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BILLS PASSED BUT NOT ASSENTED TO.

BILLS PASSED BUT NOT ASSENTED TO.

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 1.

An Act to amend The Railway Act, 1919 (Special Passenger Tariffs).

First reading, January 11, 1926.

Mr. CHURCH.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
13182 1926

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 1.

An Act to amend The Railway Act, 1919 (Special Passenger Tariffs).

1919, c. 68.

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

1. Section three hundred and thirty-three of *The Railway Act, 1919*, chapter sixty-eight of the statutes of 1919, is amended by adding thereto the following subsection:—

Special passenger tariffs for exhibitions, fairs, holiday seasons, etc., to be established.

"(4) Special passenger tariffs specifying a lower toll or tolls to be charged by the company for passengers going to and returning from places where exhibitions, fairs, games or meetings of any kind are being held, and special passenger tariffs specifying a lower toll or tolls to be charged during holiday seasons shall be established under the provisions of this Act, and if any company fails to establish such special passenger tariffs for such purposes or if the toll or tolls in any such proposed tariff are deemed by the Board to be too large, the Board shall have power to prescribe the toll or tolls that shall be charged. The Board shall also have power to prescribe the conditions under which and the period or periods during which such special tariff shall apply or be in force."

Powers of Board.

Explanatory Note.

1. The object of the amendment is to restore the special rate that applied prior to the war in regard to tickets purchased on such special occasions as Thanksgiving Day and certain other holidays, and for the purpose of attendance at the fall fairs, conventions and sporting events as are held throughout Canada. Before the war, single fares or a fare and a third were charged, instead of the full return fare, to persons attending various functions of this character on certain days and special occasions and conventions of different kinds held in the spring of the year by farmers' and other organizations. In connection with sporting events, such as soccer, lacrosse, football and hockey and other games, there was also a cut rate for week ends. If the old special rate that obtained for these events prior to the war were restored, there would be a large increase in the earnings of the railways from this class of traffic.

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 2.

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

First reading, January 11, 1926.

Mr. CHURCH.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

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1st Session, 15th Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 2.

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

R.S., c. 66.

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

1. The *Post Office Act*, chapter sixty-six of the Revised Statutes, 1906, is amended by inserting the following section immediately after section fifty-seven thereof:—

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

"**57A.** (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 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 the provisions of this subsection shall not apply to religious, fraternal, temperance, and scientific or other similar publications: Provided further, 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 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

Religious, etc., publications not affected.

Small stockholders omitted.

To be printed in next issue.

Denied admission to mails on ailure.

within ten days after notice by registered letter of such failure.

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

Penalty for failure.

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

Statements to be made in duplicate and delivered to postmaster.

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

Regulations.

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

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 3.

An Act to amend and make operative certain provisions of The Copyright Act, 1921.

First reading, January 12, 1926.

MR. LADNER.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
12376 1926

1st Session, 15th Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to amend and make operative certain provisions of The Copyright Act, 1921.

1921, c. 24; 1923, c. 10.

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 Copyright Amendment Act, 1926*.

INTERPRETATION.

2. (1) *The Copyright Act, 1921*, chapter twenty-four of the statutes of 1921, is amended by inserting the following paragraph immediately after paragraph *(e)* of section two thereof:—

"Copy."

"*(ee)* "Copy" includes any partial or complete reproduction, in a serial form or otherwise, by handwriting, typewriting, printing, lithographing, engraving, photo-engraving, casting, moulding or any kindred process or any process of manufacture hereafter devised, of a literary, dramatic, musical or artistic work."

(2) Paragraph *(j)* of section two of the said Act is repealed and the following is substituted therefor:—

"Infringing "Pirated".

"*(j)* "Infringing" or "pirated", when applied to a work, or to a copy of a work in which copyright subsists, means any work or any copy, including any colourable imitation, written, printed or otherwise made or reproduced or imported in contravention of the provisions of this Act.

"Legal representatives."

(3) Paragraph *(m)* of section two of the said Act is repealed and the following is substituted therefor:—

"*(m)* "legal representatives" includes heirs, executors, administrators, successors or assigns or authorized agents or attorneys in writing;"

EXPLANATORY NOTES.

This is a reprint of Bill No. 2 of the session of 1925, as amended and reported by the Special Committee appointed by the House of Commons on February 11th, 1925, which was reported too late to be considered before the close of the session. The minutes of Proceedings and Evidence taken before the Committee were published, in September 1925, as a Blue Book entitled "Special Committee. Bill No. 2 *re* Copyright Bill."

Since 1921, the matter has been laid before Parliament on behalf of the Canadian Authors' Association seeking legislation to implement the protection of the rights of authors, playwrights, composers, artists and publishers, which is not granted by the Copyright Act now in force, though the said Act was supposedly designed for that purpose. No opportunity was, during the preparation of the said Act, awarded to them of submitting their rights for consideration. Most of the amendments adopted by the Special Committee and herein reported have been recommended as timely compromises on several main points of copyright which concern the authors and the dealers in literary and artistic works.

By the terms of the Revised Convention of Berne, 1908, to which Canada now adheres, the rights of many thousands of authors belonging to 30 or 35 different countries, adherent to the Union, were to be fully protected in Canada without the fulfilment of any formality; and, reciprocally, Canadian authors were likewise to enjoy, in every Unionist country, the same protection which Canada granted to Unionist authors. But the Canadian Act fails to afford the necessary remedies in case of infringement, and, contrary to the terms of the Revised Convention, imposes upon authors formalities not contemplated by the said Convention, thus limiting the enjoyment of their rights in Canada. The said Act should be amended in the manner hereinafter submitted, assuring thereby to Canadian authors, in Unionist countries, a treatment similar to the treatment which Canada, by the passing of this Bill, would prescribe and determine.

2. (1) This expression had not been previously defined.

2. (2) Paragraph *(j)* is amended by the addition of the underlined words so as to define the expressions "pirated work" and "pirated copy," used in section sixteen of this Bill.

2. (3) No alterations are made except replacing the words "legal representatives" in the second and third lines of paragraph (m) by the words now underlined.

(4) Paragraph *(n)* of section two of the said Act is repealed, and the following is substituted therefor:—

"Literary work."

"*(n)* "Literary work" includes any composition relating to or descriptive of any subject, real or fictitious, whether artistic, scientific, literary, poetical, economic, political, theological, philosophical, humourous, historical, pedagogical or otherwise, unpublished or published in any material medium, method or form whatsoever, and also maps, charts, plans, tables and compilations."

(5) Paragraph *(q)* of section two of the said Act is repealed, and the following is substituted therefor:—

"Performance."

"*(q)* "performance" means any acoustic execution of a work or any visual representation of any dramatic action in a work, including such execution or representation made by means of any mechanical instrument and any communication or 'broadcasting' of such work by wireless telephony, telegraphy, radio or other kindred process;"

"Book."

(6) Paragraph *(c)* of section two of the said Act is hereby repealed."

Proviso as to protection on extension of Act to other countries.

3. Subsection (2) of section four of the said Act is amended by adding thereto the following:—

"Provided that if this Act is or has been extended to any country by virtue of the provisions of this subsection, the authors of musical compositions, who at the date of publication thereof were subjects or citizens of such country and were not effectively domiciled in one of the countries adhering to the Revised Berne Convention, or their heirs, assigns, successors or legal representatives, shall be entitled to copyright protection only under the condition that the provisions of this Act in so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically musical works, shall apply only to compositions published on or after January 1, 1924, and registered for copyright in Canada; this proviso shall come into force only upon such date as the Governor in Council by proclamation directs."

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

"Work."

Copyright on creative title.

"(4) For the purpose of this Act, "work" shall include the title thereof when such title has other than a general, geographically descriptive or commonplace meaning."

2. (4) This expression was thus previously defined:—
"(*n*) "literary work" includes maps, charts, plans, tables and compilations."

2. (5) To ensure that the new methods of dissemination and performance introduced by the wireless inventions shall be covered in accordance with the intent of the Copyright Act.

2. (6) The paragraph repealed reads as follows:—
"(*c*) 'book' shall include every volume, part or division of a volume, pamphlet, sheet of letter-press, sheet of music, map, chart, or plan separately published."
The definition of "book" is now useless since "literary work" has been defined as aforesaid.

3. This section is suggested in order not to give foreign authors more ample rights than Canadian authors enjoy in these foreign countries.

4. This section is suggested to enable an author to have protected the title of his work, when such title is creative.

5. The said Act is further amended by inserting, after section ten thereof, the following section:—

Protection of public domain.

"**10A.** After the expiration of the term of copyright as aforesaid, the works on which copyright ceases to subsist shall be deemed public property, and any person shall thereafter be entitled to reproduce, execute or perform such works without any special authorization, subject however to the condition that the title of the work and the name of the author be accurately reproduced. Provided that, if any change, alteration or adaptation is made for the reproduction, the execution or performance of a work which has become public property, such change, alteration or adaptation, as well as the name of the original author, be indicated on the reproduction of the said work, and, in the case of an execution or performance of such work, that the name of the original author, with such change, alteration or adaptation, be indicated in the notices advertising such execution or performance of said work and in the programmes thereof. Any person contravening the provisions of this section shall be liable, on summary conviction, to a fine of not less than ten dollars and costs, and, in default of payment of said fine and costs, to imprisonment for a period not exceeding one month."

License clauses.

6. Sections thirteen and fourteen of the said Act, as amended by section two of chapter ten of the statutes of 1923, are repealed, and the following is substituted therefor:—

SERIAL LICENSE.

License to publish in serial form.

"**13.** (1) If the publication of a literary work is lawfully begun as a serial elsewhere than in His Majesty's Dominions or a foreign country to which subsection one of section four of this Act applies, or if announcement of such serial publication is made, and the owner of the copyright or person entitled to copyright has refused to grant a license to any person in Canada, being a publisher of a periodical, to publish such literary work in serial form, a license may in the discretion of the Minister be granted to any person in Canada, being the publisher of a periodical, to publish such literary work once in serial form in the said periodical. Provided that such license shall not be granted to more than one such publisher in the same city, town or place.

Application.

(2) Such license may be issued by the Minister on application by the publisher in such form as may be prescribed by the regulations.

Form.

(3) The application for a license under this section may be in the form of a draft contract between the licensee and the owner of the copyright.

Notice.

(4) Notice of such application shall forthwith be communicated by the Minister to the owner of the copyright in such manner as may be prescribed by the regulations.

5. Public domain is a national property which is to be used, but not abused, and must be safeguarded as such.

6. Section thirteen. Former sections thirteen and fourteen redrafted and combined. Section 13 of the Act is the licensing section applicable to "books". This is repealed and licensing confined to "serials."

"Serial."

(5) The term "serial" under this section shall mean and refer to any literary work which is first published in separate articles or as a tale or short story complete in one issue in a newspaper or periodical.

"Owner of a copyright."

(6) The term "owner of a copyright" under this section may mean the owner of the right to publish in serial form as distinct and separate from other rights of publication.

Several applications.

(7) Where two or more persons have applied for a license under this section, the Minister shall award the license to the applicant proposing the terms, in the opinion of the the Minister, most advantageous to the author, and if there are two persons proposing terms equally advantageous to the author, to the applicant whose application was first received.

Terms.

(8) Such license may be upon the terms proposed in such draft contract, or upon terms prescribed by the regulations. Provided that, before such terms are settled, the owner of the copyright shall be entitled to be fully heard in support of any contentions or representations he may deem it in his interests to make.

Deposit.

(9) The applicant for a license under this section shall with his application deposit such amount of money as may be required by the regulations, and such money shall on the issue of the license be paid forthwith to the owner of the copyright.

Construction.

(10) Nothing in this Act shall prohibit the importation and circulation of newspapers, magazines and periodicals which together with foreign original matter contain serials licensed to be printed and published in Canada.

Licenses.

7. Section fifteen of the said Act, as amended by section two of chapter ten of the statutes of 1923, is further amended by striking out the words "thirteen or fourteen" in the second line of subsection one, and in the second line of subsection four of the said section fifteen, and substituting therefor the words "or thirteen."

8. (1) Paragraph (i) of section sixteen of the said Act is repealed, and the following is substituted therefor:—

For purposes of study.

"(i) Any fair dealing with or any reasonable quotation of an extract from any work for the purposes of private study, research, criticism, review or newspaper summary;"

(2) Subsection three of section sixteen of the said Act is repealed, and the following is substituted therefor:—

Infringement when reproduced in consideration of a percentage.

"(3) Copyright in a work shall also be deemed to be infringed by any person who, in consideration of a percentage in the proceeds of a performance, permits a theatre or other place of entertainment to be used for the performance of a work without the consent of the owner of the copyright, unless such person was not aware, and had no reasonable ground for suspecting that the performance would be an infringement of copyright."

7. Section 14 of the Act of 1921 is now combined with section 13 in the new section 13 enacted by section 6 of this Bill.

8. (1) To extend the privilege of using, under this Act, any work or portion thereof for legitimate purposes.

8. (2) This amendment substitutes "in consideration of a percentage in the proceeds of a performance" for "for his private profit."

9. (1) Section eighteen of the said Act is amended by striking out the words "literary" and "dramatic" in the second line of subsection one of section eighteen of the Act, in the first and second lines of paragraph (ii) of the said subsection, in the second line of subsection four, in the first line of subsection six and in the second and third lines of paragraph *(c)* of said subsection six of said section eighteen.

(2) Subsection two of section eighteen of the said Act is amended by adding thereto the following:—

Revision of royalties on records, etc.

"Provided that, if it appears to the Governor in Council that such royalties as aforesaid are no longer equitable, the Governor in Council may make an order decreasing or increasing such royalties to such extent as under the circumstances may seem just, but any order so made shall be provisional only and shall not have any effect unless and until confirmed by Parliament; but, where an order revising royalties has been so made and confirmed, no further revision shall be made before the expiration of seven years from the date of the last revision; and provided further that no royalties shall be payable in Canada on records exported to countries where copyright royalties are payable."

(3) Subsection six of section eighteen of the said Act is amended by adding after paragraph *(c)* the following paragraph:—

Rights to continue manufacture.

"*(d)* The repeal of the words "literary" and "dramatic," as provided by subsection one of this section, shall not affect the right to continue the manufacture, subject to regulations, of works which were manufactured before the date of the passing of this subsection."

(4) Section eighteen of the said Act is amended by adding thereto the following subsections:—

Failure to pay royalties.

"(8) In case of the failure of the manufacturer to pay the copyright owner or legal assignee the full sum of royalties due, as provided by this section and by regulations made thereunder, within sixty days after demand in writing, the court may award taxable costs to the plaintiff, and the court may, in its discretion, give judgment therein for any sum in addition over the amount found to be due as royalty in accordance with the terms of this Act, not exceeding three times that amount.

"Musical work."

"(9) For the purposes of this section "musical work" shall be held to include any words so closely associated therewith as to form part of the same work."

9. (1) The words "literary" and "dramatic" are struck out as they constitute an unnecessary encroachment on the author's rights and were inserted in section 18 against the principle of the Revised Convention. (See *Le Droit d'Auteur* July 15th, 1921, page 74.) The British Copyright Act does not so affect literary or dramatic rights in its dispositions relative to mechanical reproductions. Cf. British Copyright Act 1911, sections 19 (2), (5) and (7).

9. (2) Under the British Act, royalties on mechanical contrivances are based on the price of said contrivances. This section would authorize the Governor in Council to revise the royalties, as fixed under the Act, when such royalties are no longer equitable.

9. (4) The Act provides for no sanction in case of default in payment of royalties that are due. Cf. United States Copyright Law, 1909, Section 1 (i).

10. The said Act is hereby amended by adding thereto the following sections immediately after section eighteen:—

Marks on records, films, etc., to show year of making.

"**18A.** Any person manufacturing any record, roll, film or other contrivance for the acoustic execution or visual representation of a work, or publishing or printing any edition or any copy of a literary, musical or artistic work, shall mark clearly thereon the year of manufacturing, publishing or printing the same, or a maple leaf indicating that such work has been so manufactured, published or printed since the enactment of this section. And any such record, roll, film, other contrivance or edition or copy made after the first day of January, 1927, not so marked, or marked with a date which is not that of the actual manufacture, publication or printing, shall be deemed to have been manufactured, published or printed in violation of copyright so long as copyright in the work continues to subsist.

Regulations as to payment of royalties on radio performances.

"**18B.** The Governor in Council may make regulations concerning the mode, time and rate of payment of royalties payable to the owner of copyright in respect of electrical, wireless, radiographic or kindred performances, when the owner of copyright consents to such performances of his work. Provided that nothing in such regulations shall deprive the copyright owner of his sole right to withhold his consent to any such performance of his work. Provided further that any communication, diffusion, reproduction, execution or representation of a work by electrical, wireless, radiographic or kindred process shall be deemed to be a performance in public, but that the broadcasting, enjoyment or reception, for no profit and in private, by means of radio sets or other kindred process or apparatus, of such communication, diffusion, reproduction, execution or representation, shall not constitute a performance under paragraph *(q)* of section two of the Act."

11. Subsection one of section nineteen of the said Act is amended by adding at the end thereof the words following:

Damages.

"In computing damages, the plaintiff shall be entitled to have included therein all the profits which the infringer shall have made from such infringement."

12. Section nineteen of the said Act is further amended by adding thereto the following subsections:—

Infringement by firm or company.

"(4) Where the infringer is a firm, society, partnership, company, association, group or club, the president and the several officers or managers of same shall be personally liable to such damages or fines as the Court may determine,

10. "18A. To ensure that makers claiming any rights by virtue of the date of manufacture of any reproducing apparatus do establish such date by means of the apparatus itself. This amendment also has for effect to avoid the confusion and contestations which otherwise would arise in an endeavour to ascertain whether a film, record, book or other copy of a work was produced before or after the coming into force of this Act. See *Le Droit d'Auteur*, Nov. 15th, 1921, page 125 (4).

"18B. This section is to authorize the Governor in Council to make regulations concerning radio performances.

12. (4) To prevent a special case where a manager of a theatre escaped the penalties in resigning after having infringed a copyright.

notwithstanding the fact that the said president or several officers or managers may have ceased to act as such after the date of the infringement.

Fraud.

"(5) If the infringement is fraudulent, the Court may, without prejudice to any other remedy, award the owner of the copyright punitive damages."

Injunction.

13. Section twenty-one of the said Act is repealed.

14. The said Act is amended by inserting, immediately after section twenty-three thereof, the following:—

Jurisdiction.

"**23**A. Any action for the recovery of any royalties or fines recoverable under this Act, or for the enforcement of any penalty imposed under this Act, or any action in respect of infringement of any right under this Act or for any remedy thereunder, may be entered in the Exchequer Court of Canada or in any provincial Court of competent jurisdiction.

Introduction of action.

"**23**B. Notwithstanding anything to the contrary contained in the *Criminal Code*, any action or summons for infringement under this Act may be commenced in or issued out of the Court or by the magistrate having jurisdiction in the county or district where the writ of said action or the said summons can be served upon the defendant.

15. Subsections one and two of section twenty-four of the said Act are repealed, and the following are substituted therefor:—

Summary remedies.

"**24.** (1) If any person knowingly,—

(a) makes or prints for sale or hire any infringing copy of a work in which copyright subsists; or,

(b) sells or lets for hire, or by way of trade exposes or offers for sale or hire any infringing copy of any such work; or,

(c) distributes infringing copies of any such work either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright; or,

(d) by way of trade exhibits in public any infringing copy of any such work; or,

13. The section repealed reads as follows:—

"**21.** Where proceedings are taken in respect of the infringement of the copyright in any work and the defendant in his defence alleges that he was not aware of the existence of the copyright in the work, the plaintiff shall not be entitled to any remedy other than an injunction in respect of the infringement if the defendant proves that at the date of the infringement he was not aware, and had no reasonable ground for suspecting that copyright subsisted in the work: Provided that if at the date of the infringement the copyright in the work was duly registered under this Act, the defendant shall be deemed to have had reasonable ground for suspecting that copyright subsisted in the work."

This section deprives the plaintiff of all other remedy for infringement, except a mere injunction, whenever the defendant **alleges** that he was **not aware** and had no reasonable ground for suspecting that copyright existed. There may conceivably be many cases in which justice would call for an accounting and for damages even though defendant was **not aware** and these cases might be left to the discretion of the Court. (See Debates of the Senate, May 31st, 1921, page 747, Unrevised Edition.) Furthermore the Revised Convention which Canada has accepted, has eliminated the defence of good faith. See Article 15 of the Revised Convention. Cf. U. S. Copyright Law 1909, ss. 25, 36, 40.

23A. The Exchequer Court of Canada is by statute already vested with jurisdiction in Canadian copyrights, and as such has had varied and useful experience in dealing with cases arising thereunder. As the Copyright Act is new and complicated, and as the courts would no doubt be called upon to decide many new points and test-cases, it is felt that the Exchequer Court of Canada, having no limited monetary jurisdiction, is the forum specially fit for that purpose.

23B. This is to simplify the present practice, to reduce the cost of litigation and expedite trials in allowing the action or summons to be issued where such process could be served on the defendant.

24. (1) The words "or prints" are added in paragraph *(a)* of subsection one of section 24. The words underlined in the fifteenth and subsequent lines have replaced the following "to a fine not exceeding ten dollars for every copy dealt with in contravention of this section, but not exceeding two hundred dollars in respect of the same transaction; or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months."

The present Act contains no sanction in the case of the defendant refusing or alleging incapacity to pay fine.

(e) imports for sale or hire into Canada any infringing copy of any such work;

Penalties.

he shall be guilty of an offence under this Act and be liable on summary conviction, for every copy dealt with in contravention of this section, to a fine not exceeding ten dollars and costs, and in default of payment of such fine and costs, shall be liable to imprisonment for a period not exceeding one month, such fine not to exceed two hundred dollars in respect of the same transaction. In the case of a second or subsequent offence, either to such fine and costs or to imprisonment with or without hard labour for a term not exceeding two months.

Possession of plates for infringement.

"(2) If any person knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly causes any such work to be performed in public without the consent of the owner of the copyright, he shall be guilty of an offence under this Act, and be liable on summary conviction to a fine not exceeding two hundred dollars and costs, or in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months."

Penalties.

16. Section twenty-four of the said Act is amended by adding thereto the following subsections:—

Warrant to seize pirated copies.

"(4) A police magistrate, upon the application of the owner of the copyright in any work in which copyright subsists, may act as follows: If satisfied by evidence that there is reasonable ground for believing that pirated copies of such work are being hawked, carried about, sold or offered for sale, may, by order, authorize a constable to seize such copies without warrant and to bring them before the magistrate, and the magistrate on proof that the copies are pirated, may order them to be destroyed, or to be delivered up to the owner of the copyright if he makes application for that delivery.

Seizure without warrant.

"(5) If any person shall hawk, carry about, sell or offer for sale any pirated copy of any such work, every such pirated copy may be seized by any constable without warrant, on the request in writing of the apparent owner of the copyright in such work, or of his agent thereto authorized in writing, and at the risk of such owner. On seizure of any such copies, they shall be conveyed by such constable before a magistrate, and, on proof that they are infringements of copyright, shall be forfeited or destroyed or otherwise dealt with, as the magistrate may think fit.

Arrest on written authority.

"(6) Any constable may take into custody without warrant any person who, in any street or public place, sells or exposes, offers or has in his possession for sale any pirated copies of any such work as may be specified in any general

24. (2) The words "and for his private profit" have been struck out in the third and the fourth line (after the word "knowingly"), and the words "and costs" have been added (after the word "dollars") in the eighth line of subsection two.

Subsection (2) of section 24 imposes a fine on persons who "knowingly" cause a copyright work to be performed in public without the consent of the copyright owner, There is no good reason why persons conducting non-profit-making enterprises, or indulgent in infrengency for the profit of another person, should not be required to be just as careful as those who give performances for profit.

16. The Canadian Copyright Act is derived from the British organic law 1911 on Copyright. Yet, section 47 of the Canadian Act repeals all the enactments relating to copyright passed by the Parliament of the United Kingdom which were formerly operative in Canada and most of which are still operative in England constituting to this day an essential element in the application of the law. The Canadian Act is now deprived of those various essential elements which should be re-enacted here. This new section embodies in the Canadian Act some recourses taken from the Imperial Acts which, under the former Canadian Act, applied to Canada.

written authority addressed to the chief officer of police, and signed by the apparent owner of the copyright in such work or his agent thereto authorized in writing, requesting the arrest, at the risk of such owner, of all persons found committing offences under this section in respect to such work, or who offers for sale any pirated copies of any such specified work by personal canvass or by personally delivering advertisements or circulars.

Copy.

"(7) A copy of every written authority addressed to a chief officer of police under this section shall be open to inspection at all reasonable hours by any person without payment of any fee, and any person may take copies of or make extracts from any such authority.

Search warrant.

"(8) If a magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Act is being committed on any premises, he may grant a search warrant authorizing the constable named therein to enter the premises between the hours of six of the clock in the morning and nine of the clock in the evening, and, if necessary, to use force for making such entry, whether by breaking open doors or otherwise, and to seize any copies of any work or any plates in respect of which he has reasonable ground for suspecting that an offence against this Act is being committed.

Forfeiture.

"(9) All copies of any work and all plates seized under this section shall be brought before a magistrate, and if proved to be pirated copies or plates intended to be used for the printing or reproduction of pirated copies shall be forfeited and destroyed or otherwise dealt with as the magistrate thinks fit."

Infringement in case of literary, musical, dramatic, etc., works.

17. Section twenty-five of the said Act is repealed, and the following section is substituted therefor:—

"**25.** (1) Any person who, without the written consent of the owner of the copyright or of his legal representative, reproduces or causes to be reproduced by printing, performs or causes to be performed in public the whole or any part of any literary, artistic, musical, operatic, or dramatic work in which copyright subsists in Canada, shall be guilty of an offence, and shall be liable on summary conviction to a fine of not less than five dollars and not more than two hundred dollars, and to the payment of costs in each case, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding one month. In the case of a second or subsequent offence, he shall be liable either to such fine or imprisonment for a term not exceeding two months, or to both.

Change or suppression of title or author's name.

"(2) Any person who makes or causes to be made any change in or suppression of the title, or name of the author, of any literary, artistic, musical, operatic or dramatic work

The repealed section reads as follows:—

"**25.** (1) Any person who, without the written consent of the owner of the copyright or of his legal representative, knowingly performs or causes to be performed in public and for private profit the whole or any part, constituting an infringement, of any dramatic or operatic work or musical composition in which copyright subsists in Canada, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars, or, in the case of a second or subsequent offence, either to such fine or to imprisonment for a term not exceeding two months, or to both.

"(2) Any person who makes or causes to be made any change in or suppression of the title, or the name of the author, of any dramatic or operatic work or musical composition in which copyright subsists in Canada, or who makes or causes to be made any change in such work or composition itself without the written consent of the author or of his legal representative, in order that the same may be performed in whole or in part in public for private profit, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding five hundred dollars, or in the case of a second or subsequent offence, either to such fine or to imprisonment for a term not exceeding four months, or to both."

This amendment, which is a redrafting of section 25 (1), is for the purpose of rendering this provision operative. The amendment includes non-profit-making bodies among those which are subject to penalty; provides a minimum as well as a maximum fine.

25. (2) This amendment, which is a redrafting of section 25 (2), is for the purpose of rendering this provision operative. This is the same change as in the preceding subsection, and relates to the penalty for "change in or suppression of the title or name of the author" of a copyright work, or change in the work itself, with view to public performance, without the consent of the author.

in which copyright subsists in Canada, or who makes or causes to be made any change in such work itself without the written consent of the author or of his legal representative, with a view of having same in whole or in part reprinted, reproduced or performed in public, shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than twenty-five dollars and not exceeding five hundred dollars and to the payment of costs, and in default of payment of such fine and costs, shall be liable to imprisonment for a term not exceeding two months. In the case of a second or subsequent offence, he shall be liable either to such fine or to imprisonment for a term not exceeding four months, or to both.

Burden of proof.

"(3) In any prosecution for an offence against the provisions of this section, the burden of proving the written consent of the owner of the copyright, or his legal representative, shall be upon the person charged with such offence."

18. The following sections are inserted immediately after section twenty-five of the said Act:—

Authority to legal representative.

"**25A.** In the absence of the owner of the copyright of a work in which copyright subsists in Canada, his legal representative, upon showing his power of attorney, may require from any person reproducing, executing or performing such work, or preparing to reproduce, execute or perform the same, the production of the written consent of the owner of the copyright or his legal representatives for such reproduction, execution or performance.

"Not aware" and "knowingly" defined.

"**25B.** Where the defendant alleges that he was not aware of the existence of copyright in a work protected in Canada or that he did not knowingly commit any infraction under this Act, the burden shall be on the defendant to prove that, prior to the alleged committing of the infringement, he did make such inquiries as would have established the existence of the copyright.

Summons to infringer.

"**25C.** Wherever there is reasonable ground to suspect that a work is about to be or is being or has been infringed, and the suspected infringer, on demand in writing to do so, has failed to forthwith produce the text or copy of the work from which a reproduction, execution or performance is about to be or is being or has been made contrary to the provisions of this Act, a summons shall, on request therefor, be issued by a police magistrate ordering the suspected infringer to appear before such magistrate and to produce such text or copy.

No defence that works were executed from incomplete copies.

"**25D.** (1) Any person, corporation or association charged under this Act with having reproduced, performed or exe-

25. (3) This is in accordance with the rule of evidence provided in some other statutory cases.

25A. To give the legal representative of the author, who might be away, the right, which is now denied to him, to inspect the authority under which a work is performed in public in this country.

25B. Cf. Regina *vs.* Prince; Remarks of Justice Brett. In *re* "Princess Battledore", Lee *vs.* Simpson. Com. Bench Reports, Vol. 3, p. 370. Cf. s. 19—where 'knowingly' is not required. S. 24 contradicts this; and Article 15 of the Revised Convention of Berne. Precedent of the Senate suppressing the word 'knowingly' from Bill 27 of 1920. See Debates of the Senate, 1920, page 369, Unrevised edition.

25C. Under the present law there is nothing to help disclosure of such infringency Cf. s. 11 (4) of the British Copyright Act, 1911, and U.S. Copyright Law, 1909, sect. 25 c. and d.

25D. This section purports at covering certain cases which have been disclosed before the special Committee of the House of Commons.

cuted a work contrary to the provisions of this Act, shall not be allowed to set up as a means of defence that the work was so reproduced, performed or executed from copies of such work bearing an altered title or from copies failing to disclose the name of the author of the original work; and no assignment of a work shall entitle the assignee to suppress or change the name of the author of the said work nor in any way whatsoever to change the nature of the work, nor in any other way to affect the moral right of the author therein.

"Moral right."

"(2) For the purpose of this section 'moral right' means the author's personal privilege of enjoying the prestige or influence which he may derive or which may accrue to him from his work, notwithstanding any assignment of his property rights."

19. Section twenty-six of the said Act, as amended by section three of chapter ten of the statutes of 1923, is repealed, and the following is substituted therefor:—

Importation of certain copyright works prohibited.

"**26.** Copies made out of Canada of any work in which copyright subsists which if made in Canada would infringe copyright and as to which the owner of the copyright or the legal representative of such owner gives notice in writing to the Department of Customs and Excise that he is desirous that such copies should not be so imported into Canada, shall not be so imported, and shall be deemed to be included in Schedule C to *The Customs Tariff, 1907*, and that Schedule shall apply accordingly."

20. Section twenty-seven of the said Act, as amended by section two of chapter ten of the statutes of 1923, is repealed, and the following is substituted therefor:—

No importation where right or license to reproduce in Canada granted.

"**27.** (1) Where the owner of the copyright has by license or otherwise granted the right to reproduce any literary work in Canada, it shall not be lawful, except as provided in subsection two of this section, to import into Canada copies of such literary work, and such copies shall be deemed to be included in Schedule C to *The Customs Tariff, 1907*, and that Schedule shall apply accordingly.

Exceptions.

(2) Notwithstanding anything in this Act it shall be lawful for any person:—

(a) To import for his own use not more than two copies of any work published in any country adhering to the Convention;

(b) To import for use by any Department of His Majesty's Government for the Dominion or any of the Provinces of Canada, copies of any work, wherever published;

(c) To import any copies required for the use of any public library or institution of learning."

19. It is most generally the works owned by English or French authors or publishers and protected in Canada from which piratical copies are made out of Canada and imported into Canada. The interested owner has thus to rely upon his legal representative in Canada to make claim in the matter.

20. The words "or where a license to reproduce such book has been granted under sections twelve or thirteen" are struck out (after the word "Canada") in the third and fourth lines of subsection one of section twenty-seven. This section relates to prohibition of importation. The repeal of section 13 is asked for as set forth above. Section 12 relates to the granting of a compulsory license when, after the death of the author, the owner of the coypright still refuses to allow publication and the work is consequently being withheld from the public. Since this section does not require the printing of the work in Canada, but merely the supplying of the Canadian market, there is no need for a prohibition of imports.

27. (2) Section twenty-seven contains the following subsection two, which is struck out:—

"(2) Except as provided in subsection three, it shall be unlawful to import into Canada copies of any book in which copyright subsists until fourteen days after publication thereof, and during such period or any extension thereof such copies shall be deemed to be included in schedule C to The Customs Tariff, 1907, and that Schedule shall apply accordingly.

"Provided that if within the said period of fourteen days an application for a license has been made in accordance with the provisions of section thirteen, the Minister may in his discretion extend the said period, and the prohibition against importation shall be continued accordingly. The Minister shall forthwith notify the Department of Customs of such extension."

This subsection prohibits imports until fourteen days after publication and is intended to preserve the market for the compulsory licensee under section 13; it goes out with that section.

27. (2) *c.* The words "at any time before a work is printed or made in Canada" are struck out (before the words "to import") in the first and second lines of paragraph *(c)* o subsection three. They were constituting a limitation upon the right, which is otherwise declared to be absolute, "to import any copies required for the use of any public library or institution of learning." These institutions should be permitted to obtain any editions that they may desire, irrespective of whether there is an edition made in Canada.

When grant is void.

21. (1) Subsection two of section thirty-nine of the said Act is repealed, and the following substituted therefor:—

"(2) Any grant of an interest in a copyright, either by assignment or license, shall be adjudged void against any subsequent assignee or licensee for valuable consideration without actual notice, unless such assignment or license is registered in the manner directed by this Act before the registering of the instrument under which a subsequent assignee or licensee claims, and no grantee shall maintain any action under this Act unless and until his grant has been registered."

(2) Section thirty-nine of the said Act is further amended by adding, immediately thereafter, the following as subsection (3):—

Registration not to be essential.

"(3) Registration shall in no case be deemed to be a condition of the existence of any copyright."

22. The said Act is amended by inserting the following section:—

Copies for Library.

"**41**A. (1) The publisher of every literary work published in Canada shall, within three months after publication, deliver or cause to be delivered, at his own expense, two copies of the first edition and two copies of each subsequent edition if such subsequent edition contain additions or alterations either in the letter-press or in the maps, prints or other engravings thereto belonging, to the Librarian of Parliament who shall give a written receipt therefor.

Penalty.

"(2) If a publisher fails to comply with the provisions of this section, he shall be liable on summary conviction to a fine not exceeding twenty-five dollars and costs and twice the amount of the retail selling price of one published copy of the work, such last mentioned amount to belong to His Majesty for the public uses of Canada."

French version amended.

23. Section forty-one, subsection three, of the said Act is amended, in the French version only, by substituting "dix-huit" for "dix-neuf", in the second line thereof.

Section twenty-seven contains the following paragraph *(d)* which is struck out of subsection (3):—

"*(d)* to import any book lawfully printed in the United Kingdom or in a foreign country which has adhered to the Convention and the Additional Protocol thereto set out in the second schedule to this Act, and published for circulation among, and sale to the public within either; provided that any officer of the Customs, may in his discretion, require any person seeking to import any work under this section to produce satisfactory evidence of the facts necessary to establish his right so to import."

Paragraph *(d)* enumerates permitted importations, and allows complete freedom of importation, for trade as well as use of all books lawfully printed and published in the United Kingdom or any Unionist country. It was doubltess necessary as an exception to the right granted to the Compulsory Licensee to prevent importation of competing copies under section 27, subsection 1; with the Compulsory License abolished, it is no longer needed, and it would have the effect of preventing the author from granting complete control of the Canadian trade to his own Canadian publisher or agent.

21. (1) The words "and no grantee shall maintain any action under this Act unless his and each such prior grant has been registered" are struck out in subsection two after the word "claims" in the seventh line of subsection two.

They make registration to all intents and purposes compulsory for any holder of copyright other than the original author. The proper function of registration is to afford a particularly easy and convenient way of proving the ownership of copyright rights, not to constitute the only basis upon which they can be claimed. Section 39 starts off by saying the registration is optional, but ends by making it imperative, as in section 21. Such provision contradicts even section 4 (1) of the Canadian Act. No such provision is to be found in the British Act. Registration in Canada is almost impracticable for the hundreds of thousands of authors belonging to the thirty or thirty-five different countries of the Union, who, since Canada is now an adherent to the Convention of Berne, are granted full protection in this Dominion without any formality. If the necessity of registration be so maintained in Canada, all of the other Unionist countries could and would likely, through reciprocal treatment, compel Canadian authors to secure similar registration in every such country of the International Union. See Article 4 of the Convention where "the enjoyment of right is subject to no formality." International Bureau of Berne construes such a provision as constituting a denial of justice. See *Le Droit d'Auteur*, April 15th, July 15th (page 74*b*) and November 15th, 1921, page 124.

21. (2) Subsection three is added to subsections one and two of section thirty-nine.

It is taken from the Copyright Act of the Union of South Africa. See *Le Droit d'Auteur*, July 15th, 1921, page 74 (b).

22. This section re-establishes a practice which was prescribed under our former Copyright Act and which is followed in England. (Copies delivered to the British Museum.) This section was added at the suggestion of the Librarian of Parliament.

23. To correct a clerical error.

Application of provisions regarding licenses and importation.

24. Section two of *The Copyright Amendment Act, 1923*, chapter ten of the statutes of 1923, is hereby repealed, and the following substituted therefor:—

"**2.** Sections thirteen, fifteen and twenty-seven of *The Copyright Act, 1921*, as amended by this Act, shall not apply to any work the author of which is a British subject who resided elsewhere than in Canada at the date of the making of the said work, or the subject or citizen of a country which has adhered to the Convention and the additional Protocol thereto set out in the second Schedule to the said Act." 5 10

Commencement of Act.

25. This Act shall come into force three months after the date of its assent.

"2. The word "fourteen" is struck out after the word "thirteen" in the first line; the underlined words are new.

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act respecting The Canadian Pacific Railway Company.

First reading, January 20, 1926.

(PRIVATE BILL.)

Mr. JELLIFF.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
14051 1926

1st Session, 15th Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act respecting The Canadian Pacific Railway Company.

Preamble.

WHEREAS The Canadian Pacific Railway Company has by its petition prayed for the passing of an Act authorizing it to construct certain lines of railway as hereinafter set forth, and also to extend the time for the commencement and completion of a certain other line of railway, as also hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1920, c. 75.

Lines of railway in Alberta and Saskatchewan authorized.

1. The Canadian Pacific Railway Company, hereinafter called "the Company," may within two years after the passing of this Act, commence to construct the following lines of railway:—

From a point at or near Duchess northerly.

(a) Fom a point at or near Duchess or Rosemary, on its Bassano easterly branch in townships twenty or twenty-one, ranges fourteen, fifteen or sixteen, west of the fourth meridian, in the province of Alberta, thence in a generally northerly direction to a point in or near township twenty-five, ranges fourteen, fifteen or sixteen, west of the fourth meridian, in the said province;

From a point at or near Rosetown northerly.

(b) From a point on the Moose Jaw northwesterly branch at or near Rosetown in township thirty, range fifteen, west of the third meridian, thence in a generally northerly and northeasterly direction to a point on the Pheasant Hills branch at or near Keppel or Perdue in townships thirty-five or thirty-six, ranges eleven, twelve or thirteen, west of the third meridian, all in the province of Saskatchewan;

Time for completion.

and may within five years after the passing of this Act, complete the said lines of railway; and if within the said periods respectively, the said lines of railway are not commenced or are not completed and put in operation, the powers of construction conferred upon the Company by

Parliament shall cease and be null and void as respects so much of the said lines of railway as shall then remain uncompleted.

Extension of time for commencement and completion of certain lines authorized.

3. The Company may within two years after the passing of this Act commence to construct the line of railway which it was authorized to construct by paragraph (a) of section one of chapter seventy-five of the statutes of 1920, namely:

From a point on the Pheasant Hills branch at or near Aspuith in township Eighty-six, range nineteen, west of the third meridian, thence in a generally northwesterly direction to a point on the Willkie northwesterly branch at or near Cloan, in township forty-two, range twenty, west of the third meridian, all in the province of Saskatchewan; and may within five years after the passing of this Act complete the said line of railway; and if within the said periods respectively the said line of railway is not commenced and is not completed and put into operation, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said line of railway as shall then remain uncompleted.

Time for construction and completion.

Issue of securities.

4. (1) The Company may issue bonds, debentures or other securities to the extent of forty thousand dollars per mile, constructed or under contract to be constructed, of the line of railway described in section one hereof.

(2) Any such issue shall be made according to the provisions of The Railway Act, 1919, as modified by section two of The Railway Act, 1919, and in all respects not inconsistent with these provisions, the provisions of sections one hundred and sixty-two (except those of subsection one thereof), to one hundred and forty-four, both inclusive, of The Railway Act, 1919, shall also apply to any such issue.

Application of Railway Act, 1919.

Issue of consolidated debenture stock in lieu of bonds.

5. In lieu of the bonds, the issue of which is authorized by this Act, the Company being first authorized so to do by at least two-thirds of the shareholders present or represented at an annual meeting, or at a special meeting of the shareholders duly called for this purpose, may issue consolidated debenture stock to the same amount, the holders of which shall have equal rights in all respects and shall rank pari passu with the holders of such consolidated debenture stock as the Company has before the passing of this Act, been authorized to issue.

Parliament shall cease and be null and void as respects so much of the said lines of railway as shall then remain uncompleted.

Extension of time for construction and completion of authorized line.

2. The Company may within two years after the passing of this Act commence to construct the line of railway which it was authorized to construct by paragraph *(a)* of section one of chapter seventy-five of the statutes of 1920, namely: 5

From a point on the Pheasant Hills branch at or near Asquith in township thirty-six, range nine or ten, west of the third meridian, thence in a generally northwesterly direction to a point on the Wilkie northwesterly branch at or near Cloan, in township forty-two, range twenty, west of the third meridian, all in the province of Saskatchewan; and may within five years after the passing of this Act complete the said line of railway; and if within the said periods respectively the said line of railway is not commenced and is not completed and put into operation, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said line of railway as shall then remain uncompleted. 10 15 20

Time for construction and completion.

Issue of securities.

3. (1) The Company may issue bonds, debentures or other securities to the extent of forty thousand dollars per mile, constructed or under contract to be constructed, of the lines of railway described in section one hereof. 25

Application of Railway Act, 1919.

(2) Any such issue shall be made according to the provisions of the Company's Special Act, as defined by section two of *The Railway Act, 1919*, and in all respects not inconsistent with these provisions, the provisions of sections one hundred and thirty-two (except those of subsection one thereof), to one hundred and forty-four, both inclusive, of *The Railway Act, 1919*, shall also apply to any such issue. 30

Issue of consolidated debenture stock in lieu of bonds.

4. In lieu of the bonds, the issue of which is authorized by this Act, the Company being first authorized so to do by at least two-thirds of the shareholders present or represented at an annual meeting, or at a special meeting of the shareholders duly called for the purpose, may issue consolidated debenture stock to the same amount, the holders of which shall have equal rights in all respects and shall rank *pari passu* with the holders of such consolidated debenture stock as the Company has before the passing of this Act, been authorized to issue. 35 40

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act respecting The Canadian Pacific Railway Company.

AS PASSED BY THE HOUSE OF COMMONS,
23rd APRIL, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

13821

1st Session, 15th Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act respecting The Canadian Pacific Railway Company.

Preamble.

WHEREAS The Canadian Pacific Railway Company has by its petition prayed for the passing of an Act authorizing it to construct certain lines of railway as hereinafter set forth, and also to extend the time for the commencement and completion of a certain other line of railway, as also hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1920, c. 75.

Lines of railway in Alberta and Saskatchewan authorized.

1. The Canadian Pacific Railway Company, hereinafter called "the Company," may within two years after the passing of this Act, commence to construct the following lines of railway:—

From a point at or near Duchess northerly.

(a) Fom a point at or near Duchess or Rosemary, on its Bassano easterly branch in townships twenty or twenty-one, ranges fourteen, fifteen or sixteen, west of the fourth meridian, in the province of Alberta, thence in a generally northerly direction to a point in or near township twenty-five, ranges fourteen, fifteen or sixteen, west of the fourth meridian, in the said province;

From a point at or near Rosetown northerly.

(b) From a point on the Moose Jaw northwesterly branch at or near Rosetown or Anglia in township thirty, range fifteen or sixteen, west of the third meridian, thence in a generally northerly and northeasterly direction to a point on the Pheasant Hills branch at or near Keppel or Perdue in townships thirty-five or thirty-six, ranges eleven, twelve or thirteen, west of the third meridian, all in the province of Saskatchewan;

Time for completion.

and may within five years after the passing of this Act, complete the said lines of railway; and if within the said periods respectively, the said lines of railway are not commenced or are not completed and put in operation, the powers of construction conferred upon the Company by

Parliament shall cease and be null and void as respects so much of the said lines of railway as shall then remain uncompleted.

Extension of time for construction and completion of authorized line.

2. The Company may within two years after the passing of this Act commence to construct the line of railway which it was authorized to construct by paragraph *(a)* of section one of chapter seventy-five of the statutes of 1920, namely: 5

From a point on the Pheasant Hills branch at or near Asquith in township thirty-six, range nine or ten, west of the third meridian, thence in a generally northwesterly direction to a point on the Wilkie northwesterly branch at or near Cloan, in township forty-two, range twenty, west of the third meridian, all in the province of Saskatchewan; and may within five years after the passing of this Act complete the said line of railway; and if within the said periods respectively the said line of railway is not commenced and is not completed and put into operation, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said line of railway as shall then remain uncompleted. 10 15 20

Time for construction and completion.

Issue of securities.

3. (1) The Company may issue bonds, debentures or other securities to the extent of forty thousand dollars per mile, constructed or under contract to be constructed, of the lines of railway described in section one hereof. 25

Application of Railway Act, 1919.

(2) Any such issue shall be made according to the provisions of the Company's Special Act, as defined by section two of *The Railway Act, 1919*, and in all respects not inconsistent with these provisions, the provisions of sections one hundred and thirty-two (except those of subsection one thereof), to one hundred and forty-four, both inclusive, of *The Railway Act, 1919*, shall also apply to any such issue. 30

Issue of consolidated debenture stock in lieu of bonds.

4. In lieu of the bonds, the issue of which is authorized by this Act, the Company being first authorized so to do by at least two-thirds of the shareholders present or represented at an annual meeting, or at a special meeting of the shareholders duly called for the purpose, may issue consolidated debenture stock to the same amount, the holders of which shall have equal rights in all respects and shall rank *pari passu* with the holders of such consolidated debenture stock as the Company has before the passing of this Act, been authorized to issue. 35 40

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 5.

An Act respecting The Interprovincial and James Bay Railway Company.

First reading, January 20, 1926.

(PRIVATE BILL.)

Mr. PARENT.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

13810

1st Session, 15th Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

1901, c. 66; 1903, cc. 57, 134; 1905, c. 109; 1906, c. 43; 1912, cc. 48, 106; 1917, c. 53; 1922, c. 59; 1924, c. 81.

An Act respecting The Interprovincial and James Bay Railway Company.

WHEREAS The Interprovincial and James Bay Railway Company has by its petition prayed for the passing of an Act extending the time for the commencement and completion of a certain line of railway, as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for commencement and completion.

1. The Interprovincial and James Bay Railway Company, hereinafter called "the Company," may within two years after the passing of this Act commence to construct the line of railway which it was authorized to construct by section one of chapter eighty-one of the statutes of 1924, extending from the present terminus of its line of railway at or near Angliers, or Ville Marie, thence in a generally northerly and northeasterly direction to a point at or near the headwaters of the Nottaway River, in the county of Abitibi, all in the province of Quebec; and may within five years after the passing of this Act, complete the said line of railway; and if within the said periods respectively the said line of railway is not commenced or is not completed and put in operation, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said line of railway as shall then remain uncompleted.

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 5.

An Act respecting The Interprovincial and James Bay Railway Company.

AS PASSED BY THE HOUSE OF COMMONS, 23rd APRIL, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

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1st Session, 15th Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

1901, c. 66; 1903, cc. 57, 134; 1905, c. 109; 1906, c. 43; 1912, cc. 48, 106; 1917, c. 53; 1922, c. 59; 1924, c. 81.

An Act respecting The Interprovincial and James Bay Railway Company.

WHEREAS The Interprovincial and James Bay Railway Company has by its petition prayed for the passing of an Act extending the time for the commencement and completion of a certain line of railway, as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for commencement and completion.

1. The Interprovincial and James Bay Railway Company, hereinafter called "the Company," may within two years after the passing of this Act commence to construct the line of railway which it was authorized to construct by section one of chapter eighty-one of the statutes of 1924, extending from the present terminus of its line of railway at or near Angliers, or Ville Marie, thence in a generally northerly and northeasterly direction to a point at or near the headwaters of the Nottaway River, in the county of Abitibi, all in the province of Quebec; and may within five years after the passing of this Act, complete the said line of railway; and if within the said periods respectively the said line of railway is not commenced or is not completed and put in operation, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said line of railway as shall then remain uncompleted.

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 6.

An Act to amend The Railway Act, 1919 (Special Rates on Coal).

First Reading, January 26, 1926.

Mr. CHURCH.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
14560 1926

1st Session, 15th Parliament, 16 George V, 1926

HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend The Railway Act, 1919 (Special Rates on Coal).

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

1919, c. 68.

1. *The Railway Act, 1919,* chapter sixty-eight of the statutes of 1919, is amended by inserting the following section immediately after section three hundred and twenty-five:—

Special tariff rates for carriage of coal and coke.

"**325A.** The Board shall make an immediate investigation to ascertain the actual cost of carrying coal mined or coked in Canada from eastern and western points in Canada to central Canada, and shall fix, determine and enforce special and preferential tariff rates for the carriage of such coal and coke upon such basis, rate structure and principles as shall secure equalization as nearly as possible with the special preferential rates for the carriage of grain from western to eastern points in Canada established under existing legislation; and the Board shall alter and amend all special freight tariffs to conform with this provision."

Explanatory Note.

The object of this Bill is to provide a remedy for the existing problem of supplying coal to the central portion of Canada, and render Canada independent of foreign supply. The present situation is grave and demands an immediate solution. The Bill is an effort to establish a National Policy for the carriage of Canadian coal and coke on the same basis as is provided by the special tariff rates on grain and flour.

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 7.

An Act to amend the Criminal Code. (Holding of Public Games for Charitable Objects).

First reading, January 28, 1926.

Mr. CHURCH.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

14067

1st Session, 15th Parliament, 16 George V, 1926

HOUSE OF COMMONS OF CANADA.

BILL 7.

An Act to amend the Criminal Code. (Holding of Public Games for Charitable Objects).

R.S. c. 146.

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

1. Section two hundred and twenty-six of the *Criminal Code*, chapter one hundred and forty-six of the Revised Statutes, 1906, is amended by adding thereto the following subsection:— 5

Holding of public games for charitable or fraternal objects.

"(3) The holding of any public game of euchre, cribbage, whist, five hundred or similar game, to which an admission fee is charged, shall not make the house, room or place in which such game is held a common gaming-house within the meaning of this section if the proceeds of such game are devoted to charitable or fraternal purposes, and permission to hold the same has been obtained from the mayor, reeve or other chief officer of the municipality within which such house, room or place is situate." 10 15

EXPLANATORY NOTE.

The desire for this legislation has come from a large number of municipalities. The privilege is frequently sought to raise funds for relief work by social, church, charitable and patriotic organizations, and mayors and wardens have been granting permits to raise funds for these worthy objects. This form of permit was not allowed when the Code was drafted thirty years ago, and the object of the amendment is to make this form of permit legal now for the above charitable objects. Many municipalities have petitioned for the change, which is introduced at the request of the municipalities.

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 8.

An Act to amend The Canada Grain Act. (Warehouse Receipts).

First reading, February 1, 1926.

Mr. CAMPBELL.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

14962

1st Session, 15th Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 8.

An Act to amend The Canada Grain Act. (Warehouse Receipts).

1925, c. 33.

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

1. Subsection two of section one hundred and fifty of *The Canada Grain Act*, chapter thirty-three of the statutes of 1925, is repealed, and the following is substituted therefor:—

Contents of warehouse receipt.

"(2) Such receipt shall also state upon its face that the grain mentioned therein has been received into store, and that upon the return of such receipt, and upon payment or tender of payment of all lawful charges for receiving, storing, insuring, delivering or otherwise handling such grain, which may accrue up to the time of the return of the receipt, the grain is deliverable to the person on whose account it has been taken into store, or to his order, from the country elevator where it was received for storage, or, if he so desires, in quantities not less than carload lots, on track at any terminal elevator in the Western Inspection Division or at a proper terminal elevator at or adjacent to Duluth, so soon as the transportation company delivers the same at such terminal, and the certificate of grade and weight is returned."

Explanatory Note.

[Words underlined in text of Bill are new, and are to be substituted for the words in italics in the note.]

The subsection to be repealed reads as follows:—

"(2) Such receipt shall also state upon its face that the grain mentioned therein has been received into store, and that upon the return of such receipt, and upon payment or tender of payment of all lawful charges for receiving, storing, insuring, delivering or otherwise handling such grain, which may accrue up to the time of the return of the receipt, the grain is deliverable to the person on whose account it has been taken into store, or to his order, from the country elevator where it was received for storage, *or, in quantities not less than carload lots on track at a public terminal elevator (unless otherwise mutually agreed) at such terminal point in the Western Inspection Division as the owner may specify (or on track at such proper terminal elevator at or adjacent to Duluth as the owner may specify) so soon as the transportation company delivers the grain at such elevator and the certificates of grade and weight are returned.*

Where delivery is made into cars on track at the country elevator the Bill of Lading (if issued) and an affidavit of weight shall upon request be delivered by the country elevator to the owner and thereupon the country elevator shall be relieved from further liability for grades and weights, except in so far as the subject to grade and dockage ticket otherwise provides.

Should a country elevator on the order of the owner deliver the grain at a private terminal elevator approved by the country elevator, the country elevator shall guarantee the grade and weight."

The object of this Bill is to give the producer the right to determine the destination of his own grain, and the amendment is to restore that right as expressed in section 151 of the Bill No. 113, An Act respecting Grain, as drafted by Judge Turgeon and introduced into the House on May 11th, 1925, but taken away by the reprinted Bill and by subsection two of section 150 of the Act of 1925, as printed above.

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 8.

An Act to amend The Canada Grain Act.

AS PASSED BY THE HOUSE OF COMMONS,
10th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
14964 1926

1st Session, 15th Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 8.

An Act to amend The Canada Grain Act.

1925, c. 33.

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

1. Subsection two of section one hundred and fifty of *The Canada Grain Act*, chapter thirty-three of the statutes of 1925, is repealed, and the following is substituted therefor:—

Contents of warehouse receipt.

"(2) Such receipt shall also state upon its face that the grain mentioned therein has been received into store, and that upon the return of such receipt, and upon payment or tender of payment of all lawful charges for receiving, storing, insuring, delivering or otherwise handling such grain, which may accrue up to the time of the return of the receipt, the grain is deliverable to the person on whose account it has been taken into store, or to his order, from the country elevator where it was received for storage, or, if he so desires, in quantities not less than carload lots, on track at any terminal elevator in the Western Inspection Division or at a proper terminal elevator at or adjacent to Duluth, so soon as the transportation company delivers the same at such terminal, and the certificate of grade and weight is returned."

Conditions respecting carloads to eastern points.

2. Subsection two of section one hundred and ninety-three of the said Act is amended by inserting the words "Moose Jaw" after the word "Edmonton" in the fourth line, and also by inserting the words "or the words Moose Jaw" after the word "Edmonton" in the eighth line thereof.

Explanatory Note.

[Words underlined in text of Bill are new, and are to be substituted for the words in italics in the note.]

The subsection to be repealed reads as follows:—

"(2) Such receipt shall also state upon its face that the grain mentioned therein has been received into store, and that upon the return of such receipt, and upon payment or tender of payment of all lawful charges for receiving, storing, insuring, delivering or otherwise handling such grain, which may accrue up to the time of the return of the receipt, the grain is deliverable to the person on whose account it has been taken into store, or to his order, from the country elevator where it was received for storage, *or, in quantities not less than carload lots on track at a public terminal elevator (unless otherwise mutually agreed) at such terminal point in the Western Inspection Division as the owner may specify (or on track at such proper terminal elevator at or adjacent to Duluth as the owner may specify) so soon as the transportation company delivers the grain at such elevator and the certificates of grade and weight are returned.*

Where delivery is made into cars on track at the country elevator the Bill of Lading (if issued) and an affidavit of weight shall upon request be delivered by the country elevator to the owner and thereupon the country elevator shall be relieved from further liability for grades and weights, except in so far as the subject to grade and dockage ticket otherwise provides.

Should a country elevator on the order of the owner deliver the grain at a private terminal elevator approved by the country elevator, the country elevator shall guarantee the grade and weight."

The object of this Bill is to give the producer the right to determine the destination of his own grain, and the amendment is to restore that right as expressed in section 151 of the Bill No. 113, An Act respecting Grain, as drafted by Judge Turgeon and introduced into the House on May 11th, 1925, but taken away by the reprinted Bill and by subsection two of section 150 of the Act of 1925, as printed above.

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 9.

An Act to amend the Criminal Code (Scrip Frauds).

First Reading, February 1, 1926.

Mr. KENNEDY
(Peace River).

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

15179

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 10.

An Act to amend The Representation Act, 1924 (Boundaries of certain Constituencies).

First reading, February 11, 1926.

Mr. NICHOLSON.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
15920 1926

1st Session, 15th Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 10.

An Act to amend The Representation Act, 1924 (Boundaries of certain Constituencies).

Preamble.

1924, c. 63.

WHEREAS by *The Representation Act, 1924*, certain unsatisfactory delineations were made in the boundaries of the constituencies of Algoma East, Algoma West, Nipissing, Timiskaming South, Timiskaming North and Port Arthur-Thunder Bay: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Schedule to *The Representation Act, 1924*, chapter sixty-three of the statutes of 1924, is amended in the respects following:—

Algoma East.

(1) By adding to the description of the electoral district of Algoma East the words:—"Also the territory south and west of a line commencing at the southeast corner of the township of Lougheed, thence north to the northeast corner of the township of Shanley, thence west to the northwest corner of the township of Pelletier, thence south along the west boundary of the township of Pelletier and the townships of Minnipuka, Legge, Hook and Neboatik to the southeast corner of the township of Makawa, thence west to the northwest corner of the township of Amik, thence south along the west boundaries of the townships south of the township of Amik to the south boundary of the twenty-first range of townships, thence east along the south boundary of the said range of townships to the intersection with the line extending north from the east boundary of the township of Plummer Additional in the first description above made."

Algoma West.

(2) By wholly deleting the description of the electoral district of Algoma West and replacing it by that following:—"ALGOMA WEST, consisting of the territory whereof the northern boundary (commencing at the southwest corner of the township of Frances and running east to the southwest corner of the township of Lowther) is the southern boundary of the electoral district of Temiskaming North as hereinafter defined, the eastern boundary is the western

boundary of the electoral district of Algoma East as already herein defined and running through Mnetik Channel of the Georgian Bay, and the southern and western boundaries, running from the southwest corner of the electoral district of Algoma East, are the International Boundary between the Dominion of Canada and the United States of America to the southwest corner of the territorial district of Algoma (including Mississagi Island) and the eastern boundary of the electoral district of West Algoma (Thunder Bay) to the place of beginning of this description."

(3) By adding to the description of the electoral district of Nipissing the words:—"Also, all the territory lying south of a line commencing at the southwest corner of the township of Dossard, thence east to the southeast corner of the township of Armstrong, thence south to the southwest corner of the township of Fauvel, thence east to the eastern boundary of the territorial district of Nipissing."

(4) By deleting from the description of the electoral district of Port Arthur-Thunder Bay the words:—"Together with those parts of the territorial district of Algoma including the villages of Hornepayne and Lying west of a line described as commencing at the intersection of the west boundary of the said district with the base line of the twenty-third range of township, and thence running east along the said base line and north along the west boundary of township thirty and its projection due north to the south boundary of the township of McCoig, thence east along the said south boundary and due north along the eastern boundary of the said township, and (if projected) northerly, the north boundary of the said territorial district."

(5) By adding to the description of the electoral district of Timiskaming North the words:—"Also the territory north and east of a line commencing at the southwest corner of the township of Schofield, thence north to the southwest corner of the township of Lowther, thence west to the east-ern boundary of the territorial district of Thunder Bay."

(6) By wholly deleting the description of the electoral district of Timiskaming South and replacing it by that following:—"TIMISKAMING SOUTH, consisting of that part of the territorial districts of Timiskaming and Nipissing lying south of a line commencing at the northeast corner of the township of Ossian, thence west along the range of township west of Ossian to the northwest corner of the township of Dillon, thence south to the southwest corner of the township of Thorne, thence east to the southeast corner of the township of Cosby, thence south to the southwest corner of the township of Dorwin, thence east to the southeast corner of the township of Armstrong, thence south to the southwest corner of the township of Farris, thence east to the eastern boundary of the territorial district of Nipissing."

boundary of the electoral district of Algoma East as already herein defined and runs to the North Channel of the Georgian Bay, and the southern and western boundaries, running from the southwest corner of the electoral district of Algoma East, are the International Boundary between the Dominion of Canada and the United States of America to the southwest corner of the territorial district of Algoma (including Michipicoten Island) and the eastern boundary of the electoral district of Port Arthur-Thunder Bay to the place of beginning of this description."

Nipissing.

(3) By adding to the description of the electoral district of Nipissing the words:—"Also, all the territory lying south of a line commencing at the southwest corner of the township of Beresford, thence east to the southeast corner of the township of Armagh, thence south to the southwest corner of the township of Pardo, thence east to the eastern boundary of the territorial district of Nipissing."

Port Arthur-Thunder Bay.

(4) By deleting from the description of the electoral district of Port Arthur-Thunder Bay the words:—"Together with those parts of the territorial district of Algoma including the village of Hornepayne and lying west of a line described as commencing at the intersection of the west boundary of the said district with the base line of the twenty-third range of townships, and thence running east along the said base line and north along the west boundary of township thirty and its projection due north to the south boundary of the township of McCoig, thence east along the said south boundary and due north along the eastern boundary of the said township, and its projection northerly, to the north boundary of the said territorial district."

Timiskaming North.

(5) By adding to the description of the electoral district of Timiskaming North the words:—"Also the territory north and east of a line commencing at the southwest corner of the township of Schofield, thence north to the southwest corner of the township of Lowther, thence west to the eastern boundary of the territorial district of Thunder Bay."

Timiskaming South.

(6) By wholly deleting the description of the electoral district of Timiskaming South and replacing it by that following:—"TIMISKAMING SOUTH, consisting of that part of the territorial districts of Timiskaming and Nipissing lying south of a line commencing at the northeast corner of the township of Ossian, thence west along the range of townships west of Ossian to the northwest corner of the township of Hillary, thence south to the southwest corner of the township of Pharand, thence east to the southeast corner of the township of Geikie, thence south to the southwest corner of the township of Beresford, thence east to the southeast corner of the township of Armagh, thence south to the southwest corner of the township of Pardo, thence east to the eastern boundary of the territorial district of Nipissing."

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act to incorporate the President of the Lethbridge Stake.

First reading, February 15, 1926.

(PRIVATE BILL.)

Mr. JELLIFF.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

13884

1st Session, 15th Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act to incorporate the President of the Lethbridge Stake.

Preamble.

WHEREAS a petition has been presented representing that the Lethbridge Stake is a duly organized Stake in Canada of the Church of Jesus Christ of Latter-day Saints, extending over part of the province of Alberta and part of the North West Territories of Canada and was formed by subdivision out of the original Alberta Stake of Zion in the said province; and whereas Hugh B. Brown was appointed and ordained President of the said Stake, being the first President thereof; and whereas divers lands situate within the Dominion of Canada have been acquired by the said Church of Jesus Christ of Latter-day Saints for various purposes in connection with the said Church, and also divers lands and moneys are held by the said President in trust for various missions of the said Church in Canada; and whereas the President of the said Stake has never been constituted a corporation sole; and whereas it is desirable to make provision for the management and control of the property, affairs and interests of the said Church in matters relating to and affecting only the said Church and the officers and members thereof and in respect of the premises, and to incorporate the President of the said Stake as a corporation sole, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Corporate name.

R.S., 1906, c. 1.

1. Hugh B. Brown, President of the said Lethbridge Stake, and his successors in office, are hereby incorporated as a corporation sole for the purposes mentioned in the preamble under the name of "The President of the Lethbridge Stake," hereinafter called "the Corporation," with all the powers and privileges contained in section thirty of chapter one of *The Revised Statutes of Canada, 1906*.

Head Office.

2. The Head Office of the Corporation shall be at the city of Lethbridge, in the province of Alberta, or at such other place in the Dominion of Canada as may be appointed by the Corporation.

Power to acquire and hold property.

3. The Corporation may purchase, receive and hold property of any and every kind for the uses and purposes of the Church of Jesus Christ of Latter-day Saints in Canada, including the uses and purposes of any stake, ward, mission, branch, institution, college, school or hospital now or hereafter connected with the Church of Jesus Christ of Latter-day Saints, and may receive any devise by will, gift or conveyance of any kind of property including land or any estate or interest therein and may sell, alienate, mortgage or lease any lands, tenements and hereditaments or other property held by it, whether by way of investment for the uses and purposes hereinbefore mentioned or not; provided that any devise of real estate to the Corporation shall be subject to the laws respecting devises of real estate to religious corporations in force at the time of such devise in the province or territory in which such real estate is situated.

Disposal of real property.

4. The Corporation shall within ten years after its acquisition of any real estate or within any extension of such period as is in this section provided, sell or otherwise dispose of or alienate so much of such real estate as is not required for the use and occupation of the Corporation, but nothing herein contained shall be deemed in any wise to vary or otherwise affect any trust relating to such property.

Extension of time.

(a) The Treasury Board may direct that the time for the sale or disposal of any such real estate shall be extended for a further period or periods not to exceed five years;

Time may vary.

(b) The whole period during which the Corporation may hold such real estate under the foregoing provisions of this section shall not exceed fifteen years from the date of the acquisition thereof.

Forfeiture.

(c) Any real estate not required by the Corporation for its own use held by the Corporation for a longer period than authorized by the foregoing provisions of this section shall be forfeited to His Majesty for the use of the Dominion of Canada.

Limit of value.

(d) The value of the real estate held by or in trust for the Corporation shall not exceed at any one time the sum of five million dollars.

Investment of funds.

5. The Corporation may invest its funds and moneys in—

Head Office.

2. The Head Office of the Corporation shall be at the city of Lethbridge, in the province of Alberta, or at such other place in the Dominion of Canada as may be appointed by the Corporation.

Power to acquire and hold property.

3. The Corporation may purchase, receive and hold property of any and every kind for the uses and purposes of the Church of Jesus Christ of Latter-day Saints in Canada, including the uses and purposes of any stake, ward, mission, branch, institution, college, school or hospital now or hereafter connected with the Church of Jesus Christ of Latter-day Saints, and may receive any devise by will, gift or conveyance of any kind of property including land or any estate or interest therein and may sell, alienate, mortgage or lease any lands, tenements and hereditaments or other property held by it, whether by way of investment for the uses and purposes hereinbefore mentioned or not; provided that any devise of real estate to the Corporation shall be subject to the laws respecting devise of real estate to religious corporations in force at the time of such devise in the province or territory in which such real estate is situated.

Disposal of real property.

4. The Corporation shall within ten years after its acquisition of any real estate or within any extension of such period as is in this section provided, sell or otherwise dispose of or alienate so much of such real estate as is not required for the use and occupation of the Corporation, but nothing herein contained shall be deemed in any wise to vary or otherwise affect any trust relating to such property.

Extension of time.

(a) The Treasury Board may direct that the time for the sale or disposal of any such real estate shall be extended for a further period or periods not to exceed five years.

Fifteen years limit.

(b) The whole period during which the Corporation may hold such real estate under the foregoing provisions of this section shall not exceed fifteen years from the date of the acquisition thereof.

Forfeiture.

(c) Any real estate not required by the Corporation for its own use held by the Corporation for a longer period than authorized by the foregoing provisions of this section shall be forfeited to His Majesty for the use of the Dominion of Canada.

Limit of value.

(d) The value of the real estate held by or in trust for the Corporation shall not exceed at any one time the sum of five million dollars.

Investment of funds.

5. The Corporation may invest its funds and moneys in,—

(a) Government securities of the United Kingdom or of Canada, or of any province of Canada, or in the stocks, funds, bonds or debentures of the Government of India, or of any of the Dominions or colonies of Great Britain, or,

(b) the debentures, debenture stock, mortgages or securities of any corporation or company in the United Kingdom, or in any of the said Dominions or colonies; provided such corporation or company is incorporated by Act of Parliament or charter, or is authorized by any such government, and has for the three years last preceding paid dividends on the ordinary stock, or,

(c) in the purchase of freehold lands; or,

(d) in the first mortgages on freehold property in Canada:

And for the purposes of such investments may take mortgages or assignments thereof, whether such mortgages or assignments be made directly to the Corporation in its own corporate name, or to some company or person in trust for it, and may sell and assign the same.

6. The Corporation may, from time to time, make by-laws not contrary to law, for,— Powers as to by-laws.

(a) the administration, management and control of the property, business and other temporal affairs of the Corporation;

(b) the appointment, functions, duties and remuneration of all officers, agents, and servants of the Corporation;

(c) generally for the carrying out of the objects and purposes of the Corporation.

7. (1) The Corporation may, from time to time, for the purposes of the Corporation,— Borrowing powers.

(a) borrow money upon the credit of the Corporation;

(b) limit or increase the amount to be borrowed;

(c) make, draw, accept, endorse or become party to promissory notes and bills of exchange; every such note or bill made, drawn, accepted or endorsed by the party thereto authorized by the by-laws of the Corporation and countersigned by the proper party thereto authorized by the said by-laws, shall be binding upon the Corporation, and shall be presumed to have been made, drawn, accepted or endorsed with proper authority until the contrary is shown; and it shall not be necessary in any case to have the seal of the Corporation affixed to any such note or bill;

(d) mortgage, hypothecate or pledge any property of the Corporation, real or personal, to secure the repayment of any money borrowed for the purposes of the Corporation.

(2) Nothing in this section shall be construed to authorize the Corporation to issue any note or bill payable to bearer

(a) Government securities of the United Kingdom or of Canada, or of any province of Canada, or in the stocks, funds, bonds or debentures of the Government of India, or of any of the Dominions or colonies of Great Britain, or, 5

(b) the debentures, debenture stock, mortgages or securities of any corporation or company in the United Kingdom, or in any of the said Dominions or colonies; provided such corporation or company is incorporated by Act of Parliament or charter, or is authorized by 10 any such government, and has for the three years last preceding paid dividends on the ordinary stock, or,

(c) in the purchase of freehold lands; or,

(d) in the first mortgages on freehold property in Canada;

And for the purposes of such investments may take 15 mortgages or assignments thereof, whether such mortgages or assignments be made directly to the Corporation in its own corporate name, or to some company or person in trust for it, and may sell and assign the same.

Power to make by-laws.

6. The Corporation may, from time to time, make by- 20 laws not contrary to law, for,—

(a) the administration, management and control of the property, business and other temporal affairs of the Corporation;

(b) the appointment, functions, duties and remuneration 25 of all officers, agents, and servants of the Corporation;

(c) generally for the carrying out of the objects and purposes of the Corporation.

Borrowing powers.

7. (1) The Corporation may, from time to time, for the purposes of the Corporation,— 30

(a) borrow money upon the credit of the Corporation;

(b) limit or increase the amount to be borrowed;

(c) make, draw, accept, endorse or become party to promissory notes and bills of exchange; every such note or bill made, drawn, accepted or endorsed by the 35 party thereto authorized by the by-laws of the Corporation and countersigned by the proper party thereto authorized by the said by-laws, shall be binding upon the Corporation, and shall be presumed to have been made, drawn, accepted or endorsed with proper 40 authority until the contrary is shown; and it shall not be necessary in any case to have the seal of the Corporation affixed to any such note or bill;

(d) mortgage, hypothecate or pledge any property of the Corporation, real or personal, to secure the repay- 45 ment of any money borrowed for the purposes of the Corporation.

Limitation.

(2) Nothing in this section shall be construed to authorize the Corporation to issue any note or bill payable to bearer

thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank or to engage in the business of banking or insurance.

Provincial laws to apply.

8. Where any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a license in mortmain shall not be necessary for the exercise of the powers granted by this Act; but otherwise the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, in so far as such laws apply to the Corporation.

Execution of deeds.

9. Any deed or other instrument relating to real estate vested in the Corporation or to any interest in such real estate shall, for all purposes within the legislative jurisdiction of the Parliament of Canada, be deemed to be duly executed if there are affixed thereto the seal of the Corporation and the signature of any officer of the Corporation duly authorized for such purpose or his lawful attorney.

Transfer of certain properties to the corporation.

10. In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real or personal, is held, in trust or otherwise, for the uses and purposes aforesaid, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property or any part thereof to the Corporation.

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act to incorporate the President of the Lethbridge Stake.

AS PASSED BY THE HOUSE OF COMMONS, 14th MAY, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
13903 1926

1st Session, 15th Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act to incorporate the President of the Lethbridge Stake.

Preamble.

WHEREAS a petition has been presented representing that the Lethbridge Stake is a duly organized Stake in Canada of the Church of Jesus Christ of Latter-day Saints, extending over part of the province of Alberta and part of the North West Territories of Canada and was formed by subdivision out of the original Alberta Stake of Zion in the said province; and whereas Hugh B. Brown was appointed and ordained President of the said Stake, being the first President thereof; and whereas divers lands situate within the Dominion of Canada have been acquired by the said Church of Jesus Christ of Latter-day Saints for various purposes in connection with the said Church, and also divers lands and moneys are held by the said President in trust for various missions of the said Church in Canada; and whereas the President of the said Stake has never been constituted a corporation sole; and whereas it is desirable to make provision for the management and control of the property, affairs and interests of the said Church in matters relating to and affecting only the said Church and the officers and members thereof and in respect of the premises, and to incorporate the President of the said Stake as a corporation sole, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Corporate name.

R.S., 1906, c. 1.

1. Hugh B. Brown, President of the said Lethbridge Stake, and his successors in office, being residents in Canada are hereby incorporated as a corporation sole for the purposes mentioned in the preamble under the name of "The President of the Lethbridge Stake," hereinafter called "the Corporation," with all the powers and privileges contained in section thirty of chapter one of *The Revised Statutes of Canada, 1906*.

Head Office.

2. The Head Office of the Corporation shall be at the city of Lethbridge, in the province of Alberta, or at such other place in the Dominion of Canada as may be appointed by the Corporation.

Power to acquire and hold property.

3. The Corporation may purchase, receive and hold property of any and every kind for the uses and purposes of the Church of Jesus Christ of Latter-day Saints in Canada, including the uses and purposes of any stake, ward, mission, branch, institution, college, school or hospital now or hereafter connected with the Church of Jesus Christ of Latter-day Saints, and may receive any devise by will, gift or conveyance of any kind of property including land or any estate or interest therein and may sell, alienate, mortgage or lease any lands, tenements and hereditaments or other property held by it, whether by way of investment or for the uses and purposes hereinbefore mentioned or not; provided that any devise of real estate to the Corporation shall be subject to the laws respecting devise of real estate to religious corporations in force at the time of such devise in the province or territory in which such real estate is situated.

Disposal of land not required.

4. The Corporation shall within ten years after its acquisition of any real estate or within any extension of such period as is in this section provided, sell or otherwise dispose of or alienate so much of such real estate as is not required for the use and occupation of the Corporation, but nothing herein contained shall be deemed in any wise to vary or otherwise affect any trust relating to such property.

Extension of time.

(a) The Treasury Board may direct that the time for the sale or disposal of any such real estate shall be extended for a further period or periods not to exceed five years.

Terms.

(b) The whole period during which the Corporation may hold such real estate under the foregoing provisions of this section shall not exceed fifteen years from the date of the acquisition thereof.

Lands not required for own use.

(c) Any real estate not required by the Corporation for its own use held by the Corporation for a longer period than authorized by the foregoing provisions of this section shall be forfeited to His Majesty for the use of the Dominion of Canada.

Limit of value.

(d) The value of the real estate held by or in trust for the Corporation shall not exceed at any one time the sum of five million dollars.

Investment of funds.

5. The Corporation may invest its funds and moneys in,—

Head Office.

2. The Head Office of the Corporation shall be at the city of Lethbridge, in the province of Alberta, or at such other place in the Dominion of Canada as may be appointed by the Corporation.

Power to acquire and hold property.

3. The Corporation may purchase, receive and hold property of any and every kind for the uses and purposes of the Church of Jesus Christ of Latter-day Saints in Canada, including the uses and purposes of any stake, ward, mission, branch, institution, college, school or hospital now or hereafter connected with the Church of Jesus Christ of Latter-day Saints, and may receive any devise by will, gift or conveyance of any kind of property including land or any estate or interest therein and may sell, alienate, mortgage or lease any lands, tenements and hereditaments or other property held by it, whether by way of investment for the uses and purposes hereinbefore mentioned or not; provided that any devise of real estate to the Corporation shall be subject to the laws respecting devise of real estate to religious corporations in force at the time of such devise in the province or territory in which such real estate is situated.

Disposal of real property.

4. The Corporation shall within ten years after its acquisition of any real estate or within any extension of such period as is in this section provided, sell or otherwise dispose of or alienate so much of such real estate as is not required for the use and occupation of the Corporation, but nothing herein contained shall be deemed in any wise to vary or otherwise affect any trust relating to such property.

Extension of time.

(a) The Treasury Board may direct that the time for the sale or disposal of any such real estate shall be extended for a further period or periods not to exceed five years.

Fifteen years limit.

(b) The whole period during which the Corporation may hold such real estate under the foregoing provisions of this section shall not exceed fifteen years from the date of the acquisition thereof.

Forfeiture.

(c) Any real estate not required by the Corporation for its own use held by the Corporation for a longer period than authorized by the foregoing provisions of this section shall be forfeited to His Majesty for the use of the Dominion of Canada.

Limit of value.

(d) The value of the real estate held by or in trust for the Corporation shall not exceed at any one time the sum of five million dollars.

Investment of funds.

5. The Corporation may invest its funds and moneys in,—

(a) Government securities of the United Kingdom or of Canada, or of any province of Canada, or in the stocks, bonds, or debentures of the Government of India, or of any of the Dominions or colonies of Great Britain; or,

(b) the debentures, debenture stock, mortgages or securities of any corporation or company in the United Kingdom, or in any of the said Dominions or colonies; provided such corporation or company is incorporated by Act of Parliament or charter, or is authorized by any such government, and has for the three years last preceding paid dividends on the ordinary stock; or,

(c) in the purchase of freehold lands; or,

(d) in the first mortgages on freehold property in Canada; and for the purposes of such investments may take mortgages or assignments thereof, whether such mortgages or assignments be made directly to the Corporation in its own corporate name, or to some company or person in trust for it, and may sell and assign the same.

6. The Corporation may, from time to time, make by-laws not contrary to law, for,

(a) the administration, management and control of the property, business and other temporal affairs of the Corporation;

(b) the appointment, functions, duties and remuneration of all officers, agents, and servants of the Corporation;

(c) generally for the carrying out of the objects and purposes of the Corporation.

7. (1) The Corporation may, from time to time, for the purposes of the Corporation,

(a) borrow money upon the credit of the Corporation;

(b) limit or increase the amount to be borrowed;

(c) make, draw, accept, endorse or become party to promissory notes and bills of exchange; every such note or bill made, drawn, accepted or endorsed by the officer thereto authorized by the by-laws of the Corporation and countersigned by the proper party thereto authorized by the said by-laws, shall be binding upon the Corporation, and shall be presumed to have been made, drawn, accepted or endorsed with proper authority until the contrary is shown; and it shall not be necessary in any case to have the seal of the Corporation affixed to any such note or bill;

(d) mortgage, hypothecate or pledge any property of the Corporation, real or personal, to secure the repayment of any money borrowed for the purposes of the Corporation.

(2) Nothing in this section shall be construed to authorize the Corporation to issue any note or bill payable to bearer

(a) Government securities of the United Kingdom or of Canada, or of any province of Canada, or in the stocks, funds, bonds or debentures of the Government of India, or of any of the Dominions or colonies of Great Britain, or, 5

(b) the debentures, debenture stock, mortgages or securities of any corporation or company in the United Kingdom, or in any of the said Dominions or colonies; provided such corporation or company is incorporated by Act of Parliament or charter, or is authorized by 10 any such government, and has for the three years last preceding paid dividends on the ordinary stock, or,

(c) in the purchase of freehold lands; or,

(d) in the first mortgages on freehold property in Canada;

And for the purposes of such investments may take 15 mortgages or assignments thereof, whether such mortgages or assignments be made directly to the Corporation in its own corporate name, or to some company or person in trust for it, and may sell and assign the same.

Power to make by-laws.

6. The Corporation may, from time to time, make by- 20 laws not contrary to law, for,—

(a) the administration, management and control of the property, business and other temporal affairs of the Corporation;

(b) the appointment, functions, duties and remuneration 25 of all officers, agents, and servants of the Corporation;

(c) generally for the carrying out of the objects and purposes of the Corporation.

Borrowing powers.

7. (1) The Corporation may, from time to time, for the purposes of the Corporation,— 30

(a) borrow money upon the credit of the Corporation;

(b) limit or increase the amount to be borrowed;

(c) make, draw, accept, endorse or become party to promissory notes and bills of exchange; every such note or bill made, drawn, accepted or endorsed by the 35 party thereto authorized by the by-laws of the Corporation and countersigned by the proper party thereto authorized by the said by-laws, shall be binding upon the Corporation, and shall be presumed to have been made, drawn, accepted or endorsed with proper 40 authority until the contrary is shown; and it shall not be necessary in any case to have the seal of the Corporation affixed to any such note or bill;

(d) mortgage, hypothecate or pledge any property of the Corporation, real or personal, to secure the repay- 45 ment of any money borrowed for the purposes of the Corporation.

Limitation.

(2) Nothing in this section shall be construed to authorize the Corporation to issue any note or bill payable to bearer

thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank or to engage in the business of banking or insurance.

Provincial laws to apply.

8. Where any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a license in mortmain shall not be necessary for the exercise of the powers granted by this Act; but otherwise the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, in so far as such laws apply to the Corporation.

Execution of deeds.

9. Any deed or other instrument relating to real estate vested in the Corporation or to any interest in such real estate shall, for all purposes within the legislative jurisdiction of the Parliament of Canada, be deemed to be duly executed if there are affixed thereto the seal of the Corporation and the signature of any officer of the Corporation duly authorized for such purpose or his lawful attorney.

Transfer of certain properties to the corporation.

10. In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real or personal, is held, in trust or otherwise, for the uses and purposes aforesaid, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property or any part thereof to the Corporation.

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 12.

An Act respecting Joliette and Northern Railway Company.

First reading, February 19, 1926.

(PRIVATE BILL).

Mr. DENIS (Joliette).

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

16356

1st Session, 15th Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 12.

An Act respecting Joliette and Northern Railway Company.

Preamble.

1924, c. 82.
1925, c. 61.

WHEREAS Joliette and Northern Railway Company has by its petition prayed that it may be granted an extension of time for the construction of its authorized line of railway, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for commencement and completion of line.

1. Joliette and Northern Railway Company may, within two years of the passing of this Act, commence to construct the line of railway which it was authorized to construct by section nine of chapter eighty-two of the statutes of 1924, from a point in or near the town of Joliette, in the county of Joliette, in the province of Quebec, in a north by north-westerly direction to a point in or near the village of St. Michel des Saints, in the county of Berthier, and thence by the most feasible route to a point on the National Transcontinental Railway at or near Parent; and may within five years after the passing of this Act complete the said line of railway.

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 12.

An Act respecting Joliette and Northern Railway Company.

AS PASSED BY THE HOUSE OF COMMONS,
11th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
16416 1926

1st Session, 15th Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 12.

An Act respecting Joliette and Northern Railway Company.

Preamble.

1924, c. 82.
1925, c. 61.

WHEREAS Joliette and Northern Railway Company has by its petition prayed that it may be granted an extension of time for the construction of its authorized line of railway, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for commencement and completion of line.

1. Joliette and Northern Railway Company may, within two years of the passing of this Act, commence to construct the line of railway which it was authorized to construct by section nine of chapter eighty-two of the statutes of 1924, from a point in or near the town of Joliette, in the county of Joliette, in the province of Quebec, in a north by north-westerly direction to a point in or near the village of St. Michel des Saints, in the county of Berthier, and thence by the most feasible route to a point on the National Transcontinental Railway at or near Parent; and may within five years after the passing of this Act complete the said line of railway.

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 13.

An Act respecting a patent owned by The John E. Russell Company.

First reading, February 19, 1926.

(PRIVATE BILL)

Mr. PERRAS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

16355

1st Session, 15th Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 13.

An Act respecting a patent owned by The John E. Russell Company.

Preamble.

1925, c. 71.

WHEREAS The John E. Russell Company, a body politic and corporate, of the city of Toronto, province of Ontario, has by its petition represented that it is the owner of Canadian patent numbered 113,760, granted on the twenty-fifth day of August, 1908, for certain new and useful improvements in concrete pipes; and has prayed that the term of duration of the said patent be extended for a further period of ten years, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Term of duration extended.

1923, c. 23.

1. Notwithstanding anything contained in *The Patent Act* or in the patent referred to in the preamble, the term of duration of the said patent shall be extended for a period of ten years, and the said patent shall remain in full force and effect until the twenty-fifth day of August, 1936.

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 13.

An Act respecting a patent owned by The John E. Russell Company, Limited.

AS PASSED BY THE HOUSE OF COMMONS, 14th MAY, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
16415 1926

1st Session, 15th Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 13.

An Act respecting a patent owned by The John E. Russell Company, Limited.

Preamble.

1925, c. 71.

WHEREAS The John E. Russell Company, Limited, a body politic and corporate, of the city of Toronto, province of Ontario, has by its petition represented that it is the owner of Canadian patent numbered 113,760, granted on the twenty-fifth day of August, 1908, for certain new and useful improvements in concrete pipes; and has prayed that the term of duration of the said patent be extended for a further period of eight years, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Term of duration extended.

1923, c. 23.

1. Notwithstanding anything contained in *The Patent Act* or in the patent referred to in the preamble, the term of duration of the said patent shall be extended for a period of eight years, and the said patent shall remain in full force and effect until the twenty-fifth day of August, 1934.

Issue of certificate.

2. Upon payment by the Company to the Commissioner of Patents of a fee of thirty-five dollars the said Commissioner shall issue a certificate of payment of the said fee in respect to the said patent.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 14.

An Act for granting to His Majesty a certain sum of money for the public service of the financial year ending the 31st March, 1927.

AS PASSED BY THE HOUSE OF COMMONS, 26th MARCH, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
17972 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 14.

An Act for granting to His Majesty a certain sum of money for the public service of the financial year ending the 31st March, 1927.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency the Right Honourable Julian Hedworth George, Baron Byng of Vimy, etc., etc., Governor General of Canada, and the estimates accompanying the said message, that the sum hereinafter mentioned is 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 twenty-seven, 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, 1926.*

$15,934,291.06 granted for 1926-27.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole fifteen million, nine hundred and thirty-four thousand, two hundred and ninety-one dollars and six cents, towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and twenty-six, to the thirty-first day of March, one thousand nine hundred and twenty-seven, 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 twenty-seven, as laid before the House of Commons at the present session of Parliament.

Account to be rendered in detail.

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

First Session, Fifteenth Parliament, 16–17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 15.

An Act respecting trade relations with British West Indies, Bermuda, British Guiana, and British Honduras.

First reading, March 23, 1926.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
17362 1926

1st Session, 15th Parliament, 16–17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 15.

An Act respecting trade relations with British West Indies, Bermuda, British Guiana, and British Honduras.

1921, c. 13.

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 West Indies Trade Agreement Act, 1926.* 5

Agreement approved.

2. The agreement of the sixth day of July, one thousand nine hundred and twenty-five, entered into at Ottawa between representatives of the Government of the Dominion of Canada and representatives of the Governments of the Bahama Islands, Barbados, Bermuda, British Guiana, 10 British Honduras, Jamaica, the Leeward Islands, Trinidad and Tobago, and the Windward Islands, copy of which is set forth in the schedule to this Act, is hereby approved.

Rates of duties on goods imported from British-American colonies.

3. After the said agreement is brought into force, and so long as it remains in force, goods mentioned in the said 15 agreement, the produce or manufacture of any of the colonies parties to the said agreement, which are conveyed without transhipment, except transhipment at a port of any of the said colonies, by ship direct into a sea or river port of Canada shall be admitted to Canada at the rates 20 of duties provided in the said agreement.

Date of operation of tariff concessions.

4. The tariff concessions authorized by this Act to be extended to goods the produce or manufacture of any of the said colonies shall be so extended with respect to any one or more of the said colonies which may have ratified the 25 said agreement on and after a day to be fixed by proclamation of the Governor in Council, which proclamation shall be published in the *Canada Gazette.*

Extension of advantages.

5. Subject to the provision of *The Customs Tariff, 1907*, the Governor in Council may, by Order in Council, extend the said advantages to goods the produce or manufacture of any British country.

Orders in Council authorized.

6. The Governor in Council may make such orders and regulations as are deemed necessary to carry out the provisions and intent of this Act and of the said agreement. 5

Suspension of inconsistent laws.

7. The operation of all laws inconsistent with the giving to the provisions of the said agreement and of this Act their full effect shall from time to time be suspended to the extent of such inconsistencies. 10

SCHEDULE.

AN AGREEMENT made this sixth day of July in the year of Our Lord one thousand nine hundred and twenth-five

BETWEEN

The Dominion of Canada herein acting and represented by

The RIGHT HONOURABLE GEORGE PERRY GRAHAM, LL.D., a member of His Majesty's Imperial Privy Council, a member of His Majesty's Honourable Privy Council for Canada, a member of the Parliament of Canada, Minister of Railways and Canals of Canada;

The HONOURABLE JAMES ALEXANDER ROBB, a member of His Majesty's Privy Council for Canada, a member of the Parliament of Canada, Minister of Immigration and Colonization and Acting Minister of Finance of Canada;

The HONOURABLE THOMAS ANDREW LOW, a member of His Majesty's Privy Council for Canada, a member of the Parliament of Canada, Minister of Trade and Commerce of Canada;

The HONOURABLE WILLIAM RICHARD MOTHERWELL, a member of His Majesty's Privy Council for Canada, a member of the Parliament of Canada, Minister of Agriculture of Canada;

The HONOURABLE JOHN EWEN SINCLAIR, a member of His Majesty's Privy Council for Canada, a member of the Parliament of Canada, Minister without portfolio of Canada, and

The HONOURABLE PIERRE JOSEPH ARTHUR CARDIN, a member of His Majesty's Privy Council for Canada, a member of the Parliament of Canada, Minister of Marine and Fisheries of Canada, and Acting Minister of Customs and Excise of Canada.

AND

The HONOURABLE HARCOURT GLADSTONE MALCOLM, O.B.E., K.C., Speaker of the House of Assembly, representing the Government of the Bahama Islands;

Sydney Thurlwall Harrison, C.M.G., O.B.E., Comptroller of Customs, representing the Government of Barbados;

The Honourable John Pierce Hand, M.B.E., member of the Executive Council and of the House of Assembly, representing the Government of Bermuda;

The Honourable Sir Alfred Parkes Sherlock, Kt., member of the Executive Council, representing the Government of British Guiana;

The Honourable Cecil Wood Douglas Douglas-Jones, C.M.G., Colonial Secretary, representing the Government of British Honduras;

The Honourable William Morrison, member of the Privy Council and Legislative Council of Jamaica, representing the Government of Jamaica;

Hubert Hazel Hart, representing the Government of the Leeward Islands;

The Honourable Henry Ralph Walcott, C.M.G., Treasurer, representing the Government of Trinidad and Tobago, and

His Honour Lieutenant-Colonel Wilfred Hewett Davidson-Houston, C.M.G., Administrator of St. Lucia, representing the Government of the Windward Islands.

Whereas a conference has been held between the above-mentioned parties for the purpose of considering an agreement by which trade relations between them will be rendered closer and their respective trade extended and enlarged and the means of communication between them improved and made more efficient; and

Whereas the Dominion of Canada and the said Colonies mutually affirm the principle of granting preference the one to the other on goods of their produce or manufacture with the end in view of increasing trade between them and of generally promoting the welfare and advancement of British America;

Now Therefore in consideration of the premises these presents witness that the Parties aforesaid after communicating to each other their respective full powers found in good and due form have agreed upon the following articles:

PART I.—TRADE

Article I.

Subject to the provisions of The Customs Tariff, 1907, and to the provisions of Article II hereof, the duties of customs on all goods (other than tobacco, cigars, cigarettes and substitutes or alcoholic liquors) being the produce or manufacture of any of the Colonies aforesaid imported into Canada which are now subject to duty or which may be

SYDNEY THIRLWALL HARRISSON, C.M.G., O.B.E., Comptroller of Customs, representing the Government of Barbados;

The HONOURABLE JOHN PIERCE HAND, M.B.E., member of the Executive Council and of the House of Assembly, representing the Government of Bermuda;

The HONOURABLE SIR ALFRED PARKER SHERLOCK, Kt., member of the Executive Council, representing the Government of British Guiana;

The HONOURABLE CRAWFORD DOUGLAS DOUGLAS-JONES, C.M.G., Colonial Secretary, representing the Government of British Honduras;

The HONOURABLE WILLIAM MORRISON, member of the Privy Council and Legislative Council of Jamaica, representing the Government of Jamaica;

HERBERT HAZEL HART, representing the Government of the Leeward Islands;

The HONOURABLE HENRY BARCLAY WALCOTT, C.M.G., Treasurer, representing the Government of Trinidad and Tobago, and

HIS HONOUR LIEUTENANT-COLONEL WILFRED BENNETT DAVIDSON-HOUSTON, C.M.G., Administrator of St. Lucia, representing the Government of the Windward Islands.

WHEREAS a conference has been held between the above mentioned parties for the purpose of considering an agreement by which trade relations between them will be rendered closer and their respective trade extended and enlarged and the means of communication between them improved and made more efficient; and

WHEREAS the Dominion of Canada and the said Colonies mutually affirm the principle of granting preferences the one to the other on goods of their produce or manufacture with the end in view of increasing trade between them and of generally promoting the welfare and advancement of British America;

NOW THEREFORE in consideration of the premises these presents witness that the Parties aforesaid after communicating to each other their respective full powers found in good and due form have agreed upon the following articles:

PART I.—TRADE

ARTICLE I

Subject to the provisions of *The Customs Tariff, 1907*, and to the provisions of Article II hereof, the duties of customs on all goods (other than tobacco, cigars, cigarettes, and spirituous or alcoholic liquors) being the produce or manufacture of any of the Colonies aforesaid imported into Canada which are now subject to duty or which may be

made subject to duty at any future time shall not at any time be more than fifty per cent of the duties imposed on similar goods under the General Tariff of Canada.

Article II

Subject to the provisions of *The Customs Tariff, 1907*, the Dominion of Canada grants to the articles enumerated in Schedule A being the produce or manufacture of any of the Colonies aforesaid when imported into Canada the preferential treatment indicated in respect of each such article in the said Schedule A.

Article III

The Dominion of Canada undertakes to withdraw the benefit of the British Preferential Tariff from any British country which produces cocoa beans if that country does not extend a preference satisfactory to the Governor in Council of Canada to goods the produce or manufacture of Canada over like goods imported into such country from any foreign country.

Article IV

Subject to the provisions of Articles V and VI hereof the duties of customs on all goods (other than tobacco, cigars and cigarettes) being the produce or manufacture of Canada when imported into any of the Colonies aforesaid which are now subject to duty or which may be made subject to duty at any future time shall at any time be in the case of

(a) the Bahamas not more than seventy-five per cent,

(b) Barbados not more than fifty per cent,

(c) British Guiana not more than fifty per cent,

(d) British Honduras not more than sixty-six and two-thirds per cent,

(e) Jamaica not more than seventy-five per cent,

(f) Leeward Islands not more than sixty-six and two-thirds per cent,

(g) Trinidad and Tobago not more than fifty per cent,

(h) the Windward Islands not more than sixty-six and two-thirds per cent, of the duties imposed on similar goods when imported from any foreign country.

The Bahamas will use their best endeavours to make their percentage fifty per cent. Bermuda will grant preferential treatment to all imports of Canadian origin except wines, spirits, malt liquors, cigars, cigarettes and tobacco by removing the ten per cent surtax now imposed.

Article V

The said Colonies grant to articles specified in Schedule B being the produce or manufacture of Canada when imported into any of the said Colonies the preferential treatment indicated in respect of each such article in the said Schedule B.

Article VI

In the case of the Bahamas the provisions of Article IV (a) shall not apply to wines, malt liquors, spirits, spirituous liquors, liquid medicines and articles containing alcohol.

Article VII

The Government of any of the said Colonies on giving six months' notice may provide that to be entitled to the concessions granted in Articles IV and V the products of Canada shall be conveyed without transhipment by ship direct from a Canadian port into such Colony or by way of one of the other Colonies entitled to the advantages of this agreement.

To enjoy the benefit of the tariff advantages conceded to the various Colonies by the Government of Canada the products of any of the said Colonies shall be conveyed without transhipment by ship direct into a sea or river port of Canada; provided, however, that transhipment shall be permitted at a port of any of the said Colonies.

Article VIII

Save as herein otherwise provided this agreement shall not interfere with any existing preference or with the granting of any future preference by the Dominion or by any of the said Colonies to any other part of the British Empire or with any existing preference or the granting of any future preference by the said Colonies among themselves.

PART II.—STEAMSHIP SERVICES

EASTERN GROUP

Article IX

Subject to the ratification of the present agreement as hereinafter stated in Article XII, the Government of Canada will arrange for a mail, passenger and freight steamship or motor ship service to come into effect as soon as possible, and in any case within fifteen months after the date of the ratification of this Agreement, between Canada, Bermuda, the Leeward Islands, the Windward Islands,

Barbados, Trinidad and British Guiana, on the following lines:

1. A fortnightly freight, passenger and mail service from Canadian ocean ports all the year round, calling each way at Bermuda, St. Kitts, Nevis, Antigua, Montserrat, Dominica, St. Lucia, Barbados, St. Vincent, Grenada, Tobago, Trinidad and Demerara.

2. The vessels shall be of from 5,000 to 6,000 tons gross, capable of maintaining an ocean speed of not less than 12 knots, and providing accommodation for 100 first-class, 30 second-class, and 100 steerage or deck passengers, and shall be provided with 'tween decks, and cold storage accommodation as required, but not less than 10,000 cubic feet.

3. In addition to the foregoing the Government of Canada will provide a fortnightly freight service with vessels of 4,300 tons or thereabouts dead weight, and a speed of about 10 knots, from Canadian river ports in summer and from Canadian ocean ports in winter calling at St. Kitts, Antigua, Barbados, Trinidad and Demerara.

Article X

The Government of Canada will stipulate in any contract entered into for such steamship or motorship service that:

1. There shall be reasonable proportionate allocation of passenger and cargo accommodation between the colonies mentioned in Article IX. As regards traffic from British Guiana, space shall be reserved on each sailing from that Colony for 100 tons of Intercolonial freight. Until otherwise arranged, first-class berths for 20 passengers between Demerara and Trinidad shall also be reserved on each northbound vessel until 24 hours after the arrival of said vessel at Demerara; 10 of the said berths being also reserved for passengers proceeding north of Trinidad.

Freight space and passenger accommodation shall be booked by the agents of the steamship company in order of priority of application.

2. There shall be no unfair differentiation in rates of freight against the smaller Colonies as compared with the rates to and from larger Colonies situated at a similar distance from Canadian ports. Freight rates are to be subject to the control of the Government of Canada.

Article XI

The representatives of the Colonies mentioned in Article IX undertake that their Government shall contribute

towards such steamship service, when established, in the following amounts annually:

Barbados	£ 5,000
Bermuda	1,750
British Guiana	6,500
Leeward Islands	1,750
Trinidad	6,000
Windward Islands	2,500
	£ 23,500

Provided that if it is found impossible to call at Tobago the contribution of Trinidad shall be decreased by £1,500.

ARTICLE XII

Pending the establishment of such service the Government of Canada will use its best endeavours to maintain a fortnightly service on the existing lines.

The obligation of the Government of Canada to provide the steamship service referred to in Article IX is dependent upon ratification of this agreement by the colonies of this western group or by those of them whose ratification is by the Government of Canada deemed essential.

WESTERN GROUP

ARTICLE XIII

The Government of Canada undertakes to provide as soon as possible, and in any case within fifteen months after the ratification of this agreement as provided in Article XVI, a fortnightly mail, passenger and freight service between St. Lawrence ports in summer and each Canadian ocean port in winter as may be designated by the Canadian Government, and calling both ways at Bermuda, the Bahamas, and Kingston, Jamaica, alternating with a fortnightly freight service between the said Canadian ports and Kingston, Jamaica, direct.

1. Passenger steamers to be similar in size to those proposed for the Eastern Route, that is to say, from 6,000 to 8,000 gross tons, ocean speed 14 knots, accommodation for 100 first-class passengers, with tween decks and refrigeration for about 70,000 atoms of bananas, and also cold storage for Canadian meats, fish, butter, cheese and other dairy products from Canada to the Colonies and for fruit, green vegetables, etc., from the Colonies to Canada.

2. Each of the freight steamers shall also have a speed of about 10 knots and refrigeration for about 50,000 atoms of bananas.

3. A steamer, operating on a fortnightly sailing connecting with the steamers specified in Article XIII-1 shall be supplied by the Government of Canada between British

towards such steamship service, when established, in the following amounts annually:

Barbados	£	5,000
Bermuda		1,500
British Guiana		8,500
Leeward Islands		2,500
Trinidad		9,000
Windward Islands		2,500
	£	29,000

Provided that if it is found impossible to call at Tobago the contribution of Trinidad shall be decreased by £1,500.

Article XII

Pending the establishment of such service the Government of Canada will use its best endeavours to maintain a fortnightly service on the existing lines.

The obligation of the Government of Canada to provide the steamship service referred to in Article IX is dependent upon ratification of this agreement by the colonies of the eastern group or by those of them whose ratification is by the Government of Canada deemed essential.

WESTERN GROUP

Article XIII

The Government of Canada undertakes to provide as soon as possible, and in any case within fifteen months after the ratification of this agreement as provided in Article XVI, a fortnightly mail, passenger and freight service between St. Lawrence ports in summer and such Canadian ocean ports in winter as may be designated by the Canadian Government, and calling both ways at Bermuda, the Bahamas, and Kingston, Jamaica, alternating with a fortnightly freight service between the said Canadian ports and Kingston, Jamaica, direct.

1. Passenger steamers to be similar in size to those proposed for the Eastern Route, that is to say, from 5,000 to 6,000 gross tons, ocean speed 14 knots, accommodation for 100 first-class passengers, with 'tween decks, and refrigeration for about 70,000 stems of bananas, and also cold storage for Canadian meats, fish, butter, cheese and other dairy products from Canada to the Colonies and for fruit, green vegetables, etc., from the Colonies to Canada.

2. Each of the freight steamers shall also have a speed of about 10 knots and refrigeration for about 50,000 stems of bananas.

3. A steamer operating on a fortnightly schedule connecting with the steamers specified in Article XIII–1 shall be supplied by the Government of Canada between British

Honduras and Kingston, Jamaica, of about 1,000 tons, speed 10 knots, with accommodation for at least 20 first-class passengers, and cold storage.

Article XIV

1. On representations being made by the respective Governments of Canada and Jamaica, such Governments shall have the control of the allocation of space for the carriage of bananas.

2. If possible, arrangements will be made to have the Eastern and Western services connect at Bermuda.

3. The Government of Canada reserves the right to permit the vessels mentioned in Article XIII to make calls at any other ports not mentioned in this Agreement, upon condition that regular weekly sailings to and from Kingston, Jamaica, are maintained.

Article XV

The representatives of the Colonies mentioned in Article XIII undertake that their Government shall contribute towards such services, when established, the following amounts:

In the case of Bermuda, £2,000 per annum; in the case of the Bahamas, £2,000 per annum; in the case of British Honduras, £2,000 per annum; and in the case of Jamaica, £12,000 per annum.

Article XVI

Pending the establishment of such services the Government of Canada will use its best endeavours to maintain a service every three weeks on the existing lines.

The obligation of the Government of Canada to provide the steamship services referred to in Article XIII is dependent upon ratification of this Agreement by the Colonies of the Western Group or by those of them whose ratification is by the Government of Canada deemed essential.

Article XVII

The rates of freight from Canada to Bermuda by the steamships operating under this Agreement shall not exceed the rates charged to Nassau, Bahamas, and/or Kingston, Jamaica in respect to the Western Group, or to Barbados, and/or Trinidad, and/or British Guiana in respect to the Eastern Group.

Article XVIII

1. Freight rates on all services shall be subject to the control of the Canadian Government. The Government of any Colony shall be at liberty at any time to make representations to the Canadian Government in respect to such rates, to which the Canadian Government shall give the fullest possible consideration.

2. There shall be reasonable proportionate allocation of passenger and cargo accommodation between the said Colonies.

PART III.—GENERAL PROVISIONS

Article XIX

In respect to Canada this agreement shall be subject to the approval of its parliament and in respect to each of the said Colonies to the approval of their respective legislatures and of the Secretary of State for the Colonies.

Upon approval being given by each of said Colonies respectively the agreement shall be brought into force thereupon or so soon thereafter as may be agreed upon between the Dominion of Canada and any Colony by proclamation to be published in the *Canada Gazette* and in the Official Gazette of each of the said Colonies.

On the present agreement being brought into effect it shall take the place of and be substituted in all respects for the trade agreement dated the eighteenth day of June, nineteen hundred and twenty, between the Dominion of Canada and the Colonies aforesaid.

Article XX

This agreement shall remain in force for twelve years after the proclamation aforesaid and thereafter until terminated by twelve months' notice given either by the Government of Canada or by the Government of any of the said Colonies but in the latter case the agreement shall remain in full force and effect as to any of the other Colonies which has not given such notice.

In Witness Whereof the said Governments have signed this treaty at Ottawa, this sixth day of July in the Year of Our Lord, one thousand nine hundred and twenty-five, in a single copy which will be deposited in the Public Archives of the Dominion of Canada in the custody of the Secretary

of State for External Affairs of Canada and of which authenticated copies will be transmitted by the Government of Canada to each of the Governments of the said colonies.

GEO. P. GRAHAM,
JAMES A. ROBB,
THOS. A. LOW,
W. R. MOTHERWELL,
JOHN E. SINCLAIR,
P. J. ARTHUR CARDIN,
HARCOURT MALCOLM,
S. T. HARRISON,
JOHN P. HAND,
A. P. SHERLOCK,
C. DOUGLAS-JONES,
W. MORRISON,
H. H. HART,
H. B. WALCOTT,
WILFRED B. DAVIDSON-HOUSTON.

SCHEDULE A

1. SUGAR—(Tariff item 135)

Degrees of Polarization	Preference per 100 lbs.
Not exceeding 76	$ 0·48647
Exceeding 76 and not exceeding 77	0·51214
" 77 " " 78	0·53781
" 78 " " 79	0·56348
" 79 " " 80	0·58915
" 80 " " 81	0·61482
" 81 " " 82	0·64049
" 82 " " 83	0·66616
" 83 " " 84	0·69183
" 84 " " 85	0·71750
" 85 " " 86	0·74317
" 86 " " 87	0·76884
" 87 " " 88	0·79451
" 88 " " 89	0·82018
" 89 " " 90	0·84585
" 90 " " 91	0·87152
" 91 " " 92	0·89719
" 92 " " 93	0·92286
" 93 " " 94	0·94865
" 94 " " 95	0·97433
" 95 " " 96	1·00000
" 96 " " 97	1·02567
" 97 " " 98	1·05134
" 98	1·12000

The Customs Tariff of Canada shall provide that sugar above number 16 Dutch standard in colour when imported by a recognized sugar refiner, for refining purposes only, upon evidence satisfactory to the Minister of Customs, shall not be subject to these duties, *i.e.*, the duties on sugar over number 16 Dutch standard, specified in item 134 of the Canadian Tariff.

Provided that sugar as defined under item 134 of the Customs Tariff of Canada shall receive a preference of not less than 25 per cent of the duty charged on foreign sugar.

SCHEDULE A—*Con.*

2. BANANAS—	
Bananas, when imported from the place of growth by ship, direct to a Canadian port, per stem or bunch.....	Free, as against a general tariff of fifty cents.
Bananas, n.o.p., per stem or bunch.....	Fifty cents under all tariffs.

The Government of Canada may provide that whenever the Governor in Council deems it to be in the public interest to inquire into any conspiracy, combination, agreement or arrangement alleged to exist among growers, dealers, shippers or carriers of bananas to promote the advantage of growers, dealers, shippers or carriers of bananas at the expense of the consumers, the Governor in Council may commission or empower the Minister of Customs and Excise of Canada to hold an enquiry and report to the Governor in Council whether such conspiracy, combination, agreement or arrangement exists. If the Minister reports that there is reason to believe such conspiracy, combination, agreement, or arrangement exists in respect to such article, the Governor in Council may admit bananas imported from all countries free of duty, or so reduce the duty thereon as to give to the public the benefit of reasonable competition in the article, if it appears to the Governor in Council that such disadvantage to the consumer is facilitated by the duties of customs imposed on bananas. Before alteration or reduction is made in duties the Colonies of Jamaica and British Honduras shall be notified.

The changes in the rates of duties on bananas shall take effect on the 1st January, 1927, or on such earlier date as the steamship service referred to in Article XIII of the agreement is established.

3. COCOA—	
Cocoa beans, not roasted, crushed or ground.....per 100 lbs.	A preference of $1.50 under the intermediate tariff and $2 under the general tariff.
4. OTHER ITEMS—	
Lime Juice, raw and concentrated, not refined.....per gallon	A preference of 15 cents.
Limes, fresh.....*ad valorem*	Free, as against a general tariff of 15 per cent.
Arrowroot.....per pound	Free, as against a general tariff of 1½ cents.
Cocoanuts, imported by ship direct to a Canadian port.....per 100	Free, as against a general tariff of 75 cents.
Cocoanuts, n.o.p. if not imported by ship direct.....per 100	A preference of 50 cents.
Grape fruit, imported by ship direct to a Canadian port.....per 100 lbs.	A preference of $1 under the general tariff.
Grape fruit, n.o.p., if not imported by ship direct.....per 100 lbs.	A preference of 50 cents.
Rum, specified in customs tariff item 156a.	A preference of $2 per gallon of the strength of proof.
Rum specified in customs tariff item 157b.	A preference of 60 cents per gallon of the strength of proof.
Onions.....*ad valorem*	Free, as against a general tariff of 30 per cent.
Cocoa butter.....per lb.	Free, as against a general tariff of 2 cents.

SCHEDULE A—*Con.*

4. Other Items—*Con.*

Coffee, green.....per lb.	Free, as against a general tariff of 3 cents.
Ginger and spices, unground, n.o.p.....*ad valorem*	Free, as against a general tariff of 12½ per cent.
Nutmegs and mace, whole or unground.....*ad valorem*	Free, as against a general tariff of 20 per cent.
Pineapples in air-tight cans or other air-tight packages, n.o.p., the weight of cans or other packages to be included in the weight for duty.....per lb.	½ cent.
Angostura bitters.....per proof gallon	$5.
Sponges of marine production.*ad valorem*	Free, as against a general tariff of 17½ per cent.

Provided that nothing herein contained shall prevent the Government of Canada from changing the rates of duty provided the preferences granted herein are maintained.

SCHEDULE B

Part I.—Western Group.

Jamaica, the Bahamas and British Honduras grant

(1) on flour, a preference of two shillings per barrel of 196 pounds;

(2) on butter, cheese, lard, condensed milk, meats of all kinds, fish (canned, preserved, dried, salted, smoked or pickled), apples and potatoes, a preference of not less than 50 per cent.

Part II.—Barbados, Trinidad and British Guiana.

Barbados, Trinidad and British Guiana grant the following preferences:

On flour, two shillings per barrel of 196 pounds.	
Apples.....per barrel	50 cents.
Beef, salted and pickled.....per barrel of 200 pounds	$1.50.
Boards, planks, scantling, shingles and lath (not of pitch pine)....*ad valorem*	A preference of not less than 66⅔ per cent
Boots and shoes.....*ad valorem*	A preference of not less than 66⅔ per cent
Butter.....per 100 lbs.	$1.50.
Cement.....per cask of 400 lbs.	2 shillings.
Cheese.....per 100 lbs.	$1.50.
Cocoa, prepared, in Trinidad and British Guiana.....per pound	4 cents.
in Barbados.....per 100 lbs.	Free as against a general tariff of $2.
Confectionery.....	An *ad valorem* preference of not less than 66⅔ per cent or 4 cents per pound, according to the method of assessing the duty.
Cordage.....	An *ad valorem* preference of not less than 66⅔ per cent or 6 shillings per 100 pounds, according to the method of assessing the duty.
Fish, canned, preserved, dried, salted, smoked or pickled.....	An *ad valorem* preference of not less than 66⅔ per cent or 2 shillings per 100 lbs. which is to be a preference of not less than 66⅔ per cent according to the method of assessing the duty.

SCHEDULE B—*Con.*

Lard	per 100 lbs.	$1.50.
Milk, condensed	per case of 48 lbs.	1 shilling.
Pork, salted or pickled	per barrel of 200 lbs.	$1.50.

On all the items mentioned above except flour, Barbados, Trinidad and British Guiana agree that the preferential rate of duty shall in no case exceed one-third of the general rate nor shall the amount of the preference be less than that specified above.

British Guiana grants a preference of not less than 4 cents a gallon on gasoline and kerosene when refined from crude oil produced in British territory.

Part III.—Leeward and Windward Islands.

The Leeward and Windward Islands undertake to use their best endeavours to have granted similar preferences to those granted by Barbados, Trinidad and British Guiana in Part II of this Schedule above.

Part IV.—Special Preferences.

All the Colonies except the Bahamas and Bermuda grant the following preferences:

On spirits, *i.e.*, brandy, gin, rum, whiskey, unenumerated, potable, if tested, a preference of not less than 2 shillings 6 pence per gallon of the strength of proof.

Spirits, perfumed, unenumerated, potable, if not tested, a preference of not less than 2 shillings 6 pence per liquid gallon.

Wine, beer, and ale, a preference of not less than 20 per cent.

Part V.

Provided that nothing herein contained shall prevent any of the said Colonies from changing the rates of duty provided the preferences granted herein are maintained.

GEO. P. GRAHAM,
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H. B. WALCOTT,
WILFRED B. DAVIDSON-HOUSTON.

First Session, Fifteenth Parliament, 16–17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 15.

An Act respecting trade relations with British West Indies, Bermuda, British Guiana, and British Honduras.

AS PASSED BY THE HOUSE OF COMMONS, 8th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
17366 1926

1st Session, 15th Parliament, 16–17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 15.

An Act respecting trade relations with British West Indies, Bermuda, British Guiana, and British Honduras.

1921, c. 13.

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 West Indies Trade Agreement Act, 1926.*

Agreement approved.

2. The agreement of the sixth day of July, one thousand nine hundred and twenty-five, entered into at Ottawa between representatives of the Government of the Dominion of Canada and representatives of the Governments of the Bahama Islands, Barbados, Bermuda, British Guiana, British Honduras, Jamaica, the Leeward Islands, Trinidad and Tobago, and the Windward Islands, copy of which is set forth in the schedule to this Act, is hereby approved.

Rates of duties on goods imported from British-American colonies.

3. After the said agreement is brought into force, and so long as it remains in force, goods mentioned in the said agreement, the produce or manufacture of any of the colonies parties to the said agreement, which are conveyed without transhipment, except transhipment at a port of any of the said colonies, by ship direct into a sea or river port of Canada shall be admitted to Canada at the rates of duties provided in the said agreement.

Date of operation of tariff concessions.

4. The tariff concessions authorized by this Act to be extended to goods the produce or manufacture of any of the said colonies shall be so extended with respect to any one or more of the said colonies which may have ratified the said agreement on and after a day to be fixed by proclamation of the Governor in Council, which proclamation shall be published in the *Canada Gazette.*

Extension of advantages.

5. Subject to the provision of *The Customs Tariff, 1907*, the Governor in Council may, by Order in Council, extend the said advantages to goods the produce or manufacture of any British country.

Orders in Council authorized.

6. The Governor in Council may make such orders and regulations as are deemed necessary to carry out the provisions and intent of this Act and of the said agreement. 5

Suspension of inconsistent laws.

7. The operation of all laws inconsistent with the giving to the provisions of the said agreement and of this Act their full effect shall from time to time be suspended to the extent of such inconsistencies. 10

SCHEDULE.

AN AGREEMENT made this sixth day of July in the year of Our Lord one thousand nine hundred and twenth-five

BETWEEN

The Dominion of Canada herein acting and represented by

The RIGHT HONOURABLE GEORGE PERRY GRAHAM, LL.D., a member of His Majesty's Imperial Privy Council, a member of His Majesty's Honourable Privy Council for Canada, a member of the Parliament of Canada, Minister of Railways and Canals of Canada;

The HONOURABLE JAMES ALEXANDER ROBB, a member of His Majesty's Privy Council for Canada, a member of the Parliament of Canada, Minister of Immigration and Colonization and Acting Minister of Finance of Canada;

The HONOURABLE THOMAS ANDREW LOW, a member of His Majesty's Privy Council for Canada, a member of the Parliament of Canada, Minister of Trade and Commerce of Canada;

The HONOURABLE WILLIAM RICHARD MOTHERWELL, a member of His Majesty's Privy Council for Canada, a member of the Parliament of Canada, Minister of Agriculture of Canada;

The HONOURABLE JOHN EWEN SINCLAIR, a member of His Majesty's Privy Council for Canada, a member of the Parliament of Canada, Minister without portfolio of Canada, and

The HONOURABLE PIERRE JOSEPH ARTHUR CARDIN, a member of His Majesty's Privy Council for Canada, a member of the Parliament of Canada, Minister of Marine and Fisheries of Canada, and Acting Minister of Customs and Excise of Canada.

AND

The HONOURABLE HARCOURT GLADSTONE MALCOLM, O.B.E., K.C., Speaker of the House of Assembly, representing the Government of the Bahama Islands;

SYDNEY THOMAS HANSSON, C.M.G., O.B.E., Comptroller of Customs, representing the Government of Barbados;

The HONOURABLE JOHN FRANCIS HAND, M.B.E., member of the Executive Council and of the House of Assembly, representing the Government of Bermuda;

The HONOURABLE SIR ALFRED PARKER SHARPE, K.C., member of the Executive Council, representing the Government of British Guiana;

The HONOURABLE CRAWFORD DOUGLAS DOUGLAS-JONES, C.M.G., Colonial Secretary, representing the Government of British Honduras;

The HONOURABLE WILLIAM MORRISON, member of the Privy Council and Legislative Council of Jamaica, representing the Government of Jamaica;

HERBERT HAZEL HALE, representing the Government of the Leeward Islands;

The HONOURABLE HENRY HAROLD WALCOTT, C.M.G., Treasurer, representing the Government of Trinidad and Tobago, and

His HONOUR LIEUTENANT-COLONEL WILFRED BERNARD DAVIDSON-HOUSTON, C.M.G., Administrator of St. Lucia, representing the Government of the Windward Islands.

WHEREAS a conference has been held between the above mentioned parties for the purpose of negotiating an agreement by which trade relations between them will be regulated closer and their respective trade extended and enlarged and the means of communication between them improved and made more efficient; and

WHEREAS the Dominion of Canada and the said Colonies mutually affirm the principle of granting preference the one to the other on goods of their produce or manufacture with the end in view of increasing trade between them and of generally promoting the welfare and advancement of British America;

NOW THEREFORE in consideration of the premises these presents witness that the Parties aforesaid after communicating to each other their respective full powers found in good and due form have agreed upon the following articles:

PART I.—TRADE

ARTICLE I

Subject to the provisions of The Customs Tariff, 1907, and to the provisions of Article II hereof, the duties of customs on all goods (other than tobacco, cigars, cigarettes, and spirituous or alcoholic liquors) being the produce or manufacture of any of the Colonies aforesaid imported into Canada which are now subject to duty or which may be

SYDNEY THIRLWALL HARRISSON, C.M.G., O.B.E., Comptroller of Customs, representing the Government of Barbados;

The HONOURABLE JOHN PIERCE HAND, M.B.E., member of the Executive Council and of the House of Assembly, representing the Government of Bermuda;

The HONOURABLE SIR ALFRED PARKER SHERLOCK, Kt., member of the Executive Council, representing the Government of British Guiana;

The HONOURABLE CRAWFORD DOUGLAS DOUGLAS-JONES, C.M.G., Colonial Secretary, representing the Government of British Honduras;

The HONOURABLE WILLIAM MORRISON, member of the Privy Council and Legislative Council of Jamaica, representing the Government of Jamaica;

HERBERT HAZEL HART, representing the Government of the Leeward Islands;

The HONOURABLE HENRY BARCLAY WALCOTT, C.M.G., Treasurer, representing the Government of Trinidad and Tobago, and

HIS HONOUR LIEUTENANT-COLONEL WILFRED BENNETT DAVIDSON-HOUSTON, C.M.G., Administrator of St. Lucia, representing the Government of the Windward Islands.

WHEREAS a conference has been held between the above mentioned parties for the purpose of considering an agreement by which trade relations between them will be rendered closer and their respective trade extended and enlarged and the means of communication between them improved and made more efficient; and

WHEREAS the Dominion of Canada and the said Colonies mutually affirm the principle of granting preferences the one to the other on goods of their produce or manufacture with the end in view of increasing trade between them and of generally promoting the welfare and advancement of British America;

NOW THEREFORE in consideration of the premises these presents witness that the Parties aforesaid after communicating to each other their respective full powers found in good and due form have agreed upon the following articles:

PART I.—TRADE

ARTICLE I

Subject to the provisions of *The Customs Tariff, 1907*, and to the provisions of Article II hereof, the duties of customs on all goods (other than tobacco, cigars, cigarettes, and spirituous or alcoholic liquors) being the produce or manufacture of any of the Colonies aforesaid imported into Canada which are now subject to duty or which may be

made subject to duty at any future time shall not at any time be more than fifty per cent of the duties imposed on similar goods under the General Tariff of Canada.

Article II

Subject to the provisions of *The Customs Tariff, 1907*, the Dominion of Canada grants to the articles enumerated in Schedule A being the produce or manufacture of any of the Colonies aforesaid when imported into Canada the preferential treatment indicated in respect of each such article in the said Schedule A.

Article III

The Dominion of Canada undertakes to withdraw the benefit of the British Preferential Tariff from any British country which produces cocoa beans if that country does not extend a preference satisfactory to the Governor in Council of Canada to goods the produce or manufacture of Canada over like goods imported into such country from any foreign country.

Article IV

Subject to the provisions of Articles V and VI hereof the duties of customs on all goods (other than tobacco, cigars and cigarettes) being the produce or manufacture of Canada when imported into any of the Colonies aforesaid which are now subject to duty or which may be made subject to duty at any future time shall at any time be in the case of

(a) the Bahamas not more than seventy-five per cent,

(b) Barbados not more than fifty per cent,

(c) British Guiana not more than fifty per cent,

(d) British Honduras not more than sixty-six and two-thirds per cent,

(e) Jamaica not more than seventy-five per cent,

(f) Leeward Islands not more than sixty-six and two-thirds per cent,

(g) Trinidad and Tobago not more than fifty per cent,

(h) the Windward Islands not more than sixty-six and two-thirds per cent, of the duties imposed on similar goods when imported from any foreign country.

The Bahamas will use their best endeavours to make their percentage fifty per cent. Bermuda will grant preferential treatment to all imports of Canadian origin except wines, spirits, malt liquors, cigars, cigarettes and tobacco by removing the ten per cent surtax now imposed.

Article V

The said Colonies grant to articles specified in Schedule B being the produce or manufacture of Canada when imported into any of the said Colonies the preferential treatment indicated in respect of each such article in the said Schedule B.

Article VI

In the case of the Bahamas the provisions of Article IV (a) shall not apply to wines, malt liquors, spirits, spirituous liquors, liquid medicines and articles containing alcohol.

Article VII

The Government of any of the said Colonies on giving six months' notice may provide that to be entitled to the concessions granted in Articles IV and V the products of Canada shall be conveyed without transhipment by ship direct from a Canadian port into such Colony or by way of one of the other Colonies entitled to the advantages of this agreement.

To enjoy the benefit of the tariff advantages conceded to the various Colonies by the Government of Canada the products of any of the said Colonies shall be conveyed without transhipment by ship direct into a sea or river port of Canada; provided, however, that transhipment shall be permitted at a port of any of the said Colonies.

Article VIII

Save as herein otherwise provided this agreement shall not interfere with any existing preference or with the granting of any future preference by the Dominion or by any of the said Colonies to any other part of the British Empire or with any existing preference or the granting of any future preference by the said Colonies among themselves.

PART II.—STEAMSHIP SERVICES

EASTERN GROUP

Article IX

Subject to the ratification of the present agreement as hereinafter stated in Article XII, the Government of Canada will arrange for a mail, passenger and freight steamship or motor ship service to come into effect as soon as possible, and in any case within fifteen months after the date of the ratification of this Agreement, between Canada, Bermuda, the Leeward Islands, the Windward Islands,

Barbados, Trinidad and British Guiana, on the following lines:

1. A fortnightly freight, passenger and mail service from Canadian ocean ports all the year round, calling each way at Bermuda, St. Kitts, Nevis, Antigua, Montserrat, Dominica, St. Lucia, Barbados, St. Vincent, Grenada, Tobago, Trinidad and Demerara.

2. The vessels shall be of from 5,000 to 6,000 tons gross capacity of maintaining an ocean speed of not less than 15 knots, and providing accommodation for 100 first-class, 80 second-class, and 100 steerage or deck passengers, and shall be provided with 'tween decks, and cold storage accommodation as required, but not less than 10,000 cubic feet.

3. In addition to the foregoing the Government of Canada will provide a fortnightly freight service with vessels of 4,000 tons or thereabouts dead weight, and a speed of about 10 knots, from Canadian river ports in summer and from Canadian ocean ports in winter calling at St. Kitts, Antigua, Barbados, Trinidad and Demerara.

ARTICLE X

The Government of Canada will stipulate in any contract entered into for such steamship or motorship service that:

1. There shall be reasonable proportionate allocation of passenger and cargo accommodation between the colonies mentioned in Article IX. As regards traffic from British Guiana, space shall be reserved on each sailing from that Colony for 100 tons of Intercolonial freight. Until otherwise arranged, first-class berths for 20 passengers between Demerara and Trinidad shall also be reserved on each northbound vessel until 24 hours after the arrival of said vessel at Demerara; 10 of the said berths being also reserved for passengers proceeding north of Trinidad.

Freight space and passenger accommodation shall be booked by the agents of the steamship company in order of priority of application.

2. There shall be no unfair differentiation in rates of freight against the smaller Colonies as compared with the rates to and from larger Colonies situated at a similar distance from Canadian ports. Freight rates are to be subject to the control of the Government of Canada.

ARTICLE XI

The representatives of the Colonies mentioned in Article IX undertake that their Government shall contribute

Barbados, Trinidad and British Guiana, on the following lines:

1. A fortnightly freight, passenger and mail service from Canadian ocean ports all the year round, calling each way at Bermuda, St. Kitts, Nevis, Antigua, Montserrat, Dominica, St. Lucia, Barbados, St. Vincent, Grenada, Tobago, Trinidad and Demerara.

2. The vessels shall be of from 5,000 to 6,000 tons gross, capable of maintaining an ocean speed of not less than 12 knots, and providing accommodation for 100 first-class, 30 second-class, and 100 steerage or deck passengers, and shall be provided with 'tween decks, and cold storage accommodation as required, but not less than 10,000 cubic feet.

3. In addition to the foregoing the Government of Canada will provide a fortnightly freight service with vessels of 4,300 tons or thereabouts dead weight, and a speed of about 10 knots, from Canadian river ports in summer and from Canadian ocean ports in winter calling at St. Kitts, Antigua, Barbados, Trinidad and Demerara.

Article X

The Government of Canada will stipulate in any contract entered into for such steamship or motorship service that:

1. There shall be reasonable proportionate allocation of passenger and cargo accommodation between the colonies mentioned in Article IX. As regards traffic from British Guiana, space shall be reserved on each sailing from that Colony for 100 tons of Intercolonial freight. Until otherwise arranged, first-class berths for 20 passengers between Demerara and Trinidad shall also be reserved on each northbound vessel until 24 hours after the arrival of said vessel at Demerara; 10 of the said berths being also reserved for passengers proceeding north of Trinidad.

Freight space and passenger accommodation shall be booked by the agents of the steamship company in order of priority of application.

2. There shall be no unfair differentiation in rates of freight against the smaller Colonies as compared with the rates to and from larger Colonies situated at a similar distance from Canadian ports. Freight rates are to be subject to the control of the Government of Canada.

Article XI

The representatives of the Colonies mentioned in Article IX undertake that their Government shall contribute

towards such steamship service, when established, in the following amounts annually:

Bahamas	£ 5,000
Bermuda	1,500
British Guiana	5,000
Leeward Islands	2,500
Trinidad	5,000
Windward Islands	2,500
	£ 22,500

Provided that if it is found impossible to call at Tobago the contribution of Trinidad shall be decreased by £1,500.

ARTICLE XII

Pending the establishment of such service the Government of Canada will use its best endeavours to maintain a fortnightly service on the existing lines.

The obligation of the Government of Canada to provide the steamship service referred to in Article IX is dependent upon ratification of this agreement by the colonies of the eastern group or by those of them whose ratification is by the Government of Canada deemed essential.

ARTICLE XIII

The Government of Canada undertakes to provide as soon as possible, and in any case within fifteen months after the ratification of this agreement as provided in Article XVI, a fortnightly mail, passenger and freight service between St. Lawrence ports in summer and such Canadian ocean ports in winter as may be designated by the Canadian Government, and calling both ways at Bermuda, the Bahamas, and Kingston, Jamaica, alternating with a fortnightly freight service between the said Canadian ports and Kingston, Jamaica, direct.

1. Passenger steamers to be similar in size to those proposed for the Eastern Route, that is to say, from 5,000 to 6,000 gross tons, ocean speed 14 knots, accommodation for 100 first-class passengers, with tween decks, and refrigeration for about 70,000 atoms of bananas, and also cold storage for Canadian meats, fish, butter, cheese and other dairy products from Canada to the Colonies and for fruit, green vegetables, etc., from the Colonies to Canada.

2. Lines of the freight steamers shall also have a speed of about 10 knots and refrigeration for about 50,000 atoms of bananas.

3. A steamer operating on a fortnightly schedule connecting with the steamers specified in Article XIII-1 shall be supplied by the Government of Canada between British

towards such steamship service, when established, in the following amounts annually:

Barbados	£	5,000
Bermuda		1,500
British Guiana		8,500
Leeward Islands		2,500
Trinidad		9,000
Windward Islands		2,500
	£	29,000

Provided that if it is found impossible to call at Tobago the contribution of Trinidad shall be decreased by £1,500.

Article XII

Pending the establishment of such service the Government of Canada will use its best endeavours to maintain a fortnightly service on the existing lines.

The obligation of the Government of Canada to provide the steamship service referred to in Article IX is dependent upon ratification of this agreement by the colonies of the eastern group or by those of them whose ratification is by the Government of Canada deemed essential.

WESTERN GROUP

Article XIII

The Government of Canada undertakes to provide as soon as possible, and in any case within fifteen months after the ratification of this agreement as provided in Article XVI, a fortnightly mail, passenger and freight service between St. Lawrence ports in summer and such Canadian ocean ports in winter as may be designated by the Canadian Government, and calling both ways at Bermuda, the Bahamas, and Kingston, Jamaica, alternating with a fortnightly freight service between the said Canadian ports and Kingston, Jamaica, direct.

1. Passenger steamers to be similar in size to those proposed for the Eastern Route, that is to say, from 5,000 to 6,000 gross tons, ocean speed 14 knots, accommodation for 100 first-class passengers, with 'tween decks, and refrigeration for about 70,000 stems of bananas, and also cold storage for Canadian meats, fish, butter, cheese and other dairy products from Canada to the Colonies and for fruit, green vegetables, etc., from the Colonies to Canada.

2. Each of the freight steamers shall also have a speed of about 10 knots and refrigeration for about 50,000 stems of bananas.

3. A steamer operating on a fortnightly schedule connecting with the steamers specified in Article XIII–1 shall be supplied by the Government of Canada between British

Honduras and Kingston, Jamaica, of about 1,000 tons, speed 10 knots, with accommodation for at least 20 first-class passengers, and cold storage.

Article XIV

1. On representations being made by the respective Governments of Canada and Jamaica, such Governments shall have the control of the allocation of space for the carriage of bananas.

2. If possible, arrangements will be made to have the Eastern and Western services connect at Bermuda.

3. The Government of Canada reserves the right to permit the vessels mentioned in Article XIII to make calls at any other ports not mentioned in this Agreement, upon condition that regular weekly sailings to and from Kingston, Jamaica, are maintained.

Article XV

The representatives of the Colonies mentioned in Article XIII undertake that their Government shall contribute towards such services, when established, the following amounts:

In the case of Bermuda, £2,000 per annum; in the case of the Bahamas, £2,000 per annum; in the case of British Honduras, £2,000 per annum; and in the case of Jamaica, £12,000 per annum.

Article XVI

Pending the establishment of such services the Government of Canada will use its best endeavours to maintain a service every three weeks on the existing lines.

The obligation of the Government of Canada to provide the steamship services referred to in Article XIII is dependent upon ratification of this Agreement by the Colonies of the Western Group or by those of them whose ratification is by the Government of Canada deemed essential.

Article XVII

The rates of freight from Canada to Bermuda by the steamships operating under this Agreement shall not exceed the rates charged to Nassau, Bahamas, and/or Kingston, Jamaica in respect to the Western Group, or to Barbados, and/or Trinidad, and/or British Guiana in respect to the Eastern Group.

Article XVIII

1. Freight rates on all services shall be subject to the control of the Canadian Government. The Government of any Colony shall be at liberty at any time to make representations to the Canadian Government in respect to such rates, to which the Canadian Government shall give the fullest possible consideration.

2. There shall be reasonable proportionate allocation of passenger and cargo accommodation between the said Colonies.

PART III.—GENERAL PROVISIONS

Article XIX

In respect to Canada this agreement shall be subject to the approval of its parliament and in respect to each of the said Colonies to the approval of their respective legislatures and of the Secretary of State for the Colonies.

Upon approval being given by each of said Colonies respectively the agreement shall be brought into force thereupon or so soon thereafter as may be agreed upon between the Dominion of Canada and any Colony by proclamation to be published in the *Canada Gazette* and in the Official Gazette of each of the said Colonies.

On the present agreement being brought into effect it shall take the place of and be substituted in all respects for the trade agreement dated the eighteenth day of June, nineteen hundred and twenty, between the Dominion of Canada and the Colonies aforesaid.

Article XX

This agreement shall remain in force for twelve years after the proclamation aforesaid and thereafter until terminated by twelve months' notice given either by the Government of Canada or by the Government of any of the said Colonies but in the latter case the agreement shall remain in full force and effect as to any of the other Colonies which has not given such notice.

In Witness Whereof the said Governments have signed this treaty at Ottawa, this sixth day of July in the Year of Our Lord, one thousand nine hundred and twenty-five, in a single copy which will be deposited in the Public Archives of the Dominion of Canada in the custody of the Secretary

of State for External Affairs of Canada and of which authenticated copies will be transmitted by the Government of Canada to each of the Governments of the said colonies.

GEO. P. GRAHAM,
JAMES A. ROBB,
THOS. A. LOW,
W. R. MOTHERWELL,
JOHN E. SINCLAIR,
P. J. ARTHUR CARDIN,
HARCOURT MALCOLM,
S. T. HARRISON,
JOHN P. HAND,
A. P. SHERLOCK,
C. DOUGLAS-JONES,
W. MORRISON,
H. H. HART,
H. B. WALCOTT,
WILFRED B. DAVIDSON-HOUSTON.

SCHEDULE A

1. SUGAR—(Tariff item 135)

Degrees of Polarization	Preference per 100 lbs.
Not exceeding 76	$ 0·48647
Exceeding 76 and not exceeding 77	0·51214
" 77 " " 78	0·53781
" 78 " " 79	0·56348
" 79 " " 80	0·58915
" 80 " " 81	0·61482
" 81 " " 82	0·64049
" 82 " " 83	0·66616
" 83 " " 84	0·69183
" 84 " " 85	0·71750
" 85 " " 86	0·74317
" 86 " " 87	0·76884
" 87 " " 88	0·79451
" 88 " " 89	0·82018
" 89 " " 90	0·84585
" 90 " " 91	0·87152
" 91 " " 92	0·89719
" 92 " " 93	0·92286
" 93 " " 94	0·94865
" 94 " " 95	0·97433
" 95 " " 96	1·00000
" 96 " " 97	1·02567
" 97 " " 98	1·05134
" 98	1·12000

The Customs Tariff of Canada shall provide that sugar above number 16 Dutch standard in colour when imported by a recognized sugar refiner, for refining purposes only, upon evidence satisfactory to the Minister of Customs, shall not be subject to these duties, *i.e.*, the duties on sugar over number 16 Dutch standard, specified in item 134 of the Canadian Tariff.

Provided that sugar as defined under item 134 of the Customs Tariff of Canada shall receive a preference of not less than 25 per cent of the duty charged on foreign sugar.

SCHEDULE A—*Con.*

2. BANANAS—

Bananas, when imported from the place of growth by ship, direct to a Canadian port, per stem or bunch.....	Free, as against a general tariff of fifty cents.
Bananas, n.o.p., per stem or bunch.....	Fifty cents under all tariffs.

The Government of Canada may provide that whenever the Governor in Council deems it to be in the public interest to inquire into any conspiracy, combination, agreement or arrangement alleged to exist among growers, dealers, shippers or carriers of bananas to promote the advantage of growers, dealers, shippers or carriers of bananas at the expense of the consumers, the Governor in Council may commission or empower the Minister of Customs and Excise of Canada to hold an enquiry and report to the Governor in Council whether such conspiracy, combination, agreement or arrangement exists. If the Minister reports that there is reason to believe such conspiracy, combination, agreement, or arrangement exists in respect to such article, the Governor in Council may admit bananas imported from all countries free of duty, or so reduce the duty thereon as to give to the public the benefit of reasonable competition in the article, if it appears to the Governor in Council that such disadvantage to the consumer is facilitated by the duties of customs imposed on bananas. Before alteration or reduction is made in duties the Colonies of Jamaica and British Honduras shall be notified.

The changes in the rates of duties on bananas shall take effect on the 1st January, 1927, or on such earlier date as the steamship service referred to in Article XIII of the agreement is established.

3. COCOA—

Cocoa beans, not roasted, crushed or ground.....per 100 lbs.	A preference of $1.50 under the intermediate tariff and $2 under the general tariff.

4. OTHER ITEMS—

Lime Juice, raw and concentrated, not refined.....per gallon	A preference of 15 cents.
Limes, fresh.....*ad valorem*	Free, as against a general tariff of 15 per cent.
Arrowroot.....per pound	Free, as against a general tariff of 1½ cents.
Cocoanuts, imported by ship direct to a Canadian port.....per 100	Free, as against a general tariff of 75 cents.
Cocoanuts, n.o.p. if not imported by ship direct.....per 100	A preference of 50 cents.
Grape fruit, imported by ship direct to a Canadian port.....per 100 lbs.	A preference of $1 under the general tariff.
Grape fruit, n.o.p., if not imported by ship direct.....per 100 lbs.	A preference of 50 cents.
Rum, specified in customs tariff item 156a.	A preference of $2 per gallon of the strength of proof.
Rum specified in customs tariff item 157b.	A preference of 60 cents per gallon of the strength of proof.
Onions.....*ad valorem*	Free, as against a general tariff of 30 per cent.
Cocoa butter.....per lb.	Free, as against a general tariff of 2 cents.

SCHEDULE A—*Con.*

4. Other Items—*Con.*

Coffee, green.....per lb.	Free, as against a general tariff of 3 cents.
Ginger and spices, unground, n.o.p.....*ad valorem*	Free, as against a general tariff of 12½ per cent.
Nutmegs and mace, whole or unground.....*ad valorem*	Free, as against a general tariff of 20 per cent.
Pineapples in air-tight cans or other air-tight packages, n.o.p., the weight of cans or other packages to be included in the weight for duty.....per lb.	½ cent.
Angostura bitters.....per proof gallon	$5.
Sponges of marine production.*ad valorem*	Free, as against a general tariff of 17½ per cent.

Provided that nothing herein contained shall prevent the Government of Canada from changing the rates of duty provided the preferences granted herein are maintained.

SCHEDULE B

Part I.—Western Group.

Jamaica, the Bahamas and British Honduras grant

(1) on flour, a preference of two shillings per barrel of 196 pounds;

(2) on butter, cheese, lard, condensed milk, meats of all kinds, fish (canned, preserved, dried, salted, smoked or pickled), apples and potatoes, a preference of not less than 50 per cent.

Part II.—Barbados, Trinidad and British Guiana.

Barbados, Trinidad and British Guiana grant the following preferences:

On flour, two shillings per barrel of 196 pounds.	
Apples.....per barrel	50 cents.
Beef, salted and pickled.....per barrel of 200 pounds	$1.50.
Boards, planks, scantling, shingles and lath (not of pitch pine)....*ad valorem*	A preference of not less than 66⅔ per cent
Boots and shoes.....*ad valorem*	A preference of not less than 66⅔ per cent
Butter.....per 100 lbs.	$1.50.
Cement.....per cask of 400 lbs.	2 shillings.
Cheese.....per 100 lbs.	$1.50.
Cocoa, prepared, in Trinidad and British Guiana.....per pound	4 cents.
in Barbados.....per 100 lbs.	Free as against a general tariff of $2.
Confectionery.....	An *ad valorem* preference of not less than 66⅔ per cent or 4 cents per pound, according to the method of assessing the duty.
Cordage.....	An *ad valorem* preference of not less than 66⅔ per cent or 6 shillings per 100 pounds, according to the method of assessing the duty.
Fish, canned, preserved, dried, salted, smoked or pickled.....	An *ad valorem* preference of not less than 66⅔ per cent or 2 shillings per 100 lbs. which is to be a preference of not less than 66⅔ per cent according to the method of assessing the duty.

SCHEDULE B—*Con.*

Lard	per 100 lbs.	$1.50.
Milk, condensed	per case of 48 lbs.	1 shilling.
Pork, salted or pickled	per barrel of 200 lbs.	$1.50.

On all the items mentioned above except flour, Barbados, Trinidad and British Guiana agree that the preferential rate of duty shall in no case exceed one-third of the general rate nor shall the amount of the preference be less than that specified above.

British Guiana grants a preference of not less than 4 cents a gallon on gasoline and kerosene when refined from crude oil produced in British territory.

Part III.—Leeward and Windward Islands.

The Leeward and Windward Islands undertake to use their best endeavours to have granted similar preferences to those granted by Barbados, Trinidad and British Guiana in Part II of this Schedule above.

Part IV.—Special Preferences.

All the Colonies except the Bahamas and Bermuda grant the following preferences:

On spirits, *i.e.*, brandy, gin, rum, whiskey, unenumerated, potable, if tested, a preference of not less than 2 shillings 6 pence per gallon of the strength of proof.

Spirits, perfumed, unenumerated, potable, if not tested, a preference of not less than 2 shillings 6 pence per liquid gallon.

Wine, beer, and ale, a preference of not less than 20 per cent.

Part V.

Provided that nothing herein contained shall prevent any of the said Colonies from changing the rates of duty provided the preferences granted herein are maintained.

GEO. P. GRAHAM,
JAMES A. ROBB,
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JOHN E. SINCLAIR,
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H. B. WALCOTT,
WILFRED B. DAVIDSON-HOUSTON.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 16.

An Act to authorize Advances to settlers on Crown lands.

First reading, March 25, 1926.

The Acting Minister of Immigration and Colonization.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
17689 1926

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1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 16.

An Act to authorize Advances to settlers on Crown lands.

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 Dominion Colonization Loan Act, 1926.*

Definitions.

2. In this Act, and in any regulation made under the provisions of this Act, unless the context otherwise requires,

(a) "Minister" means the Minister of Immigration and Colonization.

(b) "Settlement loan" means a loan made to a settler under the authority of this Act.

(c) "Crown lands" means any land suitable and available for settlement, lying within fifteen miles of a railway and owned by the Dominion Government or by any Provincial Government.

Loans to settlers.

3. For purposes connected with settlement, the Minister may make a loan to any settler on the security of improvements made by such settler on any Crown land occupied by him, as follows,—

(a) To a settler who is a Canadian citizen as that term is defined in the Immigration Act, an amount not exceeding one thousand dollars;

(b) To a settler, other than a Canadian citizen, an amount not exceeding five hundred dollars.

Settlement Loan Committees.

4. (1) Settlement Loan Committees may be established anywhere in Canada for any of the following purposes,—

(a) Reporting upon and recommending to the Minister, the suitability of a settler;

(b) Investigating and reporting to the Minister upon the suitability of any parcel of Crown land;

(c) Advising the Minister as to the amount of loan which should be made and how the loan should be expended.

Membership of Committees.

(2) A settlement Loan Committee shall consist of not less than two and not more than three persons in the employ of the Dominion Government or of any Provincial Government, such persons to be nominated by the Minister, one of whom shall be the Dominion Lands Agent or the Provincial Crown Lands Agent as the case may be, for the district in which the settler is located.

Approval of loans.

(3) No settlement loan shall be made unless recommended by a Settlement Loan Committee and approved by the Minister.

No salaries.

(4) No salary or remuneration additional to that which he otherwise receives, shall be paid to any member of a Settlement Loan Committee.

Application for loan.

5. (1) Application for a settlement loan shall be made on a form approved by the Minister, and the applicant shall furnish such references as the Minister may at any time require.

Recommendation of settler.

(2) No settlement loan shall be made unless the applicant has been recommended as a suitable settler by a Settlement Loan Committee.

Recommendation of land.

(3) No settlement loan shall be made unless the land has been recommended by a Settlement Loan Committee as suitable for settlement and unless the Minister is satisfied as to the suitability of the land for agricultural purposes.

Loans a first charge.

(4) No settlement loan shall be made upon the security of improvements upon any Provincial Crown land, unless the Province by appropriate legislation, has provided that the improvements upon the security of which any such loan is made, shall be subject to a first charge for the amount of such loan with interest, and that no patent shall be issued for the said land until such loan with interest is repaid in full.

Repayments.

(5) The payment of principal shall be made in annual instalments extending over a period of not more than ten years from the date the settlement loan is made, the first payment to become due and payable two years from the date of the settlement loan, provided that the settler may at any time repay the whole of the settlement loan with interest to date of payment.

Issue of patent.

(6) When a settlement loan has been made upon improvements on Dominion Crown land, the patent shall not issue until the loan and all interest charges thereon have been paid in full.

Expenditure.

(7) All settlement loans shall be expended under the direction or control of the Minister.

Interest.

(8) Settlement loans shall bear interest at the rate of five percentum per annum, payable on the respective dates upon which instalments of principal fall due.

Where lands purchased by Provincial Government.

6. If a Provincial Government, not having suitable Crown lands available, acquires by purchase suitable lands for settlement under the provisions of this Act, the Minister may pay to a Provincial Government a sum not exceeding one-half of the interest on the purchase price of such lands, reckoned at five percentum per annum, for a period not exceeding two years from the date of settlement. 5

Regulations.

7. The Governor in Council may make regulations,—

(a) Defining the qualifications that shall entitle a settler to apply for assistance under this Act; 10

(b) Prescribing the manner and conditions in and upon which a settler may transfer his rights;

(c) Prescribing terms and forms of agreements, mortgages and other documents necessary to the effective operation of this Act; 15

(d) For any other purpose deemed necessary to give effect to the provisions of this Act.

Report to Parliament.

8. The Minister shall lay before Parliament within thirty days after the commencement of each Session, a statement showing:— 20

(a) The number of applications received for settlement loans;

(b) The amount of settlement loans made to settlers in each Province of the Dominion;

(c) The amount of settlement loans repaid by settlers in each Province. 25

Loans not to exceed $5,000,000.

9. Settlement loans made under this Act shall not in any fiscal year, exceed the sum of five million dollars and shall be paid out of unappropriated monies in the Consolidated Revenue Fund. 30

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 17.

An Act to amend The Soldier Settlement Act, 1919.

First reading, March 30, 1926.

The Acting Minister of Immigration and Colonization.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
17685 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

An Act to amend The Soldier Settlement Act, 1919.

1919, c. 71; 1920, c. 19; 1922, c. 46; 1925, c. 53.

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

1. *The Soldier Settlement Act, 1919,* chapter seventy-one of the statutes of 1919 (first session) as amended by chapter nineteen of the statutes of 1920, and by chapter forty-six of the statutes of 1922 and by chapter fifty-three of the statutes of 1925, is further amended by adding thereto the following section:—

Revaluation of land sold to settlers.

"**68.** (1) Notwithstanding anything in this Act, the Board is hereby empowered upon the application of a settler who has agreed to purchase any land from the Board, who has not abandoned his land, whose agreement with the Board has not been terminated or rescinded and who has not repaid his indebtedness to the Board, and where there has been a decrease or depreciation in the market value of such land not the result of neglect or mismanagement on the part of the settler, to make provision for the re-valuation of the said land subject to the following conditions:—

Conditions.

Application to District Superintendent

(a) Application for revaluation can be considered only when made by a settler residing on and himself farming the said land and shall be submitted to the District Superintendent of the Soldier Settlement Board for the district within which the said land is situate:

Affidavits.

(b) The application shall be supported (i) by affidavit on forms supplied by the Board setting out the original purchase price of the land and the value of improvements effected since the establishment of the settler thereon (ii) by a written statement of the settler setting forth his belief as to present value of the land and his reasons therefor, and (iii) the names and addresses of any persons whom the settler proposes as witnesses to the present value: and

Report to Board.

(c) The District Superintendent shall consider the application and material in support and make report and recommendation thereupon to the Board:

Credit to settler's account of amount of depreciation.

(d) If the Board and settler agree upon the amount of depreciation in value of the said land such amount shall be credited by the Board to the settler's account as on the standard date in 1925; and upon the settler's account being so credited, the balance then owing to the Board by the settler for all purposes shall, at the discretion of the Board, be consolidated and deemed to be the settler's principal indebtedness, and the total cost of the property may be amortized over the remaining period of the loan.

Balance consolidated.

District Arbitration Committees.

(e) The Minister may appoint District Arbitration Committees having jurisdiction in such soldier settlement districts as may be necessary, each Committee to consist of three members, one of whom shall be an official of the Soldier Settlement Board and one a representative of the Veterans' Organization in the district, and

Powers.

(f) The members of the District Arbitration Committee when appointed shall have all the powers and authority of a Commissioner under the *Inquiries Act*, and

Expenditure.

(g) Expenditures necessarily incurred by any District Arbitration Committee shall be paid out of monies appropriated from time to time by Parliament to soldier land settlement.

Arbitration in case of disagreement.

(h) If the Board and settler do not agree upon the amount of depreciation in value of the said land the Board shall refer the matter at issue to the District Arbitration Committee for determination, who will thereupon fix a convenient time and place for hearing. Upon the hearing of all evidence submitted the Committee shall decide upon the question in dispute and its decision shall be final.

Final decision.

Credit to settler if depreciation found.

(i) The District Arbitration Committee shall forthwith forward a copy of its decision to the Board and if it be found there has been a depreciation in the value of the land purchased by the settler from the Board, not resulting from neglect or mismanagement on the part of the settler, the amount of such depreciation so found shall be credited by the Board as provided by subsection *(d)* hereof in respect of amount arrived at by agreement.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 17.

An Act to amend The Soldier Settlement Act, 1919.

(Reprinted as proposed to be amended in Committee of the Whole House.)

The Acting Minister of Immigration and Colonization.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
19297 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

An Act to amend The Soldier Settlement Act, 1919.

1919, c. 71; 1920, c. 19; 1922, c. 46; 1925, c. 53.

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

1. *The Soldier Settlement Act, 1919,* chapter seventy-one of the statutes of 1919 (first session) as amended by chapter nineteen of the statutes of 1920, and by chapter forty-six of the statutes of 1922 and by chapter fifty-three of the statutes of 1925, is further amended by adding thereto the following section:—

Revaluation of land sold to settlers.

"**68.** (1) Notwithstanding anything in this Act, the Board is hereby empowered upon the application of a settler who has agreed to purchase any land from the Board, who has not abandoned his land, whose agreement with the Board has not been terminated or rescinded and who has not repaid his indebtedness to the Board, and where there has been a decrease or depreciation in the market value of such land not the result of neglect or mismanagement on the part of the settler, to make provision for the re-valuation of the said land subject to the following conditions:—

Conditions.

Application to District Superintendent

(a) Application for revaluation can be considered only when made by a settler residing on and himself farming the said land and shall be submitted to the District Superintendent of the Soldier Settlement Board for the district within which the said land is situate:

Affidavits.

(b) The application shall be supported (i) by affidavit on forms supplied by the Board setting out the original purchase price of the land and the value of improvements effected since the establishment of the settler thereon (ii) by a written statement of the settler setting forth his belief as to present value of the land and his reasons therefor, and (iii) the names and addresses of any persons whom the settler proposes as witnesses to the present value: and

(b) The difference or depreciation in value to be determined shall be the diminution, not due to neglect or mismanagement on the part of the settler, in the present market value of the land as compared with the price at which the settler agreed to purchase the said land from the Board; provided that in any case where the actual sale price is greater than the maximum amount which under section sixteen of this Act may be advanced by the Board in the purchase of land on behalf of any settler, such maximum amount shall be deemed the sale price for the purposes of this section.

(c) All applications for revaluation must be submitted to the Board prior to the first day of October, 1924.

(d) The Minister may appoint District Arbitration Committees having jurisdiction in such soldier settlement districts as may be necessary; each Committee to consist of three members, one of whom shall be the Judge of the County or District Court, as the case may be, of the county or judicial district within which the land is situate, such Judge to be the chairman of the Committee, one a representative of The Soldier Settlement Board, and one a representative of a Returned Soldiers' or Sailors' Organisation in the district.

(e) The members of the District Arbitration Committee when appointed shall have all the powers and authority of a Commissioner under the Arbitration Act, and

(f) Expenditure necessarily incurred by any District Arbitration Committee shall be paid out of moneys appropriated from time to time by Parliament to soldier land settlement.

(g) Upon receipt of an application for revaluation supported as aforesaid, the Board shall refer the same to the District Arbitration Committee who will thereupon fix a convenient time and place for hearing, and upon the hearing of all evidence submitted the Committee shall decide the extent to which depreciation in value has taken place and its decision shall be final.

(h) Upon the conclusion of the matter referred to the District Arbitration Committee under this section, the Committee shall forthwith forward a copy of its decision to the Board, and where the decision shows that there has been depreciation in the value of the land which the Board agreed to sell to a settler, the Board, notwithstanding anything in this Act, shall credit the settler's account as on the standard date in 1922 with the amount of depreciation as determined by the District Arbitration Committee, and upon the settler's account being so credited, the balance then owing to the settler for all purposes shall, at the direction of the Board, be consolidated and deemed to be the settler's total indebtedness and the total cost

Why decision shall be conclusive.

Time for applications.

District Arbitration Committees.

Powers.

Expenditure.

Hearings.

Hearing.

Decision final.

Credit to settler's account.

How depreciation shall be computed.

(c) The difference or depreciation in value to be determined shall be the diminution, not due to neglect or mismanagement on the part of the settler, in the present market value of the land as compared with the price at which the settler agreed to purchase the said land from the Board; provided that in any case where the actual sale price is greater than the maximum amount which under section sixteen of this Act may be advanced by the Board in the purchase of land on behalf of any settler, such maximum amount shall be deemed the sale price for the purposes of this section.

Time for application.

(d) All applications for revaluation must be submitted to the Board prior to the first day of October, 1926.

District Arbitration Committees.

(e) The Minister may appoint District Arbitration Committees having jurisdiction in such soldier settlement districts as may be necessary, each Committee to consist of three members, one of whom shall be the Judge of the County or District Court, as the case may be, of the county or judicial district within which the land is situate, such Judge to be the chairman of the Committee, one a representative of The Soldier Settlement Board, and one a representative of a Veterans' or Settlers' Organization in the district.

Powers.

(f) The members of the District Arbitration Committee when appointed shall have all the powers and authority of a Commissioner under the *Inquiries Act*, and

Expenditure.

(g) Expenditures necessarily incurred by any District Arbitration Committee shall be paid out of monies appropriated from time to time by Parliament to soldier land settlement.

Reference.

(h) Upon receipt of an application for revaluation supported as aforesaid, the Board shall refer the same to the District Arbitration Committee who will thereupon fix a convenient time and place for hearing, and upon the hearing of all evidence submitted the Committee shall decide the extent to which depreciation in value has taken place and its decision shall be final.

Hearing.

Decision final.

Credit to settler if depreciation found.

(i) Upon the conclusion of the matter referred to the District Arbitration Committee under this section, the Committee shall forthwith forward a copy of its decision to the Board, and where the decision shows that there has been depreciation in the value of the land which the Board agreed to sell to a settler, the Board, notwithstanding anything in this Act, shall credit the settler's account as on the standard date in 1925 with the amount of depreciation as determined by the District Arbitration Committee, and upon the settler's account being so credited, the balance then owing to the settler for all purposes shall, at the discretion of the Board, be consolidated and deemed to be the settler's total indebtedness and the total cost

of the property may be amortized over the remaining period of the loan; provided that the maximum amount which may be so credited to any settler shall in no case exceed the settler's total indebtedness to the Board as at the time of the District Arbitration Committee's decision.

Proviso.

Regulations.

(j) The Board may, with the approval of the Governor in Council, make such regulations as may be necessary for the execution of the purposes of this section.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 17.

An Act to amend The Soldier Settlement Act, 1919.

(Again reprinted as proposed to be further amended in Committee of the Whole House.)

The Acting Minister of Immigration and Colonization.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
19680 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

An Act to amend The Soldier Settlement Act, 1919.

1919, c. 71; 1920, c. 19; 1922, c. 46; 1925, c. 53.

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

1. *The Soldier Settlement Act, 1919,* chapter seventy-one of the statutes of 1919 (first session) as amended by chapter nineteen of the statutes of 1920, and by chapter forty-six of the statutes of 1922 and by chapter fifty-three of the statutes of 1925, is further amended by adding thereto the following section:—

Revaluation of land sold to settlers.

"**68.** (1) Notwithstanding anything in this Act, the Board is hereby empowered upon the application of a settler who has agreed to purchase any land from the Board, who has not assigned or transferred his interest in his land, whose agreement with the Board has not been terminated or rescinded and who has not repaid his indebtedness to the Board, and where there has been a decrease or depreciation in the market value of such land not the result of neglect or mismanagement on the part of the settler, to make provision for the re-valuation of the said land subject to the following conditions:—

Conditions.

Application to District Superintendent

(a) Application for revaluation shall be submitted to the District Superintendent of the Soldier Settlement Board for the district within which the said land is situate;

Affidavits.

(b) The application shall be supported (i) by affidavit on forms supplied by the Board setting out the original purchase price of the land and the value of improvements effected since the establishment of the settler thereon (ii) by a written statement of the settler setting forth his belief as to present value of the land and his reasons therefor, and (iii) the names and addresses of any persons whom the settler proposes as witnesses to the present value;

(c) The difference or depreciation in value to be determined shall be the diminution, not due to neglect or mismanagement on the part of the settler, in the present market value of the land and the improvements sold to the settler, as compared with the price at which the settler agreed to purchase the said land and improvements from the Board: provided that in any case where the actual sale price is greater than the maximum amount which under section sixteen of this Act may be advanced by the Board in the purchase of land on behalf of any settler, such maximum amount shall be deemed the sale price for the purposes of this section.

(d) All applications for revaluation must be submitted to the Board prior to the first day of October, 1920.

(e) The Minister may appoint District Arbitration Committees having jurisdiction in such soldier settlement districts as may be necessary, each Committee to consist of three members, one of whom shall be the Judge of the County or District Court, as the case may be, of the county or judicial district within which the land is situate, such Judge to be the chairman of the Committee, one a representative of The Soldier Settlement Board, and a third one to be a representative of a Soldiers' Organization if any, in the district: provided, however, that any settler applicant may, if he so desires, nominate an arbitrator to represent him upon the hearing of his application and in every such case the arbitrator so nominated shall replace the third arbitrator to be appointed by the Minister as aforesaid.

(f) The members of the District Arbitration Committee when appointed shall have all the powers and authority of a Commissioner under the Inquiries Act.

(g) Expenditure necessarily incurred by or in connection with any District Arbitration Committee shall be paid out of monies appropriated from time to time by Parliament to soldier land settlement.

(h) Upon receipt of an application for revaluation supported as aforesaid, the Board shall refer the same to the District Arbitration Committee who will thereupon fix a convenient time and place for hearing, and upon the hearing of all evidence submitted the Committee shall decide the extent to which depreciation in value has taken place and its decision or that of any two of its members shall be final and conclusive.

(i) Upon the conclusion of the matter referred to the District Arbitration Committee under this section, the Committee shall forthwith forward a copy of its decision to the Board, and where the decision shows that there has been depreciation as hereinbefore set forth in paragraph (a) in the value of the land and improvements which the Board agreed to sell to a settler,

How depreciation shall be computed.

(c) The difference or depreciation in value to be determined shall be the diminution, not due to neglect or mismanagement on the part of the settler, in the present market value of the land and the improvements sold to the settler, as compared with the price at which the settler agreed to purchase the said land and improvements from the Board; provided that in any case where the actual sale price is greater than the maximum amount which under section sixteen of this Act may be advanced by the Board in the purchase of land on behalf of any settler, such maximum amount shall be deemed the sale price for the purposes of this section;

Time for application.

(d) All applications for revaluation must be submitted to the Board prior to the first day of October, 1926;

District Arbitration Committees.

(e) The Minister may appoint District Arbitration Committees having jurisdiction in such soldier settlement districts as may be necessary, each Committee to consist of three members, one of whom shall be the Judge of the County or District Court, as the case may be, of the county or judicial district within which the land is situate, such Judge to be the chairman of the Committee, one a representative of The Soldier Settlement Board, and a third one to be a representative of a Settlers' Organization if any, in the district: provided, however, that any settler applicant may, if he so desires, nominate an arbitrator to represent him upon the hearing of his application and in every such case the arbitrator so nominated shall replace the third arbitrator to be appointed by the Minister as aforesaid;

Powers.

(f) The members of the District Arbitration Committee when appointed shall have all the powers and authority of a Commissioner under the *Inquiries Act;*

Expenditure.

(g) Expenditures necessarily incurred by or in connection with any District Arbitration Committee shall be paid out of monies appropriated from time to time by Parliament to soldier land settlement;

Reference.

(h) Upon receipt of an application for revaluation supported as aforesaid, the Board shall refer the same to the District Arbitration Committee who will thereupon fix a convenient time and place for hearing, and upon the hearing of all evidence submitted the Committee shall decide the extent to which depreciation in value has taken place and its decision or that of any two of its members shall be final and conclusive;

Hearing.

Decision final.

Credit to settler if depreciation found.

(i) Upon the conclusion of the matter referred to the District Arbitration Committee under this section, the Committee shall forthwith forward a copy of its decision to the Board, and where the decision shows that there has been depreciation as hereinbefore set forth in paragraph *(c)* in the value of the land and improvements which the Board agreed to sell to a settler,

the Board, notwithstanding anything in this Act, shall credit the settler's account as on the standard date in 1925 with the amount of depreciation as determined by the District Arbitration Committee, and upon the settler's account being so credited, the balance then owing by the settler for all purposes shall, at the discretion of the Board, be consolidated and deemed to be the settler's total indebtedness and the total cost of the property may be amortized over the remaining period of the loan; provided that the maximum amount which may be so credited to any settler shall in no case exceed the settler's total indebtedness to the Board as at the time of the District Arbitration Committee's decision;

Proviso.

Regulations.

(j) The Board may, with the approval of the Governor in Council, make such regulations as may be necessary for the execution of the purposes of this section;

Reinstatement of settler in certain cases.

(k) Notwithstanding anything in this Act, in the case of any settler whose agreement with the Board has been terminated or rescinded and who is desirous of returning to the land which he agreed to purchase from the Board, the Board may, provided the land has not been otherwise disposed of, reinstate the settler in such rights with respect to the land as he had prior to the recision of his agreement and extend to him the benefits of this section from which he would otherwise be debarred by reason of the recision or termination of his agreement."

SENATE REPRINT, 11th JUNE, 1926

17.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 17.

An Act to amend The Soldier Settlement Act, 1919.

Reprinted with the Amendments proposed by the Sub-Committee of the Special Committee to which the Bill was referred by the Senate.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
23259 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

An Act to amend The Soldier Settlement Act, 1919.

1919, c. 71; 1920, c. 19; 1922, c. 46; 1925, c. 53.

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

1. *The Soldier Settlement Act, 1919*, chapter seventy-one of the statutes of 1919 (first session), as amended by chapter nineteen of the statutes of 1920, and by chapter forty-six of the statutes of 1922 and by chapter fifty-three of the statutes of 1925, is further amended by adding thereto the following section:—

Revaluation of land sold to settlers.

"**68.** Notwithstanding anything in this Act, a settler who has agreed to purchase any land from the Board, who has not assigned or transferred his interest in his land, whose agreement with the Board has not been terminated or rescinded, who has not repaid his indebtedness to the Board, and who claims that there has been a depreciation in the value of such land not the result of neglect or mismanagement on his part, of such character as to make it impossible for him with proper effort on his part to succeed in his farming enterprise unless the purchase price of the land is reduced by the amount of such depreciation, may make application for the revaluation of the said land subject to the following conditions:—

Conditions.

Application to District Superintendent.

(a) Application for revaluation shall be submitted to the District Superintendent of the Soldier Settlement Board for the district within which the said land is situate;

Affidavits.

(b) The application shall be supported by a statutory declaration setting out (i) the original purchase price of the land and the value of improvements effected since the establishment of the settler thereon, and (ii) his belief as to present value of the land and his reasons therefor;

How depreciation shall be computed.

(c) The depreciation in value to be determined shall be the diminution, not due to neglect or mismanagement on the part of the settler, in the present value of the land and the improvements sold to the settler, as compared with the price at which the settler agreed to purchase the said land and improvements from the Board. In determining the present value of the land, improvements made by the settler shall not be included; Provided that in any case where the actual sale price is greater than the maximum amount which under section sixteen of this Act may be advanced by the Board in the purchase of land on behalf of any settler, such maximum amount shall be deemed the sale price for the purposes of this section;

Time for application.

(d) All applications for revaluation must be submitted to the Board prior to the first day of October, 1926, except as otherwise provided by regulation;

Determination of depreciation in value.

(e) Upon the receipt of an application made in accordance with the terms of this section the Board shall ascertain and determine the depreciation in value as set forth in paragraph (*c*) of this section; and if any applicant is dissatisfied with the decision of the Board he may, within such time as is prescribed by regulations approved by the Governor in Council, appeal to the Exchequer Court of Canada and the decision of that court shall be final;

Appeal.

Expenditure.

(f) Expenditures necessarily incurred by or in connection with the administration of this Act as may be provided by regulation, shall be paid out of monies appropriated from time to time by Parliament to soldier land settlement;

Credit to settler if depreciation found.

(g) Where the decision shows that there has been depreciation as hereinbefore set forth in paragraph *(c)* in the value of the land and improvements which the Board agreed to sell to a settler, the Board, notwithstanding anything in this Act, shall credit the settler's account as on the standard date in 1925 with the amount of depreciation as finally determined, and upon the settler's account being so credited, the balance then owing by the settler for all purposes shall, at the discretion of the Board, be consolidated and deemed to be the settler's total indebtedness and the total cost of the property may be amortized over the remaining period of the loan; Provided that the maximum amount which may be so credited to any settler shall in no case exceed the settler's total indebtedness to the Board as at the time of the final determination of the amount of depreciation in value aforesaid;

Proviso.

Regulations.

(h) The Board may, with the approval of the Governor in Council make such regulations as may be necessary, for the execution of the purposes of this section;

Reinstatement of settler in certain cases.

(i) Notwithstanding anything in this Act, in the case of any settler whose agreement with the Board has been terminated or rescinded and who is desirous of returning to the land which he agreed to purchase from the Board, the Board may, provided the land has not been otherwise disposed of, reinstate the settler in such rights with respect to the land as he had prior to the termination or rescission of his agreement and extend to him the benefits of this section from which he would otherwise be debarred by reason of the termination or rescission of his agreement."

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 17.

An Act to amend The Soldier Settlement Act, 1919.

AS PASSED BY THE HOUSE OF COMMONS,
26th MAY, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
17687 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

An Act to amend The Soldier Settlement Act, 1919.

1919, c. 71; 1920, c. 19; 1922, c. 46; 1925, c. 53.

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

1. *The Soldier Settlement Act, 1919*, chapter seventy-one of the statutes of 1919 (first session) as amended by chapter nineteen of the statutes of 1920, and by chapter forty-six of the statutes of 1922 and by chapter fifty-three of the statutes of 1925, is further amended by adding thereto the following section:—

Revaluation of land sold to settlers.

"**68.** (1) Notwithstanding anything in this Act, the Board is hereby empowered upon the application of a settler who has agreed to purchase any land from the Board, who has not assigned or transferred his interest in his land, whose agreement with the Board has not been terminated or rescinded and who has not repaid his indebtedness to the Board, and where there has been a decrease or depreciation in the market value of such land not the result of neglect or mismanagement on the part of the settler, to make provision for the re-valuation of the said land subject to the following conditions:—

Conditions.

Application to District Superintendent

(a) Application for revaluation shall be submitted to the District Superintendent of the Soldier Settlement Board for the district within which the said land is situate;

Affidavits.

(b) The application shall be supported by a statutory declaration setting out (i) the original purchase price of the land and the value of improvements effected since the establishment of the settler thereon, and (ii) his belief as to present value of the land and his reasons therefor;

How depreciation shall be computed.

(c) The difference or depreciation in value to be determined shall be the diminution, not due to neglect or mismanagement on the part of the settler, in the present market value of the land and the improvements sold to the settler, as compared with the price at which

the settler agreed to purchase the said land and improvements from the Board. In determining the present market value of the land, improvements made by the settler shall not be included; provided that in any case where the actual sale price is greater than the maximum amount which under section sixteen of this Act may be advanced by the Board in the purchase of land on behalf of any settler, such maximum amount shall be deemed the sale price for the purposes of this section;

Time for application.

(d) All applications for revaluation must be submitted to the Board prior to the first day of October, 1926, except as otherwise provided by regulation;

District Arbitration Committees.

(e) The Minister may appoint District Arbitration Committees having jurisdiction in such soldier settlement districts as may be necessary, each Committee to consist of three members, one of whom shall be the Judge of the County or District Court, as the case may be, of the county or judicial district within which the land is situate, such Judge to be the chairman of the Committee, one a representative of The Soldier Settlement Board, and a third one to be a representative of a Settlers' Organization if any, in the district: provided, however, that any settler applicant may, if he so desires, nominate an arbitrator to represent him upon the hearing of his application and in every such case the arbitrator so nominated shall replace the third arbitrator to be appointed by the Minister as aforesaid;

Powers.

(f) The members of the District Arbitration Committee when appointed shall have all the powers and authority of a Commissioner under the *Inquiries Act;*

Expenditure.

(g) Expenditures necessarily incurred by or in connection with the administration of this Act as may be provided by regulation, shall be paid out of monies appropriated from time to time by Parliament to soldier land settlement;

Reference.

Hearing.

Decision final.

(h) Upon receipt of an application for revaluation supported as aforesaid, the Board shall refer the same to the District Arbitration Committee who will thereupon fix a convenient time and place for hearing, and upon the hearing of all evidence submitted the Committee shall decide the extent to which depreciation in value has taken place and its decision or that of any two of its members shall be final and conclusive;

Credit to settler if depreciation found.

(i) Upon the conclusion of the matter referred to the District Arbitration Committee under this section, the Committee shall forthwith forward a copy of its decision to the Board, and where the decision shows that there has been depreciation as hereinbefore set forth in paragraph *(c)* in the value of the land and improvements which the Board agreed to sell to a settler,

the Board, notwithstanding anything in this Act, shall credit the settler's account as on the standard date in 1925 with the amount of depreciation as determined by the District Arbitration Committee, and upon the settler's account being so credited, the balance then owing by the settler for all purposes shall, at the discretion of the Board, be consolidated and deemed to be the settler's total indebtedness and the total cost of the property may be amortized over the remaining period of the loan; provided that the maximum amount which may be so credited to any settler shall in no case exceed the settler's total indebtedness to the Board as at the time of the District Arbitration Committee's decision;

Proviso.

Regulations.

(j) The Board may, with the approval of the Governor in Council, make such regulations as may be necessary for the execution of the purposes of this section;

Reinstatement of settler in certain cases.

(k) Notwithstanding anything in this Act, in the case of any settler whose agreement with the Board has been terminated or rescinded and who is desirous of returning to the land which he agreed to purchase from the Board, the Board may, provided the land has not been otherwise disposed of, reinstate the settler in such rights with respect to the land as he had prior to the recision of his agreement and extend to him the benefits of this section from which he would otherwise be debarred by reason of the recision or termination of his agreement."

First Session, Fifteenth Parliament, 16-17 George V, 1926

HOUSE OF COMMONS OF CANADA

BILL 18.

An Act to change the name of the Dominion Express Company to "Canadian Pacific Express Company".

First reading, April 6, 1926.

(PRIVATE BILL)

Mr. FOURNIER.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
18890 1926

1st Session, 15th Parliament, 16-17 George V, 1926

HOUSE OF COMMONS OF CANADA.

BILL 18.

An Act to change the name of the Dominion Express Company to "Canadian Pacific Express Company".

Preamble. 1873, c. 113; 1921, c. 81.

WHEREAS the Dominion Express Company has by its petition prayed that its corporate name may be changed to that of the "Canadian Pacific Express Company", and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows:— 5

Name changed.

1. The name of the Dominion Express Company is hereby changed to "Canadian Pacific Express Company", but such change of name shall not affect any rights or obligations of the Company or render defective any legal proceedings by or against the Company, and any legal proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name. 10 15

Existing rights saved.

Commencement of Act.

2. This Act shall come into force on the first day of September, 1926.

First Session, Fifteenth Parliament, 16-17 George V. 1926

HOUSE OF COMMONS OF CANADA

BILL 18.

An Act to change the name of the Dominion Express Company to "Canadian Pacific Express Company".

AS PASSED BY THE HOUSE OF COMMONS, 9th APRIL, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
18899 1926

1st Session, 15th Parliament, 16-17 George V, 1926

HOUSE OF COMMONS OF CANADA.

BILL 18.

An Act to change the name of the Dominion Express Company to "Canadian Pacific Express Company".

Preamble. 1873, c. 113; 1921, c. 81.

WHEREAS the Dominion Express Company has by its petition prayed that its corporate name may be changed to that of the "Canadian Pacific Express Company", and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows:—

Name changed.

1. The name of the Dominion Express Company is hereby changed to "Canadian Pacific Express Company", but such change of name shall not affect any rights or obligations of the Company or render defective any legal proceedings by or against the Company, and any legal proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.

Existing rights saved.

Commencement of Act.

2. This Act shall come into force on the first day of September, 1926.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 19.

An Act to incorporate The Agents Insurance Company.

First reading, April 13, 1926.

(PRIVATE BILL)

Mr. MALCOLM.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
18727 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 19.

An Act to incorporate The Agents Insurance Company.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it may be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:— 5

Incorporation.

Corporate name.

1. James Stewart, grain merchant, Frank O. Fowler, manager, F. J. Anderson, manager, and Herbert James Symington, barrister-at-law, all of the city of Winnipeg, in the province of Manitoba, together with such persons as 10 become shareholders in the Company are incorporated under the name of "The Agents Insurance Company," hereinafter called "the Company."

Provisional directors.

2. The persons named in section one of this Act shall be the provisional directors of the Company. 15

Capital stock.

3. The capital stock of the Company shall be one million dollars.

Amount to be subscribed.

4. The amount to be subscribed before the general meeting for the election of directors is called shall be one hundred thousand dollars. 20

Head office.

5. The head office of the Company shall be in the city of Winnipeg, in the province of Manitoba.

Business authorized.

6. The Company may make contracts for any of the following classes of insurance:—

(a) Fire insurance; 25

(b) Automobile insurance;

(c) Plate Glass insurance;

(d) Sprinkler Leakage insurance;

(e) Hail insurance;

(f) Guarantee insurance;
(g) Bond insurance;
(h) Burglary insurance;
(i) Accident insurance;
(j) Sickness insurance. 5

Commencing business.

7. (1) The Company shall not commence any business of insurance until at least two hundred and fifty thousand dollars of its capital stock has been *bona fide* subscribed, and at least one hundred thousand dollars paid thereon. It may then transact the business of fire insurance. 10

Other classes of insurance authorized.

(2) The Company shall not commence any of the other classes of business authorized by section six of this Act until the subscribed capital has been increased to at least three hundred thousand dollars, and until the paid capital, or the paid capital together with the surplus, has been 15 increased by an amount or amounts depending upon the nature of the additional class or classes of business as follows, that is to say:—For automobile insurance the said increase shall not be less than twenty thousand dollars; for plate glass insurance not less than ten thousand dollars; 20 for sprinkler leakage insurance not less than ten thousand dollars; for hail insurance not less than one hundred thousand dollars; for guarantee insurance not less than fifty thousand dollars; for bond insurance not less than fifty thousand dollars; for burglary insurance not less than 25 twenty thousand dollars; for accident insurance not less than forty thousand dollars; and for sickness insurance not less than ten thousand dollars.

Increase of paid capital.

Increase of amounts paid on capital stock.

(3) The Company shall at or before the expiration of one year from the date of its receiving a license for the 30 transaction of fire insurance increase the amount paid on its capital stock by the sum of fifteen thousand dollars, and during each of the succeeding four years an additional fifteen thousand dollars shall be paid on account of its said capital stock, until the total paid capital together with its 35 surplus, exceeds the total amount from time to time required by the preceding subsections of this section by at least seventy-five thousand dollars.

"Surplus" defined.

(4) In this section the word "surplus" means excess of assets over liabilities, including the amount paid on account 40 of capital stock and the reserve of unearned premiums calculated *pro rata* for the unexpired term of all policies of the Company in force.

1917, c. 29.

8. *"The Insurance Act, 1917,"* shall apply to the Company. 45

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 19.

An Act to incorporate The Pioneer Insurance Company.

AS PASSED BY THE HOUSE OF COMMONS,
11th MAY, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
18741 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 19.

An Act to incorporate The Pioneer Insurance Company.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it may be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:— 5

Incorporation.

Corporate name.

1. James Stewart, grain merchant, Frank O. Fowler, manager, F. J. Anderson, manager, and Herbert James Symington, barrister-at-law, all of the city of Winnipeg, in the province of Manitoba, together with such persons as 10 become shareholders in the Company are incorporated under the name of "The Pioneer Insurance Company," hereinafter called "the Company."

Provisional directors.

2. The persons named in section one of this Act shall be the provisional directors of the Company. 15

Capital stock.

3. The capital stock of the Company shall be one million dollars.

Amount to be subscribed.

4. The amount to be subscribed before the general meeting for the election of directors is called shall be one hundred thousand dollars. 20

Head office.

5. The head office of the Company shall be in the city of Winnipeg, in the province of Manitoba.

Business authorized.

6. The Company may make contracts for any of the following classes of insurance:—

(a) Fire insurance; 25

(b) Automobile insurance;

(c) Plate Glass insurance;

(d) Sprinkler Leakage insurance;

(e) Hail insurance;

(f) Guarantee insurance;
(g) Bond insurance;
(h) Burglary insurance;
(i) Accident insurance;
(j) Sickness insurance. 5

Commencing business.

7. (1) The Company shall not commence any business of insurance until at least two hundred and fifty thousand dollars of its capital stock has been *bona fide* subscribed, and at least one hundred thousand dollars paid thereon. It may then transact the business of fire insurance. 10

Other classes of insurance authorized.

(2) The Company shall not commence any of the other classes of business authorized by section six of this Act until the subscribed capital has been increased to at least three hundred thousand dollars, and until the paid capital, or the paid capital together with the surplus, has been 15 increased by an amount or amounts depending upon the nature of the additional class or classes of business as follows, that is to say:—For automobile insurance the said increase shall not be less than twenty thousand dollars; for plate glass insurance not less than ten thousand dollars; 20 for sprinkler leakage insurance not less than ten thousand dollars; for hail insurance not less than one hundred thousand dollars; for guarantee insurance not less than fifty thousand dollars; for bond insurance not less than fifty thousand dollars; for burglary insurance not less than 25 twenty thousand dollars; for accident insurance not less than forty thousand dollars; and for sickness insurance not less than ten thousand dollars.

Increase of paid capital.

Increase of amounts paid on capital stock.

(3) The Company shall at or before the expiration of one year from the date of its receiving a license for the 30 transaction of fire insurance increase the amount paid on its capital stock by the sum of fifteen thousand dollars, and during each of the succeeding four years an additional fifteen thousand dollars shall be paid on account of its said capital stock, until the total paid capital together with its 35 surplus, exceeds the total amount from time to time required by the preceding subsections of this section by at least seventy-five thousand dollars.

"Surplus" defined.

(4) In this section the word "surplus" means excess of assets over liabilities, including the amount paid on account 40 of capital stock and the reserve of unearned premiums calculated *pro rata* for the unexpired term of all policies of the Company in force.

1917, c. 29.

8. "*The Insurance Act, 1917,*" shall apply to the Company. 45

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 20.

An Act respecting The Pacific Coast Fire Insurance Company.

First reading, April 13, 1926.

(PRIVATE BILL)

Mr. CLARK.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
18728 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 20.

An Act respecting The Pacific Coast Fire Insurance Company.

1908, c. 143; 1920, c. 92.

WHEREAS The Pacific Coast Fire Insurance Company has by its petition prayed that it may be authorized to make contracts of insurance on additional classes of insurance and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

New section 12.

1. Section twelve of chapter one hundred and forty-three of the statutes of 1908, as amended by chapter ninety-two of the statutes of 1920, is repealed and the following is substituted therefor:—

Business.

"**12.** (1) The new company may make contracts of insurance, throughout Canada and elsewhere, with any person, against loss or damage by fire or lightning in or to any house, dwelling, store, factory, mill or other building, and to any goods, chattels, bridges, railway plant or personal estate, for such time and for such premiums or considerations and upon such modifications and restrictions, and upon such conditions, as are agreed upon between the new Company and the insured, and generally carry on the business of fire insurance in all its branches and forms.

Additional classes of insurance.

(2) The new company may also carry on the business of accident insurance, automobile insurance, bond insurance, burglary insurance, explosion insurance, guarantee insurance, hail insurance, inland marine insurance, inland transportation insurance, live stock insurance, marine insurance, plate glass insurance, sickness insurance, sprinkler leakage insurance, steam boiler insurance and tornado insurance, as defined in *The Insurance Act, 1917*, in all their branches and forms, and may also carry on the business of insurance against loss of or damage to property caused by earthquake.

1917, c. 29.

EXPLANATORY NOTE.

1. The amendments to section twelve consist in the words underlined on the opposite page. By this Bill the company is given the additional power to carry on the business of "*bond insurance, gurantee insurance, inland marine insurance, live stock insurance, plate glass insurance, sickness insurance, steam boiler insurance, and the business of insurance against loss or damage to property caused by earthquake.*

Reinsurance. (3) The new company may also cause itself to be insured against any risk it may have taken in the course of its business.

Risks of other companies. (4) The new company may also undertake to reinsure the risks of other companies." 5

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 21.

An Act respecting Old Age Pensions.

First reading, April 15, 1926.

The MINISTER OF PUBLIC WORKS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
17500 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 21.

An Act respecting Old Age Pensions.

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 Old Age Pension Act, 1926.* 5

Definitions.

2. In this Act the expression:

(a) "pension authority" means the officer or body charged by law with the consideration of applications for pension or with the payment of pensions.

(b) "pension" means an old age pension payable in accordance with this Act and the regulations thereunder. 10

(c) "pensioner" includes an applicant for a pension.

(d) "province" includes the Yukon Territory.

(e) "statute" includes ordinance or order having the force of law. 15

Agreements with Provinces.

3. The Governor in Council may make an agreement with the Lieutenant-Governor in Council of any province for the payment to such province quarterly of an amount equal to one-half of the net sum paid out during the preceding quarter by such province for pensions pursuant to a provincial statute authorizing and providing for the payment of such pensions to the persons and under the conditions specified in this Act and the regulations made thereunder. 20 25

Term of Agreements.

4. Every agreement made pursuant to this Act shall continue in force so long as the provincial statute remains in operation or until after the expiration of ten years from the date upon which notice of an intention to determine the 30

agreement is given by the Governor General to the Lieutenant-Governor of the province with which the same was made.

Approval of Schemes.

5. Before any agreement made pursuant to this Act comes into operation the Governor in Council shall approve the scheme for the administration of pensions proposed to be adopted by the province, and no change in such scheme shall be made by the province without the consent of the Governor in Council.

Application of Act to N.W.T.

6. As soon as agreements under this Act have been made with two of the provinces adjoining the Northwest Territories, the Commissioner of the said territories may submit to the Governor in Council for approval a scheme for the administration and payment of pensions therein, and upon the approval of such scheme, the same shall stand, in all respects other than its duration, in the same position as an agreement with a province.

Payment of pensions in provinces to be made.

7. All sums payable to any province in pursuance of any agreement made under this Act shall be payable from time to time on the certificate of the Treasury Board out of any moneys belonging to the Consolidated Revenue Fund of Canada not otherwise appropriated, and the Governor in Council may borrow from time to time such sums as may be required for the purpose of making such payments.

Application for pension.

8. (1) Application shall be made for the payment of a pension to every person who, at the date of the proposed commencement of the pension:—

(a) is a British subject, or, being a widow, was such before her marriage;

(b) has attained the age of seventy years;

(c) has resided in Canada for the twenty years immediately preceding the date aforesaid;

(d) has resided in the province in which the application for pension is made for the five years immediately preceding the said date;

(e) is not an Indian as defined by the Indian Act;

(f) is not in receipt of an income of as much as three hundred and sixty-five dollars ($365) a year, and

(g) has not made any voluntary assignment or transfer of property for the purpose of qualifying for a pension.

Disqualification.

(2) The receipt of a pension shall not by itself constitute a disqualification from voting at any provincial or municipal election.

agreement is given by the Governor General to the Lieutenant-Governor of the province with which the same was made.

Approval of administration scheme necessary.

5. Before any agreement made pursuant to this Act comes into operation the Governor in Council shall approve the scheme for the administration of pensions proposed to be adopted by the province, and no change in such scheme shall be made by the province without the consent of the Governor in Council.

Application of Act in N.W.T.

6. As soon as agreements under this Act have been made with two of the provinces adjoining the Northwest Territories, the Commissioner of the said territories may submit to the Governor in Council for approval a scheme for the administration and payment of pensions therein, and upon the approval of such scheme, the same shall stand, in all respects other than its duration, in the same position as an agreement with a province.

When payments to provinces to be made.

7. All sums payable to any province in pursuance of any agreement made under this Act shall be payable from time to time on the certificate of the Treasury Board out of any monies belonging to the Consolidated Revenue Fund of Canada not otherwise appropriated, and the Governor in Council may borrow from time to time such sums as may be required for the purpose of making such payments.

What persons are pensionable.

8. (1) Provision shall be made for the payment of a pension to every person who, at the date of the proposed commencement of the pension:—

(a) is a British subject, or, being a widow, was such before her marriage;

(b) has attained the age of seventy years;

(c) has resided in Canada for the twenty years immediately preceding the date aforesaid;

(d) has resided in the province in which the application for pension is made for the five years immediately preceding the said date;

(e) is not an Indian as defined by the *Indian Act;*

(f) is not in receipt of an income of as much as three hundred and sixty-five dollars ($365) a year, and

(g) has not made any voluntary assignment or transfer of property for the purpose of qualifying for a pension.

Pensioners not to be disqualified from voting.

(2) The receipt of a pension shall not by itself constitute a disqualification from voting at any provincial or municipal election.

Maximum pension $240.

9. (1) The maximum pension payable shall be two hundred and forty dollars yearly, which shall be subject to reduction by the amount of the income of the pensioner in excess of one hundred and twenty-five dollars a year.

When annual value of pensioner's residence not to affect pension.

(2) Where a pensioner is the owner of an interest in a dwelling house in which he resides and the pension authority accepts a transfer to it of such interest, the pension payable to the pensioner shall not be subject to any reduction in respect of the annual value of such interest, but the pension authority shall, on the death of the pensioner or upon his ceasing to use such dwelling house as his place of residence, be entitled to sell the pensioner's interest therein and to retain out of the proceeds of such sale the amount of all payments made to the pensioner by way of pension in excess of the amount he would have received if such interest had not been transferred to the pension authority, together with interest on the said payments at the rate of five per cent per annum, compounded annually.

Recovery of pension payments out of deceased pensioner's estate.

(3) A pension authority shall be entitled to recover out of the estate of any deceased pensioner, as a debt due by the pensioner to such authority, the sum of the pension payments made to such pensioner from time to time, together with interest at the rate of five per cent per annum compounded annually, but no claim shall be made by a pension authority for the recovery of such debt directly or indirectly out of any part of the pensioner's estate which passes by will or on an intestacy to any other pensioner or to any person who has, since the grant of such pension or for the last three years during which such pension has continued to be paid, regularly contributed to the support of the pensioner by the payment of money or otherwise to an extent which, having regard to the means of the person so having contributed, is considered by the pension authority to be reasonable.

Distribution of pension burden among provinces.

10. Where a pensioner has during part of the twenty years immediately preceding the date of the proposed commencement of pension resided in more than one province in which he would have become pensionable if he had continued to reside therein, the province in which his pension is granted shall be entitled to be reimbursed, by the other province or provinces in which the pensioner has resided as aforesaid, a proportion of the pension equal to the proportion which the duration of the pensioner's residence in such other province bears to twenty years.

Reduction of pension in certain cases.

11. Where a pensioner has during part of the twenty years immediately preceding the date of the proposed commencement of pension resided in a province in which he would not have become pensionable even if he had continued to reside therein, the amount of the pension which would

otherwise be payable to such pensioner shall be reduced by the same proportion as the duration of the pensioner's residence in such other province bears to twenty years.

Duties previously discharged by provinces.

12. In any case in which, pursuant to either of the last 5 two preceding sections, a pension is to be proportionately reimbursed or proportionately reduced, the following provisions shall have effect:—

(a) The proportionate reimbursement or proportionate reduction shall be calculated by reference to the nearest unit, whether greater or less, of complete 10 years during which the pensioner has been resident in any of the provinces in question;

(b) Fractions of time shall not affect any such proportionate reimbursement or proportionate reduction;

(c) If, after any reduced pension has been granted, an 15 agreement under this Act is made with a province by reference to the pensioner's residence within which such reduction or any part thereof has been calculated, the pension may thereafter be proportionately increased and the amount of such increase shall be reimbursed, 20 in accordance with this Act, to the province by which such pension is paid.

Effect of change of pensioner's residence in certain cases.

13. When, after the grant of a pension in any province, the pensioner transfers his permanent residence to another province with which an agreement under this Act is in 25 force, the pension shall thereafter be paid by the province to which the pensioner has removed, but such province shall be entitled to be reimbursed an amount equal to one-half of such pension by the province in which the pension was originally granted. 30

Also in other cases.

14. Where the pensioner, after the grant of a pension, transfers his permanent residence to another province with which no agreement under this Act is in force, the pension shall continue to be paid by the province in which the pension was granted. 35

Effect of pensioner's leaving Canada.

15. Where a pensioner, after the grant of a pension, transfers his residence to some place out of Canada, his pension shall cease, but his right thereto shall revive upon his again becoming resident in Canada.

Pension not to be assigned or charged.

16. No pension shall be subject to alienation or transfer 40 by the pensioner, or to seizure in satisfaction of any claim against him.

Report to Parliament.

17. On or before the thirtieth day of April in each year the Minister of Finance shall make a full report to

otherwise be payable to such pensioner shall be reduced by the same proportion as the duration of the pensioner's residence in such other province bears to twenty years.

Rules governing distribution and reduction of pension.

12. In any case in which, pursuant to either of the last two preceding sections, a pension is to be proportionately reimbursed or proportionately reduced, the following provisions shall have effect:— 5

(a) The proportionate reimbursement or proportionate reduction shall be calculated by reference to the nearest number, whether greater or less, of complete years during which the pensioner has been resident in any of the provinces in question; 10

(b) Mere lapse of time shall not affect any such proportionate reimbursement or proportionate reduction;

(c) If, after any reduced pension has been granted, an agreement under this Act is made with a province by reference to the pensioner's residence within which such reduction or any part thereof has been calculated, the pension may thereafter be proportionately increased and the amount of such increase shall be reimbursed, in accordance with this Act, to the province by which such pension is paid. 15 20

Effect of change of pensioner's residence in Canada in certain cases.

13. When, after the grant of a pension in any province, the pensioner transfers his permanent residence to another province with which an agreement under this Act is in force, the pension shall thereafter be paid by the province to which the pensioner has removed, but such province shall be entitled to be reimbursed an amount equal to one-half of such pension by the province in which the pension was originally granted. 25 30

And in other cases.

14. Where the pensioner, after the grant of a pension, transfers his permanent residence to another province with which no agreement under this Act is in force, the pension shall continue to be paid by the province in which the pension was granted. 35

Effect of pensioner's leaving Canada.

15. Where a pensioner, after the grant of a pension, transfers his residence to some place out of Canada, his pension shall cease, but his right thereto shall revive upon his again becoming resident in Canada.

Pension not to be alienated or charged.

16. No pension shall be subject to alienation or transfer by the pensioner, or to seizure in satisfaction of any claim against him. 40

Report to Parliament.

17. On or before the thirtieth day of April in each year the Minister of Finance shall make a full report to

Performance of the operation of the arrangements made pursuant to this Act and of the motives of Canada paid to the provinces under each of the several agreements entered into pursuant hereto.

Qualifying evidence as to age of pensioner.

12. Any pension authority shall have the right for the purpose of ascertaining the age of any pensioner to obtain without charge:

(a) from the registrar of vital statistics or other like officer of any province with which an agreement under this Act is in force a certificate of the date of the birth of such pensioner; or

(b) subject to such conditions as may be specified in the regulations made under this Act, from the Dominion Bureau of Statistics, any information on the subject of the age of such pensioner which may be contained in the returns of any census taken more than thirty years before the date of the application for such information.

Power to make regulations.

13. The Governor in Council shall have power from time to time, on the recommendation of the Minister of Labour and with the approval of the Treasury Board, to make regulations, not inconsistent with the provisions of this Act, with regard to the pensions herein provided for, and, without limiting the generality of the foregoing provision, the Governor in Council shall have power to provide by regulation for:

(a) The time preceding the attainment of pensionable age at which applications for pension may be made;

(b) The time at which, after application therefor, the payment of pensions shall commence;

(c) The definition of residence and of the intervals of absence from Canada or a province by which residence therein shall not be deemed to have been interrupted;

(d) The evidence to be required or accepted by a pension authority in support of an application for pension;

(e) The manner in which the income of a pensioner is to be determined for the purposes of this Act, and in particular the mode of prorating the income of either one of two spouses who live together;

(f) The evidence from which the making of transfers of property for the purpose of qualifying for pension is to be inferred;

(g) The circumstances in which pensions may be paid for the benefit of persons supported or under treatment in public institutions;

(h) The mode in which pensions are to be payable;

(i) The time within which a pension voucher may be cashed;

Parliament of the operation of the agreements made pursuant to this Act and of the monies of Canada paid to the provinces under each of the several agreements entered into pursuant hereto.

Obtaining evidence as to age of pensioner.

18. Any pension authority shall have the right for the purpose of ascertaining the age of any pensioner to obtain without charge: 5

(a) from the registrar of vital statistics or other like officer of any province with which an agreement under this Act is in force a certificate of the date of the birth of such pensioner, or 10

(b) subject to such conditions as may be specified in the regulations made under this Act, from the Dominion Bureau of Statistics, any information on the subject of the age of such pensioner which may be contained in the returns of any census taken more than thirty years before the date of the application for such information. 15

Power to make regulations.

19. The Governor in Council shall have power from time to time, on the recommendation of the Minister of Labour and with the approval of the Treasury Board, to make regulations, not inconsistent with the provisions of this Act, with regard to the pensions herein provided for, and, without limiting the generality of the foregoing provision, the Governor in Council shall have power to provide by regulation for:— 20 25

(a) The time preceding the attainment of pensionable age at which applications for pension may be made;

(b) The time at which, after application therefor, the payment of pension shall commence; 30

(c) The definition of residence and of the intervals of absence from Canada or a province by which residence therein shall not be deemed to have been interrupted;

(d) The evidence to be required or accepted by a pension authority in support of an application for pension; 35

(e) The manner in which the income of a pensioner is to be determined for the purpose of this Act and in particular the mode of reckoning the income of either one of two spouses who live together;

(f) The evidence from which the making of transfers of property for the purpose of qualifying for pension is to be inferred; 40

(g) The circumstances in which pensions may be paid for the benefit of persons supported or under treatment in public institutions; 45

(h) The mode in which pensions are to be payable;

(i) The time within which a pension voucher may be cashed;

(j) The persons by whom pension vouchers may be presented for payment;

(k) The circumstances justifying or requiring the suspension of the payment of a pension and the recommencement of its payment; 5

(l) The reports to be made by pensioners and others of events affecting the right to or the amount of a pension;

(m) The administration of a pensioner's property by a pension authority;

(n) The recovery with or without interest of pension 10 payments made by reason of the non-disclosure of facts or by reason of innocent or of false representations;

(o) The time within which and the circumstances under which applications or proposals may be entertained for 15 the increase or reduction of a pension which has been granted;

(p) The method of accounting and of the settlement of balances due by Canada to any province or by one province to another; 20

(q) The penalties to be imposed for breaches of the regulations, such penalties not to exceed a fine of fifty dollars or imprisonment for three months, or both fine and imprisonment;

(r) The constitution and powers of an interprovincial 25 board to interpret and recommend alterations in the regulations.

Alteration by regulations.

(2) No regulation by reference to which any agreement with a province has been made shall be altered except with the consent of such province or in accordance with the 30 provisions of the regulations to which it has agreed.

When regulations come into effect.

20. All regulations made under this Act shall, from the date of their publication in the *Canada Gazette*, have the same force and effect as if they had been included herein. They shall be presented to Parliament forthwith after their 35 publication if Parliament is then sitting or, if not, within fifteen days from the commencement of the session beginning next after such publication.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 21.

An Act respecting Old Age Pensions.

AS PASSED BY THE HOUSE OF COMMONS,
28th MAY, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
17571 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 21.

An Act respecting Old Age Pensions.

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 Old Age Pension Act, 1926.* 5

Definitions.

2. In this Act the expression:

(a) "pension authority" means the officer or body charged by law with the consideration of applications for pension or with the payment of pensions.

(b) "pension" means an old age pension payable in accordance with this Act and the regulations thereunder. 10

(c) "pensioner" includes an applicant for a pension.

(d) "province" includes the Yukon Territory, in respect to which 'Commissioner' shall be read for 'Lieutenant-Governor in Council'. 15

(e) "statute" includes ordinance or order having the force of law.

Agreements with Provinces.

3. The Governor in Council may make an agreement with the Lieutenant-Governor in Council of any province 20 for the payment to such province quarterly of an amount equal to one-half of the net sum paid out during the preceding quarter by such province for pensions pursuant to a provincial statute authorizing and providing for the payment of such pensions to the persons and under the conditions specified in this Act and the regulations made 25 thereunder.

Term of Agreements.

4. Every agreement made pursuant to this Act shall continue in force so long as the provincial statute remains in operation or until after the expiration of ten years from 30 the date upon which notice of an intention to determine the

48

agreement is given by the Governor General to the Lieutenant-Governor of the province with which the same was made.

Approval of administration scheme necessary.

5. Before any agreement made pursuant to this Act comes into operation the Governor in Council shall approve the scheme for the administration of pensions proposed to be adopted by the province, and no change in such scheme shall be made by the province without the consent of the Governor in Council.

Application of Act in N.W.T.

6. As soon as agreements under this Act have been made with two of the provinces adjoining the Northwest Territories, the Commissioner of the said territories may submit to the Governor in Council for approval a scheme for the administration and payment of pensions therein, and upon the approval of such scheme, the same shall stand, in all respects other than its duration, in the same position as an agreement with a province.

When payments to provinces to be made.

7. All sums payable to any province in pursuance of any agreement made under this Act shall be payable from time to time on the certificate of the Minister of Finance out of any monies belonging to the Consolidated Revenue Fund of Canada not otherwise appropriated.

What persons are pensionable.

8. (1) Provision shall be made for the payment of a pension to every person who, at the date of the proposed commencement of the pension:—

(a) is a British subject, or, being a widow, was such before her marriage;

(b) has attained the age of seventy years;

(c) has resided in Canada for the twenty years immediately preceding the date aforesaid;

(d) has resided in the province in which the application for pension is made for the five years immediately preceding the said date;

(e) is not an Indian as defined by the *Indian Act;*

(f) is not in receipt of an income of as much as three hundred and sixty-five dollars ($365) a year, and

(g) has not made any voluntary assignment or transfer of property for the purpose of qualifying for a pension.

Pensioners not to be disqualified from voting.

(2) The receipt of a pension shall not by itself constitute a disqualification from voting at any provincial or municipal election.

Maximum pension $240.

9. (1) The maximum pension payable shall be two hundred and forty dollars yearly, which shall be subject to reduction by the amount of the income of the pensioner in excess of one hundred and twenty-five dollars a year.

When annual value of pensioner's residence not to affect pension.

(2) Where a pensioner is the owner of an interest in a dwelling house in which he resides and the pension authority accepts a transfer to it of such interest, the pension payable to the pensioner shall not be subject to any reduction in respect of the annual value of such interest, but the pension authority shall, on the death of the pensioner or upon his ceasing to use such dwelling house as his place of residence, be entitled to sell the pensioner's interest therein and to retain out of the proceeds of such sale the amount of all payments made to the pensioner by way of pension in excess of the amount he would have received if such interest had not been transferred to the pension authority, together with interest on the said payments at the rate of five per cent per annum, compounded annually.

Recovery of pension payments out of deceased pensioner's estate.

(3) A pension authority shall be entitled to recover out of the estate of any deceased pensioner, as a debt due by the pensioner to such authority, the sum of the pension payments made to such pensioner from time to time, together with interest at the rate of five per cent per annum compounded annually, but no claim shall be made by a pension authority for the recovery of such debt directly or indirectly out of any part of the pensioner's estate which passes by will or on an intestacy to any other pensioner or to any person who has, since the grant of such pension or for the last three years during which such pension has continued to be paid, regularly contributed to the support of the pensioner by the payment of money or otherwise to an extent which, having regard to the means of the person so having contributed, is considered by the pension authority to be reasonable.

Distribution of pension burden among provinces.

10. Where a pensioner has during part of the twenty years immediately preceding the date of the proposed commencement of pension resided in more than one province in which he would have become pensionable if he had continued to reside therein, the province in which his pension is granted shall be entitled to be reimbursed, by the other province or provinces in which the pensioner has resided as aforesaid, a proportion of the pension equal to the proportion which the duration of the pensioner's residence in such other province bears to twenty years.

Reduction of pension in certain cases.

11. Where a pensioner has during part of the twenty years immediately preceding the date of the proposed commencement of pension resided in a province in which he would not have become pensionable even if he had continued to reside therein, the amount of the pension which would

otherwise be payable to such pensioner shall be reduced by the same proportion as the duration of the pensioner's residence in such other province bears to twenty years.

Rules governing distribution and reduction of pension.

12. In any case in which, pursuant to either of the last two preceding sections, a pension is to be proportionately reimbursed or proportionately reduced, the following provisions shall have effect:— 5

(a) The proportionate reimbursement or proportionate reduction shall be calculated by reference to the nearest number, whether greater or less, of complete years during which the pensioner has been resident in any of the provinces in question; 10

(b) Mere lapse of time shall not affect any such proportionate reimbursement or proportionate reduction;

(c) If, after any reduced pension has been granted, an agreement under this Act is made with a province by reference to the pensioner's residence within which such reduction or any part thereof has been calculated, the pension may thereafter be proportionately increased and the amount of such increase shall be reimbursed, in accordance with this Act, to the province by which such pension is paid. 15 20

Effect of change of pensioner's residence in Canada in certain cases.

13. When, after the grant of a pension in any province, the pensioner transfers his permanent residence to another province with which an agreement under this Act is in force, the pension shall thereafter be paid by the province to which the pensioner has removed, but such province shall be entitled to be reimbursed an amount equal to one-half of such pension by the province in which the pension was originally granted. 25 30

And in other cases.

14. Where the pensioner, after the grant of a pension, transfers his permanent residence to another province with which no agreement under this Act is in force, the pension shall continue to be paid by the province in which the pension was granted. 35

Effect of pensioner's leaving Canada.

15. Where a pensioner, after the grant of a pension, transfers his residence to some place out of Canada, his pension shall cease, but his right thereto shall revive upon his again becoming resident in Canada.

Pension not to be alienated or charged.

16. No pension shall be subject to alienation or transfer by the pensioner, or to seizure in satisfaction of any claim against him. 40

Report to Parliament.

17. On or before the thirtieth day of April in each year the Minister of Finance shall make a full report to

Parliament of the operation of the agreements made pursuant to this Act and of the monies of Canada paid to the provinces under each of the several agreements entered into pursuant hereto.

Obtaining evidence as to age of pensioner.

18. Any pension authority shall have the right for the purpose of ascertaining the age of any pensioner to obtain without charge: 5

(a) from the registrar of vital statistics or other like officer of any province with which an agreement under this Act is in force a certificate of the date of the birth of such pensioner, or 10

(b) subject to such conditions as may be specified in the regulations made under this Act, from the Dominion Bureau of Statistics, any information on the subject of the age of such pensioner which may be contained in the returns of any census taken more than thirty years before the date of the application for such information. 15

Power to make regulations.

19. The Governor in Council shall have power from time to time, on the recommendation of the Minister of Labour and with the approval of the Treasury Board, to make regulations, not inconsistent with the provisions of this Act, with regard to the pensions herein provided for, and, without limiting the generality of the foregoing provision, the Governor in Council shall have power to provide by regulation for:— 20 25

(a) The time preceding the attainment of pensionable age at which applications for pension may be made;

(b) The time at which, after application therefor, the payment of pension shall commence; 30

(c) The definition of residence and of the intervals of absence from Canada or a province by which residence therein shall not be deemed to have been interrupted;

(d) The evidence to be required or accepted by a pension authority in support of an application for pension; 35

(e) The manner in which the income of a pensioner is to be determined for the purpose of this Act and in particular the mode of reckoning the income of either one of two spouses who live together;

(f) The evidence from which the making of transfers of property for the purpose of qualifying for pension is to be inferred; 40

(g) The circumstances in which pensions may be paid for the benefit of persons supported or under treatment in public institutions; 45

(h) The mode in which pensions are to be payable;

(i) The time within which a pension voucher may be cashed;

(j) The persons by whom pension vouchers may be presented for payment;

(k) The circumstances justifying or requiring the suspension of the payment of a pension and the recommencement of its payment; 5

(l) The reports to be made by pensioners and others of events affecting the right to or the amount of a pension;

(m) The administration of a pensioner's property by a pension authority;

(n) The recovery with or without interest of pension 10 payments made by reason of the non-disclosure of facts or by reason of innocent or of false representations;

(o) The time within which and the circumstances under which applications or proposals may be entertained for 15 the increase or reduction of a pension which has been granted;

(p) The method of accounting and of the settlement of balances due by Canada to any province or by one province to another; 20

(q) The penalties to be imposed for breaches of the regulations, such penalties not to exceed a fine of fifty dollars or imprisonment for three months, or both fine and imprisonment;

(r) The constitution and powers of an interprovincial 25 board to interpret and recommend alterations in the regulations.

Alteration by regulations.

(2) No regulation by reference to which any agreement with a province has been made shall be altered except with the consent of such province or in accordance with the 30 provisions of the regulations to which it has agreed.

When regulations come into effect.

20. All regulations made under this Act shall, from the date of their publication in the *Canada Gazette*, have the same force and effect as if they had been included herein. They shall be presented to Parliament forthwith after their 35 publication if Parliament is then sitting or, if not, within fifteen days from the commencement of the session beginning next after such publication.

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 22.

An Act to amend The Opium and Narcotic Drug Act, 1923 (Additional Punishment).

First reading, April 19, 1926.

Mr. DONAGHY.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
19729 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act to amend The Opium and Narcotic Drug Act, 1923 (Additional Punishment).

1923, c. 22; 1925, c. 20.

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

Selling, giving away or distributing drugs without license.

1. Section four of *The Opium and Narcotic Drug Act, 1923*, chapter twenty-two of the statutes of 1923, as amended by chapter twenty of the statutes of 1925, is amended by adding thereto the words "and provided further that any person who commits an offence under paragraph *(f)* of this section by selling, giving away or distributing any drug to any person without first obtaining a license from the Minister shall, at the discretion of the judge or magistrate, be liable to whipping in addition to the penalties hereinbefore provided."

Explanatory Note.

By section 4 of the Act of 1923 it is provided that any person who unlawfully sells, gives away, or distributes any drug, as defined in that Act, to a minor, shall be guilty of a criminal offence, and in addition to the penalties specified, shall be liable to be whipped, but there is no provision for the lash on conviction for any other infraction of the Act.

The object of this Bill is to further amend the Act so as to provide that every person who sells, gives away, or distributes any drug, as defined in the Act, to any person without first obtaining a license from the Minister, shall, in the discretion of the Judge, be liable to be whipped, in addition to the penalties already provided by the said Act.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 23.

An Act to amend the Canada Shipping Act (Pilotage Dues).

First reading, April 20, 1926.

Mr. CASSELMAN.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

20025

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

An Act to amend the Canada Shipping Act (Pilotage Dues).

R.S., c. 113;

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

1. Paragraph *(c)* of subsection one of section four hundred and seventy-seven of the *Canada Shipping Act*, chapter one hundred and thirteen of the Revised Statutes of Canada, 1906, is amended by adding thereto the following subparagraph:— 5

Steamships exempt from pilotage dues.

"(iiiA) employed in trading between any port or ports in the said provinces, or any of them, and any port or ports on the St. Lawrence River or the Great Lakes or their connecting or tributary waters." 10

EXPLANATORY NOTE.

The object of this Bill is to do away with the discrimination which now exists between ships clearing from Montreal eastward and those clearing from points west of Montreal eastward with respect to pilotage dues; the latter class being obliged to pay such dues if they go east of Montreal whether they carry pilots or not, while in the case of the former class pilotage dues are not charged unless pilots are used.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 91.

An Act to amend The Immigration Act.

First reading, April 26, 1926.

The Acting Minister of Immigration and Colonization.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

17769

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 91.

An Act to amend The Immigration Act.

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

1910, c. 27; 1919, c. 26.

1. Section forty-one of *The Immigration Act*, chapter twenty-seven of the statutes of 1910, as enacted by chapter twenty-six of the statutes of 1919, is repealed and the following is substituted therefor:—

Certain persons to be deemed to belong to the undesirable class.

"**41.** Whenever any alien advocates in Canada the overthrow by force or violence of the government of Great Britain or Canada, or other British dominion, colony, possession or dependency, or the overthrow by force or violence of constituted law and authority, or assassination, or shall by word or act create or attempt to create riot or public disorder in Canada, or shall by common repute belong to or be suspected of belonging to any secret society or organization which extorts money from, or in any way attempts to control any resident of Canada by force or threat of bodily harm, or by blackmail; such person for the purposes of this Act shall be considered and classed as an undesirable immigrant, and it shall be the duty of any officer becoming cognizant thereof, and the duty of the clerk, secretary or other official of any municipality in Canada wherein such person may be, to forthwith send a written complaint thereof to the Minister of Immigration, giving full particulars."

Duty of officer to send complaint to Minister.

Explanatory Note.

This Bill is to restore the law as it stood in The Immigration Act of 1910.

The section of the Act of 1919 to be repealed reads as follows:—

"**41.** Every person who by word or act in Canada seeks to overthrow by force or violence the government of or constituted law and authority in the United Kingdom of Great Britain and Ireland or Canada, or any of the provinces of Canada, or the government of any other of His Majesty's dominions, colonies, possessions or dependencies, or advocates the assassination of any official of any of the said governments or of any foreign government, or who in Canada defends or suggests the unlawful destruction of property or by word or act creates or attempts to create any riot or public disorder in Canada, or who without lawful authority assumes any powers of government in Canada or in any part thereof, or who by common repute belongs to or is suspected of belonging to any secret society or organization which extorts money from or in any way attempts to control any resident of Canada, by force or by threat of bodily harm, or by blackmail, or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government shall, for the purposes of this Act, be deemed to belong to the prohibited or undesirable classes, and shall be liable to deportation in the manner provided by this Act, and it shall be the duty of any officer becoming cognizant thereof and of the clerk, secretary or other official of any municipality in Canada wherein any such person may be, forthwith to send a written complaint to the Minister, giving full particulars: Provided, that this section shall not apply to any person who is a British subject, either by reason of birth in Canada, or by reason of naturalization in Canada.

2. Proof that any person belonged to or was within the description of any of the prohibited or undesirable classes within the meaning of this section at any time since the fourth day of May, one thousand nine hundred and ten, shall, for all the purposes of this Act be deemed to establish prima facie that he still belongs to such prohibited or undesirable class or classes."

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 91.

An Act to amend The Immigration Act.

Reprinted as proposed to be amended in Committee of the Whole House.

The Acting Minister of Immigration and Colonization.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
21594 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 91.

An Act to amend The Immigration Act.

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

1910, c. 27; 1919, c. 26.

1. Section forty-one of *The Immigration Act*, chapter twenty-seven of the statutes of 1910, as enacted by chapter twenty-six of the statutes of 1919, is repealed and the following is substituted therefor:— 5

Complaint as to convictions for offences against public order.

"**41.** Whenever any person other than a Canadian citizen has been convicted of any criminal offence as defined in Part II of the *Criminal Code*, it shall be the duty of any officer becoming cognizant thereof and of the clerk, secretary or other official of any municipality in Canada wherein any such person may be, to forthwith send a written complaint to the Minister, giving full particulars." 10

Explanatory Note.

This Bill is designed:—

(a) To make deportation for certain causes dependent upon a conviction in Canada, under Part II of the Criminal Code, relating to offences against public order, rather than upon a hearing before a Board of Inquiry, concerning certain offences under section 41 of the Immigration Act;

(b) To remove the discrimination against the British born as it stands in the existing section, by recognizing his Canadian citizenship as in the case of the alien born who has been naturalized in Canada.

The section of the Act of 1919 to be repealed reads as follows:—

"**41.** Every person who by word or act in Canada seeks to overthrow by force or violence the government of or constituted law and authority in the United Kingdom of Great Britain and Ireland or Canada, or any of the provinces of Canada, or the government of any other of His Majesty's dominions, colonies, possessions or dependencies, or advocates the assassination of any official of any of the said governments or of any foreign government, or who in Canada defends or suggests the unlawful destruction of property or by word or act creates or attempts to create any riot or public disorder in Canada, or who without lawful authority assumes any powers of government in Canada or in any part thereof, or who by common repute belongs to or is suspected of belonging to any secret society or organization which extorts money from or in any way attempts to control any resident of Canada, by force or by threat of bodily harm, or by blackmail, or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government shall, for the purposes of this Act, be deemed to belong to the prohibited or undesirable classes, and shall be liable to deportation in the manner provided by this Act, and it shall be the duty of any officer becoming cognizant thereof and of the clerk, secretary or other official of any municipality in Canada wherein any such person may be, forthwith to send a written complaint to the Minister, giving full particulars: Provided, that this section shall not apply to any person who is a British subject, either by reason of birth in Canada, or by reason of naturalization in Canada.

2. Proof that any person belonged to or was within the description of any of the prohibited or undesirable classes within the meaning of this section at any time since the fourth day of May, one thousand nine hundred and ten, shall, for all the purposes of this Act be deemed to establish prima facie that he still belongs to such prohibited or undesirable class or classes."

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 91.

An Act to amend The Immigration Act.

AS PASSED BY THE HOUSE OF COMMONS,
7th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
17771 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 91.

An Act to amend The Immigration Act.

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

1910, c. 27; 1919, c. 26.

1. Section forty-one of *The Immigration Act*, chapter twenty-seven of the statutes of 1910, as enacted by chapter twenty-six of the statutes of 1919, is repealed.

Explanatory Note.

This Bill is designed:—

(a) To make deportation for certain causes dependent upon a conviction in Canada, under Part II of the Criminal Code, relating to offences against public order, rather than upon a hearing before a Board of Inquiry, concerning certain offences under section 41 of the Immigration Act;

(b) To remove the discrimination against the British born as it stands in the existing section, by recognizing his Canadian citizenship as in the case of the alien born who has been naturalized in Canada.

The section of the Act of 1919 to be repealed reads as follows:—

"**41.** Every person who by word or act in Canada seeks to overthrow by force or violence the government of or constituted law and authority in the United Kingdom of Great Britain and Ireland or Canada, or any of the provinces of Canada, or the government of any other of His Majesty's dominions, colonies, possessions or dependencies, or advocates the assassination of any official of any of the said governments or of any foreign government, or who in Canada defends or suggests the unlawful destruction of property or by word or act creates or attempts to create any riot or public disorder in Canada, or who without lawful authority assumes any powers of government in Canada or in any part thereof, or who by common repute belongs to or is suspected of belonging to any secret society or organization which extorts money from or in any way attempts to control any resident of Canada, by force or by threat of bodily harm, or by blackmail, or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government shall, for the purposes of this Act, be deemed to belong to the prohibited or undesirable classes, and shall be liable to deportation in the manner provided by this Act, and it shall be the duty of any officer becoming cognizant thereof and of the clerk, secretary or other official of any municipality in Canada wherein any such person may be, forthwith to send a written complaint to the Minister, giving full particulars: Provided, that this section shall not apply to any person who is a British subject, either by reason of birth in Canada, or by reason of naturalization in Canada.

2. Proof that any person belonged to or was within the description of any of the prohibited or undesirable classes within the meaning of this section at any time since the fourth day of May, one thousand nine hundred and ten, shall, for all the purposes of this Act be deemed to establish prima facie that he still belongs to such prohibited or undesirable class or classes."

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 92.

An Act respecting the Grand Orange Lodge of British America.

First reading, April 28, 1926.

(PRIVATE BILL.)

Mr. HOCKEN.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
20468 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 92.

An Act respecting the Grand Orange Lodge of British America.

Preamble.
1890, c. 105.

WHEREAS the Grand Orange Lodge of British America (hereinafter called "the Association") has by its petition represented that it was duly incorporated by chapter one hundred and five of the statutes of 1890 and has prayed that the said Act be so amended as to enable the Association to increase the amount which it may undertake to pay to the beneficiaries out of the benefit fund established in pursuance of the powers conferred on it by the said Act of incorporation and to make certain further provisions for the more efficient exercise of the said powers; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Grand Orange Lodge of British America Amendment Act, 1926.*

Section 1 para *(e)* repealed.

2. Paragraph *(e)* of section one of the Act to incorporate the Grand Orange Lodge of British America, chapter one hundred and five of the statutes of 1890, is hereby repealed and the following substituted therefor:—

Benefit fund.

"*(e)* To enable the Association to establish a benefit fund from which, on satisfactory evidence of the death of a member who has complied with all its lawful requirements, a sum or sums not exceeding five thousand dollars may be paid to the widow, orphans (including adopted children), dependents or other beneficiaries whom the member has designated or to the persons legally entitled to receive the same in the event of there being no beneficiary expressly or by legal implication designated or to make like payment to a member becoming totally and permanently disabled or upon his attaining such age or surviving a

EXPLANATORY NOTES.

2. The paragraph repealed reads as follows:—

"*(a)* To enable the Association to establish a benefit fund, from which, on satisfactory evidence of the death of a member, who has complied with all its lawful requirements, a sum not exceeding three thousand dollars shall be paid to the widow, orphans, dependants, or other beneficiary whom the member has designated or to the personal representative or representatives of the member; or from which, upon the completion of expectancy of life of a member as laid down in the said constitution and laws, such sum shall be paid to himself."

term of years as may be provided for by the rules of the benefit fund adopted by the Association or by paying annuities to its members in accordance with said rules and by extending to the members of the Ladies Orange Benevolent Association and to the members of the Orange Young Britons all the benefits of which members in the Loyal Orange Association may avail themselves under this subsection, subject, however, to such rules as the Association may adopt in regard thereto." 5 10

Paragraphs added.

3. Section one of the said Act is hereby amended by adding thereto the following paragraphs:—

Life insurance of dependent children.

"*(g)* To insure the lives of dependent children of any members of the Association, Orange Young Britons and of the Ladies Orange Benevolent Association and also members in good standing of Juvenile Lodges of the Association and to adopt such rules and regulations as may be necessary therefor but nothing in this Act contained shall be deemed to authorize insurance of the lives of children contrary to the provisions of the law of any province in which such contract of insurance may be proposed. 15 20

Group insurance of primary lodges.

(h) To operate a system of group insurance of primary lodges of the Association and to adopt such rules as may be necessary therefor." 25

Sec. 6 repealed.

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

Investment of funds.

"**6.** (1) The Association shall acting by such committees as may be authorized by the said rules invest its funds in accordance with *The Insurance Act, 1917*, or any amendments thereto now or at any time hereafter in force, and subject to all restrictions contained in said Acts, but it shall not be lawful for it to invest the said funds in any securities which do not comply with the requirements of subsections one and two of section sixty of *The Insurance Act, 1917*, nor in the preferred or common stock of any company whatever. 30 35

1917, c. 29.

1917, c. 29.

(2) Any real estate acquired by the foreclosure of any mortgage, hypotheque, charge or lien shall be sold by the Association within seven years after it has been so acquired." 40

Rules of benefit fund.

5. The rules of the benefit fund filed in the office of the Superintendent of Insurance are hereby declared to be the existing rules of the Association respecting the said benefit fund and to be binding upon the Association and every member thereof until repealed, altered or amended as provided by the said rules and the present officers and executive shall continue to be the officers and executive 45

3. Section one enumerates the objects of the Association.

4. The section repealed reads as follows:—

"**6.** The surplus funds of the Association shall be invested in mortgages which are a first charge on land held in fee simple in Canada, or in deposits with or in registered debentures of loan and investment companies incorporated in Canada, or in debentures of municipal or school corporations in Canada, or in securities of the Dominion of Canada or any of the Provinces thereof, or shall be deposited in a chartered bank in Canada; but the Association shall sell such real estate and property as it acquires by the foreclosure of any mortgage, hypothec or lien, within seven years after it has been so acquired, otherwise it shall revert to the previous owner or to his heirs or assigns."

with all the rights, powers, privileges, obligations and duties conferred or imposed upon them or it by the said rules until, in accordance with the provisions thereof, their successors shall be elected or appointed.

Proof of rules.

6. A copy of the said rules and of any further rule of the said benefit fund under the seal of the Association and purporting to be signed by an officer of the said benefit fund shall be received as *prima facie* evidence of such rule in all courts in Canada. 5

Relief of payment of future premiums.

7. The Association may make provisions in the said rules for granting loans on policies and for granting paid-up policies or other equities in lieu thereof in the case of members desiring to be relieved of payment of future premiums or any part thereof and for paying cash surrender values for policies and for purchasing the interest of members in the said policies. 10 15

Executive.

8. The affairs of the insurance fund shall be administered by an executive consisting of the president who shall be the Grand Master of the Association and four or more (not exceeding six) members elected annually by a majority vote of the members present and voting at the annual meeting of the Grand Lodge and the officers of the Association who shall be the president, a vice-president elected by the executive annually from among themselves and a secretary and treasurer appointed annually from the members of the benefit fund but who shall not be members of the executive. Such other and additional officer as shall be determined may be appointed from time to time as may be determined by the rules of the benefit fund. 20 25

The offices of secretary and treasurer may be united in one official to be known as "secretary-treasurer" and the secretary or secretary-treasurer shall be appointed by the executive for such periods of office and at such salary and on such terms as shall be from time to time determined by the executive. 30 35

Commencement of Act.

9. This Act shall not take effect unless and until accepted and approved by a resolution passed by a vote of the members of the Grand Orange Lodge of British America present and voting at the meeting of the said Grand Lodge to be held some time in the year 1926 and evidence of such acceptance and approval satisfactory to the Superintendent of Insurance has been filed with such Superintendent, and if so accepted and approved this Act shall come into force upon a subsequent day to be fixed for that purpose by the said resolution. 40 45

Notice of approval.

10. Notice of such acceptance and approval by the Association and by the said Superintendent and of the day so fixed shall be published by the Association in the *Canada Gazette*.

Sections repealed.

11. Sections eight and nine of the said Act of Incorporation are hereby repealed. 5

11. The sections repealed read as follows:—

"**8.** There shall be printed in legible type, and in red ink, upon every policy hereafter issued by the Association, or by the Provincial Grand Lodges, as well as upon every application therefor, and upon every receipt given for payments in connection therewith, the following words: 'The insurance undertaken by the Grand Orange Lodge of British America or by the Provincial Grand Lodges comes under the exception contained in section forty-three of "*The Insurance Act*," applicable to fraternal and benevolent associations, and is not subject to Government inspection.'

9. Every officer of the Association and every other person who transacts business on behalf of the Association, and who issues, circulates, or uses, or who causes to be issued, circulated or used any policy of insurance or endowment certificate or application for membership, on which the notice provided for in the next preceding section is not printed, shall, on summary conviction thereof before any two justices of the peace, or any magistrate having the powers of two justices of the peace, incur and be liable to the penalties mentioned in the twenty-second section of "*The Insurance Act;*" and every pecuniary penalty so recovered shall be applied in the manner provided by the said section."

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 92.

An Act respecting the Grand Orange Lodge of British America.

Reprinted as reported by the Select Standing Committee on Banking and Commerce.

(PRIVATE BILL.)

Mr. HOCKEN.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
21356 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 92.

An Act respecting the Grand Orange Lodge of British America.

Preamble.
1890, c. 105.

WHEREAS the Grand Orange Lodge of British America (hereinafter called "the Association") has by its petition represented that it was duly incorporated by chapter one hundred and five of the statutes of 1890 and has prayed that the said Act be so amended as to enable the Association to increase the amount which it may undertake to pay to the beneficiaries out of the benefit fund established in pursuance of the powers conferred on it by the said Act of incorporation and to make certain further provisions for the more efficient exercise of the said powers; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Grand Orange Lodge of British America Amendment Act, 1926.*

Section 1 para *(e)* repealed.

2. (1) Paragraph *(e)* of section one of the Act to incorporate the Grand Orange Lodge of British America, chapter one hundred and five of the statutes of 1890, is hereby repealed and the following substituted therefor:—

Benefit fund.

"*(e)* To enable the Association to establish a benefit fund from which, on satisfactory evidence of the death of a member who has complied with all its lawful requirements, a sum or sums not exceeding five thousand dollars may be paid to the widow, orphans (including adopted children), dependents or other beneficiaries whom the member has designated or to the persons legally entitled to receive the same in the event of there being no beneficiary expressly or by legal implication designated or to make like payment to a member becoming totally and permanently disabled or upon his attaining such age or surviving a

EXPLANATORY NOTES.

2. The paragraph repealed reads as follows:—

"*(a)* To enable the Association to establish a benefit fund, from which, on satisfactory evidence of the death of a member, who has complied with all its lawful requirements, a sum not exceeding three thousand dollars shall be paid to the widow, orphans, dependants, or other beneficiary whom the member has designated or to the personal representative or representatives of the member; or from which, upon the completion of expectancy of life of a member as laid down in the said constitution and laws, such sum shall be paid to himself."

term of years as may be provided for by the rules of the benefit fund adopted by the Association or by paying annuities to its members in accordance with said rules.

(2) All persons with whom the association has entered into contracts of insurance prior to the date of the coming into force of this Act shall be deemed to have been, at the time of the making of such contracts, and to have thereafter continued to be, members of the Association, and, subject to the provisions of the said contracts and of the constitution and laws of the Association, to have been and to be entitled to all the insurance benefits to which members of the Grand Orange Lodge of British America are entitled under the provisions of the Act mentioned in the preamble to this Act.

Paragraphs added.

3. Section one of the said Act is hereby amended by adding thereto the following paragraphs:—

Life insurance of dependent children.

"*(g)* To insure the lives of dependent children of any members of the Association, and also members in good standing of Juvenile Lodges of the Association and to adopt such rules and regulations as may be necessary therefor but nothing in this Act contained shall be deemed to authorize insurance of the lives of children contrary to the provisions of the law of any province in which such contract of insurance may be proposed.

Group insurance of primary lodges.

(h) To operate a system of group insurance of primary lodges of the Association and to adopt such rules as may be necessary therefor."

Sec. 6 repealed.

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

Investment of funds.

"**6.** (1) The Association shall acting by such committees as may be authorized by the said rules invest its funds in accordance with *The Insurance Act, 1917*, or any amendments thereto now or at any time hereafter in force, and subject to all restrictions contained in said Acts, but it shall not be lawful for it to invest the said funds in any securities which do not comply with the requirements of subsections one and two of section sixty of *The Insurance Act, 1917*, nor in the preferred or common stock of any company whatever.

1917, c. 29.

1917, c. 29.

(2) Any real estate acquired by the foreclosure of any mortgage, hypotheque, charge or lien shall be sold by the Association within seven years after it has been so acquired."

Rules of benefit fund.

5. The rules of the benefit fund last filed before the passing of this Act in the office of the Superintendent of Insurance are hereby declared to be the existing rules of the Association respecting the said benefit fund and

3. Section one enumerates the objects of the Association.

4. The section repealed reads as follows:—

"**6.** The surplus funds of the Association shall be invested in mortgages which are a first charge on land held in fee simple in Canada, or in deposits with or in registered debentures of loan and investment companies incorporated in Canada, or in debentures of municipal or school corporations in Canada, or in securities of the Dominion of Canada or any of the Provinces thereof, or shall be deposited in a chartered bank in Canada; but the Association shall sell such real estate and property as it acquires by the foreclosure of any mortgage, hypothec or lien, within seven years after it has been so acquired, otherwise it shall revert to the previous owner or to his heirs or assigns."

to be binding upon the Association and every member thereof until repealed, altered or amended as provided by the said rules and the present officers and executive shall continue to be the officers and executive with all the rights, powers, privileges, obligations and duties conferred or imposed upon them or it by the said rules until, in accordance with the provisions thereof, their successors shall be elected or appointed.

Proof of rules.

6. A copy of the said rules and of any further rule of the said benefit fund under the seal of the Association and purporting to be signed by an officer of the said benefit fund shall be received as *prima facie* evidence of such rule in all courts in Canada.

Relief of payment of future premiums.

7. The Association may make provisions in the said rules for granting loans on policies and for granting paid-up policies or other equities in lieu thereof in the case of members desiring to be relieved of payment of future premiums or any part thereof and for paying cash surrender values for policies and for purchasing the interest of members in the said policies.

Executive.

8. The affairs of the benefit fund of the Association shall be administered by an executive consisting of the president who shall be the member from time to time occupying the office of Grand Master of the Association, and not less than four nor more than six members elected annually by a majority vote of the members present and voting at the annual meeting of the Association. The officers of the Association shall be the president, a vice-president elected by the executive annually from among themselves and a secretary and a treasurer, or a secretary-treasurer appointed annually by the executive, at such salary and on such terms as shall be from time to time determined by the executive, but the said secretary and treasurer or secretary-treasurer shall not be members of the executive. Such other and additional officers may be appointed from time to time as may be determined by the rules of the benefit fund as set forth in the constitution and laws of the Association.

Commencement of Act.

9. This Act shall not take effect unless and until accepted and approved by a resolution passed by a vote of the members of the Association to be held some time in the year 1926 and evidence of such acceptance and approval satisfactory to the Superintendent of Insurance has been filed with such Superintendent, and if so accepted and approved this Act shall come into force upon a subsequent day not more than three months after date of such approval to be fixed for that purpose by the said resolution.

Notice of approval.

10. Notice of such acceptance and approval by the Association and by the said Superintendent and of the day so fixed shall be published by the Association in the *Canada Gazette*.

Sections repealed.

11. Sections eight and nine of the said Act of Incorporation are hereby repealed. 5

11. The sections repealed read as follows:—

"**8.** There shall be printed in legible type, and in red ink, upon every policy hereafter issued by the Association, or by the Provincial Grand Lodges, as well as upon every application therefor, and upon every receipt given for payments in connection therewith, the following words: 'The insurance undertaken by the Grand Orange Lodge of British America or by the Provincial Grand Lodges comes under the exception contained in section forty-three of "*The Insurance Act,*" applicable to fraternal and benevolent associations, and is not subject to Government inspection.'

9. Every officer of the Association and every other person who transacts business on behalf of the Association, and who issues, circulates, or uses, or who causes to be issued, circulated or used any policy of insurance or endowment certificate or application for membership, on which the notice provided for in the next preceding section is not printed, shall, on summary conviction thereof before any two justices of the peace, or any magistrate having the powers of two justices of the peace, incur and be liable to the penalties mentioned in the twenty-second section of "*The Insurance Act;*" and every pecuniary penalty so recovered shall be applied in the manner provided by the said section."

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 92.

An Act respecting the Grand Orange Lodge of British America.

AS PASSED BY THE HOUSE OF COMMONS, 11th MAY, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
20482 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 92.

An Act respecting the Grand Orange Lodge of British America.

Preamble.
1890, c. 105.

WHEREAS the Grand Orange Lodge of British America (hereinafter called "the Association") has by its petition represented that it was duly incorporated by chapter one hundred and five of the statutes of 1890 and has prayed that the said Act be so amended as to enable the Association to increase the amount which it may undertake to pay to the beneficiaries out of the benefit fund established in pursuance of the powers conferred on it by the said Act of incorporation and to make certain further provisions for the more efficient exercise of the said powers; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Grand Orange Lodge of British America Amendment Act, 1926.*

Section 1 para *(e)* repealed.

2. (1) Paragraph *(e)* of section one of the Act to incorporate the Grand Orange Lodge of British America, chapter one hundred and five of the statutes of 1890, is hereby repealed and the following substituted therefor:—

Benefit fund.

"*(e)* To enable the Association to establish a benefit fund from which, on satisfactory evidence of the death of a member who has complied with all its lawful requirements, a sum or sums not exceeding five thousand dollars may be paid to the widow, orphans (including adopted children), dependents or other beneficiaries whom the member has designated or to the persons legally entitled to receive the same in the event of there being no beneficiary expressly or by legal implication designated or to make like payment to a member becoming totally and permanently disabled or upon his attaining such age or surviving a

EXPLANATORY NOTES.

2. The paragraph repealed reads as follows:—

"*(a)* To enable the Association to establish a benefit fund, from which, on satisfactory evidence of the death of a member, who has complied with all its lawful requirements, a sum not exceeding three thousand dollars shall be paid to the widow, orphans, dependants, or other beneficiary whom the member has designated or to the personal representative or representatives of the member; or from which, upon the completion of expectancy of life of a member as laid down in the said constitution and laws, such sum shall be paid to himself."

term of years as may be provided for by the rules of the benefit fund adopted by the Association or by paying annuities to its members in accordance with said rules."

Paragraphs added.

3. Section one of the said Act is hereby amended by adding thereto the following paragraphs:— 5

Life insurance of dependent children.

"*(g)* To insure the lives of dependent children of any members of the Association, and also members in good standing of Juvenile Lodges of the Association and to adopt such rules and regulations as may be 10 necessary therefor but nothing in this Act contained shall be deemed to authorize insurance of the lives of children contrary to the provisions of the law of any province in which such contract of insurance may be proposed. 15

Group insurance of primary lodges.

(h) To operate a system of group insurance of primary lodges of the Association and to adopt such rules as may be necessary therefor."

4. Section one of the said Act is further amended by adding thereto the following subsection:— 20

Holders of contracts deemed members of Association.

"(2) All persons with whom the association has entered into contracts of insurance prior to the date of the coming into force of this Act shall be deemed to have been, at the time of the making of such contracts, and to have thereafter continued to be, members of the Association, 25 and, subject to the provisions of the said contracts and of the constitution and laws of the Association, to have been and to be entitled to all the insurance benefits to which members of the Grand Orange Lodge of British America are entitled under the provisions of the Act mentioned in 30 the preamble to this Act."

Sec. 6 repealed.

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

Investment of funds.

"**6.** (1) The Association shall acting by such committees as may be authorized by the said rules invest its funds in 35 accordance with *The Insurance Act, 1917*, or any amendments thereto now or at any time hereafter in force, and subject to all restrictions contained in said Acts, but it shall not be lawful for it to invest the said funds in any securities which do not comply with the requirements of 40 subsections one and two of section sixty of *The Insurance Act, 1917*, nor in the preferred or common stock of any company whatever.

1917, c. 29.

1917, c. 29.

(2) Any real estate acquired by the foreclosure of any mortgage, hypotheque, charge or lien shall be sold by the 45 Association within seven years after it has been so acquired."

3. Section one enumerates the objects of the Association.

5. The section repealed reads as follows:—

"**6.** The surplus funds of the Association shall be invested in mortgages which are a first charge on land held in fee simple in Canada, or in deposits with or in registered debentures of loan and investment companies incorporated in Canada, or in debentures of municipal or school corporations in Canada, or in securities of the Dominion of Canada or any of the Provinces thereof, or shall be deposited in a chartered bank in Canada; but the Association shall sell such real estate and property as it acquires by the foreclosure of any mortgage, hypothec or lien, within seven years after it has been so acquired, otherwise it shall revert to the previous owner or to his heirs or assigns."

12

Rules of benefit fund.

6. The rules of the benefit fund last filed before the passing of this Act in the office of the Superintendent of Insurance are hereby declared to be the existing rules of the Association respecting the said benefit fund and to be binding upon the Association and every member thereof until repealed, altered or amended as provided by the said rules, and the present officers and executive shall continue to be the officers and executive with all the rights, powers, privileges, obligations and duties conferred or imposed upon them or it by the said rules until, in accordance with the provisions thereof, their successors shall be elected or appointed.

Proof of rules.

7. A copy of the said rules and of any further rule of the said benefit fund under the seal of the Association and purporting to be signed by an officer of the said benefit fund shall be received as *prima facie* evidence of such rule in all courts in Canada.

Relief of payment of future premiums.

8. The Association may make provisions in the said rules for granting loans on policies and for granting paid-up policies or other equities in lieu thereof in the case of members desiring to be relieved of payment of future premiums or any part thereof and for paying cash surrender values for policies and for purchasing the interest of members in the said policies.

Executive.

9. The affairs of the benefit fund of the Association shall be administered by an executive consisting of the president who shall be the member from time to time occupying the office of Grand Master of the Association, and not less than four nor more than six members elected annually by a majority vote of the members present and voting at the annual meeting of the Association. The officers of the Association shall be the president, a vice-president elected by the executive annually from among themselves, and a secretary and a treasurer, or a secretary-treasurer appointed annually by the executive, at such salary and on such terms as shall be from time to time determined by the executive, but the said secretary and treasurer or secretary-treasurer shall not be members of the executive. Such other and additional officers may be appointed from time to time as may be determined by the rules of the benefit fund as set forth in the constitution and laws of the Association.

Officers.

Commencement of Act.

10. This Act shall not take effect unless and until accepted and approved by a resolution passed by a vote of the members of the Association at their next meeting following the passing of this Act, and evidence of such acceptance and approval satisfactory to the Superintendent of Insurance

has been filed with such Superintendent, and if so accepted and approved this Act shall come into force upon a subsequent day not more than three months after the date of such approval to be fixed for that purpose by the said resolution. 5

Notice of approval.

11. Notice of such acceptance and approval by the Association and by the said Superintendent and of the day so fixed shall be published by the Association in the *Canada Gazette*.

Sections repealed.

12. Sections eight and nine of the said Act of Incorporation are hereby repealed. 10

12. The sections repealed read as follows:—

"**8.** There shall be printed in legible type, and in red ink, upon every policy hereafter issued by the Association, or by the Provincial Grand Lodges, as well as upon every application therefor, and upon every receipt given for payments in connection therewith, the following words: 'The insurance undertaken by the Grand Orange Lodge of British America or by the Provincial Grand Lodges comes under the exception contained in section forty-three of "*The Insurance Act*," applicable to fraternal and benevolent associations, and is not subject to Government inspection.'

9. Every officer of the Association and every other person who transacts business on behalf of the Association, and who issues, circulates, or uses, or who causes to be issued, circulated or used any policy of insurance or endowment certificate or application for membership, on which the notice provided for in the next preceding section is not printed, shall, on summary conviction thereof before any two justices of the peace, or any magistrate having the powers of two justices of the peace, incur and be liable to the penalties mentioned in the twenty-second section of "*The Insurance Act;*" and every pecuniary penalty so recovered shall be applied in the manner provided by the said section."

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 93.

An Act to incorporate The Canadian Dexter P. Cooper Company.

First reading, April 30, 1926.

(PRIVATE BILL).

Mr. HANSON.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

20576

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 93.

An Act to incorporate The Canadian Dexter P. Cooper Company.

Preamble.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5

Incorporation.

1. Dexter Parshall Cooper, of the county of Charlotte, in the province of New Brunswick, civil engineer; Gertrude S. Cooper, of the said county, wife of the said Dexter P. Cooper; Frank A. Havey, of the county of Washington, in the state of Maine, one of the United States of America, 10 merchant; Eben H. Bennet, of Lubec, in the said county of Washington, medical doctor; Melville N. Cockburn of the town of St. Stephen, in the county of Charlotte, in the province of New Brunswick, barrister-at-law, together with such other persons as become shareholders in the 15 company are incorporated under the name of "The Canadian Dexter P. Cooper Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section one of this Act are constituted provisional directors of the Company. 20

Capital stock

3. The capital stock of the Company shall be five million dollars.

Preference stock.

4. (1) The directors of the Company may make by-laws for creating and issuing any part of the capital stock as preference stock, giving the same such preference and 25 priority, as respects dividends and in any other respect, over ordinary stock as is by such by-laws declared.

Holders of preference stock.

(2) Such by-laws may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may 30

give them such other control over the affairs of the Company as is considered expedient.

Head office.

5. The head office of the Company shall be at the village of Welchpool, in the county of Charlotte, in the province of New Brunswick, aforesaid. 5

Annual meeting.

6. The annual meeting of the shareholders shall be held on the second Wednesday in July, or at such other date as is fixed by by-law of the Company.

Directors.

7. The number of directors shall not be more than fifteen, nor less than five, and of these not less than three 10 shall be at all times persons resident in Canada, and subjects of His Majesty, by birth or naturalization.

Powers of Company.

8. The Company may:—

(a) Acquire, develop, maintain and operate water-powers, by the building and creation of storage-basins 15 or otherwise, and use, supply and sell water-power for any purpose, by any means of application; generate, by means of water-power or otherwise, electricity, heat, light and any other form of energy, and transmit the same by any means to, and, subject to the pro- 20 visions hereinafter contained, supply and sell the same for use in any manner at any place in Canada, and in the United States of America, subject to the provisions of *The Electricity and Fluid Exportation Act, 1907*, as hereinafter provided; 25

1907, c. 16.

(b) construct, maintain and operate all necessary works, storage basins, dams, wing-dams, control-gates, canals, intakes, tail-races, channels, locks, conduits, tunnels, transmission lines, structures, buildings, machinery, plant, appliances, instruments, and devices capable of 30 producing, or useful or assisting in the production of hydraulic power, and may erect and maintain poles and towers, and lay and maintain pipes, cables, wires or other conductors, and connect them with similar lines in other provinces, and in the United States of 35 America;

(c) sell or otherwise dispose of the hydraulic power created under the powers conferred by this Act, or use or employ the same in any manner possible in the production of hydraulic power, and sell or lease the 40 said works or undertaking, or otherwise contract for the use and employment of the same for any of the aforesaid purposes with any firm, person or corporation, upon such terms and conditions as the Company may see fit; 45

(d) purchase, take or acquire by original subscription or otherwise, and hold, sell or otherwise dispose of

shares, stock, whether common or preferred, debentures, bonds and other obligations in any other Company having objects similar in whole or in part to the objects of this Company, or carrying on any business capable of being conducted so as directly or indirectly to benefit this Company, and to vote all shares so held through such agent or agents as the directors may appoint; enter into partnership or into any arrangement for sharing profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise with any person or company carrying on or engaged in, or about to carry on or engage in, any business or transaction which this Company is authorized to carry on or engage in, or any business or transaction capable of being conducted so as directly or indirectly to benefit this Company, and lend money to, guarantee the contracts of, or otherwise assist, any such person or company, and take or otherwise acquire shares and securities of any such company, and sell, hold, re-issue, with or without guarantee, or otherwise deal with the same;

(e) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading warrants and other negotiable or transferable instruments; distribute in specie or otherwise as may be resolved any assets of the company among its members, and particularly the shares, bonds, debentures, or other securities of any other company formed to take over the whole or any part of the assets or liabilities of this Company;

(f) acquire such lands, easements, privileges, water and water rights as are necessary for the purpose of its undertaking; provided that under this section the Company may acquire or develop the same only within the county of Charlotte, in the province of New Brunswick, in the Dominion of Canada;

(g) engage in any kind or kinds of manufacturing business.

Telegraph and telephone lines.

9. The Company may construct and operate telegraph and telephone lines in connection with its works on its own property; and for the purpose of operating such lines only, or exchanging or transmitting messages may enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Supply of energy.

10. The Company may enter into, and carry into effect, any agreement with the council of the corporation

of any municipality for the supply of water-power, gas, compressed air, electricity, heat, light, or other energy for any purpose for which the same can be used, by such municipality or any inhabitant thereof, and upon such terms as are agreed upon.

Authorized to supply municipalities.

11. The Company shall not enter within the limits of any municipality with any transmission line for the purpose of selling or distributing electrical or other power therein without the consent of such municipality expressed by by-law.

Restriction.

12. In case of any dispute or difference as to the price to be charged for power or electrical energy, for any of the purposes in this Act mentioned, in use or to be provided for, upon the Canadian side of the International boundary, or as to the methods of distribution thereof, or as to the time within which or as to the quantity to be furnished, or the conditions upon which it shall be furnished for use, such dispute or difference shall be settled by the Board of Railway Commissioners for Canada on the application of any interested or applicant for power, electrical or other energy produced by the Company, or upon the application of the Company.

Application of Railway Act, c. 37.

13. Except as in this Act otherwise expressly provided the provisions of The Railway Inspection Act, 1907, and The Railway and Canal Expropriation Act, 1907, shall apply as to the Company and the undertaking.

The day for completion of works.

14. The construction of the works of the Company shall be commenced within three years and completed within six years after the passing of this Act, otherwise the powers hereby granted shall cease as respects so much of the said works as then remains uncompleted.

Issue of securities.

15. The Company may issue bonds, debentures or other securities to an amount not exceeding million dollars.

When powers conferred.

16. The powers conferred upon the Company by this Act shall not be exercisable until the Company has filed authorized the plans showing each works, with a description of the proposed undertaking, in the Ministers respectively of Public Works, of Marine and Fisheries and of the Interior, at Ottawa, and has filed a duplicate of each in the office of the registrar of deeds in the county in which the proposed works are to be constructed, nor until the Company has received the assent of the Governor in Council.

of any municipality for the supply of water-power, gas, compressed air, electricity, heat, light, or other energy, for any purpose for which the same can be used, by such municipality or any inhabitant thereof, and upon such terms as are agreed upon. 5

Entering municipality.

11. The Company shall not enter within the limits of any municipality with any transmission line for the purpose of selling or distributing electrical or other power therein without the consent of such municipality expressed by by-law. 10

Settlement of disputes.

12. In case of any dispute or difference as to the price to be charged for power or electrical energy, for any of the purposes in this Act mentioned, in use or to be provided for use upon the Canadian side of the International boundary, or as to the methods of distribution thereof, or as to 15 the time within which or as to the quantity to be furnished, or the conditions upon which it shall be furnished for use, such dispute or difference shall be settled by the Board of Railway Commissioners for Canada on the application of any user of or applicant for power, electrical or other energy 20 produced by the Company, or upon the application of the Company.

Acts to apply. 1907, c. 14. 1907, c. 16.

13. Except as in this Act otherwise expressly provided the provisions of *The Electricity Inspection Act, 1907*, and *The Electricity and Fluid Exportation Act, 1907*, shall apply 25 to the Company and its undertaking.

Time for commencement and completion of works.

14. The construction of the works of the Company shall be commenced within three years and completed within six years after the passing of this Act, otherwise the powers hereby granted shall cease as respects so much of the said 30 works as then remains uncompleted.

Issue of securities.

15. The Company may issue bonds, debentures or other securities to an amount not exceeding million dollars.

When powers exercisable.

16. The powers conferred upon the Company by this 35 Act shall not be exercisable until the Company has first submitted the plans showing such works, with a description of the proposed undertaking, to the Ministers respectively of Public Works, of Marine and Fisheries and of the Interior, at Ottawa, and has filed a duplicate of each in the office 40 of the registrar of deeds in the county in which the proposed works are to be constructed, nor until the Company has received the assent of the Governor in Council.

Public lands in N.B.

17. Nothing in this Act shall be construed to authorize or empower the Company to enter or take or use the public lands of the province of New Brunswick for any of the purposes mentioned herein, without the consent of the said province of New Brunswick. 5

1919, c. 68, to apply.

18. (1) *The Railway Act, 1919,* shall, so far as applicable and when not inconsistent with this Act, apply to the Company, and to its undertaking, and the Company shall have and may exercise all the powers conferred by the said Act, in so far as it is applicable to the Company. 10

"railway."

(2) Wherever in *The Railway Act, 1919,* the expression "railway" occurs, it shall, unless the context otherwise requires, in so far as it applies to this Act or to the Company mean any work by this Act authorized, and for greater certainty, but not so as to restrict the generality of the 15 terms of this section, it shall mean any canal, channel, dam, or storage basin so authorized.

"land."

(3) Wherever in *The Railway Act, 1919,* the expression "land" occurs, it shall, in its application to this Act, and to the Company include land covered or partly covered by 20 water, and shall include any privilege or easement required by the Company for constructing, erecting, operating and maintaining the works authorized by this Act under, over or along any land or water, without the necessity of obtaining a title in fee simple thereto. 25

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 93.

An Act to incorporate The Canadian Dexter P. Cooper Company.

Reprinted as amended and reported by the Select Standing Committee on Miscellaneous Private Bills.

(PRIVATE BILL).

Mr. HANSON.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

22392

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 93.

An Act to incorporate The Canadian Dexter P. Cooper Company.

Preamble.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5

Incorporation.

1. Dexter Parshall Cooper, of the county of Charlotte, in the province of New Brunswick, civil engineer; Gertrude S. Cooper, of the said county, wife of the said Dexter P. Cooper; Frank A. Havey, of the county of Washington, in the state of Maine, one of the United States of America, 10 merchant; Eben H. Bennet, of Lubec, in the said county of Washington, medical doctor; Melville N. Cockburn of the town of St. Stephen, in the county of Charlotte, in the province of New Brunswick, barrister-at-law, together with such other persons as become shareholders in the 15 company are incorporated under the name of "The Canadian Dexter P. Cooper Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section one of this Act are constituted provisional directors of the Company. 20

Capital stock

3. The capital stock of the Company shall be five million dollars.

Preference stock.

4. (1) The directors of the Company may make by-laws for creating and issuing any part of the capital stock as preference stock, giving the same such preference and 25 priority, as respects dividends and in any other respect, over ordinary stock as is by such by-laws declared.

Holders of preference stock.

(2) Such by-laws may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may 30

give them such other control over the affairs of the Company as is considered expedient.

Head office.

5. The head office of the Company shall be at the village of Welshpool, in the county of Charlotte, in the province of New Brunswick, aforesaid.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the second Wednesday in July, or at such other date as is fixed by by-law of the Company.

Directors.

7. The number of directors shall not be more than fifteen, nor less than five, and the majority of the directors shall be at all times persons resident in Canada, and subjects of His Majesty, by birth or naturalization.

Powers of Company.

8. The Company may:—

(a) Acquire, develop, maintain and operate water-powers, by the building and creation of storage-basins or otherwise, and use, supply and sell water-power for any purpose, by any means of application; generate, by means of water-power or otherwise, electricity, heat, light and any other form of energy, and transmit the same by any means to, and subject to the provisions hereinafter contained, supply and sell the same for use in any manner at any place in Canada, and in the United States of America, subject to the provisions of The Electricity and Fluid Exportation Act, 1907, as hereinafter provided;

(b) construct, maintain and operate all necessary works, storage basins, dams, wing-dams, control-gates, canals, intakes, tail-races, channels, locks, conduits, tunnels, transmission lines, structures, buildings, machinery, plant, appliances, instruments, and devices capable of producing, or useful or ancillary in the production of hydraulic power, and may erect and maintain poles and towers, and lay and maintain pipes, cables, wires or other conductors, and connect them with similar lines in other provinces, and in the United States of America;

(c) sell or otherwise dispose of the hydraulic power created under the powers conferred by this Act, or use or employ the same in any manner possible in the production of hydraulic power, and sell or lease the said works or undertaking, or otherwise contract for the use and employment of the same for any of the aforesaid purposes with any firm, person or corporation, upon such terms and conditions as the Company may see fit;

(d) purchase, take or acquire by original subscription or otherwise, and hold, sell or otherwise dispose of

give them such other control over the affairs of the Company as is considered expedient.

Head office.

5. The head office of the Company shall be at the village of Welchpool, in the county of Charlotte, in the province of New Brunswick, aforesaid. 5

Annual meeting.

6. The annual meeting of the shareholders shall be held on the second Wednesday in July, or at such other date as is fixed by by-law of the Company.

Directors.

7. The number of directors shall not be more than fifteen, nor less than five, and the majority of the directors 10 shall be at all times persons resident in Canada, and subjects of His Majesty, by birth or naturalization.

Powers of Company.

8. The Company may:—

(a) Acquire, develop, maintain and operate water-powers, by the building and creation of storage-basins 15 or otherwise, and use, supply and sell water-power for any purpose, by any means of application; generate, by means of water-power or otherwise, electricity, heat, light and any other form of energy, and transmit the same by any means to, and, subject to the pro- 20 visions hereinafter contained, supply and sell the same for use in any manner at any place in Canada, and in the United States of America, subject to the provisions of *The Electricity and Fluid Exportation Act, 1907*, as hereinafter provided; 25

1907, c. 16.

(b) construct, maintain and operate all necessary works, storage basins, dams, wing-dams, control-gates, canals, intakes, tail-races, channels, locks, conduits, tunnels, transmission lines, structures, buildings, machinery, plant, appliances, instruments, and devices capable of 30 producing, or useful or assisting in the production of hydraulic power, and may erect and maintain poles and towers, and lay and maintain pipes, cables, wires or other conductors, and connect them with similar lines in other provinces, and in the United States of 35 America;

(c) sell or otherwise dispose of the hydraulic power created under the powers conferred by this Act, or use or employ the same in any manner possible in the production of hydraulic power, and sell or lease the 40 said works or undertaking, or otherwise contract for the use and employment of the same for any of the aforesaid purposes with any firm, person or corporation, upon such terms and conditions as the Company may see fit; 45

(d) purchase, take or acquire by original subscription or otherwise, and hold, sell or otherwise dispose of

shares, stock, whether common or preferred, debentures, bonds and other obligations in any other Company having objects similar in whole or in part to the objects of this Company, or carrying on any business capable of being conducted so as directly or indirectly to benefit this Company, and to vote all shares so held through such agent or agents as the directors may appoint; enter into partnership or into any arrangement for sharing profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise with any person or company carrying on or engaged in, or about to carry on or engage in, any business or transaction which this Company is authorized to carry on or engage in, or any business or transaction capable of being conducted so as directly or indirectly to benefit this Company, and lend money to, guarantee the contracts of, or otherwise assist, any such person or company, and take or otherwise acquire shares and securities of any such company, and sell, hold, re-issue, with or without guarantee, or otherwise deal with the same;

(e) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading warrants and other negotiable or transferable instruments; distribute in specie or otherwise as may be resolved any assets of the company among its members, and particularly the shares, bonds, debentures, or other securities of any other company formed to take over the whole or any part of the assets or liabilities of this Company;

(f) acquire such lands, easements, privileges, water and water rights as are necessary for the purpose of its undertaking; provided that under this section the Company may acquire or develop the same only within the county of Charlotte, in the province of New Brunswick, in the Dominion of Canada;

(g) engage in any kind or kinds of manufacturing business.

(h) To construct, build, operate, and maintain, dams, control gates and locks commencing at a point at or near Letite on the mainland in the county of Charlotte crossing Letite Passage (so-called) to a point on or near MacMasters Island, thence to a point on Deer Island, thence continuing the aforesaid structures from a point on the west side of Deer Island westwardly until it meets the international boundary joining therewith a continuation of similar dams and structures constructed from the mainland in the State of Maine to Moose Island, and from said Island eastwardly to the aforesaid meeting point on the international boundary, making a series of dams with islands

distributing from the shore of the State of Maine and the shore of the Province of New Brunswick thus placing under control and regulation the waters of Passamaquoddy Bay, and by mechanical control varying and changing the said waters from the natural tidal variation of the same.

Telegraph and telephone lines.

9. The Company may construct and operate telegraph and telephone lines in connection with its works on its own property, and for the purpose of operating such lines only, or exchanging or transmitting messages may enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Company may enter into contracts.

10. The Company may enter into, and carry into effect, any agreement with the council of the corporation of any municipality for the supply of water-power, gas, compressed air, electricity, heat, light, or other energy, for any purpose for which the same can be used, by such municipality or any inhabitant thereof, and upon such terms as are agreed upon.

Restriction as to municipality.

11. The Company shall not enter within the limits of any municipality with any transmission line for the purpose of selling or distributing electrical or other power therein without the consent of such municipality expressed by by-law.

Maximum rate of charges.

12. In case of any dispute or difference as to the price to be charged for power or electrical energy, for any of the purposes in this Act mentioned, in use or to be provided for, then upon the Canadian side of the International boundary, or as to the methods of distribution thereof, or as to the time within which or as to the quantity to be furnished, or the conditions upon which it shall be furnished for use, such dispute or difference shall be settled by the Board of Railway Commissioners for Canada on the application of any user of or applicant for power, electrical or other energy produced by the Company, or upon the application of the Company.

Act to apply.

13. The provisions of the Navigable Waters Protection Act, chapter one hundred fifteen of the Revised Statutes, 1906, The Railway Inspection Act, 1907, The Railway and Canal Arbitration Act, 1907, and section two hundred and forty-seven of the Railway Act, chapter thirty-seven of the Revised Statutes, 1906, shall apply to the Company and its undertaking.

intervening from the shore of the State of Maine and the shore of the Province of New Brunswick thus placing under control and regulation the waters of Passamaquoddy Bay, and by mechanical control varying and changing the said waters from the natural tidal variation of the same.

Telegraph and telephone lines.

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Supply of energy.

10. The Company may enter into, and carry into effect, any agreement with the council of the corporation of any municipality for the supply of water-power, gas, compressed air, electricity, heat, light, or other energy, for any purpose for which the same can be used, by such municipality or any inhabitant thereof, and upon such terms as are agreed upon.

Entering municipality.

11. The Company shall not enter within the limits of any municipality with any transmission line for the purpose of selling or distributing electrical or other power therein without the consent of such municipality expressed by by-law.

Settlement of disputes.

12. In case of any dispute or difference as to the price to be charged for power or electrical energy, for any of the purposes in this Act mentioned, in use or to be provided for use upon the Canadian side of the International boundary, or as to the methods of distribution thereof, or as to the time within which or as to the quantity to be furnished, or the conditions upon which it shall be furnished for use, such dispute or difference shall be settled by the Board of Railway Commissioners for Canada on the application of any user of or applicant for power, electrical or other energy produced by the Company, or upon the application of the Company.

Acts to apply. R.S., c. 115. 1907, c. 14. 1907, c. 16. R.S., c. 37.

13. The provisions of the *Navigable Waters Protection Act*, chapter one hundred fifteen of the Revised Statutes, 1906, *The Electricity Inspection Act, 1907*, *The Electricity and Fluid Exportation Act, 1907*, and section two hundred and forty-seven of the *Railway Act*, chapter thirty-seven of the Revised Statutes, 1906, shall apply to the Company and its undertaking.

Time for commencement and completion of works.

14. The construction of the works of the Company shall be commenced within three years and completed within six years after the passing of this Act, otherwise the powers hereby granted shall cease as respects so much of the said works as then remains uncompleted. 5

Issue of securities.

15. The Company may issue bonds, debentures or other securities to an amount not exceeding ten million dollars.

When powers exercisable.

16. The powers conferred upon the Company by this Act shall not be exercisable until the Company has first 10 submitted the plans showing such works, with a description of the proposed undertaking, to the Ministers respectively of Public Works, of Marine and Fisheries and of the Interior, at Ottawa, and has received the approval of each such Minister thereto, and until the Company has filed a dupli- 15 cate of each in the office of the registrar of deeds in the county in which the proposed works are to be constructed, nor until the Company's undertaking, including the apportionment of power generated by the Company between the Dominion of Canada and the United States of America, 20 shall have been approved and reported upon by the International Joint Commission and has received the assent of the Governor in Council, subject to such terms and conditions as the Governor in Council deems necessary or desirable in the public interest. 25

Public lands.

17. Nothing in this Act shall be construed to authorize or empower the Company to enter or take or use the public lands of any Province of Canada for any of the purposes mentioned herein, without the consent of the said province.

Expropriation.

18. The Company may expropriate and take any land 30 actually required for the construction, maintenance and operation of the works and undertakings of the company, or may expropriate and take an easement in, over, under, or through such lands, without the necessity of requiring a title in fee simple thereto, after the plan of such lands has 35 been approved by the Governor in Council: and all the provisions of *The Railway Act, 1919*, applicable to such taking and acquisition shall apply as if they were included in this act: and all the provisions of *The Railway Act, 1919*, which are applicable, shall in like manner apply to the 40 ascertainment and the payment of the compensation for or damages to land arising out of such taking and acquisition, or the construction of maintenance of the works of the company.

1919, c. 68.

Companies Act to apply.

19. Part II of the *Companies Act*, chapter seventy-nine of the Revised Statutes, 1906, and amendments thereto shall so far as applicable and when not inconsistent with this Act apply to the Company and to its undertaking, and the Company shall have and may exercise all the powers conferred by the said Act so far as applicable to the Company.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 93.

An Act to incorporate The Canadian Dexter P. Cooper Company.

AS PASSED BY THE HOUSE OF COMMONS, 31st MAY, 1926.

OTTAWA
F. A. ACLAND
RINTER TO THE KING'S MOST EXCELLENT MAJESTY
20582 1926

13

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 93.

An Act to incorporate The Canadian Dexter P. Cooper Company.

Preamble.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5

Incorporation.

1. Dexter Parshall Cooper, of the county of Charlotte, in the province of New Brunswick, civil engineer; Gertrude S. Cooper, of the said county, wife of the said Dexter P. Cooper; Frank A. Havey, of the county of Washington, in the state of Maine, one of the United States of America, 10 merchant; Eben H. Bennet, of Lubec, in the said county of Washington, medical doctor; Melville N. Cockburn of the town of St. Stephen, in the county of Charlotte, in the province of New Brunswick, barrister-at-law, together with such other persons as become shareholders in the 15 company are incorporated under the name of "The Canadian Dexter P. Cooper Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section one of this Act are constituted provisional directors of the Company. 20

Capital stock

3. The capital stock of the Company shall be five million dollars.

Preference stock.

4. (1) The directors of the Company may make by-laws for creating and issuing any part of the capital stock as preference stock, giving the same such preference and 25 priority, as respects dividends and in any other respect, over ordinary stock as is by such by-laws declared.

Holders of preference stock.

(2) Such by-laws may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may 30

give them such other control over the affairs of the Company as is considered expedient.

Head office.

5. The head office of the Company shall be at the village of Welchpool, in the county of Charlotte, in the province of New Brunswick, aforesaid.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the second Wednesday in July, or at such other date as is fixed by by-law of the Company.

Directors.

7. The number of directors shall not be more than fifteen, nor less than five, and the majority of the directors shall be at all times persons resident in Canada, and subjects of His Majesty, by birth or naturalization.

Powers of Company.

8. The Company may—

(a) Acquire, develop, maintain and operate water-powers, by the building and creation of storage-basins or otherwise, and use, supply and sell water-power for any purpose, by any means of application; generate, by means of water-power or otherwise, electricity, heat, light and any other form of energy, and transmit the same by any means to, and, subject to the provisions hereinafter contained, supply and sell the same for use in any manner at any place in Canada, and in the United States of America, subject to the provisions of The Electricity and Fluid Exportation Act, 1907, as hereinafter provided;

1907, c. 19.

(b) construct, maintain and operate all necessary works, storage basins, dams, wing-dams, control-gates, canals, intakes, tail-races, channels, locks, conduits, tunnels, transmission lines, structures, buildings, machinery, plant, appliances, instruments, and devices capable of producing, or useful or assisting in the production of hydraulic power, and may erect and maintain poles and towers, and lay and maintain pipes, cables, wires or other conductors, and connect them with similar lines in other provinces, and in the United States of America;

(c) sell or otherwise dispose of the hydraulic power created under the powers conferred by this Act, or use or employ the same in any manner possible in the production of hydraulic power, and sell or lease the said works or undertaking, or otherwise contract for the use and employment of the same for any of the aforesaid purposes with any firm, person or corporation, upon such terms and conditions as the Company may see fit;

(d) purchase, take or acquire by original subscription or otherwise, and hold, sell or otherwise dispose of

give them such other control over the affairs of the Company as is considered expedient.

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8. The Company may:—

(a) Acquire, develop, maintain and operate water-powers, by the building and creation of storage-basins 15 or otherwise, and use, supply and sell water-power for any purpose, by any means of application; generate, by means of water-power or otherwise, electricity, heat, light and any other form of energy, and transmit the same by any means to, and, subject to the pro- 20 visions hereinafter contained, supply and sell the same for use in any manner at any place in Canada, and in the United States of America, subject to the provisions of *The Electricity and Fluid Exportation Act, 1907*, as hereinafter provided; 25

1907, c. 16.

(b) construct, maintain and operate all necessary works, storage basins, dams, wing-dams, control-gates, canals, intakes, tail-races, channels, locks, conduits, tunnels, transmission lines, structures, buildings, machinery, plant, appliances, instruments, and devices capable of 30 producing, or useful or assisting in the production of hydraulic power, and may erect and maintain poles and towers, and lay and maintain pipes, cables, wires or other conductors, and connect them with similar lines in other provinces, and in the United States of 35 America;

(c) sell or otherwise dispose of the hydraulic power created under the powers conferred by this Act, or use or employ the same in any manner possible in the production of hydraulic power, and sell or lease the 40 said works or undertaking, or otherwise contract for the use and employment of the same for any of the aforesaid purposes with any firm, person or corporation, upon such terms and conditions as the Company may see fit; 45

(d) purchase, take or acquire by original subscription or otherwise, and hold, sell or otherwise dispose of

shares, stock, whether common or preferred, debentures, bonds and other obligations in any other Company having objects similar in whole or in part to the objects of this Company, or carrying on any business capable of being conducted so as directly or indirectly to benefit this Company, and to vote all shares so held through such agent or agents as the directors may appoint; enter into partnership or into any arrangement for sharing profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise with any person or company carrying on or engaged in, or about to carry on, or engage in, any business or transaction which this Company is authorized to carry on or engage in, or any business or transaction capable of being conducted so as directly or indirectly to benefit this Company, and lend money to, guarantee the contracts of, or otherwise assist, any such person or company, and take or otherwise acquire shares and securities of any such company, and sell, hold, re-issue, with or without guarantee, or otherwise deal with the same;

(e) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading, warrants and other negotiable or transferable instruments; distribute in specie or otherwise as may be resolved any assets of the company among its members, and particularly the shares, bonds, debentures, or other securities of any other company formed to take over the whole or any part of the assets or liabilities of this Company;

(f) acquire such lands, easements, privileges, water and water rights as are necessary for the purposes of its undertaking; provided that under this section the Company may acquire or develop the same only within the counties of Charlotte, in the province of New Brunswick, in the Dominion of Canada;

(g) engage in any kind or kinds of manufacturing business;

(h) To construct, build, operate, and maintain, dams, control gates and locks commencing at a point at or near Lelite on the mainland in the county of Charlotte crossing Lelite Passage (so-called) to a point on or near MacMasters Island, thence to a point on Deer Island, thence continuing the aforesaid structures from a point on the west side of Deer Island westwardly until it meets the international boundary joining therewith a continuation of similar dams and structures constructed from the mainland in the State of Maine to Moose Island, and from said Island eastwardly to the aforesaid meeting point on the international boundary, making a series of dams with islands

shares, stock, whether common or preferred, debentures, bonds and other obligations in any other Company having objects similar in whole or in part to the objects of this Company, or carrying on any business capable of being conducted so as directly or indirectly to benefit this Company, and to vote all shares so held through such agent or agents as the directors may appoint; enter into partnership or into any arrangement for sharing profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise with any person or company carrying on or engaged in, or about to carry on or engage in, any business or transaction which this Company is authorized to carry on or engage in, or any business or transaction capable of being conducted so as directly or indirectly to benefit this Company, and lend money to, guarantee the contracts of, or otherwise assist, any such person or company, and take or otherwise acquire shares and securities of any such company, and sell, hold, re-issue, with or without guarantee, or otherwise deal with the same;

(e) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading warrants and other negotiable or transferable instruments; distribute in specie or otherwise as may be resolved any assets of the company among its members, and particularly the shares, bonds, debentures, or other securities of any other company formed to take over the whole or any part of the assets or liabilities of this Company;

(f) acquire such lands, easements, privileges, water and water rights as are necessary for the purpose of its undertaking; provided that under this section the Company may acquire or develop the same only within the county of Charlotte, in the province of New Brunswick, in the Dominion of Canada;

(g) engage in any kind or kinds of manufacturing business.

(h) To construct, build, operate, and maintain, dams, control gates and locks commencing at a point at or near Letite on the mainland in the county of Charlotte crossing Letite Passage (so-called) to a point on or near MacMasters Island, thence to a point on Deer Island, thence continuing the aforesaid structures from a point on the west side of Deer Island westwardly until it meets the international boundary joining therewith a continuation of similar dams and structures constructed from the mainland in the State of Maine to Moose Island, and from said Island eastwardly to the aforesaid meeting point on the international boundary, making a series of dams with islands

intervening from the shore of the State of Maine and the shore of the Province of New Brunswick thus placing under control and regulation the waters of Passamaquoddy Bay, and by mechanical control varying and changing the said waters from the natural tidal variation of the same.

Telegraph and telephone lines.

9. The Company may construct and operate telegraph and telephone lines in connection with its works on its own property; and for the purpose of operating such lines only, or exclusively or transmitting messages may enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Supply of energy.

10. The Company may enter into, and carry into effect, any agreement with the council of the corporation of any municipality for the supply of water-power, gas, compressed air, electricity, heat, light, or other energy, for any purpose for which the same can be used, by such municipality or any inhabitant thereof, and upon such terms as are agreed upon.

Interfering municipality.

11. The Company shall not enter within the limits of any municipality, with any transmission line for the purpose of selling or distributing electrical or other power therein without the consent of such municipality expressed by by-law.

Settlement of disputes.

12. In case of any dispute or difference as to the price to be charged for power or electrical energy, for any of the purposes in this Act mentioned, in use or to be provided for use upon the Canadian side of the International boundary, or as to the methods of distribution thereof, or as to the time within which or as to the quantity to be furnished, or the conditions upon which it shall be furnished for use, such dispute or difference shall be settled by the Board of Railway Commissioners for Canada on the application of any party or applicant for power, electrical or other energy produced by the Company, or upon the application of the Company.

Acts to apply.
R.S., c. 116.
1907, c. 11.
1907, c. 12.
R.S., c. 37.

13. The provisions of the Navigable Waters Protection Act, chapter one hundred fifteen of the Revised Statutes, 1906, The Electricity Inspection Act, 1907, The Electricity and Fluid Exportation Act, 1907, and section two hundred and forty-seven of the Railway Act, chapter thirty-seven of the Revised Statutes, 1906, shall apply to the Company and its undertaking.

intervening from the shore of the State of Maine and the shore of the Province of New Brunswick thus placing under control and regulation the waters of Passamaquoddy Bay, and by mechanical control varying and changing the said waters from the natural tidal variation of the same. 5

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11. The Company shall not enter within the limits of any municipality with any transmission line for the purpose of selling or distributing electrical or other power therein without the consent of such municipality expressed by by-law. 25

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12. In case of any dispute or difference as to the price to be charged for power or electrical energy, for any of the purposes in this Act mentioned, in use or to be provided for use upon the Canadian side of the International boundary, or as to the methods of distribution thereof, or as to the time within which or as to the quantity to be furnished, or the conditions upon which it shall be furnished for use, such dispute or difference shall be settled by the Board of Railway Commissioners for Canada on the application of any user of or applicant for power, electrical or other energy produced by the Company, or upon the application of the Company. 30 35

Acts to apply. R.S., c. 115. 1907, c. 14. 1907, c. 16. R.S., c. 37.

13. The provisions of the *Navigable Waters Protection Act*, chapter one hundred fifteen of the Revised Statutes, 1906, *The Electricity Inspection Act, 1907*, *The Electricity and Fluid Exportation Act, 1907*, and section two hundred and forty-seven of the *Railway Act*, chapter thirty-seven of the Revised Statutes, 1906, shall apply to the Company and its undertaking. 40 45

Time for construction of works.

14. The construction of the works of the Company shall be commenced within three years and completed within six years after the passing of this Act, otherwise the powers hereby granted shall cease as respects so much of the said works as then remains uncompleted.

Issue of securities.

15. The Company may issue bonds, debentures or other securities to an amount not exceeding ten million dollars.

When powers exercisable.

16. The powers conferred upon the Company by this Act shall not be exercisable until the Company has first submitted the plans showing such works, with a description of the proposed undertaking, to the Ministers respectively of Public Works, of Marine and Fisheries and of the Interior, at Ottawa, and has received the approval of each such Minister thereto, and until the Company has filed a duplicate of each in the office of the registrar of deeds in the county in which the proposed works are to be constructed, nor until the Company's undertaking, including the appurtenant of power generated by the Company between the Dominion of Canada and the United States of America, shall have been approved and reported upon by the International Joint Commission and has received the assent of the Governor in Council, subject to such terms and conditions as the Governor in Council deems necessary or desirable in the public interest.

Rights-of-way.

17. Nothing in this Act shall be construed to authorize or empower the Company to enter or take or use the public lands of any Province of Canada for any of the purposes mentioned herein, without the consent of the said province.

Expropriation.

18. The Company may expropriate and take any land actually required for the construction, maintenance and operation of the works and undertakings of the company, or may expropriate and take an easement in, over, under or through such lands, without the necessity of securing a title in fee simple thereto, after the plan of such lands has been approved by the Governor in Council; and all the provisions of The Railway Act, 1919, applicable to such taking and acquisition shall apply as if they were included in this act; and all the provisions of The Railway Act, 1919, which are applicable, shall in like manner apply to the ascertainment and the payment of the compensation for or damages to land arising out of such taking and acquisition, or the construction or maintenance of the works of the company.

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1919, c. 68.

Companies Act to apply.

19. Part II of the *Companies Act*, chapter seventy-nine of the Revised Statutes, 1906, and amendments thereto shall so far as applicable and when not inconsistent with this Act apply to the Company and to its undertaking, and the Company shall have and may exercise all the powers conferred by the said Act so far as applicable to the Company.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 94.

An Act respecting the Domicile of Married Women in proceedings for Divorce.

First reading, May 3, 1926.

Mr. WARD.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
21046 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 94.

An Act respecting the Domicile of Married Women in proceedings for Divorce.

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

Short title.

1. This Act may be cited as *The Divorce Jurisdiction Act, 1926.*

Married woman separate from husband or deserted and living separate for two years, may acquire domicile for herself and commence proceedings.

2. For the purposes of this Act a married woman,

(a) who is judicially or otherwise separate and living separate and apart from her husband; or

(b) who either before or after the passing of this Act has been deserted by and lived separate and apart from her husband for a period of two years, and is still living apart from her husband;

may acquire a domicile for herself as though she were a *feme sole* and may commence an action for divorce praying that her marriage may be dissolved on any grounds that entitle her to such divorce in any court having jurisdiction to grant divorce *a vinculo matrimonii.*

Retains domicile of husband until she acquires domicile of choice.

3. For the purposes of this Act a wife deserted by and living separate and apart from her husband shall be deemed to retain the domicile of her husband at the time she was so deserted until she has acquired a domicile of her own choice.

Explanatory Note.

In the case of Cook vs. Cook and Attorney General for Alberta, decided by the Judicial Committee of the Privy Council on 18th February, 1926, it was held that in so far as British tribunals are concerned they are without jurisdiction to dissolve a marriage if the defendant in the suit is not domiciled in the jurisdiction. The domicile during marriage is that of her husband, and the fact that she is judicially separated from him does not enable her to acquire a domicile apart from his and give the courts of her domicile jurisdiction to grant a decree of divorce. Although the husband is domiciled in one of the provinces of Canada and the wife is settled in another province their rights in a suit for divorce brought by the wife in the latter province cannot be dealt with by the courts thereof on the footing that they have a common domicile in the Dominion.

The object of this Bill is to secure to the wife a separate domicile or domicile of choice, so as to confer jurisdiction on the courts, and afford her the protection of the law to the same extent as is given to the husband.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 95.

An Act to incorporate The Red Lake and Northwestern Railway Company.

First reading, May 4, 1926.

(PRIVATE BILL.)

Mr. HEENAN.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
21045 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 95.

An Act to incorporate The Red Lake and Northwestern Railway Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway as hereinafter set forth and it is expedient to grant the prayer of said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. John H. Cassidy, Charles B. Hibbard and Frederick R. Brown, all of the city of Montreal, and D'Arcy Scott, of the city of Ottawa, together with such other persons as may become shareholders of the Company are incorporated under the name of "The Red Lake and Northwestern Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section one of this Act are constituted provisional directors of the Company.

Capital stock.

3. The capital stock of the Company shall be one million dollars.

Head office.

4. The head office of the Company shall be in the City of Ottawa.

Annual meeting.

5. The annual meeting of the shareholders shall be held in the city of Ottawa on the second Tuesday in the month of March.

Number of directors.

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

Power.

7. The Company may lay out, construct and operate by means of steam, electricity, or other motive power a

railway or tramway, from a point at, or near the village of Quibell in the township of Wabigoon, in the province of Ontario, thence in a northerly direction by the most feasible and advantageous route to a point at or near Red Lake a distance of about one hundred miles, then in a generally northerly and westerly direction to a point on the Hudson Bay division of the Canadian National Railway at or east of Le Pas, in the province of Manitoba.

Branch lines.

8. The Company may for the purpose of its undertaking and except for the purpose of connecting with other railways, construct, maintain, and operate branch lines, not exceeding in any one case fifty miles in length from the main line of the railway.

Building in sections.

9. The Company may build its railway in sections and in such order as it may deem suitable.

Securities.

10. The securities issued by the Company shall not exceed fifty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreements.

1919, c. 68.

11. Subject to the provisions of sections one hundred and fifty-one, one hundred and fifty-two and one hundred and fifty-three of *The Railway Act, 1919*, the Company may enter into agreements with other companies for any of the purposes specified in the said sections one hundred and fifty-one and one hundred and fifty-two.

Water-powers.

12. The Company may acquire (but not by expropriation) or lease and operate water-powers along the line of its railway or in the vicinity thereof and construct, maintain and improve dykes, piers, and flumes and all other works required for the development of such water-powers as well as for producing electricity or other power.

Electric energy.

1919, c. 68.

13. Subject to the provisions of section three hundred and sixty-eight of *The Railway Act, 1919*, the Company shall have power to generate, acquire, use, transmit and distribute electric and other power or energy and for the purposes of such acquisition, use, transmission and distribution may construct, acquire, operate and maintain lines for the conveyance of light, heat, power, and electricity.

Telegraph and telephone messages.

14. Subject to the provisions of section three hundred and sixty-nine of *The Railway Act, 1919*, the Company shall have power to transmit telegraph and telephone messages for the public and collect tolls therefor.

Bridges.

15. The Company shall have power to construct the bridges required for its railway at such points as it may deem expedient and to make such bridges suitable for the passage of horses, vehicles and foot passengers. In the event of any such bridges being open to the public as a toll bridge, a tariff of tolls shall be fixed by the Board of Railway Commissioners for Canada.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 95.

An Act to incorporate the Red Lake and Northwestern Railway Company.

Reprinted as amended and reported by the Select Standing Committee on Railways, Canals and Telegraph Lines.

(PRIVATE BILL.)

Mr. HEENAN.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
23628 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 95.

An Act to incorporate the Red Lake and Northwestern Railway Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway as hereinafter set forth and it is expedient to grant the prayer of said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5

Incorporation.

1. John H. Cassidy, Charles B. Hibbard and Frederick R. Brown, all of the city of Montreal, and D'Arcy Scott, of the city of Ottawa, together with such other persons as may become shareholders of the Company are incorporated under the name of the "Red Lake and Northwestern Railway Company," hereinafter called "the Company." 10

Corporate name.

Provisional directors.

2. The persons named in section one of this Act are constituted provisional directors of the Company.

Capital stock.

3. The capital stock of the Company shall be one million dollars. 15

Head office.

4. The head office of the Company shall be in the City of Ottawa.

Annual meeting.

5. The annual meeting of the shareholders shall be held in the city of Ottawa on the second Tuesday in the month of March. 20

Number of directors.

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

Power.

7. The Company may lay out, construct and operate by means of steam, electricity, or other motive power a 25

railway or tramway, from a point at, or near the village of Quibell in the township of Wabigoon, in the province of Ontario, thence in a northerly direction by the most feasible and advantageous route to a point at or near Red Lake a distance of about one hundred miles, then in a generally northerly and westerly direction to a point on the Hudson Bay division of the Canadian National Railway at or east of Le Pas, in the province of Manitoba.

Securities.

8. The securities issued by the Company shall not exceed fifty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreements.

1919, c. 68.

9. Subject to the provisions of sections one hundred and fifty-one, one hundred and fifty-two and one hundred and fifty-three of *The Railway Act, 1919*, the Company may enter into agreements with other companies for any of the purposes specified in the said sections one hundred and fifty-one and one hundred and fifty-two.

Telegraph and telephone messages.

10. Subject to the provisions of section three hundred and sixty-nine of *The Railway Act, 1919*, the Company shall have power to transmit telegraph and telephone messages for the public and collect tolls therefor.

Bridges

11. The Company shall have power to construct the bridges required for its railway at such points as it may deem expedient and to make such bridges suitable for the passage of horses, vehicles and foot passengers. In the event of any such bridges being open to the public as a toll bridge, a tariff of tolls shall be fixed by the Board of Railway Commissioners for Canada.

Limitation of time for commencement of construction, etc.

12. If the construction of the railway is not commenced and ten per cent of the amount of the capital stock is not expended thereon in survey, purchase of right-of-way and actual construction work within one year from the passing of this Act, then the powers granted by this Act shall cease and be null and void.

First Session, Fifteenth Parliament, 16-17 George V, 1926

HOUSE OF COMMONS OF CANADA

BILL 96.

An Act for granting to His Majesty a certain sum of money for the public service of the financial year ending the 31st March, 1927.

AS PASSED BY THE HOUSE OF COMMONS, 4th MAY, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

19629

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 96.

An Act for granting to His Majesty a certain sum of money for the public service of the financial year ending the 31st March, 1927.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency the Right Honourable Julian Hedworth George, Baron Byng of Vimy, etc., etc., Governor General of Canada, and the estimates accompanying the said message, that the sum hereinafter mentioned is 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 twenty-seven, 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, 1926.*

$15,934,291.06 granted for 1926–27.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole fifteen million, nine hundred and thirty-four thousand, two hundred and ninety-one dollars and six cents, towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and twenty-six, to the thirty-first day of March, one thousand nine hundred and twenty-seven, 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 twenty-seven, as laid before the House of Commons at the present session of Parliament.

Account to be rendered in detail.

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

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 97.

An Act to amend The Dominion Forest Reserves and Parks Act.

First reading, May 10, 1926.

The MINISTER OF THE INTERIOR.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
20121 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 97.

An Act to amend The Dominion Forest Reserves and Parks Act.

1911, c. 10; 1913, c. 18; 1914, c. 32; 1916, c. 15; 1918, c. 4; 1919, cc. 17, 19; 1923, c. 13.

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

Schedule amended.

1. The Schedule to *The Dominion Forest Reserves and Parks Act*, as enacted by chapter thirteen of the statutes of 1923, is amended as follows:—

(1) Paragraph one of the said Schedule is amended by striking out the words and figures "except sections 1, 12, 13, 24, 25, 36 and the east halves of sections 2, 11, 14, 23, 26 and 35," in the nineteenth and twentieth lines of the said paragraph and inserting therefor "except sections 1, 12, 13 and 24, the east halves of sections 2 and 11, the southeast quarter of section 14, those portions of the northeast quarter of section 14 and of the east halves of sections 23, 26 and 35 lying east of the Whitemouth River, the north half, the southeast quarter and that portion of the southwest quarter of section 25 lying east of the Whitemouth River, and that portion of section 36 lying south or east of the Whitemouth River:" and by striking out the figures and words "187.75 square miles" in the last line of the said paragraph and inserting therefor the figures and words "189.30 square miles."

(2) Paragraph three of the said Schedule is amended by inserting the figure "9" preceded and followed by a comma after the figure "2" in the twentieth line of the said paragraph.

(3) Paragraph four of the said Schedule is amended by striking out the words and figures "and sections 35 and 36" in the fifteenth line from the end of the said paragraph and inserting therefor "and sections 26, 35 and 36" and by striking out the figures and words "1,148.79 square miles"

Explanatory Note.

The revisions in the boundaries of established Forest Reserves as specified in this Bill are, in general, necessary in order to provide for the withdrawal from forestry reservation of lands which intensive examination has shown to be of sufficient agricultural value to warrant such action and in other instances to make provision for the addition to the reserves of non-agricultural areas which adjoin the present reserve boundaries and which, for some particular reason, are essential to the best development of the reserve.

Prior to the creation of forest reserves it is the practice to examine the areas which are eventually included therein with a view to excluding all agricultural lands. However, lying between the true forest lands which should be permanently dedicated to the growing of timber and the areas of undoubted agricultural value there is frequently a transition zone comprised of lands which can not, without the possibility of error be placed in either class. Therefore it sometimes occurs that lands in this transition zone are placed under forestry reservation and owing to the subsequent removal of the timber or to the agricultural development of contiguous areas, they offer a fair opportunity for successful settlement and all areas the withdrawal of which is provided for in this Bill are of this character.

As an instance the proposed withdrawals from the Pasquia and Porcupine No. 2 Reserves in Saskatchewan are considered advisable owing to the fact that areas with soil suitable for agricultural development but covered with a dense stand of merchantable timber, were included in the reserves in order that proper fire protection might be afforded but as a large percentage of the timber has now been removed and as the soil is of good quality it is deemed advisable to make these areas available for settlement.

The revision in the description of the Rocky Mountains Forest Reserve in Alberta is necessary owing to the fact that it has been determined by survey that the interprovincial boundary between that province and British Columbia is located further west than assumed when, prior to survey, the former description was prepared.

The addition of an area of wholly non-agricultural lands to the Larch Hills Forest Reserve in British Columbia is essential to the development of a forest working-plan for the Larch Hills district. The enlarged reserve is to be developed as a demonstration forest and given more intensive protection in order that it may serve an educational purpose in improved forest methods.

The proposed Shuswap Lake Forest Reserve, also in British Columbia, is comprised of an area of strictly non-agricultural land, being a rugged and precipitous country of high altitude. All lands suitable for settlement have been carefully excluded, leaving within the proposed reserve an area which is incapable of sustaining settlement. The proposed reserve includes some excellent timber, which however, is as yet too remote for profitable exploitation. To ensure adequate protection thereof it is essential that facilities for communication and transport, which can be afforded only in forest reserves, be provided.

in the last line of the said paragraph and inserting therefor the figures and words "1,148.29 square miles."

(4) Paragraph five of the said Schedule is amended by striking out the words and figures "the following sections in township 29, range 28: sections 10, 11, 12, 13, 14, 15, 16, 23, 24 and 25, the west half of section 2, and those parts of sections 3, 4, 8, 9, 17, 20, 26, 35 and 36 and of the northeast quarter of section 5, the east half of sections 18 and 19 lying east of the east bank of Shell River and those parts of sections 21 and 22, the south half of sections 27 and 29 and the southwest quarter of section 28 lying south of the south bank of Shell River" in the nineteenth to the twenty-seventh lines of the said paragraph and by striking out the words and figures "those parts of section 1 and of the southeast quarter of section 12, township 30, range 28, lying east of the east bank of the Shell River:" in the twenty-ninth to the thirty-second lines of the said paragraph and by striking out the figures and words "1,462.25 square miles" in the second line from the end of the said paragraph and inserting therefor the figures and words "1,426.29 square miles."

(5) Paragraph seven of the said Schedule is amended by inserting after the figures "31" in the fifth line of the said paragraph the following "except the southwest quarter of section 4; the following lands in township 36, range 32: the northwest quarter of section 13 and the northwest quarter of section 25," and by striking out the words and figures, "the following sections in township 43, range 7: sections 31, 32, 33, 34, 35 and 36, the north halves of sections 26, 27 and 30 and the northwest quarter of section 29;" in the seventeenth, eighteenth, nineteenth and twentieth lines from the end of the said paragraph, and by striking out the words and figures "those portions of sections 13, 23, 24, 26, 27 and 34 lying north of the north shore of Bjork Lake" in the ninth, tenth and eleventh lines from the end of the said paragraph and inserting therefor "the north half of legal subdivision 1, and those portions of legal subdivisions 7 and 8 of the north half of section 13 lying east of the east shore of Bjork Lake and those portions of sections 23, 24, 26, 27 and 34 lying north of the north shore of Bjork Lake," and by striking out the words and figures "all of the sections in township 44, range 3, except sections 1, 2, 3, 4, 5, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34 and that part of section 6 lying east of the east bank of the Etomami River; all of the sections in township 44, ranges 4, 5, 6, 7, 8, 9, 10 and 11;" in the third, fourth, fifth, sixth and seventh lines from the end of the said paragraph and inserting therefor "the following sections in township 44, range 3: sections 23, 24, 25, 26, 35 and 36, the northeast quarter of section 15 and that part of section 6 lying west of the west bank of the Etomami River; the following sections in township 44, range 4: sections 1, 2, 3, 4, 5, 6, 11, 12 and 13,

and those portions of sections 7, 8, 9, 10 and 23 lying south of the south bank of Red Deer River and those portions of sections 14, 15, 22 and 24 lying east of the east bank of Red Deer River; all of the sections in township 44, ranges 8 and 9; legal subdivision 7 of section 18, township 44, range 7; all of the sections in township 44, ranges 8, 9 and 10; all of the sections in township 44, range 11, except sections 6 and 7 and the west half of section 18"; and by striking out the figures and words "2,800.75 square miles" in the last line of the said paragraph and inserting therefor the figures and words "2,701.0 square miles."

(6) Paragraph eleven of the said Schedule is amended by striking out the words and figures "sections 19, 20, 21, 28, 29, 30, 31, 32, 33 and those portions of sections 22, 27 and 34 not included in the White Bear Indian Reserve No. 70" in the fifth, sixth and seventh lines of the said paragraph and inserting therefor the following: "sections 17, 19, 20, 21, 28, 29, 30, 31, 32, 33, the north half of section 18, and those portions of sections 22, 27 and 34 and of the north-west quarter of section 16 not included in the White Bear Indian Reserve No. 70;" and by striking out the figures "15" in the twenty-fifth line of the said paragraph and by striking out the figures and words "165.35 square miles" in the second line from the end of the said paragraph and inserting therefor the figures and words "164.0 square miles."

(7) Paragraph twelve of the said Schedule is amended by striking out the following in the thirty-third to the thirty-ninth lines of the said paragraph: "Also comprising the following sections in township 46, range 3: sections 19, 20, 29, 30, 31 and 32; all of the sections in township 46, range 4, except sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13; the southwest quarter of section 16 and the northeast quarter of section 17; all of the sections in township 46, ranges 5, 6, 7, 8, 9 and 10;" and inserting therein the following: "Also comprising of all of the sections in township 46, ranges 5 and 6; all of the sections in township 46, range 7, except sections 1, 2, 3, 4, 5 and 6 and those portions of sections 8, 9, 10, 11 and 12 and of the south half and north-east quarter of section 7 lying south of the southern boundary of the Canadian National Railway right-of-way; all of the sections in township 46, range 8; the following sections in township 46, range 9: sections 1 to 23 inclusive; the following sections in township 46, range 10: sections 1 to 17 inclusive, and sections 29, 30, 31, 32 and 33, the north half of sections 27 and 28, the northwest quarter of section 21, and the west half of sections 28;" and by striking out the figures and words "2,614.50 square miles" in the last line and the second line from the end of the said paragraph and inserting therefor the figures and words "2,559.75 square miles."

and those portions of sections 7, 8, 9, 10 and 25 lying south of the south bank of Red Deer River and those portions of sections 14, 15, 23 and 24 lying east of the east bank of Red Deer River; all of the sections in township 44, ranges 5 and 6; legal subdivision 7 of section 18, township 44, range 7; all of the sections in township 44, ranges 8, 9 and 10; all of the sections in township 44, range 11, except sections 6 and 7 and the west half of section 18"; and by striking out the figures and words "2,869.75 square miles" in the last line of the said paragraph and inserting therefor the figures and words "2,791.0 square miles."

(6) Paragraph eleven of the said Schedule is amended by striking out the words and figures "sections 19, 20, 21, 28, 29, 30, 31, 32, 33 and those portions of sections 22, 27 and 34 not included in the White Bear Indian Reserve No. 70," in the fifth, sixth and seventh lines of the said paragraph and inserting therefor the following: "sections 17, 19, 20, 21, 28, 29, 30, 31, 32, 33, the north half of section 16 and those portions of sections 22, 27 and 34 and of the northwest quarter of section 15 not included in the White Bear Indian Reserve No. 70," and by striking out the figures "15", in the twenty-fifth line of the said paragraph and by striking out the figures and words, "153.35 square miles" in the second line from the end of the said paragraph and inserting therefor the figures and words "154.0 square miles."

(7) Paragraph twelve of the said Schedule is amended by striking out the following in the thirty-third to the thirty-ninth lines of the said paragraph: "Also consisting of the following sections in township 45, range 3; sections 19, 20, 29, 30, 31 and 32; all of the sections in township 45, range 4, except sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13; the southwest quarter of section 16 and the southeast quarter of section 17; all of the sections in township 45, ranges 5, 6, 7, 8, 9 and 10;" and inserting therefor the following: "Also consisting of all of the sections in township 45, ranges 5 and 6; all of the sections in township 45, range 7, except sections 1, 2, 3, 4, 5 and 6 and those portions of sections 8, 9, 10, 11 and 12 and of the south half and northeast quarter of section 7 lying south of the southern boundary of the Canadian National Railway right-of-way; all of the sections in township 45, range 8; the following sections in township 45, range 9: sections 1 to 12 inclusive; the following sections in township 45, range 10: sections 1 to 12 inclusive, and sections 29, 30, 31, 32 and 33, the north halves of sections 17 and 19, the northwest quarter of section 21, and the west half of section 28;" and by striking out the figures and words "2,614.50 square miles" in the last line and the second line from the end of the said paragraph and inserting therefor the figures and words "2,535.75 square miles."

(8) Paragraph sixteen of the said Schedule is amended by striking out the figures "10" in the sixth line of the said paragraph, and by inserting after the figures "23" in the sixth line of the said paragraph the following words and figures: "The north half and the southeast quarter of Section 10" and by striking out the figures and words "80.73 square miles" in the second line from the end of said paragraph and inserting therefor the figures and words "60.60 square miles."

(9) Paragraph sixteen of the said Schedule is amended by striking out the words and figures "sections 31, 32, 33 and 34; the west half of section 35, these parts of section 30 and the northwest quarter of section 36 lying north of the north bank of the Saskatchewan River," in the nineteenth to the twenty-second lines of the said paragraph and inserting therefor the following: "sections 31, 32, 33, 34, 35 and 36, these parts of section 30 and the north halves of sections 25 and 26 lying north of the north bank of the Saskatchewan River," and by striking out the figures "32" in the twenty-sixth line of the said paragraph and by inserting after the figures "26" in the twenty-sixth line of the said paragraph the words and figures "the north half of section 35," and by striking out the words and figures "except section 1 and the east half of section 2" in the thirty-third and thirty-fourth lines of the said paragraph and by striking out the figures and words "525.0 square miles" in the last line of the said paragraph and inserting therefor the figures and words "510.75 square miles."

(10) Paragraph seventeen of the said Schedule is amended by striking out the words and figures "the north half and southeast quarter and that portion of the southwest quarter of section 10 lying east of the east bank of the Shell River" in the twenty-sixth to the twenty-eighth lines of the said paragraph and inserting therefor "the north half of section 10; that portion of the southeast quarter of section 10, lying north of the northern boundary of the right-of-way of the Canadian National Railway and that portion of the southwest quarter of section 10, lying east of the east bank of the Shell River," and by striking out the words and figure "said township seventy" in the twenty-sixth and twenty-seventh lines of the said paragraph and by striking out the figures "14" in the fifth line from the end of the said paragraph and inserting therefor the figures "24" in the fourth line from the end of the said paragraph the words and figures "the south half, the northeast quarter, and lots 1 and 2 of section 12 and 12 of section 14," and by striking out the figures and words "165.50 square miles" in the last line of the said paragraph and inserting therefor the figures and words "156.38 square miles."

(11) Paragraph eighteen of the said Schedule is amended by inserting the following after the figures "13" in the

(8) Paragraph fifteen of the said Schedule is amended by striking out the figures "10" in the sixth line of the said paragraph, and by inserting after the figures "26" in the sixth line of the said paragraph the following words and figures: "The north half and the southeast quarter of Section 10" and by striking out the figures and words "66.75 square miles" in the second line from the end of said paragraph and inserting therefor the figures and words "66.50 square miles."

(9) Paragraph sixteen of the said Schedule is amended by striking out the words and figures "sections 31, 32, 33 and 34; the west half of section 35, those parts of section 30 and the northwest quarter of section 26 lying north of the north bank of the Saskatchewan River," in the nineteenth to the twenty-second lines of the said paragraph and inserting therefor the following: "sections 31, 32, 33, 34, 35 and 36, those parts of section 30 and the north halves of sections 25 and 26 lying north of the north bank of the Saskatchewan River," and by striking out the figures "33" in the twenty-eighth line of the said paragraph and by inserting after the figures "26" in the twenty-ninth line of the said paragraph the words and figures "the north half of section 33," and by striking out the words and figures "except section 1 and the east half of section 2" in the thirty-third and thirty-fourth lines of the said paragraph and by striking out the figures and words "508.0 square miles" in the last line of the said paragraph and inserting therefor the figures and words "510.75 square miles."

(10) Paragraph seventeen of the said Schedule is amended by striking out the words and figures "the north half and southeast quarter and that portion of the southwest quarter of section 10 lying east of the east bank of the Shell River" in the twenty-sixth to the twenty-eighth lines of the said paragraph and inserting therefor "the north half of section 10, that portion of the southeast quarter of section 10, lying north of the northern boundary of the right-of-way of the Canadian National Railway and that portion of the southwest quarter of section 10, lying east of the east bank of the Shell River," and by striking out the words and figure "and fractional section 3" in the twenty-sixth and twenty-seventh lines from the end of the said paragraph and by striking out the figures "14" in the fifth line from the end of the said paragraph and inserting after the figure "8" in the fourth line from the end of the said paragraph the words and figures "the south half, the northeast quarter, and legal subdivisions 11 and 12 of section 14," and by striking out the figures and words "155.59 square miles" in the last line of the said paragraph and inserting therefor the figures and words "155.28 square miles."

(11) Paragraph eighteen of the said Schedule is amended by inserting the following after the figures "18" in the

subsection (a) of the said paragraph: "and legal subdivisions 12 and 13 of section 30;" and by striking out the figures and words "161.06 square miles" in the last line of the said paragraph and inserting therefor the figures and words "160.92 square miles."

(12) Paragraph twenty-one of the said Schedule is repealed and the following is substituted therefor:—

"21. Cypress Hills Forest Reserve No. 2 situate in the Province of Saskatchewan and more particularly described as follows:—

Consisting of the following sections in township 7, range 29: sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36; the following sections in township 7, range 30: sections 25, 26, 27, 34, 35 and 36, and fractional sections 28 and 33; the following sections in township 8, range 28: sections 13, 16, 17, 18, 19, 20, 21, 27, 28, 29 and 30; the following sections in township 8, range 29: sections 13, 14, 23, 24, 25 and 26; all of the sections in township 8, range 30, except sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36; the following sections in township 8, range 31: sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, and fractional sections 4, 9, 16 and 21; the following sections in township 9, range 28: sections 19, 20, 21, 25, 29, 30, 31, 32, 33, 34, 35 and 36, the north half of section 17, the northeast quarter of section 18, the north half and southeast quarter of section 22, the south half and northeast quarter of section 23, the north half of section 24, the south half and northeast quarter of section 26, the southeast quarter of section 27, the west half of section 28, and the north half and southeast quarter of section 34; the following sections in township 9, range 29: sections 6, 7, 17, 20, 21, 22 and 27, the north half of section 16, the south half and northeast quarter of section 18, the south half and northwest quarter of section 26, the south half of section 28, the southeast quarter of section 34, the west half of section 35 and legal subdivisions 1, 2, 3 and 6 of section 36; all being west of the third Meridian and containing by admeasurement 98.10 square miles, more or less."

(13) Paragraph twenty-two of the said Schedule is amended by striking out the words "northwest quarter" in the sixth line of the said paragraph and inserting therefor the words "north half"; and by striking out the words and figures "those portions of the west half of section 23 and the southwest quarter of section 26, lying west of Manito Lake," in the thirty-sixth to the thirty-eighth lines of the said paragraph; and by striking out the words and figures "that portion of the east half of section 25, that lies north of the narrow inlet formed by Manito Lake, that portion of the northwest quarter of section 28 included in Manito Lake," in the thirty-ninth to the forty-second lines of said paragraph; and by striking out the words and figures

eighteenth line of the said paragraph: "and legal subdivisions 12 and 13 of section 30;" and by striking out the figures and words "161.05 square miles" in the last line of the said paragraph and inserting therefor the figures and words "160.93 square miles."

(12) Paragraph twenty-one of the said Schedule is repealed and the following is substituted therefor:—

"21. *Cypress Hills Forest Reserve No. 2* situate in the province of Saskatchewan and more particularly described as follows:—

Consisting of the following sections in township 7, range 29: sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36; the following sections in township 7, range 30: sections 25, 26, 27, 34, 35 and 36, and fractional sections 28 and 33; the following sections in township 8, range 26: sections 15, 16, 17, 18, 19, 20, 21, 27, 28, 29 and 30; the following sections in township 8, range 27: sections 13, 14, 23, 24, 25 and 26; all of the sections in township 8, range 29, except sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36; the following sections in township 8, range 30: sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, and fractional sections 4, 9, 16 and 21; the following sections in township 9, range 24: sections 19, 20, 21, 25, 29, 30, 31, 32, 33, 35 and 36, the north half of section 17, the northeast quarter of section 18, the north half and southeast quarter of section 22, the south half and northeast quarter of section 23, the north half of section 24, the south half and northeast quarter of section 26, the southeast quarter of section 27, the west half of section 28, and the north half and southeast quarter of section 34; the following sections in township 9, range 25: sections 6, 7, 17, 20, 21, 22 and 27, the north half of section 16, the south half and northeast quarter of section 18, the south half and northwest quarter of section 26, the south half of section 28, the southeast quarter of section 34, the west half of section 35 and legal subdivisions 1, 2, 3 and 8 of section 36; all being west of the third Meridian and containing by admeasurement 98.10 square miles, more or less."

(13) Paragraph twenty-two of the said Schedule is amended by striking out the words "northwest quarter" in the sixth line of the said paragraph and inserting therefor the words "north half"; and by striking out the words and figures "those portions of the west half of section 23 and the southwest quarter of section 26, lying west of Manito Lake," in the thirty-sixth to the thirty-eighth lines of the said paragraph; and by striking out the words and figures "that portion of the east half of section 28, that lies north of the narrow inlet formed by Manito Lake, that portion of the northwest quarter of section 28 included in Manito Lake," in the thirty-ninth to the forty-second lines of said paragraph; and by striking out the words and figures

"and the north half of sections 29" in the seventh and eighth lines from the end of the said paragraph, and inserting therefor "and the north half and southwest quarter of section 29"; and by striking out the figures and words "180 22 square miles" in the second line from the end of the said paragraph and inserting therefor the figures and words "180 95 square miles."

(14) Paragraph twenty-four of the said Schedule is amended by striking out the following words and figures in the seventeenth to the thirty-seventh lines from the end of the said paragraph: "Also consisting of all of the sections in townships 52, 53, 54, 55 and 56, ranges 1, 2, 3, 4, 5, 6, 7, 8 and 9; those portions of township 52, ranges 10, 11 and 12, lying in the province of Alberta; all of the sections in township 53, range 10; those portions of township 53, ranges 11 and 12, lying in the province of Alberta; all of the sections in township 54, range 10; those portions of township 54, ranges 11 and 12, lying in the province of Alberta; all of the sections in township 55, range 10; those portions of township 55, ranges 11 and 12, lying in the province of Alberta; all of the sections in township 56, range 10; those portions of township 56, ranges 11, 12 and 13, lying in the province of Alberta; sections 5 and 6, township 57, range 9, all of the sections in township 57, range 9, except sections 23, 24, 25, 36 and 37; all of the sections in township 57, range 10 and 11; those portions of township 57, ranges 12 and 13, lying in the province of Alberta; the following sections in township 58, range 9: sections 5, 6, 7, 18 and 19; all of the sections in township 58, ranges 10, 11 and 12; those portions of township 58, ranges 13 and 14, lying in the province of Alberta"; and inserting therefor the following: "Also consisting of all of the sections in townships 52, 53, 54, 55, 56, ranges 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11; all of the sections in township 52, 53 and 54, range 12; those portions of townships 52 and 54, range 12 lying in the province of Alberta; those portions of townships 52, 53, 54 and 55, range 13, lying in the province of Alberta; those sections of townships 54, 55 and 56, range 14, lying in the province of Alberta; all of the sections in township 57, range 12; sections 5 and 6, township 57, range 9; all of the sections in township 57, range 9, except sections 23, 24, 25, 26, 35 and 36; all of the sections in township 57, ranges 10, 11, 12 and 13; those portions of township 57, range 14, lying in the province of Alberta; the following sections in township 58, range 9: sections 5, 6, 7, 8, 17 and 18; all of the sections in township 58, ranges 10, 11, 12 and 13; those portions of township 58, range 14, lying in the province of Alberta"; and by striking out the figures and words "14 [illegible] square miles" in the second line from the end of the said paragraph, and inserting therefor the figures and words "14 [illegible] square miles."

"and the north half of section 29" in the seventh and eighth lines from the end of the said paragraph and inserting therefor "and the north half and southwest quarter of section 29"; and by striking out the figures and words "180.23 square miles" in the second line from the end of the said paragraph and inserting therefor the figures and words "180.95 square miles."

(14) Paragraph twenty-four of the said Schedule is amended by striking out the following words and figures in the seventeenth to the thirty-seventh lines from the end of the said paragraph: "Also consisting of all of the sections in townships 52, 53, 54, 55 and 56, ranges 1, 2, 3, 4, 5, 6, 7, 8 and 9, those portions of township 52, ranges 10, 11 and 12, lying in the province of Alberta; all of the sections in township 53, range 10; those portions of township 53, ranges 11 and 12, lying in the province of Alberta; all of the sections in township 54, range 10; those portions of township 54, ranges 11 and 12, lying in the province of Alberta, all of the sections in township 55, range 10, those portions of township 55, ranges 11 and 12, lying in the province of Alberta; all of the sections in township 56, range 10; those portions of township 56, ranges 11, 12 and 13, lying in the province of Alberta; sections 5 and 6, township 57, range 8, all of the sections in township 57, range 9, except sections 23, 24, 25, 26, 35 and 36; all of the sections in township 57, ranges 10 and 11; those portions of township 57, ranges 12 and 13, lying in the province of Alberta; the following sections in township 58, range 9; sections 5, 6, 7, 8, 17 and 18; all of the sections in township 58, ranges 10, 11 and 12; those portions of township 58, ranges 13 and 14, lying in the province of Alberta"; and inserting therefor the following: "Also consisting of all of the sections in townships 52, 53, 54, 55, 56, ranges 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11; all of the sections in townships 52, 55 and 56, range 12; those portions of townships 53 and 54, range 12 lying in the province of Alberta; those portions of townships 52, 53, 54 and 55, range 13, lying in the province of Alberta; those portions of townships 53, 54, 55 and 56, range 14, lying in the province of Alberta; all of the sections in township 56, range 13; sections 5 and 6, township 57, range 8; all of the sections in township 57, range 9, except sections 23, 24, 25, 26, 35 and 36; all of the sections in township 57, ranges 10, 11, 12 and 13; those portions of township 57, range 14, lying in the province of Alberta; the following sections in townships 58, range 9: sections 5, 6, 7, 8, 17 and 18; all of the sections in township 58, ranges 10, 11. 12 and 13; those portions of township 58, range 14, lying in the province of Alberta"; and by striking out the figures and words "13,454 square miles" in the second line from the end of the said paragraph and inserting therefor the figures and words "13,786.0 square miles."

(15) Paragraph twenty-nine of the said Schedule is repealed and the following is substituted therefor:—

"29. *Larch Hills Forest Reserve* situate in the province of British Columbia and more particularly described as follows:—

Consisting of the following sections in township 20, range 8: sections 18, 19, 20, 29, 30, 31 and 32, the north half and southwest quarter of section 17, and those portions of sections 21 and 28 lying west of the west shore of Mara Lake; the following sections in township 20, range 9: sections 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36, legal subdivisions 4, 5, 12 and 13 of section 14, the northeast quarter of section 16 and the east halves of sections 21, 28 and 33; the following sections in township 21, range 8: sections 5, 6, 7, 8, 16, 22, the north half and southwest quarter of section 9, those portions of sections 14, 15 and 25, lying west of the west shore of Mara Lake, the northwest quarter and that portion of the south half of section 23, not included in Mara Lake, that portion of section 24 lying west of the west shore of Mara Lake except legal subdivisions 12 and 13 and that part of legal subdivision 14 lying west of the west boundary of the right of way of the Shuswap and Okanagan Railway; the north half and southwest quarter of section 26, that portion of section 36 lying west of the west shore of Mara Lake and Sicamous Narrows, those portions of sections 17, 18, 20, 21, 27, 28, 34 and 35, lying south of the south shore of Salmon Arm of Shuswap Lake; the following sections in township 21, range 9: sections 1, 2, 3, 11, 12, the east half of section 4 and those portions of the east half of section 9 and of sections 10, 13, 14, 15, 23 and 24, lying south of the south shore of Salmon Arm of Shuswap Lake; all being west of the sixth meridian and containing by admeasurement 43.12 square miles, more or less."

(16) Paragraph thirty-one of the said Schedule is amended by striking out the figure "7" in the twelfth line from the end of the said paragraph and by inserting after the figure "6" in the thirteenth line from the end of the said paragraph the following: "the south half and legal subdivisions 11 and 12 of section 7" and by striking out the figures and words "219.50 square miles" in the last line and the second line from the end of the said paragraph and inserting therefor the figures and words "219.38 square miles."

(17) Paragraph thirty-three of the said Schedule is amended by striking out the figures "19" in the seventh line from the end of the said paragraph and inserting therefor the figures "29."

(18) Paragraph thirty-four of the said Schedule is amended by striking out the words "the east half of legal subdivisions" in the sixth line of the said paragraph and

inserting therefor "the east half and legal subdivisions"; and by striking out the words and figures "all of sections 1 except that part included in Kamloops Indian Reserve No. 4, those parts of sections 2 and 3, and the northeast quarter of section 4 lying north of the north boundary of Kamloops Indian Reserve No. 1" in the twenty-ninth to the thirty-third lines of the said paragraph and by inserting therefor "those portions of sections 1, 2 and 3 and of the east half of section 4 which are not included in Kamloops Indian Reserve No. 1;"

(19) Paragraph thirty-nine of the said schedule is amended by striking out the word "east" in the twenty-sixth line of the said paragraph and inserting therefor the word "west" and by striking out the figures "17" in the thirty-third line of the said paragraph.

(20) The following paragraph is added to the end of the said Schedule:—

"40. Shuswap Forest Reserve situate in the province of British Columbia and more particularly described as follows:—

Consisting of the following sections in township 23, range 2, sections 36, 31 and 32 and those portions of sections 25, 26, 27 and 34 lying north of Shuswap Lake; the following townships in township 23, range 3: sections 25, 26, 27, 28, 29, 32, 31, 32, 33, 34, 35 and 36 and the north half of section 30; the following sections in township 23, range 10: sections 26, 31, 32, 33 and 36, the northwest quarter of section 20, the north half of section 19, the north half of section 24, the northeast quarter of section 25, the northwest quarter of section 23, the north half and southwest quarter of section 35 and the north half of section 34; the following sections in township 23, range 11: sections 7, 8, 9, 16, 17, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, that portion of the north half of section 4 which is not included in Indian Reserve No. 4, the north halves of sections 5 and 6; the northeast quarter of section 24 and the east half of section 30; all of the sections in township 22, range 12, except sections 1, 5, 6, 7, 8, 17 and 18; the south half and northwest quarter of section 17, and those portions of sections 3; 15, 16, 20 and 21 which are included in Indian Reserve No. 1; the following sections in township 23, range 13: section 36, the north half of section 25 and those portions of section 35 and of the north half of section 24 lying east of the east shore of Adams Lake; all of the sections and fractional sections in township 24, range 2, lying west of the west shore of Seymour Arm of Shuswap Lake; all of the sections in township 24, ranges 9, 10, 11 and 12; the following sections in township 24, range 13: sections 1, 12 and 13 and those portions of sections 2, 11 and 14 lying east of the east shore of Adams Lake; all of

inserting therefor "the east half and legal subdivisions," and by striking out the words and figures "all of section 1 except that part included in Kamloops Indian Reserve No. 1, those parts of sections 2 and 3, and the northeast quarter of section 4 lying north of the north boundary of Kamloops Indian Reserve No. 1" in the twenty-ninth to the thirty-third lines of the said paragraph and by inserting therefor "those portions of sections 1, 2 and 3 and of the east half of section 4 which are not included in Kamloops Indian Reserve No. 1."

(19) Paragraph thirty-nine of the said Schedule is amended by striking out the word "east" in the twenty-sixth line of the said paragraph and inserting therefor the word "west" and by striking out the figures "17" in the thirty-third line of the said paragraph.

(20) The following paragraph is added to the end of the said Schedule:—

"40. *Shuswap Forest Reserve* situate in the province of British Columbia and more particularly described as follows:—

Consisting of the following sections in township 23, range 8: sections 30, 31 and 32 and those portions of sections 28, 29, 33 and 34 lying north of Shuswap Lake; the following sections in township 23, range 9: sections 25, 26, 27, 28, 29, 31, 32, 33, 34, 35 and 36 and the north half of section 30; the following sections in township 23, range 10: sections 29, 30, 31, 32, 35 and 36, the northwest quarter of section 20, the north half of section 19, the north half of section 25, the northeast quarter of section 26, the northwest quarter of section 28, the north half and southwest quarter of section 33 and the north half of section 34; the following sections in township 23, range 11: sections 7, 8, 9, 16, 17, 18, 19, 20, 21, 25, 28, 29, 30, 31, 32, 33, 34, 35, and 36, that portion of the north half of section 4 which is not included in Indian Reserve No. 4, the north halves of sections 5 and 6; the northeast quarter of section 24 and the east half of section 26; all of the sections in township 23, range 12, except sections 4, 5, 6, 7, 8, 17 and 18, the south half and northwest quarter of section 19, and those portions of sections 9, 15, 16, 20 and 21 which are included in Indian Reserve No. 1; the following sections in township 23, range 13: section 36, the north half of section 25 and those portions of section 35 and of the north half of section 26 lying east of the east shore of Adams Lake; all of the sections and fractional sections in township 24, range 8, lying west of the west shore of Seymour Arm of Shuswap Lake; all of the sections in township 24, ranges 9, 10, 11 and 12; the following sections in township 24, range 13: sections 1, 12 and 13 and those portions of sections 2, 11 and 14 lying east of the east shore of Adams Lake; all of

the sections and fractional sections included in the Railway Belt and lying west of the west shore of Seymour Arm of Shuswap Lake in township 25, range 8, except the northeast quarter of section 34; all of the sections in township 25, ranges 9, 10 and 11 which are included in the Railway Belt; the following sections in township 25, range 12: sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12 and that portion of section 7 lying east of the east shore of Adams Lake; that portion of the east halves of sections 1 and 12, township 25, range 13, lying east of the east shore of Adams Lake; all being west of the sixth meridian and containing by admeasurement 326.0 square miles, more or less.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 97.

An Act to amend The Dominion Forest Reserves and Parks Act.

AS PASSED BY THE HOUSE OF COMMONS, 1st JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
20124 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 97.

An Act to amend The Dominion Forest Reserves and Parks Act.

1911, c. 10; 1913, c. 18; 1914, c. 32; 1916, c. 15; 1918, c. 4; 1 19, cc. 17, 19; 1923, c. 13.

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

Schedule amended.

1. The Schedule to *The Dominion Forest Reserves and Parks Act,* as enacted by chapter thirteen of the statutes of 1923, is amended as follows:—

(1) Paragraph one of the said Schedule is amended by striking out the words and figures "except sections 1, 12, 13, 24, 25, 36 and the east halves of sections 2, 11, 14, 23, 26 and 35," in the nineteenth and twentieth lines of the said paragraph and inserting therefor "except sections 1, 12, 13 and 24, the east halves of sections 2 and 11, the southeast quarter of section 14, those portions of the northeast quarter of section 14 and of the east halves of sections 23, 26 and 35 lying east of the Whitemouth River, the north half, the southeast quarter and that portion of the southwest quarter of section 25 lying east of the Whitemouth River, and that portion of section 36 lying south or east of the Whitemouth River:" and by striking out the figures and words "187.75 square miles" in the last line of the said paragraph and inserting therefor the figures and words "189.30 square miles."

(2) Paragraph three of the said Schedule is amended by inserting the figure "9" preceded and followed by a comma after the figure "2" in the twentieth line of the said paragraph.

(3) Paragraph four of the said Schedule is amended by striking out the words and figures "and sections 35 and 36" in the fifteenth line from the end of the said paragraph and inserting therefor "and sections 26, 35 and 36" and by striking out the figures and words "1,148.79 square miles"

Explanatory Note.

The revisions in the boundaries of established Forest Reserves as specified in this Bill are, in general, necessary in order to provide for the withdrawal from forestry reservation of lands which intensive examination has shown to be of sufficient agricultural value to warrant such action and in other instances to make provision for the addition to the reserves of non-agricultural areas which adjoin the present reserve boundaries and which, for some particular reason, are essential to the best development of the reserve.

Prior to the creation of forest reserves it is the practice to examine the areas which are eventually included therein with a view to excluding all agricultural lands. However, lying between the true forest lands which should be permanently dedicated to the growing of timber and the areas of undoubted agricultural value there is frequently a transition zone comprised of lands which can not, without the possibility of error be placed in either class. Therefore it sometimes occurs that lands in this transition zone are placed under forestry reservation and owing to the subsequent removal of the timber or to the agricultural development of contiguous areas, they offer a fair opportunity for successful settlement and all areas the withdrawal of which is provided for in this Bill are of this character.

As an instance the proposed withdrawals from the Pasquia and Porcupine No. 2 Reserves in Saskatchewan are considered advisable owing to the fact that areas with soil suitable for agricultural development but covered with a dense stand of merchantable timber, were included in the reserves in order that proper fire protection might be afforded but as a large percentage of the timber has now been removed and as the soil is of good quality it is deemed advisable to make these areas available for settlement.

The revision in the description of the Rocky Mountains Forest Reserve in Alberta is necessary owing to the fact that it has been determined by survey that the interprovincial boundary between that province and British Columbia is located further west than assumed when, prior to survey, the former description was prepared.

The addition of an area of wholly non-agricultural lands to the Larch Hills Forest Reserve in British Columbia is essential to the development of a forest working-plan for the Larch Hills district. The enlarged reserve is to be developed as a demonstration forest and given more intensive protection in order that it may serve an educational purpose in improved forest methods.

The proposed Shuswap Lake Forest Reserve, also in British Columbia, is comprised of an area of strictly non-agricultural land, being a rugged and precipitous country of high altitude. All lands suitable for settlement have been carefully excluded, leaving within the proposed reserve an area which is incapable of sustaining settlement. The proposed reserve includes some excellent timber, which however, is as yet too remote for profitable exploitation. To ensure adequate protection thereof it is essential that facilities for communication and transport, which can be afforded only in forest reserves, be provided.

in the last line of the said paragraph and inserting therefor the figures and words "1,148.29 square miles."

(4) Paragraph five of the said Schedule is amended by striking out the words and figures "the following sections in township 29, range 28: sections 10, 11, 12, 13, 14, 15, 16, 23, 24 and 25, the west half of section 2, and those parts of sections 3, 4, 8, 9, 17, 20, 26, 35 and 36 and of the northeast quarter of section 5, the east half of sections 18 and 19 lying east of the east bank of Shell River and those parts of sections 21 and 22, the south half of sections 27 and 29 and the southwest quarter of section 28 lying south of the south bank of Shell River" in the nineteenth to the twenty-seventh lines of the said paragraph and by striking out the words and figures "those parts of section 1 and of the southeast quarter of section 12, township 30, range 28, lying east of the east bank of the Shell River:" in the twenty-ninth to the thirty-second lines of the said paragraph and by striking out the figures and words "1,462.25 square miles" in the second line from the end of the said paragraph and inserting therefor the figures and words "1,426.29 square miles."

(5) Paragraph seven of the said Schedule is amended by inserting after the figures "31" in the fifth line of the said paragraph the following "except the southwest quarter of section 4; the following lands in township 36, range 32: the northwest quarter of section 13 and the northwest quarter of section 25," and by striking out the words and figures, "the following sections in township 43, range 7: sections 31, 32, 33, 34, 35 and 36, the north halves of sections 26, 27 and 30 and the northwest quarter of section 29;" in the seventeenth, eighteenth, nineteenth and twentieth lines from the end of the said paragraph, and by striking out the words and figures "those portions of sections 13, 23, 24, 26, 27 and 34 lying north of the north shore of Bjork Lake" in the ninth, tenth and eleventh lines from the end of the said paragraph and inserting therefor "the north half of legal subdivision 1, and those portions of legal subdivisions 7 and 8 of the north half of section 13 lying east of the east shore of Bjork Lake and those portions of sections 23, 24, 26, 27 and 34 lying north of the north shore of Bjork Lake," and by striking out the words and figures "all of the sections in township 44, range 3, except sections 1, 2, 3, 4, 5, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34 and that part of section 6 lying east of the east bank of the Etomami River; all of the sections in township 44, ranges 4, 5, 6, 7, 8, 9, 10 and 11;" in the third, fourth, fifth, sixth and seventh lines from the end of the said paragraph and inserting therefor "the following sections in township 44, range 3: sections 23, 24, 25, 26, 35 and 36, the northeast quarter of section 15 and that part of section 6 lying west of the west bank of the Etomami River; the following sections in township 44, range 4: sections 1, 2, 3, 4, 5, 6, 11, 12 and 13,

and those portions of sections 7, 8, 9, 10 and 25 lying south of the south bank of Red Deer River and those portions of sections 14, 15, 23 and 24 lying east of the east bank of Red Deer River; all of the sections in township 44, ranges 5 and 6; legal subdivision 7 of section 18, township 44, range 7; all of the sections in township 44, ranges 8, 9 and 10; all of the sections in township 44, range 11, except sections 6 and 7 and the west half of section 18"; and by striking out the figures and words "2,889.75 square miles" in the last line of the said paragraph and inserting therefor the figures and words "2,701.0 square miles."

(6) Paragraph eleven of the said Schedule is amended by striking out the words and figures "sections 19, 20, 21, 28, 29, 30, 31, 32, 33 and those portions of sections 22, 27 and 34 not included in the White Bear Indian Reserve No. 70," in the fifth, sixth and seventh lines of the said paragraph and inserting therefor the following: "sections 17, 18, 20, 21, 28, 29, 30, 31, 32, 33, the north half of section 16 and those portions of sections 22, 27 and 34 and of the north-west quarter of section 15 not included in the White Bear Indian Reserve No. 70," and by striking out the figures "15," in the twenty-fifth line of the said paragraph and by striking out the figures and words "1,93.25 square miles" in the second line from the end of the said paragraph and inserting therefor the figures and words "1,84.0 square miles."

(7) Paragraph twelve of the said Schedule is amended by striking out the following in the thirty-third to the thirty-ninth lines of the said paragraph: "Township 44, ranges 6 and 7; the following sections in township 43, ranges 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, 34, 35, 36; all of the sections in township 43, range 5, except sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, 34, 35, 36; the southwest quarter of section 18 and the south-east quarter of section 17; all of the sections in township 42, ranges 5, 6, 7, 8, 9 and 10;" and inserting therefor the following: "Township 44, ranges 6 and 7; all of the sections in township 43, range 5 except 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, 34, 35, 36; all of the sections in township 43, range 6 and 7; all of the sections in township 43, range 8, except 1, 2, 3, 4, 5 and 6 and those portions of sections 7, 8, 9, 10, 11 and 14 and of the south half and north-east quarter of section 17 lying south of the southern boundary of the Canadian National Railway right-of-way; all of the sections in township 43, range 9; the following sections in township 43, range 9: sections 1 to 12 inclusive; the following sections in township 43, range 10: sections 1 to 5 inclusive, and sections 21, 30, 31, 32 and 33, the north half of section 17 and 19, the northwest quarter of section 20, and the west half of section 28;" and by striking out the figures and words "2,014.00 square miles" in the last line and the second line from the end of the said paragraph and inserting therefor the figures and words "2,356.75 square miles."

and those portions of sections 7, 8, 9, 10 and 25 lying south of the south bank of Red Deer River and those portions of sections 14, 15, 23 and 24 lying east of the east bank of Red Deer River; all of the sections in township 44, ranges 5 and 6; legal subdivision 7 of section 18, township 44, range 7; all of the sections in township 44, ranges 8, 9 and 10; all of the sections in township 44, range 11, except sections 6 and 7 and the west half of section 18"; and by striking out the figures and words "2,869.75 square miles" in the last line of the said paragraph and inserting therefor the figures and words "2,791.0 square miles."

(6) Paragraph eleven of the said Schedule is amended by striking out the words and figures "sections 19, 20, 21, 28, 29, 30, 31, 32, 33 and those portions of sections 22, 27 and 34 not included in the White Bear Indian Reserve No. 70," in the fifth, sixth and seventh lines of the said paragraph and inserting therefor the following: "sections 17, 19, 20, 21, 28, 29, 30, 31, 32, 33, the north half of section 16 and those portions of sections 22, 27 and 34 and of the northwest quarter of section 15 not included in the White Bear Indian Reserve No. 70," and by striking out the figures "15", in the twenty-fifth line of the said paragraph and by striking out the figures and words, "153.35 square miles" in the second line from the end of the said paragraph and inserting therefor the figures and words "154.0 square miles."

(7) Paragraph twelve of the said Schedule is amended by striking out the following in the thirty-third to the thirty-ninth lines of the said paragraph: "Also consisting of the following sections in township 45, range 3; sections 19, 20, 29, 30, 31 and 32; all of the sections in township 45, range 4, except sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13; the southwest quarter of section 16 and the southeast quarter of section 17; all of the sections in township 45, ranges 5, 6, 7, 8, 9 and 10;" and inserting therefor the following: "Also consisting of all of the sections in township 45, ranges 5 and 6; all of the sections in township 45, range 7, except sections 1, 2, 3, 4, 5 and 6 and those portions of sections 8, 9, 10, 11 and 12 and of the south half and northeast quarter of section 7 lying south of the southern boundary of the Canadian National Railway right-of-way; all of the sections in township 45, range 8; the following sections in township 45, range 9: sections 1 to 12 inclusive; the following sections in township 45, range 10: sections 1 to 12 inclusive, and sections 29, 30, 31, 32 and 33, the north halves of sections 17 and 19, the northwest quarter of section 21, and the west half of section 28;" and by striking out the figures and words "2,614.50 square miles" in the last line and the second line from the end of the said paragraph and inserting therefor the figures and words "2,535.75 square miles."

(8) Paragraph fifteen of the said Schedule is amended by striking out the figures "10" in the sixth line of the said paragraph, and by inserting after the figures "26" in the sixth line of the said paragraph the following words and figures: "The north half and the southeast quarter of Section 10" and by striking out the figures and words "66.75 square miles" in the second line from the end of said paragraph and inserting therefor the figures and words "66.50 square miles."

(9) Paragraph sixteen of the said Schedule is amended by striking out the words and figures "sections 31, 32, 33 and 34; the west half of section 35, those parts of section 30 and the northwest quarter of section 26 lying north of the north bank of the Saskatchewan River," in the nineteenth to the twenty-second lines of the said paragraph and inserting therefor the following: "sections 31, 32, 33, 34, 35 and 36, those parts of section 30 and the north halves of sections 25 and 26 lying north of the north bank of the Saskatchewan River," and by striking out the figures "33" in the twenty-eighth line of the said paragraph and by inserting after the figures "26" in the twenty-ninth line of the said paragraph the words and figures "the north half of section 33," and by striking out the words and figures "except section 1 and the east half of section 2" in the thirty-third and thirty-fourth lines of the said paragraph and by striking out the figures and words "508.0 square miles" in the last line of the said paragraph and inserting therefor the figures and words "510.75 square miles."

(10) Paragraph seventeen of the said Schedule is amended by striking out the words and figures "the north half and southeast quarter and that portion of the southwest quarter of section 10 lying east of the east bank of the Shell River" in the twenty-sixth to the twenty-eighth lines of the said paragraph and inserting therefor "the north half of section 10, that portion of the southeast quarter of section 10, lying north of the northern boundary of the right-of-way of the Canadian National Railway and that portion of the southwest quarter of section 10, lying east of the east bank of the Shell River," and by striking out the words and figure "and fractional section 3" in the twenty-sixth and twenty-seventh lines from the end of the said paragraph and by striking out the figures "14" in the fifth line from the end of the said paragraph and inserting after the figure "8" in the fourth line from the end of the said paragraph the words and figures "the south half, the northeast quarter, and legal subdivisions 11 and 12 of section 14," and by striking out the figures and words "155.59 square miles" in the last line of the said paragraph and inserting therefor the figures and words "155.28 square miles."

(11) Paragraph eighteen of the said Schedule is amended by inserting the following after the figures "18" in the

eighteenth line of the said paragraph: "and legal subdivisions 13 and 14 of section 30;" and by striking out the figures and words "101.05 square miles" in the last line of the said paragraph, and inserting therefor the figures and words "100.98 square miles."

(12) Paragraph twenty-one of the said Schedule is repealed and the following is substituted therefor:—

"21. Cypress Hills Forest Reserve No. 2 situate in the province of Saskatchewan and more particularly described as follows:—

Consisting of the following sections in township 7, range 29: sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36; the following sections in township 7, range 30: sections 25, 26, 27, 34, 35 and 36, and fractional sections 24 and 33; the following sections in township 8, range 29: sections 15, 16, 17, 18, 19, 20, 21, 27, 28, 29 and 30; the following sections in township 8, range 27: sections 13, 14, 23, 24, 25 and 26; all of the sections in township 8, range 29, except sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36; the following sections in township 8, range 30: sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, and fractional sections 4, 9, 16 and 21; the following sections in township 9, range 29: sections 19, 20, 21, 28, 29, 30, 31, 32, 33, 34, 35 and 36; the north half of section 17, the northeast quarter of section 18, the north half and southeast quarter of section 22, the south half and northwest quarter of section 23, the north half of section 24, the south half and northeast quarter of section 26, the northeast quarter of section 27, the west half of section 28, and the north half and southeast quarter of section 34; the following sections in township 9, range 30: sections 6, 7, 17, 20, 21, 22 and 27, the north half of section 10, the south half and northeast quarter of section 15, the south half and northwest quarter of section 26, the south half of section 28, the southeast quarter of section 34, the west half of section 35 and legal subdivisions 1, 2, 3 and 8 of section 36; all being west of the third Meridian and containing by admeasurement 98.70 square miles, more or less."

(13) Paragraph twenty-two of the said Schedule is amended by striking out the words "northwest quarter" in the eighth line of the said paragraph and inserting therefor the words "north half"; and by striking out the words and figures "those portions of the west half of section 23 and the southwest quarter of section 26, lying west of Manito Lake," in the thirty-sixth to the thirty-eighth lines of the said paragraph; and by striking out the words and figures "that portion of the east half of section 28, that lies north of the narrows inlet formed by Manito Lake, that portion of the northwest quarter of section 28 included in Manito Lake," in the thirty-ninth to the forty-second lines of said paragraph; and by striking out the words and figures

eighteenth line of the said paragraph: "and legal subdivisions 12 and 13 of section 30;" and by striking out the figures and words "161.05 square miles" in the last line of the said paragraph and inserting therefor the figures and words "160.93 square miles."

(12) Paragraph twenty-one of the said Schedule is repealed and the following is substituted therefor:—

"21. *Cypress Hills Forest Reserve No. 2* situate in the province of Saskatchewan and more particularly described as follows:—

Consisting of the following sections in township 7, range 29: sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36; the following sections in township 7, range 30: sections 25, 26, 27, 34, 35 and 36, and fractional sections 28 and 33; the following sections in township 8, range 26: sections 15, 16, 17, 18, 19, 20, 21, 27, 28, 29 and 30; the following sections in township 8, range 27: sections 13, 14, 23, 24, 25 and 26; all of the sections in township 8, range 29, except sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36; the following sections in township 8, range 30: sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, and fractional sections 4, 9, 16 and 21; the following sections in township 9, range 24: sections 19, 20, 21, 25, 29, 30, 31, 32, 33, 35 and 36, the north half of section 17, the northeast quarter of section 18, the north half and southeast quarter of section 22, the south half and northeast quarter of section 23, the north half of section 24, the south half and northeast quarter of section 26, the southeast quarter of section 27, the west half of section 28, and the north half and southeast quarter of section 34; the following sections in township 9, range 25: sections 6, 7, 17, 20, 21, 22 and 27, the north half of section 16, the south half and northeast quarter of section 18, the south half and northwest quarter of section 26, the south half of section 28, the southeast quarter of section 34, the west half of section 35 and legal subdivisions 1, 2, 3 and 8 of section 36; all being west of the third Meridian and containing by admeasurement 98.10 square miles, more or less."

(13) Paragraph twenty-two of the said Schedule is amended by striking out the words "northwest quarter" in the sixth line of the said paragraph and inserting therefor the words "north half"; and by striking out the words and figures "those portions of the west half of section 23 and the southwest quarter of section 26, lying west of Manito Lake," in the thirty-sixth to the thirty-eighth lines of the said paragraph; and by striking out the words and figures "that portion of the east half of section 28, that lies north of the narrow inlet formed by Manito Lake, that portion of the northwest quarter of section 28 included in Manito Lake," in the thirty-ninth to the forty-second lines of said paragraph; and by striking out the words and figures

"and the north half of section 27" in the seventh and eighth lines from the end of the said paragraph and inserting therefor "and the north half and southwest quarter of section 28"; and by striking out the figures and words "1,80.32 square miles" in the second line from the end of the said paragraph and inserting therefor the figures and words "1,80.00 square miles."

(14) Paragraph twenty-four of the said Schedule is amended by striking out the following words and figures in the seventeenth to the thirty-seventh lines from the end of the said paragraph: "also consisting of all of the sections in townships 52, 53, 54, 55 and 56, ranges 1, 2, 3, 4, 5, 6, 7, 8 and 9, those portions of township 52, ranges 10, 11 and 12, lying in the province of Alberta; all of the sections in township 53, range 10; those portions of township 53, ranges 11 and 12, lying in the province of Alberta; all of the sections in township 54, range 10; those portions of township 54, ranges 11 and 12, lying in the province of Alberta, all of the sections in township 55, range 10, those portions of township 55, ranges 11 and 12, lying in the province of Alberta; all of the sections in township 56, ranges 11, 12 and 13, lying in the province of Alberta; sections 5 and 6, township 57, range 9, all of the sections in township 57, range 9, except sections 23, 24, 25, 26, 35 and 36; all of the sections in township 57, ranges 10 and 11; those portions of township 57, ranges 12 and 13, lying in the province of Alberta; the following sections in township 58, range 9: sections 5, 6, 7, 8, 17 and 18; all of the sections in township 58, ranges 10, 11 and 12; those portions of township 58, ranges 13 and 14, lying in the province of Alberta;" and inserting therefor the following: "Also consisting of all of the sections in townships 52, 53, 54, 55, 56, ranges 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11; all of the sections in townships 52, 53 and 56, range 12; those portions of townships 53 and 54, range 12 lying in the province of Alberta; those portions of townships 55, 56, 57 and 58, range 13, lying in the province of Alberta; those portions of townships 55, 56, 57 and 58, range 14, lying in the province of Alberta; all of the sections in township 56, range 13; sections 5 and 6, township 57, range 9; all of the sections in township 57, range 9, except sections 23, 24, 25, 26, 35 and 36; all of the sections in township 57, ranges 10, 11, 12 and 13; those portions of township 57, range 14, lying in the province of Alberta; the following sections in township 58, range 9: sections 5, 6, 7, 8, 17 and 18; all of the sections in township 58, ranges 10, 11, 12, 13 and 14; those portions of township 58, range 14, lying in the province of Alberta;" and by striking out the figures and words "13,434 square miles" in the second line from the end of the said paragraph and inserting therefor the figures and words "13,780.0 square miles."

"and the north half of section 29" in the seventh and eighth lines from the end of the said paragraph and inserting therefor "and the north half and southwest quarter of section 29"; and by striking out the figures and words "180.23 square miles" in the second line from the end of the said paragraph and inserting therefor the figures and words "180.95 square miles."

(14) Paragraph twenty-four of the said Schedule is amended by striking out the following words and figures in the seventeenth to the thirty-seventh lines from the end of the said paragraph: "Also consisting of all of the sections in townships 52, 53, 54, 55 and 56, ranges 1, 2, 3, 4, 5, 6, 7, 8 and 9, those portions of township 52, ranges 10, 11 and 12, lying in the province of Alberta; all of the sections in township 53, range 10; those portions of township 53, ranges 11 and 12, lying in the province of Alberta; all of the sections in township 54, range 10; those portions of township 54, ranges 11 and 12, lying in the province of Alberta, all of the sections in township 55, range 10, those portions of township 55, ranges 11 and 12, lying in the province of Alberta; all of the sections in township 56, range 10; those portions of township 56, ranges 11, 12 and 13, lying in the province of Alberta; sections 5 and 6, township 57, range 8, all of the sections in township 57, range 9, except sections 23, 24, 25, 26, 35 and 36; all of the sections in township 57, ranges 10 and 11; those portions of township 57, ranges 12 and 13, lying in the province of Alberta; the following sections in township 58, range 9; sections 5, 6, 7, 8, 17 and 18; all of the sections in township 58, ranges 10, 11 and 12; those portions of township 58, ranges 13 and 14, lying in the province of Alberta"; and inserting therefor the following: "Also consisting of all of the sections in townships 52, 53, 54, 55, 56, ranges 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11; all of the sections in townships 52, 55 and 56, range 12; those portions of townships 53 and 54, range 12 lying in the province of Alberta; those portions of townships 52, 53, 54 and 55, range 13, lying in the province of Alberta; those portions of townships 53, 54, 55 and 56, range 14, lying in the province of Alberta; all of the sections in township 56, range 13; sections 5 and 6, township 57, range 8; all of the sections in township 57, range 9, except sections 23, 24, 25, 26, 35 and 36; all of the sections in township 57, ranges 10, 11, 12 and 13; those portions of township 57, range 14, lying in the province of Alberta; the following sections in townships 58, range 9: sections 5, 6, 7, 8, 17 and 18; all of the sections in township 58, ranges 10, 11. 12 and 13; those portions of township 58, range 14, lying in the province of Alberta"; and by striking out the figures and words "13,454 square miles" in the second line from the end of the said paragraph and inserting therefor the figures and words "13,786.0 square miles."

(15) Paragraph twenty-nine of the said Schedule is repealed and the following is substituted therefor:—

"29. Lower Hills Forest Reserve situate in the province of British Columbia and more particularly described as follows:—

Consisting of the following sections in township 20, range 8: sections 18, 19, 30, 29, 30, 31 and 32, the north half and southwest quarter of section 17, and those portions of sections 21 and 28 lying west of the west shore of Mara Lake; the following sections in township 20, range 9: sections 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36, legal subdivisions 4, 5, 12 and 13 of section 14, the northeast quarter of section 16 and the east halves of sections 21, 28 and 33; the following sections in township 21, range 8: sections 5, 6, 7, 8, 16, 22, the north half and southwest quarter of section 9, those portions of sections 14, 15 and 23, lying west of the west shore of Mara Lake, the northwest quarter and that portion of the south half of section 23, not included in Mara Lake, that portion of section 24 lying west of the west shore of Mara Lake except legal subdivisions 12 and 13 and that part of legal subdivision 14 lying west of the west boundary of the right of way of the Shuswap and Okanagan Railway; the north half and southwest quarter of section 25, that portion of section 26 lying west of the west shore of Mara Lake and Sicamous Narrows, those portions of sections 17, 18, 20, 21, 27, 28, 34 and 35, lying south of the south shore of Salmon Arm of Shuswap Lake; the following sections in township 21, range 9: sections 1, 2, 3, 11, 12, the east half of section 4 and those portions of the east half of section 9 and of sections 10, 13, 14, 15, 23 and 24, lying south of the south shore of Salmon Arm of Shuswap Lake; all being west of the sixth meridian and containing by admeasurement 48.12 square miles, more or less."

(16) Paragraph thirty-one of the said Schedule is amended by striking out the figure "7" in the twelfth line from the end of the said paragraph and by inserting after the figure "0" in the thirteenth line from the end of the said paragraph the following: "the south half and legal subdivisions 11 and 12 of section 7" and by striking out the figures and words "219.50 square miles" in the last line and the second line from the end of the said paragraph and inserting therefor the figures and words "219.38 square miles."

(17) Paragraph thirty-three of the said Schedule is amended by striking out the figures "10" in the seventh line from the end of the said paragraph and inserting therefor the figures "20."

(18) Paragraph thirty-four of the said Schedule is amended by striking out the words "the east half of legal subdivisions" in the sixth line of the said paragraph and

(15) Paragraph twenty-nine of the said Schedule is repealed and the following is substituted therefor:—

"29. *Larch Hills Forest Reserve* situate in the province of British Columbia and more particularly described as follows:—

Consisting of the following sections in township 20, range 8: sections 18, 19, 20, 29, 30, 31 and 32, the north half and southwest quarter of section 17, and those portions of sections 21 and 28 lying west of the west shore of Mara Lake; the following sections in township 20, range 9: sections 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36, legal subdivisions 4, 5, 12 and 13 of section 14, the northeast quarter of section 16 and the east halves of sections 21, 28 and 33; the following sections in township 21, range 8: sections 5, 6, 7, 8, 16, 22, the north half and southwest quarter of section 9, those portions of sections 14, 15 and 25, lying west of the west shore of Mara Lake, the northwest quarter and that portion of the south half of section 23, not included in Mara Lake, that portion of section 24 lying west of the west shore of Mara Lake except legal subdivisions 12 and 13 and that part of legal subdivision 14 lying west of the west boundary of the right of way of the Shuswap and Okanagan Railway; the north half and southwest quarter of section 26, that portion of section 36 lying west of the west shore of Mara Lake and Sicamous Narrows, those portions of sections 17, 18, 20, 21, 27, 28, 34 and 35, lying south of the south shore of Salmon Arm of Shuswap Lake; the following sections in township 21, range 9: sections 1, 2, 3, 11, 12, the east half of section 4 and those portions of the east half of section 9 and of sections 10, 13, 14, 15, 23 and 24, lying south of the south shore of Salmon Arm of Shuswap Lake; all being west of the sixth meridian and containing by admeasurement 43.12 square miles, more or less."

(16) Paragraph thirty-one of the said Schedule is amended by striking out the figure "7" in the twelfth line from the end of the said paragraph and by inserting after the figure "6" in the thirteenth line from the end of the said paragraph the following: "the south half and legal subdivisions 11 and 12 of section 7" and by striking out the figures and words "219.50 square miles" in the last line and the second line from the end of the said paragraph and inserting therefor the figures and words "219.38 square miles."

(17) Paragraph thirty-three of the said Schedule is amended by striking out the figures "19" in the seventh line from the end of the said paragraph and inserting therefor the figures "29."

(18) Paragraph thirty-four of the said Schedule is amended by striking out the words "the east half of legal subdivisions" in the sixth line of the said paragraph and

inserting therein "the east half and local subdivisions," and by striking out the words and figures "all of section 1 except that part included in Kamloops Indian Reserve No. 1; those parts of sections 2 and 3, and the northeast quarter of section 4 lying north of the north boundary of Kamloops Indian Reserve No. 1" in the twenty-ninth to the thirty-third lines of the said paragraph and by inserting therefor "those portions of sections 1, 2 and 3 and of the east half of section 4 which are not included in Kamloops Indian Reserve No. 1."

(18) Paragraph thirty-nine of the said Schedule is amended by striking out the word "east" in the twenty-sixth line of the said paragraph and inserting therefor the word "west" and by striking out the figures "17" in the thirty-third line of the said paragraph.

(20) The following paragraph is added to the end of the said Schedule:—

"40. Adams River Reserve situate in the province of British Columbia and more particularly described as follows:—

Consisting of the following sections in township 22, range 8: sections 30, 31 and 32 and those portions of sections 28, 29, 33 and 34 lying north of Adams Lake; the following sections in township 23, range 8: sections 25, 27, 28, 29, 31, 32, 33, 34, 35 and 36 and the north half of section 26; the following sections in township 28, range 10: sections 29, 30, 31, 32, 33 and 36, the southwest quarter of section 20, the north half of section 19, the north half of section 24, the northeast quarter of section 25, the northwest quarter of section 26, the north half and southwest quarter of section 28, the north half of section 34; the following sections in township 23, range 11: sections 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, 34, 35, and 36, that portion of the north half of section 4 which is not included in Indian Reserve No. 4, the north halves of sections 5 and 6; the northeast quarter of section 24 and the east half of section 25; all of the sections in township 23, range 12, except sections 4, 5, 6, 7, 8, 17 and 18, the south half and northwest quarter of section 19, and those portions of sections 9, 16, 20 and 21 which are included in Indian Reserve No. 1; the following sections in township 24, range 13: section 36, the north half of section 25 and those portions of section 35 and of the north half of section 26 lying east of the east shore of Adams Lake; all of the sections and fractional sections in township 24, range 8, lying west of the west shore of Seymour Arm of Shuswap Lake; all of the sections in township 24, ranges 9, 10, 11 and 12; the following sections in township 24, range 13: sections 1, 12 and 13 and those portions of sections 2, 11 and 14 lying east of the east shore of Adams Lake; all of

inserting therefor "the east half and legal subdivisions," and by striking out the words and figures "all of section 1 except that part included in Kamloops Indian Reserve No. 1, those parts of sections 2 and 3, and the northeast quarter of section 4 lying north of the north boundary of Kamloops Indian Reserve No. 1" in the twenty-ninth to the thirty-third lines of the said paragraph and by inserting therefor "those portions of sections 1, 2 and 3 and of the east half of section 4 which are not included in Kamloops Indian Reserve No. 1."

(19) Paragraph thirty-nine of the said Schedule is amended by striking out the word "east" in the twenty-sixth line of the said paragraph and inserting therefor the word "west" and by striking out the figures "17" in the thirty-third line of the said paragraph.

(20) The following paragraph is added to the end of the said Schedule:—

"40. *Shuswap Forest Reserve* situate in the province of British Columbia and more particularly described as follows:—

Consisting of the following sections in township 23, range 8: sections 30, 31 and 32 and those portions of sections 28, 29, 33 and 34 lying north of Shuswap Lake; the following sections in township 23, range 9: sections 25, 26, 27, 28, 29, 31, 32, 33, 34, 35 and 36 and the north half of section 30; the following sections in township 23, range 10: sections 29, 30, 31, 32, 35 and 36, the northwest quarter of section 20, the north half of section 19, the north half of section 25, the northeast quarter of section 26, the northwest quarter of section 28, the north half and southwest quarter of section 33 and the north half of section 34; the following sections in township 23, range 11: sections 7, 8, 9, 16, 17, 18, 19, 20, 21, 25, 28, 29, 30, 31, 32, 33, 34, 35, and 36, that portion of the north half of section 4 which is not included in Indian Reserve No. 4, the north halves of sections 5 and 6; the northeast quarter of section 24 and the east half of section 26; all of the sections in township 23, range 12, except sections 4, 5, 6, 7, 8, 17 and 18, the south half and northwest quarter of section 19, and those portions of sections 9, 15, 16, 20 and 21 which are included in Indian Reserve No. 1; the following sections in township 23, range 13: section 36, the north half of section 25 and those portions of section 35 and of the north half of section 26 lying east of the east shore of Adams Lake; all of the sections and fractional sections in township 24, range 8, lying west of the west shore of Seymour Arm of Shuswap Lake; all of the sections in township 24, ranges 9, 10, 11 and 12; the following sections in township 24, range 13: sections 1, 12 and 13 and those portions of sections 2, 11 and 14 lying east of the east shore of Adams Lake; all of

the sections and fractional sections included in the Railway Belt and lying west of the west shore of Seymour Arm of Shuswap Lake in township 25, range 8, except the northeast quarter of section 34; all of the sections in township 25, ranges 9, 10 and 11 which are included in the Railway Belt; the following sections in township 25, range 12: sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12 and that portion of section 7 lying east of the east shore of Adams Lake; that portion of the east halves of sections 1 and 12, township 25, range 13, lying east of the east shore of Adams Lake; all being west of the sixth meridian and containing by admeasurement 326.0 square miles, more or less.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 111.

An Act to incorporate the Executive Council of the Free Methodist Church in Canada.

First reading, May 17, 1926.

(PRIVATE BILL)

Mr. Ross
(Kingston).

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
21593 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 111.

An Act to incorporate the Executive Council of the Free Methodist Church in Canada.

Preamble.

WHEREAS the Free Methodist Church has carried on in Canada for many years its work of establishing and carrying on missions, the erection and conduct of Churches, schools and other institutions for the dissemination of religious instruction. And whereas the members of the Executive Council in Canada of the said Church have presented a petition praying that a corporation may be created for the purposes and with the powers hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. J. M. Eagle of Sarnia, George A. Lees of Norwich, William Zurbrigg of Toronto, all of the province of Ontario, Frederick Milton Lees and F. M. Still both of the city of Regina, in the province of Saskatchewan, C. G. Heath of Foremost and William J. Bowes of Ponoka, both of the province of Alberta, the present members of the Executive Council in Canada of the Free Methodist Church and their successors from time to time lawfully appointed in accordance with the rules, regulations and discipline of the said Church as the said rules, regulations and discipline now exist or may be hereafter modified or altered, are hereby constituted a corporation under the name of the "Executive Council of the Free Methodist Church in Canada" hereinafter called "the Corporation".

Corporate name.

Head office.

2. The head office of the Corporation shall be in the city of Toronto, province of Ontario.

Power to make by-laws.

3. The Corporation may from time to time make by-laws not contrary to law or inconsistent with the doctrines

and belief of the Free Methodist Church as it exists in America, for—

(a) the administration, management and control of the property, business and other temporal affairs of the Corporation;

(b) the appointment, functions, duties and remuneration of all officers, agents and servants of the Corporation;

(c) the appointment of committees and their duties;

(d) the calling of meetings, regular or special, of the Corporation or of committees;

(e) the fixing of the necessary quorum and procedure in all things at such meetings;

(f) generally, for the carrying out of the objects and purposes of the Corporation.

Power to acquire land, etc.

4. The Corporation may, throughout Canada, establish, acquire by purchase, lease, gift, devise, bequest or otherwise, build, maintain, manage and operate:—

(a) buildings and places for meetings, religious or secular, of the Free Methodist Church in Canada and, subject to provincial laws, schools and colleges in connection with the Free Methodist Church;

(b) generally, any buildings necessary for carrying out the educational, religious or other benevolent objects and purposes of the Free Methodist Church.

Agricultural or industrial undertakings.

5. The Corporation, subject to any Act or regulation in force in Canada or in any province thereof, may establish, at any places in Canada, agricultural or industrial colonies, and maintain and manage such colonies.

Power to carry on certain businesses.

6. The Corporation, for the purposes of the Free Methodist Church in Canada, throughout Canada, establish, maintain, operate and carry on the following businesses:—

(a) printing and publishing;

(b) manufacturing, buying and selling goods, articles and appliances required by the Free Methodist Church.

Power to acquire land.

7. (1) The Corporation may purchase, or otherwise acquire and hold any property, real or personal, corporeal or incorporeal, whatsoever, given, granted, devised or bequeathed to it, or appurtenant, purchased or acquired by it in any manner or any whatsoever, for the uses and purposes of the Corporation.

Limit of land.

(2) The value of the real estate held in Canada by or in trust for the Corporation shall not exceed at any one time the sum of four million dollars.

Sale of land.

(3) Any parcel of land, or interest therein at any time acquired by the Corporation, and not required for its actual use and occupation, and not held by way of security, shall not be held by the Corporation or by any trustee on its

and belief of the Free Methodist Church as it exists in America, for,—

(a) the administration, management and control of the property, business and other temporal affairs of the Corporation; 5

(b) the appointment, functions, duties and remuneration of all officers, agents and servants of the Corporation;

(c) the appointment of committees and their duties;

(d) the calling of meetings, regular or special, of the Corporation or of committees; 10

(e) the fixing of the necessary quorum and procedure in all things at such meetings;

(f) generally, for the carrying out of the objects and purposes of the Corporation.

Power to acquire buildings, etc.

4. The Corporation may, throughout Canada, establish, 15 acquire by purchase, lease, gift, devise, bequest or otherwise, build, maintain, manage and operate:—

(a) buildings and places for meetings, religious or secular, of the Free Methodist Church in Canada and, subject to provincial laws, schools and colleges in connection 20 with the Free Methodist Church;

(b) generally, any buildings necessary for carrying out the educational, religious or other benevolent objects and purposes of the Free Methodist Church.

Agricultural or industrial colonies.

5. The Corporation, subject to any Act or regulation in 25 force in Canada or in any province thereof, may establish, at any places in Canada, agricultural or industrial colonies, and maintain and manage such colonies.

Carrying on certain businesses.

6. The Corporation, for the purposes of the Free Methodist Church may, throughout Canada, establish, maintain, 30 operate and carry on the following businesses:—

(a) printing and publishing;

(b) manufacturing, buying and selling goods, articles and appliances required by the Free Methodist Church.

Power to acquire and hold real and personal estate.

7. (1) The Corporation may purchase, or otherwise 35 acquire and hold any property, real or personal, corporeal or incorporeal, whatsoever, given, granted, devised or bequeathed to it, or appropriated, purchased or acquired by it in any manner or way whatsoever, for the uses and purposes of the Corporation. 40

Limit of value.

(2) The value of the real estate held in Canada by or in trust for the Corporation shall not exceed at any one time the sum of four million dollars.

Limit of time for holding unused real estate.

(3) Any parcel of land or interest therein at any time acquired by the Corporation, and not required for its actual 45 use and occupation, and not held by way of security, shall not be held by the Corporation or by any trustee on its

behalf for a longer period than ten years after the acquisition thereof, or after it shall have ceased to be required for actual use or occupation by the Corporation, but at or before the expiration of such period the same shall be sold or otherwise disposed of or alienated so that the Corporation shall no longer retain interest or estate therein except by way of security.

Notwithstanding.

(4) The secretary of State may direct that the time for the sale or disposal of any such real or immovable property shall be extended for a further period or periods not to exceed five years.

Extension.

(5) The whole period during which the Corporation may hold such property under the foregoing provisions of this section shall not exceed fifteen years from the date of the acquisition thereof, or from the date on which it ceased to be required for the actual use and occupation of the Corporation or for the purposes of its business as the case may be.

Period.

(6) Any real or immovable property as aforesaid not required by the Corporation for its own use, held by the Corporation for a longer period than authorized by the foregoing provisions of this section, shall be forfeited to the Majesty for the use of the Dominion of Canada.

Forfeiture.

9. The Corporation may also sell, convey, exchange, alienate, mortgage, lease or dispose of any property, real or personal, held by it by way of investment for the uses and purposes mentioned in the next preceding section, and may also, from time to time, invest its funds or moneys, and may lands or moneys invested in or acquired by it, for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec or charge upon real property in any part of Canada, and for the purposes of such investment may take, receive or accept mortgages or assignments thereof, whether made or executed directly to the Corporation or to any corporation, body, company or person in trust for it, and may sell, grant, assign and transfer such mortgages or assignments, and may release and discharge such mortgages and assignments either wholly or in part.

Investment of funds or moneys.

10. In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real and personal, is held in trust or otherwise for the uses and purposes aforesaid, or any such person or corporation on whom any such property devolves, may, subject to the terms and conditions of any trust relating to such property, transfer such property or any part thereof to the Corporation to be held in such trust, if any.

behalf for a longer period than ten years after the acquisition thereof, or after it shall have ceased to be required for actual use or occupation by the Corporation, but at or before the expiration of such period the same shall be sold or otherwise disposed of or alienated so that the Corporation shall no longer retain interest or estate therein except by way of security.

Extension of time.

(4) The Secretary of State may direct that the time for the sale or disposal of any such real or immovable property shall be extended for a further period or periods not to exceed five years.

Fifteen year limit.

(5) The whole period during which the Corporation may hold such property under the foregoing provisions of this section shall not exceed fifteen years from the date of the acquisition thereof, or from the date on which it ceased to be required for the actual use and occupation of the Corporation or for the purposes of its business as the case may be.

Forfeiture.

(6) Any real or immovable property as aforesaid not required by the Corporation for its own use, held by the Corporation for a longer period than authorized by the foregoing provisions of this section, shall be forfeited to His Majesty for the use of the Dominion of Canada.

Disposal of real or personal property.

8. The Corporation may also sell, convey, exchange, alienate, mortgage, lease or demise any property, real or personal, held by it by way of investment for the uses and purposes mentioned in the next preceding sections, and may also, from time to time, invest its funds or monies, and any funds or monies invested in or acquired by it, for the uses and purposes aforesaid, in and upon any securities by way of mortgage, hypothec or charge upon real property in any part of Canada, and for the purposes of such investment may take, receive or accept mortgages or assignments thereof, whether made or executed directly to the Corporation or to any corporation, body, company or person in trust for it, and may sell, grant, assign and transfer such mortgages or assignments, and may release and discharge such mortgages and assignments either wholly or in part.

Transfer of property held in trust.

9. In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real and personal, is held in trust or otherwise, for the uses and purposes aforesaid, or any such person or corporation on whom any such property devolves, may, subject to the terms and conditions of any trust relating to such property, transfer such property or any part thereof to the Corporation to be held in such trust, if any.

Mortmain.

10. In regard to any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a license in mortmain shall not be necessary for the exercise of the powers granted by this Act; but otherwise the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations in so far as such laws apply to the Corporation.

Execution of deeds.

11. Any deed or other instrument relating to real estate vested in the Corporation or to any interest in such real estate shall, if executed within the jurisdiction of the Parliament of Canada, be deemed to be duly executed if there is affixed thereto the seal of the Corporation and the signature of any members of the Corporation duly authorized for such purpose.

Borrowing powers.

12. (1) If authorized thereto by by-law passed by unanimous vote of the Corporation at a meeting duly called for the purpose of considering the by-law, the Corporation may, from time to time, for the purposes of the Corporation:—

(a) borrow money upon the credit of the Corporation;

(b) limit or increase the amount to be borrowed;

(c) make, draw, accept, endorse or become party to promissory notes and bills of exchange; every such note or bill made, drawn, accepted or endorsed by the officer thereto authorized by the by-laws of the Corporation and countersigned by the proper officer of the Corporation, shall be binding upon the Corporation, and shall be presumed to have been made, drawn, accepted or endorsed with property authority, until the contrary is shown; and it shall not be necessary in any case to have the seal of the Corporation affixed to any such note or bill;

(d) issue bonds, debentures, or other securities of the Corporation for sums not less than twenty-five dollars each, and pledge or sell the same for such sums and at such prices as may be deemed expedient.

(e) mortgage, hypothecate or pledge the real or personal property of the Corporation or both to secure any such bonds, debentures or other securities and any money borrowed for the purposes of the Corporation.

Responsibility.

(2). No officer of the Corporation, so authorized as aforesaid, shall be individually responsible for any such promissory note or bill of exchange made, drawn, accepted or endorsed, or countersigned by him, unless such promissory note or bill of exchange has been issued without property authority.

Limitation.

(3) Nothing in this section shall be construed to authorize the issue of any note or bill payable to bearer thereof, or any

promissory note intended to be circulated as money or as the note of a bank or to engage in the business of banking or insurance.

Investment of funds.

13. The said Corporation may, for the purpose of investment, lend money upon the security of real estate, purchase debentures, of municipal or public school corporations, or Dominion or provincial stock or securities, may sell any such securities as to it may seem advisable, and for that purpose may execute such assignments or other instruments as are necessary for carrying the same into effect; and for such purposes of investment, may make advances to any person or persons or body corporate upon any of the above mentioned securities at such rate of interest, not exceeding eight per cent per annum, as is agreed upon; Provided, however, that nothing in this Act contained shall be construed to limit the power of such corporation to make such investments of its capital or surplus income which it otherwise has by virtue of its corporate existence.

First Session, Fifteenth Parliament, 16-17 George V. 1926

HOUSE OF COMMONS OF CANADA

BILL 112.

An Act respecting certain patents owned by the Sealright Company, Inc.

First reading, May 17, 1926.

(PRIVATE BILL.)

Sir HENRY DRAYTON.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
21665 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 112.

An Act respecting certain patents owned by the Sealright Company, Inc.

Preamble.

WHEREAS the Sealright Company, Inc., of the city of Fulton, in the State of New York, one of the United States of America, hereinafter called "the company," has by its petition set forth that it is a corporate body duly constituted under the laws of the state of New York; that it is doing business in the said city of Fulton and that it is owner of certain patents for new and useful improvements for paper containers and paper bottles, being numbered 188,444 and 188,445, respectively, and dated the 28th day of January, 1919, and issued under the provisions of the *Patent Act*, chapter sixty-nine of the Revised Statutes of Canada 1906, and under the seal of the Patent Office for a term of six years from the date thereof, that is until the 28th day of January, 1925; and that the said patents have expired by reason of the non-payment of fees and the failure to construct or manufacture in Canada, and by the importation into Canada of the inventions covered by the said patents, during the period between the 10th day of January, 1923, and the 1st day of December, 1923; and whereas, by its said petition the company has in effect prayed that it may be enacted as hereinafter set forth; and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., 1906, c. 69.

Extension of time for application to revive patents.

1. If the patentee designated by the patents mentioned in the preamble to this Act or his assignee or other legal representative makes, within three months from the date of the passing of this Act, an application to the Commissioner of Patents for an order restoring and reviving any or all of the patents mentioned in the preamble to this Act notwithstanding non-payment of fees or failure to manufacture within Canada or the importation into Canada of

the invention or inventions covered by said patents, the provisions of section forty-seven of *The Patent Act*, except the two years' limitation of time for such application contained in that section, shall apply to such patent or patents, and complying with those provisions the Commissioner of Patents may make either an order restoring and reviving the said patent or patents or an order dismissing the application.

1923, c. 23.

First Session, Fifteenth Parliament, 16-17 George V, 1926

HOUSE OF COMMONS OF CANADA

BILL 112.

An Act respecting certain patents owned by the Sealright Company, Inc.

AS PASSED BY THE HOUSE OF COMMONS, 28th MAY, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
21670 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 112.

An Act respecting certain patents owned by the Sealright Company, Inc.

Preamble.

WHEREAS the Sealright Company, Inc., of the city of Fulton, in the State of New York, one of the United States of America, hereinafter called "the company," has by its petition set forth that it is a corporate body duly constituted under the laws of the state of New York; that it is doing business in the said city of Fulton and that it is owner of certain patents for new and useful improvements for paper containers and paper bottles, being numbered 188,444 and 188,445, respectively, and dated the 28th day of January, 1919, and issued under the provisions of the *Patent Act*, chapter sixty-nine of the Revised Statutes of Canada 1906, and under the seal of the Patent Office for a term of six years from the date thereof, that is until the 28th day of January, 1925; and that the said patents have expired by reason of the non-payment of fees and the failure to construct or manufacture in Canada, and by the importation into Canada of the inventions covered by the said patents, during the period between the 10th day of January, 1923, and the 1st day of December, 1923; and whereas, by its said petition the company has in effect prayed that it may be enacted as hereinafter set forth; and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., 1906, c. 69.

Extension of time for application to revive patents.

1. If the patentee designated by the patents mentioned in the preamble to this Act or his assignee or other legal representative makes, within three months from the date of the passing of this Act, an application to the Commissioner of Patents for an order restoring and reviving any or all of the patents mentioned in the preamble to this Act notwithstanding non-payment of fees or failure to manufacture within Canada or the importation into Canada of

the invention or inventions covered by said patents, the provisions of section forty-seven of *The Patent Act*, except the two years' limitation of time for such application contained in that section, shall apply to such patent or patents, and complying with those provisions the Commissioner of Patents may make either an order restoring and reviving the said patent or patents or an order dismissing the application.

1923, c. 23.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 113.

An Act respecting the Bronson Company.

First reading, May 19, 1926.

(PRIVATE BILL.)

Mr. McClenaghan.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
21865 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 113.

An Act respecting the Bronson Company.

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

Capital stock increased from $300,000 to $1,000,000.

1. Section eight of the Act incorporating the Company, chapter one hundred and three of the statutes of 1888, as amended by chapter ninety-six of the statutes of 1899, is repealed, and the following is substituted therefor:—

"**8.** The capital stock of the Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each."

Limitation as to real estate.

2. Section two of the said Act, chapter one hundred and three of the statutes of 1888, is hereby amended by striking out all the words of the proviso, after the word "same" in the fourth line from the end of the section.

Powers extended.

3. Section four of the said Act, chapter one hundred and three of the statutes of 1888, is repealed and the following substituted therefor:—

"**4.** The Company may—

Electricity and other power.

(a) Carry on throughout Canada and elsewhere the business of producing, manufacturing, generating, transmitting, distributing, purchasing, leasing, selling or otherwise dealing in electricity, electric, steam, pneumatic, hydraulic or other power or energy and the business of a water, light, heat and power company in all its branches;

Water, light, heat and power company.

Acquire and dispose of water powers, and erect all necessary plant.

(b) Acquire by purchase, lease, exchange, concession or otherwise and own, hold, develop, sell, lease, exchange or otherwise dispose of or deal with water powers, water lots, lands covered with water, water, rights to

Explanatory Notes.

Section 1. Section 8 of the incorporating Act of 1888, to be repealed, reads as follows: —

"8. The capital stock of the Company shall be six hundred thousand dollars, divided into six thousand shares of one hundred dollars each."

The amendment of 1899, chapter 96, to be repealed, reads as follows:—

"3. The capital stock of the Company is hereby reduced to three hundred thousand dollars, and the existing shares are hereby converted into three thousand new shares of one hundred dollars each; and every person who is a paid-up shareholder shall be entitled to one paid-up share of such new shares for every two of the old paid-up shares held by him at the time of the passing of this Act."

Section 2. This amendment strikes out the following proviso at the end of section two of the incorporating Act of 1888, which details the business that may be carried on:—

"Provided, that nothing herein contained shall be construed as enabling the Company to acquire real estate beyond what is necessary for the carrying on of their business as aforesaid."

The amending Act, 1899, chapter 96, section 2, gives the Company the right to acquire any real and personal property which the Company thinks necessary or convenient for the purposes of its business, and the limitation of this proviso is therefore inoperative.

water and the flow thereof, hydraulic rights and privileges, easements, servitudes, the banks, beaches, and bed of rivers, streams, and lakes, water powers on or that can be developed on or near thereto and land adjoining or near the same, or thought suitable for use in connection therewith and provide, lease, purchase, or otherwise acquire, manufacture, construct, lay down, erect, establish, operate, maintain and carry out all necessary plant, buildings, works, roads, ways, dams, reservoirs, pipe lines, rails, tunnels, canals, tanks, stations, engines, machinery, conduits, cables, wires, lines, poles, towers, generators, lamps, meters, transformers, apparatus, appurtenances, appliances, devices and conveniences for the production, generation, accumulation, distribution, transmission, supply, sale, use and employment of electricity, and electric, steam, pneumatic, hydraulic or other energy or power;

Carry on any other connected business.

(c) Carry on any other business (whether manufacturing or otherwise) which may seem to the Company capable of being conveniently carried on in connection with its business or calculated directly or indirectly to enhance the value of or render profitable any of the Company's property or rights:

Acquire business of other persons or companies.

(d) Acquire or undertake the whole or any part of the business, property and liabilities of any person or company carrying on any business which the Company is authorized to carry on, or possessed of property suitable for the purposes of the Company;

Investment of funds.

(e) Invest and re-invest from time to time the funds of the Company in such manner and in such properties real or personal, movable or immovable and in such securities as may from time to time be determined and vary and change investments and without limiting the generality of the foregoing; acquire by purchase, exchange, original subscription, underwriting, participation in syndicates, or otherwise and own and hold either as principal or agent and either absolutely or by way of collateral security and enjoy, vote upon, sell, exchange, transfer or otherwise deal in or with the shares, stocks, bonds, debentures, debenture stock, notes or other securities or obligations of any government, or of any municipal, school, industrial or financial corporation or of any bank or of any other incorporated or unincorporated company, association or syndicate;

Promotion of other companies.

(f) Promote any company or companies for the purpose of acquiring all or any of the property and liabilities of the Company, or for any other purpose which may seem directly or indirectly calculated to benefit the Company;

Amalgamation.

(g) Consolidate or amalgamate with any other company having objects altogether or in part similar to those of the Company;

Aid to other companies, and guarantee of contracts.

(h) Raise and assist in raising money for, and aid, by way of bonus, loan, promise, endorsement, guarantee of bonds, debentures or other securities or otherwise, any other person, firm, company or corporation with which the Company may have business relations, and guarantee the performance of contracts by any such person, firm, company or corporation; 5 10

Sale of undertaking.

(i) Sell or dispose of the business assets and undertaking of the Company or any part thereof for such consideration as the Company may think fit, and in particular for shares, debentures or securities of any other company having objects altogether or in part similar to those of the Company; 15

Distribution among shareholders.

(j) Distribute among the shareholders of the Company in specie or kind or otherwise any property or assets of the Company and in particular any shares, bonds, debentures or other securities of any other company belonging to the Company or which the Company may have power to dispose of; 20

General.

(k) Do all or any of the above things as principals, agents, contractors or otherwise and by or through trustees, agents or otherwise and either alone or in conjunction with others; 25

Incidental.

(l) Do such other things as are incidental or conducive to the attainment of the above objects."

Purchase of stock in other companies.

4. Section one hundred and sixty-eight of the *Companies Act* shall not apply to the Company. 30

Existing rights saved.

5. Nothing in this Act contained shall be deemed to impair or prejudice the existing rights of the Company or of any other person, firm, or corporation or affect pending litigation.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 113.

An Act respecting the Bronson Company.

AS PASSED BY THE HOUSE OF COMMONS,
8th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
21953 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 113.

An Act respecting the Bronson Company.

1888, c. 103; 1899, c. 96; 1914, c. 134.

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

Capital stock increased from $300,000 to $1,000,000.

1. Section eight of the Act incorporating the Company, chapter one hundred and three of the statutes of 1888, as amended by chapter ninety-six of the statutes of 1899, is repealed, and the following is substituted therefor:—

"**8.** The capital stock of the Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each."

Limitation as to real estate.

2. Section two of the said Act, chapter one hundred and three of the statutes of 1888, is hereby amended by striking out all the words of the proviso, after the word "same" in the fourth line from the end of the section.

Powers extended.

3. Section four of the said Act, chapter one hundred and three of the statutes of 1888, is repealed and the following substituted therefor:—

"**4.** The Company may—

Electricity and other power.

(a) Carry on throughout Canada and elsewhere the business of producing, manufacturing, generating, transmitting, distributing, purchasing, leasing, selling or otherwise dealing in electricity, electric, steam, pneumatic, hydraulic or other power or energy and the business of a water, light, heat and power company in all its branches;

Water, light, heat and power company.

Acquire and dispose of water powers, and erect all necessary plant.

(b) Acquire by purchase, lease, exchange, concession or otherwise and own, hold, develop, sell, lease, exchange or otherwise dispose of or deal with water powers, water lots, lands covered with water, water, rights to

Explanatory Notes.

Section 1. Section 8 of the incorporating Act of 1888, to be repealed, reads as follows:—

"8. The capital stock of the Company shall be six hundred thousand dollars, divided into six thousand shares of one hundred dollars each."

The amendment of 1899, chapter 96, to be repealed, reads as follows:—

"3. The capital stock of the Company is hereby reduced to three hundred thousand dollars, and the existing shares are hereby converted into three thousand new shares of one hundred dollars each; and every person who is a paid-up shareholder shall be entitled to one paid-up share of such new shares for every two of the old paid-up shares held by him at the time of the passing of this Act."

Section 2. This amendment strikes out the following proviso at the end of section two of the incorporating Act of 1888, which details the business that may be carried on:—

"Provided, that nothing herein contained shall be construed as enabling the Company to acquire real estate beyond what is necessary for the carrying on of their business as aforesaid."

The amending Act, 1899, chapter 96, section 2, gives the Company the right to acquire any real and personal property which the Company thinks necessary or convenient for the purposes of its business, and the limitation of this proviso is therefore inoperative.

water and the flow thereof, hydraulic rights and privileges, easements, servitudes, the banks, beaches, and bed of rivers, streams, and lakes, water powers on or that can be developed on or near thereto and land adjoining or near the same, or thought suitable for use in connection therewith and provide, lease, purchase, or otherwise acquire, manufacture, construct, lay down, erect, establish, operate, maintain and carry out all necessary plant, buildings, works, roads, ways, dams, reservoirs, pipe lines, rails, tunnels, canals, tanks, stations, engines, machinery, conduits, cables, wires, lines, poles, towers, generators, lamps, meters, transformers, apparatus, appurtenances, appliances, devices and conveniences for the production, generation, accumulation, distribution, transmission, supply, sale, use and employment of electricity, and electric, steam, pneumatic, hydraulic or other energy or power;

Carry on any other connected business.

(c) Carry on any other business (whether manufacturing or otherwise) which may seem to the Company capable of being conveniently carried on in connection with its business or calculated directly or indirectly to enhance the value of or render profitable any of the Company's property or rights:

Acquire business of other persons or companies.

(d) Acquire or undertake the whole or any part of the business, property and liabilities of any person or company carrying on any business which the Company is authorized to carry on, or possessed of property suitable for the purposes of the Company;

Investment of funds.

(e) Invest and re-invest from time to time the funds of the Company in such manner and in such properties real or personal, movable or immovable and in such securities as may from time to time be determined and vary and change investments and without limiting the generality of the foregoing; acquire by purchase, exchange, original subscription, underwriting, participation in syndicates, or otherwise and own and hold either as principal or agent and either absolutely or by way of collateral security and enjoy, vote upon, sell, exchange, transfer or otherwise deal in or with the shares, stocks, bonds, debentures, debenture stock, notes or other securities or obligations of any government, or of any municipal, school, industrial or financial corporation or of any bank or of any other incorporated or unincorporated company, association or syndicate;

Promotion of other companies.

(f) Promote any company or companies for the purpose of acquiring all or any of the property and liabilities of the Company, or for any other purpose which may seem directly or indirectly calculated to benefit the Company;

Amalgamation.

(g) Consolidate or amalgamate with any other company having objects altogether or in part similar to those of the Company;

Aid to other companies, and guarantee of contracts.

(h) Raise and assist in raising money for, and aid, by way of bonus, loan, promise, endorsement, guarantee of bonds, debentures or other securities or otherwise, any other person, firm, company or corporation with which the Company may have business relations, and guarantee the performance of contracts by any such person, firm, company or corporation;

Sale of undertaking.

(i) Sell or dispose of the business assets and undertaking of the Company or any part thereof for such consideration as the Company may think fit, and in particular for shares, debentures or securities of any other company having objects altogether or in part similar to those of the Company;

Distribution among shareholders.

(j) Distribute among the shareholders of the Company in specie or kind or otherwise any property or assets of the Company and in particular any shares, bonds, debentures or other securities of any other company belonging to the Company or which the Company may have power to dispose of;

General.

(k) Do all or any of the above things as principals, agents, contractors or otherwise and by or through trustees, agents or otherwise and either alone or in conjunction with others;

Incidental.

(l) Do such other things as are incidental or conducive to the attainment of the above objects."

Provisions to apply. 1907, c. 14. 1907, c. 16. R.S., c. 37. R.S., c. 115.

4. The provisions of *The Electricity Inspection Act, 1907*, *The Electricity and Fluid Exportation Act, 1907*, section two hundred and forty-seven of the *Railway Act*, chapter thirty-seven of the Revised Statutes, 1906, and the *Navigable Waters Protection Act*, chapter one hundred and fifteen of the Revised Statutes, 1906, shall apply to the Company and its undertaking insofar as respects the operation of the powers exercisable under paragraphs *(a)* and *(b)* of section three of this Act.

Purchase of stock in other companies.

5. Section one hundred and sixty-eight of the *Companies Act* shall not apply to the Company.

Existing rights saved.

6. Nothing in this Act contained shall be deemed to impair or prejudice the existing rights of the Company or of any other person, firm, or corporation or affect pending litigation.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 114.

An Act to amend The Customs Tariff, 1907.

First reading, May 26, 1926.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

19938

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 114.

1907, c. 11;
1909, c. 10;
1910, c. 16;
1911, c. 7;
1913, c. 15;
1914, c. 26;
1914 (2), c. 5;
1915, c. 3;
1916, c. 7;
1918, c. 17;
1919, c. 47;
1920, c. 44;
1921, c. 27;
1922, c. 19;
1923, c. 42;
1924, c. 38;
1925, c. 8.

An Act to amend The Customs Tariff, 1907.

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

1. Paragraph (1) of subsection one of section three of *The Customs Tariff, 1907*, is repealed, and the following is substituted therefor:—

British Preferential Tariff.

"(1) The rates of customs duties, if any, set forth in column 1, "*British Preferential Tariff*," shall apply to goods the produce or manufacture of the following British countries when conveyed without transhipment from a port of any British country enjoying the benefits of the British Preferential Tariff into a sea or river port of Canada:—

(a) the United Kingdom;
(b) the British colony of Bermuda;
(c) the British colonies commonly called the British West Indies, including the following,—
- the Bahamas;
- Jamaica;
- Turks and Caicos Islands;
- the Leeward Islands (Antigua, St. Christopher-Nevis, Dominica, Montserrat, and the Virgin Islands);
- the Windward Islands (Grenada, St. Vincent and St. Lucia);
- Barbados;
- Trinidad and Tobago;

(d) British Guiana;
(e) British India;
(f) Ceylon;
(g) Straits Settlements;
(h) New Zealand;
(i) Union of South Africa;
(j) Southern Rhodesia;

(ii) any other British colony or possession admitted to the benefits of the British Preferential Tariff in Canada, in the manner hereinafter provided:

Provided, however, that goods entitled to the benefits of the British Preferential Tariff shall be accorded such benefits when such goods are shipped on a through bill of lading consigned to a consignee in a specified port in Canada when such goods are transferred at a port of a British colony or possession not enjoying the benefits of the British Preferential Tariff, and conveyed without further transhipment into the port or river port of Canada."

2. Schedule A to The Customs Tariff, 1907, as amended by chapter fifteen of the statutes of 1913, chapter forty-seven of the statutes of 1919, chapter twenty-seven of the statutes of 1921, chapter nineteen of the statutes of 1922, chapter forty-two of the statutes of 1923 and chapter thirty-eight of the statutes of 1924, is further amended by striking therefrom tariff items: 7, 20a, 22, 23, 28, 30, 32, 39b, 77a, 90, 124, 126, 128, 142, 320a, 600a, the several enumerations of goods respectively, and the several rates of duties of customs, if any, not opposite each of said items, and to provide that the following items, enumerations and rates of duty be inserted in Schedule A:—

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
7	Starch, n.o.p., per pound	2 cts.	2½ cts.	3½ cts.
20a	Sugar, not exceeding Dutch standard No. 16, per pound	Free	2 cts.	2 cts.
22	Preparations of cocoa or chocolate in powder form	22½ p.c.	27½ p.c.	35 p.c.
23	Food	2 cts.	2½ cts.	3 cts.
28	Malt liquor in bottles, jugs, or other similar containers, containing not more than one quart, and not exceeding the imperial pint in bulk, per pound	3½ cts.	4½ cts.	5½ cts.
30	Malt liquor in bottles, jugs, or other similar containers, containing more than one quart, and not exceeding the imperial pint in bulk, per pound	3½ cts.	4½ cts.	5½ cts.
32	Malt liquor, n.o.p., per pound	2½ cts.	3½ cts.	4½ cts.
39b	Cotton yarn, bleached, dyed, mercerized, or otherwise manufactured, n.o.p., per pound	2½ cts.	3½ cts.	4½ cts.
77a	Cotton yarn, n.o.p., per pound	2½ cts.	3½ cts.	4½ cts.
90	Cotton thread, n.o.p., per pound	2½ cts.	3½ cts.	4½ cts.
124	Cotton velvet, velveteen, and corduroy, n.o.p., per square yard	2½ cts.	3½ cts.	4½ cts.
126	Cotton pile fabrics, n.o.p., per square yard	2½ cts.	3½ cts.	4½ cts.
128	Cotton fabrics, n.o.p., per square yard	2½ cts.	3½ cts.	4½ cts.
142	Cotton shirts, n.o.p., per dozen	2½ cts.	3½ cts.	4½ cts.
320a	Cotton and linen mixed, n.o.p., per square yard	2½ cts.	3½ cts.	4½ cts.
600a	Cotton and wool mixed, n.o.p., per square yard	2½ cts.	3½ cts.	4½ cts.

(k) any other British colony or possession admitted to the benefits of the British Preferential Tariff in Canada, in the manner hereinafter provided;

Provided, however, that goods entitled to the benefits of the British Preferential Tariff shall be accorded such benefits when such goods are shipped on a through bill of lading consigned to a consignee in a specified port in Canada when such goods are transferred at a port of a British colony or possession not enjoying the benefits of the British Preferential Tariff, and conveyed without further transhipment into a sea or river port of Canada."

Schedule A amended.

2. Schedule A to *The Customs Tariff, 1907*, as amended by chapter fifteen of the statutes of 1913, chapter forty-seven of the statutes of 1919, chapter twenty-seven of the statutes of 1921, chapter nineteen of the statutes of 1922, chapter forty-two of the statutes of 1923 and chapter thirty-eight of the statutes of 1924, is further amended by striking thereout tariff items: 7, 20a, 22, 23, 28, 30, 32, 39b, 77a, 90, 134, 135, 438, 448, 590a, 680a, the several enumerations of goods respectively, and the several rates of duties of customs, if any, set opposite each of said items, and to provide that the following items, enumerations and rates of duty be inserted in Schedule A:—

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
7	Meats, fresh, n.o.p., per pound	2 cts.	2½ cts.	3½ cts.
20a	Butter produced from the cocoa bean, per pound	Free	2 cts.	2 cts.
22	Preparations of cocoa or chocolate in powder form	22½ p.c.	27½ p.c.	35 p.c.
	or per pound	2 cts.	2½ cts.	3 cts.
	whichever rate returns the higher duty.			
23	Preparations of cocoa or chocolate, n.o.p., and confectionery, coated with or containing chocolate, the weight of the wrappings and cartons to be included in the weight for duty, per pound	2½ cts.	2½ cts.	2½ cts.
	and	20 p.c.	27½ p.c.	35 p.c.
28	Coffee, green, imported direct from the country of growth and production, and green coffee purchased in bond in the United Kingdom, per pound	Free	3 cts.	3 cts.
30	Ginger and spices, unground, n.o.p	Free	12½ p.c.	12½ p.c.
32	Nutmegs and mace, whole or unground	Free	17½ p.c.	20 p.c.
39b	Arrowroot, per pound	Free	1½ cts.	1½ cts.
42a	Table salt made by an admixture of other ingredients, when containing not less than ninety per cent of pure salt	5 p.c.	10 p.c.	15 p.c.
72b	Tree seeds for reforestation purposes only	Free	Free	Free
77a	Cocoa beans, not roasted, crushed or ground, per one hundred pounds	Free	$1.50	$2.00
90	Fruits, viz.:—Plantains, pineapples, pomegranates, guavas, mangoes, wild blueberries, wild strawberries and wild raspberries	Free	Free	Free
90b	Bananas	Free	Free	Free

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
	The Governor in Council may by Order in Council direct that there be substituted for tariff item 90b in Schedule A of The Customs Tariff, 1907, the enumerations of goods and the rates of duties of customs, if any, set opposite items 90c and 90d in Schedule A the following:—			
90c	Bananas, when imported from the place of growth by ship, direct to a Canadian port, per stem or bunch	Free	50 cts.	50 cts.
90d	Bananas, n.o.p., per stem or bunch	50 cts.	50 cts.	50 cts.
	From and after the publication of such Order in Council in the Canada Gazette, tariff item 90b as it appears in said schedule at the time of the passing of this Act shall be repealed and the provisions of tariff items 90c and 90d shall be substituted therefor.			
105a	Pineapples in air-tight cans or other air-tight packages, n.o.p., the weight of cans or other packages to be included in the weight for duty, per pound	½ ct.	2½ cts.	2½ cts.
134	All sugar above number sixteen Dutch standard in colour, and all refined sugars of whatever kinds, grades or standards, not covered by tariff item No. 135, and sugar syrups testing over fifty-six degrees of polarization, when not exceeding eighty-eight degrees of polarization, per one hundred pounds	83 cts.	$1.50	$1.50
	When exceeding eighty-eight degrees but not exceeding eighty-nine degrees, per one hundred pounds	85 cts.	$1.53	$1.53
	When exceeding eighty-nine degrees but not exceeding ninety degrees, per one hundred pounds	87 cts.	$1.55	$1.55
	When exceeding ninety degrees but not exceeding ninety-one degrees, per one hundred pounds	89 cts.	$1.58	$1.58
	When exceeding ninety-one degrees but not exceeding ninety-two degrees, per one hundred pounds	91 cts.	$1.62	$1.62
	When exceeding ninety-two degrees but not exceeding ninety-three degrees, per one hundred pounds	93 cts.	$1.65	$1.65
	When exceeding ninety-three degrees but not exceeding ninety-four degrees, per one hundred pounds	95 cts.	$1.68	$1.68
	When exceeding ninety-four degrees but not exceeding ninety-five degrees, per one hundred pounds	97 cts.	$1.70	$1.70
	When exceeding ninety-five degrees but not exceeding ninety-six degrees, per one hundred pounds	99 cts.	$1.74	$1.74
	When exceeding ninety-six degrees but not exceeding ninety-seven degrees, per one hundred pounds	$1.01	$1.77	$1.77
	When exceeding ninety-seven degrees but not exceeding ninety-eight degrees, per one hundred pounds	$1.03	$1.80	$1.80
	When exceeding ninety-eight degrees but not exceeding ninety-nine degrees, per one hundred pounds	$1.09	$1.89	$1.89
	When exceeding ninety-nine degrees, per one hundred pounds	$1.09	$1.89	$1.89
	Provided that refined sugar shall be entitled to entry under the British Preferential Tariff upon evidence satisfactory to the Minister of Customs and Excise, that such refined sugar has been manufactured wholly from raw sugar produced in the British colonies and possessions, and not otherwise.			
	Provided further that sugar imported under this item shall not be subject to special duty in excess of three-fourths of one cent per pound.			

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
135	Sugar above number sixteen Dutch standard in colour when imported or purchased in bond in Canada by a recognized sugar refiner, for refining purposes only, under regulations by the Minister of Customs and Excise; and sugar, n.o.p., not above number sixteen Dutch standard in colour, sugar drainings or pumpings drained in transit, melado or concentrated melado, tank bottoms, sugar concrete, and molasses testing over fifty-six degrees and not exceeding seventy-six degrees, when not exceeding seventy-six degrees of polarization, per one hundred pounds.....	20·627 cts.	70·851 cts.	70·851 cts.
	When exceeding seventy-six degrees but not exceeding seventy-seven degrees, per one hundred pounds.....	20·647 cts.	73·213 cts.	73·213 cts.
	When exceeding seventy-seven degrees but not exceeding seventy-eight degrees, per one hundred pounds.....	20·667 cts.	75·574 cts.	75·574 cts.
	When exceeding seventy-eight degrees but not exceeding seventy-nine degrees, per one hundred pounds.....	20·687 cts.	77·936 cts.	77·936 cts.
	When exceeding seventy-nine degrees but not exceeding eighty degrees, per one hundred pounds.....	20·707 cts.	80·298 cts.	80·298 cts.
	When exceeding eighty degrees but not exceeding eighty-one degrees, per one hundred pounds.....	20·727 cts.	82·659 cts.	82·659 cts.
	When exceeding eighty-one degrees but not exceeding eighty-two degrees, per one hundred pounds.....	20·747 cts.	85·021 cts.	85·021 cts.
	When exceeding eighty-two degrees but not exceeding eighty-three degrees, per one hundred pounds.....	20·767 cts.	87·383 cts.	87·383 cts.
	When exceeding eighty-three degrees but not exceeding eighty-four degrees, per one hundred pounds.....	20·857 cts.	90·040 cts.	90·040 cts.
	When exceeding eighty-four degrees but not exceeding eighty-five degrees, per one hundred pounds.....	20·947 cts.	92·697 cts.	92·697 cts.
	When exceeding eighty-five degrees but not exceeding eighty-six degrees, per one hundred pounds.....	21·036 cts.	95·353 cts.	95·353 cts.
	When exceeding eighty-six degrees but not exceeding eighty-seven degrees, per one hundred pounds.....	21·126 cts.	98·010 cts.	98·010 cts.
	When exceeding eighty-seven degrees but not exceeding eighty-eight degrees, per one hundred pounds.....	21·512 cts.	$1·00963	$1·00963
	When exceeding eighty-eight degrees but not exceeding eighty-nine degrees, per one hundred pounds.....	21·897 cts.	$1·03915	$1·03915
	When exceeding eighty-nine degrees but not exceeding ninety degrees, per one hundred pounds.....	22·872 cts.	$1·07457	$1·07457
	When exceeding ninety degrees but not exceeding ninety-one degrees, per one hundred pounds.	23·848 cts.	$1·11000	$1·11000
	When exceeding ninety-one degrees but not exceeding ninety-two degrees, per one hundred pounds.....	24·823 cts.	$1·14542	$1·14542
	When exceeding ninety-two degrees but not exceeding ninety-three degrees, per one hundred pounds.....	25·799 cts.	$1·18085	$1·18085
	When exceeding ninety-three degrees but not exceeding ninety-four degrees, per one hundred pounds.....	26·762 cts.	$1·21627	$1·21627
	When exceeding ninety-four degrees but not exceeding ninety-five degrees, per one hundred pounds.....	27·737 cts.	$1·25170	$1·25170
	When exceeding ninety-five degrees but not exceeding ninety-six degrees, per one hundred pounds.....	28·712 cts.	$1·28712	$1·28712
	When exceeding ninety-six degrees but not exceeding ninety-seven degrees, per one hundred pounds.....	29·688 cts.	$1·32255	$1·32255

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
	When exceeding ninety-seven degrees but not exceeding ninety-eight degrees, per one hundred pounds	30·664 cts.	$1·35798	$1·35798
	Over ninety-eight degrees, per one hundred pounds	35·606 cts.	$1·47606	$1·47606
	Provided that sugar imported under this item shall not be subject to special duty.			
156b	Angostura bitters, the produce or manufacture of any of the colonies enumerated in section 8A of The Customs Tariff, 1907, when conveyed without transhipment by ship direct into a sea or river port of Canada, per gallon	$5.00	—	—
216a	Cresylic acid when imported for use only by manufacturers in the manufacture of preparations for disinfecting, dipping and spraying	Free	Free	Free
295a	Zirconium silicate	Free	Free	Free
384c	Rolled sheets of iron or steel coated with tin, of a class or kind not manufactured in Canada	Free	5 p.c.	5 p.c.
438	Locomotives and motor cars for railways and tramways, and chassis, tops, wheels and bodies for same	22½ p.c.	30 p.c.	35 p.c.
438a	Automobiles and motor vehicles of all kinds, n.o.p.; chassis for same	15 p.c.	25 p.c.	27½ p.c
438b	Automobiles for conveying passengers only, n.o.p., valued at retail, when new, with standard equipment complete at not more than twelve hundred dollars each; motor cars or motor trucks (not for railways or tramways) for carrying goods only; motor cycles; chassis for motor vehicles specified in this item	12½ p.c.	17½ p.c.	20 p.c.
438c	Tops, wheels, and bodies, n.o.p., for motor vehicles enumerated in tariff items 438a and 438b	20 p.c.	27½ p.c.	30 p.c.
438d	Horns, distributors, ammeters, instrument board lamps, oil gauges, gasoline gauges, thermostats, oil filters, carburetors, purifiers for oil, purifiers for air, clocks, monograms of metal and enamel, annular ball bearings and parts thereof, lock washers, speedometers and parts thereof, vacuum tanks, gaskets of copper and of asbestos, rims for steering wheels, welded axle housings, electric terminals other than battery terminals, and fuses, all of a class or kind not made in Canada, when imported by manufacturers of goods enumerated in tariff items 438a, 438b and 438c for use only as original equipment in the manufacture of motor vehicles enumerated in tariff items 438a and 438b	Free	Free	Free
448	Spraying machines, fruit or vegetable grading machines, incubators for hatching eggs, brooders for rearing young fowl, pruning hooks, pruning shears, hay loaders, potato-diggers, fodder or feed cutters, grain crushers, fanning mills, hay tedders, farm or field rollers, post hole diggers, snaths, milking machines, milking machine attachments; centrifugal machines for testing butter fat, milk or cream; pasteurizers for dairying purposes; equipment for generating electric power for farm purposes only, viz: engine, generator, storage battery and switch board; stumping machines, and other agricultural implements, n.o.p.; and complete parts of articles specified in this tariff item	5 p.c.	10 p.c.	10 p.c.
453f	Iron or steel castings in the rough, not further finished than with the burrs removed, when imported by manufacturers of shot guns for use only in the manufacture of such articles in their own factories, under regulations prescribed by the Minister of Customs and Excise	5 p.c.	7½ p.c.	10 p.c.

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
460e	Belt and cap lamps and parts thereof to be used exclusively in a mine; parts of miners' safety lamps, n.o.p.	Free	Free	Free
469b	Machinery and apparatus and parts thereof for use only in producing unrefined oil or fertilizer from shales, not to include motive power of a class or kind made in Canada	Free	Free	Free
502d	Gun stocks and fore-ends for shot guns, of walnut in the rough, not further manufactured than bored and channelled, when imported by manufacturers of shot guns for use only in the manufacture of shot guns in their own factories	10 p.c.	12½ p.c.	15 p.c.
590a	Aeroplanes and other aircraft and complete parts thereof, n.o.p., under regulations prescribed by the Minister of Customs and Excise	15 p.c.	25 p.c.	27½ p.c.
590c	Engines and complete parts thereof, when imported for use only in the equipment of aircraft	Free	7½ p.c.	10 p.c.
	On and after 1st July, 1928	15 p.c.	25 p.c.	27½ p.c.
626a	Men's and boys' hats made of wool felt, in the rough, not dyed, not blocked or further finished, when imported by manufacturers of men's and boys' hats for use only in the manufacture of such hats in their own factories	15 p.c.	20 p.c.	25 p.c.
664b	Ethylene glycol, when imported by manufacturers of explosives, for use only in the manufacture of such articles in their own factories	Free	Free	Free
680a	Sponges of marine production	Free	17½ p.c.	17½ p.c.

Schedule B, amended.

3. Schedule B to *The Customs Tariff, 1907*, as amended by chapter thirty-eight of the statutes of 1924, is further amended by striking thereout item 1031, the enumeration of goods, and the rate of drawback to the said item and to provide that the following items, enumerations and rates of drawback of customs duties be inserted in said Schedule B:— 5

Tariff Item	Goods	When Subject to Drawback	Portion of Duty (Not including Special Duty or Dumping Duty) Payable as Drawback
1050	Sugar	When used in the manufacture of loganberry wine. Provided that drawback shall not be payable in respect of any raw sugar, except raw sugar produced in a British country	99 p.c.
1051	Artificial silk tops and waste or artificial fibre silk tops and waste enumerated in tariff item 583A	When further manufactured after the 31st day of December, 1925, and prior to the 1st day of January, 1928	80 p.c.
1052	Artificial silk yarns or filaments enumerated in tariff item 583aa, imported prior to the first day of January, 1926	When further manufactured prior to the first day of January, 1927	80 p.c.

Tariff Item	Goods	When delivered to Drawback	Rate of Duty (Not including General Duty) or Dumping Duty) Payable on Drawback
1024	Cordite accepts its new bond form on and after the twentieth day of April, 1907, and prior to the first day of November, 1907 ...		
1024	Items produced from cordite manufactured in bond, but now advanced in stocks, when imported after the thirty-first day of October, 1907, and prior to the first day of April, 1908 ...		
1024	Cordite, including all parts ...		
			99 p.c.
			99 p.c.
			99 p.c.

4. Section nine of that Act is further amended by inserting after the first day of January, nine hundred and twenty-seven, and to have applied to goods imported under the provisions of the said section on and after that day.

5. Section two and three shall be deemed to have come into force on the eighteenth day of April, one thousand nine hundred and twenty-six, and to have applied to all goods mentioned in the said sections imported or taken out of warehouse for consumption on and after that day, and to have applied to goods previously imported for which no entry for consumption was made before that day.

Tariff Item	Goods	When Subject to Drawback	Portion of Duty (Not including Special Duty or Dumping Duty) Payable as Drawback
1053	Cellulose acetate in powdered form imported after the thirtieth day of April, 1927, and prior to the first day of November, 1927.....	When imported by manufacturers and further manufactured in their own factories before the first day of December, 1927.....	99 p.c.
1054	Yarns produced from cellulose acetate, dry spun, not more advanced than singles, when imported after the thirty-first day of October, 1926, and prior to the first day of August, 1927.....	When imported by manufacturers and further manufactured in their own factories before the first day of September, 1927.....	80 p.c.
1055	Materials, including all parts.....	When used in the manufacture of goods enumerated in tariff items 438a and 438b: Provided that before April 1, 1927, no drawback shall be paid under this item unless at least forty per cent of the cost of producing the finished article has been incurred in Canada; Provided that on and after April 1, 1927, no drawback shall be paid under this item unless at least fifty per cent of the cost of producing the finished article has been incurred in Canada; And provided further that no drawback under this item shall be payable more than once on any article.....	25 p.c.

Coming into force of section one.

4. Section one of this Act shall be deemed to have come into force on the first day of January, one thousand nine hundred and twenty-seven, and to have applied to goods imported under the provisions of the said section on and after that day. 5

Coming into force of sections two and three.

5. Sections two and three shall be deemed to have come into force on the sixteenth day of April, one thousand nine hundred and twenty-six, and to have applied to all goods mentioned in the said sections imported or taken out of warehouse for consumption on and after that day, and to 10 have applied to goods previously imported for which no entry for consumption was made before that day.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 114.

An Act to amend The Customs Tariff, 1907.

AS PASSED BY THE HOUSE OF COMMONS,
4th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
19949 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 114.

1907, c. 11; 1909, c. 10; 1910, c. 16; 1911, c. 7; 1913, c. 15; 1914, c. 26; 1914 (2), c. 5; 1915, c. 3; 1916, c. 7; 1918, c. 17; 1919, c. 47; 1920, c. 44; 1921, c. 27; 1922, c. 19; 1923, c. 42; 1924, c. 38; 1925, c. 8.

An Act to amend The Customs Tariff, 1907.

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

1. Paragraph (1) of subsection one of section three of *The Customs Tariff, 1907*, is repealed, and the following is substituted therefor:—

British Preferential Tariff.

"(1) The rates of customs duties, if any, set forth in column 1, "*British Preferential Tariff*," shall apply to goods the produce or manufacture of the following British countries when conveyed without transhipment from a port of any British country enjoying the benefits of the British Preferential Tariff into a sea or river port of Canada:—

(a) the United Kingdom;
(b) the British colony of Bermuda;
(c) the British colonies commonly called the British West Indies, including the following,—
- the Bahamas;
- Jamaica;
- Turks and Caicos Islands;
- the Leeward Islands (Antigua, St. Christopher-Nevis, Dominica, Montserrat, and the Virgin Islands);
- the Windward Islands (Grenada, St. Vincent and St. Lucia);
- Barbados;
- Trinidad and Tobago;

(d) British Guiana;
(e) British India;
(f) Ceylon;
(g) Straits Settlements;
(h) New Zealand;
(i) Union of South Africa;
(j) Southern Rhodesia

(k) any other British colony or possession admitted to the benefits of the British Preferential Tariff in Canada, in the manner hereinafter provided;

Provided, however, that goods entitled to the benefits of the British Preferential Tariff shall be accorded such benefits when such goods are shipped on a through bill of lading consigned to a consignee in a specified port in Canada when such goods are transferred at a port of a British colony or possession not enjoying the benefits of the British Preferential Tariff, and conveyed without further transhipment into a sea or river port of Canada."

Schedule A amended.

2. Schedule A to *The Customs Tariff, 1907*, as amended by chapter fifteen of the statutes of 1913, chapter forty-seven of the statutes of 1919, chapter twenty-seven of the statutes of 1921, chapter nineteen of the statutes of 1922, chapter forty-two of the statutes of 1923 and chapter thirty-eight of the statutes of 1924, is further amended by striking thereout tariff items: 7, 20a, 22, 23, 28, 30, 32, 39b, 77a, 90, 134, 135, 438, 448, 590a, 680a, the several enumerations of goods respectively, and the several rates of duties of customs, if any, set opposite each of said items, and to provide that the following items, enumerations and rates of duty be inserted in Schedule A:—

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
7	Meats, fresh, n.o.p., per pound	2 cts.	2½ cts.	3½ cts.
20a	Butter produced from the cocoa bean, per pound	Free	2 cts.	2 cts.
22	Preparations of cocoa or chocolate in powder form	22½ p.c.	27½ p.c.	35 p.c.
	or per pound	2 cts.	2½ cts.	3 cts.
	whichever rate returns the higher duty.			
23	Preparations of cocoa or chocolate, n.o.p., and confectionery, coated with or containing chocolate, the weight of the wrappings and cartons to be included in the weight for duty, per pound	2½ cts.	2½ cts.	2½ cts.
	and	20 p.c.	27½ p.c.	35 p.c.
28	Coffee, green, imported direct from the country of growth and production, and green coffee purchased in bond in the United Kingdom, per pound	Free	3 cts.	3 cts.
30	Ginger and spices, unground, n.o.p.	Free	12½ p.c.	12½ p.c.
32	Nutmegs and mace, whole or unground	Free	17½ p.c.	20 p.c.
39b	Arrowroot, per pound	Free	1½ cts.	1½ cts.
42a	Table salt made by an admixture of other ingredients, when containing not less than ninety per cent of pure salt	5 p.c.	10 p.c.	15 p.c.
72b	Tree seeds for reforestation purposes only	Free	Free	Free
77a	Cocoa beans, not roasted, crushed or ground, per one hundred pounds	Free	$1.50	$2.00
90	Fruits, viz.:—Plantains, pineapples, pomegranates, guavas, mangoes, wild blueberries, wild strawberries and wild raspberries	Free	Free	Free
90b	Bananas	Free	Free	Free

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
	The Governor in Council may by Order in Council direct that there be substituted for tariff item 90b in Schedule A of The Customs Tariff, 1907, the enumerations of goods and the rates of duties of customs, if any, set opposite items 90c and 90d in Schedule A the following:—			
90c	Bananas, when imported from the place of growth by ship, direct to a Canadian port, per stem or bunch	Free	50 cts.	50 cts.
90d	Bananas, n.o.p., per stem or bunch	50 cts.	50 cts.	50 cts.
	From and after the publication of such Order in Council in the Canada Gazette, tariff item 90b as it appears in said schedule at the time of the passing of this Act shall be repealed and the provisions of tariff items 90c and 90d shall be substituted therefor.			
105a	Pineapples in air-tight cans or other air-tight packages, n.o.p., the weight of cans or other packages to be included in the weight for duty, per pound	½ ct.	2½ cts.	2½ cts.
134	All sugar above number sixteen Dutch standard in colour, and all refined sugars of whatever kinds, grades or standards, not covered by tariff item No. 135, and sugar syrups testing over fifty-six degrees of polarization, when not exceeding eighty-eight degrees of polarization, per one hundred pounds	83 cts.	$1.50	$1.50
	When exceeding eighty-eight degrees but not exceeding eighty-nine degrees, per one hundred pounds	85 cts.	$1.53	$1.53
	When exceeding eighty-nine degrees but not exceeding ninety degrees, per one hundred pounds	87 cts.	$1.55	$1.55
	When exceeding ninety degrees but not exceeding ninety-one degrees, per one hundred pounds	89 cts.	$1.58	$1.58
	When exceeding ninety-one degrees but not exceeding ninety-two degrees, per one hundred pounds	91 cts.	$1.62	$1.62
	When exceeding ninety-two degrees but not exceeding ninety-three degrees, per one hundred pounds	93 cts.	$1.65	$1.65
	When exceeding ninety-three degrees but not exceeding ninety-four degrees, per one hundred pounds	95 cts.	$1.68	$1.68
	When exceeding ninety-four degrees but not exceeding ninety-five degrees, per one hundred pounds	97 cts.	$1.70	$1.70
	When exceeding ninety-five degrees but not exceeding ninety-six degrees, per one hundred pounds	99 cts.	$1.74	$1.74
	When exceeding ninety-six degrees but not exceeding ninety-seven degrees, per one hundred pounds	$1.01	$1.77	$1.77
	When exceeding ninety-seven degrees but not exceeding ninety-eight degrees, per one hundred pounds	$1.03	$1.80	$1.80
	When exceeding ninety-eight degrees but not exceeding ninety-nine degrees, per one hundred pounds	$1.09	$1.89	$1.89
	When exceeding ninety-nine degrees, per one hundred pounds	$1.09	$1.89	$1.89
	Provided that refined sugar shall be entitled to entry under the British Preferential Tariff upon evidence satisfactory to the Minister of Customs and Excise, that such refined sugar has been manufactured wholly from raw sugar produced in the British colonies and possessions, and not otherwise.			
	Provided further that sugar imported under this item shall not be subject to special duty in excess of three-fourths of one cent per pound.			

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
135	Sugar above number sixteen Dutch standard in colour when imported or purchased in bond in Canada by a recognized sugar refiner, for refining purposes only, under regulations by the Minister of Customs and Excise; and sugar, n.o.p., not above number sixteen Dutch standard in colour, sugar drainings or pumpings drained in transit, melado or concentrated melado, tank bottoms, sugar concrete, and molasses testing over fifty-six degrees and not exceeding seventy-six degrees, when not exceeding seventy-six degrees of polarization, per one hundred pounds.....	20·627 cts.	70·851 cts.	70·851 cts.
	When exceeding seventy-six degrees but not exceeding seventy-seven degrees, per one hundred pounds.....	20·647 cts.	73·213 cts.	73·213 cts.
	When exceeding seventy-seven degrees but not exceeding seventy-eight degrees, per one hundred pounds.....	20·667 cts.	75·574 cts.	75·574 cts.
	When exceeding seventy-eight degrees but not exceeding seventy-nine degrees, per one hundred pounds.....	20·687 cts.	77·936 cts.	77·936 cts.
	When exceeding seventy-nine degrees but not exceeding eighty degrees, per one hundred pounds.....	20·707 cts.	80·298 cts.	80·298 cts.
	When exceeding eighty degrees but not exceeding eighty-one degrees, per one hundred pounds.....	20·727 cts.	82·659 cts.	82·659 cts.
	When exceeding eighty-one degrees but not exceeding eighty-two degrees, per one hundred pounds.....	20·747 cts.	85·021 cts.	85·021 cts.
	When exceeding eighty-two degrees but not exceeding eighty-three degrees, per one hundred pounds.....	20·767 cts.	87·383 cts.	87·383 cts.
	When exceeding eighty-three degrees but not exceeding eighty-four degrees, per one hundred pounds.....	20·857 cts.	90·040 cts.	90·040 cts.
	When exceeding eighty-four degrees but not exceeding eighty-five degrees, per one hundred pounds.....	20·947 cts.	92·697 cts.	92·697 cts.
	When exceeding eighty-five degrees but not exceeding eighty-six degrees, per one hundred pounds.....	21·036 cts.	95·353 cts.	95·353 cts.
	When exceeding eighty-six degrees but not exceeding eighty-seven degrees, per one hundred pounds.....	21·126 cts.	98·010 cts.	98·010 cts.
	When exceeding eighty-seven degrees but not exceeding eighty-eight degrees, per one hundred pounds.....	21·512 cts.	$1·00963	$1·00963
	When exceeding eighty-eight degrees but not exceeding eighty-nine degrees, per one hundred pounds.....	21·897 cts.	$1·03915	$1·03915
	When exceeding eighty-nine degrees but not exceeding ninety degrees, per one hundred pounds.....	22·872 cts.	$1·07457	$1·07457
	When exceeding ninety degrees but not exceeding ninety-one degrees, per one hundred pounds.	23·848 cts.	$1·11000	$1·11000
	When exceeding ninety-one degrees but not exceeding ninety-two degrees, per one hundred pounds.....	24·823 cts.	$1·14542	$1·14542
	When exceeding ninety-two degrees but not exceeding ninety-three degrees, per one hundred pounds.....	25·799 cts.	$1·18085	$1·18085
	When exceeding ninety-three degrees but not exceeding ninety-four degrees, per one hundred pounds.....	26·762 cts.	$1·21627	$1·21627
	When exceeding ninety-four degrees but not exceeding ninety-five degrees, per one hundred pounds.....	27·737 cts.	$1·25170	$1·25170
	When exceeding ninety-five degrees but not exceeding ninety-six degrees, per one hundred pounds.....	28·712 cts.	$1·28712	$1·28712
	When exceeding ninety-six degrees but not exceeding ninety-seven degrees, per one hundred pounds	29·688 cts.	$1·32255	$1·32255

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
	When exceeding ninety-seven degrees but not exceeding ninety-eight degrees, per one hundred pounds	30·664 cts.	$1·35798	$1·35798
	Over ninety-eight degrees, per one hundred pounds	35·606 cts.	$1·47606	$1·47606
	Provided that sugar imported under this item shall not be subject to special duty.			
156b	Angostura bitters, the produce or manufacture of any of the colonies enumerated in section 8A of The Customs Tariff, 1907, when conveyed without transhipment by ship direct into a sea or river port of Canada, per gallon	$5.00	—	—
216a	Cresylic acid when imported for use only by manufacturers in the manufacture of preparations for disinfecting, dipping and spraying	Free	Free	Free
295a	Zirconium silicate	Free	Free	Free
384c	Rolled sheets of iron or steel coated with tin, of a class or kind not manufactured in Canada	Free	5 p.c.	5 p.c.
438	Locomotives and motor cars for railways and tramways, and chassis, tops, wheels and bodies for same	22½ p.c.	30 p.c.	35 p.c.
438a	Automobiles and motor vehicles of all kinds, n.o.p.; chassis for same	15 p.c.	25 p.c.	27½ p.c
438b	Automobiles for conveying passengers only, n.o.p., valued at retail, when new, with standard equipment complete at not more than twelve hundred dollars each; motor cars or motor trucks (not for railways or tramways) for carrying goods only; motor cycles; chassis for motor vehicles specified in this item	12½ p.c.	17½ p.c.	20 p.c.
438c	Tops, wheels, and bodies, n.o.p., for motor vehicles enumerated in tariff items 438a and 438b	20 p.c.	27½ p.c.	30 p.c.
438d	Horns, distributors, ammeters, instrument board lamps, oil gauges, gasoline gauges, thermostats, oil filters, carburetors, purifiers for oil, purifiers for air, clocks, monograms of metal and enamel, annular ball bearings and parts thereof, lock washers, speedometers and parts thereof, vacuum tanks, gaskets of copper and of asbestos, rims for steering wheels, welded axle housings, electric terminals other than battery terminals, and fuses, all of a class or kind not made in Canada, when imported by manufacturers of goods enumerated in tariff items 438a, 438b and 438c for use only as original equipment in the manufacture of motor vehicles enumerated in tariff items 438a and 438b	Free	Free	Free
448	Spraying machines, fruit or vegetable grading machines, incubators for hatching eggs, brooders for rearing young fowl, pruning hooks, pruning shears, hay loaders, potato-diggers, fodder or feed cutters, grain crushers, fanning mills, hay tedders, farm or field rollers, post hole diggers, snaths, milking machines, milking machine attachments; centrifugal machines for testing butter fat, milk or cream; pasteurizers for dairying purposes; equipment for generating electric power for farm purposes only, viz: engine, generator, storage battery and switch board; stumping machines, and other agricultural implements, n.o.p.; and complete parts of articles specified in this tariff item	5 p.c.	10 p.c.	10 p.c.
453f	Iron or steel castings in the rough, not further finished than with the burrs removed, when imported by manufacturers of shot guns for use only in the manufacture of such articles in their own factories, under regulations prescribed by the Minister of Customs and Excise	5 p.c.	7½ p.c.	10 p.c.

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
460e	Belt and cap lamps and parts thereof to be used exclusively in a mine; parts of miners' safety lamps, n.o.p.	Free	Free	Free
469b	Machinery and apparatus and parts thereof for use only in producing unrefined oil or fertilizer from shales, not to include motive power of a class or kind made in Canada	Free	Free	Free
502d	Gun stocks and fore-ends for shot guns, of walnut in the rough, not further manufactured than bored and channelled, when imported by manufacturers of shot guns for use only in the manufacture of shot guns in their own factories	10 p.c.	12½ p.c.	15 p.c.
590a	Aeroplanes and other aircraft and complete parts thereof, n.o.p., under regulations prescribed by the Minister of Customs and Excise	15 p.c.	25 p.c.	27½ p.c.
590c	Engines and complete parts thereof, when imported for use only in the equipment of aircraft	Free	7½ p.c.	10 p.c.
	On and after 1st July, 1928	15 p.c.	25 p.c.	27½ p.c.
664b	Ethylene glycol, when imported by manufacturers of explosives, for use only in the manufacture of such articles in their own factories	Free	Free	Free
680a	Sponges of marine production	Free	17½ p.c.	17½ p.c.

Schedule B, amended.

3. Schedule B to *The Customs Tariff, 1907*, as amended by chapter thirty-eight of the statutes of 1924, is further amended by striking thereout item 1031, the enumeration of goods, and the rate of drawback to the said item and to provide that the following items, enumerations and rates of drawback of customs duties be inserted in said Schedule B:— 5

Tariff Item	Goods	When Subject to Drawback	Portion of Duty (Not including Special Duty or Dumping Duty) Payable as Drawback
1050	Sugar	When used in the manufacture of loganberry wine. Provided that drawback shall not be payable in respect of any raw sugar, except raw sugar produced in a British country	99 p.c.
1051	Artificial silk tops and waste or artificial fibre silk tops and waste enumerated in tariff item 583A	When further manufactured after the 31st day of December, 1925, and prior to the 1st day of January, 1928	80 p.c.
1052	Artificial silk yarns or filaments enumerated in tariff item 583aa, imported prior to the first day of January, 1926	When further manufactured prior to the first day of January, 1927	80 p.c.

Tariff Item	Goods	When Subject to Drawback	Portion of Duty (Not including Special Duty or Dumping Duty) Payable as Drawback
1053	Cellulose acetate in powdered form imported after the thirtieth day of April, 1927, and prior to the first day of November, 1927.....	When imported by manufacturers and further manufactured in their own factories before the first day of December, 1927.....	99 p.c.
1054	Yarns produced from cellulose acetate, dry spun, not more advanced than singles, when imported after the thirty-first day of October, 1926, and prior to the first day of August, 1927.....	When imported by manufacturers and further manufactured in their own factories before the first day of September, 1927.....	80 p.c.
1055	Materials, including all parts.....	When used in the manufacture of goods enumerated in tariff items 438a and 438b: Provided that before April 1, 1927, no drawback shall be paid under this item unless at least forty per cent of the cost of producing the finished article has been incurred in Canada; Provided that on and after April 1, 1927, no drawback shall be paid under this item unless at least fifty per cent of the cost of producing the finished article has been incurred in Canada; And provided further that no drawback under this item shall be payable more than once on any article.....	25 p.c.

Coming into force of section one.

4. Section one of this Act shall be deemed to have come into force on the first day of January, one thousand nine hundred and twenty-seven, and to have applied to goods imported under the provisions of the said section on and after that day. 5

Coming into force of sections two and three.

5. Sections two and three shall be deemed to have come into force on the sixteenth day of April, one thousand nine hundred and twenty-six, and to have applied to all goods mentioned in the said sections imported or taken out of warehouse for consumption on and after that day, and to 10 have applied to goods previously imported for which no entry for consumption was made before that day.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 115.

An Act to amend The Special War Revenue Act, 1915.

First reading, May 26, 1926.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
19939 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 115.

An Act to amend The Special War Revenue Act, 1915.

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

1915, c. 8; 1918, c. 46; 1920, c. 71; 1921, c. 50; 1922, c. 47; 1923, c. 70; 1924, c. 68; 1925, c. 26.

Stamp tax on letters and post cards.

1. Subsection five of section thirteen of *The Special War Revenue Act, 1915*, is repealed and the following substituted therefor:— 5

"(5) On every post card for transmission by post for any distance within Canada and on every letter and post card posted at and intended for delivery through the same post office, there shall be levied and collected a tax of one cent in addition to postage payable in the form of a postage stamp to be affixed thereto at or before the time of posting the letter or post card; but such tax shall not be levied or collected on any letter or post card entitled to the privilege of free transmission under the provisions of the *Post Office Act*. The stamp so affixed shall be cancelled by the Postmaster or other officer of the Post Office Department whose duty it is to cancel the postage stamps affixed to such letters or post cards in prepayment of postage." 10 15

Exception.

Stamp tax on receipts. removed.

2. Section fourteen of the said Act, as enacted by section ten of chapter forty-seven of the statutes of 1922, and amended by section three of chapter seventy of the statutes of 1923, and by section six of chapter twenty-six of the statutes of 1925, is repealed. 20

3. Paragraph *(a)* of subsection one of section nineteen BB of the said Act as enacted by chapter fifty of the statutes of 1921, is repealed and the following substituted therefor:— 25

Excise tax on playing cards.

"*(a)* A tax on playing cards for every fifty-four cards or fraction of fifty-four in each package,—ten cents per pack." 30

4. Section nineteen BBB of the said Act is amended by adding after subsection two thereof the following as subsection two A:—

Explanatory Notes.

Section 1.—This section removes the one cent additional postage on letters for transmission by post for any distance within Canada. The additional cent will remain payable on "drop" letters and on post cards as heretofore.

Section 2.—This section removes the stamp tax on receipts.

Section 3.—The present tax on playing cards is:—

On cards selling at $24 or less per gross packages..... ·08 per pack.
When selling in excess of $24 per gross packages..... ·15 per pack.

The section does away with the sliding scale and provides for a straight tax of ten cents per pack.

Section 4.—The purpose of this section is to remove doubt as to whether goods are liable to the sales tax when sold under process of law, or under a lien, etc.

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Tax on sales by operation of law, etc.

"(2A) In case any person other than the manufacturer or producer or importer or transferee or licensed wholesaler or jobber hereinbefore mentioned acquires from or against any one of these persons the right to sell any goods, whether as a result of the operation of law or of any transaction not taxable under this section, the sale of such goods by him shall be taxable as if made by the manufacturer or producer or importer or transferee or licensed wholesaler or jobber as the case may be and the person so selling shall be liable to pay the tax."

Excepted articles not liable to tax.

5. Subsection four of section nineteen BBB of the said Act, being the list of excepted articles not liable to the consumption or sales tax, is amended by adding thereto the following:—

"pot barley; pearl barley; split peas; goods enumerated in Customs Tariff items 469b, 700, 701, 702, 703 and 704; articles and materials, not to include permanent equipment, which enter into the cost of manufacture or production of goods manufactured or produced by a licensed manufacturer or producer; wrought, seamless, or lap-welded iron or steel tubing, less than four inches in diameter, threaded and coupled, or not, when used only in oil wells, and materials used in the manufacture of such tubing; machinery and apparatus used only in the pumping of crude oil out of wells, and articles and materials used in the manufacture of such machinery or apparatus."

Fifty per cent of tax on canned fish.

6. Subsectlon five of section nineteen BBB of the said Act is amended by adding thereto the following item:—

"fish, or products thereof, canned but not medicated; apples, dried, desiccated or evaporated; goods enumerated in customs tariff item 105a."

Excise tax on carbonic acid gas removed.

7. Schedule Two to the said Act is amended by striking thereout the last five lines respecting carbonic acid gas which were added to the said schedule by section twelve of chapter seventy of the statutes of 1923.

Refunds of tax paid on ships' stores.

8. A refund of the amount of taxes paid under sections sixteen A, nineteen B, nineteen BB, and nineteen BBB of the said Act may be granted to a manufacturer, producer, wholesaler, jobber, or other dealer on goods hereafter sold as ships' stores.

When section 1 comes into force.

9. Section one of this Act shall come into force on the first day of July, one thousand nine hundred and twenty-six.

SECTION 5.—This section excepts the articles specified therein from consumption or sales tax.

Customs Tariff Item 469b—Machinery for extracting oil and fertilizer from shales.
" " 700 —Articles for exhibition.
" " 701 —Menageries, etc.
" " 702 —Carriages for travellers,
" " 703 —Travellers' baggage,
" " 704 —Heirlooms left by bequest.

These items are excepted for administrative purposes.

Articles and materials not permanent equipment, tubing used in oil wells, and machinery and apparatus used in pumping of crude oil, are also exempted.

SECTION 6.—This section adds canned fish, dried apples and canned pineapples to the list of articles which are subject to only 50% of the sales tax.

SECTION 7.—The revenue produced from this tax has been so small and the tax so difficult to administer that it is proposed to abolish it.

SECTION 8.—The purpose of this section is to encourage vessels to fit out in Canadian ports and to enable dealers to sell ships' stores on the same terms as a manufacturer or wholesaler.

When sections 2 and 8 come into force.

10. Sections two and eight of this Act shall be deemed to have come into force on the sixteenth day of April, one thousand nine hundred and twenty-six.

When section 4 comes into force.

11. Section four of this Act shall come into force on the date on which this Act receives the royal assent. 5

When sections 3, 5, 6, and 7 come into force.

12. Sections three, five, six and seven of this Act shall be deemed to have come into force on the sixteenth day of April, one thousand nine hundred and twenty-six, and to have applied to all goods imported or taken out of warehouse for consumption on and after that date and to have applied 10 to goods previously imported for which no entry for consumption was made before that date.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 115.

An Act to amend The Special War Revenue Act, 1915.

AS PASSED BY THE HOUSE OF COMMONS,
11th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
19948 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 115.

An Act to amend The Special War Revenue Act, 1915.

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

1915, c. 8; 1918, c. 46; 1920, c. 71; 1921, c. 50; 1922, c. 47; 1923, c. 70; 1924, c. 68; 1925, c. 26.

Stamp tax on letters and post cards.

1. Subsection five of section thirteen of *The Special War Revenue Act, 1915*, is repealed and the following substituted therefor:—

"(5) On every post card for transmission by post for any distance within Canada and on every letter and post card posted at and intended for delivery through the same post office, there shall be levied and collected a tax of one cent in addition to postage payable in the form of a postage stamp to be affixed thereto at or before the time of posting the letter or post card; but such tax shall not be levied or collected on any letter or post card entitled to the privilege of free transmission under the provisions of the *Post Office Act*. The stamp so affixed shall be cancelled by the Postmaster or other officer of the Post Office Department whose duty it is to cancel the postage stamps affixed to such letters or post cards in prepayment of postage."

Exception.

Stamp tax on receipts. removed.

2. Section fourteen of the said Act, as enacted by section ten of chapter forty-seven of the statutes of 1922, and amended by section three of chapter seventy of the statutes of 1923, and by section six of chapter twenty-six of the statutes of 1925, is repealed.

3. Paragraph *(a)* of subsection one of section nineteen BB of the said Act as enacted by chapter fifty of the statutes of 1921, is repealed and the following substituted therefor:—

Excise tax on playing cards.

"*(a)* A tax on playing cards for every fifty-four cards or fraction of fifty-four in each package,—ten cents per pack."

4. Section nineteen BBB of the said Act is amended by adding after subsection two thereof the following as subsection two A:—

Explanatory Notes.

Section 1.—This section removes the one cent additional postage on letters for transmission by post for any distance within Canada. The additional cent will remain payable on "drop" letters and on post cards as heretofore.

Section 2.—This section removes the stamp tax on receipts.

Section 3.—The present tax on playing cards is:—

On cards selling at $24 or less per gross packages.....	·08 per pack.
When selling in excess of $24 per gross packages.....	·15 per pack.

The section does away with the sliding scale and provides for a straight tax of ten cents per pack.

Section 4.—The purpose of this section is to remove doubt as to whether goods are liable to the sales tax when sold under process of law, or under a lien, etc.

Tax on sales by operation of law, etc.

"(2A) In case any person other than the manufacturer or producer or importer or transferee or licensed wholesaler or jobber hereinbefore mentioned acquires from or against any one of these persons the right to sell any goods, whether as a result of the operation of law or of any transaction not taxable under this section, the sale of such goods by him shall be taxable as if made by the manufacturer or producer or importer or transferee or licensed wholesaler or jobber as the case may be and the person so selling shall be liable to pay the tax."

Excepted articles not liable to tax.

5. Subsection four of section nineteen BBB of the said Act, being the list of excepted articles not liable to the consumption or sales tax, is amended by adding thereto the following:—

"pot barley; pearl barley; split peas; goods enumerated in Customs Tariff items 469b, 700, 701, 702, 703 and 704; articles and materials, not to include permanent equipment, which enter into the cost of manufacture or production of goods manufactured or produced by a licensed manufacturer or producer; wrought, seamless, or lap-welded iron or steel tubing, less than four inches in diameter, threaded and coupled, or not, when used only in oil wells, and materials used in the manufacture of such tubing; machinery and apparatus used only in the pumping of crude oil out of wells, and articles and materials used in the manufacture of such machinery or apparatus."

Fifty per cent of tax on canned fish.

6. Subsection five of section nineteen BBB of the said Act is amended by adding thereto the following items:—

"fish, or products thereof, canned but not medicated; apples, dried, desiccated or evaporated; goods enumerated in customs tariff item 105a."

Excise tax on carbonic acid gas removed.

7. Schedule Two to the said Act is amended by striking thereout the last five lines respecting carbonic acid gas which were added to the said schedule by section twelve of chapter seventy of the statutes of 1923.

Refunds of tax paid on ships' stores.

8. A refund of the amount of taxes paid under sections sixteen A, nineteen B, nineteen BB, and nineteen BBB of the said Act may be granted to a manufacturer, producer, wholesaler, jobber, or other dealer on goods hereafter sold as ships' stores.

Excise tax on passenger automobiles not to apply on cars valued at not more than $1,200.

9. (1) Paragraph *(a)* of subsection one of section nineteen B of the said Act, as enacted by section fourteen of chapter forty-seven of the statutes of 1922, is amended by adding thereto the following proviso:—

"Provided that the said excise tax shall not be imposed, levied or collected on automobiles specified in item *(a)* of

SECTION 5.—This section excepts the articles specified therein from consumption or sales tax.

Customs Tariff Item 469b—Machinery for extracting oil and fertilizer from shales.
" " 700 —Articles for exhibition.
" " 701 —Menageries, etc.
" " 702 —Carriages for travellers,
" " 703 —Travellers' baggage,
" " 704 —Heirlooms left by bequest.

These items are excepted for administrative purposes.

Articles and materials not permanent equipment, tubing used in oil wells, and machinery and apparatus used in pumping of crude oil, are also exempted.

SECTION 6.—This section adds canned fish, dried apples and canned pineapples to the list of articles which are subject to only 50% of the sales tax.

SECTION 7.—The revenue produced from this tax has been so small and the tax so difficult to administer that it is proposed to abolish it.

SECTION 8.—The purpose of this section is to encourage vessels to fit out in Canadian ports and to enable dealers to sell ships' stores on the same terms as a manufacturer or wholesaler.

said Schedule I adapted or adaptable for passenger use valued at not more than twelve hundred dollars each;

Imported under British preferential tariff.

"(ia) when such automobiles are imported into Canada before the first day of April, 1927, from any British country the goods of which are admitted to the benefit of the British Preferential Tariff, when at least forty per cent of the cost of producing the finished automobile has been incurred in such British country; or

"(ib) when such automobiles are imported into Canada on and after the first day of April, 1927, from any British country the goods of which are admitted to the benefit of the British Preferential Tariff, when at least fifty per cent of the cost of producing the finished automobile has been incurred in such British country; or

Imported from countries enjoying most favoured nation treatment.

"(iia) when such automobiles are imported into Canada before the first day of April, 1927, from any foreign country the goods of which when imported into Canada enjoy most favoured nation treatment under the provisions of a treaty or convention, when at least forty per cent of the cost of producing the finished automobile has been incurred in such foreign country; or

"(iib) when such automobiles are imported into Canada on and after the first day of April, 1927, from any foreign country the goods of which when imported into Canada enjoy most favoured nation treatment under the provisions of a treaty or convention, when at least fifty per cent of the cost of producing the finished automobile has been incurred in such foreign country; or

Manufactured in Canada.

"(iiia) when such automobiles are produced or manufactured in Canada before the first day of April, 1927, when at least forty per cent of the cost of producing the finished automobile has been incurred in Canada; or

"(iiib) when such automobiles are produced or manufactured in Canada on and after the first day of April, 1927, when at least fifty per cent of the cost of producing the finished automobile has been incurred in Canada.

Refund of excise tax on such autos in possession of dealer or agent on 8th June, 1926.

"Provided further that there may be paid to the automobile dealer or agent a refund equal to the amount of excise tax actually paid by the dealer or agent under the provisions of this subsection on such automobiles new, unused and unsold in the possession of the dealer or agent on the eighth day of June, 1926."

When section comes into force.

(2) This section shall be deemed to have come into force on the eighth day of June, 1926, and to have applied to all automobiles described in this section imported or taken out of warehouse for consumption on and after that date and to have applied to goods previously imported for which no entry for consumption was made before that date.

When section 1 comes into force.

10. Section one of this Act shall come into force on the first day of July, one thousand nine hundred and twenty-six.

When sections 2 and 8 come into force.

11. Sections two and eight of this Act shall be deemed to have come into force on the sixteenth day of April, one thousand nine hundred and twenty-six. 5

When section 4 comes into force.

12. Section four of this Act shall come into force on the date on which this Act receives the royal assent.

When sections 3, 5, 6, and 7 come into force.

13. Sections three, five, six and seven of this Act shall be deemed to have come into force on the sixteenth day of April, one thousand nine hundred and twenty-six, and to have applied to all goods imported or taken out of warehouse for consumption on and after that date and to have applied to goods previously imported for which no entry for consumption was made before that date. 10 15

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 116.

An Act to amend The Income War Tax Act, 1917.

First reading, May 27, 1926.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22196 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 116.

An Act to amend The Income War Tax Act, 1917.

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 Income War Tax Act, 1917,* is amended by adding thereto the following paragraphs:— 5

Gross revenue.

"*(m)* 'gross revenue' (where a personal corporation has revenue from more than one source) means the sum of the net profits from each source."

Householder.

"*(n)* 'householder' means,

(i) an individual who at his own and sole expense maintains a self-contained domestic establishment employing therein on full time a housekeeper or servant; or, 10

(ii) an individual who maintains a self-contained domestic establishment and who actually supports and maintains therein one or more individuals connected with him by blood relationship, marriage or adoption. 15

Self-contained domestic establishment.

"*(o)* 'self-contained domestic establishment' means a dwelling house, apartment or other similar place of residence, containing at least two bedrooms, in which residence amongst other things the taxpayer as a general rule sleeps and has his meals prepared and served." 20

Dividends to individuals to be liable to tax.

2. Paragraph *(d)* of subsection one of section three of the said Act shall not apply to the dividend income of the taxpayer for the year 1925 and each year thereafter.

3. Section three of the said Act is amended by adding thereto the following subsections:— 25

Personal corporations.

"(10) *(a)* For the purposes of this Act a 'personal corporation' means a corporation or joint stock company (no matter when or where created) controlled directly or indirectly by one person, who resides in Canada, or by one such person and his wife or any member of his family, or by any combination of them, or by any other person or corporation 30

EXPLANATORY NOTES.

Section 2—Paragraph *(d)* of subsection one of section 3 reads as follows:—

"*(d)* dividends received by or credited to shareholders of a corporation which is liable to taxation under the provisions of this Act shall not be liable to the normal tax in the hands of the shareholders, but shall be liable to the super-tax and surtax provisions of this Act or any amendment thereto. The amount of the exemption from the normal tax to the shareholder shall not exceed the net amount of such dividends after the deduction of the interest or carrying charges, if any, in respect of such dividends."

on his or their behalf, whether through holding a majority of the stock of such corporation, or in any other manner whatsoever, the gross revenue of which is to the extent of one quarter or more derived from one or more of the following sources, namely:— 5

from the ownership of or the trading or dealing in bonds, stocks or shares, debentures, mortgages, hypothecs, bills, notes or other similar property, or from the lending of money with or without security, or by way of rent, annuity, royalty, interest or dividend, or from or by virtue of any 10 right, title or interest in or to any estate or trust.

Income of personal corporation distributed.

"*(b)* The income of a personal corporation, in lieu of being assessed the tax prescribed by subsection two of section four of this Act, shall on the last day of each year be deemed to be distributed as a dividend to the share- 15 holders thereof and shall in their hands constitute taxable income for each year in the proportion hereinafter mentioned, whether actually distributed by way of dividend or not.

Shareholder's taxable portion.

"*(c)* Each shareholder's taxable portion of the income 20 of the corporation, deemed to be distributed to him as above provided for, shall be such percentage of the income of the corporation, as the value of all property transferred or loaned by such shareholder or his predecessor in title to the corporation is of the total value of all property of the 25 corporation acquired from the shareholders.

Valuation of property transferred.

"*(d)* The value of the property transferred by each shareholder or his predecessor in title shall be the fair value as at the date of the transfer of such property to the corporation, and the total value of the property of the corpora- 30 tion acquired from its shareholders shall, for the purpose of determining the percentage referred to in the last preceding paragraph, be taken as at the date of acquisition thereof by the corporation. In ascertaining values under this subsection, regard shall be had to all the facts and circumstances, 35 and the decision of the Minister in that respect shall be final and conclusive.

One personal corporation succeeding another.

"*(e)* Where one personal corporation, at any time heretofore, has been or is succeeded by, or has transferred or transfers its property to another personal corporation, the 40 shareholders of the first corporation shall be deemed to have transferred to the second or succeeding corporation the property which they transferred to the corporation first mentioned and where any person has acquired or acquires the control of a personal corporation he shall be deemed to 45 have transferred to such corporation the property transferred thereto by his vendor.

"*(f)* This subsection shall be applicable to income of the year 1925 and fiscal periods ending therein and to each year or period thereafter. Where the fiscal period does not 50 coincide with the calendar year, the income shall be deemed

to be distributed as a dividend on the last day of the fiscal period.

"(g) Dividends actually declared by a personal corporation,—

(i) to be paid out of income earned subsequent to the thirty-first day of December, 1924, which income has already been taxed by reason of the provisions of this subsection, shall not be liable to further taxation;

(ii) to be paid out of income earned between the thirty-first day of December, 1916, and the first day of January, 1924, shall be taxable in the year of declaration; provided always, however, that in respect of income earned between the thirty-first day of December, 1916, and the first day of January, 1924, any undistributed portion thereof remaining on hand at the thirty-first day of December, 1930, shall be deemed to be distributed on that date and be a dividend and taxable as income of the year 1930.

"(11) The carrying charges or expenses of unproductive property or assets not acquired for the purposes of a trade, business or calling or of a liability not incurred in connection with a trade, business or calling shall not be allowed as a deduction in determining income for the year 1925 and each year thereafter."

"(12) (a) An incorporated company shall not be subject to a tax in respect of dividends paid to it by a company incorporated in Canada the profits of which have been taxed under this Act.

"(b) An incorporated company shall be exempt from taxation in respect of dividends received from a company incorporated outside of Canada in the years that the latter corporation has earned income in the Canadian and actually paid a tax in respect of such income under this Act.

"(c) In computing the proportion or fractional part of such dividend free from taxation in the hands of a recipient corporation, as provided by paragraph (b) of this subsection, the Minister's determination shall be final and conclusive.

"(d) Where one personal corporation, at any time before [illegible] has allocated on account of dividends payable [illegible] to shareholders with a different allocation [illegible] the end of the year [illegible] paragraph (v) and substituting in lieu thereof the following:—

"the lesser of the amount of income in excess of the amount [illegible]

to be distributed as a dividend on the last day of the fiscal period.

Personal corporation dividends.

"*(g)* Dividends actually declared by a personal corporation,—

(i) to be paid out of income earned subsequent to the thirty-first day of December, 1924, which income has already been taxed by reason of the provisions of this subsection, shall not be liable to further taxation;

(ii) to be paid out of income earned between the thirty-first day of December, 1916, and the first day of January, 1925, shall be taxable in the year of declaration; provided always, however, that in respect of income earned between the thirty-fiirst day of December, 1916, and the first day of January, 1925, any undistributed portion thereof remaining on hand at the thirty-first day of December, 1930, shall be deemed to be distributed on that date and be a dividend and taxable as income of the year 1930.

Carrying charges.

"(11) The carrying charges or expenses of unproductive property or assets not acquired for the purposes of a trade, business or calling or of a liability not incurred in connection with a trade, business or calling shall not be allowed as a deduction in determining income for the year 1925 and each year thereafter."

Dividends of other corporations received by a corporation.

"(12) *(a)* An incorporated company shall not be subject to a tax in respect of dividends paid to it by a company incorporated in Canada the profits of which have been taxed under this Act.

"*(b)* An incorporated company shall be exempt from taxation in respect of dividends received from a company incorporated outside of Canada to the extent that the latter corporation has earned income within Canada and actually paid a tax in respect of such income under this Act.

"*(c)* In computing the proportion or fractional part of such dividend free from taxation in the hands of a recipient corporation, as provided by paragraph *(b)* of this subsection, the Minister's determination shall be final and conclusive."

Rates of tax.

4. (1) Subsection one of section four of the said Act is amended by striking out all the words therein contained following upon the word "non-resident" at the end of paragraph (v) and substituting in lieu thereof the following: "the following taxes upon the amount of income in excess of the exemptions hereinafter provided,—

on the first $2,000 or any portion thereof,			2 per centum;
on the amount in excess of $	2,000 but not in excess of $	3,000,	3 per centum;
on the amount in excess of $	3,000 but not in excess of $	4,000,	4 per centum;
on the amount in excess of $	4,000 but not in excess of $	5,000,	5 per centum;
on the amount in excess of $	5,000 but not in excess of $	6,000,	6 per centum;
on the amount in excess of $	6,000 but not in excess of $	7,000,	7 per centum;
on the amount in excess of $	7,000 but not in excess of $	8,000,	8 per centum;
on the amount in excess of $	8,000 but not in excess of $	9,000,	9 per centum;
on the amount in excess of $	9,000 but not in excess of $	10,000,	10 per centum;

Section 4—Subsection one of section 4 reads as follows, and all the words underlined are to be struck out:—

"4. (1) There shall be assessed, levied and paid upon the income during the preceding year of every person,—

(i) residing or ordinarily resident in Canada, or

(ii) who remains in Canada during any calendar year for a period or periods equal to one hundred and eighty-three days, or

(iii) who is employed in Canada, or

(iv) who, not being a resident of Canada, is carrying on business in Canada, or

(v) who, not being a resident of Canada, derives income for services rendered in Canada, to any person resident or carrying on business in Canada but only upon that portion of the income so earned by such non-resident, except corporations and joint stock companies, the following taxes:—

"(a) four per centum upon all income exceeding two thousand dollars but not exceeding six thousand dollars in the case of a married person, or any other person who has dependent upon him any of the following persons:

(i) A parent or grandparent;

(ii) A daughter or sister;

(iii) A son or brother under twenty-one years of age or incapable of self-support on account of mental or physical infirmity;

and four per centum upon all income exceeding one thousand dollars but not exceeding six thousand dollars in the case of all other persons;

And in all cases eight per centum upon all income exceeding six thousand dollars

And in addition thereto the following surtax." (Here follow the surtaxes, in full.)

on the amount in excess of $ 10,000 but not in excess of $ 11,000, 11 per centum;
on the amount in excess of $ 11,000 but not in excess of $ 12,000, 12 per centum;
on the amount in excess of $ 12,000 but not in excess of $ 13,000, 13 per centum;
on the amount in excess of $ 13,000 but not in excess of $ 14,000, 14 per centum;
on the amount in excess of $ 14,000 but not in excess of $ 15,000, 15 per centum;
on the amount in excess of $ 15,000 but not in excess of $ 16,000, 16 per centum;
on the amount in excess of $ 16,000 but not in excess of $ 17,000, 17 per centum;
on the amount in excess of $ 17,000 but not in excess of $ 18,000, 18 per centum;
on the amount in excess of $ 18,000 but not in excess of $ 19,000, 19 per centum;
on the amount in excess of $ 19,000 but not in excess of $ 20,000, 20 per centum;
on the amount in excess of $ 20,000 but not in excess of $ 25,000, 21 per centum;
on the amount in excess of $ 25,000 but not in excess of $ 30,000, 22 per centum;
on the amount in excess of $ 30,000 but not in excess of $ 35,000, 23 per centum;
on the amount in excess of $ 35,000 but not in excess of $ 40,000, 24 per centum;
on the amount in excess of $ 40,000 but not in excess of $ 45,000, 25 per centum;
on the amount in excess of $ 45,000 but not in excess of $ 50,000, 26 per centum;
on the amount in excess of $ 50,000 but not in excess of $ 55,000, 27 per centum;
on the amount in excess of $ 55,000 but not in excess of $ 60,000, 28 per centum;
on the amount in excess of $ 60,000 but not in excess of $ 65,000, 29 per centum;
on the amount in excess of $ 65,000 but not in excess of $ 70,000, 30 per centum;
on the amount in excess of $ 70,000 but not in excess of $ 75,000, 31 per centum;
on the amount in excess of $ 75,000 but not in excess of $ 80,000, 32 per centum;
on the amount in excess of $ 80,000 but not in excess of $ 85,000, 33 per centum;
on the amount in excess of $ 85,000 but not in excess of $ 90,000, 34 per centum;
on the amount in excess of $ 90,000 but not in excess of $ 95,000, 35 per centum;
on the amount in excess of $ 95,000 but not in excess of $100,000, 36 per centum;
on the amount in excess of $100,000 but not in excess of $110,000, 37 per centum;
on the amount in excess of $110,000 but not in excess of $120,000, 38 per centum;
on the amount in excess of $120,000 but not in excess of $130,000, 39 per centum;
on the amount in excess of $130,000 but not in excess of $140,000, 40 per centum;
on the amount in excess of $140,000 but not in excess of $150,000, 41 per centum;
on the amount in excess of $150,000 but not in excess of $175,000, 42 per centum;
on the amount in excess of $175,000 but not in excess of $200,000, 43 per centum;
on the amount in excess of $200,000 but not in excess of $250,000, 44 per centum;
on the amount in excess of $250,000 but not in excess of $300,000, 45 per centum;
on the amount in excess of $300,000 but not in excess of $350,000, 46 per centum;
on the amount in excess of $350,000 but not in excess of $400,000, 47 per centum;
on the amount in excess of $400,000 but not in excess of $450,000, 48 per centum;
on the amount in excess of $450,000 but not in excess of $500,000, 49 per centum;
and
on the amount in excess of $500,000, 50 per centum.

The rates set forth in this subsection shall not apply to corporations or joint stock companies.

"(1A) Taxpayers shall be entitled to the following exemptions—

Statutory exemptions.

"*(a)* Three thousand dollars in the case of a married person or householder or any other person who has dependent upon him any of the following persons:—

(i) a parent or grandparent;

(ii) a daughter or sister;

(iii) A son or brother under twenty-one years of age or incapable of self-support on account of mental or physical infirmity,

"*(b)* fifteen hundred dollars in the case of other persons, and

"*(c)* five hundred dollars for each child under eighteen years of age who is dependent upon the taxpayer for support.

Incomes of husband and wife.

"(1B) Where a husband and wife have each a separate income in excess of fifteen hundred dollars, each shall receive an exemption of fifteen hundred dollars in lieu of the exemption set forth in paragraph *(a)* of the immediately preceding subsection.

"(1C) The exemption for each dependent child may be taken by either parent under arrangement between them-

selves. In the event of any dispute arising between them, then the said exemption or exemptions shall be allotted to the father of the said child or children."

(2) Paragraph (i) of section two of the said Act is hereby repealed. 5

Corporation tax.

5. Subsection two of section four of the said Act is amended by striking out the word "ten" in the second line thereof and substituting therefor the word "nine."

Five per cent additional tax repealed.

6. Subsection (2a) of section four of the said Act shall not apply to any tax payable in respect of the income for 10 the year 1925 and each year thereafter.

7. Subsection four of section four of the said Act is hereby repealed and the following substituted therefor:—

"(4) For the purposes of this Act,—

Transfer of property.

(a) Where a person transfers property to his children 15 such person shall nevertheless be liable to be taxed on the income derived from such property or from property substituted therefor as if such transfer had not been made, unless the Minister is satisfied that such transfer was not made for the purpose of evading the taxes 20 imposed under this Act.

(b) Where a husband transfers property to his wife, or *vice versa*, the husband or the wife, as the case may be, shall nevertheless be liable to be taxed on the income derived from such property or from property substi- 25 tuted therefor as if such transfer had not been made."

8. Section four of the said Act is amended by adding thereto the following subsections:—

Family corporations.

"(7) *(a)* For the purposes of this subsection a 'family corporation' means a corporation (other than a 'personal 30 corporation') seventy-five per centum of the stock of which is owned by the members of one family, one or more of which members take an active part in the business operations of the corporation, or a corporation (other than a 'personal corporation') eighty per centum of the stock of 35 which is owned by persons actively employed in the business of the corporation or by such persons and their families.

"*(b)* The shareholders of a family corporation may elect that, in lieu of the corporation being assessed as a corporation, the income of the corporation be dealt with under this 40 Act as if such corporation were a partnership. Each shareholder shall then be deemed to be a partner and shall be taxable in respect of the income of the corporation according to his interest as a shareholder. In order that the provisions of this paragraph shall be applicable to any corporation and 45 the shareholders thereof, a notice in writing of the election

Section 4 (2)—Paragraph (i) of section 2 reads as follows:—

"*(i)* "dependent child" means a child under twenty-one years of age and dependent on his parent for support, or over twenty-one years of age and dependent on his parent for support on account of physical or mental incapacity."

Section 5—Subsection 2 of section 4 reads as follows:—

"(2) Corporations and joint stock companies, no matter how created or organized, shall pay ten per centum upon income exceeding two thousand dollars. Any corporation or joint stock company the fiscal year of which is not the calendar year, shall make a return and have the tax payable by it computed upon its income for its fiscal year ending within the calendar year for which the return is being made."

Section 6—Subsection (2a) reads as follows:—

"(2a) The several taxes and surtaxes prescribed by subsections one and two of this section are hereby increased by the addition of five per centum to the amount of each of the said taxes and surtaxes payable with respect to any taxable income of five thousand dollars or more for the calendar year one thousand nine hundred and nineteen, or any taxable income of five thousand dollars or more for accounting periods ending in the year nineteen hundred and nineteen, as the case may be, and for each calendar year or accounting period thereafter."

Section 7—Subsection 4 of section 4 reads as follows:—

"(4) A person who, after the first day of August, 1917, has reduced his income by the transfer or assignment of any real or personal, moveable or immoveable property, to such person's wife or husband, as the case may be, or to any member of the family of such person, shall, nevertheless, be liable to be taxed as if such transfer or assignment had not been made, unless the Minister is satisfied that such transfer or assignment was not made for the purpose of evading the taxes imposed under this Act or any part thereof."

of the shareholders to have the same applied shall be mailed to the Minister by registered post by the secretary or other duly authorized officer of the corporation and such notice shall have attached thereto a duly certified copy of a resolution of the shareholders electing that the provision apply. 5

"*(c)* Dividends of a family corporation shall be subject to taxation only to the extent that the dividends are in excess of the amount of the income of the corporation which, following upon election, has been taxed under the provisions of this subsection. 10

"*(d)* The decision of the Minister upon any question arising under this subsection, including any question as to the application of the term 'family,' shall be final and conclusive.

Irregular or unlawful distributions to shareholders taxable.

"(8) For the purposes of this Act, any loan or advance 15 to, or appropriation of the funds of the corporation by, a shareholder of a corporation other than a loan or advance incidental to the business of the corporation shall be deemed to be a dividend to the extent that such corporation has on hand undistributed income and such dividend shall be 20 deemed to be income received by such shareholder in the year in which made. This subsection shall not apply to a loan or advance made by a corporation lawfully empowered to make loans to its shareholders."

Capital Stock reductions.

"(9) Where a corporation having undistributed income 25 on hand reduces or redeems any class of the capital stock or share thereof, the amount received by any shareholder by virtue of the reduction shall, to the extent to which such shareholder would be entitled to participate in such undistributed income on a total distribution thereof at the time 30 of such reduction, be deemed to be a dividend and to be income received by such shareholder.

"The provisions of this subsection shall not apply to any class of stock which, by the instrument authorizing the issue of such class, is not entitled on being reduced or 35 redeemed to participate in the assets of the corporation beyond the amount paid up thereon plus any fixed premium and a defined rate of dividend nor to a reduction of capital effected before the 16th day of April, 1926.

Premiums taxable.

"(10) Where a corporation, having undistributed income 40 on hand, redeems its shares at a premium paid out of such income, the premium shall be deemed to be a dividend and to be income received by the shareholder.

Indirect distribution of surplus.

"(11) Where a person or persons owning shares of a corporation transfers such shares or a portion thereof to a 45 second corporation acting as his or their agent, trustee or attorney or promoted at his or their instance or controlled by him or them, which second corporation subsequently receives a dividend from the first mentioned corporation and applies the income thus received, in whole or in part, 50 directly or indirectly

"(a) in payment of the shares purchased by the second corporation from such person or persons; or,

"(b) in the discharge of any liability incurred to such person or persons by reason of and in connection with the purchase of such shares; or,

"(c) in the discharge of a loan obtained by the second corporation for the purpose of paying for such shares,

then such person or persons shall be taxable in respect of such dividend as if he or they had received it in the year that the first mentioned corporation declared the dividend.

"(12) When, as a result of the reorganization of a corporation or the readjustment of its capital stock, the whole or any part of its undistributed income is capitalized, the amount capitalized shall be deemed to be distributed as a dividend during the year in which the reorganization or readjustment takes place and the shareholders of the said corporation shall be deemed to receive such dividend in proportion to their interest in the capital stock of the corporation or in the class of capital stock affected."

9. For the purposes of subsection nine of section three as enacted by subsection twenty of the statutes of 1924 and of subsections eight, nine, ten and twelve of section twenty as enacted by section eight of this Act, the undistributed income of a corporation shall be deemed to be reduced by the amount deemed to be received by the shareholders as a dividend by virtue of the provisions of the said subsections eight, nine, ten and twelve of section twenty.

10. Section five of the said Act is amended by adding thereto the following paragraph:—

"(ss) the income of a non-resident person or a non-resident corporation which consists exclusively of earnings derived from the operation of a ship or ships registered under the laws of a foreign country which grants an equivalent exemption to residents of Canada and to corporations organized in Canada."

11. Subsection one of section nine of the said Act is amended by striking out the phrase "a penalty of" and the phrase "not less than".

12. (1) Section one, the subsection numbered twelve in section three and sections four, five, seven, eight (except the subsection numbered nine thereto which shall take effect from the said sixteenth day of April, 1926) nine and ten of this Act shall apply to the year 1925 or fiscal periods ending therein and to all subsequent years or fiscal periods, and to the income thereof.

"*(a)* in payment of the shares purchased by the second corporation from such person or persons; or,

"*(b)* in the discharge of any liability incurred to such person or persons by reason of and in connection with the purchase of such shares; or, 5

"*(c)* in the discharge of a loan obtained by the second corporation for the purpose of paying for such shares,

then such person or persons shall be taxable in respect of such dividend as if he or they had received it in the year that the first mentioned corporation declared the dividend.

Corporate surplus taxable to shareholder on capitalization.

"(12) When, as a result of the reorganization of a corporation or the readjustment of its capital stock, the whole or any part of its undistributed income is capitalized, the amount capitalized shall be deemed to be distributed as a dividend during the year in which the reorganization or readjustment takes place and the shareholders of the said corporation shall be deemed to receive such dividend in proportion to their interest in the capital stock of the corporation or in the class of capital stock affected." 10 15

Undistributed income deemed to be reduced.

9. For the purposes of subsection nine of section three as enacted by chapter forty-six of the statutes of 1924 and of subsections eight, nine, ten and twelve of section four as enacted by section eight of this Act, the undistributed income of a corporation shall be deemed to be reduced by the amount deemed to be received by the shareholders as a dividend by virtue of the provisions of the said subsections eight, nine, ten and twelve of section four. 20 25

10. Section five of the said Act is amended by adding thereto the following paragraph:—

Foreign shipping companies.

"*(m)* the income of a non-resident person or a non-resident corporation which consists exclusively of earnings derived from the operation of a ship or ships registered under the laws of a foreign country which grants an equivalent exemption to residents of Canada and to corporations organized in Canada." 30

Minimum penalty.

11. Subsection one of section nine of the said Act is amended by inserting after the phrase "to a penalty of" the phrase "not less than". 35

12. (1) Section one, the subsection numbered twelve in section three and sections four, five, seven, eight (except the subsection numbered nine therein which shall take effect from the said sixteenth day of April, 1926) nine and ten of this Act shall apply to the year 1925 or fiscal periods ending therein and to all subsequent years or fiscal periods, and to the income thereof. 40

Section **9**—Subsection nine of section 3 reads as follows:—

"(9) On the winding up, discontinuance or reorganization of the business of any incorporated Company the distribution in any form of the property of the Company shall be deemed to be the payment of a dividend to the extent that the Company has on hand undistributed income."

Section **11**—Subsection one of section 9 reads as follows:—

"9. (1) For every default in complying with the provisions of the next preceding section the persons in default shall each be liable on summary conviction to a penalty of twenty-five dollars for each day during which the default continues."

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 116.

An Act to amend The Income War Tax Act, 1917.

AS PASSED BY THE HOUSE OF COMMONS,
10th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22207 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 116.

An Act to amend The Income War Tax Act, 1917.

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 Income War Tax Act, 1917*, is amended by adding thereto the following paragraphs:— 5

Gross revenue.

"*(m)* 'gross revenue' (where a personal corporation has revenue from more than one source) means the sum of the net profits from each source."

Householder.

"*(n)* 'householder' means,

(i) an individual who at his own and sole expense maintains a self-contained domestic establishment employing therein on full time a housekeeper or servant; or, 10

(ii) an individual who maintains a self-contained domestic establishment and who actually supports and maintains therein one or more individuals connected with him by blood relationship, marriage or adoption. 15

Self-contained domestic establishment.

"*(o)* 'self-contained domestic establishment' means a dwelling house, apartment or other similar place of residence, containing at least two bedrooms, in which residence amongst other things the taxpayer as a general rule sleeps and has his meals prepared and served." 20

Dividends to individuals to be liable to tax.

2. Paragraph *(d)* of subsection one of section three of the said Act shall not apply to the dividend income of the taxpayer for the year 1925 and each year thereafter.

3. Section three of the said Act is amended by adding thereto the following subsections:— 25

Personal corporations.

"(10) *(a)* For the purposes of this Act a 'personal corporation' means a corporation or joint stock company (no matter when or where created) controlled directly or indirectly by one person, who resides in Canada, or by one such 30

EXPLANATORY NOTES.

Section 2—Paragraph *(d)* of subsection one of section 3 reads as follows:—

"*(d)* dividends received by or credited to shareholders of a corporation which is liable to taxation under the provisions of this Act shall not be liable to the normal tax in the hands of the shareholders, but shall be liable to the super-tax and surtax provisions of this Act or any amendment thereto. The amount of the exemption from the normal tax to the shareholder shall not exceed the net amount of such dividends after the deduction of the interest or carrying charges, if any, in respect of such dividends."

person and his wife or any member of his family, or by any combination of them, or by any other person or corporation on his or their behalf, whether through holding a majority of the stock of such corporation, or in any other manner whatsoever, the gross revenue of which is to the extent of one quarter or more derived from one or more of the following sources, namely:— 5

from the ownership of or the trading or dealing in bonds, stocks or shares, debentures, mortgages, hypothecs, bills, notes or other similar property, or from the lending of money with or without security, or by way of rent, annuity, royalty, interest or dividend, or from or by virtue of any right, title or interest in or to any estate or trust. 10

Income of personal corporation distributed.

"*(b)* The income of a personal corporation, in lieu of being assessed the tax prescribed by subsection two of section four of this Act, shall on the last day of each year be deemed to be distributed as a dividend to the shareholders thereof and shall in their hands constitute taxable income for each year in the proportion hereinafter mentioned, whether actually distributed by way of dividend or not. 15 20

Shareholder's taxable portion.

"*(c)* Each shareholder's taxable portion of the income of the corporation, deemed to be distributed to him as above provided for, shall be such percentage of the income of the corporation, as the value of all property transferred or loaned by such shareholder or his predecessor in title to the corporation is of the total value of all property of the corporation acquired from the shareholders. 25

Valuation of property transferred.

"*(d)* The value of the property transferred by each shareholder or his predecessor in title shall be the fair value as at the date of the transfer of such property to the corporation, and the total value of the property of the corporation acquired from its shareholders shall, for the purpose of determining the percentage referred to in the last preceding paragraph, be taken as at the date of acquisition thereof by the corporation. In ascertaining values under this subsection, regard shall be had to all the facts and circumstances, and the decision of the Minister in that respect shall be final and conclusive. 30 35

One personal corporation succeeding another.

"*(e)* Where one personal corporation, at any time heretofore, has been or is succeeded by, or has transferred or transfers its property to another personal corporation, the shareholders of the first corporation shall be deemed to have transferred to the second or succeeding corporation the property which they transferred to the corporation first mentioned and where any person has acquired or acquires the control of a personal corporation he shall be deemed to have transferred to such corporation the property transferred thereto by his vendor. 40 45

"*(f)* This subsection shall be applicable to income of the year 1925 and fiscal periods ending therein and to each year or period thereafter. Where the fiscal period does not coincide with the calendar year, the income shall be deemed to be distributed as a dividend on the last day of the fiscal period.

Personal corporation dividends.

"*(g)* Dividends actually declared by a personal corporation after the thirty-first day of December, 1924, shall be deemed to be paid out of income earned after said thirty-first day of December, 1924, so far as the same is available and to that extent shall not be liable to further taxation in the hands of the shareholders.

Carrying charges.

"(11) The carrying charges or expenses of unproductive property or assets not acquired for the purposes of a trade, business or calling or of a liability not incurred in connection with a trade, business or calling shall not be allowed as a deduction in determining income for the year 1925 and each year thereafter.

Dividends of other corporations received by a corporation.

"(12) *(a)* An incorporated company shall not be subject to a tax in respect of dividends paid to it by a company incorporated in Canada the profits of which have been taxed under this Act.

"*(b)* An incorporated company shall be exempt from taxation in respect of dividends received from a company incorporated outside of Canada to the extent that the latter corporation has earned income within Canada and actually paid a tax in respect of such income under this Act.

"*(c)* In computing the proportion or fractional part of such dividend free from taxation in the hands of a recipient corporation, as provided by paragraph *(b)* of this subsection, the Minister's determination shall be final and conclusive."

Rates of tax.

4. (1) Subsection one of section four of the said Act is amended by striking out all the words therein contained following upon the word "non-resident" at the end of paragraph (v) and substituting in lieu thereof the following: "the following taxes upon the amount of income in excess of the exemptions hereinafter provided,—

on the first $2,000 or any portion thereof,			2 per centum;
on the amount in excess of $ 2,000	but not in excess of $	3,000,	3 per centum;
on the amount in excess of $ 3,000	but not in excess of $	4,000,	4 per centum;
on the amount in excess of $ 4,000	but not in excess of $	5,000,	5 per centum;
on the amount in excess of $ 5,000	but not in excess of $	6,000,	6 per centum;
on the amount in excess of $ 6,000	but not in excess of $	7,000,	7 per centum;
on the amount in excess of $ 7,000	but not in excess of $	8,000,	8 per centum;
on the amount in excess of $ 8,000	but not in excess of $	9,000,	9 per centum;
on the amount in excess of $ 9,000	but not in excess of $	10,000,	10 per centum;
on the amount in excess of $ 10,000	but not in excess of $	11,000,	11 per centum;
on the amount in excess of $ 11,000	but not in excess of $	12,000,	12 per centum;
on the amount in excess of $ 12,000	but not in excess of $	13,000,	13 per centum;
on the amount in excess of $ 13,000	but not in excess of $	14,000,	14 per centum;
on the amount in excess of $ 14,000	but not in excess of $	15,000,	15 per centum;
on the amount in excess of $ 15,000	but not in excess of $	16,000,	16 per centum;
on the amount in excess of $ 16,000	but not in excess of $	17,000,	17 per centum;
on the amount in excess of $ 17,000	but not in excess of $	18,000,	18 per centum;
on the amount in excess of $ 18,000	but not in excess of $	19,000,	19 per centum;

Section 4—Subsection one of section 4 reads as follows, and all the words underlined are to be struck out:—

"4. (1) There shall be assessed, levied and paid upon the income during the preceding year of every person,—

(i) residing or ordinarily resident in Canada, or

(ii) who remains in Canada during any calendar year for a period or periods equal to one hundred and eighty-three days, or

(iii) who is employed in Canada, or

(iv) who, not being a resident of Canada, is carrying on business in Canada, or

(v) who, not being a resident of Canada, derives income for services rendered in Canada, to any person resident or carrying on business in Canada but only upon that portion of the income so earned by such non-resident, except corporations and joint stock companies, the following taxes:—

"*(a)* four per centum upon all income exceeding two thousand dollars but not exceeding six thousand dollars in the case of a married person, or any other person who has dependent upon him any of the following persons:

(i) A parent or grandparent;

(ii) A daughter or sister;

(iii) A son or brother under twenty-one years of age or incapable of self-support on account of mental or physical infirmity;

and four per centum upon all income exceeding one thousand dollars but not exceeding six thousand dollars in the case of all other persons:

And in all cases eight per centum upon all income exceeding six thousand dollars

And in addition thereto the following surtax." (Here follow the surtaxes, in full.)

on the amount in excess of $ 19,000 but not in excess of $ 20,000,	20 per centum;
on the amount in excess of $ 20,000 but not in excess of $ 25,000,	21 per centum;
on the amount in excess of $ 25,000 but not in excess of $ 30,000,	22 per centum;
on the amount in excess of $ 30,000 but not in excess of $ 35,000,	23 per centum;
on the amount in excess of $ 35,000 but not in excess of $ 40,000,	24 per centum;
on the amount in excess of $ 40,000 but not in excess of $ 45,000,	25 per centum;
on the amount in excess of $ 45,000 but not in excess of $ 50,000,	26 per centum;
on the amount in excess of $ 50,000 but not in excess of $ 55,000,	27 per centum;
on the amount in excess of $ 55,000 but not in excess of $ 60,000,	28 per centum;
on the amount in excess of $ 60,000 but not in excess of $ 65,000,	29 per centum;
on the amount in excess of $ 65,000 but not in excess of $ 70,000,	30 per centum;
on the amount in excess of $ 70,000 but not in excess of $ 75,000,	31 per centum;
on the amount in excess of $ 75,000 but not in excess of $ 80,000,	32 per centum;
on the amount in excess of $ 80,000 but not in excess of $ 85,000,	33 per centum;
on the amount in excess of $ 85,000 but not in excess of $ 90,000,	34 per centum;
on the amount in excess of $ 90,000 but not in excess of $ 95,000,	35 per centum;
on the amount in excess of $ 95,000 but not in excess of $100,000,	36 per centum;
on the amount in excess of $100,000 but not in excess of $110,000,	37 per centum;
on the amount in excess of $110,000 but not in excess of $120,000,	38 per centum;
on the amount in excess of $120,000 but not in excess of $130,000,	39 per centum;
on the amount in excess of $130,000 but not in excess of $140,000,	40 per centum;
on the amount in excess of $140,000 but not in excess of $150,000,	41 per centum;
on the amount in excess of $150,000 but not in excess of $175,000,	42 per centum;
on the amount in excess of $175,000 but not in excess of $200,000,	43 per centum;
on the amount in excess of $200,000 but not in excess of $250,000,	44 per centum;
on the amount in excess of $250,000 but not in excess of $300,000,	45 per centum;
on the amount in excess of $300,000 but not in excess of $350,000,	46 per centum;
on the amount in excess of $350,000 but not in excess of $400,000,	47 per centum;
on the amount in excess of $400,000 but not in excess of $450,000,	48 per centum;
on the amount in excess of $450,000 but not in excess of $500,000,	49 per centum;
and	
on the amount in excess of $500,000,	50 per centum.

The rates set forth in this subsection shall not apply to corporations or joint stock companies.

"(1A) Taxpayers shall be entitled to the following exemptions—

Statutory exemptions.

"*(a)* Three thousand dollars in the case of a married person or householder or any other person who has dependent upon him any of the following persons:—

(i) a parent or grandparent;

(ii) a daughter or sister;

(iii) A son or brother under twenty-one years of age or incapable of self-support on account of mental or physical infirmity,

"*(b)* fifteen hundred dollars in the case of other persons, and

"*(c)* five hundred dollars for each child under eighteen years of age who is dependent upon the taxpayer for support.

Incomes of husband and wife.

"(1B) Where a husband and wife have each a separate income in excess of fifteen hundred dollars, each shall receive an exemption of fifteen hundred dollars in lieu of the exemption set forth in paragraph *(a)* of the immediately preceding subsection.

"(1C) The exemption for each dependent child may be taken by either parent under arrangement between themselves. In the event of any dispute arising between them, then the said exemption or exemptions shall be allotted to the father of the said child or children."

(2) Paragraph (b) of section two of the said Act is hereby repealed.

Substitution of section four of the said Act.

5. Subsection four of section four of the said Act is amended by striking out the word "and" in the second line thereof and substituting therefor the word "which".

6. Subsection (2a) of section four of the said Act shall not apply to any tax payable in respect of the income for the year 1951 and such year thereafter.

Substitution of section four-a of the said Act.

7. Subsection four-a of section four of the said Act is hereby repealed and the following substituted therefor:—

"(4a) For the purposes of this Act,

(a) Where a parent transfers property to his children such property shall never thereafter be liable to be taxed on the income derived from such property or in respect of its disposition thereafter as if such transfer had not been made, unless the Minister is satisfied that such transfer was not made for the purpose of evading the taxes imposed under this Act.

(b) Where a husband transfers property to his wife, or vice versa, the husband or the wife, as the case may be, shall nevertheless be liable to be taxed on the income derived from such property or from property substituted therefor as if such transfer had not been made."

Section four of the said Act is amended by adding thereto the following subsections:—

"(7) (a) For the purposes of this subsection a 'family corporation' means a corporation (other than a 'personal corporation') seventy-five per centum of the stock of which is owned by the members of one family, one or more of which members take an active part in the business operations of the corporation, or a corporation (other than a 'personal corporation') ninety per centum of the stock of which is owned by persons actively employed in the business of the corporation or by such persons and their families.

"(b) The shareholders of a family corporation may elect that, in lieu of the corporation being assessed as a corporation, the income of the corporation be dealt with under this Act as if such corporation were a partnership. Each shareholder shall then be deemed to be a partner and shall be taxable in respect of the income of the corporation according to his interest as a shareholder. In order that the provisions of this paragraph shall be applicable to any corporation and the shareholders thereof, a notice in writing of the election of the shareholders to have the same applied shall be mailed to the Minister by registered post by the secretary or other

(2) Paragraph (i) of section two of the said Act is hereby repealed.

Corporation tax.

5. Subsection two of section four of the said Act is amended by striking out the word "ten" in the second line thereof and substituting therefor the word "nine." 5

Five per cent additional tax repealed.

6. Subsection (2a) of section four of the said Act shall not apply to any tax payable in respect of the income for the year 1925 and each year thereafter.

7. Subsection four of section four of the said Act is hereby repealed and the following substituted therefor:— 10

"(4) For the purposes of this Act,—

Transfer of property.

(a) Where a person transfers property to his children such person shall nevertheless be liable to be taxed on the income derived from such property or from property substituted therefor as if such transfer had not been 15 made, unless the Minister is satisfied that such transfer was not made for the purpose of evading the taxes imposed under this Act.

(b) Where a husband transfers property to his wife, or *vice versa*, the husband or the wife, as the case may be, 20 shall nevertheless be liable to be taxed on the income derived from such property or from property substituted therefor as if such transfer had not been made."

8. Section four of the said Act is amended by adding thereto the following subsections:— 25

Family corporations.

"(7) *(a)* For the purposes of this subsection a 'family corporation' means a corporation (other than a 'personal corporation') seventy-five per centum of the stock of which is owned by the members of one family, one or more of which members take an active part in the business opera- 30 tions of the corporation, or a corporation (other than a 'personal corporation') eighty per centum of the stock of which is owned by persons actively employed in the business of the corporation or by such persons and their families.

"*(b)* The shareholders of a family corporation may elect 35 that, in lieu of the corporation being assessed as a corporation, the income of the corporation be dealt with under this Act as if such corporation were a partnership. Each shareholder shall then be deemed to be a partner and shall be taxable in respect of the income of the corporation according 40 to his interest as a shareholder. In order that the provisions of this paragraph shall be applicable to any corporation and the shareholders thereof, a notice in writing of the election of the shareholders to have the same applied shall be mailed to the Minister by registered post by the secretary or other 45

Section **4** (2)—Paragraph (i) of section 2 reads as follows:—

"*(i)* "dependent child" means a child under twenty-one years of age and dependent on his parent for support, or over twenty-one years of age and dependent on his parent for support on account of physical or mental incapacity."

Section **5**—Subsection 2 of section 4 reads as follows:—

"(2) Corporations and joint stock companies, no matter how created or organized, shall pay ten per centum upon income exceeding two thousand dollars. Any corporation or joint stock company the fiscal year of which is not the calendar year, shall make a return and have the tax payable by it computed upon its income for its fiscal year ending within the calendar year for which the return is being made."

Section **6**—Subsection (2a) reads as follows:—

"(2a) The several taxes and surtaxes prescribed by subsections one and two of this section are hereby increased by the addition of five per centum to the amount of each of the said taxes and surtaxes payable with respect to any taxable income of five thousand dollars or more for the calendar year one thousand nine hundred and nineteen, or any taxable income of five thousand dollars or more for accounting periods ending in the year nineteen hundred and nineteen, as the case may be, and for each calendar year or accounting period thereafter."

Section **7**—Subsection 4 of section 4 reads as follows:—

"(4) A person who, after the first day of August, 1917, has reduced his income by the transfer or assignment of any real or personal, moveable or immoveable property, to such person's wife or husband, as the case may be, or to any member of the family of such person, shall, nevertheless, be liable to be taxed as if such transfer or assignment had not been made, unless the Minister is satisfied that such transfer or assignment was not made for the purpose of evading the taxes imposed under this Act or any part thereof."

duly authorized officer of the corporation and such notice shall have attached thereto a duly certified copy of a resolution of the shareholders electing that the provision apply.

"*(c)* Dividends of a family corporation shall be subject to taxation only to the extent that the dividends are in excess of the amount of the income of the corporation which, following upon election, has been taxed under the provisions of this subsection.

"*(d)* The decision of the Minister upon any question arising under this subsection, including any question as to the application of the term 'family,' shall be final and conclusive.

Irregular or unlawful distributions to shareholders taxable.

"(8) For the purposes of this Act, any loan or advance to, or appropriation of the funds of the corporation by, a shareholder of a corporation other than a loan or advance incidental to the business of the corporation shall be deemed to be a dividend to the extent that such corporation has on hand undistributed income and such dividend shall be deemed to be income received by such shareholder in the year in which made. This subsection shall not apply to a loan or advance made by a corporation lawfully empowered to make loans to its shareholders."

Capital Stock reductions.

"(9) Where a corporation having undistributed income on hand reduces or redeems any class of the capital stock or share thereof, the amount received by any shareholder by virtue of the reduction shall, to the extent to which such shareholder would be entitled to participate in such undistributed income on a total distribution thereof at the time of such reduction, be deemed to be a dividend and to be income received by such shareholder.

"The provisions of this subsection shall not apply to any class of stock which, by the instrument authorizing the issue of such class, is not entitled on being reduced or redeemed to participate in the assets of the corporation beyond the amount paid up thereon plus any fixed premium and a defined rate of dividend nor to a reduction of capital effected before the 16th day of April, 1926.

Premiums taxable.

"(10) Where a corporation, having undistributed income on hand, redeems its shares at a premium paid out of such income, the premium shall be deemed to be a dividend and to be income received by the shareholder.

Indirect distribution of surplus.

"(11) Where a person or persons owning shares of a corporation transfers such shares or a portion thereof to a second corporation acting as his or their agent, trustee or attorney or promoted at his or their instance or controlled by him or them, which second corporation subsequently receives a dividend from the first mentioned corporation and applies the income thus received, in whole or in part, directly or indirectly

"*(a)* in payment of the shares purchased by the second corporation from such person or persons; or,

"*(b)* in the discharge of any liability incurred to such person or persons by reason of and in connection with the purchase of such shares; or, 5

"*(c)* in the discharge of a loan obtained by the second corporation for the purpose of paying for such shares,

then such person or persons shall be taxable in respect of such dividend as if he or they had received it in the year that the first mentioned corporation declared the dividend. 10

Corporate surplus taxable to shareholder on capitalization.

"(12) When, as a result of the reorganization of a corporation or the readjustment of its capital stock, the whole or any part of its undistributed income is capitalized, the amount capitalized shall be deemed to be distributed as a dividend during the year in which the reorganization or 15 readjustment takes place and the shareholders of the said corporation shall be deemed to receive such dividend in proportion to their interest in the capital stock of the corporation or in the class of capital stock affected."

Undistributed income deemed to be reduced.

9. For the purposes of subsection nine of section three 20 as enacted by chapter forty-six of the statutes of 1924 and of subsections eight, nine, ten and twelve of section four as enacted by section eight of this Act, the undistributed income of a corporation shall be deemed to be reduced by the amount deemed to be received by the shareholders as a 25 dividend by virtue of the provisions of the said subsections eight, nine, ten and twelve of section four.

10. Section five of the said Act is amended by adding thereto the following paragraph:—

Foreign shipping companies.

"*(m)* the income of a non-resident person or a non- 30 resident corporation which consists exclusively of earnings derived from the operation of a ship or ships registered under the laws of a foreign country which grants an equivalent exemption to residents of Canada and to corporations organized in Canada." 35

Minimum penalty.

11. Subsection one of section nine of the said Act is amended by inserting after the phrase "to a penalty of" the phrase "not less than".

12. (1) Section one, the subsection numbered twelve in section three and sections four, five, seven, eight (except 40 the subsection numbered nine therein which shall take effect from the said sixteenth day of April, 1926) nine and ten of this Act shall apply to the year 1925 or fiscal periods ending therein and to all subsequent years or fiscal periods, and to the income thereof. 45

Section **9**—Subsection nine of section 3 reads as follows:—

"(9) On the winding up, discontinuance or reorganization of the business of any incorporated Company the distribution in any form of the property of the Company shall be deemed to be the payment of a dividend to the extent that the Company has on hand undistributed income."

Section **11**—Subsection one of section 9 reads as follows:—

"9. (1) For every default in complying with the provisions of the next preceding section the persons in default shall each be liable on summary conviction to a penalty of twenty-five dollars for each day during which the default continues."

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 147.

An Act to amend The Income War Tax Act, 1917 (payment by Canadians residing abroad).

First reading, May 28, 1926.

Mr. CHURCH.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
21923 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 147.

An Act to amend The Income War Tax Act, 1917 (payment by Canadians residing abroad).

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, 1917,* is amended by inserting the following section immediately after section four thereof:— 5

"**4A.** (1) The taxes to be assessed, levied and paid under the provisions of section four of this Act shall be assessed, levied and paid upon the income during the preceding year of every person who,— 10

Tax to be collected from Canadians living abroad who ordinarily reside in Canada, and receive income from Canadian investments.

"*(a)* has not been, in such year or any part thereof, or who has been only for a portion of such year, a resident of Canada, but ordinarily resides or ordinarily resided in Canada, and who has gone beyond the seas for either temporary or occasional residence, and intends to resume residence in Canada, or does resume residence in Canada temporarily or otherwise; and 15

"*(b)* receives or is entitled to receive in Canada or elsewhere profits or gains or any income from any property whatever in Canada, or from securities, stocks, shares, business or investments in Canada, or from any trade, profession, employment or vocation exercised within Canada, whether such is, has been or may be received in Canada or elsewhere; 20

subject to the same deductions and allowances as is provided in this Act for residents in Canada or persons ordinarily resident in Canada. 25

Burden of proof as to residence.

"(2) Every such person shall be deemed to be a resident of Canada unless proof to the contrary, satisfactory to the Minister, is produced, and in all cases the burden of proof shall be upon such person." 30

Explanatory Note.

The purpose of this Bill is to prevent evasion of payment of income taxes by Canadians temporarily residing abroad. It is not intended to increase taxation, which can only be done by a Minister of the Crown, (Bourinot, 4th Edition, pp. 430-434), but to provide for the collection of the income taxes already imposed upon residents of Canada by existing legislation. Under the present law some wealthy Canadians now in London, England, are able to evade both Canadian and British income taxes. This bill is intended to cover such cases, and provides that such Canadians shall be deemed to be residents of Canada, and places on them the burden of proof to the contrary.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 148.

An Act for the purpose of establishing in Canada a system of Long Term Mortgage Credit for Farmers.

First reading, May 28, 1926.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
17696 1926

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1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 148.

An Act for the purpose of establishing in Canada a system of Long Term Mortgage Credit for Farmers.

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, 1926."* 5

2. In this Act, unless the context otherwise requires,

"Board."

(a) "Board" means the Canadian Farm Loan Board established by this Act;

"Borrower."

(b) "Borrower" means a farmer who has obtained a loan under the provisions of this Act; 10

"Commissioner."

(c) "Commissioner" means the Canadian Farm Loan Commissioner appointed under the provisions of this Act;

"Farmer."

(d) "Farmer" means any person whose business is solely that of farming and who owns and occupies a farm, or 15 who proposes to acquire a farm for immediate occupation and cultivation by him;

"Farming."

(e) "Farming" includes stock raising, dairying and the tillage of the soil;

"Farm Land."

(f) "Farm Land" or "Farm" means land under occupa- 20 tion and cultivation by a farmer or land purchased by a farmer for immediate occupation and cultivation by him;

"Farm Loan." "Loan."

(g) "Farm Loan" or "Loan" means a loan made to a farmer under the provisions of this Act; 25

"Farm Loan bond."

(h) "Farm Loan bond" means a bond issued under the authority of this Act;

"Minister."

(i) "Minister" means the Minister of Finance for the time being.

Canadian Farm Loan Board.

3. (1) There shall be a board, known as the Canadian 30 Farm Loan Board, which shall be a body politic and cor-

Chairman.

porate 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. One of the members so appointed shall be designated the "Canadian Farm Loan Commissioner," and shall be the chief executive officer of the Board. The Commissioner shall be appointed for such a period of years as the Governor in Council may designate. 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. Any member of the Board shall be eligible for reappointment.

Farm Loan Commissioner.

Tenure of office.

Compensation.

(2) 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.

Power of Board.

4. (1) The Board shall have power:—

Farm Loan bonds.

(a) To issue and sell bonds to be known as Canadian Farm Loan bonds, to buy the same on its own account and to retire the same at or before maturity;

Long term loans.

(b) To make long term loans to farmers on the security of first mortgages on farm lands upon and subject to the conditions hereinafter prescribed;

Real estate.

(c) To hold real estate which, having been mortgaged to it, is acquired by it for the protection of any loan, and to sell, mortgage, lease or otherwise dispose thereof: provided, however, that any such real estate shall be disposed of within five 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;

Investments.

(d) To invest its funds in the debentures, bonds, stocks or other securities of, or guaranteed by, the government of Canada, or of, or guaranteed by, the government of any province of Canada;

Assistants.

Incidental powers.

(e) To employ such assistance and to exercise by itself or through its duly authorized agents all such incidental powers as shall be necessary or expedient to carry on the business authorized by this Act.

Capital requirements.

5. The capital requirements of the Board shall be provided as follows:—

Initial capital.

(1) The government of Canada shall provide an initial capital to an amount not exceeding five million dollars, to be paid to the Board in such amounts and at such times as the Board may determine. 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 charged 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, however, 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 preceding subsection, the Board shall issue capital stock in shares of one dollar each, which capital stock shall at all times equal, as nearly as may be, fifteen per cent of the total farm loans theretofore made and not fully repaid. The said shares shall be non-transferable and shall be subscribed for in the following manner:—

Five per cent of loans subscribed by Government of Canada.

(a) 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 paragraph shall equal at any time as nearly as may be, five per cent of the total loans theretofore made and not fully repaid, the same to be called for by the Board as required;

Five per cent of loans subscribed by provinces.

(b) 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 paragraph shall equal at any time, as nearly as may be, five per cent of the total loans theretofore made in the province and not fully repaid, the same to be called for by the Board as required.

Five per cent of loan subscribed by borrower.

(c) 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.

Limit of outstanding farm loan 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 borrowers in the manner provided in the next preceding section.

Rate of interest.

(2) Such bonds shall be issued at such a rate of interest as in the opinion of the Board will make the market value of the bonds at the date of issue approximately par.

Time limit.

Denominations.

Redemption before date due.

(3) The bonds shall be issued for such period, not exceeding thirty-five years, and in such denominations as the Board may determine. Provision may be made for the redemption of the bonds at the option of the Board before their due date, in which case the Board may provide for the payment of such premium as it may deem reasonable.

Form.

(4) Each Farm Loan bond shall be signed by the Commissioner, or by a member specially authorized thereunto by the Board, and by the secretary or treasurer of the Board. It shall have printed thereon a certificate by the Commissioner that it is issued under the authority of this Act and that at the time of issue the Board holds first mortgages on farm lands at least equal to the total amount of bonds issued under this Act.

Conditions for loans.

7. Loans made under the authority of this Act shall be subject to the following conditions:—

First mortgages.

(1) 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 twenty per cent of the permanent insured improvements thereon; provided, however, 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 ten thousand dollars. Mortgages taken as security for farm loans and remedies thereunder shall be in all respects subject to the law of the province in which the farm land mortgaged is situated.

Use of proceeds.

(2) The proceeds of such loan shall be used for the following purposes and no other,—

(a) To purchase farm land;

(b) To purchase fertilizers, seed, live-stock, tools, machinery and any implements and equipment necessary to 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) To discharge liabilities already accumulated;

(e) Any purpose which in the judgment of the Board may be reasonably considered as improving the value of the land for agricultural purposes.

Loans only to persons engaged in cultivation of farm mortgaged.

(3) Loans under this Act shall be made only to farmers actually engaged in or shortly to become engaged in the cultivation of the farm mortgaged and whose experience, ability and character are such as to warrant the belief that the farm to be mortgaged will be successfully cultivated. Provided, however, that no loan shall be made on the security of unimproved land except for the purpose of making improvements on the same.

Appraisal value.

(4) The appraised value shall be based on the value of the land for agricultural purposes and as far as possible on the productive value as shown by experience. No other basis of valuation shall be considered.

Interest.

(5) The interest rate on loans under this Act shall be such a rate in excess of the interest rate yielded at the time of issue by the last series of Farm Loan bonds issued by the

Board as shall be sufficient, in the judgment of the Board, to provide for the expenses of operation and for the necessary reserves for losses, or if no such bonds have been issued, such a rate as in the judgment of the Board will be yielded by the Farm Loan bonds when issued, increased by provision for expenses and reserves as aforesaid. 5

Repayment.

(6) Every farm loan shall be repayable in equal annual or semi-annual instalments of principal and interest. The amount of such instalment or instalments payable in any year shall be a fixed percentage of the amount of the loan, 10 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.

Interest on defaulted payments.

R.S., 1906, ch. 120.

(7) Notwithstanding anything contained in the *Interest Act* every borrower shall pay simple interest on defaulted 15 payments at a rate not exceeding eight per cent per annum and shall agree to pay all assessments and taxes when due and to effect such insurance as the Board may require. Should such taxes and assessment not be paid when due, they may be paid by the Board and charged to the borrower. 20

Payments by borrower.

(8) Notwithstanding anything in this Act, any borrower may at any time after his loan has been outstanding for five years repay the whole or any part thereof on any date on which an instalment becomes due, and any such payment shall be credited to the borrower in such manner as the 25 Board may by regulation prescribe as hereinafter provided, but no such payment shall relieve the borrower from meeting all subsequent payments punctually as they fall due.

If loan expended for other purposes.

(9) If any borrower under this Act expends any part of a loan for any purpose other than that approved by 30 the Board, the said loan shall become forthwith payable in full.

In case of sale.

(10) It shall be a term of any mortgage taken as security for a loan that upon the sale of the farm land mortgaged the loan shall immediately become due and payable. 35

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*, provided that the Board shall not give such notice until the legislature 40 of such province shall, by enactment, authorize, prescribe or provide:—

Subscription by the province.

(1) 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 45 province as such loans are issued;

Provincial boards.

(2) The establishment of a provincial board of five 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 50

of the Board. The other two members 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.

How loans made.

(3) Subject to the approval of the Board whether loans shall be made directly to farmers or through local co-operative societies, or both directly to farmers and through local co-operative societies, as the province may desire.

Provincial treasurer.

(4) The treasurer of the said province and the chief executive officer of the provincial board to act on the Advisory Council hereinafter provided for.

Bonds to be legal investment.

(5) That farm loan bonds shall be a legal investment for trust funds within the province.

Relief of provincial board.

(6) 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 provincial board until a new provincial board satisfactory to the Board has been nominated and appointed as hereinbefore provided for.

Reserve fund.

9. (1) The Board shall annually carry to a reserve fund twenty-five per cent of the net earnings of the Board until the said reserve shall equal twenty-five per cent of the paid capital of the Board, and thereafter there shall be carried to the reserve fund at least ten per cent of the net earnings.

Dividend.

(2) A dividend may be declared annually on the capital stock of the Board when in the judgment of the Board the net earnings of the Board warrant such payment: provided, however, that no dividend greater than five per cent shall be declared until the reserve fund shall have reached the amount of twenty-five per cent of the paid capital stock.

Additional dividend.

(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.

Accumulated dividends.

(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. The borrower shall thereupon cease to be a stock-holder of the Board.

If adverse report.

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.

Advisory Council.

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. This 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.

Legislation prejudicially affecting security.

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.

Cost of administration of provincial board.

13. The cost of administration of any provincial board shall be a charge against the provision made for expenses of operation under subsection five of section seven of this Act. The salaries paid to all officers and employees of any provincial board shall be subject to the approval of the Board.

Investment by Canadian companies. 1917, c. 29.

14. (1) Notwithstanding anything contained in *The Insurance Act, 1917*, any Canadian company as defined in the said Act, may invest its funds or any portion thereof, in the purchase of Farm Loan bonds, and any British company and any foreign company, as therein defined, may hold the said bonds as assets in Canada for the purposes of the said Act.

Investment by loan companies. 1914, c. 40.

(2) Notwithstanding anything contained in *The Loan Companies Act, 1914*, any loan company subject to the provisions of the said Act, or any of them, may invest its funds, or any portion thereof, in the purchase of Farm Loan bonds.

Investment by trust companies. 1914, c. 55.

(3) Notwithstanding anything contained in *The Trust Companies Act, 1914,* any trust company subject to the provisions of the said Act, or any of them, may invest its funds or any portion thereof in the purchase of Farm Loan bonds. 5

Purchase of bonds by minister.

15. 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 be repurchased by the Board when funds for that purpose become available through the public sale of Farm Loan bonds; provided, however, that the amount of such bonds held at any one time by the minister on behalf of the Dominion of Canada shall not exceed fifteen million dollars. 10

Regulations.

16. 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: 15

(a) The employment of officers, appraisers, inspectors, attorneys, clerks and other employees and their remuneration; 20

(b) The charges to be made against borrowers for the expenses of appraisal, determination of title and recording; 25

(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; 30

(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; 35

(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. 40

Payments out of the Consolidated Revenue Fund.

17. The amount of any payment by the Government of Canada on account of capital of the Board or as payment for Farm Loan bonds purchased shall be paid out of the Consolidated Revenue Fund on the authority of the Governor in Council. 45

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 148.

An Act for the purpose of establishing in Canada a system of Long Term Mortgage Credit for Farmers.

AS PASSED BY THE HOUSE OF COMMONS, 1st JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
17698 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 148.

An Act for the purpose of establishing in Canada a system of Long Term Mortgage Credit for Farmers.

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, 1926."* 5

2. In this Act, unless the context otherwise requires,

"Board."

(a) "Board" means the Canadian Farm Loan Board established by this Act;

"Borrower."

(b) "Borrower" means a farmer who has obtained a loan under the provisions of this Act; 10

"Commissioner."

(c) "Commissioner" means the Canadian Farm Loan Commissioner appointed under the provisions of this Act;

"Farmer."

(d) "Farmer" means any person whose business is that of farming and who owns and occupies a farm, or 15 who proposes to acquire a farm for immediate occupation and cultivation by him;

"Farming."

(e) "Farming" includes stock raising, dairying and the tillage of the soil;

"Farm Land."

(f) "Farm Land" or "Farm" means land under occupation and cultivation by a farmer or land purchased by a farmer for immediate occupation and cultivation by him; 20

"Farm Loan." "Loan."

(g) "Farm Loan" or "Loan" means a loan made to a farmer under the provisions of this Act; 25

"Farm Loan bond."

(h) "Farm Loan bond" means a bond issued under the authority of this Act;

"Minister."

(i) "Minister" means the Minister of Finance for the time being.

Canadian Farm Loan Board.

3. (1) There shall be a board, known as the Canadian 30 Farm Loan Board, which shall be a body politic and cor-

porate 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. One of the members so appointed shall be designated the "Canadian Farm Loan Commissioner," and shall be the chief executive officer of the Board. The Commissioner shall be appointed for such a period of years as the Governor in Council may designate. 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. Any member of the Board shall be eligible for reappointment.

Chairman.

Farm Loan Commissioner.

Tenure of office.

(2) 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.

Compensation.

4. (1) The Board shall have power:—

Power of Board.

(a) To issue and sell bonds to be known as Canadian Farm Loan bonds, to buy the same on its own account and to retire the same at or before maturity;

Farm Loan bonds.

(b) To make long term loans to farmers on the security of first mortgages on farm lands upon and subject to the conditions hereinafter prescribed;

Long term loans.

(c) To hold real estate which, having been mortgaged to it, is acquired by it for the protection of any loan, and to sell, mortgage, lease or otherwise dispose thereof: 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;

Real estate.

(d) To invest its funds in the debentures, bonds, stocks or other securities of, or guaranteed by, the government of Canada, or of, or guaranteed by, the government of any province of Canada;

Investments.

(e) To employ such assistance and to exercise by itself or through its duly authorized agents all such incidental powers as shall be necessary or expedient to carry on the business authorized by this Act.

Assistants.

Incidental powers.

5. The capital requirements of the Board shall be provided as follows:—

Capital requirements.

(1) The government of Canada shall provide an initial capital to an amount not exceeding five million dollars, to be paid to the Board in such amounts and at such times as the Board may determine. 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 charged at the rate of five per cent

Initial capital.

per annum. Repayment of the amounts so provided shall be made from time to time out of the earnings of the Board; provided, however, 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 preceding subsection, the Board shall issue capital stock in shares of one dollar each, which capital stock shall at all times equal, as nearly as may be, fifteen per cent of the total farm loans theretofore made and not fully repaid. The said shares shall be non-transferable and shall be subscribed for in the following manner:—

Five per cent of loans subscribed by Government of Canada.

(a) 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 paragraph shall equal at any time as nearly as may be, five per cent of the total loans theretofore made and not fully repaid, the same to be called for by the Board as required;

Five per cent of loans subscribed by provinces.

(b) 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 paragraph shall equal at any time, as nearly as may be, five per cent of the total loans theretofore made in the province and not fully repaid, the same to be called for by the Board as required.

Five per cent of loan subscribed by borrower.

(c) 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.

Limit of outstanding farm loan 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 borrowers in the manner provided in the next preceding section.

Rate of interest.

(2) Such bonds shall be issued at such a rate of interest as in the opinion of the Board will make the market value of the bonds at the date of issue approximately par.

Time limit.

Denominations.

Redemption before date due.

(3) The bonds shall be issued for such period, not exceeding thirty-five years, and in such denominations as the Board may determine. Provision may be made for the redemption of the bonds at the option of the Board before their due date, in which case the Board may provide for the payment of such premium as it may deem reasonable.

Form.

(4) Each Farm Loan bond shall be signed by the Commissioner, or by a member specially authorized thereunto by the Board, and by the secretary or treasurer of the Board. It shall have printed thereon a certificate by the Commissioner that it is issued under the authority of this Act and that at the time of issue the Board holds first mortgages on farm lands at least equal to the total amount of bonds issued under this Act.

Conditions for loans.

7. Loans made under the authority of this Act shall be subject to the following conditions:—

First mortgages.

(1) 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 twenty per cent of the permanent insured improvements thereon; provided, however, 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 ten thousand dollars. Mortgages taken as security for farm loans and remedies thereunder shall be in all respects subject to the law of the province in which the farm land mortgaged is situated.

Use of proceeds.

(2) The proceeds of such loan shall be used for the following purposes and no other,—

(a) To purchase farm land;

(b) To purchase fertilizers, seed, live-stock, tools, machinery and any implements and equipment necessary to 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) To discharge liabilities already accumulated;

(e) Any purpose which in the judgment of the Board may be reasonably considered as improving the value of the land for agricultural purposes.

Loans only to persons engaged in cultivation of farm mortgaged.

(3) Loans under this Act shall be made only to farmers actually engaged in or shortly to become engaged in the cultivation of the farm mortgaged and whose experience, ability and character are such as to warrant the belief that the farm to be mortgaged will be successfully cultivated. Provided, however, that no loan shall be made on the security of unimproved land except for the purpose of making improvements on the same.

Appraisal value.

(4) The appraised value shall be based on the value of the land for agricultural purposes and as far as possible on the productive value as shown by experience. No other basis of valuation shall be considered.

Interest.

(5) The interest rate on loans under this Act shall be such a rate in excess of the interest rate yielded at the time of issue by the last series of Farm Loan bonds issued by the

Board, as shall be satisfactory, in the judgment of the Board, to provide for the expense of operation not exceeding one per cent of the amount of the loan and for the necessary reserves for losses, or if an equal bonds have been issued, such a rate as in the judgment of the Board will be yielded by the Farm Loan Bonds when issued, increased by provision for expenses and reserves as aforesaid.

(6) Every farm loan shall be repayable in equal annual or semi-annual instalments of principal and interest. 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 thereof by either one per cent or two per cent of the amount of the loan as the borrower may elect.

(7) Notwithstanding anything contained in the Interest Act every borrower shall pay simple interest on defaulted payments at a rate not exceeding eight per cent per annum and shall agree to pay all assessments and taxes when due and to effect such insurance as the Board may require. Should such taxes and assessments not be paid when due, they may be paid by the Board and charged to the borrower.

(8) Notwithstanding anything in this Act, any borrower may at any time after his loan has been outstanding for five years repay the whole or any part thereof on any date on which an instalment becomes due, and any such payment shall be credited to the borrower in such manner as the Board may by regulation prescribe as hereinafter provided, but no such payment shall relieve the borrower from meeting all subsequent instalments punctually as they fall due.

(9) If any borrower under this Act expends any part of a loan for any purpose other than that approved by the Board, the said loan shall become forthwith payable in full.

(10) It shall be a term of any mortgage taken as security for a loan that upon the sale of the farm land mortgaged the said loan shall immediately become due and payable.

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—

(1) 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;

(2) The establishment of a provincial board of five 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

Board as shall be sufficient, in the judgment of the Board, to provide for the expenses of operation not exceeding one per cent of the amount of the loan and for the necessary reserves for losses, or if no such bonds have been issued, such a rate as in the judgment of the Board will be yielded by the Farm Loan bonds when issued, increased by provision for expenses and reserves as aforesaid.

Repayment.

(6) Every farm loan shall be repayable in equal annual or semi-annual instalments of principal and interest. 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.

Interest on defaulted payments.

R.S., 1906, ch. 120.

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Payments by borrower.

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When loans available.

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Subscription by the province.

(1) 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;

Provincial boards.

(2) The establishment of a provincial board of five 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. The other two members 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.

How loans made.

(3) Subject to the approval of the Board whether loans shall be made directly to farmers or through local co-operative societies, or both directly to farmers and through local co-operative societies, as the province may desire.

Provincial treasurer.

(4) The treasurer of the said province and the chief executive officer of the provincial board to act on the Advisory Council hereinafter provided for.

Bonds to be legal investment.

(5) That farm loan bonds shall be a legal investment for trust funds within the province.

Relief of provincial board.

(6) 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 provincial board until a new provincial board satisfactory to the Board has been nominated and appointed as hereinbefore provided for.

Reserve fund.

9. (1) The Board shall annually carry to a reserve fund twenty-five per cent of the net earnings of the Board until the said reserve shall equal twenty-five per cent of the paid capital of the Board, and thereafter there shall be carried to the reserve fund at least ten per cent of the net earnings.

Dividend.

(2) A dividend may be declared annually on the capital stock of the Board when in the judgment of the Board the net earnings of the Board warrant such payment: provided, however, that no dividend greater than five per cent shall be declared until the reserve fund shall have reached the amount of twenty-five per cent of the paid capital stock.

Additional dividend.

(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.

Accumulated dividends.

(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. The borrower shall thereupon cease to be a stock-holder of the Board.

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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.

Advisory Council.

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. This 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.

Legislation prejudicially affecting security.

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.

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Investment by loan companies. 1914, c. 40.

(2) Notwithstanding anything contained in *The Loan Companies Act, 1914*, any loan company subject to the provisions of the said Act, or any of them, may invest its funds, or any portion thereof, in the purchase of Farm Loan bonds.

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(3) Notwithstanding anything contained in *The Trust Companies Act, 1914*, any trust company subject to the provisions of the said Act, or any of them, may invest its funds or any portion thereof in the purchase of Farm Loan bonds. 5

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16. 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: 15

(a) The employment of officers, appraisers, inspectors, attorneys, clerks and other employees and their remuneration; 20

(b) The charges to be made against borrowers for the expenses of appraisal, determination of title and recording; 25

(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; 30

(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; 35

(h) The bonding of agents, officers and employees of the Board;

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Payments out of the Consolidated Revenue Fund.

17. The amount of any payment by the Government of Canada on account of capital of the Board or as payment for Farm Loan bonds purchased shall be paid out of the Consolidated Revenue Fund on the authority of the Governor in Council. 45

149.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 149.

An Act to amend The Railway Act, 1919.

First reading, May 28, 1926.

The MINISTER OF RAILWAYS AND CANALS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22197 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 149.

An Act to amend The Railway Act, 1919.

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

1. Subsection two of section two hundred and sixty-two of *The Railway Act, 1919,* as enacted by chapter sixty-eight of the statutes of 1919, is repealed and the following is substituted therefor:—

Apportionment of money of Railway Grade Crossing Fund.

"(2) The total amount of money to be apportioned, and directed and ordered by the Board to be payable from any such annual appropriation shall not, in the case of any one crossing, exceed forty per cent of the cost of the actual construction work in providing such protection, safety and convenience, and shall not, in any such case, exceed the sum of twenty-five thousand dollars, and no such money shall in any one year be applied to more than six crossings on any one railway in any one municipality or more than once in any one year to any one crossing."

Explanatory Note.

The subsection to be repealed and re-enacted reads as follows: the changes being indicated by the underlined words:

"(2) The total amount of money to be apportioned, and directed and ordered by the Board to be payable from any such annual appropriation shall not, in the case of any one crossing, exceed twenty-five per cent of the cost of the actual construction work in providing such protection, safety and convenience, and shall not, in any such case, exceed the sum of fifteen thousand dollars, and no such money shall in any one year be applied to more than six crossings on any one railway in any one municipality or more than once in any one year to any one crossing."

149.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 149.

An Act to amend The Railway Act, 1919.

AS PASSED BY THE HOUSE OF COMMONS,
2nd JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

13186

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 149.

An Act to amend The Railway Act, 1919.

1919, c. 68.

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

1. Subsection two of section two hundred and sixty-two of *The Railway Act, 1919,* as enacted by chapter sixty-eight of the statutes of 1919, is repealed and the following is substituted therefor:— 5

Apportionment of money of Railway Grade Crossing Fund.

"(2) The total amount of money to be apportioned, and directed and ordered by the Board to be payable from any such annual appropriation shall not, in the case of any one crossing, exceed forty per cent of the cost of the actual construction work in providing such protection, safety and convenience, and shall not, in any such case, exceed the sum of twenty-five thousand dollars, and no such money shall in any one year be applied to more than six crossings on any one railway in any one municipality or more than once in any one year to any one crossing." 10 15

Explanatory Note.

The subsection to be repealed and re-enacted reads as follows: the changes being indicated by the underlined words:

"(2) The total amount of money to be apportioned, and directed and ordered by the Board to be payable from any such annual appropriation shall not, in the case of any one crossing, exceed twenty-five per cent of the cost of the actual construction work in providing such protection, safety and convenience, and shall not, in any such case, exceed the sum of fifteen thousand dollars, and no such money shall in any one year be applied to more than six crossings on any one railway in any one municipality or more than once in any one year to any one crossing."

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 150.

An Act respecting the Chicoutimi Harbour Commissioners.

First reading, May 28, 1926.

The MINISTER OF MARINE AND FISHERIES.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
21784 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 150.

An Act respecting the Chicoutimi Harbour Commissioners.

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 Chicoutimi Harbour Commissioners' Act, 1926."* 5

Incorporation.

Name.

2. The commissioners from time to time appointed in accordance with this Act shall be and are hereby incorporated under the name of the "Chicoutimi Harbour Commissioners," hereinafter called "the Corporation."

Interpretation.

3. In this Act, and in any by-law or regulation made hereunder, unless the context otherwise requires,— 10

"by-law."

(a) "by-law" means any by-law, rule, order or regulation made by the Corporation under the authority of this Act;

"commissioner."

(b) "commissioner" means a member of the corporation; 15

"corporation."

(c) "corporation" means the Chicoutimi Harbour Commissioners;

"goods."

(d) "goods" includes all personal property and moveables other than vessels;

"minister."

(e) "minister" means the Minister of Marine and Fisheries; 20

"raft."

(f) "raft" includes any raft, crib, dram, bag or boom of logs, timber or lumber of any kind, and logs, timber or lumber in boom or being towed;

"rate."

(g) "rate" means any rate or toll leviable under or imposed by the authority of this Act; 30

"the harbour."

(h) "the harbour" means the harbour of Chicoutimi as defined by this Act;

"vessel."

(i) "vessel" includes every kind of ship, boat, barge, raft, dredge, elevator, scow or other floating craft. 35

Harbour limits defined.

6. For the purposes of this Act, the harbour of Chinamans shall comprise all the tidal waters of the Secondary river above its boundary line drawn across that river from Cape East to West Point and including the waters of Ha Ha Bay.

Commissioners.

8. (1) The Corporation shall consist of three commissioners, who shall be appointed by the Governor in Council and who shall hold office during pleasure.

Quorum.

(2) Two commissioners shall be a quorum. If a quorum be present and not, vacancies in the Corporation shall not prevent or remain the effect of any action. It shall not be necessary for more than two commissioners to sign any debenture, bond or other security that may be issued by the commissioners.

President.

(3) The Governor in Council may from time to time appoint one of the said commissioners to be president of the Corporation.

Resignation.

(4) A commissioner may resign his office by notice in writing to the Minister.

Oath of office.

(5) Before any commissioner enters upon the execution of his duties he shall take and subscribe the following oath:—

"I, , make oath and say that I will truly and impartially and to the best of my skill and understanding execute the powers vested in me as a commissioner (or as president) of the Corporation of The Chinamans Harbour Commissioners."

The said oath shall be filed of record in the office of the Corporation.

Evidence of appointment.

(6) A certificate under the seal of the Corporation that any person named therein is president or presiding officer, as the case may be, shall be conclusive evidence of such fact.

OFFICERS AND SERVANTS.

Officers, etc.

9. The Corporation may appoint a harbour master, a deputy harbour master, and such other officers, assistants, engineers, clerks and servants as it may consider necessary to carry out the objects and provisions of this Act, and shall make by-laws, allow their compensation or salaries as it considers proper; and may require them to furnish such security for the due and faithful performance of their respective duties as it thinks necessary.

GENERAL POWERS.

Jurisdiction.

7. The Corporation shall, for the purpose of and as provided in this Act, have jurisdiction, within the limits of the said harbour and shall, likewise, have the administration and control of the harbour and of all harbour property.

Harbour limits defined.

4. For the purpose of this Act, the harbour of Chicoutimi shall comprise all the tidal waters of the Saguenay river above an imaginary line drawn across that river from Cape East to Fort Point and including the waters of Ha Ha Bay.

Commissioners.

5. (1) The Corporation shall consist of three commissioners, who shall be appointed by the Governor in Council and who shall hold office during pleasure.

Quorum.

(2) Two commissioners shall be a quorum. If a quorum be present and act, vacancies in the Corporation shall not prevent or impair the effect of such action. It shall not be necessary for more than two commissioners to sign any debenture, bond or other security that may be issued by the commissioners.

President.

(3) The Governor in Council may from time to time appoint one of the said commissioners to be president of the Corporation.

Resignations.

(4) A commissioner may resign his office by notice in writing to the Minister.

Oath of office.

(5) Before any commissioner enters upon the execution of his duties he shall take and subscribe the following oath:—

> "I,....., make oath and say that I will truly and impartially and to the best of my skill and understanding execute the powers vested in me as a commissioner (or as president) of the Corporation of The Chicoutimi Harbour Commissioners."

The said oath shall be filed of record in the office of the Corporation.

Evidence of presidency.

(6) A certificate under the seal of the Corporation that any person named therein is president or presiding officer, as the case may be, shall be conclusive evidence of such fact.

OFFICERS AND EMPLOYEES.

Officers, etc.

6. The Corporation may appoint a harbour master, a deputy harbour master, and such other officers, assistants, engineers, clerks and servants as it may consider necessary to carry out the objects and provisions of this Act, and may, by by-law, allow them such compensation or salaries as it considers proper; and may require them to furnish such security for the due and faithful performance of their respective duties as it thinks necessary.

Salaries.

Security.

GENERAL POWERS.

Jurisdiction.

7. The Corporation shall, for the purpose of and as provided in this Act, have jurisdiction, within the limits of the said harbour and shall, likewise, have the administration and control of the harbour and of all harbour property.

Powers as to property required for harbour.

8. The Corporation may, with the approval of the Governor in Council, acquire, expropriate, sell, lease, or otherwise dispose of such real estate or personal property as it deems necessary or desirable for the development, improvement, maintenance, and protection of the harbour, or for the management, development and control of the property vested in the Corporation, but all such real estate shall be acquired in the name of and vested in His Majesty; and the Corporation may, likewise, acquire, hold, possess and build such movable property, vessels, plant and machinery as it deems necessary for the efficient discharge of the duties devolving upon it under or in pursuance of this Act, and may dispose thereof, and may register such vessels in the name of the Corporation.

Motive power, tracks, plant, etc.

9. The Corporation may own, acquire by lease, and operate by any motive power, all kinds of tracks, appliances, apparatus, plant and machinery for the purpose of increasing the usefulness of the harbour or facilitating traffic therein.

EXPROPRIATION OF LANDS.

Expropriation of lands.

10. Whenever the Corporation desires to acquire any lands for any of the purposes of this Act, should the Corporation be unable to agree with the owner of such lands as to the price to be paid therefor, the Corporation shall have the right, in acquiring such lands without the consent of the owner, and the provisions of The Railway Act, 1919, relating to the taking of land by railway companies shall, mutatis mutandis, be applicable to the acquisition of such lands by the Corporation and in any such proceedings the powers of the Board of Railway Commissioners under the said Act shall be exercised by the Governor in Council.

1919, c. 68.

BY-LAWS.

By-laws.

11. (1) The Corporation may, by by-laws not contrary to law or inconsistent with the provisions of this Act, make effective regulations for any of the following purposes, namely:

(a) The direction, conduct and government of the Corporation, its officers and servants, and the management, control and improvement of its property, real and personal, and for the protection and care of the same in every manner deemed necessary, and all matters in relation thereto;

(b) The regulation and control of each and every matter in connection with vessels navigating the harbour and their mooring, berthing, disembarking or loading, and anything incidental thereto;

Powers as to property required for harbour.

8. The Corporation may, with the approval of the Governor in Council, acquire, expropriate, sell, lease, or otherwise dispose of such real estate or personal property as it deems necessary or desirable for the development, improvement, maintenance and protection of the harbour, or for the management, development and control of the property vested in the Corporation, but all such real estate shall be acquired in the name of and vested in His Majesty; and the Corporation may, likewise, acquire, hold, possess and build such moveable property, vessels, plant and machinery as it deems necessary for the efficient discharge of the duties devolving upon it under or in pursuance of this Act, and may dispose thereof, and may register such vessels in the name of the Corporation.

Motive power, tracks, plant, etc.

9. The Corporation may own, acquire by lease, and operate by any motive power, all kinds of tracks, appliances, apparatus, plant and machinery for the purpose of increasing the usefulness of the harbour or facilitating traffic therein.

EXPROPRIATION OF LANDS.

Expropriation of lands.

10. Whenever the Corporation desires to acquire any lands for any of the purposes of this Act, should the Corporation be unable to agree with the owner of such lands as to the price to be paid therefor, the Corporation shall have the right to acquire such lands without the consent of the owner, and the provisions of *The Railway Act, 1919*, relating to the taking of land by railway companies shall, *mutatis mutandis*, be applicable to the acquisition of such lands by the Corporation and in any such proceedings the powers of the Board of Railway Commissioners under the said Act shall be exercised by the Governor in Council.

1919, c. 68.

BY-LAWS.

By-laws.

11. (1) The Corporation may, by by-laws not contrary to law or inconsistent with the provisions of this Act, make effective regulations for any of the following purposes, namely:—

(a) The direction, conduct and government of the Corporation, its officers and servants, and the management, control and improvement of its property, real and personal, and for the protection and care of the same in every manner deemed necessary, and all matters in relation thereto;

(b) The regulation and control of each and every matter in connection with vessels navigating the harbour and their mooring, berthing, discharging or loading, and anything incidental thereto;

(e) The use of the harbour facilities by vessels and the agents, owners, masters or consignees of the same; and for the lease or allotment of any of the harbour property, plant or facilities;

(z) The compensation or salaries to be paid the officers, 5 assistants, engineers, clerks and servants appointed by the Corporation;

(e) The regulation of the construction of wharves, piers, buildings or any other structure within the harbour, and anything incidental thereto;

(y) The imposition and collection of rates and tolls on 10 vessels entering, using and leaving the harbour and their cargoes; and on goods or cargo of any kind landed or shipped in the harbour; and for the use of any buildings, plant or facilities of the Corporation; 15 and penalties for the infringement of any of the provisions of this Act or any by-law made thereunder;

(o) The doing of anything necessary to carry out the provisions of this Act within their true intent and meaning, and for the regulation, good government and 20 control of the harbour and harbour services under its jurisdiction;

(k) The construction, maintenance and operation of such harbour and branch and other railway and tramway tracks as are required for the satisfactory conduct and 25 development of the business of the harbour, or to authorize the acquisition by the Corporation of such tracks by purchase, lease or otherwise;

(h) To authorize the Corporation to enter into an agreement with any railway company for the operation by 30 any railway power by such company of the tracks of the Corporation so as at all times to afford all other railway companies whose lines reach the harbour the same facilities for traffic as those enjoyed by such company;

(i) To authorize the Corporation making arrangements 35 with railway companies for facilitating traffic to, from and in the harbour; for making connections within the harbour between company railways and those of the Corporation for the maintenance, management, control and working of tracks of the Corporation by the parties 40 to such agreement severally, or any of them jointly, and for the rating by any party to the agreement of any real or personal property of any other party thereto for the purpose of facilitating traffic to, from and in the harbour;

(k) Prescribing the penalties that may be imposed on 45 any person violating any by-law which the Corporation is authorized to make under this Act, but no such penalty shall exceed five hundred dollars or sixty days imprisonment, or in default of payment of a pecuniary 50

(c) The use of the harbour facilities by vessels and the agents, owners, masters or consignees of the same; and for the lease or allotment of any of the harbour property, plant or facilities;

(d) The compensation or salaries to be paid the officers, assistants, engineers, clerks and servants appointed by the Corporation; 5

(e) The regulation of the construction of wharves, piers, buildings or any other structure within the harbour, and anything incidental thereto; 10

(f) The imposition and collection of rates and tolls on vessels entering, using and leaving the harbour and their cargoes; and on goods or cargo of any kind landed or shipped in the harbour; and for the use of any buildings, plant or facilities of the Corporation; 15 and penalties for the infringement of any of the provisions of this Act or any by-law made thereunder;

(g) The doing of anything necessary to carry out the provisions of this Act within their true intent and meaning, and for the regulation, good government and 20 control of the harbour and harbour services under its jurisdiction;

(h) The construction, maintenance and operation of such harbour and branch and other railway and tramway tracks as are required for the satisfactory conduct and 25 development of the business of the harbour, or to authorize the acquisition by the Corporation of such tracks by purchase, lease or otherwise;

(i) To authorize the Corporation to enter into an agreement with any railway company for the operation by 30 any motive power by such company of the tracks of the Corporation so as at all times to afford all other railway companies whose lines reach the harbour the same facilities for traffic as those enjoyed by such company; 35

(j) To authorize the Corporation making arrangements with railway companies for facilitating traffic to, from and in the harbour; for making connections within the harbour between companies' railways and those of the Corporation for the maintenance, management, control 40 and working of tracks of the Corporation by the parties to such agreement severally, or any of them jointly, and for the using by any party to the agreement of any real or personal property of any other party thereto for the purpose of facilitating traffic to, from and in 45 the harbour;

(k) Prescribing the penalties that may be imposed on any person violating any by-law which the Corporation is authorized to make under this Act, but no such penalty shall exceed five hundred dollars or sixty days 50 imprisonment, or in default of payment of a pecuniary

penalty or of the costs of conviction, imprisonment for a period of thirty days but such imprisonment not to continue after such payment is made.

(2) No by-law shall have force or effect until confirmed by the Governor in Council and published in the Canada Gazette, and, upon such confirmation and publication, any By-law made in accordance with this Act shall have the same force and effect as if enacted in this Act.

Force and effect of by-laws.

COLLECTION OF RATES.

12. (1) The rates on goods landed or shipped from sea-going vessels shall be paid by the consignee, shipper, owner or agent of such goods, and goods shall not be removed from any dock or wharf within the harbour until such rates are fully paid.

Payment of rates on goods from sea-going vessels.

(2) The rates upon the cargoes of all other vessels shall be paid by the master or person in charge of the vessel, saving to him such recourse as he may have by law against any other person for the sum so paid, but the Corporation may demand and recover the said rates from the owners or consignees or agents or shippers of such cargoes if it see fit so to do.

Rates upon cargoes of all other vessels.

13. (1) The Corporation may require the collector of customs at Chicoutimi to collect on its behalf such portions of the rates authorized by this Act to be levied in the harbour as it deems expedient to collect through him.

Collection through collectors of customs.

(2) If such collector be required to make collection on account of the Corporation shall pay over to the Corporation on the first day of each month all moneys collected for it, and shall make monthly returns in detail, specifying the date of each collection, the name and tonnage of each vessel, and the name of the commander or master thereof.

Payments and returns by collector.

BORROWING POWERS.

14. To enable it to construct, acquire, repair or improve wharves and other works and structures in the harbour, the Corporation may, after the approval by the Governor in Council on the recommendation of the Minister, of the plans, specifications and estimates in detail for the work so proposed, and the amount proposed to be borrowed, borrow money at such rates of interest, as it finds expedient, and may for the said purpose issue debentures for sums not less than one hundred dollars or twenty pounds sterling, payable in not more than forty years, which debentures may be secured upon the revenue or property available or controlled by the Corporation. Such debentures may be

Borrowing powers.

Debentures.

penalty or of the costs of conviction, imprisonment for a period of thirty days but such imprisonment not to continue after such payment is made.

Force and effect of by-laws.

(2) No by-law shall have force or effect until confirmed by the Governor in Council and published in the *Canada Gazette*, and, upon such confirmation and publication, any by-law made in accordance with this Act shall have the same force and effect as if enacted in this Act.

COLLECTION OF RATES

Payment of rates as to sea-going vessels.

12. (1) The rates on goods landed or shipped from sea-going vessels shall be paid by the consignee, shipper, owner or agent of such goods, and goods shall not be removed from any dock or wharf within the harbour until such rates are fully paid.

Rates upon cargoes of all other vessels.

(2) The rates upon the cargoes of all other vessels shall be paid by the master or person in charge of the vessel, saving to him such recourse as he may have by law against any other person for the sum so paid, but the Corporation may demand and recover the said rates from the owners or consignees or agents or shippers of such cargoes if it sees fit to do so.

Collection through collectors of customs.

13. (1) The Corporation may require the collector of customs at Chicoutimi to collect on its behalf such portions of the rates authorized by this Act to be levied in the harbour as it deems expedient to collect through him.

Payments and returns by collector.

(2) Every collector so required to make collection on account of the Corporation shall pay over to the Corporation on the first day of each month all moneys collected for it, and shall make monthly returns in detail, specifying the date of each collection, the name and tonnage of each vessel, and the name of the commander or master thereof.

BORROWING POWERS.

Borrowing powers.

14. To enable it to construct, acquire, repair or improve wharves and other works and structures in the harbour, the Corporation may, after the approval by the Governor in Council, on the recommendation of the Minister, of the plans, specifications and estimates in detail for the work proposed, and the amount proposed to be borrowed; borrow money at such rates of interest, as it finds expedient, and may for the said purpose issue debentures for sums not less than one hundred dollars or twenty pounds sterling, payable in not more than forty years, which debentures may be secured upon the revenues or property receivable or controlled by the Corporation. Such debentures may be

Debentures.

sold at such rates and on such terms as the Corporation, with the approval of the Governor in Council, deems advisable.

Payment of money borrowed.

15. (1) The principal and interest of the sums of money which may be borrowed by the Corporation under this Act, and the principal and interest of the debentures to be issued under the authority of this Act, shall be repaid out of the revenue arising out of the rates and penalties imposed by or under this Act for and on account of the harbour or one of any other revenue vested in or coming to the Corporation, and the lawful charges upon the said revenue shall be as follows, and in the following order, that is to say:—

(a) The payment of all necessary expenses incurred in the collection of the said revenue, and in the management and operation of the harbour services, and in the maintenance and ordinary repair of its works and facilities,—the expenditure of all revenue to be subject to the supervision and control of the Minister;

(b) The payment of interest on any debentures issued under the authority of this Act.

Sinking fund.

(2) After the payment of the charges above provided for, the surplus revenue shall be applied to the establishment of a sinking fund for the repayment of the principal of any debentures issued under the authority of this Act.

ENFORCEMENT AND COLLECTION OF PENALTIES.

Recovery of penalties.

16. All penalties incurred under this Act, or under any by-law made in pursuance thereof, may be recovered in a summary manner under Part XV of the Criminal Code.

Forfeiture and detention of vessels.

17. (1) The Corporation may in the following cases seize and detain any vessel within the limits of the province of Quebec:—

(a) Whenever any sum is due in respect of the vessel for rates or for commutation of rates and is unpaid;

(b) Whenever the master, owner or person in charge of the vessel has infringed any provision of this Act, or any by-law in force under this Act and has thereby rendered himself liable to a penalty;

(c) Whenever any injury has been done by the vessel, or by the fault or neglect of the crew when acting as the crew, or under order of their superior officers, to any property of the Corporation;

(d) Whenever any obstruction whatever has been offered or made to the operations of the Corporation by the vessel, or by the fault or neglect of the crew while acting as the crew, or under order of their superior officers.

sold at such rates and on such terms as the Corporation, with the approval of the Governor in Council, deems advisable.

In payment of money borrowed.

15. (1) The principal and interest of the sums of money which may be borrowed by the Corporation under this Act, and the principal and interest of the debentures to be issued under the authority of this Act, shall be repaid out of the revenue arising out of the rates and penalties imposed by or under this Act for and on account of the harbour or out of any other revenue vested in or coming to the Corporation, and the lawful charges upon the said revenue shall be as follows, and in the following order, that is to say:— 5 10

(a) The payment of all necessary expenses incurred in the collection of the said revenue, and in the management and operation of the harbour services, and in the maintenance and ordinary repair of its works and facilities,—the expenditure of all revenue to be subject to the supervision and control of the Minister; 15

(b) The payment of interest on any debentures issued under the authority of this Act. 20

Sinking fund.

(2) After the payment of the charges above provided for, the surplus revenue shall be applied to the establishment of a sinking fund for the repayment of the principal of any debentures issued under the authority of this Act. 25

ENFORCEMENT AND COLLECTION OF PENALTIES

Recovery of penalties.

R.S., c. 146.

16. All penalties incurred under this Act, or under any by-law made in pursuance thereof, may be recovered in a summary manner under Part XV of the *Criminal Code*.

Seizure and detention of vessels.

17. (1) The Corporation may in the following cases seize and detain any vessel within the limits of the province of Quebec:— 30

(a) Whenever any sum is due in respect of the vessel for rates or for commutation of rates and is unpaid;

(b) Whenever the master, owner or person in charge of the vessel has infringed any provision of this Act, or any by-law in force under this Act and has thereby rendered himself liable to a penalty; 35

(c) Whenever any injury has been done by the vessel, or by the fault or neglect of the crew when acting as the crew, or under order of their superior officers, to any property of the Corporation; 40

(d) Whenever any obstruction whatever has been offered or made to the operations of the Corporation by the vessel, or by the fault or neglect of the crew while acting as the crew, or under order of their superior officer. 45

(3) In a case coming within paragraphs (c) or (d) of section one of this section, the vessel may be seized and detained until the injury so done has been repaired by the master or crew or by the other persons interested, and until all damages (directly or indirectly caused to the Corporation (including the expenses of following, searching for, discovering and seizing such vessel) have been paid to the Corporation; and for the amount of all such injury, damages, expenses and costs, the Corporation shall have a preferential lien upon the vessel and upon the proceeds thereof until security has been given to pay the amount of such damages, whether direct or indirect, and of such injury and costs as may be awarded in any suit resulting therefrom, and the owner, charterer, master or agent of such vessel shall also be liable to the Corporation for all such injury and damages.

(3) The Corporation shall have a special lien and privilege upon any vessel and upon the proceeds thereof in preference to all other claims and demands whatsoever (saving and excepting the claims for wages of seamen, under the provisions of the Canada Shipping Act) for the payment of any rates or commutation of rates or penalties due and payable with respect to such vessel or in respect of the rates of the master, owner or person in charge thereof.

(4) Such vessel may be seized and sold under any writ or warrant of execution or of distress issued by any court or by any magistrate upon the judgment or conviction at the suit of the Corporation against the master, owner or person in charge thereof.

(5) Such vessel may be so seized and detained, or so seized and sold while in the possession or charge of any person whatever, whether in the charge or possession of the property of the person who was proprietor when such rates or commutation thereof or penalties or pilotage dues accrued, or in the charge or possession or the property of any third person.

(6) The rights conferred by this section shall not be exercised after one year from the period when such rates, commutation or penalties accrued and became eligible.

15. The Corporation may seize and detain any goods in case,—

(a) any rate is due for rates in respect of such goods, and is unpaid; or

(b) any provision of this Act or any by-law in force under this Act, has been infringed in respect of such goods, and a penalty has thereby been incurred.

16. (1) Every lawful seizure and detention made under this Act shall be at the risk, cost and charges of the owner

Effects of seizure.

(2) In a case coming within paragraphs *(c)* or *(d)* subsection one of this section, the vessel may be seized and detained until the injury so done has been repaired by the master or crew or by the other persons interested, and until all damages thereby directly or indirectly caused to the Corporation (including the expense of following, searching for, discovering and seizing such vessel) have been paid to the Corporation; and for the amount of all such injury, damages, expenses and costs, the Corporation shall have a preferential lien upon the vessel and upon the proceeds thereof until security has been given to pay the amount of such damages, whether direct or indirect, and of such injury and costs as may be awarded in any suit resulting therefrom, and the owner, charterer, master or agent of such vessel shall also be liable to the Corporation for all such injury and damages.

Lien.

Special privilege for rates and penalties.

(3) The Corporation shall have a special lien and privilege upon any vessel and upon the proceeds thereof in preference to all other claims and demands whatsoever (saving and excepting the claims for wages of seamen, under the provisions of the *Canada Shipping Act)* for the payment of any rates or commutation of rates or penalties due and payable with respect to such vessel or in respect of the acts of the master, owner or person in charge thereof.

R.S., c. 113.

Seizure after judgment.

(4) Such vessel may be seized and sold under any writ or warrant of execution or of distress issued by any court or by any magistrate upon the judgment or conviction at the suit of the Corporation against the master, owner or person in charge thereof.

In whose hands seizure may be made.

(5) Such vessel may be so seized and detained, or so seized and sold while in the possession or charge of any person whatever, whether in the charge or possession or the property of the person who was proprietor when such rates or commutation thereof or penalties or pilotage dues accrued, or in the charge or possession or the property of any third person.

Prescription.

(6) The rights conferred by this section shall not be exercised after one year from the period when such rates, commutation or penalties accrued and became exigible.

Seizure and detention of goods.

18. The Corporation may seize and detain any goods in case,—

(a) any sum is due for rates in respect of such goods, and is unpaid; or

(b) any provision of this Act or any by-law in force under this Act, has been infringed in respect of such goods, and a penalty has thereby been incurred.

Seizure and detention to be at owner's charge.

19. (1) Every lawful seizure and detention made under this Act shall be at the risk, cost and charges of the owner

of the vessel or pocket-book until all sums due or penalties incurred, together with all costs and charges incurred in this seizure and detention and the costs of any remuneration obtained for the infringements of any provisions of this Act or any by-law in force under this Act, have been paid in full.

Any by-law may with or without action.

(2) The seizure and detention may take place either at the commencement of any action or proceeding for the recovery of any sums of money due, penalties or damages, or pending such suit or proceeding, or as incident thereto, or without the institution of any suit or proceeding whatsoever.

Order of seizure.

(3) The seizure and detention may be effected upon the order of,—

(a) any judge;

(b) any magistrate having the power of two justices of the peace;

(c) the collector of customs at any port in the province of Quebec;

(d) The said order may be made on the application of the Corporation or its authorized agent, or its solicitor, and may be executed by any constable, bailiff or other person whom the Corporation entrusts with the execution thereof, and the said constable, bailiff or other person is hereby empowered to take all necessary means and demand all necessary aid to enable him to execute the said order.

Service of process.

20. (1) Service of any warrant, summons, writ, order, notice or other document, when personal service cannot be effected, may be made upon the owners or upon the master or other person in charge of any vessel by showing the original to and leaving a copy with any person found on board the vessel and appearing to be one of her crew.

Vessels of H. M. exempt.

(2) Nothing in this Act shall authorize the service of any summons or the execution of any warrant on board any vessel in His Majesty's service.

Penalties to be paid over.

21. (1) Every pecuniary penalty recovered for any violation of this Act or of any by-law in force under this Act shall be paid over to the Corporation by the Court or magistrate before whom the penalty has been recovered.

Application of results.

(2) The Corporation shall apply all sums collected by it for rates, or received by it as such pecuniary penalties, to the payment of the charges upon its revenue.

Administration of oaths.

22. Whenever any person is required by or in pursuance of this Act or of any by-law or regulation made under this Act to take oath, any commissioner and the secretary of the Corporation, and the harbour master of the harbour may administer such oath as well as any other officer or person duly authorized to administer oaths.

of the vessel or goods seized until all sums due or penalties incurred, together with all costs and charges incurred in the seizure and detention and the costs of any conviction obtained for the infringement of any provisions of this Act or any by-law in force under this Act, have been paid in full. 5

May be made with or without action.

(2) The seizure and detention may take place either at the commencement of any action or proceeding for the recovery of any sums of money due, penalties or damages, or pending such suit or proceeding, or as incident thereto, or without the institution of any suit or proceeding whatsoever. 10

Order of seizure.

(3) The seizure and detention may be effected upon the order of,—

(a) any judge;

(b) any magistrate having the power of two justices of the peace; 15

(c) the collector of customs at any port in the province of Quebec;

(d) The said order may be made on the application of the Corporation or its authorized agent, or its solicitor, and may be executed by any constable, bailiff or other person whom the Corporation entrusts with the execution thereof, and the said constable, bailiff or other person is hereby empowered to take all necessary means and demand all necessary aid to enable him to execute the said order. 20 25

Service of process.

20. (1) Service of any warrant, summons, writ, order, notice or other document, when personal service cannot be effected, may be made upon the owners or upon the master or other person in charge of any vessel by showing the original to and leaving a copy with any person found on board the vessel and appearing to be one of her crew. 30

Vessels of H. M. excepted.

(2) Nothing in this Act shall authorize the service of any summons or the execution of any warrant on board any vessel in His Majesty's service. 35

Penalties to be paid over.

21. (1) Every pecuniary penalty recovered for any violation of this Act or of any by-law in force under this Act shall be paid over to the Corporation by the Court or magistrate before whom the penalty has been recovered.

Application of receipts.

(2) The Corporation shall apply all sums collected by it for rates, or received by it as such pecuniary penalties, to the payment of the charges upon its revenue. 40

Administration of oaths.

22. Whenever any person is required by or in pursuance of this Act or of any by-law or regulation made under this Act to take oath, any commissioner and the secretary of the Corporation, and the harbour master of the harbour may administer such oath as well as any other officer or person duly authorized to administer oaths. 45

Separate accounts.

23. The Corporation shall keep separate accounts of all moneys borrowed and expended by it under the authority of this Act, and of all revenue received and expended from the operation of the harbour, its services and facilities, and shall account therefor to the Minister at such periods and in such manner and form as he shall direct.

Prescription of prosecutions.

R.S., c. 146.

24. In the case of any violation of this Act or of any by-law in force under this Act no complaint or information shall be made or laid under Part XV of the *Criminal Code* after two years from the time when the matter of complaint or information arose.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 150.

An Act respecting the Chicoutimi Harbour Commissioners.

AS PASSED BY THE HOUSE OF COMMONS,
4th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
21804 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 150.

An Act respecting the Chicoutimi Harbour Commissioners.

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 Chicoutimi Harbour Commissioners' Act, 1926."* 5

Incorporation.

Name.

2. The commissioners from time to time appointed in accordance with this Act shall be and are hereby incorporated under the name of the "Chicoutimi Harbour Commissioners," hereinafter called "the Corporation."

Interpretation.

3. In this Act, and in any by-law or regulation made hereunder, unless the context otherwise requires,— 10

"by-law."

(a) "by-law" means any by-law, rule, order or regulation made by the Corporation under the authority of this Act;

"commissioner."

(b) "commissioner" means a member of the corporation; 15

"corporation."

(c) "corporation" means the Chicoutimi Harbour Commissioners;

"goods."

(d) "goods" includes all personal property and moveables other than vessels;

"minister."

(e) "minister" means the Minister of Marine and Fisheries; 20

"raft."

(f) "raft" includes any raft, crib, dram, bag or boom of logs, timber or lumber of any kind, and logs, timber or lumber in boom or being towed;

"rate."

(g) "rate" means any rate or toll leviable under or imposed by the authority of this Act; 30

"the harbour."

(h) "the harbour" means the harbour of Chicoutimi as defined by this Act;

"vessel."

(i) "vessel" includes every kind of ship, boat, barge, raft, dredge, elevator, scow or other floating craft. 35

Harbour limits defined.

4. For the purpose of this Act, the harbour of Chicoutimi shall comprise all the tidal waters of the Saguenay river above an imaginary line drawn across that river from Cape East to Fort Point and including the waters of Ha Ha Bay.

Commissioners.

5. (1) The Corporation shall consist of three commissioners, who shall be appointed by the Governor in Council and who shall hold office during pleasure.

Quorum.

(2) Two commissioners shall be a quorum. If a quorum be present and act, vacancies in the Corporation shall not prevent or impair the effect of such action. It shall not be necessary for more than two commissioners to sign any debenture, bond or other security that may be issued by the commissioners.

President.

(3) The Governor in Council may from time to time appoint one of the said commissioners to be president of the Corporation.

Resignations.

(4) A commissioner may resign his office by notice in writing to the Minister.

Oath of office

(5) Before any commissioner enters upon the execution of his duties he shall take and subscribe the following oath:—

> "I,....., make oath and say that I will truly and impartially and to the best of my skill and understanding execute the powers vested in me as a commissioner (or as president) of the Corporation of The Chicoutimi Harbour Commissioners."

The said oath shall be filed of record in the office of the Corporation.

Evidence of presidency.

(6 A certificate under the seal of the Corporation that any person named therein is president or presiding officer, as the case may be, shall be conclusive evidence of such fact.

OFFICERS AND EMPLOYEES.

Officers, etc.

6. The Corporation may appoint a harbour master, a deputy harbour master, and such other officers, assistants, engineers, clerks and servants as it may consider necessary to carry out the objects and provisions of this Act, and may, by by-law, allow them such compensation or salaries as it considers proper; and may require them to furnish such security for the due and faithful performance of their respective duties as it thinks necessary.

Salaries.

Security.

GENERAL POWERS.

Jurisdiction.

7. The Corporation shall, for the purpose of and as provided in this Act, have jurisdiction, within the limits of the said harbour and shall, likewise, have the administration and control of the harbour and of all harbour property.

Powers to acquire property.

8. The Corporation may, with the approval of the Governor in Council, acquire, appropriate, sell, lease, or otherwise dispose of such real estate or personal property as it deems necessary or desirable for the development, improvement, maintenance and protection of the harbour, or for the management, development and control of the property vested in the Corporation; but all such real estate shall be acquired in the name of and vested in His Majesty; and the Corporation may, likewise, acquire, build, possess and build such movable property, vessels, plant and machinery as it deems necessary for the efficient discharge of the duties devolving upon it under or in pursuance of this Act, and may dispose thereof, and may register such vessels in the name of the Corporation.

Rights, powers, liabilities, etc.

9. The Corporation may own, acquire by lease, and operate by any motive power, all kinds of tracks, appliances, apparatus, plant and machinery for the purpose of increasing the usefulness of the harbour or facilitating traffic therein.

EXPROPRIATION OF LANDS.

Expropriation of lands.

10. Whenever the Corporation desires to acquire any lands for any of the purposes of this Act, should the Corporation be unable to agree with the owner of such lands as to the price to be paid therefor, the Corporation shall have the right to acquire such lands without the consent of the owner, and the provisions of The Railway Act, 1919, relating to the taking of land by railway companies shall, mutatis mutandis, be applicable to the acquisition of such lands by the Corporation and in any such proceedings the powers of the Board of Railway Commissioners under the said Act shall be exercised by the Governor in Council.

1919, c. 68.

BY-LAWS.

By-laws.

11. (1) The Corporation may, by by-laws not contrary to law or inconsistent with the provisions of this Act, make effective regulations for any of the following purposes, namely:—

(a) The direction, conduct and government of the Corporation, its officers and servants, and the management, control and improvement of its property, real and personal, and for the protection and care of the same in every manner deemed necessary, and all matters in relation thereto;

(b) The regulation and control of each and every matter in connection with vessels navigating the harbour and their mooring, berthing, discharging or loading, and anything incidental thereto;

Powers as to property required for harbour.

8. The Corporation may, with the approval of the Governor in Council, acquire, expropriate, sell, lease, or otherwise dispose of such real estate or personal property as it deems necessary or desirable for the development, improvement, maintenance and protection of the harbour, or for the management, development and control of the property vested in the Corporation, but all such real estate shall be acquired in the name of and vested in His Majesty; and the Corporation may, likewise, acquire, hold, possess and build such moveable property, vessels, plant and machinery as it deems necessary for the efficient discharge of the duties devolving upon it under or in pursuance of this Act, and may dispose thereof, and may register such vessels in the name of the Corporation.

Motive power, tracks, plant, etc.

9. The Corporation may own, acquire by lease, and operate by any motive power, all kinds of tracks, appliances, apparatus, plant and machinery for the purpose of increasing the usefulness of the harbour or facilitating traffic therein.

EXPROPRIATION OF LANDS.

Expropriation of lands.

10. Whenever the Corporation desires to acquire any lands for any of the purposes of this Act, should the Corporation be unable to agree with the owner of such lands as to the price to be paid therefor, the Corporation shall have the right to acquire such lands without the consent of the owner, and the provisions of *The Railway Act, 1919*, relating to the taking of land by railway companies shall, *mutatis mutandis*, be applicable to the acquisition of such lands by the Corporation and in any such proceedings the powers of the Board of Railway Commissioners under the said Act shall be exercised by the Governor in Council.

1919, c. 68.

BY-LAWS.

By-laws.

11. (1) The Corporation may, by by-laws not contrary to law or inconsistent with the provisions of this Act, make effective regulations for any of the following purposes, namely:—

(a) The direction, conduct and government of the Corporation, its officers and servants, and the management, control and improvement of its property, real and personal, and for the protection and care of the same in every manner deemed necessary, and all matters in relation thereto;

(b) The regulation and control of each and every matter in connection with vessels navigating the harbour and their mooring, berthing, discharging or loading, and anything incidental thereto;

(c) The use of the harbour facilities by vessels and the agents, owners, masters or consignees of the same; and for the lease or allotment of any of the harbour property, plant or facilities;

(d) The compensation or salaries to be paid the officers, assistants, engineers, clerks and servants appointed by the Corporation; 5

(e) The regulation of the construction of wharves, piers, buildings or any other structure within the harbour, and anything incidental thereto; 10

(f) The imposition and collection of rates and tolls on vessels entering, using and leaving the harbour and their cargoes; and on goods or cargo of any kind landed or shipped in the harbour; and for the use of any buildings, plant or facilities of the Corporation; 15 and penalties for the infringement of any of the provisions of this Act or any by-law made thereunder;

(g) The doing of anything necessary to carry out the provisions of this Act within their true intent and meaning, and for the regulation, good government and 20 control of the harbour and harbour services under its jurisdiction;

(h) The construction, maintenance and operation of such harbour and branch and other railway and tramway tracks as are required for the satisfactory conduct and 25 development of the business of the harbour, or to authorize the acquisition by the Corporation of such tracks by purchase, lease or otherwise;

(i) To authorize the Corporation to enter into an agreement with any railway company for the operation by 30 any motive power by such company of the tracks of the Corporation so as at all times to afford all other railway companies whose lines reach the harbour the same facilities for traffic as those enjoyed by such company; 35

(j) To authorize the Corporation making arrangements with railway companies for facilitating traffic to, from and in the harbour; for making connections within the harbour between companies' railways and those of the Corporation for the maintenance, management, control 40 and working of tracks of the Corporation by the parties to such agreement severally, or any of them jointly, and for the using by any party to the agreement of any real or personal property of any other party thereto for the purpose of facilitating traffic to, from and in 45 the harbour;

(k) Prescribing the penalties that may be imposed on any person violating any by-law which the Corporation is authorized to make under this Act, but no such penalty shall exceed five hundred dollars or sixty days 50 imprisonment, or in default of payment of a pecuniary

penalty or of the costs of conviction, imprisonment for a period of thirty days but such imprisonment not to continue after such payment is made.

Force and effect of by-laws.

(2) No by-law shall have force or effect until confirmed by the Governor in Council and published in the *Canada Gazette*, and, upon such confirmation and publication, any by-law made in accordance with this Act shall have the same force and effect as if enacted in this Act. 5

COLLECTION OF RATES

Payment of rates as to sea-going vessels.

12. (1) The rates on goods landed or shipped from sea-going vessels shall be paid by the consignee, shipper, owner or agent of such goods, and goods shall not be removed from any dock or wharf within the harbour until such rates are fully paid. 10

Rates upon cargoes of all other vessels.

(2) The rates upon the cargoes of all other vessels shall be paid by the master or person in charge of the vessel, saving to him such recourse as he may have by law against any other person for the sum so paid, but the Corporation may demand and recover the said rates from the owners or consignees or agents or shippers of such cargoes if it sees fit to do so. 15 20

Collection through collectors of customs.

13. (1) The Corporation may require the collector of customs at Chicoutimi to collect on its behalf such portions of the rates authorized by this Act to be levied in the harbour as it deems expedient to collect through him.

Payments and returns by collector.

(2) Every collector so required to make collection on account of the Corporation shall pay over to the Corporation on the first day of each month all moneys collected for it, and shall make monthly returns in detail, specifying the date of each collection, the name and tonnage of each vessel, and the name of the commander or master thereof. 25 30

BORROWING POWERS.

Borrowing powers.

14. To enable it to construct, acquire, repair or improve wharves and other works and structures in the harbour, the Corporation may, after the approval by the Governor in Council, on the recommendation of the Minister, of the plans, specifications and estimates in detail for the work proposed, and the amount proposed to be borrowed, borrow money at such rates of interest, as it finds expedient, and may for the said purpose issue debentures for sums not less than one hundred dollars or twenty pounds sterling, payable in not more than forty years, which debentures may be secured upon the revenues or property receivable or controlled by the Corporation. Such debentures may be 35 40

Debentures.

sold at such rates and on such terms as the Corporation, with the approval of the Governor in Council, deems advisable.

In payment of money borrowed.

15. (1) The principal and interest of the sums of money which may be borrowed by the Corporation under this Act, and the principal and interest of the debentures to be issued under the authority of this Act, shall be repaid out of the revenue arising out of the rates and penalties imposed by or under this Act for and on account of the harbour or out of any other revenue vested in or coming to the Corporation, and the lawful charges upon the said revenue shall be as follows, and in the following order, that is to say:—

(a) The payment of all necessary expenses incurred in the collection of the said revenue, and in the management and operation of the harbour services, and in the maintenance and ordinary repair of its works and facilities,—the expenditure of all revenue to be subject to the supervision and control of the Minister;

(b) The payment of interest on any debentures issued under the authority of this Act.

Sinking fund.

(2) After the payment of the charges above provided for, the surplus revenue shall be applied to the establishment of a sinking fund for the repayment of the principal of any debentures issued under the authority of this Act.

ENFORCEMENT AND COLLECTION OF PENALTIES

Recovery of penalties.

R.S., c. 146.

16. All penalties incurred under this Act, or under any by-law made in pursuance thereof, may be recovered in a summary manner under Part XV of the *Criminal Code*.

Seizure and detention of vessels.

17. (1) The Corporation may in the following cases seize and detain any vessel within the limits of the province of Quebec:—

(a) Whenever any sum is due in respect of the vessel for rates or for commutation of rates and is unpaid;

(b) Whenever the master, owner or person in charge of the vessel has infringed any provision of this Act, or any by-law in force under this Act and has thereby rendered himself liable to a penalty;

(c) Whenever any injury has been done by the vessel, or by the fault or neglect of the crew when acting as the crew, or under order of their superior officers, to any property of the Corporation;

(d) Whenever any obstruction whatever has been offered or made to the operations of the Corporation by the vessel, or by the fault or neglect of the crew while acting as the crew, or under order of their superior officer.

Effects of seizure.

(2) In a case coming within paragraphs *(c)* or *(d)* subsection one of this section, the vessel may be seized and detained until the injury so done has been repaired by the master or crew or by the other persons interested, and until all damages thereby directly or indirectly caused to the Corporation (including the expense of following, searching for, discovering and seizing such vessel) have been paid to the Corporation; and for the amount of all such injury, damages, expenses and costs, the Corporation shall have a preferential lien upon the vessel and upon the proceeds thereof until security has been given to pay the amount of such damages, whether direct or indirect, and of such injury and costs as may be awarded in any suit resulting therefrom, and the owner, charterer, master or agent of such vessel shall also be liable to the Corporation for all such injury and damages.

Lien.

Special privilege for rates and penalties.

(3) The Corporation shall have a special lien and privilege upon any vessel and upon the proceeds thereof in preference to all other claims and demands whatsoever (saving and excepting the claims for wages of seamen, under the provisions of the *Canada Shipping Act)* for the payment of any rates or commutation of rates or penalties due and payable with respect to such vessel or in respect of the acts of the master, owner or person in charge thereof.

R.S., c. 113.

Seizure after judgment.

(4) Such vessel may be seized and sold under any writ or warrant of execution or of distress issued by any court or by any magistrate upon the judgment or conviction at the suit of the Corporation against the master, owner or person in charge thereof.

In whose hands seizure may be made.

(5) Such vessel may be so seized and detained, or so seized and sold while in the possession or charge of any person whatever, whether in the charge or possession or the property of the person who was proprietor when such rates or commutation thereof or penalties or pilotage dues accrued, or in the charge or possession or the property of any third person.

Prescription.

(6) The rights conferred by this section shall not be exercised after one year from the period when such rates, commutation or penalties accrued and became exigible.

Seizure and detention of goods.

18. The Corporation may seize and detain any goods in case,—

(a) any sum is due for rates in respect of such goods, and is unpaid; or

(b) any provision of this Act or any by-law in force under this Act, has been infringed in respect of such goods, and a penalty has thereby been incurred.

Seizure and detention to be at owner's charge.

19. (1) Every lawful seizure and detention made under this Act shall be at the risk, cost and charges of the owner

of the vessel or goods seized until all sums due or penalties incurred, together with all costs and charges incurred in the seizure and detention and the costs of any conviction obtained for the infringement of any provisions of this Act or any by-law in force under this Act, have been paid in full. 5

May be made with or without action.

(2) The seizure and detention may take place either at the commencement of any action or proceeding for the recovery of any sums of money due, penalties or damages, or pending such suit or proceeding, or as incident thereto, or without the institution of any suit or proceeding whatsoever. 10

Order of seizure.

(3) The seizure and detention may be effected upon the order of,—

(a) any judge;

(b) any magistrate having the power of two justices of the peace; 15

(c) the collector of customs at any port in the province of Quebec;

(d) The said order may be made on the application of the Corporation or its authorized agent, or its solicitor, and may be executed by any constable, bailiff or other person whom the Corporation entrusts with the execution thereof, and the said constable, bailiff or other person is hereby empowered to take all necessary means and demand all necessary aid to enable him to execute the said order. 20 25

Service of process.

20. (1) Service of any warrant, summons, writ, order, notice or other document, when personal service cannot be effected, may be made upon the owners or upon the master or other person in charge of any vessel by showing the original to and leaving a copy with any person found on board the vessel and appearing to be one of her crew. 30

Vessels of H. M. excepted.

(2) Nothing in this Act shall authorize the service of any summons or the execution of any warrant on board any vessel in His Majesty's service. 35

Penalties to be paid over.

21. (1) Every pecuniary penalty recovered for any violation of this Act or of any by-law in force under this Act shall be paid over to the Corporation by the Court or magistrate before whom the penalty has been recovered.

Application of receipts.

(2) The Corporation shall apply all sums collected by it for rates, or received by it as such pecuniary penalties, to the payment of the charges upon its revenue. 40

Administration of oaths.

22. Whenever any person is required by or in pursuance of this Act or of any by-law or regulation made under this Act to take oath, any commissioner and the secretary of the Corporation, and the harbour master of the harbour may administer such oath as well as any other officer or person duly authorized to administer oaths. 45

Separate accounts.

23. The Corporation shall keep separate accounts of all moneys borrowed and expended by it under the authority of this Act, and of all revenue received and expended from the operation of the harbour, its services and facilities, and shall account therefor to the Minister at such periods and in such manner and form as he shall direct.

Prescription of prosecutions.

R.S., c. 146.

24. In the case of any violation of this Act or of any by-law in force under this Act no complaint or information shall be made or laid under Part XV of the *Criminal Code* after two years from the time when the matter of complaint or information arose.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 151.

An Act to amend The Canadian Red Cross Society Act.

First reading, May 31, 1926.

The MINISTER OF NATIONAL DEFENCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22479 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 151.

An Act to amend The Canadian Red Cross Society Act.

1909, c. 68; 1922, c. 13.

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

1. Subsection one of section five of *The Canadian Red Cross Society Act,* chapter sixty-eight of the statutes of 1909, as enacted by section two of chapter thirteen of the statutes of 1922, is amended by adding thereto the following words:— 5

Disposal of property.

"The Society may from time to time dispose of any such property in such manner and upon such terms as it may deem advisable." 10

Explanatory Note.

1. Subsection one of section five reads as follows:—

"**5.** (1) The Society may purchase, take, have, hold, possess, retain and enjoy any property, real or personal, corporeal or incorporeal, whatsoever, and for any or every estate or interest therein whatsoever, given, granted, devised, or bequeathed to it, or appropriated, purchased, or acquired by it in any manner or way whatsoever, to, for, or in favour of the uses and purposes of the Society."

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 151.

An Act to amend The Canadian Red Cross Society Act.

AS PASSED BY THE HOUSE OF COMMONS,
2nd JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22488 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 151.

An Act to amend The Canadian Red Cross Society Act.

1909, c. 68; 1922, c. 13.

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Explanatory Note.

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"**5.** (1) The Society may purchase, take, have, hold, possess, retain and enjoy any property, real or personal, corporeal or incorporeal, whatsoever, and for any or every estate or interest therein whatsoever, given, granted, devised, or bequeathed to it, or appropriated, purchased, or acquired by it in any manner or way whatsoever, to, for, or in favour of the uses and purposes of the Society."

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 152.

An Act to Amend The Opium and Narcotic Drug Act, 1923.

First reading, May 31, 1926.

The MINISTER OF HEALTH.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22396 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 152.

An Act to Amend The Opium and Narcotic Drug Act, 1923

1923, c. 22; 1925, c. 20.

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

1923, c. 22.

1. Section five of *The Opium and Narcotic Drug Act, 1923*, as amended by chapter twenty of the statutes of 1925, is repealed, and the following is substituted therefor:—

Persons to whom drugs may be sold.

"**5.** Every person licensed under this Act to deal in any drug, who gives, sells or furnishes any drug to any person, other than a duly authorized and practising physician, veterinary surgeon or dentist, or to a *bona fide* wholesale druggist, or to a druggist carrying on a business in a *bona fide* drug store, or who gives, sells or furnishes any drug to any such physician, veterinary surgeon, dentist or druggist, without a written order therefor, signed and dated; and any druggist who gives, sells or furnishes any drug to any person, except upon a written order or prescription signed and dated by a duly authorized and practising physician, veterinary surgeon or dentist whose signature is known to the said druggist or if unknown duly verified before such order or prescription is filled, or who uses any prescription to sell any drug on more than one occasion, except where the preparation covered by the prescription might lawfully have been sold in the first instance without a written order or prescription, under the provisions of section nine of this Act, shall be guilty of a criminal offence, and shall be liable upon summary conviction to a fine not exceeding one thousand dollars and costs and not less than two hundred dollars and costs, or to imprisonment for a term not exceeding eighteen months, or to both fine and imprisonment. (1911, c. 17, s. 5, ss. (1), am. 1920, c. 31, s. 1, ss. (1), and 1921, c. 42, s. 1 *(a)*, 1922, c. 36, s. 1 (1).)"

A written order required in all cases.

Unlawful to refill narcotic prescription except where preparation lawful in the first instance.

EXPLANATORY NOTES

1. Section five is amended by striking out after the word "person" in the ninth line thereof, the following words "*other than any such physician, veterinary surgeon, dentist or druggist.*" This amendment is necessary to make more clearly the intention of the section so as to provide that a retail druggist in all cases is required to obtain a written order or prescription for narcotics supplied. The effect of the section as it stands is that a druggist might supply narcotics to a physician, veterinary surgeon, or dentist without a written order therefor.

Persons who may manufacture without license, or have drugs in their possession.

2. Section seven of the said Act is amended by striking out the words "paragraph *(d)*" where they appear in the first line thereof and substituting therefor the words "paragraphs *(d)* and *(f)*."

Lawful possession. Certain preparations may be manufactured.

3. Section nine of the said Act, as amended by chapter twenty of the statutes of 1925, is further amended by striking out from the first line thereof the word "and" and by inserting immediately after the word "*(e)*" in the said line the words "and *(f)*."

4. Subsection two of section fifteen as enacted by section eight of chapter twenty of the statutes of 1925 is repealed, and the following is substituted therefor:—

Burden of proof and defence.

"(2) Except in the case of a drug addict or habitual user of drugs suffering from a diseased condition caused otherwise than by the excessive use of any drug, it shall be no defence to a physician charged with an offence under section six of this Act that he did give, sell, furnish or prescribe any drug to such addict or habitual user for self-administration."

Convictions, etc., *re* manufacture, etc., without license.

5. Section twenty-four of the said Act is amended by striking out from the sixth line thereof the word "and" and by inserting immediately after the word "*(e)*" in the said line the words "and *(f)*."

Alien convicted of unlawful possession or manufacturing without license, subject to deportation. *Identification of Criminals Act* to apply summary conviction, manufacturing without a license and unlawful possession.

6. Section twenty-five of the said Act is amended by striking out from the fourth line thereof the word "or" and by inserting immediately after the word "*(e)*" in the said line the words "or *(f)*."

7. Section twenty-six of the said Act is amended by striking out from the fifth line thereof the word "or" and by inserting immediately after the word "*(e)*" in the said line the words "or *(f)*."

2, 3, 5, 6 and **7.** These amendments (to sections 7, 9, 24, 25 and 26 of the Act) are made necessary by the fact that paragraph (*d*) of section 4 has been subdivided by chapter twenty of the statutes of 1925, into two different paragraphs, namely (*d*) and (*f*).

4. The amendment consists in the addition of the underlined word "*prescribe.*" This amendment is necessary to prevent a physician giving a prescription to a drug habitue for narcotic drugs, it having been argued that the word "furnish" in the section cannot be held to include prescribing or furnishing a prescription.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 152.

An Act to Amend The Opium and Narcotic Drug Act, 1923.

AS PASSED BY THE HOUSE OF COMMONS,
8th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22409 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 152.

An Act to amend The Opium and Narcotic Drug Act, 1923.

1923, c. 22; 1925, c. 20.

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

1923, c. 22.

1. Section five of *The Opium and Narcotic Drug Act, 1923*, as amended by chapter twenty of the statutes of 1925, is repealed, and the following is substituted therefor:—

Persons to whom drugs may be sold.

"**5.** Every person licensed under this Act to deal in any drug, who gives, sells or furnishes any drug to any person, other than a duly authorized and practising physician, veterinary surgeon or dentist, or to a *bona fide* wholesale druggist, or to a druggist carrying on a business in a *bona fide* drug store, or who gives, sells or furnishes any drug to any such physician, veterinary surgeon, dentist or druggist, without a written order therefor, signed and dated; and any druggist who gives, sells or furnishes any drug to any person, except upon a written order or prescription signed and dated by a duly authorized and practising physician, veterinary surgeon or dentist whose signature is known to the said druggist or if unknown duly verified before such order or prescription is filled, or who uses any prescription to sell any drug on more than one occasion, except where the preparation covered by the prescription might lawfully have been sold in the first instance without a written order or prescription, under the provisions of section nine of this Act, shall be guilty of a criminal offence, and shall be liable upon summary conviction to a fine not exceeding one thousand dollars and costs and not less than two hundred dollars and costs, or to imprisonment for a term not exceeding eighteen months, or to both fine and imprisonment. (1911, c. 17, s. 5, ss. (1), am. 1920, c. 31, s. 1, ss. (1), and 1921, c. 42, s. 1 *(a)*, 1922, c. 36, s. 1 (1).)"

A written order required in all cases.

Unlawful to refill narcotic prescription except where preparation lawful in the first instance.

EXPLANATORY NOTES

1. Section five is amended by striking out after the word "person" in the ninth line thereof, the following words "*other than any such physician, veterinary surgeon, dentist or druggist.*" This amendment is necessary to make more clearly the intention of the section so as to provide that a retail druggist in all cases is required to obtain a written order or prescription for narcotics supplied. The effect of the section as it stands is that a druggist might supply narcotics to a physician, veterinary surgeon, or dentist without a written order therefor.

Persons who may manufacture without license, or have drugs in their possession.

2. Section seven of the said Act is amended by striking out the words "paragraph *(d)*" where they appear in the first line thereof and substituting therefor the words "paragraphs *(d)* and *(f)*."

Lawful possession. Certain preparations may be manufactured.

3. Section nine of the said Act, as amended by chapter twenty of the statutes of 1925, is further amended by striking out from the first line thereof the word "and" and by inserting immediately after the word "*(e)*" in the said line the words "and *(f)*." 5

Convictions, etc., *re* manufacture, etc., without license.

4. Section twenty-four of the said Act is amended by striking out from the sixth line thereof the word "and" and by inserting immediately after the word "*(e)*" in the said line the words "and *(f)*." 10

Alien convicted of unlawful possession or manufacturing without license, subject to deportation.

5. Section twenty-five of the said Act is amended by striking out from the fourth line thereof the word "or" and by inserting immediately after the word "*(e)*" in the said line the words "or *(f)*." 15

Identification of Criminals Act to apply summary conviction, manufacturing without a license and unlawful possession.

6. Section twenty-six of the said Act is amended by striking out from the fifth line thereof the word "or" and by inserting immediately after the word "*(e)*" in the said line the words "or *(f)*." 20

2, 3, 4, 5 and **6.** These amendments (to sections 7, 9, 24, 25 and 26 of the Act) are made necessary by the fact that paragraph (*d*) of section 4 has been subdivided by chapter twenty of the statutes of 1925, into two different paragraphs, namely (*d*) and (*f*).

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 153.

An Act to amend the Criminal Code.

First reading, May 31, 1926.

The MINISTER OF JUSTICE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22596 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 153.

An Act to amend the Criminal Code.

R.S., c. 146; 1919, c. 46; 1920, c. 43; 1921, c. 25; 1923, c. 41.

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

Unlawful Associations. Publishing, etc., seditious books, etc.

1. Sections ninety-seven A and ninety-seven B of the *Criminal Code*, chapter one hundred and forty-six of the Revised Statutes, 1906, as enacted by chapter forty-six of the statutes of 1919, are hereby repealed. 5

Explanatory Notes.

1. The sections repealed read as follows:—

"**97A.** (1) Any association, organization, society or corporation, whose professed purpose or one of whose purposes is to bring about any governmental, industrial or economic change within Canada, by use of force, violence or physical injury to person or property, or by threats of such injury, or which teaches, advocates, advises or defends the use of force, violence, terrorism, or physical injury to person or property, or threats of such injury, in order to accomplish such change, or for any other purpose, or which shall by any means prosecute or pursue such purpose or professed purpose, or shall so teach, advocate, advise or defend, shall be an unlawful association.

"(2) Any property, real or personal, belonging or suspected to belong to an unlawful association, or held or suspected to be held by any person for or on behalf thereof may, without warrant, be seized or taken possession of by any person thereunto authorized by the Chief Commissioner of Dominion Police or by the Commissioner of the Royal Northwest Mounted Police, and may thereupon be forfeited to His Majesty.

"(3) Any person who acts or professes to act as an officer of any such unlawful association, and who shall sell, speak, write or publish anything as the representative or professed representative of any such unlawful association, or become and continue to be a member thereof, or wear, carry or cause to be displayed upon or about his person or elsewhere, any badge, insignia, emblem, banner, motto, pennant, card, button or other device whatsoever, indicating or intended to show or suggest that he is a member of or in anywise associated with any such unlawful association, or who shall contribute anything as dues or otherwise, to it or to any one for it, or who shall solicit subscriptions or contributions for it, shall be guilty of an offence and liable to imprisonment for not more than twenty years.

"(4) In any prosecution under this section, if it be proved that the person charged has

(a) attended meetings of an unlawful association; or

(b) spoken publicly in advocacy of an unlawful association; or

(c) distributed literature of an unlawful association by circulation through the Post Office mails of Canada, or otherwise,

it shall be presumed, in the absence of proof to the contrary, that he is a member of such unlawful association.

"(5) Any owner, lessee, agent or superintendent of any building, room, premises or place, who knowingly permits therein any meeting of an unlawful association or any subsidiary association or branch or committee thereof, or any assemblage of persons who teach, advocate, advise or defend the use, without authority of the law, of force, violence or physical injury to person or property, or threats of such injury, shall be guilty of an offence under this section and shall be liable to a fine of not more than five thousand dollars or to imprisonment for not more than five years, or to both fine and imprisonment.

"(6) If any judge of any superior or county court, police or stipendiary magistrate, or any justice of the peace, is satisfied by information on oath that there is reasonable ground for suspecting that any contravention of this section has been or is about to be committed, he may issue a search warrant under his hand, authorizing any peace officer, police officer, or constable with such assistance as he may require, to enter at any time any premises or place mentioned in the warrant, and to search such premises or place, and every person found therein, and to seize and carry away any books, periodicals, pamphlets, pictures, papers, circulars, cards, letters, writings, prints, handbills, posters, publications or documents which are found on or in such premises or place, or in the possession of any person therein at the time of such search, and the same, when so seized may be carried away and may be forfeited to His Majesty.

"(7) Where, by this section, it is provided that any property may be forfeited to His Majesty, the forfeiture may be adjudged or declared by any judge of any superior or county court, or by any police or stipendiary magistrate, or by any justice of the peace, in a summary manner, and by the procedure provided by Part XV of this Act, in so far as applicable, or subject to such adaptations as may be necessary to meet the circumstances of the case.

"**97B.** (1) Any person who prints, publishes, edits, issues, circulates, sells, or offers for sale or distribution any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind, in which is taught, advocated, advised or defended, or who shall in any manner teach, advocate, or advise or defend the use, without authority of law, of force, violence, terrorism, or physical injury to person or property, or threats of such injury, as a means of accomplishing any governmental, industrial or economic change, or otherwise, shall be guilty of an offence and liable to imprisonment for not more than twenty years.

"(2) Any person who circulates or attempts to circulate or distribute any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind, as described in this section by mailing the same or causing the same to be mailed or posted in any Post Office, letter box, or other mail receptacle in Canada, shall be guilty of an offence, and shall be liable to imprisonment for not more than twenty years.

"(3) Any person who imports into Canada from any other country, or attempts to import by or through any means whatsoever, any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind as described in this section, shall be guilty of an offence and shall be liable to imprisonment for not more than twenty years.

Sec. 133 re-enacted.

2. The said Act is amended by inserting the following section immediately after section one hundred and thirty-two thereof:—

Intentions not seditious.

"**133.** No one shall be deemed to have a seditious intention only because he intends in good faith,— 5

"*(a)* to show that His Majesty has been misled or mistaken in his measures; or,

"*(b)* to point out errors or defects in the government or constitution of the United Kingdom, or of any part of it, or of Canada or any province thereof, or in 10 either House of Parliament of the United Kingdom or of Canada, or in any legislature, or in the administration of justice; or to excite His Majesty's subjects to attempt to procure, by lawful means, the alteration of any matter in the state; or, 15

"*(c)* to point out, in order to their removal, matters which are producing or have a tendency to produce feelings of hatred or ill-will between different classes of His Majesty's subjects."

3. Section one hundred and thirty-four of the said Act 20 as amended by chapter forty-six of the statutes of 1919, is repealed and the following is substituted therefor:—

Seditious words, punishment.

"**134.** Every one is guilty of an indictable offence and liable to two years' imprisonment who speaks any seditious words or publishes any seditious libel or is a party to any 25 seditious conspiracy."

4. Subsection two of section three hundred and one of the said Act, as enacted by chapter forty-three of the statutes of 1920, is repealed and the following subsection is substituted therefor:— 30

Carnally knowing girl between 14 and 16.

"(2) Every one is guilty of an indictable offence and liable to imprisonment for five years who carnally knows any girl under the age of sixteen and above the age of fourteen, not being his wife, and whether he believes her to be above the age of sixteen years or not." 35

5. Section one thousand and thirteen of the said Act, as enacted by section nine of chapter forty-one of the statutes of 1923, is hereby amended by adding thereto the following subsections:—

Right of appeal of Attorney General.

"(6) Notwithstanding anything in this Act contained, the 40 Attorney General shall have the right to appeal to the

"(4) It shall be the duty of every person in the employment of His Majesty in respect of His Government of Canada, either in the Post Office Department, or in any other Department to seize and take possession of any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document, as mentioned in the last preceding section, upon discovery of the same in the Post Office mails of Canada or in or upon any station, wharf, yard, car, truck, motor or other vehicle, steamboat or other vessel upon which the same may be found and when so seized and taken, without delay to transmit the same, together with the envelopes, coverings and wrappings attached thereto, to the Chief Commissioner of the Dominion Police or to the Commissioner of the Royal Northwest Mounted Police."

2. Section one hundred and thirty-three which it is proposed to re-enact had been repealed by section four of chapter forty-six of the statutes of 1919. The new section is the same as the one that had been repealed.

3. The section will now be the same as it was before being amended by section five of chapter forty-six of the statutes of 1919. The amendment of 1919 consisted in striking out the underlined words "two years" before the word "imprisonment" in the second line of the said section, and by inserting the words "for a term of not less than one year and not more than twenty years" after the said word "imprisonment".

4. This subsection is the same as the subsection at present in force except that the words "of previous chaste character" are deleted.

The words "No person accused of any offence under this subsection shall be convicted upon the evidence of one witness, unless such witness is corroborated in some material particular by evidence implicating the accused" are struck out as this provision is now contained in section 1002.

Subsection one of section 301 provides punishment for cases under the age of fourteen.

5. The purpose of this amendment is to restore to the Crown the right to appeal to the Court of Appeal on any ground of appeal which involves a question of law alone. Section 1013 (1), as enacted by chapter 41 of the statutes of 1923, gives a right of appeal in such cases to a person convicted on indictment but not to the Attorney General.

Court of Appeal against any judgment or verdict of acquittal of a Trial Court in respect of an indictable offence on any ground of appeal which involves a question of law alone.

Procedure.

"(7) The procedure upon such an appeal and the powers of the Court of Appeal, including the power to grant a new trial, shall *mutatis mutandis* and so far as the same are applicable to appeals upon a question of law alone, be similar to the procedure prescribed and the powers given by sections one thousand and twelve to one thousand and twenty-one C of this Act, inclusive, and the Rules of Court passed pursuant thereto and to section five hundred and seventy-six of this Act."

Script-frauds.

6. (1) Subparagraph (iv) of paragraph *(a)* of section one thousand one hundred and forty of the said Act, as enacted by section twenty of chapter twenty-five of the statutes of 1921, is hereby repealed.

Liability to prosecution.

(2) Any one who commits or has at any time heretofore committed any offence relating to or arising out of the location of land which was paid for in whole or in part by script or was granted upon certificates issued to half-breeds in connection with the extinguishment of Indian title, shall, with respect thereto, be liable to prosecution or to an action for penalties or forfeiture in the same manner and to the same extent as if said subparagraph (iv) had never been enacted.

6. The subparagraph to be repealed was added to section 1140 of the Criminal Code by chapter 25 of the statutes of 1921, and the part of the section hereby affected now reads as follows:—

"1140. No prosecution for an offence against this Act, or action for penalties or forfeiture, shall be commenced,—

"*(a)* after the expiration of three years from the time of its commission if such offence be

"(iv) any offence relating to or arising out of the location of land which was paid for in whole or in part by script or was granted upon certificates issued to half-breeds in connection with the extinguishment of Indian title."

The object of this amendment is to strike out the time limit of three years within which an action must be commenced for such an offence.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 153.

An Act to amend the Criminal Code.

AS PASSED BY THE HOUSE OF COMMONS,
4th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22854 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 153.

An Act to amend the Criminal Code.

R.S., c. 146; 1919, c. 46; 1920, c. 43; 1921, c. 25; 1923, c. 41.

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

Unlawful Associations. Publishing, etc., seditious books, etc.

1. Sections ninety-seven A and ninety-seven B of the *Criminal Code*, chapter one hundred and forty-six of the Revised Statutes, 1906, as enacted by chapter forty-six of the statutes of 1919, are hereby repealed. 5

Explanatory Notes.

1. The sections repealed read as follows:—

"**97A.** (1) Any association, organization, society or corporation, whose professed purpose or one of whose purposes is to bring about any governmental, industrial or economic change within Canada, by use of force, violence or physical injury to person or property, or by threats of such injury, or which teaches, advocates, advises or defends the use of force, violence, terrorism, or physical injury to person or property, or threats of such injury, in order to accomplish such change, or for any other purpose, or which shall by any means prosecute or pursue such purpose or professed purpose, or shall so teach, advocate, advise or defend, shall be an unlawful association.

"(2) Any property, real or personal, belonging or suspected to belong to an unlawful association, or held or suspected to be held by any person for or on behalf thereof may, without warrant, be seized or taken possession of by any person thereunto authorized by the Chief Commissioner of Dominion Police or by the Commissioner of the Royal Northwest Mounted Police, and may thereupon be forfeited to His Majesty.

"(3) Any person who acts or professes to act as an officer of any such unlawful association, and who shall sell, speak, write or publish anything as the representative or professed representative of any such unlawful association, or become and continue to be a member thereof, or wear, carry or cause to be displayed upon or about his person or elsewhere, any badge, insignia, emblem, banner, motto, pennant, card, button or other device whatsoever, indicating or intended to show or suggest that he is a member of or in anywise associated with any such unlawful association, or who shall contribute anything as dues or otherwise, to it or to any one for it, or who shall solicit subscriptions or contributions for it, shall be guilty of an offence and liable to imprisonment for not more than twenty years.

"(4) In any prosecution under this section, if it be proved that the person charged has

(a) attended meetings of an unlawful association; or

(b) spoken publicly in advocacy of an unlawful association; or

(c) distributed literature of an unlawful association by circulation through the Post Office mails of Canada, or otherwise,

it shall be presumed, in the absence of proof to the contrary, that he is a member of such unlawful association.

"(5) Any owner, lessee, agent or superintendent of any building, room, premises or place, who knowingly permits therein any meeting of an unlawful association or any subsidiary association or branch or committee thereof, or any assemblage of persons who teach, advocate, advise or defend the use, without authority of the law, of force, violence or physical injury to person or property, or threats of such injury, shall be guilty of an offence under this section and shall be liable to a fine of not more than five thousand dollars or to imprisonment for not more than five years, or to both fine and imprisonment.

"(6) If any judge of any superior or county court, police or stipendiary magistrate, or any justice of the peace, is satisfied by information on oath that there is reasonable ground for suspecting that any contravention of this section has been or is about to be committed, he may issue a search warrant under his hand, authorizing any peace officer, police officer, or constable with such assistance as he may require, to enter at any time any premises or place mentioned in the warrant, and to search such premises or place, and every person found therein, and to seize and carry away any books, periodicals, pamphlets, pictures, papers, circulars, cards, letters, writings, prints, handbills, posters, publications or documents which are found on or in such premises or place, or in the possession of any person therein at the time of such search, and the same, when so seized may be carried away and may be forfeited to His Majesty.

"(7) Where, by this section, it is provided that any property may be forfeited to His Majesty, the forfeiture may be adjudged or declared by any judge of any superior or county court, or by any police or stipendiary magistrate, or by any justice of the peace, in a summary manner, and by the procedure provided by Part XV of this Act, in so far as applicable, or subject to such adaptations as may be necessary to meet the circumstances of the case.

"**97B.** (1) Any person who prints, publishes, edits, issues, circulates, sells, or offers for sale or distribution any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind, in which is taught, advocated, advised or defended, or who shall in any manner teach, advocate, or advise or defend the use, without authority of law, of force, violence, terrorism, or physical injury to person or property, or threats of such injury, as a means of accomplishing any governmental, industrial or economic change, or otherwise, shall be guilty of an offence and liable to imprisonment for not more than twenty years.

"(2) Any person who circulates or attempts to circulate or distribute any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind, as described in this section by mailing the same or causing the same to be mailed or posted in any Post Office, letter box, or other mail receptacle in Canada, shall be guilty of an offence, and shall be liable to imprisonment for not more than twenty years.

"(3) Any person who imports into Canada from any other country, or attempts to import by or through any means whatsoever, any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind as described in this section, shall be guilty of an offence and shall be liable to imprisonment for not more than twenty years.

Sec. 133 re-enacted.

2. The said Act is amended by inserting the following section immediately after section one hundred and thirty-two thereof:—

Intentions not seditious.

"**133.** No one shall be deemed to have a seditious intention only because he intends in good faith,— 5

"*(a)* to show that His Majesty has been misled or mistaken in his measures; or,

"*(b)* to point out errors or defects in the government or constitution of the United Kingdom, or of any part of it, or of Canada or any province thereof, or in 10 either House of Parliament of the United Kingdom or of Canada, or in any legislature, or in the administration of justice; or to excite His Majesty's subjects to attempt to procure, by lawful means, the alteration of any matter in the state; or, 15

"*(c)* to point out, in order to their removal, matters which are producing or have a tendency to produce feelings of hatred or ill-will between different classes of His Majesty's subjects."

3. Section one hundred and thirty-four of the said Act 20 as amended by chapter forty-six of the statutes of 1919, is repealed and the following is substituted therefor:—

Seditious words, punishment.

"**134.** Every one is guilty of an indictable offence and liable to two years' imprisonment who speaks any seditious words or publishes any seditious libel or is a party to any 25 seditious conspiracy."

4. Subsection two of section three hundred and one of the said Act, as enacted by chapter forty-three of the statutes of 1920, is repealed and the following subsection is substituted therefor:— 30

Carnally knowing girl between 14 and 16.

"(2) Every one is guilty of an indictable offence and liable to imprisonment for five years who carnally knows any girl under the age of sixteen and above the age of fourteen, not being his wife, and whether he believes her to be above the age of sixteen years or not." 35

5. Section one thousand and thirteen of the said Act, as enacted by section nine of chapter forty-one of the statutes of 1923, is hereby amended by adding thereto the following subsections:—

Right of appeal of Attorney General.

"(6) Notwithstanding anything in this Act contained, the 40 Attorney General shall have the right to appeal to the

"(4) It shall be the duty of every person in the employment of His Majesty in respect of His Government of Canada, either in the Post Office Department, or in any other Department to seize and take possession of any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document, as mentioned in the last preceding section, upon discovery of the same in the Post Office mails of Canada or in or upon any station, wharf, yard, car, truck, motor or other vehicle, steamboat or other vessel upon which the same may be found and when so seized and taken, without delay to transmit the same, together with the envelopes, coverings and wrappings attached thereto, to the Chief Commissioner of the Dominion Police or to the Commissioner of the Royal Northwest Mounted Police."

2. Section one hundred and thirty-three which it is proposed to re-enact had been repealed by section four of chapter forty-six of the statutes of 1919. The new section is the same as the one that had been repealed.

3. The section will now be the same as it was before being amended by section five of chapter forty-six of the statutes of 1919. The amendment of 1919 consisted in striking out the underlined words "two years" before the word "imprisonment" in the second line of the said section, and by inserting the words "for a term of not less than one year and not more than twenty years" after the said word "imprisonment".

4. This subsection is the same as the subsection at present in force except that the words "of previous chaste character" are deleted.

The words "No person accused of any offence under this subsection shall be convicted upon the evidence of one witness, unless such witness is corroborated in some material particular by evidence implicating the accused" are struck out as this provision is now contained in section 1002.

Subsection one of section 301 provides punishment for cases under the age of fourteen.

5. The purpose of this amendment is to restore to the Crown the right to appeal to the Court of Appeal on any ground of appeal which involves a question of law alone. Section 1013 (1), as enacted by chapter 41 of the statutes of 1923, gives a right of appeal in such cases to a person convicted on indictment but not to the Attorney General.

Court of Appeal against any judgment or verdict of acquittal of a Trial Court in respect of an indictable offence on any ground of appeal which involves a question of law alone.

Procedure.

"(7) The procedure upon such an appeal and the powers of the Court of Appeal, including the power to grant a new trial, shall *mutatis mutandis* and so far as the same are applicable to appeals upon a question of law alone, be similar to the procedure prescribed and the powers given by sections one thousand and twelve to one thousand and twenty-one C of this Act, inclusive, and the Rules of Court passed pursuant thereto and to section five hundred and seventy-six of this Act."

Script-frauds.

6. (1) Subparagraph (iv) of paragraph *(a)* of section one thousand one hundred and forty of the said Act, as enacted by section twenty of chapter twenty-five of the statutes of 1921, is hereby repealed.

Liability to prosecution.

(2) Any one who commits or has at any time heretofore committed any offence relating to or arising out of the location of land which was paid for in whole or in part by script or was granted upon certificates issued to half-breeds in connection with the extinguishment of Indian title, shall, with respect thereto, be liable to prosecution or to an action for penalties or forfeiture in the same manner and to the same extent as if said subparagraph (iv) had never been enacted.

6. The subparagraph to be repealed was added to section 1140 of the Criminal Code by chapter 25 of the statutes of 1921, and the part of the section hereby affected now reads as follows:—

"1140. No prosecution for an offence against this Act, or action for penalties or forfeiture, shall be commenced,—

"*(a)* after the expiration of three years from the time of its commission if such offence be

"(iv) any offence relating to or arising out of the location of land which was paid for in whole or in part by script or was granted upon certificates issued to half-breeds in connection with the extinguishment of Indian title."

The object of this amendment is to strike out the time limit of three years within which an action must be commenced for such an offence.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 154.

An Act to amend The Yukon Quartz Mining Act.

First reading, June 1, 1926.

The MINISTER OF THE INTERIOR.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22480 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 154.

An Act to amend The Yukon Quartz Mining Act.

1924, c. 74; 1925, c. 55.

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

"Mineral claim" or "location" defined.

1. (1) Paragraph *(q)* of section two of *The Yukon Quartz Mining Act*, chapter seventy-four of the statutes of 1924, is repealed, and the following is substituted therefor:— 5

"*(q)* 'Mineral claim' or 'location' means a plot of ground staked out and acquired under the provisions of this Act, or under the regulations or orders in council in force prior to the passing of this Act;" 10

Application to mineral claims or locations.

2. All the provisions of the said Yukon Quartz Mining Act shall apply, and shall be deemed to have applied on and from the 19th July, 1924, to all mineral claims or locations whether staked out and acquired prior or subsequent to said date. 15

EXPLANATORY NOTE.

1. Paragraph *(q)* is amended by the addition thereto of the words underlined on the opposite page.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 154.

An Act to amend The Yukon Quartz Mining Act.

AS PASSED BY THE HOUSE OF COMMONS,
4th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22489 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 154.

An Act to amend The Yukon Quartz Mining Act.

1924, c. 74; 1925, c. 55.

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

"Mineral claim" or "location" defined.

1. (1) Paragraph *(q)* of section two of *The Yukon Quartz Mining Act*, chapter seventy-four of the statutes of 1924, is repealed, and the following is substituted therefor:—

"*(q)* 'Mineral claim' or 'location' means a plot of ground staked out and acquired under the provisions of this Act, or under the regulations or orders in council in force prior to the passing of this Act;"

Application to mineral claims or locations.

2. All the provisions of the said Yukon Quartz Mining Act shall apply, and shall be deemed to have applied on and from the 19th July, 1924, to all mineral claims or locations whether staked out and acquired prior or subsequent to said date.

Explanatory Note.

1. Paragraph *(q)* is amended by the addition thereto of the words underlined on the opposite page.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 171.

An Act to amend The Railway Belt Water Act.

First reading, June 7, 1926.

The MINISTER OF THE INTERIOR.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
20120 1926

25

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 171.

An Act to amend The Railway Belt Water Act.

1912, c. 47; 1913, c. 45.

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 Railway Belt Water Act, 1926.* 5

Definitions.

2. Paragraph *(f)* of section two of *The Railway Belt Water Act,* chapter forty-seven of the statutes of 1912, as enacted by section three of chapter forty-five of the statutes of 1913, is repealed and the following is substituted therefor:— 10

"Water Acts." B.C. Acts: R.S. 1924, c. 271; 1925, c. 61.

"*(f)* 'Water Acts' means and includes the *Water Act,* of British Columbia, chapter two hundred and seventy-one of the Revised Statutes of British Columbia, 1924, the Act in amendment thereof enacted the nineteenth day of December, nineteen hundred and 15 twenty-five, being chapter sixty-one of the statutes of British Columbia, 1925, and any Act passed by the legislature of the province of British Columbia which, under the provisions of section six of this Act, is made to apply to the water in the Railway Belt." 20

Explanatory Notes.

The objects of the Bill are briefly as follows:—

1. To make applicable to the Railway Belt of British Columbia the Water Acts at present in force in the rest of the province in the same way in which *The Railway Belt Water Act, 1913*, made the Provincial Water Acts then in force applicable to the Railway Belt. Those earlier Acts made applicable by the Act of 1913 having been repealed by the coming into force of the Revised Statutes of British Columbia, 1924, the province is at the present time without legislative authority to administer the waters of the Railway Belt.

2. To enable the Governor in Council to make new or amending Water Acts passed by the provincial Legislature applicable to the Railway Belt by Order in Council. A similar provision is contained in the Act of 1913, but the amending Bill proposes that such Orders in Council are to be deemed to take effect from the coming into operation of the Provincial Act to which they relate, so that each of such Acts may be held to have been in force in the Railway Belt on the same date as that on which it came into force in the rest of the province.

3. To validate all water rights granted by the province in the Railway Belt since 1913, as to which doubts might arise owing to possible lack of jurisdiction on the part of the provincial officers, by reason of the Water Act under which the right was granted not having been made applicable by Order in Council at the time the grant was made.

4. To provide for such control of the administrative policy of the province by the Minister of the Interior as will enable him to ensure that these Dominion waters are to be used in such a way as to benefit to the fullest extent possible the Dominion lands and settlers in the Railway Belt.

Section **2.** The paragraph to be repealed reads as follows:—

"*(f)* 'Water Acts' means and includes the 'Water Act' of British Columbia, the Acts in amendment thereof passed before the third day of March, nineteen hundred and thirteen, and any Act passed by the legislature of the province of British Columbia which, under the provisions of section 6 of this Act, is made to apply to the water in the Railway Belt;"

The definition of "Water Acts" substitutes the Water Acts now in force in the province for those which were in force when *The Railway Belt Water Act, 1913*, was passed. It includes, as in the Act of 1913, acts or parts of acts which are made applicable to the Railway Belt by Order in Council.

3. Paragraph *(a)* of subsection two of section five of the said Act, as enacted by section four of chapter forty-five of the statutes of 1913, is repealed, and the following is substituted therefor:—

Administration under B.C. Water Acts.

"*(a)* All water without distinction within the Railway Belt shall, during the pleasure of the Governor in Council, for the purposes of administration be under the control of the authorities of the Province of British Columbia and be administered under and in accordance with the Water Acts, as if the said Acts were enacted by the Parliament of Canada subject to the provisions of this Act, and the officers and authorities having powers and duties to exercise and perform under the provisions of the Water Acts shall have the like powers and authority with respect to or in connection with the administration of the said water, and"

4. Subsection two of section six of the said Act, as enacted by section four of chapter forty-five of the statutes of 1913, is repealed and the following is substituted therefor:—

Commencement and publication of orders in council.

"(2). Every order in council passed under the authority of this section shall be deemed to relate back to and to take effect from the date of the coming into operation of the Act, or the portion of an Act, the application of which to the water in the Railway Belt is directed by the order in council. Every such order in council shall be published for four consecutive weeks in the *Canada Gazette*, and shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof."

Publication.

5. The said Act is amended by adding thereto the three following sections:—

Validation of administration under B.C. Water Acts.

"**10.** All licenses, orders, authorizations, and certificates heretofore issued and all acts heretofore done and all proceedings heretofore taken for the purpose of administration of any water within the Railway Belt, by the Board or by an officer or authority having powers and duties to exercise and perform under the provisions of the Acts of the Province of British Columbia from time to time in force with respect to water in British Columbia, and all applications heretofore made to the Board or to any such officer or authority with respect to the acquisition or use of water within the Railway Belt and now pending shall be

Section **3.** The paragraph to be repealed reads as follows:—

"*(a)* all water without distinction within the Railway Belt shall, during the pleasure of the Governor in Council, for the purposes of administration be under the exclusive control of the authorities of the Province of British Columbia and be administered under and in accordance with the Water Acts as if the said Acts were enacted by the Parliament of Canada, and the officers and authorities having powers and duties to exercise and perform under the provisions of the Water Acts shall have the like powers and authority with respect to or in connection with the administration of the said water, and"

This amendment abolishes the exclusive administrative control over waters in the Railway Belt exercised by the provincial authorities since 1913, and substitutes therefor provincial control under the local Water Acts, subject to the provisions of the Railway Belt Water Act, by which, as it is now proposed to be amended, the Minister will have power to modify or refuse to sanction any water license issued by the province, which, in his opinion, will be detrimental to Dominion interests or those of settlers on Dominion lands.

Section **4.** The subsection to be repealed reads as follows:—

"2. Every order in council passed under the authority of this section shall have force and effect only after it has been published for four consecutive weeks in *The Canada Gazette*. Every such order in council shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof, and such order in council shall remain in force until the day immediately succeeding the prorogation of that session of Parliament, and no longer, unless during that session it is approved by resolution of both Houses of Parliament."

This section relates to the Orders in Council by which provincial acts or parts of acts are made applicable to the Railway Belt. There are two changes made as compared with existing legislation:—

(a) Each Order in Council is to be deemed to relate back to and to take effec from the date of the coming into effect of the act to which it relates. In the existing Dominion act, the provincial Water Act takes effect in the Railway Belt only from the date of the Order in Council. It is proposed to avoid this difficulty in the future.

(b) Under existing legislation, every Order in Council making a provincial act applicable to the Railway Belt must be tabled in both Houses of Parliament at the session following its passage, and if not approved by resolution of both Houses, lapses at the end of that session. Of the three Orders in Council passed under the authority of the Act of 1913, it appears that only the first two have been so approved.

Under the proposed Bill, these Orders in Council have still to be laid before both Houses of Parliament as before, but the requirement that they must also be approved by resolution is omitted. It is considered that the latter requirement is unnecessary, that it has not been fully complied with in the past, and that uncertainty as to whether Orders had been so approved and consequently whether the province had adequate legislative authority in the Railway Belt, has cast doubts on water rights granted in good faith by the province.

Section **5. 10.** This section adds three new sections to the Act: The first of these (numbered 10) is intended to remove any doubts which might arise in regard to water rights granted by the province under the acts subsequent to those named in the Railway Belt Water Act, 1913, through lack of the same jurisdiction in the Railway Belt which the provincial authorities possessed in the rest of the province. It covers the periods between the passing of a provincial act and its application by Order in Council to the Railway Belt. It also deals with the possible situation caused by the lapse of an Order in Council due to its not having been approved by both Houses of Parliament as required in the Act of 1913.

deemed to be valid and effective to the same extent for the like purposes, and subject in the like manner to the jurisdiction of the Board and to all the obligations and limitations imposed by the Water Acts, as if issued, done, taken, or made with respect to water in British Columbia not within the Railway Belt.

Protection of Dominion interests by the Minister.

"**11.** The Comptroller of Water Rights shall supply the Minister with certified copies of all applications, notices, permits, certificates, licenses, protests hereinafter mentioned or other documents received or issued under the provisions of the Water Acts affecting lands or waters in the Railway Belt, within one month of the date of the receipt or issue of the same; and no water privilege, license or right to the use of water within the Railway Belt granted under the authority of the Water Acts, in connection with which a protest has been made in writing to the Comptroller of Water Rights, within three months from the date of the posting and filing of the notice of application, by any homesteader, lessee or other lawful occupier of lands of the Crown belonging to Canada or by any administrative officer of the Dominion, shall be valid and effective unless and until the same shall have been approved by the Minister, subject to such terms and conditions as the Minister may prescribe.

Riparians not to be deprived of water for domestic purposes.

"**12.** Notwithstanding any provision of any of the Water Acts, no privilege, license or right to the use of water shall be granted where the proposed use of the water would deprive any riparian proprietor adjoining the river, stream, lake or other source of supply of whatever water he requires for domestic purposes."

Section **5. 11.** The second of these (numbered 11) provides that the province will supply the responsible officers of the Dominion with complete information regarding all applications made and rights granted for the use of water in the Railway Belt, so that these officers may be in a position to determine the effect of such applications and grants on Dominion interests, and if necessary take action through the provincial Comptroller of Water Rights by which the Minister may impose such conditions in the grant as he considers proper, or he may refuse to allow the grant to become effective.

Similarly, occupiers of Dominion lands who might not receive notice of the application under the procedure of the provincial Act may initiate action for the protection of their claims or rights. It should be stated that the province has been supplying the Dominion officers with copies of applications, permits, licenses, etc., since 1913 in a satisfactory manner, but it is considered well that this should be made a statutory condition.

Section **5. 12.** The third of these new sections (numbered 12) proclaims the right of all riparian proprietors to such waters as is necessary for the ordinary uses of life and for their live stock. It is intended to make clear a point which is doubtful in the provincial Water Acts now in force, and is adopted from a similar provision in the Irrigation Act which has been in effect since it was first enacted in 1894.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 171.

An Act to amend The Railway Belt Water Act.

AS PASSED BY THE HOUSE OF COMMONS,
9th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
20125 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 171.

An Act to amend The Railway Belt Water Act.

1912, c. 47; 1913, c. 45.

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 Railway Belt Water Act, 1926.* 5

Definitions.

2. Paragraph *(f)* of section two of *The Railway Belt Water Act,* chapter forty-seven of the statutes of 1912, as enacted by section three of chapter forty-five of the statutes of 1913, is repealed and the following is substituted therefor:— 10

"Water Acts." B.C. Acts: R.S. 1924, c. 271; 1925, c. 61.

"*(f)* 'Water Acts' means and includes the *Water Act,* of British Columbia, chapter two hundred and seventy-one of the Revised Statutes of British Columbia, 1924, the Act in amendment thereof enacted the nineteenth day of December, nineteen hundred and 15 twenty-five, being chapter sixty-one of the statutes of British Columbia, 1925, and any Act passed by the legislature of the province of British Columbia which, under the provisions of section six of this Act, is made to apply to the water in the Railway Belt." 20

Explanatory Notes.

The objects of the Bill are briefly as follows:—

1. To make applicable to the Railway Belt of British Columbia the Water Acts at present in force in the rest of the province in the same way in which *The Railway Belt Water Act, 1913*, made the Provincial Water Acts then in force applicable to the Railway Belt. Those earlier Acts made applicable by the Act of 1913 having been repealed by the coming into force of the Revised Statutes of British Columbia, 1924, the province is at the present time without legislative authority to administer the waters of the Railway Belt.

2. To enable the Governor in Council to make new or amending Water Acts passed by the provincial Legislature applicable to the Railway Belt by Order in Council. A similar provision is contained in the Act of 1913, but the amending Bill proposes that such Orders in Council are to be deemed to take effect from the coming into operation of the Provincial Act to which they relate, so that each of such Acts may be held to have been in force in the Railway Belt on the same date as that on which it came into force in the rest of the province.

3. To validate all water rights granted by the province in the Railway Belt since 1913, as to which doubts might arise owing to possible lack of jurisdiction on the part of the provincial officers, by reason of the Water Act under which the right was granted not having been made applicable by Order in Council at the time the grant was made.

4. To provide for such control of the administrative policy of the province by the Minister of the Interior as will enable him to ensure that these Dominion waters are to be used in such a way as to benefit to the fullest extent possible the Dominion lands and settlers in the Railway Belt.

Section 2. The paragraph to be repealed reads as follows:—

"*(f)* 'Water Acts' means and includes the 'Water Act' of British Columbia, the Acts in amendment thereof passed before the third day of March, nineteen hundred and thirteen, and any Act passed by the legislature of the province of British Columbia which, under the provisions of section 6 of this Act, is made to apply to the water in the Railway Belt;"

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3. Paragraph *(a)* of subsection two of section five of the said Act, as enacted by section four of chapter forty-five of the statutes of 1913, is repealed, and the following is substituted therefor:—

Administration under B.C. Water Acts.

"*(a)* All water without distinction within the Railway Belt shall, during the pleasure of the Governor in Council, for the purposes of administration be under the control of the authorities of the Province of British Columbia and be administered under and in accordance with the Water Acts, as if the said Acts were enacted by the Parliament of Canada subject to the provisions of this Act, and the officers and authorities having powers and duties to exercise and perform under the provisions of the Water Acts shall have the like powers and authority with respect to or in connection with the administration of the said water, and"

4. Subsection two of section six of the said Act, as enacted by section four of chapter forty-five of the statutes of 1913, is repealed and the following is substituted therefor:—

Commencement and publication of orders in council.

"(2). Every order in council passed under the authority of this section shall be deemed to relate back to and to take effect from the date of the coming into operation of the Act, or the portion of an Act, the application of which to the water in the Railway Belt is directed by the order in council. Every such order in council shall be published for four consecutive weeks in the *Canada Gazette,* and shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof."

Publication.

5. The said Act is amended by adding thereto the three following sections:—

Validation of administration under B.C. Water Acts.

"**10.** All licenses, orders, authorizations, and certificates heretofore issued and all acts heretofore done and all proceedings heretofore taken for the purpose of administration of any water within the Railway Belt, by the Board or by an officer or authority having powers and duties to exercise and perform under the provisions of the Acts of the Province of British Columbia from time to time in force with respect to water in British Columbia, and all applications heretofore made to the Board or to any such officer or authority with respect to the acquisition or use of water within the Railway Belt and now pending shall be

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This amendment abolishes the exclusive administrative control over waters in the Railway Belt exercised by the provincial authorities since 1913, and substitutes therefor provincial control under the local Water Acts, subject to the provisions of the Railway Belt Water Act, by which, as it is now proposed to be amended, the Minister will have power to modify or refuse to sanction any water license issued by the province, which, in his opinion, will be detrimental to Dominion interests or those of settlers on Dominion lands.

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"2. Every order in council passed under the authority of this section shall have force and effect only after it has been published for four consecutive weeks in *The Canada Gazette*. Every such order in council shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof, and such order in council shall remain in force until the day immediately succeeding the prorogation of that session of Parliament, and no longer, unless during that session it is approved by resolution of both Houses of Parliament."

This section relates to the Orders in Council by which provincial acts or parts of acts are made applicable to the Railway Belt. There are two changes made as compared with existing legislation:—

(a) Each Order in Council is to be deemed to relate back to and to take effec from the date of the coming into effect of the act to which it relates. In the existing Dominion act, the provincial Water Act takes effect in the Railway Belt only from the date of the Order in Council. It is proposed to avoid this difficulty in the future.

(b) Under existing legislation, every Order in Council making a provincial act applicable to the Railway Belt must be tabled in both Houses of Parliament at the session following its passage, and if not approved by resolution of both Houses, lapses at the end of that session. Of the three Orders in Council passed under the authority of the Act of 1913, it appears that only the first two have been so approved.

Under the proposed Bill, these Orders in Council have still to be laid before both Houses of Parliament as before, but the requirement that they must also be approved by resolution is omitted. It is considered that the latter requirement is unnecessary, that it has not been fully complied with in the past, and that uncertainty as to whether Orders had been so approved and consequently whether the province had adequate legislative authority in the Railway Belt, has cast doubts on water rights granted in good faith by the province.

Section 5. 10. This section adds three new sections to the Act: The first of these (numbered 10) is intended to remove any doubts which might arise in regard to water rights granted by the province under the acts subsequent to those named in the Railway Belt Water Act, 1913, through lack of the same jurisdiction in the Railway Belt which the provincial authorities possessed in the rest of the province. It covers the periods between the passing of a provincial act and its application by Order in Council to the Railway Belt. It also deals with the possible situation caused by the lapse of an Order in Council due to its not having been approved by both Houses of Parliament as required in the Act of 1913.

deemed to be valid and effective to the same extent for the like purposes, and subject in the like manner to the jurisdiction of the Board and to all the obligations and limitations imposed by the Water Acts, as if issued, done, taken, or made with respect to water in British Columbia not within the Railway Belt.

Protection of Dominion interests by the Minister.

"**11.** The Comptroller of Water Rights shall supply the Minister with certified copies of all applications, notices, permits, certificates, licenses, protests hereinafter mentioned or other documents received or issued under the provisions of the Water Acts affecting lands or waters in the Railway Belt, within one month of the date of the receipt or issue of the same; and no water privilege, license or right to the use of water within the Railway Belt granted under the authority of the Water Acts, in connection with which a protest has been made in writing to the Comptroller of Water Rights, within three months from the date of the posting and filing of the notice of application, by any homesteader, lessee or other lawful occupier of lands of the Crown belonging to Canada or by any administrative officer of the Dominion, shall be valid and effective unless and until the same shall have been approved by the Minister, subject to such terms and conditions as the Minister may prescribe.

Riparians not to be deprived of water for domestic purposes.

"**12.** Notwithstanding any provision of any of the Water Acts, no privilege, license or right to the use of water shall be granted where the proposed use of the water would deprive any riparian proprietor adjoining the river, stream, lake or other source of supply of whatever water he requires for domestic purposes."

Section **5. 11.** The second of these (numbered 11) provides that the province will supply the responsible officers of the Dominion with complete information regarding all applications made and rights granted for the use of water in the Railway Belt, so that these officers may be in a position to determine the effect of such applications and grants on Dominion interests, and if necessary take action through the provincial Comptroller of Water Rights by which the Minister may impose such conditions in the grant as he considers proper, or he may refuse to allow the grant to become effective.

Similarly, occupiers of Dominion lands who might not receive notice of the application under the procedure of the provincial Act may initiate action for the protection of their claims or rights. It should be stated that the province has been supplying the Dominion officers with copies of applications, permits, licenses, etc., since 1913 in a satisfactory manner, but it is considered well that this should be made a statutory condition.

Section **5. 12.** The third of these new sections (numbered 12) proclaims the right of all riparian proprietors to such waters as is necessary for the ordinary uses of life and for their live stock. It is intended to make clear a point which is doubtful in the provincial Water Acts now in force, and is adopted from a similar provision in the Irrigation Act which has been in effect since it was first enacted in 1894.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 172.

An Act to authorize the raising, by way of loan, of certain sums of money for the Public Service.

AS PASSED BY THE HOUSE OF COMMONS, 7th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

22667

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 172.

An Act to authorize the raising, by way of loan, of certain sums of money for the Public Service.

1909, c. 23; 1916, c. 3; 1917, c. 3; 1919, c. 67; 1922, c. 30; 1924, c. 56; 1925, c. 16.

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 Loan Act, 1926*.

Loan authorized.

2. The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament by any Act heretofore passed, raise by way of loan, under the provisions of the *Consolidated Revenue and Audit Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money as may be required, not to exceed in the whole the sum of One hundred and fifty million dollars, for paying or redeeming or otherwise retiring the whole or any portion of loans or obligations of Canada and for public works and general purposes.

Charge upon Consolidated Revenue Fund.

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

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 188.

An Act to amend the Excise Act.

First reading, June 9, 1926.

The MINISTER OF CUSTOMS AND EXCISE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
23011 1926

1st Session, 15th Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 188.

An Act to amend the Excise Act.

R.S. c. 51; 1922, c. 27.

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

1. Section sixty-eight of the *Excise Act*, chapter fifty-one of the Revised Statutes of Canada, 1906, is amended by adding thereto the following subsection:— 5

Removal of tobacco, etc., from an Excise warehouse to Customs bonded warehouse.

"(2) Tobacco and cigars may be removed from an Excise warehouse to a Customs bonded warehouse, without payment of duty, when for delivery only as ships' stores, and under such restrictions and regulations as the Governor in Council deems necessary." 10

Excise duty on cigars in packages of less than 10.

2. Paragraph *(f)* of subsection one of section two hundred and seventy-nine of the said Act, as enacted by chapter twenty-seven of the statutes of 1922, is hereby repealed. 15

Explanatory Notes

1. At present there are Customs bonded warehouses at many seaports where there are no Excise warehouses.

Imported tobacco, cigars and cigarettes may be supplied as ships' stores from these Customs warehouses, and no Excise warehouses being available at the point, the domestic goods are at a disadvantage.

Canadian manufacturers complain of this discrimination and the proposed amendment will have the effect of placing bonded domestic and foreign tobacco, cigars and cigarettes on an equal footing.

In the Bill the words "tobacco and cigars" are used. Tobacco in the Excise Act definition includes "cigarettes".

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

(f)" On all cigars when put up in packages containing less than ten cigars each, four dollars per thousand;"

This amendment makes the rate of excise on all cigars $3.00 per thousand irrespective of the size of the package.

First Session, Fifteenth Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 188.

An Act to amend the Excise Act.

AS PASSED BY THE HOUSE OF COMMONS,
10th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
29035 1926

1st Session, 15th Parliament, 16 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 188.

An Act to amend the Excise Act.

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

(f)" On all cigars when put up in packages containing less than ten cigars each, four dollars per thousand;"

This amendment makes the rate of excise on all cigars $3.00 per thousand irrespective of the size of the package.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 189.

An Act to provide for a loan to the Harbour Commissioners of Montreal.

First reading, June 10, 1926.

The MINISTER OF MARINE AND FISHERIES.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
23010 1926

1st Session, 15th Parliament, 16-17 George V, 1926

HOUSE OF COMMONS OF CANADA.

BILL 189.

An Act to provide for a loan to the Harbour Commissioners of Montreal.

1918, c. 5; 1919, c. 53; 1921, c. 11; 1922, c. 33; 1923, c. 59.

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 Montreal Harbour Loan Act, 1926.*

Loan of $12,000,000 to Corporation.

2. The Governor in Council may, from time to time, loan to the Corporation of the Harbour Commissioners of Montreal, hereinafter called "the Corporation," in addition to the moneys, if any, heretofore authorized to be advanced to the Corporation by the Governor in Council by any Act, and which have not at the date of the passing of this Act been so advanced, such sums of money, not exceeding in the whole the sum of twelve million dollars, as are required to enable the Corporation to carry on the construction of terminal facilities in the harbour of Montreal for which plans, specifications and estimates have been approved by the Governor in Council before the passing of this Act; and to construct such additional terminal facilities as are necessary to properly equip the said port.

For construction of terminal facilities.

No loan until plans approved.

3. No such loan shall be paid in respect of the construction of terminal facilities, unless such detailed plans, specifications, and estimates, for the works to be performed by the Corporation and on which the money so to be loaned is to be expended, as are satisfactory to the Minister of Marine and Fisheries, have been submitted to and approved by the Governor in Council before any work on the same has been commenced.

Monthly applications for a loan.

4. The Corporation shall submit to the Minister of Marine and Fisheries for approval, monthly applications for loans on account of the different items of construction of

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 189.

An Act to provide for a loan to the Harbour Commissioners of Montreal.

AS PASSED BY THE HOUSE OF COMMONS, 30th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
23032 1926

1st Session, 15th Parliament, 16-17 George V, 1926

HOUSE OF COMMONS OF CANADA.

BILL 189.

An Act to provide for a loan to the Harbour Commissioners of Montreal.

1918, c. 5; 1919, c. 53; 1921, c. 11; 1922, c. 33; 1923, c. 59.

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

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Loan of $12,000,000 to Corporation.

2. The Governor in Council may, from time to time, loan to the Corporation of the Harbour Commissioners of Montreal, hereinafter called "the Corporation," in addition to the moneys, if any, heretofore authorized to be advanced to the Corporation by the Governor in Council by any Act, and which have not at the date of the passing of this Act been so advanced, such sums of money, not exceeding in the whole the sum of twelve million dollars, as are required to enable the Corporation to carry on the construction of terminal facilities in the harbour of Montreal for which plans, specifications and estimates have been approved by the Governor in Council before the passing of this Act; and to construct such additional terminal facilities as are necessary to properly equip the said port.

For construction of terminal facilities.

No loan until plans approved.

3. No such loan shall be paid in respect of the construction of terminal facilities, unless such detailed plans, specifications, and estimates, for the works to be performed by the Corporation and on which the money so to be loaned is to be expended, as are satisfactory to the Minister of Marine and Fisheries, have been submitted to and approved by the Governor in Council before any work on the same has been commenced.

Monthly applications for a loan.

4. The Corporation shall submit to the Minister of Marine and Fisheries for approval, monthly applications for loans on account of the different items of construction of

terminal facilities, accompanied by statements showing the total expenditure on these different items in detail, for the month which the loan is to cover and any other statements required in such form as the Minister shall direct; and upon approval of the application, authority for the payment of the amount so applied for may be granted by the Governor in Council.

Deposit of debentures to cover loan.

5. The Corporation shall, upon any loan being made, deposit with the Minister of Finance and Receiver General debentures of the Corporation equal in par value to the loan so made (which debentures the Corporation is hereby authorized to issue), and such debentures so issued shall be of such amounts as the Minister of Finance and Receiver General determines, and shall bear date on the day when such loan is made, and shall be repayable within twenty-five years from the date of their issue, and in the meantime shall bear interest at the rate of five per cent per annum, such interest to be payable half yearly, on the first day of July and the first day of January in each year.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 192.

An Act for granting to His Majesty a certain sum of money for the public service of the financial year ending the 31st March, 1927.

AS PASSED BY THE HOUSE OF COMMONS, 14th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
21666 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 192.

An Act for granting to His Majesty a certain sum of money for the public service of the financial year ending the 31st March, 1927.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency the Right Honourable Julian Hedworth George, Baron Byng of Vimy, etc., etc., Governor General of Canada, and the estimates accompanying the said message, that the sum hereinafter mentioned is 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 twenty-seven, 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, 1926.*

$15,934,291.06 granted for 1926-27.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole fifteen million, nine hundred and thirty-four thousand, two hundred and ninety-one dollars and six cents, towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and twenty-six, to the thirty-first day of March, one thousand nine hundred and twenty-seven, 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 twenty-seven, as laid before the House of Commons at the present session of Parliament.

Account to be rendered in detail.

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

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 193.

An Act for granting to His Majesty a certain sum of money for the public service of the financial year ending the 31st March, 1927.

AS PASSED BY THE HOUSE OF COMMONS, 14th JUNE, 1926.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
23314 1926

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 193.

An Act for granting to His Majesty a certain sum of money for the public service of the financial year ending the 31st March, 1927.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency the Right Honourable Julian Hedworth George, Baron Byng of Vimy, etc., etc., Governor General of Canada, and the estimates accompanying the said message, that the sum hereinafter mentioned is 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 twenty-seven, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Short title.

1. This Act may be cited as *The Appropriation Act, No. 4, 1926.*

$10,200,000.00 granted for 1926-27.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole ten million, two hundred thousand dollars, towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and twenty-six, to the thirty-first day of March, one thousand nine hundred and twenty-seven, not otherwise provided for, and being ten million dollars on account of the total amount to be voted by Vote No. 372 for loans to Canadian National Railway Company, and two hundred thousand dollars on account of the total amount to be voted by Vote 373 for a loan to the Canadian Government Merchant Marine, Limited, set forth in the Estimates for the fiscal year ending the thirty-first day of

March, one thousand nine hundred and twenty-seven, as laid before the House of Commons at the present session of Parliament.

Account to be rendered in detail.

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

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 204.

An Act to amend the Trade Mark and Design Act.

First reading, June 17, 1926.

Mr. BELL
(Hamilton).

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

23459

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 204.

An Act to amend the Trade Mark and Design Act.

R.S., c. 71; 1919, c. 64; 1923, c. 28.

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

Definitions.

1. Section four of the *Trade Mark and Design Act*, chapter seventy-one of the Revised Statutes of Canada, 1906, is amended by inserting the following paragraphs immediately after paragraph *(b)* of section four:— 5

"Labour union" or "union."

"*(c)* 'labour union' or 'union' means any organization of employees engaged in the manufacture or production of goods formed for the purpose of regulating the relations between employers and employees; 10

"Label."

"*(d)* 'label ' means mark, term, design, emblem, figure, sign, seal, stamp, diagram, ticket, device or form of advertisement registered in accordance with the provisions of this Act." 15

What shall be deemed to be trade marks.

2. Section five of the said Act is amended by adding thereto the following subsections:

Union to be considered proprietor of certain labels.

"(2) Any label heretofore adopted or used or hereafter adopted and used by any labour union to designate, make known, or distinguish any goods, wares, merchandise, or other product of labour as having been made, manufactured, produced or prepared by such labour union, may be registered for the exclusive use of the union registering it in the manner herein provided; and the said union shall, for the purposes of this Act, be considered the proprietor of such label. 20 25

Consent of owner of goods.

"(3) No label shall be put or placed upon any goods, wares, merchandise, or other product of labour without the consent of the owner or proprietor of such goods, wares, merchandise, or other products of labour first had and obtained." 30

Explanatory Notes.

The object of this Bill is to prevent the use of forgeries and counterfeits of the Union Label, to the intent that only those may avail themselves of the protection of the Label who conform honestly to Union Labour conditions.

1. Section four reads as follows:—

"**4.** In this Part, unless the context otherwise requires,—

(a) 'general trade mark' means a trade mark used in connection with the sale of various articles in which a proprietor deals in his trade, business, occupation or calling generally;

(b) 'specific trade mark' means a trade mark used in connection with the sale of a class of merchandise of a particular description."

2. Section five reads as follows:—

"**5.** All marks, names, labels, brands, packages or other business devices, which are adopted for use by any person in his trade, business, occupation or calling, for the purpose of distinguishing any manufacture, product or article of any description manufactured, produced, compounded, packed or offered for sale by him, applied in any manner whatever either to such manufacture, product or article, or to any package, parcel, case, box or other vessel or receptacle of any description whatsoever containing the same, shall, for the purposes of this Act, be considered and known as trade marks."

How registration may be effected.

Registration by labour union.

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

"(3) Every labour union may register a label by filing an application therefor, accompanied by a declaration made by the President, Secretary, or other executive officer of such union, specifying the name of the union on behalf of which such label is being registered, the class of merchandise and a description of the goods to which it has been or is intended to be appropriated, and thereafter such union shall have the exclusive right of such label."

Certificate of registration.

Certificate to be evidence of label, etc.

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

"(2) The certificate of the registration of any label shall also set forth the name of the labour union registering such label, the number of such label and the number or letter employed, to denote or correspond to the registration, and such certificate, in the absence of proof to the contrary, shall be sufficient evidence of the label, of the name of the union, of the union named as proprietor being proprietor, of the commencement and term of registry and of compliance with the provisions of this Act."

Assignment of trade marks.

Union label not to be assigned.

Authorization to use label.

5. Section fifteen of the said Act is amended by adding the following subsection thereto:—

"(3) *(a)*. No label registered by any labour union may be assigned by any process of law or otherwise.

"*(b)* A labour union may authorize the use of any label registered by it and such authorization to use shall be subject to cancellation only upon twelve months' notice, unless otherwise specified in any agreement for the use of such label; and any goods may be at any time sold bearing such label if when such label was used in respect of such goods, the person, firm or corporation was so authorized."

Cancellation of trade mark.

Cancellation of registration by Minister.

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

"(3) The Minister may, on application and after investigation and hearing of the parties concerned, cancel the registration of any label registered by a labour union under the provisions of this Act if, in his opinion, such action is justified by all the circumstances of the case."

Suit by proprietor.

Suit by labour union.

7. Section nineteen of the said Act is amended by adding the following subsection thereto:—

"(2) An action or suit may be maintained in any court of record having jurisdiction to the amount claimed, by any labour union which has complied with the provisions of this Act as to registration, or by any authorized executive officer thereof, against any person, firm, labour union,

3. Section thirteen reads as follows:—

"**13.** Subject to the foregoing provisions, the proprietor of a trade mark may, on forwarding to the Minister a drawing and description in duplicate of such trade mark, and a declaration that the same was not in use to his knowledge by any other person than himself at the time of his adoption thereof, together with the fee required by this Act in that behalf, and on otherwise complying with the provisions of this Act in relation to trade marks and with the rules and regulations made thereunder, have such trade mark registered for his own exclusive use.

"2. Thereafter such proprietor shall have the exclusive right to use the trade mark to designate articles manufactured or sold by him."

4. Section fourteen reads as follows:—

"**14.** Upon any trade mark being registered under this Act, the Minister shall return to the proprietor registering the same one copy of the drawing and description forwarded to him with a certificate signed by the Minister to the effect that the said trade mark has been duly registered in accordance with the provisions of this Act; and the day, month and year of the entry of the trade mark in the register shall also be set forth in such certificate."

5. Section fifteen reads as follows:—

"**15.** Every trade mark registered in the office of the Minister shall be assignable in law.

"2. On the assignment being produced, and the fee by this Act prescribed therefor being paid, the Minister shall cause the name of the assignee, with the date of the assignment and such other details as he sees fit, to be entered in the margin of the register of trade marks on the folio where such trade mark is registered."

6. Section eighteen reads as follows:—

"**18.** Any person who has registered a trade mark may petition for the cancellation of the same, and the Minister may, on receiving such petition, cause the said trade mark to be so cancelled.

"2. Such trade mark shall, after such cancellation, be considered as if it had never been registered under the name of the said person."

7. Section nineteen reads as follows:—

"**19.** An action or suit may be maintained by any proprietor of a trade mark against any person who uses the registered trade mark of such proprietor, or any fraudulent imitation thereof, or who sells any article bearing such trade mark or any such imitation thereof, or contained in any packages of such proprietor or purporting to be his, contrary to the provisions of this Act."

association, or corporation, using without permission the label of such labour union.

Suit, etc., against labour union.

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

8. The said Act is amended by inserting the following section immediately after section twenty-one:—

Exclusive right of labour union to mark any goods, etc., with label.

"**21A.** (1) No person, firm, labour union, association or corporation other than the labour union registering such label, unless with the consent of such labour union, shall,

(a) mark any goods or any articles of any description whatever with any such label or with any part thereof, whether by applying such label or any part thereof to the article itself or to any package or thing containing such article or by using any package or thing so marked which has been used by the labour union which has registered such label; or,

Imitation mark.

(b) keep or have in his possession for sale any goods, wares, merchandise or other product of labour to which or on which any such counterfeit or imitation is printed, painted, stamped, impressed, or otherwise displayed, provided always that such person or firm shall be liable only in cases where such label was counterfeit or imitation to his or its knowledge, and provided further that in any proceeding taken under this section, the person or firm proceeded against shall be the manufacturer of the article in question or other such person or firm who originally attached such counterfeit or imitation label to such article.

Procuring the registration.

(c) procure either for himself or on behalf of any other person, firm, labour union, association or corporation, the registering of any label under the provisions of this Act by making any false or fraudulent representation or declaration verbally or in writing or by any fraudulent means whatever; or,

Dies, etc., for forging.

(d) make or cause to be made any die, block, machine or other instrument for the purpose of forging or being used for forging a label; or,

Disposing of such die.

(e) Dispose of or have in his possession any die, block, machine or other instrument for the purpose of forging a label.

Offence.

(2) Every person, firm, labour union, association or corporation contravening the provisions or any of the provisions of this section shall be guilty of an offence and liable for each such offence on summary conviction to a fine of not less than twenty dollars and not exceeding five hundred dollars, and such fine shall be paid to the labour union which has registered such label.

Fine.

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 233.

An Act to amend The Civil Service Superannuation Act, 1924.

First reading, June 30, 1926.

The Acting Minister of Finance.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

23782

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 233.

An Act to amend The Civil Service Superannuation Act, 1924.

1924, c. 69; 1925, c. 36.

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

Time extended for electing to become contributor.

1. (1) *The Civil Service Superannuation Act, 1924,* as amended by chapter thirty-six of the statutes of 1925, is amended by striking out the words "two years" in the second line of section sixteen thereof, and substituting therefor the words "three years".

(2) The said Act as so amended is further amended by striking out the words "two years" in the second line of section twenty and substituting therefor the words "three years".

(3) The said Act as so amended is further amended by striking out the words "two years" in the first line of section twenty-two and substituting therefor the words "three years".

First Session, Fifteenth Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA

BILL 234.

An Act to amend the Excise Act.

First reading, June 30, 1926.

The Acting Minister of Customs and Excise.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

24096

1st Session, 15th Parliament, 16-17 George V, 1926

THE HOUSE OF COMMONS OF CANADA.

BILL 234.

An Act to amend the Excise Act.

R.S., c. 51; 1920, c. 52; 1924, c. 37.

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

Power to suspend operation.

1. Section four of chapter fifty-two of the statutes of 1920, entitled *An Act to amend the Excise Act*, is hereby repealed. 5

Explanatory Note.

Paragraph 11 of the Report of the Special Committee investigating the Administration of the Department of Customs and Excise recommends the repeal at the present session of Parliament of the legislation authorizing the Governor in Council to suspend, when deemed necessary, the provision whereby spirits may be entered for consumption although warehoused for less than the two years required under the law. The power of the Governor in Council to authorize release of unmatured spirits is contained in the 1920 legislation proposed to be repealed, which reads:—

> "Provided, however, that the Governor in Council may suspend the operation of subsection four of this section during such period or periods as he may deem necessary."

The effect of this Bill is to remove the power of the Governor in Council to so act.