribe the fees, charges or royalties which any such society, association or company may lawfully sue for or collect in respect of the issue or grant by it of licences for the performance of all or of any such works in Canada. Revision of fees, charges, and royalties by Governor in Council.

(3) No such society, association or company shall be entitled to sue for or to collect any fees, charges or royalties for or in respect of licences for the performance of all or of any such works in Canada which are not specified in the lists from time to time filed by it at the Copyright Office as herein provided, nor to sue for or collect any fees, charges or royalties in excess of those specified in the statements so filed by it, nor of those revised or otherwise prescribed by Order of the Governor in Council." No excess fees, charges or royalties permitted.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 58.

An Act to amend The Copyright Amendment Act, 1931.

AS PASSED BY THE HOUSE OF COMMONS, 12th APRIL, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94676 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 58.

R.S., c. 32; 1931, c. 8.

An Act to amend The Copyright Amendment Act, 1931.

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

1. *The Copyright Amendment Act, 1931*, is amended by inserting the following subsections immediately after subsection three of section ten thereof:—

Right of action barred when fees paid or tendered.

"(4) No action or other proceeding to enforce any civil or summary remedy for infringement of the performing right in any dramatico-musical or musical work claimed by any association, society or company referred to in subsection one of this section, shall be commenced or continued, and no judgment or sentence shall be rendered in any court against any person who has tendered or paid the fees, charges or royalties which are specified, revised or otherwise prescribed pursuant to the provisions of this section.

Right of action barred pending enquiry.

"(5) Unless the consent of the Secretary of State of Canada is given in writing, no action or other proceeding to enforce any civil or summary remedy for infringement of the performing right in any dramatico-musical or musical work claimed by any association, society or company referred to in subsection one of this section, shall be commenced or continued, and no judgment or sentence shall be rendered in any court after notice has been published in the *Canada Gazette* that a Commissioner has been appointed under the *Inquiries Act* to make an investigation and report as provided in subsection two of this section; Provided, however, that the stay of proceedings herein provided shall not be effective for more than six months, unless the Secretary of State in writing extends the time."

R.S., c. 99.

Section 10 of *The Copyright Amendment Act of 1931* is as follows:—

"**10.** (1) Each association, society 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:— Performing rights.

(a) Lists of all dramatico-musical and musical works, in respect of which such association, society or company claims authority to issue or grant performing licences or to collect fees, charges or royalties for or in respect of the performance of such works in Canada; and Lists of works to be filed.

(b) Statements of all fees, charges or royalties which such society, association or company proposes from time to time or at any time to collect in compensation for the issue or grant of licences for or in respect of the performance of such works in Canada. Statement of fees, charges, and royalties.

(2) Whenever, in the opinion of the Minister, after an investigation and report by a Commissioner appointed under the *Inquiries Act*, any such society, association, or company which exercises in Canada a substantial control of the performing rights in dramatico-musical or musical works in which copyright subsists, unduly withholds the issue or grant of licences for or in respect of the performance of such works in Canada, or proposes to collect excessive fees, charges or royalties in compensation for the issue or grant of such licences, or otherwise conducts its operations in Canada in a manner which is deemed detrimental to the interests of the public, then and in any such case the Governor in Council on the recommendation of the Minister is authorized from time to time to revise, or otherwise prescribe the fees, charges or royalties which any such society, association or company may lawfully sue for or collect in respect of the issue or grant by it of licences for the performance of all or of any such works in Canada. Revision of fees, charges, and royalties by Governor in Council.

(3) No such society, association or company shall be entitled to sue for or to collect any fees, charges or royalties for or in respect of licences for the performance of all or of any such works in Canada which are not specified in the lists from time to time filed by it at the Copyright Office as herein provided, nor to sue for or collect any fees, charges or royalties in excess of those specified in the statements so filed by it, nor of those revised or otherwise prescribed by Order of the Governor in Council." No excess fees, charges or royalties permitted.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 59.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1936.

AS PASSED BY THE HOUSE OF COMMONS, 11th APRIL, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96770 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 59.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1936.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency the Right Honourable the Earl of Bessborough, 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-six, 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, 1935.*

$16,058,144.05 granted for 1935-36.

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

Additional interim vote of $820,889.37 granted for 1935-36 on certain items.

3. From and out of the Consolidated Revenue Fund there may be paid and applied, in addition to the amount granted therefor in the preceding section, a sum not exceeding in the whole eight hundred and twenty thousand, eight hundred and eighty-nine dollars and thirty-seven cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-five, to the thirty-first day of March, one thousand nine hundred and thirty-six, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted set forth in Schedule A to this Act.

$278,083.33 granted for 1935-36 on certain items.

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

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, 1935-36. The amount hereby granted is $820,889.37, being one-sixth 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, 1936, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
	ADMINISTRATION OF JUSTICE		
	Yukon Territory		
33	Miscellaneous expenditure, including salaries and allowances of court officers, etc.	.....	9,500 00
	LEGISLATION		
	SENATE		
35	Salaries and contingent expenses	162,241 50	
	HOUSE OF COMMONS		
36	Salaries	116,246 00	
	Expenses of committees, etc.	15,000 00	
	Clerical assistance, etc.	107,203 50	
	Contingencies	44,099 00	
	Publishing Debates, including salaries of amanuenses, etc.	63,000 00	
	Estimates of the Sergeant-at-Arms	195,635 25	
			703,425 25
	PENSIONS		
67	Salaries and contingent expenses of the Canadian Pension Commission	.....	446,023 00
	SCIENTIFIC INSTITUTIONS		
	DEPARTMENT OF THE INTERIOR		
	Topographical and Air Service Bureau		
154	From topographical and air surveys, compiling, drawing, printing and distributing geographical base maps for all purposes, issuing technical instructions for air photography and reconnaissance, under supervision of Committee on Air Surveys and Base Maps; land and mining claim surveys of all remaining Dominion Lands (Northwest Territories, Dominion Parks, Ordnance Lands); preparing electoral district maps; maintaining central office for indexing, filing and recording of survey notes and plans, and the distribution of maps, etc.	.....	110,000 00
	GOVERNMENT OF THE YUKON TERRITORY		
189	Grant to Yukon Council for local purposes, the construction and maintenance of roads and such other expenditures as the Commissioner is authorized to expend by and with the advice and consent of the Council or any Committee thereof: and the accounts with respect to such expenditure shall be subject to examination and audit by the Auditor General as provided by Section 22, Chapter 215, Revised Statutes 1927	.....	60,000 00

SCHEDULE A—*Concluded*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	DOMINION LANDS AND PARKS		
190	To provide for the expenses connected with the National Parks of Canada, historic sites, care of indigents in the parks, the appointment of stipendiary magistrates in the parks and the payment of their remuneration	1,105,188 00	
	Administration of the Migratory Birds Convention Act	35,500 00	
			1,140,688 00
	PENSIONS AND NATIONAL HEALTH		
196	Sheltered Employment	50,000 00	
200	War Veterans' Allowances	2,250,000 00	
			2,300,000 00
	EXTERNAL AFFAIRS		
	PARIS		
205	Representation, including salaries and allowances for Minister Plenipotentiary, Secretaries and staff, notwithstanding anything to the contrary in the Civil Service Act or any of its amendments	.....	75,700 00
	MISCELLANEOUS		
226	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
	Total	.....	*$4,925,336 25

*Net total $820,889.37.

SCHEDULE B.

Based on Estimates, 1935-36. The amount hereby granted is $278,083.33, being one-twelfth 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, 1936, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	DEFICIT OF CANADIAN NATIONAL STEAMSHIPS		
	CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LIMITED		
293	Amount to provide for the payment from time to time to The Canadian National (West Indies) Steamships, Limited, (hereinafter called "the Company"), of the amounts of the deficits including profit and loss but not including non-cash items and interest on Dominion Government advances, occurring during the year ending December 31st, 1935, in the operations of the company and of the vessels under the control of the company, as certified to by the auditors of the company, and upon applications made by the company to the Minister of Finance and approved by the Minister of Railways and Canals, not exceeding	316,000 00	
	CANADIAN GOVERNMENT MERCHANT MARINE, LIMITED		
294	Amount to provide for the payment from time to time to The Canadian Government Merchant Marine, Limited (hereinafter called "the Company"), of the amounts of the deficits including profit and loss but not including non-cash items and interest on Dominion Government advances, occurring during the year ending December 31st, 1935, in the operations of the company and of the vessels under the control of the company, as certified to by the auditors of the company and upon applications made by the company to the Minister of Finance and approved by the Minister of Railways and Canals, not exceeding	45,000 00	
			361,000 00
	LOAN TO CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LIMITED		
295	Loan 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 31st, 1935 (revote $178,500)	.....	196,000 00
	MARITIME FREIGHT RATES ACT		
296	Amount required to provide for payment from time to time during the fiscal year 1935-36 of the difference, estimated by the Board of Railway Commissioners and certified by the said Board to the Minister of Railways and Canals, 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 1935, under the tariffs approved, by the following companies:		

SCHEDULE B—*Concluded*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	MARITIME FREIGHT RATES ACT—*Concluded*		
	Canada and 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.....	900,000 00	
297	To hereby authorize and provide for the payment from time to time during the fiscal year 1935-36 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 Railways and Canals 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 1935, under the tariffs approved, on the Eastern Lines (as referred to in section 1 of the said Act) of the Canadian National Railways.....	1,880,000 00	2,780,000 00
	Total.....	.....	*3,337,000 00

*Net total $278,083.33.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 60.

An Act respecting Radio Broadcasting.

First reading, April 15, 1935.

The PRIME MINISTER.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96858 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 60.

An Act respecting Radio Broadcasting.

1932, c. 51; 1932-33, c. 35; 1934, c. 60.

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

Provisions of Act of 1932-33 re-enacted, for two months.

1. The provisions of the Act to amend *The Canadian Radio Broadcasting Act, 1932,* chapter thirty-five of the statutes of 1932-33, as amended by chapter sixty of the statutes of 1934, are hereby re-enacted, except that in section four thereof the thirtieth day of June, 1935, shall be substituted for the thirtieth day of April, 1935.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 60.

An Act respecting Radio Broadcasting.

AS PASSED BY THE HOUSE OF COMMONS,
16th APRIL, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96860 1935

6th Session, 17th Parliament, 25 George V, 1935.

THE HOUSE OF COMMONS OF CANADA.

BILL 60.

An Act respecting Radio Broadcasting.

1932, c. 51; 1932-33, c. 35; 1934, c. 60.

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

Provisions of Act of 1932-33 re-enacted, for two months.

1. The provisions of the Act to amend *The Canadian Radio Broadcasting Act, 1932*, chapter thirty-five of the statutes of 1932-33, as amended by chapter sixty of the statutes of 1934, are hereby re-enacted, except that in section four thereof the thirtieth day of June, 1935, shall be substituted for the thirtieth day of April, 1935.

LAW BRANCH
HOUSE of COMMONS
OLLIVIER & FRASER
JOINT LAW CLERKS.